



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Tuesday, 7 March 2006.

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Tuesday, 7 March 2006.

Chuaigh an Leas-Cheann Comhairle i gceannas ar 2.30 p.m.

Paidir.
Prayer.

Ceisteanna — Questions.

Proposed Legislation.

1. **Mr. Costello** asked the Taoiseach if the Prosecution of Offences Act 1974 establishing the office and functions of the Director of Public Prosecutions will be reviewed to ensure that matters of general public concern arising from the performance of his duties are clarified; and if he will make a statement on the matter. [3630/06]

The Taoiseach: There are no proposals to initiate legislation to amend the Prosecution of Offences Act 1974 as suggested by the Deputy.

Mr. Costello: I thank the Taoiseach for that comprehensive answer. I asked if the Prosecution of Offences Act 1974 would be reviewed to ensure that matters of public concern arising from the performance of the DPP's duties are clarified. An amendment to the Act would not be necessary to enable the DPP to make statements of clarification to victims or to the public at large on matters of general public concern.

I am seeking a review of the operation of the Act. It is 30 years since the Office of the Director of Public Prosecutions was established. It was set up to ensure independence in prosecutions, but there is also a need for accountability and transparency in prosecutorial decisions made by the DPP. Such a need does not exist in Britain, where the Attorney General, who is a Member of Parliament, regularly comes into the House of Commons and answers questions. No mechanism is in place in this country to explore or inform victims of the reason a particular course of action was embarked upon by the Director of Public Prosecutions. In the interests of justice and to combine independence with accountability, I seek to determine whether a mechanism or avenue can be found to obtain clarification when various high profile court cases have controversial outcomes.

The Taoiseach: Two issues arise. On the question whether the Director of Public Prosecutions will disclose, after a trial has taken place, the existence of material which has not been put before a court, the practice of the DPP is not to disclose, after a trial has taken place, the existence of material which was not put before a court because it was inadmissible or not probative of the case. To do so would involve disclosing preju-

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dicial material and leaving the persons affected by disclosure with no effective means of combating any damage to their reputation. As I stated, there are no proposals to review or amend the legislation.

The policy for not giving reasons in public for decisions not to prosecute predates the Prosecution of Offences Act 1974 and the establishment of the Office of the Director of Public Prosecutions. This policy is underpinned by an old principle which did not originate in the 1974 Act but found its way into it.

If reasons are given in one or more cases, it would be difficult not to give them in all cases, as wrong conclusions would inevitably be drawn with regard to those cases in which reasons were refused. If, on the other hand, reasons are given in all cases and those reasons are more than bland generalities, unjust consequences would be difficult or impossible to avoid.

The two main potential negative consequences of giving public reasons for a decision, as outlined by the Director of Public Prosecutions in a recent statement, is that to give a specific reason as opposed to a bland generality, such as, for example, that the evidence did not permit a prosecution, could in many cases cast doubt on the innocence of a person and thereby violate the presumption of innocence which can only be displaced by a trial, in due course of law, in open court at which the accused is legally represented. Second, giving reasons could damage or prejudice the good name or reputation of a potential witness, for example, if it was stated that a witness was not thought to be reliable.

While acknowledging the long-established practice of not giving reasons in public, I am aware that the Director of Public Prosecutions is examining whether there may be scope for giving greater information about prosecutorial decisions to victims of crime. An obvious difficulty is that in the event that reasons are given privately to victims, this information may be subsequently disclosed in public. It is the practice of the Office of the Director of Public Prosecutions to give the Garda Síochána a full account of the reasons for prosecutorial decisions.

While no amendment or review of the Act is planned, the Director of Public Prosecutions has indicated he is examining whether there may be scope for giving general greater information to victims of crime. As the Deputy is aware, my role with regard to the DPP is administrative and I have no function in how he acts in cases.

Mr. Costello: I thank the Taoiseach for his lengthier reply. I am aware it is practice and precedent for the Director of Public Prosecutions not to make statements. Although the current DPP's immediate predecessor never made statements, the incumbent has made several clarificatory statements. While I welcome the fact the DPP is seeking to determine whether there is scope for

providing extra information, the legislation provides for consultations between the DPP and the Attorney General. That might be a useful avenue of exploration in terms of opening up the decision making process within the office of the DPP and providing a mechanism for releasing information to the public domain.

The Taoiseach: The Deputy is correct that section 2(6) of the 1974 Act provides for consultation between the Attorney General and the DPP from time to time. I have no function on these consultations and do not have the power to direct them to take place, order that particular matters be discussed or request details of the contents of the consultations, which have always been regarded as confidential. I am afraid that does not help much.

EU Summits.

2. **Mr. Kenny** asked the Taoiseach if he has received an agenda for the March 2006 meeting of the European Council; and if he will make a statement on the matter. [4262/06]

3. **Mr. Kenny** asked the Taoiseach the bilateral meetings he intends holding on the margins of the March 2006 European Council meeting; and if he will make a statement on the matter. [4263/06]

4. **Caoimhghín Ó Caoláin** asked the Taoiseach the bilateral meetings he has scheduled for the March 2006 European Council meeting; and if he will make a statement on the matter. [5366/06]

5. **Mr. Rabbitte** asked the Taoiseach if he has received the agenda for the forthcoming March EU summit; and if he will make a statement on the matter. [5497/06]

6. **Mr. Rabbitte** asked the Taoiseach his priorities for the forthcoming March EU summit; and if he will make a statement on the matter. [5498/06]

7. **Mr. J. Higgins** asked the Taoiseach if he will report on his meeting with the Ukrainian Foreign Minister, Mr. Borys Tarasyuk. [5509/06]

8. **Mr. J. Higgins** asked the Taoiseach if he has received an agenda for the upcoming European Council meeting in Brussels. [5510/06]

9. **Mr. Sargent** asked the Taoiseach if he has received an agenda for the European Council's March 2006 meeting; and if he will make a statement on the matter. [6400/06]

10. **Mr. Rabbitte** asked the Taoiseach the outcome of his meeting with the Prime Minister of Croatia on 3 March 2006; and if he will make a statement on the matter. [9019/06]

The Taoiseach: I propose to take Questions Nos. 2 to 10, inclusive, together.

Last Friday, the Presidency circulated the draft agenda for the European Council in March. The draft agenda focuses on the need for implementation of the commitments on jobs and growth entered into at last spring's European Council. In particular, they highlight the need to maintain momentum across the board. In this context, they identify as priorities ensuring sound and sustainable public finances, completing the internal market and enhancing social cohesion and environmentally sustainable growth. They give special attention to investing more in knowledge and innovation, unlocking the business potential of SMEs and increasing employment opportunities.

They will now be considered at official level and by the Foreign Ministers of the member states before being submitted to the European Council. Our priority is that the European Council should continue to give impetus to the Lisbon Agenda with its new focus on jobs and growth. At present, I have no plans to have any bilateral meetings at the European Council.

I had a short meeting with the Ukrainian Minister for Foreign Affairs, Mr. Borys Tarasyuk, on 8 February. In our meeting, we discussed bilateral political and economic relations between our two countries, with a focus on political and economic reform. The Minister briefed me on the current situation regarding energy issues between Russia and the Ukraine.

I met Dr. Ivo Sanader, Prime Minister of Croatia, on 2 March during his official visit to Ireland. Our discussions focussed on Croatia's EU accession process and ways of enhancing our bilateral relations. We agreed that greater potential exists to develop trade, tourism and economic links. I congratulated the Prime Minister on Croatia's progress to date in accession negotiations and assured him of Ireland's continued support throughout the process. The Prime Minister was interested to learn about Ireland's economic progress since joining the EU. I assured him that we would be happy to share the knowledge resulting from our economic experiences. The Prime Minister, Mr. Sanader, briefed me on current relations with Croatia's neighbours in the western Balkans.

Mr. Kenny: I have three questions for the Taoiseach. In respect of the period of reflection on the European constitution, which is now almost complete, what is the Government's attitude towards this? Austria was anxious to move the matter forward and other countries made soundings to the effect that we should revise activities in so far as the passing of the constitution is concerned. Has the Government considered this and, in view of the completion of the period of reflection, where does it now stand?

While the following matter will not shake the world, it might be of interest to the Taoiseach.

The Committee of the Regions is the European Union institution which brings together locally elected representatives from the 25 member states. We have always espoused inclusiveness and equality. Every other European leader has respected the geographic and political balance of their respective countries in respect of representation.

Following the results of the June 2004 local elections, appointments were made for delegations of Irish members to the Committee of the Regions. The people made a choice but, despite the loss by the Taoiseach's party of 80 local authority seats, he took the opportunity to appoint five full-time members and five alternatives, whereas my party, with a similar number of council members, was given two full-time members and two alternatives. Given that every other leader in Europe respected geographical disparity and a proportionate reaction to votes, is the Taoiseach prepared to change this? I understand that in one case, the brother of a Minister was facilitated.

Os rud é gurb í seo Seachtain na Gaeilge, agus go bhfuil an Gaeilge mar teanga labhartha san Comhaontas Eorpach, cad é mheas an Taoiseach ar an Bille a thug an tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí os comhair an Seanad i leith sceimhlitheoireacht? An aontaíonn sé leis an mBille? It annoys me that we have a translation system in the Chamber which the public has paid for, but which is rarely used. The Minister for Education and Science, Deputy Hanafin, translates for the Taoiseach, which is not a slight on him. There would be no shame in the Taoiseach using the headphones provided as somebody is being paid to translate. The word "sceimhlitheoireacht" means "terrorism".

The Taoiseach: That is what the Minister told me.

Mr. Kenny: I realise that, but her job concerns the Department of Education and Science, which she is failing to look after in many respects.

The Taoiseach: She is doing a good job.

Mr. Stanton: Not really.

Mr. Kenny: As the public has paid for this service, nobody in this House should be afraid to put these headphones on to hear the translation.

The Taoiseach: I agree with the Deputy.

Mr. Kenny: While the Taoiseach agrees with me, he does not want to do it.

Ms Hanafin: It is a personal choice.

Mr. Kenny: An aontaíonn an Taoiseach agus an Rialtas leis an mBille a thug an tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí os comhair an Seanad i leith sceimhlitheoireacht?

The Taoiseach: I have answered the first question, which related to the European constitution, a number of times. Following the French and Dutch referenda results, the European Council decided to initiate the period of reflection. Deputy Kenny has stated this period is almost complete. Austria began its Presidency quite anxious to make significant progress and the matter was discussed at the foreign ministers' meeting. After the foreign ministers' meeting, the Austrian Presidency has limited its expectations for the June summit, if that is not to quote the Presidency unfairly. It is obliged to make a full report on the issue.

The Government's position is that it will continue to review the matter. I have stated to European colleagues that I cannot see us being able to press this issue until we see what our Dutch and French colleagues can do. Belgium has ratified it and Estonia is about to ratify it. I do not believe, from my latest information, that any other country will move on the matter. That continues to be the position. I will support any initiative and effort that colleagues make in attempting to progress the matter. I do not foresee a referendum or us being able to make any real movement on the French position. That remains my position.

Momentum is perhaps being gained by the opinion that countries which have not ratified the constitution should look at this and move on it. If the position changes after the March European Council meeting, I will report to the House on the conclusions. I do not foresee a change.

The Deputy's second question concerned the European Union Committee of the Regions, and he has written to me on the matter. I have not been involved in the breakdown, but I saw the points made by the Deputy. I do not recall if I replied to the Deputy, and I apologise if I have not done so. I have asked the Minister for the Environment, Heritage and Local Government, Deputy Roche, to give me the breakdowns. I have seen the figures in the Deputy's conclusions and I understood there had been a consultation process. Clearly there must not have been. I will reply to the Deputy if I have not already done so.

On the third question, Deputy Kenny's Irish is so good, I normally understand most, if not all, of what he says. I wish I could speak it as fluently but I cannot. I can understand the Deputy fairly well, however. I agree with the terrorism Bill which was introduced in the Seanad.

Caoimhghín Ó Caoláin: Will the services directive be on the agenda of any of the meetings the Taoiseach will attend on the margins of the upcoming summit this month? In the context of 50,000 people demonstrating in advance of the passage of the services directive, did the Taoiseach make any intervention or representation to his party's representatives in the European Parliament with regard to the impending vote?

What is the Taoiseach's position on the voting pattern of his party's representatives during the passage of the various elements of the services directive? Will he explain why they voted against the amendment that would have excluded health-related services from the operation of the directive? Does the Taoiseach accept that the directive continues to represent an attack on wages, working conditions and public services? Does he acknowledge the view of the European Commission that the services directive as passed by the Parliament will be interpreted by the European Court of Justice in line with case history and that that will result in an affirmation of the country of origin principle? If there were any chance of it being interpreted otherwise the country of destination would have had to be specified during its passage. The Taoiseach's colleagues in the European Parliament voted against an amendment to that effect as, all too sadly, did other Irish voices. Will the Taoiseach advise the House of his position on these matters?

The Taoiseach: I will say a few words about the services directive but will not comment every day on the actions of our Members of the European Parliament. If I did I would have to raise many questions with Deputy Ó Caoláin about the bizarre decisions his party members continually make, so I will not go down that road.

The Government continues to support a services directive with safeguards to ensure it does not result in a race to the bottom, as I said previously. The European Commission is expected in the period ahead to return with further proposals and the issues will continue to be discussed with the stakeholders, including the social partners. The objective is to secure the optimum outcome for Ireland's and the EU's welfare and economic interests.

The Government supports the directive because over 70% of our economy now comprises trade in services, and a services directive makes good economic sense for this country. We must work to dispel the many myths surrounding the services directive and convince everyone of its benefits. It is a growing issue and the social partners have been supportive because it represents the long-term interests of workers. We must also ensure the directive fully meets employment standards, which is the reason it went through recently. It will be a long process.

There were over 1,000 amendments so I will not deal with those. We support the changes that have been made and the work that is ongoing. My colleagues in Europe have done a good job on these issues, as have other parties. They have undertaken a long process with the Bolkestein directive, as it was termed prior to Commissioner McCreevy taking over, and are working towards a successful conclusion. The issue will require much work but I welcome the decision made a few weeks ago and will continue to take an interest in how the work progresses.

Caoimhghín Ó Caoláin: The Taoiseach employed the word “bizarre” in his initial response but that term more aptly applies to his own response in its entirety. I specifically asked if it was intended to address this matter in any of the bilaterals that will take place on the margins of the upcoming summit, but the Taoiseach did not answer.

The Taoiseach: The answer is “no”.

Caoimhghín Ó Caoláin: The second question was on health-related services and the issue of country of destination. I did not ask the Taoiseach to go through the 1,000 amendments he cited, rather those two issues in particular. I cannot for the life of me understand how the Taoiseach can believe that the stance taken is in the interests of Irish workers. There are very few who would agree with that analysis.

The Taoiseach: I have given my answer.

Mr. Rabbitte: Is the Taoiseach aware of an initiative among the member states under the umbrella of the Party of European Socialists culminating in a petition to President Barroso about the trafficking of women into Germany in advance of the World Cup for the purposes of prostitution, degradation and so on? Will the Taoiseach lend the support of the Government to the initiative to cause member states to act as best as they can to prevent that practice?

I will ask the Taoiseach not about the position of his party colleagues in the European Parliament, but about the position of the Government on the services directive which is on the agenda for the summit. I will ask him not about the thousands of amendments but about the big issues. It seems that the Government’s position has changed with the wind since this matter was first discussed. I presume the Taoiseach acknowledges that the Government must have been responsible for the briefing of elements of the media that sought to respond to the campaign about the defects in the services directive and, with few exceptions, were uniformly hostile to the demands for reform of the services directive.

Will the Government support dropping the country of origin principle in favour of the host country or country of destination? Will the Government support the exclusion of employment agencies from the services directive? Does the Taoiseach accept that had the country of origin principle stayed in the directive, it would have done untold damage here to small companies trying to compete and to Irish workers being required to compete with workers employed in the working conditions of the lower cost countries in the Union?

Does the Taoiseach acknowledge that employment agencies are part of the big problem in terms of displacement in industries such as the building and the meat industries? Last Saturday,

I spoke with a young man who along with his friends had lost their jobs as painters with a particular subcontractor. They had been displaced by workers paid €3 an hour less than they were paid. When they went to the labour exchange, they found that the company did not exist and no social insurance or tax had been paid on their behalf. That young man hopes to emigrate to Australia because he says the abuse by employment agencies in the building industry is such that it leads to the type of displacement he experienced as a 24 year old.

Will the Government vote for the exclusion of employment agencies from the services directive at the summit? Will the Government reconsider its opposition to the temporary workers agency directive in Europe? It is unacceptable that unfortunate workers are landed here, do not work for an employer registered in this State but the employer buys their services and they are paid through an employment agency. The capacity for abuse is almost endless. It is important that the Government is seen to take a stand against that, in Europe.

The Taoiseach: Having seen a press report on the first issue, I will do anything I can to deal with the issue in Germany re the World Cup and prostitution.

On the second issue, early last summer I made it clear inside and outside the House and at some EU conferences I attended on the country of origin principle that major difficulties would be created. I was lobbied by trade unions, small firms associations and others on these difficulties. With had difficulties in many areas and sectors, including that mentioned. Perhaps we do not all agree in this House but I understand most Members who are MEPs agreed on most of these issues. On the country of origin issue, I stated that if it was not amended it would cause grave difficulties.

I am aware of the point Deputy Rabbitte is making about employment agencies. I have not been involved in the detail of how best to resolve it but the Minister for Enterprise, Trade and Employment, Deputy Martin, has. While we have legislation on employment agencies and how they operate and have amended this legislation, this matter continually arises.

I have received reports on a range of sectors from individuals, trade unions, and families. Individuals should be caught if they breach employment guidelines and the minimum wage. In cases my office has checked, these have not been breached. Instead, they pay less than the going rate but are clever enough in operating to avoid breaching regulations. I do not suggest that people should only be paid the minimum rate when they are working hard. It is difficult to deal with these cases as workers may be paid higher than the minimum rate. Increasingly, I hear of cases where people are offered a position at a

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particular rate, which is substantially less than the weekly rate when the hours are calculated.

This is causing a difficulty and we must examine this in our system before examining the European system. Anything we agree collectively with the European Trade Union Confederation, ETUC, or discussions on this concerns minimum rates or minimum guidelines. Perhaps this will be of assistance in the debate on the services directive but I do not think it will resolve the issue. We must examine this in Ireland. I have seen examples in forestry, horticulture, the meat trade, construction and hotels. Perhaps there are not many cases but they are increasing and all are connected to employment agencies. I have brought this to the attention of the Minister, Deputy Martin, and the Minister of State, Deputy Killeen. I am not ruling out the services directive but there is an issue here.

If these operators are based in this country they must comply with certain norms. Large numbers of people working in certain sectors did not find their way to Ireland on their own but were recruited in an organised way, through advertisements by employment agencies and this is where the difficulty lies. Some months have passed since I raised this matter and a number of these issues have been examined over the past six months and are the subject of work within our talks process.

It will not surprise Deputy Rabbitte to hear that both sides of the argument are pressing me on this issue. If one side took the lead earlier, the other side is fast approaching on the other side of the argument. I take a pragmatic view of this and one side must be protected more than the other side.

Mr. Rabbitte: In addition to the description given by the Taoiseach, I have encountered workers willing to work excessive overtime hours without being paid or without being paid overtime rates.

The Taoiseach: Or working a six day week.

Mr. Rabbitte: That is also a factor and some colleagues in the media may be interested in examining this. I refer to a report received yesterday which I presume is an assessment of progress on the Lisbon Agenda by the Taoiseach's Department. Will he indicate whether any unique Irish proposals on the question of the Lisbon Agenda will be advanced at the summit?

The Taoiseach: As is mandatory under the rules, we have put forward a position paper. Our success in achieving high employment numbers in recent years means there is an interest in our proposals. Our position paper this year will stress the significant employment gains in the small and medium enterprise sector. Recent reports have shown that approximately 250,000 small business employers have made quite incredible gains over

the past seven to ten years. Many of the initiatives which grew out of the report on small business published some years ago have worked very successfully and should be taken on board.

From the point of providing assistance to small business, it should be acknowledged that small businesses have problems. They do not have the resources to apply for research and development grants and are unable to obtain the same kind of training grants. Allowances must be made for regulations and overheads. This has been included in the position paper. The importance of small business will be reflected in the report, as will the distinction between small business and medium-sized business.

Mr. J. Higgins: With regard to the Taoiseach's meeting with the Prime Minister of Croatia who has a wholesale plan of privatisation of public assets and as the Taoiseach is somebody who agrees with this right-wing agenda, did they discuss the privatisation drive?

Mr. F. McGrath: He is a socialist.

Mr. J. Higgins: With regard to the future of the discussion on Europe and the future of the proposed EU constitution, the next Council meeting will be half-way through the Austrian Presidency which was scheduled to resolve this issue. What is the present thinking regarding a plan of action or a timescale among EU leaders for this debate on the proposed EU constitution? Will it be this year?

When the Taoiseach referred to the Presidency conclusions which were published in January, was his attention drawn to the section on Iraq where at the previous meeting he warmly welcomed the elections held on 15 December as being a further step towards democracy and stability in Iraq? In hindsight does he believe that sentiment should be revisited in his next meeting in March? In light of the hellish catastrophe which Iraq has become for its long-suffering people and which is far from stability, will he have any original proposal to bring to the Council of EU leaders to try to alleviate this nightmarish existence for the people of Iraq? Will he take the lead in calling for the withdrawal of the imperial armies who are responsible for the catastrophe that exists? Will he explain the reason he allowed the commander-in-chief of the main occupying army, President Bush, rally troops in Shannon Airport, which is on the Taoiseach's territory, in support of that occupation?

The Taoiseach: Iraq is not on the agenda of this Council meeting. I will take the opportunity to condemn all the violence and the dreadful atrocities carried out against ordinary citizens in Iraq. The General Affairs and External Relations Council meets monthly to discuss these issues. It is up to the coalition forces to make their own decisions. I note today that the UK commander-

in-chief has made some announcements regarding the UK forces, but it is a matter for those countries.

I did not discuss the economic policies of Croatia other than where Ireland assists it in the process of joining the EU, which is the central agenda item of the people of Croatia. They are anxious to make the necessary reforms, move away from the atrocities and wars of only ten years ago, modernise their country, build their economy — which they are doing successfully — and prepare themselves for the process of European integration which they hope to achieve by 2008 or 2009, although that has not been agreed at European Council level. They are working through their chapters, including the economic chapters, trying to reform and build the economy, make way for foreign direct investment and help their people to invest in the country to try to improve employment and develop infrastructure and tourism.

It is a source of satisfaction that Ireland can help in a number of ways. We are helping through a small number of technical and advisory people from our Civil and public service who are working with the Croatians at various levels through the process of integration as we have done with the ten eastern European countries that joined on 1 May 2004. While these people are small in number, they provide useful reform assistance for a country such as Croatia. A number of Irish investors have already been engaged in business or property acquisition and development, which is appreciated—

Mr. J. Higgins: What is positive about driving up prices for the locals?

The Taoiseach: —as it helps the Croatian economy. Greater numbers of Irish people are returning not only to areas they visited before the wars and the break-up of Yugoslavia, such as Dubrovnik, but to many other regions. All this is appreciated. It is hoped that there will soon be a direct flight from Dublin to Zagreb, which the Croatians and I believe will be beneficial.

As I told Deputy Kenny, discussions on the constitution are ongoing. The Austrians will dutifully report on work in progress. Most countries, including some by democratic mandate, have voted for the constitution. What will happen with the French and the Dutch remains a dilemma. It is generally believed that there will be no policy change in that area until after the French general election in summer 2007. Many candidates for that election are setting down what they believe should be the conclusions and solutions, but that is an ongoing political debate in France. Given the size of Europe, the decision-making process and the institutional issues, they will have to return to the issues in the constitution. They may not accept the issues as they are but may try to remove parts. Europe will not be able to function without returning to these issues.

Mr. Sargent: If I heard the Taoiseach correctly, in his original reply he said he is concerned about environmentally sustainable growth but needs to maintain the momentum. Will there be awareness at the March European Council meeting of the serious phenomenon of the peak of oil production which is imminent if it has not already been reached? Even the most optimistic forecasters and geologists predict it will peak by 2010. For example, will the biomass action plan be on the agenda? Launched by the EU in December 2005, it indicates the EU is meeting 4% of its energy needs from biomass. Will the Government be able to catch up quickly, given that we are very much behind, at 0.06%, as per the 2005 figures, as against 3.7% for the Czech Republic while the EU average is 1.4%. Will the Taoiseach indicate to the March Council meeting whether Ireland has a genuine interest in catching up or will we always be behind in that regard?

The European Commission Green Paper on Energy Policy was due to be completed by spring this year. Will that be on the agenda for the March Council meeting and will the Taoiseach have an input, given that it will probably flag nuclear power again? Will he tell the British Prime Minister, for example, that the prospect of nuclear power in Northern Ireland will not be acceptable to the Irish Government, if Mr. Blair is pushing that agenda?

Will the meeting discuss the conclusions of the Council of Europe which call on the EU to introduce tougher controls to ensure checks on aircraft passing through the territory of member states being used for illegal purposes? Hungary, apparently, is the only country that is regarded as having laws that are in any way acceptable in this regard. The Council of Europe Secretary General believes that Europe, particularly Ireland, is a happy hunting ground for foreign security services. Given the seriousness of that report, will the issue be raised?

The Taoiseach: I will go back over the issues. The General Affairs and External Relations Council has been discussing that issue. We have co-operated fully with the Council of Europe and the European Parliament. A few investigations are in train under the auspices of the European Parliament. One of those has asked for co-operation while the others have not. However, we are co-operating fully with them.

As regards the European Council, energy is raised all the time, and it will come up under economic issues. It has become a central issue for all the countries, as I stated previously. Energy needs and requirements are being addressed more and more. Our work in this regard, in which the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, is engaged in compiling a report on energy policy, is separate from the European issue to which we are giving attention. There are a number of relevant issues for Ireland, the issues of supply and

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future generation and what we can do as regards sustainable energy. We are doing everything possible to advance these issues and will continue to report on them.

Mr. Sargent: What about conservation?

The Taoiseach: Conservation has become particularly important because of the price of oil, as the Deputy rightly said. It is generally realised that there is no possibility of oil prices reverting to the level of 18 months ago. It seems to be on a new level and I hope that will not reach a new ceiling, but these issues are relevant. As I said before, we will continue to assist in whatever way we can.

On the nuclear question, I will say my piece again, but I think the Deputy knows that the British, the French, the Swedes, the Finns and others have set their minds——

Mr. Sargent: The Swedes are not building more.

The Taoiseach: No, but they are maintaining existing capacity and putting resources into this area, and that will continue. Germany has taken the alternative view, or at least the last Chancellor did so. I do not think the present Chancellor has stated her position yet. Everything that I have heard at those meetings makes me believe that the British will opt for more nuclear energy, with all the difficulties that creates for Ireland. I restate our position, but it seems as if the analysis in the UK is in favour of more nuclear energy. That appears to be the road Britain will go down for the next decade.

Priority Questions.

Road Traffic Offences.

49. **Ms O. Mitchell** asked the Minister for Transport if he remains confident that the penalty points system is working effectively; if he is confident that the system can cope with the addition of 31 extra offences on 1 April 2006; and if he will make a statement on the matter. [9568/06]

Minister for Transport (Mr. Cullen): The operation of the penalty points system, which commenced with effect from 31 October 2002 in respect of speeding offences, was subsequently extended to apply to the offences of driving without insurance, careless driving and offences relating to the non-wearing of seat belts.

When a driver accumulates 12 penalty points, he or she is automatically disqualified for a period of six months under section 3 of the Road Traffic Act 2002. Since its introduction, more than 300,000 drivers have incurred penalty points and 49 have been disqualified. The extension of the

penalty points system to an additional 31 road traffic offences is scheduled for 3 April 2006 and I am confident that the relevant support systems will be in place.

The statutory regulations and commencement order to put the legal system in place for this extension of the penalty points system are being finalised in my Department in conjunction with the Office of the Parliamentary Counsel following consultation with the Department of Justice, Equality and Law Reform. The statutory instruments will be completed very shortly in advance of 3 April 2006.

Garda Síochána IT systems to process the new penalty points system are coming on stream. The relevant interfaces are in place between the gardaí and the Courts Services IT systems and the Department of the Environment, Heritage and Local Government, which holds and administers the national driving file.

Ms O. Mitchell: I did not catch the Minister's comments about statutory instruments. When will these statutory instruments be signed?

Mr. Cullen: They will be signed before 3 April 2006, which is the commencement date for the 31 new penalty points.

Ms O. Mitchell: My comments on the implementation of the penalty points system for the four offences have been well rehearsed in the past week or two. It is disturbing that the Minister apparently either does not accept that there is a problem or suggests that the problem will be miraculously fixed on 3 April 2006. The handheld units made available to the gardaí are little more than electronic docketts and do not give access to information about penalty points. In addition, the PULSE system does not give access to information about penalty points.

Even if this part of the process worked, does the Minister accept that the process itself contains built-in flaws because it involves so many different stages, individuals, Ministers and agencies, and is almost bound to fail? It is one thing to say that people are automatically disqualified once they acquire 12 penalty points, which is undoubtedly the legal position, but there is very little point in having this system if nobody, including the driver, knows this.

I am concerned that when we move to the additional 31 points and people will be automatically disqualified, at least in theory, if they are detected, leading to more people being automatically disqualified earlier because of the additional offences, the entire system will be completely discredited because it will break down. There are too many stages in the process of recording penalty points.

The Minister should accept that there is a genuine problem. I understand the Minister was quoted as saying that it was hearsay, but this problem exists. Does the Minister accept that

responsibility should move to one body and one Minister? Otherwise, the system is bound to fail.

As part of the current Road Traffic Bill, we proposed establishing a safety authority, which would be fully responsible for ensuring that the entire sequence of stages in the process are fulfilled. If the Minister has a better idea, I am willing to listen to it. Perhaps, the gardaí should take responsibility for it. I am not sure which body should accept responsibility for it but some Minister must accept responsibility for ensuring that penalty points incurred are noted on a driving licence so that the system has meaning. If the penalty points system is to be effectively enforced, one Minister must be responsible for it. Does the Minister accept that the current system is failing because one Minister is not assuming responsibility? Will he guarantee that the issue is included in the promised Road Traffic Bill?

Mr. Cullen: I thank the Deputy for her comments. She raised an important issue a few weeks ago in respect of the national driver file and the automatic transmission of information held by it to the gardaí, which I have acted upon. That issue was raised in the context of other points just made by the Deputy.

A total of 49 people have been disqualified under the penalty points system. We must remember that it is illegal to drive with a driving licence once one has accumulated 12 penalty points. A person who has accumulated 12 penalty points must surrender his or her driving licence. If he or she does not comply with this requirement, he or she faces two further problems under the law and can be prosecuted for driving with a driving licence which should have been surrendered and for not surrendering the licence in the first place.

The issue in respect of IT systems is a matter for the Department of Justice, Equality and Law Reform and the gardaí. Considerably more people have been disqualified through the courts for committing other motoring offences than have been disqualified for accumulating 12 penalty points. Due to the fact that the national driver file is now available to the gardaí, I believe that gardaí should do more than simply wait to stop and catch people on the side of the road and then check out the information. There should be a proactive unit within the gardaí which would ensure, once it receives notification from the national driver file, which is delivered more or less in real time and with the co-operation of the licensing authorities, that the licences of people who have accumulated 12 penalty points have been surrendered. This unit should pursue those who have not surrendered their licences. The system should be much more proactive. It should not simply be a matter of the gardaí stopping people on the side of the road and checking whether there is a problem with his or her driving licence when the information goes back into the system.

The handheld unit, which will be used by the traffic corps, can take down all the details of a vehicle from the driver. If the garda suspects that the person has accumulated penalty points, he or she can return to the mainframe computer system in the station and download the relevant information. If he or she encounters a problem, he or she can automatically pursue the driver in question.

While some people may be abusing the system, I do not accept, nor do I have anything other than anecdotal evidence, that widespread abuse of the system takes place once people are disqualified. The vast majority of people who have been disqualified move to surrender their licences very quickly to serve their six-month period of disqualification as quickly as possible. There may be instances where people abuse the system but the law is very strong, as is the ability of the gardaí to prosecute people who do not surrender their licences or who drive with their licences when they should have surrendered them. The penalties are very severe so I would not advise any driver who has accumulated 12 penalty points and has been disqualified to take a chance and continue to drive.

We could progress by having a more proactive system in respect of notification and the existence of a unit within the gardaí which would pursue those who have been disqualified to ensure they have surrendered their licences.

Air Services.

50. **Ms Shortall** asked the Minister for Transport if he will review the decision to sell the majority State share in Aer Lingus in view of the strategic importance of the national airline to tourism and trade. [9518/06]

53. **Mr. Crowe** asked the Minister for Transport when he proposes to end the uncertainty and speculation surrounding the future of Aer Lingus; and if he will make a statement regarding his intentions in respect of this company. [9566/06]

Mr. Cullen: I propose to take Questions Nos. 50 and 53 together.

As the Deputy will be aware, in its decision of 18 May 2005, the Government agreed to the State disposing of a majority shareholding in Aer Lingus and retaining a stake of at least 25% to protect strategic interests provided that the Minister for Finance and I are satisfied that this level of disposal is warranted on foot of the analysis prepared by the Departments' advisers for the transaction.

The decision to dispose of a majority shareholding in Aer Lingus was made following detailed and comprehensive consideration of the issue by me and my colleagues in Government. The Government agreed in its decision that the strategic development of the State airports and Aer Lingus was essential to underpin Ireland's

[Mr. Cullen.]

competitiveness, industry and tourism. Furthermore, its consideration was based on an acknowledgement that the company had an immediate need for access to equity capital to enable it to compete effectively and to fund growth and that this investment could not, and should not, come from the Government. It is precisely because of the strategic importance to Ireland of a wide range of cost effective air services that a third party investment in the airline is being sought. The question of reviewing the Government's decision, therefore, does not arise. In accordance with the terms of Sustaining Progress, I had also engaged with the trade unions on the issue early in 2005 before the Government finalised its consideration of the matter.

Following a competitive tender process, UBS and AIB Capital Markets were appointed to provide financial advice and assistance to the Minister for Finance and me in respect of an Aer Lingus sale or investment transaction. William Fry and Freshfields Bruckhaus Deringer were appointed as legal advisers for the assignment.

The first phase of the advisers work was to recommend the most appropriate transaction mechanism and advise on the size and timing of a transaction. The advisers submitted their report before the end of last year and the key conclusions and recommendations are being considered by the Minister for Finance and me. No decision has yet been made on the basis on which the investment transaction will be implemented. I have instructed the company's management to engage intensively with the trade unions over the coming weeks to address issues relating to the company's pension schemes in advance of the planned investment transaction. It is my intention to revert to Government, in conjunction with my colleague the Minister for Finance, in the coming weeks.

Ms Shortall: The Minister did not answer the basic question. Why is he proposing to sell the State share in Aer Lingus? Aer Lingus is a very successful company. It is a profitable company which has served the interests of the country well in terms of tourism and trade. As taxpayers, we all own the company. There is no logical rationale for the Minister's proposal to sell the company. It recently replaced its short-haul fleet from its own resources. It has proposals to replace its long-haul fleet and expand that fleet over a number of years, and there are a number of options to fund the expansion. The Minister said that there is an immediate need for investment, but no one has claimed there is an immediate need for investment. There will be a need over the coming years to expand the long-haul fleet. We do not know how much the company will need. It certainly will not need it tomorrow and it will not need it in one lump sum. However, it will need investment.

The Minister also said that the Government should not and could not provide funding for this. Many people would argue that it should do so. If it makes sense for the private sector, it makes sense for the public sector to invest in a successful company. The statement that he could not provide funding is nonsense. Nothing prevents the Government from investing in Aer Lingus as a profitable company.

There are options for Aer Lingus in expanding its fleet. It can do so from its own resources because it would have no difficulty raising loans. It can enter into long-term leasing arrangements, which is what most airlines do. The State could provide the investment necessary or there could be a combination of all three. Why is the Minister pretending that there is an urgent need for a decision and that the money must be provided immediately? That is not the case. There is a strong likelihood that all of us as taxpayers will go from a position of owning a very successful company, which is valued at up to €1 billion, to probably having nothing. How can the Minister prevent Aer Lingus becoming Eircom mark II? What percentage of the State holding does the Minister intend disposing of this year and to what method of disposal is he referring?

Mr. Cullen: I am taking this action for precisely the reasons the Deputy outlined. As I said on numerous occasions, I am seeking to position the airline for growth, increase the number of jobs—

Ms Shortall: The Minister should stop giving us this old waffle. The company is positioned for growth. He should justify what he is proposing.

Acting Chairman (Mr. Carey): The Deputy should allow the Minister to continue.

Mr. Cullen: To position the company for growth, it is essential that substantial funding is available, not just in the short term but in the medium to long term. As the Deputy knows, the purchase or lease of aircraft, which has the same effect on a balance sheet, can take a number of years in lead-in time in terms of purchasing aircraft, planning new routes and getting new destinations. In fairness to Aer Lingus, it has been very successful in adding a number of new short-haul routes in recent years. All the international evidence—

Ms Shortall: On a point of order, in spite of what he said, the Minister accepts there is not an immediate need for investment.

Mr. Cullen: I said that there is an immediate, medium and short-term need for investment in the company. The company is planning to invest approximately €2 billion in aircraft purchase in the medium term. It is examining many new routes into the United States, which will be avail-

able under the open skies policy. The competition for and on these routes will be great. The agreement I succeeded in getting from the Americans, and agreed by my European colleagues in the transition period from Shannon, will provide a good opportunity for a stepped-up approach from Aer Lingus to expand substantially on what will become a very competitive route on the North Atlantic.

This month, Aer Lingus will begin its new services into the Middle East. This is the first new major long-haul destination in that direction by the airline. Clearly there are further opportunities that Aer Lingus needs and must exploit to remain competitive and successful into the Far East, Australia and South Africa. This planning must take place now. The potential for purchasing aircraft in bulk can change substantially the cost to the airline. If the airline is now in a position to do a major deal with a big supplier based on its needs over the coming years, it will be in a position to do so because we are providing the resources.

I am not taking an ideological position on this issue. Everyone, including the trade unions, know that I take a very pragmatic approach to ensuring that Aer Lingus will survive. If Aer Lingus remains in its current construct, it will have no chance of survival. The evidence for this is that almost no airline remains in state ownership as we know it. All the international airlines in state ownership are either gone or are going down the tubes rapidly.

Mr. Eamon Ryan: Ours is one of the most successful. It is a huge success.

Mr. Cullen: It is a relative term. I acknowledge the huge effort of the staff, trade unions and management. They have been the most successful in turning around a national airline since 9/11, for which they must be congratulated. I want to secure that effort and ensure that Aer Lingus grows in terms of jobs, tourism, industry and the development of this country. The only way it can be achieved is by way of a substantial cash injection.

Ms Shortall: Why does the Minister not do that?

Acting Chairman: I will allow the Deputy in again if there is time.

Mr. Crowe: I asked when does the Minister propose to end the uncertainty and speculation surrounding the future of Aer Lingus, to which he did not respond. Does he accept that Aer Lingus is not an airline in crisis? Does he accept it is a State asset, not a State liability and, if so, that selling off the airline does not make sense?

The only beneficiaries of the privatisation of the airline will be a small number of wealthy friends of the Government. The State needs an

airline which is dedicated to the needs of our island economy. We need a cargo carrier of which there are very few left. It is vital to our island economy to have such a service. Taxpayers' money is being invested in other airlines around the world through the pension reserve fund, yet Aer Lingus is not getting the proper investment. Has the Minister a view on the whole concept of a State holding company as an alternative way forward for Aer Lingus? Has research been done in this regard? Perhaps this could be the way forward rather than selling off the airline to a few select friends and not going in the direction desired by the people. While we need a national airline that operates successfully, the Minister's proposals will mean that a coterie of friends of the Government will benefit from the privatisation of the airline and not the Irish people as a whole.

Mr. Cullen: As the Deputy and his colleagues will be aware, almost every plan for Aer Lingus over the past decade and beyond have been crisis plans. This is the first time we had an opportunity to position the company for growth and development. The Deputy is correct because if Aer Lingus was in crisis, there would not be much point approaching anyone as nobody would be interested in it. We must take account of the fact that the company is currently in a very good state, the markets are in a good position and there is a strong management team in place.

Aer Lingus must compete in the aviation sector which is probably one of the most volatile business sectors worldwide. As it is a hugely cyclical market, I have no doubt that the ups and downs for the company will continue. In a downward trend, it would be impossible for this or any Government to invest in Aer Lingus. Therefore, we must give the company the commercial freedom and the mandate to develop and be flexible enough in a true commercial sense to compete in one of the most cut-throat commercial sectors of industry worldwide. All the international evidence suggests that the only way this can happen is by allowing a company to be free of the state and to be operable in a highly commercial environment in the most flexible and commercial way possible.

Ms Shortall: The Minister is operating from an ideological position. There is a deeply held view in his Department and in the Cabinet that the State has no business being in business and that it wants to off-load as many of the State's involvements in enterprise as possible. The Minister has still not provided any type of rationale for the proposed sale of Aer Lingus. Will he confirm that there is nothing preventing him under EU law from investing in Aer Lingus as it stands as a profitable company? Will he accept that the reason Aer Lingus has been successful is that it has been a State-owned company, that there has been a remarkable record in recent years of staff

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and management working together in the interests of the company and that there is no reason that cannot continue into the future?

Will the Minister explain how he will avoid the sale of Aer Lingus becoming “Eircom mark two” given that the adviser to the Government is the same? As taxpayers, we have a successful asset valued at €1 billion. Will the Minister also explain how we will avoid ending up with nothing and without control over our air services?

Mr. Cullen: I do not accept the thesis the Deputy put forward. Others may have an ideological view, I do not. Based on all the credible evidence — there is as much as one can read — the future of Aer Lingus can only be secured in a highly volatile market if we position it to bring in investment from——

Ms Shortall: No adviser said that.

Mr. Cullen: If we position it to bring in investment from the private sector——

Ms Shortall: Who said that?

Acting Chairman: I ask Deputy Shortall to allow the Minister to conclude.

Mr. Cullen: That is the reality.

Ms Shortall: Who is saying that?

Mr. Cullen: The Deputy seemed to suggest that even now the Government could invest. That would be challenged in Brussels immediately.

Ms Shortall: Not as a rational investor.

Acting Chairman: Deputy Shortall’s colleagues have tabled questions.

Mr. Cullen: Does Deputy Shortall want me to answer the question or does she want to ask and answer the question?

Acting Chairman: I ask the Minister to conclude.

Ms Shortall: The Minister is making points which are fundamentally untrue.

Mr. Cullen: Unlike Deputy Shortall, I expect Deputy Olivia Mitchell and myself are almost on the same page. We are trying to position this airline for growth, development, the best interests of the staff, growth in jobs, tourism, customers who fly out of this country and for the economic development of this country. That is what the hard decisions are about. It would be easy to take other decisions and be irresponsible but I will not go down that road.

Ms Shortall: They are being served with the airline in State ownership and they will continue to be.

Road Network.

51. **Mr. Eamon Ryan** asked the Minister for Transport his views on whether it will be necessary within the near future to introduce demand management measures on the M50 as was suggested by An Bord Pleanála, Arup Consulting Engineers, the Dublin Transportation Office and the National Roads Authority at the oral hearing to examine the proposed widening and upgrade of the M50; the road tolling contracts which have been signed over the past year; the additional road tolling contracts awaiting his approval; when he expects such contracts to be agreed; and if he will not postpone any finalisation of such agreements pending agreement between the Government and the National Roads Authority on the nature of future tolling arrangements on the M50 motorway. [9520/06]

Mr. Cullen: I understand from the National Roads Authority that the free flow toll arrangement to be put in place on the M50 on completion of phase one of the upgrade in 2008 will be a single point toll. I expect to receive specific proposals later this year from the NRA on these 2008 arrangements.

The planning permission granted for the M50 upgrade requires that a scheme of specific demand management measures for the motorway corridor be published no later than three years after the upgrade has been completed which is anticipated to be in 2010. For this reason, the barrier free tolling arrangements will need to be adaptable to meet the medium to long-term needs that arise and to satisfy the planning permission requirements in that regard. Comprehensive research and analysis will require to be undertaken by the NRA in the coming years to address the post-2010 situation and to submit proposals to the Minister for Transport at the appropriate time.

The statutory power to levy tolls on national roads, make toll by-laws and enter into toll agreements with private investors in respect of national roads is vested in the NRA under Part V of the Roads Act 1993, as amended by the Planning and Development Act 2000. Accordingly, individual PPP contracts are a matter for the NRA and I have no function in relation to the approval or signing of such contracts.

The current position in relation to toll road PPP projects is that three projects have been completed, the M50 second West Link bridge, the M1 Dundalk western bypass and the M4 Kilcock-Enfield-Kinnegad scheme. The N8 Fermoy bypass contract was signed in 2004 and its construction is ahead of schedule. No PPP contracts were signed in 2005. However, I understand from the NRA that a further three contracts are

expected to be awarded in 2006, that is, the N25 Waterford city bypass, the N7 Limerick southern ring phase two and the N3 Clonee-Kells scheme. I am informed that the NRA does not envisage any delays in the awarding of these contracts, subject to legal developments on the N3 Clonee-Kells scheme.

Mr. Eamon Ryan: At the oral hearing for the widening of the M50, the National Roads Authority, Arup Consulting Engineers, the Dublin Transportation Office and An Bord Pleanála said we would need to demand manage this road because it will not work. Mr. John Henry, the head of the Dublin Transportation Office, said in its submission that scheme management was needed earlier rather than later because the figures in the oral hearing were dramatic. They showed that as soon as it is opened in 2008, the volumes will double and the road will be grid locked. Does the Minister support the position of the National Roads Authority, Arup Consulting Engineers, the Dublin Transportation Office and An Bord Pleanála that we will need to demand manage that road sooner rather than later? Does that not require what was implied by the Minister, that is, a multiple point tolling system on the M50 operated on a variable basis — not to raise revenues but to cut down on congestion? Does he support that principle? Is that the scheme the NRA will come back to the Minister with this autumn?

Given that it would seem we will have to introduce such a demand management system on the M50 to make it work, why proceed with signing contracts for a tolling system on the N3, the Clonee-Kells motorway, which would effectively mean that motorists travelling from Cavan to Dublin daily — approximately 6,000 people commute on that route daily — would have to pay a toll at the Kells end of the new motorway, a toll at the Clonee end of it and a toll when they hit the M50? Surely this requirement for a toll management system on the M50 requires the Minister to review the entire tolling operation being put in place so that motorists are not fleeced and that we at least have a tolling system designed to get those roads working rather than raise money for private operators. Will he reconsider the application of tolls on the Kells-Clonee motorway given that almost every transport expert agrees we will have to toll the M50 to make it work?

Mr. Cullen: I hope the Deputy supports Government investment in both roads and public transport. As the Deputy well knows, the funding for the 50% increase in capacity on the M50, which is significant, will come directly from the tolls collected. They will be reinvested immediately in that road system. I said that at the end of the year the NRA will come back to Government with a proposal for a move to barrier free tolling at the end of phase one of the upgrade, which will

come into place in 2008. That will involve a single point barrier free tolling position on the M50.

I have been asked this question on a number of occasions and I made it clear when I launched Transport 21 that I could not countenance — nor do I believe could anybody else — introducing demand management or congestion charging in Dublin until all the public transport facilities a modern capital city requires are in place. I refer to metro north, metro west, the seven Luas extensions, the substantial investment in buses and so on. One cannot have congestion charging or a demand management system of the type about which the Deputy speaks without alternatives for the public to use. Currently there are insufficient public transport systems in place as an alternative to the use of the M50. After 2015 when all the public transport systems are in place, a review of how they are working can take place. I hope they will have the same effect as the Luas and take 50% of people out of cars. Metro north alone will take 41,000 car journeys per day out of the system. We will be able to go to Dublin Airport from the city in 17 minutes and to Swords in 26 minutes.

There is too much debate around the issue of dealing with the M50 or another project in isolation. These projects will only benefit each other when they are completed. That is what we are doing with massive investment by the taxpayers which could not have happened only for the policies of this Government in recent years.

Mr. Eamon Ryan: It is clear the Taoiseach has got to the Minister in terms of not doing anything which will scare the horses before the next election. The Minister talked about 2015. If the Minister will not take the advice of the transport experts to put demand management on the M50, not the anti-roads people, but Arup engineers, the NRA, the Dublin Transportation Office, and the Bord Pleanála inspector — I could cite chapter and verse as to why they see an immediate need for demand management — what will he say to the motorists who will drive on the road from 2008 onwards, when it will in effect be a car park? The Minister says he will put everything off until 2015. How will he make that road work?

Mr. Cullen: I am glad we had the opportunity to put the Green Party policy in place because that party now wants the M50 festooned with tolls, with no alternative public transport system in place. I reject that view.

Mr. Eamon Ryan: I do not trust the Minister to deliver the road. I do not trust him to run a merry-go-round, let alone public transport.

Mr. Cullen: It was suggested I recently changed my mind on this matter. I quoted what I said last year.

Mr. Eamon Ryan: The Minister hid behind other people.

Mr. Cullen: I made it quite clear——

Mr. Eamon Ryan: The Minister made nothing clear.

Mr. Cullen: I made it clear that taking a balanced approach to all road users and those using public transport, one cannot go down that road for a capital city the size of Dublin until public transport is organised.

Mr. Eamon Ryan: The Minister is not being responsible.

Mr. Cullen: That is the Fianna Fáil position and the position of the Government.

Mr. Eamon Ryan: Put it off until never-never.

Ms Shortall: Despite what the Minister said on Friday evening, when he got it so wrong.

Mr. Cullen: Just because Deputy Shortall's party leader decided to misquote me does not mean I must go down that road.

Ms Shortall: The Minister got it so wrong.

Mr. Eamon Ryan: The Taoiseach told the Minister to say nothing, to put it off.

Ms Shortall: The political antennae were not working that night.

Mr. Eamon Ryan: We know who the Minister for Transport is in this Government — it is the Taoiseach.

Mr. Cullen: The line of the Labour Party these days especially is "I know he did not say it but I want to hear him deny it". That seems to be the mantra in terms of creating mischief in the public mind.

Ms Shortall: The Minister said it and his spokesperson said it last night.

State Airports.

52. **Ms O. Mitchell** asked the Minister for Transport if he has satisfied himself with the delay in the break-up of Aer Rianta; his views on whether this delay is hampering the development of the three State airports; if he will involve himself in the process to dispel the uncertainty with regard to the future financial position of these airports, particularly Cork and Shannon and if he will make a statement on the matter. [9569/06]

Mr. Cullen: All three airports showed record traffic last year with passenger numbers of 18.46 million at Dublin, 3.3 million at Shannon and 2.73 million at Cork. This represents growth of 8% at

Dublin, of 38% at Shannon and close to 21% at Cork. The new boards for Shannon and Cork, in conjunction with the DAA, are bringing a new impetus to developing and growing their airports.

The State Airports Act 2004 provides for the establishment of the three State airports at Dublin, Shannon and Cork as fully independent and autonomous authorities under State ownership. The Act provides a framework to allow for an orderly approach to the distribution of the assets of Shannon and Cork Airports in conformity with the capital maintenance and other provisions of the companies Acts. New boards were appointed at all three airports in 2004. The boards of Cork and Shannon airports are now charged with making preparations to assume responsibility for the ownership and development of the airports. They are also empowered to undertake certain management and operational functions on an agreed basis with Dublin Airport Authority during the interim period.

Under the Act, before any assets can transfer to either the Shannon or Cork Airport authorities, the Minister for Finance and I must be satisfied as to the financial and operational readiness of the airport authorities. Accordingly, each authority is required to prepare a comprehensive business plan and obtain our approval for these plans before any assets can be transferred.

The three State airport authorities are continuing to work on the preparation of their business plans with the Dublin Airport Authority, DAA, co-ordinating the process. In this context a range of issues needs to be carefully considered. These include the unsustainable cost base at Shannon Airport, the recent airport charges determination for Dublin Airport by the Commission for Aviation Regulation and the optimum mechanisms for the financing of the new terminal in Cork. These are complex issues that the airport authorities must consider carefully and as I have indicated previously, I have not imposed any artificial deadlines for the completion of this process. My Department will continue to liaise with the DAA on the business planning timetable taking account of the key issues I have mentioned.

At the appropriate time I look forward to the finalisation of the business planning process because of its importance to facilitating the development of dynamic, independent and financially sustainable State airports. The Government objective of airport restructuring must be achieved in a manner which underpins the financial sustainability of all three State airports.

Ms O. Mitchell: Every time this issue arises, the Minister maintains it is a complex problem and that he will not impose deadlines. The Minister cannot continue indefinitely to stand back from the issue. He must get involved with the financial issue of Cork Airport and make good his promise to ensure it can incorporate debt-free. That promise was given and must be fulfilled. Cork Airport must be allowed to set up on its own without the

debt — currently an unknown level of debt — hanging over it. It must also be made clear from the point of view of Dublin Airport.

The Minister consistently says he will not get involved and will stand back. That is not good enough. The stalling is causing major problems for Dublin and Cork airports. Neither can prepare any kind of realistic plan. Cork Airport does not know whether it will have to carry the debt of €160 million, which I now understand may be closer to €200 million. Neither does Dublin Airport know if it will have to carry the debt. Both airports are facing an open skies policy in the very near future where they will not compete with each other but with the largest airports in Europe. All the main airports in Europe will be in competition for the new long-haul business likely to emerge, particularly from the United States. Dublin and Cork airports must be in a position to meet that challenge of competition and to exploit the opportunities it will offer.

At the time of the passing of the Bill two years ago, a political promise was given, and a political solution must be found to ensure the promise is fulfilled, so that Cork Airport can be set up as a stand-alone company entirely debt-free with some chance of survival. The Minister says that under company law this cannot be done, otherwise there are no assets to distribute. A report from the board of the Great Southern Hotels said the hotels should be sold and the Minister seemed to accept that was possible. Surely Cork Airport would be entitled to some part of the proceeds of the hotel group sale, on distribution? Is that a possible solution? Has the Minister a solution? Will he stand back indefinitely, let time go by and hope we will all forget about it?

Mr. Cullen: I am not for one minute being passive, which the Deputy knows. As I stated in my response, my objective — the only one any government can have — is to ensure the three State airports are placed on a financially sound footing.

Ms Shortall: When?

Mr. Cullen: I am not sure if Deputy Mitchell is speaking for a group of Cork Deputies or if she is putting forward the Fine Gael party position when she suggests all of the debt from Cork Airport should be loaded on to the passengers at Dublin Airport.

Ms O. Mitchell: That is not my solution.

Mr. Cullen: That seems to be the Fine Gael position.

Ms O. Mitchell: There are assets to distribute. The Minister must fulfil his promise. His party gave a commitment. Will he fulfil it?

Mr. Cullen: I am in exactly the same space. I suggested to Deputies Shortall and Mitchell on a

previous occasion that they read precisely what was said by the former Minister for Transport in this House when he introduced the State Airports Act in 2004. One of the key points he made was that to advance the rapid independence of Cork Airport, a leasing arrangement on at least some of the debt would have to be agreed with Dublin Airport. I did not say that — I am not quoting myself. That has been the position for several years.

If Cork Airport wants to wait, that is outside any political consideration, irrespective of who stands in my position. If that airport wants to be entirely debt-free, under the companies Acts, where the distributed reserves must be sufficient at Dublin Airport to distribute the Cork debt — which as I publicly stated will probably involve €200 million — that will take time to achieve. We should also bear in mind that Dublin Airport Authority is now embarking on an investment programme of at least €1.3 billion for Dublin Airport, which is essential for the development of this country. I do not know where the Deputies think the assets will come from to cater for all that, and for the borrowings——

Ms Shortall: The Minister should ask the former Minister for Transport, Deputy Brennan.

Mr. Cullen: ——and to separate out Cork Airport, sort out Shannon Airport, the pension funds and other issues.

Ms O. Mitchell: Where were those funds going to come from when the Minister made his promise?

Mr. Cullen: It is not a simple issue.

Ms O. Mitchell: The Minister comes here every week saying the issue is complex and he will not set deadlines.

Mr. Eamon Ryan: Clear as mud.

Mr. Cullen: There is nobody who would like more than I to see the three airports agreeing the way forward.

Ms O. Mitchell: Deputy Cullen is the Minister for Transport.

Acting Chairman: We are well over time and must move on.

Mr. Cullen: The position being adopted by the Deputies is that an entirely new Cork Airport should be debt-free and that its debt should be absorbed by the Dublin Airport Authority, meaning that the passengers using the capital city must pay for Cork Airport. The Commissioner for Aviation Regulation will not allow the charging regime at Dublin Airport to operate in a way——

Ms O. Mitchell: Is the Minister suggesting that as a solution? I certainly am not.

Mr. Cullen: Not for one minute.

Ms O. Mitchell: There are assets to be distributed and the Minister will not make up his mind how they can be distributed. He will not make a decision about anything.

Mr. Cullen: Would Fine Gael and the Labour party for once be a bit honest—

Ms O. Mitchell: Deputy Cullen is the Minister for Transport. He is the one who says it is a complex problem, that he will not become involved, that he will not set deadlines, that he must stand back. The Minister should make a decision.

Mr. Cullen: That bleating will not achieve anything for the benefit of Cork Airport or anywhere else. I wish this situation could be resolved.

Ms O. Mitchell: The Minister is in charge.

Mr. Cullen: We both know the assets available to the Dublin Airport Authority are not sufficient to leave all these elements debt-free.

Ms O. Mitchell: I do not know that.

Mr. Cullen: That is a statement of fact.

Ms Shortall: Did the former Minister, Deputy Séamus Brennan, not know that?

Mr. Eamon Ryan: We told him.

Mr. Cullen: He said that himself in the Dáil during the debate on Second Stage.

Ms Shortall: What happened to the deadline of April 2005?

Question No. 53 taken with Question No. 50.

Other Questions.

Road Traffic Offences.

54. **Ms Shortall** asked the Minister for Transport the reason there is no mutual recognition of penalty points between Northern Ireland and the Republic of Ireland despite more than five years of British-Irish Council meetings on road safety; the steps he is taking to improve progress in this regard; and if he will make a statement on the matter. [9174/06]

67. **Mr. P. Breen** asked the Minister for Transport when the mutual recognition of driver disqualification and penalty points between Ireland and the UK will be implemented on roads here;

and if he will make a statement on the matter. [9080/06]

118. **Aengus Ó Snodaigh** asked the Minister for Transport if he or his Department have had meetings with his European counterparts on different laws regarding road safety and mutual recognition *vis-à-vis* penalty points and driver disqualification. [9163/06]

Mr. Cullen: I propose to take Questions Nos. 54, 67 and 118 together.

I refer Deputies to the replies to Question No. 194 of 1 February 2006 and Question No. 449 of 14 February 2006. This issue is being dealt with at two levels. First, there is the position on offences involving driver disqualification and, second, there is a process in train for offences that attract a lesser penalty, including penalty points. I will deal with each separately.

A framework for the mutual recognition of disqualifications is contained in the European Union Convention on Driving Disqualifications, 98/C 216/01. The convention relates to disqualifications arising from a range of specified traffic offences, including drink-driving, speeding and dangerous driving. Irish legislation to support the application of the convention is contained in the Road Traffic Act 2002.

In advance of the convention fully coming into force and following a ministerial meeting of the transport sectoral group of the British-Irish Council on 9 February 2006, I have formally agreed with the British Minister of State for Transport to enter into bilateral arrangements on the mutual recognition of driving disqualifications as envisaged in the EU convention. Officials are now preparing this agreement which will allow the relevant administrations to recognise and take action on driving disqualifications occurring in the other jurisdiction and I expect it to be in place later this year.

It was also agreed at the BIC meeting that officials should examine the prospects for greater co-operation in the treatment of other road traffic infringements where the penalty falls short of disqualification. The development of a system of mutual recognition of lesser offences presents complex legal questions and will require the negotiation of a bilateral agreement between the two Governments and probably the passage of primary legislation to support such an agreement.

It is recognised, however, that because there are three separate systems for penalty points in operation, straightforward mutual recognition of points is not practical. Nevertheless, an agreement to recognise lesser offences not covered in the convention might be feasible whereby the offences could be notified and the penalties appropriate to such offences in each jurisdiction applied.

Northern Ireland has the lead role for transport matters in the BIC and the authorities in that

jurisdiction are taking the lead in considering this issue. It was agreed that officials examine the issues further and report back by the end of May. However, given the complexities, I expect further work will be necessary at that stage.

Issues relating to road safety are kept under review at EU level and the transport and energy directorate is examining bilateral or multilateral agreements and other instruments, such as directives and conventions, which address the cross-border enforcement of road traffic offences.

Ms Shortall: Does the Minister accept there is a serious problem with speeding in the Border counties, North and South, and that the ridiculous situation exists where a person can cross the Border and speed with impunity? Anyone who drives on the M1 at 120 km/h will be passed by several cars from the North travelling at least 15 km/h faster. The same applies to southern drivers north of the Border. I do not understand why a system of mutual recognition of penalty points has not been introduced after five years of meetings of the British-Irish Council. Does the Minister accept that this problem needs urgent attention from both Governments? How many meetings on transport have been held within the British-Irish Council in the past five years? How many discussed mutual recognition of penalty points? Does the Minister not agree that we should move towards a North-South road safety strategy in key areas?

Mr. Cullen: It is a point of principle for this Government to support greater co-operation at every level with Northern Ireland. We are trying to pursue all these policies. There must be a response, however, from the other side to bring such efforts to fruition.

Ms Shortall: Is the other side not responding?

Mr. Cullen: The Deputy should not ignore the fact that we made great progress at the previous meeting in securing agreement on the notification of serious disqualification offences to both authorities. That is a major step forward.

Ms Shortall: How many meetings have taken place?

Mr. Cullen: Three different penalty points systems are in operation and while that is the case, the system cannot recognise a variety of points. To overcome this I suggested that if we cannot recognise penalty points directly, we should find a system of notification to both jurisdictions of those who have points and then be able to apply them here or in Northern Ireland to drivers on either side of the Border. I have pushed for this and we have led the debate at European Council level to encourage other member states to adopt a harmonious system for the recognition of penalty points. We are one of

the few members states trying to go beyond the European position to secure bilateral agreements. We were the first to get as far as we have on the recognition of major disqualifications and notification to each jurisdiction of those who have been disqualified. That is a step forward.

Ms Shortall: How many meetings have taken place in the last five years?

Mr. Cullen: I do not have that information. Meetings take place constantly at official level.

Ms Shortall: They are few and far between.

Ms O. Mitchell: I welcome at least the fact that the issue is being taken seriously and that a framework has been accepted North and South on the disqualification notification. If we are to notify other jurisdictions about disqualifications, however, we must sort out our own problems. We must be able to notify people who are disqualified here that they are disqualified and we must be able to inform the Garda they are disqualified. The local authorities, bizarrely, are also involved in the penalty points system when people reach the 12 point limit. If such systems are not in place, what hope have we of making a system that acts between two jurisdictions effective?

Mr. Cullen: I agree. This is all part of a larger package. We must accept that progress has been made recently. The new systems have now come on stream, allowing me to expand penalty points to cover 35 offences.

Ms O. Mitchell: What new systems have come on stream?

Mr. Cullen: From 3 April the new computerised system will be available to all members of the Garda traffic corps.

Ms O. Mitchell: The Minister is hallucinating. There will be no new computer system on 3 April. All that is happening on that date is the involvement of another agency, An Post.

Mr. Cullen: Equally, the establishment of the road safety authority, which will collate the information from myriad bodies on road traffic offences, accidents and injuries, was called for repeatedly. We are making progress with the systems, although we are not there yet. I accept that.

Mr. Crowe: The Minister said that the law in the North is not compatible with England, Scotland or Wales. Is that part of the problem?

Mr. Cullen: The penalty points systems in Northern Ireland and Britain are different. There are also different legal systems, which make things even more complex.

Mr. Crowe: That suggests that the EU offers the way forward. Is compatibility being pushed at European level?

Mr. Cullen: The Republic of Ireland is at the forefront of this issue. The only medium to long-term solution to this is an EU-wide system with a legal basis and mutual recognition of penalty points in all member states. In advance of that, at least on this island, the authorities in the North and ourselves are moving ahead. We have taken a significant step forward, which is in advance of anything achieved by other European countries, in agreeing that major disqualifications will be notified to the authorities in both jurisdictions. This will have a significant impact on drivers from the South who believe they can drive in the North with impunity and *vice versa* because they will no longer be able to do so once information on drivers becomes available in both jurisdictions.

Public Transport.

55. **Mr. Ring** asked the Minister for Transport the date when he will proceed with reform of the bus market; and if he will make a statement on the matter. [9085/06]

58. **Mr. S. Ryan** asked the Minister for Transport his response to the Dublin Bus submission of 20 January 2006 for funding for additional buses; and if he will make a statement on the matter. [9189/06]

59. **Mr. Quinn** asked the Minister for Transport if he has received the bus network review from Dublin Bus; and the action he proposes to take in response to same. [9052/06]

88. **Mr. Kenny** asked the Minister for Transport if he will publish the network service review carried out by Dublin Bus; the way in which he intends to proceed in relation to the recommendations of this review; and if he will make a statement on the matter. [9118/06]

115. **Mr. Gormley** asked the Minister for Transport when a decision will be made on the application for funding made by Dublin Bus for the purchase of 200 new vehicles to serve the new bus corridors; when such buses would be delivered; and the multiannual funding support package available from the Government to support the purchase of new buses by Dublin Bus. [9210/06]

122. **Mr. Deenihan** asked the Minister for Transport if he has received a proposal from Bus Éireann to expand its fleet; the details of this proposal; his response to same; and if he will make a statement on the matter. [9107/06]

136. **Mr. McCormack** asked the Minister for Transport when the funding to provide additional buses as requested by Dublin Bus will be pro-

vided to the company; and if he will make a statement on the matter. [9105/06]

156. **Ms Enright** asked the Minister for Transport when legislation to establish a new public transport commission will be published; the powers and functions of this commission; and if he will make a statement on the matter. [9108/06]

160. **Mr. Boyle** asked the Minister for Transport if and the way in which he intends introducing new private bus operators into the Dublin Bus market; and the progress he has made in negotiations with transport unions in this regard. [9203/06]

Mr. Cullen: I propose to take Questions Nos. 55, 58, 59, 88, 115, 122, 136, 156 and 160 together.

I am committed to the delivery of a high quality, effective public transport system and Transport 21 is testimony to this commitment. I am also committed to modernising the regulatory framework governing public transport, not only in Dublin but nationally. Specifically, at the launch of Transport 21 I stated I was convinced that we need a new approach to transport in the greater Dublin area, delivered through a single authority with the power to ensure joined up thinking and delivery across all transport modes.

In advancing the regulatory agenda discussions have taken place with the key stakeholders. These discussions form part of a process of engagement which will facilitate and inform the determination of the appropriate structure for the new framework and supporting legislation. This process will also be informed by the work of the team appointed to finalise the remit, structures and human resource requirements of the proposed Dublin transport authority. I will finalise my consideration of how best to proceed with public transport reform and the proposal for a public transport commission in light of the report from the team and I hope to be in a position to publish legislation on the matter in the current year.

Meanwhile, Dublin Bus submitted an application for funding to me on 20 January 2006 for additional fleet requirements for 2006 and 2007. In recent days, I also received an application for funding for additional buses from Bus Éireann. My Department is examining these applications in the context of Transport 21, the future bus needs of the Dublin area and provinces, the bus network review completed by Dublin Bus, which was forwarded to my Department on Thursday last, and the Bus Éireann development plan which my Department received late in 2005. I will make a decision on these applications when the respective assessments have been completed and having regard to the outcome of my deliberations on the reform of the bus market, which I intend to conclude in the coming weeks.

As regards the bus network review, I understand copies of the review, which the Department finally received last Thursday, are available from Dublin Bus.

Ms O. Mitchell: I and many other Deputies have been raising this matter for some time and on each occasion the Minister informs us he is engaged in talks with Dublin Bus, trade unions etc. Unlike the customers and commuters trying to travel to work every day whom the Minister is supposed to represent, he has a seat at the Cabinet table. He and his two immediate predecessors promised reform of the bus market and the introduction of a new regulatory framework which would allow an increase in the number of buses on the streets of Dublin. When will their promises materialise?

The Minister indicated he may have legislation published by the end of the year. The people of Dublin are screaming out for immediate liberalisation of the bus market. I had the misfortune to travel on the M50 this morning on my way to the National Roads Authority's road safety conference. It took me an hour and a quarter to travel four miles in the bedlam on the road. Those who must make this journey and the many others around Dublin who must make similar journeys are screaming out for buses. Where are the fleets of buses which could bring these drivers — most cars on the M50 have no passengers — to work every morning to the industrial estates and business parks along the M50? It is in the Minister's power to offer them relief, almost overnight, but time and again he has refused to do so. When will he reform the bus market?

Mr. Cullen: The Deputy and I are in agreement. My assessment is that Dublin needs a substantial number of new buses on routes and Transport 21 provides for a 60% expansion of the city's bus network. I received the bus network review for Dublin just last Thursday. This document is central to any action one might take in the Dublin area as one must know where the network is likely to grow. For several months I have, with some frustration, sought this core document.

In parallel, the drafting of proposals from Professor O'Mahony's establishment team for the Dublin transport authority is already under way. It is more than prudent to await this report because, as the Deputy will agree, all transport issues in Dublin need to come within the remit of a single body. Some of the issues to which the Deputy referred may well become the responsibility of the Dublin transport authority but I will wait until I receive the final report before making a decision.

Ms O. Mitchell: Legislation is first needed to reform the regulatory framework.

Mr. Cullen: That is correct.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters.

Acting Chairman: 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 Lynch — to ask the Minister if her attention has been drawn to the number of children with diabetes being treated by the paediatric diabetes unit at Cork University Hospital; (2) Deputy Andrews — to ask the Minister if she intends to address the low level of mental health services in the HSE east coast catchment area; (3) Deputy Boyle — to ask the Minister the reason primary and secondary schools in the Cork South-Central constituency (details supplied) are being left in an administrative limbo; (4) Deputy Connolly — to discuss the incorporation of the Knockatallon community playgroup into the new school premises for St. Joseph's national school, Knockatallon, County Monaghan; (5) Deputy Cowley — to ask the Minister to reconsider providing free health care for the estimated 100 women desperately ill with hepatitis C; (6) Deputy Neville — the report on the inequality and stereotyping of young people in Ireland by the Equality Authority and National Youth Council of Ireland; (7) Deputy Stanton — to ask the Minister to debate the need to take action regarding the obvious increase in people dumping domestic refuse on roadsides nationally; and (8) Deputy Deenihan — the failure of the HSE to provide the necessary finance to extend the GP co-operative scheme to north Kerry as GPs in the area are excluded from the service and continue to cover a large rural area without back-up.

The matters raised by Deputies Lynch, Andrews, Deenihan and Boyle have been selected for discussion.

Leaders' Questions.

Mr. Kenny: I am sure Members are of one mind in respect of extending an expression of sympathy following the shooting down of Donna Cleary, a young woman and mother of a young child who was out enjoying herself at an ordinary occasion. We now have a Garda investigation into the death of the alleged perpetrator of this heinous crime. At a time like this the country looks to this House and wants legislators to take appropriate action. I am sure the Taoiseach recalls the words which he expressed ten years ago:

As a community we have embarked on a war to row back the level of crime. That war must be waged relentlessly and must be won. It must be directed at lifting the shadow which hangs over our democracy. It demands and deserves the support of all and the first battle will take

[Mr. Kenny.]

place today in this House, on it will depend a vigorous and effective anti-crime campaign.

We heard the Minister for Justice, Equality and Law Reform who is not present — he is probably speaking on another radio programme — describe this shooting as a watershed. As usual, it is a watershed for everyone but him and there is no indication that this appalling crime will shock him into action. More than a year ago the Minister correctly identified the extent of gun culture and how cheap life has become. He promised mandatory jail sentences and an amnesty to take firearms out of circulation. One year on, nothing has happened and we are bogged down with the Criminal Justice Bill, which is stuck in committee with more than 100 amendments pending. Last year the Minister clapped himself on the back claiming he had wiped out gun culture and gangland killings were the sting of a dying wasp before another series of murders and bloodshed took place last November.

In recent years the House has dealt with emergency legislation on immigration, copyright, ground rent and nursing home charges. Look at the performance of the Minister for Justice, Equality and Law Reform. Under his watch detection rates fell from 42% in 2000 to 35% in 2004. Since he took office, more than 400,000 headline crimes have been committed and if the trend continues until next year, he will have presided over 500,000 headline crimes in one year. Detection and committal of crime are key performance indicators and the Minister has failed utterly on both of them.

I want the Taoiseach to take serious action in respect of the Minister of Justice, Equality and Law Reform's commitments, made on every radio programme in the land when something happens, to introduce legislation. The system is clogged with promises of legislation from the Minister and other members of the Government. There were 73,000 headline crimes in 2000, 98,000 in 2004 and 101,000 in 2005. Detection rates have fallen from 42% in 2000 to 35% in 2004. When will the Taoiseach, as the Head of Government, take this matter seriously? When will he take action with the Minister for Justice, Equality and Law Reform, who is all talk and no action?

Deputies: Hear, hear.

The Taoiseach: I join Deputy Kenny in condemning the cold-blooded killing of Donna Cleary, an act of barbarism in terms of its deliberate and random nature. The perceived reason for the shooting could not be more trivial. The Garda has mounted a major investigation into the crime and arrested five people in connection with it. One of those detained in Coolock Garda station complained of feeling unwell, was visited three times by a doctor and was subsequently taken to Beaumont Hospital for further medical attention. He was then returned to the Garda station where

he was provided with prescribed medication. Later, he was again taken to Beaumont Hospital where he was pronounced dead this morning. The Garda Commissioner has appointed a chief superintendent from outside the Dublin metropolitan region to investigate the death. Our sympathies extend to the family, child and relatives of Donna Cleary as well as to everybody else connected with this act of barbarism.

No Minister has introduced and passed more legislation in this House.

Mr. Kehoe: It still has not solved the problem.

Mr. McGinley: More legislation and more guns.

Mr. McCormack: No Minister has conducted more interviews.

The Taoiseach: I could rehearse the statistics for last year about the most serious categories of crime but that will not do much for Donna Cleary and her family or for anybody else who is killed. A Criminal Justice Bill is before the House which can perhaps assist in this but a great deal of legislation has already been passed, including legislation on sentencing for drug and gun crime. The Criminal Justice Bill contains provisions to strengthen the investigative powers of the Garda Síochána in terms of powers of arrest, search and detention, taking fingerprints and DNA samples, strengthening the criminal law, mandatory sentencing and other issues, and builds on the tough measures included in the Criminal Justice Act 1999 which provided for ten-year mandatory jail sentences for anyone convicted of possessing drugs with a street value of more than €12,500.

We have enacted legislation dealing with crimes of a sexual nature, such as the Sex Offenders Act, the Child Trafficking and Pornography Act and the Sexual Offences (Jurisdiction) Act, and a range of public order legislation. We have introduced Operation Anvil for which significant resources and numbers of gardaí have been provided. Resources have been given to gardaí at all levels.

I concur with Deputy Kenny that the legislation in the system will help to build on the existing tough legislation. Firearms legislation is an important issue and may be of assistance because increasing numbers of people have access to firearms and, as in this deliberate and random case, people resort to guns over relatively trivial arguments. We are seeing more of that and, in terms of gun crime, we should certainly try to strengthen our laws. I have no argument with Deputy Kenny on speeding up the passage of that legislation.

Mr. J. O'Keeffe: Why does the Taoiseach not do so?

The Taoiseach: It is in the system and it is to be hoped that—

Mr. J. O'Keefe: It was in the system for the past two years.

The Taoiseach: I would be very glad if speeding through this legislation solved everything. It builds on tough legislation passed only seven years ago.

Mr. McCormack: When the Taoiseach was in Opposition, he was all zero tolerance.

Mr. Kehoe: There has been no improvement.

The Taoiseach: If the Deputy wants me to give a litany of the improvements, I can do so.

Mr. Kehoe: There is none.

The Taoiseach: I would gladly quote all the statistics from all the categories. The figures are there——

Mr. McGinley: The figures are up.

An Ceann Comhairle: Allow the Taoiseach without interruption.

The Taoiseach: They are the official Garda figures from which Fine Gael's leader quoted but the Deputy obviously does not want to listen. I would prefer to build on the tough legislation already in place.

Mr. Neville: What tough legislation?

Ms O. Mitchell: The Taoiseach said this morning on the radio that it was not enough.

An Ceann Comhairle: Allow the Taoiseach without interruption. It is the Deputy's leader's question and he is entitled to hear a response.

The Taoiseach: Tough legislation exists, including mandatory sentences for possession of drugs and legislation on firearms. Much of that legislation was criticised in this House and we are discussing how to build on that.

Mr. McGinley: We know where the tough men are: walking the streets of Dublin.

Mr. Kenny: There is no watershed in what the Taoiseach has said. This is a repetition of the statistics he has recited before. What criteria and measures of performance will follow the watershed to which he referred? Is it not a fact that there is anarchy on the streets and in the suburbs of Dublin city? Despite the Taoiseach's soft tones, the current situation is worse than it was five years ago and infinitely worse than ten years ago when the Taoiseach made the remarks I quoted back to him.

In Coolock, Santry and Raheny, the number of homicides increased eightfold in the space of five years, from four in 2000 to 32 in 2005. The

number of serious assaults has doubled, from 135 in 2000 to 294 in 2005. That is the measure of performance of the Minister for Justice, Equality and Law Reform and the Government.

Yesterday morning, the Taoiseach said that many people who commit murders are released after seven years. Most people in this country would agree with him on that but, as he often reminds us, he cannot have it both ways. The sentence for murder in this country is automatically a life sentence and life means life. The reason Malcolm McArthur is still in jail is because the Minister refused to let him out.

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

Mr. Kenny: When the Taoiseach says that people are walking the streets seven years after committing murder, he should not blame that on society or on this House but should look across the Cabinet table and ask the Minister for Justice, Equality and Law Reform why sentences are not being adhered to when murder means murder and an automatic life sentence.

We have had emergency legislation on immigration, ground rents and a range of other matter in the past 12 months. Is the Taoiseach now prepared to put the elements of the Criminal Justice Bill which deal with firearms before the House, where this party can facilitate him with more emergency legislation, so that we can see the consequence of the watershed he speaks of? Are we to have more waffle and promises but no action?

In respect of the Minister, I remind the Taoiseach that on the 20th anniversary of the foundation of the Progressive Democrats, of which the Minister for Transport, Deputy Cullen, was a member, the party's founding member, Mr. Desmond O'Malley, said that it was necessary to deal with the dead hand of Government. That dead hand of Government is epitomised by the inactivity of the absent Minister for Justice, Equality and Law Reform and of the Taoiseach——

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

Mr. Kenny: ——who presides over a Government which has allowed law and order to become defunct. People are afraid to walk the streets and anarchy exists in Dublin city.

Deputies: Hear, hear.

Mr. McGinley: One would get longer than seven years for stealing a bag of potatoes.

An Ceann Comhairle: The Chair wishes to make a point. Deputy Kenny had two minutes in which to submit a question. He used seven and a half. The Chair will not allow a situation to develop in this House in which a question is sub-

[An Ceann Comhairle.]

mitted and the member of Government is frustrated from replying.

Mr. McGinley: He was not waffling.

An Ceann Comhairle: I suggest Members keep quiet and allow Deputy Kenny to hear the answer.

Mr. Kenny: An innocent woman is dead and the Ceann Comhairle is talking about five minutes.

An Ceann Comhairle: The Deputy submitted a question and is entitled to hear the answer along with the rest of the House.

Mr. McCormack: The Taoiseach has no answer.

An Ceann Comhairle: The Chair will not allow a situation where Members frustrate the member of Government trying to reply.

Mr. Kenny: A child has no parent today. The woman's child is an orphan.

Mr. Connaughton: Where is the Minister for zero tolerance?

Mr. McGinley: Where is Deputy O'Donoghue now?

An Ceann Comhairle: The Taoiseach without interruption.

The Taoiseach: If Deputy Kenny and his party allow, I will answer the question. I will not need long. I will not go back into all the facts and figures about legislation. Deputy Kenny asked if we are proceeding with criminal justice legislation, and firearms legislation in particular. The entire Criminal Justice (Mutual Assistance) Bill 2005 should be finished as gun crime is not the only problem. There is a series of other issues.

Gun crime provisions in firearms legislation is particularly important, as it creates mandatory minimum sentences of between five and ten years for certain firearm offences, including possession of a firearm in suspicious circumstances, possession of a firearm with criminal intent, possession of a firearm with intent to endanger life or cause serious injury to property, possession of a firearm while hijacking a vehicle in use, or production of a firearm to resist arrest. It requires all persons wishing to legally hold a firearm to satisfy the Garda that secure accommodation is provided for the firearm. It allows the Minister to deem certain firearms as restricted by reference to specific criteria, including the calibre, action type and muzzle energy of the firearm. In future, any person wishing to obtain a certificate for such a firearm will have to apply directly to the Garda Commissioner.

Mr. McGinley: These do not have certificates.

Mr. J. O'Keeffe: This was promised a year ago.

The Taoiseach: There will be new offences introduced concerning the modification of firearms, as with a sawn off shotgun, and increasing fines and penalties. The Minister also intends to introduce a statutory basis for an amnesty during which firearms may be surrendered to the Garda before new penalties and minimum mandatory sentences are introduced.

Mr. Connaughton: Come off it.

Mr. Kehoe: That is rubbish.

Mr. English: The Garda has no arms of its own.

The Taoiseach: I do not think an amnesty is rubbish.

Mr. J. O'Keeffe: Where are the provisions for this?

The Taoiseach: It will enable those in possession of firearms who are not in compliance with the legal requirements to regularise their position. This will enable the Garda to concentrate on the most serious offences.

I briefly answered a question yesterday and I will refer to that point. Until recent years, some people sentenced to murder, which carries a mandatory sentence by our courts under strict legislation governed by this House which does not need to be improved, were only being imprisoned for seven years. This was at a time when there were not enough prison places, and society believed in being more lenient. The sentence is now 13 years. All murderers who committed their actions recently are serving at least 13 years. The parole board makes a recommendation and the Minister either accepts this or rejects it. He accepts most of them. The tariff has gone up, in the last decade, from seven to 13 years.

Mr. English: Is the Taoiseach happy with 13 years?

The Taoiseach: This was the point I made yesterday. Unless there are extenuating circumstances, such as old age or infirmity, a life sentence should mean life. This should apply to a person going out with a knife or a gun in their pocket on any night, or who returns home for a gun, or who has a gun in a car, and who blasts an innocent person. Is society not at this stage, even though we have moved from seven-year minimum sentences to 13-year minimum sentences? I believe the parole board view is to go to 15 years. Unless the circumstances are seen differently by the parole board, why should the sentence not be far tougher?

If we have mindless people who do not care a damn what they do with anybody's life, we must be tough.

Mr. Durkan: The Taoiseach should do something about it.

The Taoiseach: There is not a consensus in this. My view, which I stated yesterday, is that while we are moving to a mandatory sentence of 13 years from seven years, although I recognise the parole board's recommendation is 15 years—

Mr. English: It should be 20 years.

The Taoiseach: —it should be far tougher. A life sentence should mean life.

Mr. M. Ahern: Hear, hear.

Mr. Connaughton: Where is the Minister for zero tolerance?

(Interruptions).

Mr. Durkan: The Taoiseach should take action.

Mr. Rabbitte: Is it not the case that there has been complacency at the heart of this Government, and so long as gangsters were killing each other it did not matter? I warned several times on these benches that the day would come when such gangsters would turn their weapons on innocent citizens. That is what has occurred. Thus refused admission to a private party came back and casually discharged a weapon, leading to the murder of a young mother.

The safety of our citizens is the first task of Government. What is the response of this Government, but a co-ordinated diversion organised between the Taoiseach and his Minister for Justice, Equality and Law Reform?

Ms O. Mitchell: Hear, hear.

Mr. Rabbitte: Apparently the Judiciary is to blame.

Mr. Durkan: Yes.

Mr. J. O'Keefe: It was somebody else the last time.

Mr. Rabbitte: That is a travesty of the truth and the Taoiseach knows it. There is a mandatory life sentence for murder currently. When the Taoiseach states, in replying to Deputy Kenny, that a life sentence is for life and should be so, who changes this? The Taoiseach does, not members of the Judiciary. It is an administrative and political decision for early release. It is not a decision of the Bench.

Mr. Kenny: Hear, hear.

Mr. Rabbitte: The Taoiseach knows this is a complete misrepresentation.

The Taoiseach is coming along as a sort of casual observer. It is as if he was coming along O'Connell Street, hearing that there were barrels down the back containing petrol bombs. The word was going around the Taoiseach's constituency that hooligans were going to mount an assault the next day. This was if he was an ordinary man on the street. The Minister for Justice, Equality and Law Reform will lecture everybody except those under his responsibility. He is a master at building a bogus argument and knocking it down.

This is not the fault of the Judiciary. The issue does not centre on law, punishment or the Judiciary, but on policing and enabling the Garda to do its job. It should be resourced to do this job properly. The Taoiseach should consider the figures.

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

Mr. Rabbitte: There were some 75 murders with guns between 1998 and 2004. Proceedings were initiated in just 26 cases, or 35% of these. Convictions were recorded in 12 cases, or 16%. That is the performance. The Taoiseach should not give figures for arrests over drug abuse or other crimes. The figures I have mentioned are prosecutions and convictions. Some 12 of 75 murders with weapons between 1998 and 2004 ended in a conviction. This is a policing and a resourcing issue. It is not a courts issue.

It is disreputable of the Taoiseach and the Minister for Justice, Equality and Law Reform to spin a line for the media that the Judiciary is somehow at fault for what happened in Coolock. The Judiciary is not to blame. It implements the law as this House enacts it. If the Minister for Justice, Equality and Law Reform does not reform the law or bring in the amendments which have been promised for two or three years, it is not the fault of the Judiciary.

Mr. J. O'Keefe: Yes.

Mr. Rabbitte: Newspaper headlines from 2003 state that "McDowell will double prison term for killers". Another from 2003 states that "McDowell says gardaí have not enough powers," while others state "McDowell says victory despite gang murders" and "McDowell says last sting of the dying wasp". This is the record. What occurred in Coolock, where an innocent civilian lost her life, is the responsibility of Government, not of the Judiciary.

Deputies: Hear, hear.

The Taoiseach: Deputy Rabbitte usually listens very carefully to me. I did not make any reference, either yesterday or today, to the Judiciary.

Ms O. Mitchell: The Taoiseach is distancing himself.

Mr. Connaughton: The Taoiseach did.

The Taoiseach: I did not make any such reference. I will not let blatant mistruths go.

Mr. McCormack: The Taoiseach is using spin.

The Taoiseach: I will give Deputy Rabbitte the chance to withdraw the statement. I did not once mention the Judiciary. Whoever else did so, I did not. Deputy Rabbitte stated three times that I did. I stated that a judge has no discretion in imposing a life sentence for murder, and that legislation is absolutely tight. He can make comments that must be taken into account. The parole board makes recommendations and the Minister accepts the great majority of them. I remind Deputy Rabbitte, though I would rather not do so on a day when I wanted to express my sympathy for Donna Cleary, that when he had an opportunity at the Cabinet table, albeit brief, he cancelled the prison building programme, failed to put even one extra garda on the street and failed to properly resource the Garda Síochána. He supported the policy to allow 16% of prisoners onto the streets——

Mr. McGinley: The Taoiseach allowed them to flourish.

Mr. Stagg: The Taoiseach is passing the buck.

The Taoiseach: ——he opposed the bail legislation and voted against a ten-year minimum sentence for substantial drug dealers.

(Interruptions).

An Ceann Comhairle: The Taoiseach without interruption.

The Taoiseach: All those who stand up as usual to oppose a criminal justice Bill now want the Government to introduce one because poor Donna Cleary was killed. Deputy Rabbitte no more wants to see tough laws than the man on the moon, and we should be honest about that.

Mr. Quinn: That is some waffle, Taoiseach.

An Ceann Comhairle: I ask Deputy Quinn to allow the leader of his party to submit his question.

Mr. Rabbitte: I cannot believe that within 24 hours the Taoiseach has denied the spin he put on events yesterday.

The Taoiseach: Did I mention the Judiciary?

Mr. Rabbitte: Let me quote from RTE today.

The Taoiseach: Did I mention the Judiciary?

Mr. Rabbitte: That was exactly the import of what he said.

(Interruptions).

An Ceann Comhairle: Deputy Rabbitte without interruption.

Mr. Rabbitte: He said to Deputy Kenny that a life sentence should mean life. What is that supposed to mean? The Taoiseach is the one who decides.

The Taoiseach: I referred to the parole board.

Mr. Rabbitte: It is the Taoiseach who paroles criminals, not the Judiciary.

The Taoiseach: It is the parole board and the Minister. Life meant seven years when Deputy Rabbitte was at the Cabinet table, now it means 14 years.

Mr. Rabbitte: The headline from RTE today stated: "Judges are considering comments, made following the shooting, by the Taoiseach and the Minister for Justice, Equality and Law Reform on the sentences imposed for serious criminal offences". That is what RTE stated.

The Taoiseach: Does Deputy Rabbitte believe that?

Mr. Rabbitte: RTE stated it in response to the Taoiseach's and Deputy McDowell's comments.

The Taoiseach: I made no comment about the Judiciary.

(Interruptions).

An Ceann Comhairle: Deputy Rabbitte without interruption.

Mr. Rabbitte: The spin is that judges are somehow responsible for imposing inadequate sentences.

Mr. Connaughton: It is the Taoiseach's spin.

Mr. Rabbitte: Will the Taoiseach deny saying——

(Interruptions).

An Ceann Comhairle: Deputy Rabbitte without interruption.

Mr. Rabbitte: ——to his own Ard-Fheis that one of the most basic of all civil rights was the freedom to be safe on one's own streets and in one's own home? He went on: "I will make the fight against crime my priority in the new Fianna Fáil Government. Let me put the Fianna Fáil message in five simple words to the drug barons and criminal gangs: "We will not accept this".

A Deputy: He did not mean it.

Mr. Rabbitte: The Taoiseach continued:

You will no longer be allowed whole sway over our lives. You will not live in luxury with impunity because we have a plan for you. Our plan is to arrest you, prosecute you and put you in jail.

Dr. Twomey: A lot done, more to do.

Mr. Rabbitte: He did it for 16% of those who committed murder using firearms in the six years, 1998-2004. That is the record inherited from the Minister for zero tolerance, who said we could judge him at the end of his term of office by whether our citizens feel safer in their homes and in the streets. They feel safer in neither and that is his legacy. Deputy O'Donoghue cynically trotted out his policy of zero tolerance for months on end, while the Minister of the day was responsible for the slightest malfeasance. Now people live under the ferule of constant aggravation in the form of anti-social behaviour and serious crime by gangland killers whose actions in Coolock over the weekend demonstrate how casually they regard human life.

The Taoiseach's response has been completely inadequate. The Government is not getting the convictions, making the prosecutions effectively nor making the changes in law promised since it came into office. It has not resourced the Garda Síochána to do its job and the Taoiseach has, along with the Minister for Justice, Equality and Law Reform, evaded his responsibility by means of calculated, co-ordinated diversions such as we saw yesterday as to who is responsible for what happened.

The Taoiseach: I will briefly make the points again. Murder sentences amounted to seven years when the Deputy was in Government. Now it is 13 and the parole board is raising it to 15. I think it should be higher.

Mr. English: Ten-year sentences for drugs are not handed down.

(Interruptions).

An Ceann Comhairle: The Taoiseach without interruption.

Mr. McGinley: The gardaí are not catching them.

An Ceann Comhairle: This is a Labour Party question. Deputy McGinley is not a member of that party.

The Taoiseach: Garda numbers are at an all-time high, as are Garda resources.

Mr. Durkan: Crime is at an all-time high.

The Taoiseach: If the Deputy wants to interrupt he can say why his party opposed the ten-year minimum sentence for substantial drug dealers.

(Interruptions).

An Ceann Comhairle: The Taoiseach without interruption.

The Taoiseach: Maybe Members opposite will also say they will support the Minister for Justice, Equality and Law Reform when he brings in legislation to deal with such crime. Going by their record they will not. There has been an increase in murders and we must take a tougher position, and in that regard there has been a twofold increase under the current Minister. He has brought about a massive decrease in crime across a wide area.

Mr. Kehoe: The current Minister is a failure.

The Taoiseach: Opposition members were told to come to the House today to rant. They do not want to listen.

(Interruptions).

An Ceann Comhairle: The Taoiseach without interruption.

The Taoiseach: I will finish where I started. The cold-blooded killing of Donna Cleary was an act of barbarism and all right-thinking people will agree we must get much tougher on those who under legislation passed by this House are given a mandatory sentence and are dealt with by the Judiciary as they must. Some, though not all, were released after seven years but that is now 13 years. The parole board view is that it should be 15. The perception on the streets, however, is that it is still seven.

Mr. Kehoe: Why is that?

The Taoiseach: It used to be seven. As I said yesterday, it is nothing to do with the legislation or the Judiciary, but with the fact people thought it acceptable if people had served a certain number of years, other than in exceptional circumstances, of which there have been three or four cases. We should be tougher, so that a life sentence means life.

Mr. Stagg: The Taoiseach is in charge.

Mr. Kehoe: He is in a position to bring that about.

The Taoiseach: I hope Deputy Stagg will not vote against tougher laws on crime again.

Mr. Stagg: He has a majority — he does not need me.

The Taoiseach: As long as I have been in this House, Deputy Rabbitte's party has always been soft on criminal justice legislation and he knows that.

Mr. Durkan: Has the Progressive Democrats gone into hiding?

An Ceann Comhairle: This is a national Parliament, Deputy Durkan, not a crèche.

Caoimhghín Ó Caoláin: I join with the Taoiseach and Deputies Kenny and Rabbitte in expressing sympathy to the child and family of the late Donna Cleary. I absolutely deplore her brutal murder, which underlines the need to consider other, more effective ways of addressing the supply of guns and weapons in our society. The focus should be on the drugs trade in particular, which sustains the armed criminal gangs not only in this city but throughout society.

I want to raise another issue with the Taoiseach. Is he familiar with the statistics released on Monday on the provision of social and affordable housing under Part V of the Planning and Development Act? Is the Taoiseach aware that these statistics clearly demonstrate the failure of Government policy to properly provide for the needs of not only those on our housing waiting lists but clearly statistically cannot hope for many years to come to make a serious dent in the some 43,600 family units currently on housing waiting lists throughout the State? Is the Taoiseach aware that with the adoption of Part V of the Planning and Development Act 2000, he and his party were clearly subjected to a clamour from those within the building industry and developer interests?

The Taoiseach: And in the House.

Caoimhghín Ó Caoláin: As a result, the Taoiseach and his colleagues facilitated, letting off the hook, those whose responsibility it was to provide 20% social and affordable housing within all private developments. The Government rammed through and guillotined in Christmas week 2002 a revisitation of that requirement, which allowed those developers to buy out of their responsibilities to address the social and affordable housing of needs of people in this jurisdiction through the use of money and the transfer of land banks to local authorities.

Is the Taoiseach aware that of the 80,000 new homes built in 2005, a mere 830 were allocated to social and affordable housing under Part V of the Planning and Development Act? That is marginally more than 1% of the housing provided last year and a far cry from the 20% requirement under the aegis of the legislation. The amending legislation the Taoiseach and his colleagues rammed through the Chamber, despite the concerns expressed by Opposition voices of what would happen and what has now proven to be the

case, has let off the hook those who had a clear and binding responsibility. The Taoiseach, his party and the PDs stand condemned by these statistics, which demonstrate clearly that the Government's cosy relationship with the developers in our society was more important to it than meeting the housing needs of the most poor, needy and marginalised in our society. We want to hear the Taoiseach's response to the facts before the House.

The Taoiseach: Deputy Ó Caoláin is aware that when we introduced the Planning and Development Act 2000, it was the first time in three decades that the issue of trying to improve affordable housing on zoned land had been dealt with since the Kenny report in 1970.

Mr. Quinn: Not so.

The Taoiseach: Part V was introduced in 2000 and continues to gather momentum. Provisional figures available show that numbers are increasing this year. Not all housing developments are subject to Part V. An important point tends to be ignored — the Deputy, looking at recent figures, has done so as well. It is not correct to take 81,000 units last year, divide by two and multiply by 20. It gives a totally false picture of potential Part V output. As we move through houses that did not require to be subject to Part V affordable schemes we see an increase in the number of affordable houses.

The Government is disappointed that local authorities seem to make deals with developers at local authority level. If I had more support at local authority level, I would try to reverse that.

Mr. Quinn: That is not the Taoiseach's decision.

The Taoiseach: The Deputy's party has quite a lot of support in this city. Perhaps he will encourage it to try to press the issue along.

Record levels of funding are being provided for social and affordable housing programmes. Additional funding has been secured in the budget. The provision for this year is in excess of €2 billion, which is more than double the expenditure when the Planning and Development Act 2000 was introduced. The needs of some 14,000 households have been met from funding for social and affordable housing this year—

Mr. Crawford: It has arrived.

The Taoiseach: —and further households will benefit from the rental accommodation scheme. In the region of 13,000 households were assisted through the full range of social and affordable housing measures in 2005 and 23,000 new units of social housing will commence between 2006 and 2008. A total of 15,000 units of affordable housing will be delivered in the same period. This Government was anxious to increase

the level of housing, which used to be about 25,000 in output per year. Thankfully, last year we got output up to 81,000.

Deputy Ó Caoláin is right in one respect. When we brought in Part V, there was a barrage in the House. He will recall — although he has forgotten temporarily — that the barrage did not come from this side of the House. It came from the Opposition parties because they said — it was the then Minister for the Environment and Local Government, Deputy Noel Dempsey's proposal that Part V be in that Act — we would stop building altogether instead of increasing supply. The matter was pressed here in leader's questions and Taoiseach's questions, not to mind questions to the Department of the Environment and Local Government, to make changes in that.

Mr. Connaughton: Government backbenchers also pressed it.

The Taoiseach: Whatever changes we made did not stop the Minister for Finance this year putting more than €2 billion — double the expenditure — into affordable housing. I hope the Deputy in his next two minutes will outline what efforts his party with its new support in local authorities might make to press them to try to help the Minister's policies.

Caoimhghín Ó Caoláin: I am happy to say that my colleagues on Dublin City Council have a very honourable record on the issue of housing and development, something I doubt that the Taoiseach could place his hand on his heart and claim. The Taoiseach has an interest in accountability. When he talked of dividing by two and multiplying by 20 I wonder what in the name of God this would bring one to. What was it all about?

The Taoiseach: I will tell the Deputy in a minute.

Caoimhghín Ó Caoláin: Just to give the Taoiseach some real statistics, the reality since 2002 is that more than 230,000 homes have been completed and put on sale. Approximately a third of these were bought as second homes or to be owned by investors. At best, it is estimated that only 1,600 houses have been provided under Part V since 2002. The Taoiseach should check the statistics with his colleague in the Department of the Environment, Heritage and Local Government. He will find these are indisputable facts. It has to be pathetic. Part V was introduced in 1999 by the Taoiseach's colleague on the Front Bench, the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey.

Mr. N. Dempsey: 2000.

Caoimhghín Ó Caoláin: I supported it. It is a measure that needs to be implemented. Will the Taoiseach revisit the amendment he rushed through the House in Christmas week 2002 and

restore the original intent and purpose of the 1999 Act? This "get out" clause is making an absolute ass of the entire intent, if it was real from day one. I remind the Taoiseach of what the then Minister said on that day. He stated: "The plan will lead to an additional 35,000 local authority units, an increase in the voluntary housing sector provision of houses from 500 a year to 4,000 a year and an increase to 2,000 units per year under the current local authority affordable housing and shared ownership schemes". If only any of that were true.

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

Caoimhghín Ó Caoláin: It reads like a sick joke for any of the 43,000 people in question and their families, more than 130,000 citizens who are waiting to be properly housed in the State. It is an indictment of the Taoiseach and his Government's failure to recognise their primary responsibility to the ordinary citizens and not the interests of the developer class. Will the Taoiseach reverse the amendment of December 2002 and return to the intent announced by the then Minister in 1999?

The Taoiseach: As the Deputy knows, local authorities are allowed to use discretion and flexibility in this area. The Minister, Deputy Roche, would like them to do so and has urged them to do so. Such flexibility exists.

The Deputy suggests nothing is happening in this area but I remind him that more than €2 billion will be invested in social and affordable housing. The needs of some 14,000 householders will be met. The Deputy asked what I meant by referring to last year's output of 81,000 being built under the scheme and referred to dividing by two and multiplying by 20. I did so because the figure he quoted at the beginning was from a report that did exactly that. It divided the figure of 81,000 units by two and multiplied by 20 and stated that this was what should be provided under Part V.

Mr. English: Does the Taoiseach want an abacus?

The Taoiseach: For example, from last year's total output of 81,000 units, more than 8,000 were built under social and affordable schemes and, along with 25,000 one-off houses, these would not have been subject to Part V and must be subtracted from the calculations. We estimate that more than 10,000 units of total housing output were subject to Part V last year. Deputy Ó Caoláin is basing his calculations on 81,000 units——

Mr. Rabbitte: The Taoiseach is working from 800,000 units.

The Taoiseach: —but the figure should be the 10,000 houses that were subject to Part V. The figures from the report to which the Deputy is refers do not stack up.

(Interruptions).

An Ceann Comhairle: Allow the Taoiseach without interruption.

The Taoiseach: Deputy Ó Caoláin questioned the figures so I wish to provide the final figures. Some €2 billion will be spent this year, the needs of 14,000 households will be met from funding for social and affordable measures this year and further households will benefit from the accommodation scheme, which compares with 8,500 before the Act was passed. At the end of 2005 almost 100,000 had benefitted from these measures over recent years and 13,000 householders were assisted through the full range of social housing measures.

Caoimhghín Ó Caoláin: Will the Taoiseach reverse the decision of December 2002?

The Taoiseach: In terms of output, social and affordable housing, the voluntary sector and the resources provided, the analysis provided by Deputy Ó Caoláin is incorrect. We can try to achieve the flexibility in the Planning and Development Act 2000 and the Planning and Development (Amendment) Act 2002. We can also try to get local authorities to use the principle of Part V instead of making arrangements with developers. This responsibility lies with local authorities.

Ms O. Mitchell: Somebody else is to blame.

Caoimhghín Ó Caoláin: Legislation is required.

Requests to move Adjournment of Dáil under Standing Order 31.

Dr. Cowley: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the loss of 40 manufacturing jobs at the Oasis plant in Ballina, County Mayo, which will have a devastating effect on the north Mayo town given that the high unemployment rate in the town is twice the national rate, and to ask the Minister for Enterprise, Trade and Employment what action he will take to replace the lost jobs, and if he will put pressure on the IDA and if he will outline what other steps he will take to create employment in this employment blackspot.

Mr. Boyle: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: to allow the Minister for Justice, Equality and Law Reform to make a further statement to this House to clarify the record after his Department refused freedom of information requests from media organisations to provide an

accompanying photograph to a false passport application that he made available to corroborate his version of the intent behind this application, given that it has now been confirmed that no written record exists within his Department of any formal request, written or verbal, to make this passport application public.

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

Order of Business.

The Taoiseach: It is proposed to take No. 8, Finance Bill 2006 — financial resolutions; No. 9, motion re proposed approval by Dáil Éireann of a proposal that section 17A of the Diseases of Animals Act 1966 shall continue in force for the period ending on 8 March 2007, back from committee; No.10, motion re proposed approval by Dáil Éireann of the Finance Act 2004 (Section 91) (Deferred Surrender to the Central Fund) Order 2006, back from committee; and No.14, Finance Bill 2006 — Order for Report, Report and Final Stages.

It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 8.30 p.m. and business shall be interrupted not later than 11 p.m.; Nos. 8, 9 and 10 shall be decided without debate and, in the case of No. 8, Financial Resolutions Nos. 1 and 2 shall be moved together and decided by one question which shall be put from the Chair; and the Report and Final Stages of No. 14 shall be taken today and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 11 p.m. by one question which shall be put from the Chair and which shall, concerning amendments, include only those set down or accepted by the Minister for Finance. Private Members' Business shall be No. 47, motion re Whistleblowers Protection Bill 1999.

An Ceann Comhairle: There are three proposals to be put to the House. Is the proposal for the late sitting agreed?

Ms Burton: Regarding No. 14, I object to the imposition of a guillotine on the Finance Bill 2006.

An Ceann Comhairle: We are considering the proposal before the House. The Deputy will have an opportunity to speak on this matter later. Is the proposal for the late sitting agreed? Agreed. Is the proposal for dealing with Nos. 8, 9 and 10, Finance Bill 2006 resolutions and motions re proposed approvals by Dáil Éireann, agreed to?

Mr. Kenny: I am not satisfied with No. 10 concerning the Finance Act 2004 (Section 91) (Deferred Surrender to the Central Fund) Order 2006. This is the case where €56 million approved for capital spending was spent on current spend-

ing. We have not received a report on this and do not expect this to happen until March. The Health Service Executive will have to seek approval retrospectively for €56 million and this is not the way we should be doing business.

Ms Burton: The Minister for Finance promised an explanation by the end of February. This has now been postponed until the end of March and we are still no wiser on what the sum of €56 million was spent on, besides what leaks to newspapers suggest. It appears to have been spent on current spending, which means the capital budget for the HSE is 10% less than what had been planned on budget day. We have no indication whether the sum will be made good. Presumably, those sharp accountants in the HSE are still looking for the money.

Mr. Crawford: It was not spent on home help.

The Taoiseach: The Minister for Finance has already pointed out that these matters will become clear when the appropriations account is published at the end of this month.

An Ceann Comhairle: Is the proposal agreed? Agreed. Is the proposal for dealing with No. 14, conclusion of Report and Final Stages of the Finance Bill 2006, agreed?

Mr. Bruton: The truth about this year's Finance Bill is that it shows that the way we debate tax measures in this House is hopelessly inadequate. Of the 122 sections in the Finance Bill presented to the Dáil, 67 have not been debated in any way. Contained in these are some of the most important provisions, such as the power to investigate people's bank accounts and provide information to the Revenue Commissioners, the power to end remittance tax, the extension of tax relief for private hospitals, the new incentives for SSIs and other measures. In addition, the Minister introduced 79 amendments on Committee Stage and 66% of those were not debated. We will have a debate on Report Stage with 141 amendments, most of them in the name of the Minister and most of which we will never reach.

What I find extremely frustrating is that, while there are many people outside the House who have views on the sections that were not reached, and I have sought to reflect some of those views in Report Stage amendments, because those amendments were not accepted — the Ceann Comhairle has disallowed them, as is his right — we will not be able to raise issues of concern that have emerged in the course of the debate, issues that were not reached in the committee. That is no way to develop and scrutinise a tax code that will have significant implications for the 1.2 million people who pay tax. This guillotine and the process that has preceded it does not allow us to do our duty to scrutinise legislation and we are failing the people who elected us. We need to

develop a better system than this charade that is being played out.

Ms Burton: I object to the fact that the Minister has brought forward a series of quite complex amendments for Report Stage and we will be unable to discuss many of them. I take a fair amount of interest in the details of the tax code. I contacted the Minister's office to ask for some commentary or explanatory summary on the Report Stage amendments which the Minister is putting forward but I did not receive a response. The drawing up of technical tax amendments to the Finance Bill is quite a specialised job. The House will have at most approximately three to three and a half hours to debate the Bill on Report Stage. When the Minister produced the original schedule, the Report Stage debate was to be spread over two days but it has been reduced to one evening, to finish by 11 p.m. Many of the amendments will not be reached and will not be the subject of discussion.

The Minister earned a lot of kudos recently for offering to close down various tax shelters for very wealthy people but this Bill will open up new tax shelters such as those to do with mental care centres and psychiatric hospitals. There has been no opportunity for the House to debate these issues. The Minister has tabled some very complex amendments dealing with heritage properties. His amendments seek to extend a number of qualifying dates from the date of the Finance Bill and from earlier in the year up to today's date and up to a date in February. The House has not been informed of the reason for these dates. Are they to allow a few other people on the tax avoidance road to slip in under the net? These may be perfectly justifiable but given the track record of the Government in slipping measures into the Finance Bill on Report Stage, I fear the worst.

The Labour Party is objecting to the Finance Bill being dealt with in such a fashion. It is unfair to the House and unfair to the standard which the Minister purported to set for himself when he succeeded the then Minister, Mr. McCreevy, that at least he was going to do things a little differently. It is the same old story and we do not even have an accompanying memorandum.

An Ceann Comhairle: A brief comment is allowed under Standing Order 26. We cannot have a debate at this stage.

Ms Burton: Some of these amendments run into many pages and propose to change key qualifying dates in the Finance Bill. Some of this is worth millions to some of the richest people in this country—

An Ceann Comhairle: There will be an opportunity to have some debate on the matter.

Ms Burton: —while other people are paying 42% when they earn more than €30,000. It is all

[Ms Burton.]

to do with money, and money certainly talks for the Government, but this Parliament is not being given time to debate it.

Mr. Boyle: There are 141 amendments which need critical examination before 11 p.m. this evening, 80 of which have been submitted in the name of the Minister for Finance. As Deputy Bruton has stated, we have been given no background information about these new amendments, many of which were not referred to on Committee Stage and many of which will not be discussed tonight on Report Stage.

In his 2004 budget speech the Minister spoke about reforming the Estimates process and the process connected with the Finance Bill, but there has been no such reform. Part of the information the Opposition spokespersons need is who has been in contact with the Minister between Second and Committee Stages and between Committee and Report Stages and who has helped influence the amendments the Minister is seeking to make to the Bill. We are the people who are supposed to critically examine this Bill, table amendments and have those amendments considered in a serious manner. The Minister is doing us a disservice. He is paying more attention to people outside the House who are influencing the contents of this Bill and on those grounds I object to the proposal.

Mr. Cowen: I object to the Deputy's unfounded assertions.

Caoimhghín Ó Caoláin: What will happen at 11 p.m. is that those amendments tabled by the Minister and not discussed will be put to the House. None of the other amendments will be considered and the House will not have had the opportunity to discuss, hear the arguments for and tease out the detail of any of the amendments presented by the Minister. Those amendments will be agreed on the basis of the voting pattern in the House.

This business, as other speakers have described it, reminds me of the sham fight, which takes place year in, year out. I have a number of portfolio responsibilities and would very much like to be able to give more time to any of them. I have seen the work of other colleagues on the Commit-

tee on Finance and the Public Service, who put in a significant amount of work and time. I try to marry my various responsibilities with the finance portfolio and it is extremely difficult to do so. The Minister is proposing to extend various tax reliefs, but even with all the resources of the Department of Finance at his disposal, he cannot tell us the actual effect on the Exchequer. There is no cost benefit analysis and no indication of the real cost for the Exchequer. These are reliefs that are offered to particular sectoral interests and there is no way of knowing what effect any of these will have in terms of the broad range of interests in society.

One of the first responsibilities of the introduction, let alone the perpetuation and extension, of these reliefs is to properly appraise their effect but we will have none of that. I believe the Minister agrees with the points we are making. If he were on the Opposition benches, I do not think he would take any other view than that which we are expressing.

Mr. Cowen: I do not agree with the Deputy.

Caoimhghín Ó Caoláin: He may protest but I have no doubt that he recognises the absolute unsuitability of the process. Contracting this debate into four hours is ridiculous and unsatisfactory, and accordingly I oppose the proposal.

The Taoiseach: Whatever Deputies think about the process, we have always had a budget debate, a Second Stage debate on the Finance Bill and a three-day Committee Stage debate and it has always been the practice that Opposition spokespersons can discuss whichever sections they wish to concentrate on, and that is usually agreed without difficulty. The same applies for this Bill. The House is sitting late tonight to deal with this Bill whereas business would normally conclude at 7 p.m. The social welfare Bill and the Neary report will be dealt with tomorrow. The House is obliged by statutory and constitutional rules to conclude discussion of the Finance Bill. In an ideal world it would be preferable if every section of the Bill were debated at length, but that is neither possible nor feasible and that has always been the case.

Question put: "That the proposal for dealing with No. 14 be agreed."

The Dáil divided: Tá, 71; Níl, 59.

Tá

Ahern, Bertie.
Ahern, Michael.
Andrews, Barry.
Ardagh, Seán.
Brady, Johnny.
Brady, Martin.
Brennan, Seamus.
Browne, John.
Callanan, Joe.
Carey, Pat.

Carty, John.
Collins, Michael.
Coughlan, Mary.
Cowen, Brian.
Cregan, John.
Cullen, Martin.
Curran, John.
de Valera, Síle.
Dempsey, Noel.
Dennehy, John.

Tá—continued

Devins, Jimmy.
 Ellis, John.
 Fahey, Frank.
 Finneran, Michael.
 Fitzpatrick, Dermot.
 Fox, Mildred.
 Gallagher, Pat The Cope.
 Glennon, Jim.
 Hanafin, Mary.
 Haughey, Seán.
 Hoctor, Máire.
 Jacob, Joe.
 Keaveney, Cecilia.
 Kelleher, Billy.
 Kelly, Peter.
 Killeen, Tony.
 Kirk, Seamus.
 Kitt, Tom.
 Lenihan, Brian.
 Lenihan, Conor.
 McDowell, Michael.
 McEllistram, Thomas.
 McGuinness, John.
 Martin, Mícheál.
 Moloney, John.
 Moynihan, Donal.

Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M. J.
 Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.
 O'Connor, Charlie.
 O'Donnell, Liz.
 O'Donoghue, John.
 O'Donovan, Denis.
 O'Flynn, Noel.
 O'Keefe, Batt.
 O'Malley, Fiona.
 O'Malley, Tim.
 Parlon, Tom.
 Power, Peter.
 Power, Seán.
 Roche, Dick.
 Smith, Brendan.
 Smith, Michael.
 Treacy, Noel.
 Wallace, Mary.
 Walsh, Joe.
 Wilkinson, Ollie.
 Woods, Michael.
 Wright, G. V.

Níl

Boyle, Dan.
 Breen, James.
 Broughan, Thomas P.
 Bruton, Richard.
 Burton, Joan.
 Connaughton, Paul.
 Connolly, Paudge.
 Costello, Joe.
 Cowley, Jerry.
 Crawford, Seymour.
 Crowe, Seán.
 Deenihan, Jimmy.
 Durkan, Bernard J.
 English, Damien.
 Enright, Olwyn.
 Gilmore, Eamon.
 Gormley, John.
 Gregory, Tony.
 Hayes, Tom.
 Healy, Seamus.
 Higgins, Joe.
 Hogan, Phil.
 Kehoe, Paul.
 Kenny, Enda.
 Lynch, Kathleen.
 McCormack, Pádraic.
 McEntee, Shane.
 McGinley, Dinny.
 McGrath, Finian.
 McHugh, Paddy.

McManus, Liz.
 Mitchell, Olivia.
 Morgan, Arthur.
 Moynihan-Cronin, Breeda.
 Murphy, Catherine.
 Murphy, Gerard.
 Neville, Dan.
 Ó Caoláin, Caoimhghín.
 O'Dowd, Fergus.
 O'Keefe, Jim.
 O'Shea, Brian.
 O'Sullivan, Jan.
 Pattison, Seamus.
 Penrose, Willie.
 Perry, John.
 Quinn, Ruairí.
 Rabbitte, Pat.
 Ring, Michael.
 Ryan, Eamon.
 Ryan, Seán.
 Sargent, Trevor.
 Sherlock, Joe.
 Shortall, Róisín.
 Stagg, Emmet.
 Stanton, David.
 Timmins, Billy.
 Twomey, Liam.
 Upton, Mary.
 Wall, Jack.

Tellers: Tá, Deputies Kitt and Kelleher; Níl, Deputies Kehoe and Stagg.

Question declared carried.

Mr. Kenny: Will the Taoiseach say when the criminal justice Bill will be brought back into the House? As regards gun law and the element within that, has he authorised or given support for the invitation to the sister of the late Mr. Joseph Rafferty to be invited to the White House on St. Patrick's Day?

An Ceann Comhairle: That matter does not arise on the Order of Business. The House spent

45 minutes today on Leaders' Questions. We should only have spent 21 and we cannot have Leaders' Questions again now.

(Interruptions).

Mr. O'Dowd: That is the best 45 minutes the House could have spent.

Mr. Connaughton: That is what we come here every day for.

Mr. C. Lenihan: To be effective, not long-winded.

An Ceann Comhairle: The matter does not arise on the Order of Business. We cannot have another Leaders' Questions.

Mr. Rabbitte: The legislation is two years old.

Mr. J. O'Keeffe: When will we have the amending legislation?

Mr. Kenny: This is another occasion where a man was murdered. I have asked the Taoiseach about the introduction of the criminal justice Bill. Part of finding out the truth about this is to use every support we can to find it, which the Taoiseach supports. In that context I wanted to know whether he had given his support for the invitation of the family of Mr. Joseph Rafferty to the White House.

An Ceann Comhairle: That does not arise on the Order of Business. The Chair will allow a question on legislation to the Taoiseach.

Mr. Kenny: The Minister for Education and Science has promised a Bill to expedite payment of educational grants. When are we likely to see that? I understand the impact of the Minister's legislation is that all grants will be paid between 31 August and 3 September, which appears to be an impossibility. In any event, we would like to see when that legislation is introduced. The Taoiseach has given his support to the Minister with responsibility for the marine introducing a short Bill dealing with administrative fines for fishery infringements. When are we likely to see those three pieces of legislation before the House?

The Taoiseach: The criminal justice Bill has a priority and is due this year. How much more quickly it can be introduced is a matter for the Minister for Justice, Equality and Law Reform. The heads of the third-level student support Bill are at an advanced stage and are expected shortly. What was the third Bill the Deputy asked about?

Mr. Kenny: It was a special measure announced at a Fianna Fáil parliamentary party meeting and supported by a letter from the Taoiseach.

The Taoiseach: It is not listed.

Mr. Kenny: It was promised.

Mr. Treacy: Deputy Kenny is fishing.

Mr. Rabbitte: Will the health repayment scheme Bill to refund overcharging in nursing homes be published this session?

The Taoiseach: The Bill to which the Deputy refers should be published shortly.

Mr. Sargent: On promised legislation, I tried to get an answer to this previously on Taoiseach's Question Time. The Council of Europe has recommended we should have tougher laws on trafficking or extraordinary renditions. There is legislation in train from the Department of Justice, Equality and Reform which is slightly wide of the mark — the criminal justice trafficking in persons and sexual exploitation of children Bill. I know the ISPC would be interested in it, but it does not have a date. Will the Government apply itself to addressing the concerns of the Council of Europe that Ireland is a happy hunting ground for foreign security services? We need a criminal justice Bill which deals with this because of the extraordinary renditions going through Shannon.

The Taoiseach: The criminal justice trafficking in persons and sexual exploitation of children Bill is to give effect to a number of international instruments as regards trafficking in persons and the sexual exploitation of children. I do not have a date for the Bill.

Mr. Sargent: Why not?

Caoimhghín Ó Caoláin: As regards the Harding Clark report on the maternity unit of Our Lady of Lourdes Hospital in Drogheda, the Tánaiste said last week she would bring proposals to Cabinet today. She indicated that legislation would be required for the issue of pursuing the insurers but not for the redress scheme.

An Ceann Comhairle: We cannot have a debate on it. Has the Deputy a question on promised legislation?

Caoimhghín Ó Caoláin: I am not debating it. I am speaking on promised legislation that the Tánaiste indicated in the House last week for the potential securing of funding from insurers and other possible sources for the proposed redress scheme. This was to be addressed today at Cabinet. Has the Taoiseach done so and has he made a decision to bring forward legislation in the way the Tánaiste described? How soon will we have sight of that legislation?

The Taoiseach: The judge has agreed to advise the Government on the issue of the appropriate redress scheme. She will do that. She has the confidence of all concerned, and this matter was agreed today at Cabinet. Her work has been universally acknowledged. She is in the best position to bring forward proposals and she is going to do that.

Finance Bill 2006: Financial Resolution.

Minister for Finance (Mr. Cowen): I move:

1. THAT section 812 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which deems the owners of securities to have received income where the owners sells or transfers a right to receive interest (including dividends) without selling or transferring the actual securities, be amended in the manner and to the extent specified in the Act giving effect to this resolution.

2. THAT the definition of “assurance company” provided for in sections 588, 594, 706 and 902B of the Taxes Consolidation Act 1997 (No. 39 of 1997) be amended in the manner and to the extent specified in the Act giving effect to this resolution.

Question put and agreed to.

Diseases of Animals Act 1966: Motion.

Minister for Finance (Mr. Cowen): I move:

That Dáil Éireann resolves that section 17A (inserted by section 2(1) of the Diseases of Animals (Amendment) Act 2001 (No. 3 of 2001)) of the Diseases of Animals Act 1996 (No. 6 of 1966) shall continue in force for the period ending on 8 March 2007.

Question put and agreed to.

Finance Act 2004: Motion.

Minister for Finance (Mr. Cowen): I move:

That Dáil Éireann approves the following order in draft:

Finance Act 2004 (Section 91)(Deferred Surrender to the Central Fund) Order 2006,

copies of which have been laid in draft form before Dáil Éireann on 22 February 2006.

Question put and agreed to.

Finance Bill 2006: Report and Final Stages.

Ms Burton: I move amendment No. 1:

In page 9, between lines 15 and 16, to insert the following:

1.—The Ombudsman shall include in her annual report a special report on the overpayment of tax by PAYE taxpayers, and on the take up of credits by such taxpayers, and the branch of her office dedicated to ensuring that the take up of credits is readily available to all taxpayers, and refunds made as rapidly as possible where this arises, shall be known as the taxpayers’ advocate office.

This amendment proposes to create the office of an advocate for the taxpayer, either as a separate

office or as an adjunct to the Office of the Ombudsman. The objective of the amendment is to create a level and fair playing pitch for PAYE taxpayers. Like other Finance Bills, this Bill is littered with new tax breaks and special exemptions which, in practice, can only be availed of by the very wealthy. For example, the decision by the Minister for Finance to extend tax relief for private hospitals to psychiatric hospitals and mental care centres will, in practice, only be available to people with very high net worth and very high incomes. These people are likely to have made considerable fortunes out of the construction industry in Ireland and have shielded these fortunes with the help of a plethora of tax breaks, particularly those burnished and encouraged by the previous Minister for Finance, Charlie McCreevy.

The office of an advocate for taxpayers would be a small payback and would be comparative fairness for PAYE taxpayers. There are a number of areas in the tax code where PAYE taxpayers can avail of tax refunds in respect of a number of areas of expenditure once they present the appropriate information to the Revenue Commissioners. Taxpayers can claim tax refunds in respect of certain medical expenses, certain elements of refuse charges and rent paid to a private landlord. However, we know that many taxpayers fail to receive their due deserts from the Revenue Commissioners either because they do not keep full and complete records which are sufficient to make a claim or because they find it difficult to make an appropriate claim. The majority of fit young taxpayers will pay infrequent visits to doctors during the year given that they must pay between €45 and €60 to do so. It is likely that such people will not keep detailed receipts. Similarly, while there is a tax allowance available against the cost of rent paid to a private landlord, many private landlords do not encourage their tenants to avail of it because they are anxious not to disclose their income to the Revenue Commissioners. Many people fail to claim tax relief for refuse charges.

In his replies to parliamentary questions tabled by me, the Minister stated that €242 million was refunded to PAYE taxpayers in the form of credits by the Revenue Commissioners in 2002. That amount was €265 million in 2003, €278 million in 2004 and €332 million in 2005. Over the past four years, taxpayers have received refunds worth over €1 billion from the Revenue Commissioners in respect of claims they were entitled to make. However, all of us here know that, at the most, these refunds account for 50% of the moneys which taxpayers are entitled to claim back. In many cases, the refunds amount to up to 60% of the moneys which taxpayers are entitled to claim back.

Why is the Minister so slow to act in respect of giving ordinary taxpayers a fair deal when he is so anxious to help very wealthy people claim their maximum tax breaks and so anxious to create

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special schemes to allow such people to write off income for tax purposes? I am aware that in recent years, the Revenue Commissioners have improved their services with developments such as Revenue Online. However, people often find the process of reclaiming tax confusing and are sometimes treated less than fairly by the Revenue Commissioners.

What is wrong with establishing the office of taxpayers advocate so that the Revenue Commissioners are encouraged to find ways and means of ensuring that honest and compliant taxpayers get the tax refunds to which they are entitled? The coffers probably gain up to €1 billion per year through the Minister's failure to ensure that taxpayers receive the appropriate refunds. To many ordinary taxpayers, €1 billion is a considerable amount of money. If the provision of various tax credits and breaks for small earners is to be more than lip service, it is necessary to ensure that the tax code is designed in such a way that, as far as possible, the Revenue Commissioners seek out people who are entitled to refunds and make appropriate arrangements for them.

If an office of advocate for taxpayers was established, the Revenue Commissioners would be forced to look for more imaginative ways to ensure that people received their refunds. The Minister argued on Committee Stage that it was possible for individuals to appeal to the Ombudsman. However, as members of the Oireachtas Committee on Finance and the Public Service have witnessed, appeals to the Ombudsman are relatively rare and involve sums of money or principles which are deemed to be very significant.

Unfortunately, the Revenue Commissioners stay silent about the failure of taxpayers to claim back all the credits to which they are entitled. The Minister takes the lordly view that it is up to taxpayers to claim the refunds to which they are due and that they are responsible if they do not receive them. That is a very poor and unacceptable attitude. Although the Minister has closed, or promises to close, some of the special schemes for very wealthy people, he also proposes to open other schemes such as those relating to heritage properties and heritage gardens, and to extend tax relief for private hospitals to include psychiatric hospitals. A bed in a psychiatric hospital may cost between €500,000 and €1 million. If the bed costs €1 million, at the rate of 42%, the tax break for the individual involved will amount to €420,000. That is a considerable amount of money. The Minister goes out of his way to ensure that extremely wealthy individuals get everything to which they are entitled, but he has a much meaner attitude to ordinary taxpayers.

Despite the promises made by the Government, the Minister should bear in mind that this year 31% of ordinary taxpayers will pay tax at the 42% rate. He promised that just 20% of taxpayers would pay at the top rate. We are not sure

what the exact figure will be by the end of the year but it will be between 31% and 32%. This is an attempt by the Labour Party to give some sense of justice and fair play to taxpayers who are working, who have no choice but to be compliant and who find it difficult to reclaim medical expenses. Landlords may actively discourage people from claiming tax relief on their rent. If they pay service charges to local authorities in respect of refuse collections, they may find it difficult to complete the paperwork.

We heard the Minister's explanation about more advertising and more revenue for on-line services. However, what he proposes is not sufficient. There must be an independent office that can exert pressure on the Revenue Commissioners to take far more active steps to ensure that ordinary taxpayers get a fair deal. The income tax these people pay, together with the VAT they pay on the bulk of their purchases, is what keeps the system together and delivers so much taxation for the Revenue Commissioners and the Government. Given that it is the Minister's second Finance Bill, he should be imaginative in making refunds available to taxpayers. The sums that are currently refunded are not trivial. Some €332 million was refunded in 2005. All of us know that this money is likely to be approximately half the amount of refunds actually due. This means that the Minister is taking taxpayers' money, holding on to it and doing relatively little to ensure that these people are refunded the money to which they are entitled.

As the Labour Party spokesperson on finance, I am anxious to ensure that people who are liable to pay tax should do so. I also favour lower, more moderate tax rates on the basis that everyone contributes. Allowances, which are built into the system, were introduced to try to rectify a scenario where the State made no provision in regard to hospital care and health services, where people may be obliged to pay a private doctor or where it provides very little by way of social housing, which makes it difficult for many people to get on the private housing ladder. Far more people are now renting and the rents they are paying are very high. While the average rent in the Dublin area is between €900 and €1,400 a month, many people fail to get the tax relief on rent to which they are entitled.

In tabling my amendment, I am trying to get a sense from the Government that it cares about ordinary taxpayers in terms of their entitlement to refunds, rather than simply using ordinary taxpayers as a milch cow. There is preferential treatment for the very wealthy. It was interesting that, in a reply to me last week, the Minister was able to show that the cost of the tax forgone on tax breaks for stallions on a relatively small number of returns was more than double that indicated following a professional survey commissioned by the industry last year.

Tax avoidance and tax evasion are big business. The other side of it is that ordinary taxpayers

should get a fairer deal. Revenue should be encouraged to ensure that taxpayers receive all the refunds to which they are entitled. It is not morally right that the Minister should benefit from retaining money that rightfully belongs to taxpayers. It is not good enough to say that it is the taxpayer's responsibility to claim the refund. This is a complex business. Certain records must be kept. If there was a taxpayers' advocate office, I am sure it would result in far more imaginative and quicker ways of ensuring that people who are entitled to tax relief would receive it.

Mr. Bruton: I support the amendment, which seeks to ensure that there is a proper balance between those who are compliant with the tax code and entitled to support in getting their due refunds and those who try to evade tax and who Revenue rightly uses its full powers to pursue. Compliant taxpayers have a right to expect that the Government and Revenue will make an equal effort to ensure that people receive the refunds they are due. Perhaps the Minister will consider four suggestions when replying.

First, I would like him to consider proper independent estimates of the level of underpayment of taxation, drawn up between himself, the Revenue Commissioners and the CSO. The latter has adequate data on the various rent payments, unrequited medical expenses and bin charges. It has a huge level of information available to it. My back of the envelope calculations suggest that there is approximately €350 million of unfunded tax each year.

Second, when tax free allowance certificates are issued to taxpayers, the Minister should ensure that a form that will allow people to claim back tax in the principal areas, such as medical expenses, rent and refuse charges, is included. This form should explain, in simple terms, what people should include and what documentation should be forwarded in order to make a return in respect of the period completed.

Third, the Minister should take steps to remove from the code the inertia that prevents people from claiming tax relief, particularly that relating to medical expenses. The two elements that are excluded are routine dental and optical services. In an era when we are encouraging people to take preventive measures and assume responsibility for their health, we should not exclude routine dental and optical treatment. Such optical treatment is responsible for the early detection of glaucoma. We should ensure that people do not spend the final years of their lives being effectively blind because they did not avail of early intervention. The idea of having a deductible of €125 for an individual or €250 for a family is purely a ruse on the part of the Department of Finance to make it more difficult for people to claim tax relief. It means that one cannot automatically be aware that a refund is due in respect of money one paid in respect of a service.

Fourth, the Minister should consider the imbalance between compliant taxpayers, who can only look back over a period of four years in respect of tax they inadvertently did not claim, and Revenue, which can, as a standard rule, look back over a period of six years. In the event of being in hot pursuit of a suspected fraud case, Revenue can go back indefinitely. The latter is a matter with which I have no difficulty. However, I have a problem with the four-year restriction that was introduced a couple of years ago.

Perhaps the Minister will consider these four suggestions. They can all be done and would not cost much money. They would begin to build up a sense that there is some form of equity of treatment.

Mr. Boyle: I support the amendment. What would the situation be if the reverse was true and taxpayers were granted all existing tax reliefs which had to be claimed back by Revenue? I suspect systems would be in place which would find out fairly quickly the money due to the State. The onus is placed on the taxpayer to make themselves aware of reliefs available, how he or she can benefit and the type of row back on those benefits. That says something about the psychology of taxation and the role of the taxpayer in the equation.

The Department of Finance regularly misreads the sums of tax expected in a given year and surprise is expressed in regard to how wrong the sums can be in favour of the Minister and the Exchequer. The reason the sum is wrong is due to two factors. One factor is the failure to properly index link the bands and credits and I suspect the other factor, on which we need information, is the failure of taxpayers to properly apply reliefs available to them.

Going through the three volume report recently produced on property based and other forms of tax reliefs, one will see an industry of accountants exists whose sole purpose in life is to ensure there are people in our society who end up paying little, if any, tax. That the ordinary taxpayer must find out what his or her entitlements are without recourse to such professional advice shows the injustice as well as the imbalance in our taxation system.

I fully concur with the view that the Office of the Ombudsman or an independently established tax ombudsman or a tax advocate office should be established. There is a need for someone with the resources of the State to act as an arbiter in dealings with other agencies of the State and in decisions on whether tax is being collected fairly. Given that the Comptroller and Auditor General's role is to ensure tax money is spent fairly, there is a lacuna in terms of the offices and services available to the taxpayer.

Given the length of time taxpayers who overpay or who have not fully availed of tax reliefs must wait for a refund, the restrictive terms

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applied to those seeking such refunds, the obvious imbalance in terms of how the Revenue Commissioners tend to seek underpayments from taxpayers as well as the availability of large tax reliefs to those who have the resources to buy the professional expertise to help them avoid paying any tax to the State, this is a fair amendment which should be considered positively. The amendment was not considered positively on Committee Stage and I suspect we will go through the same routine we will go through with several other amendments until the conclusion of Report Stage at 11 p.m.

Caoimhghín Ó Caoláin: I am sure the Minister is tired listening to the same arguments, so I will try to be simple and brief. On Committee Stage, the Minister responded passionately in regard to Revenue's efforts to advise citizens of their entitlements to claims for tax credits, refunds, rebates and so on. In my experience, the overwhelming numbers of ordinary citizens who broadly come from the lower middle income bracket do not avail of their entitlements to tax credits, refunds and rebates.

Try as the Minister must in his position to defend the effort in place, I ask him to take a more open view, recognise this factual situation and encourage a re-examination of the methodologies already employed. Greater proactivity is needed. People broadly view Revenue as an inanimate body. It has no public face and nobody knows what people working in it look like as they never meet them. In my region, the office is located in Dundalk. If an outreach effort was made, even every 12 months or couple of years, where people from Revenue visited the different population centres in the regions and invited ordinary citizens to attend—

Minister for Finance (Mr. Cowen): Crowds would flock to meet people from Revenue. Is that what the Deputy is suggesting?

Caoimhghín Ó Caoláin: A large number of people would avail of the opportunity, which would be good. I encourage the Minister — I am not here for an argument — to think about it because greater proactivity will result in a fairer and better supported tax system. People will recognise that there is fairness, that it is not only about the pursuit of unpaid taxation, taxation evasion, taxation avoidance or whatever the case might be and that there is justice in the culture of taxation and a concern on the part of those responsible for its management that people are not overburdened. That is the bottom line here.

It is well within the Minister's gift to consider ideas as to how this could be done to afford people access. That is the spirit of Deputy Burton's amendment, although I know it is prescriptive in regard to the ombudsman's role. If

the Minister is not prepared to accept the formula in Deputy Burton's amendment, I ask him to at least accept the spirit of what is intended and what has been reflected by all speakers. I ask him to work towards the achievement of a more equitable and more considerate system of taxation reflecting the needs of all citizens and not only some.

Ms C. Murphy: There is probably a legacy in this regard. I remember when tax rates were high, one would hear horror stories. Whether they were true or not is open to question. People would say they applied for a tax refund but that they ended up paying more tax. To an extent, there is still a little uncertainty because there is a perception that those who benefit most from the taxation system or who pay least employ professionals. That demonstrates a lack of understanding about how the taxation system works. That is why this amendment is a good one.

People believe they need expertise or that they are not competent to deal with taxation. I am surprised by the number of people who cannot figure out how much tax should be deducted from their salary or wages and how tax credits work, although I know it is being taught in some secondary schools. A large number of people cannot calculate what the bottom line should be despite being given a tax certificate. Some of us were well trained. When I first started work my father went through the calculations with me so that I would not be short-changed. There is a frivolity about that now because we now see a significant number of people incapable of even figuring out their own bottom line in terms of their income.

I am always surprised at the range of issues about which people contact me. Quite often, working people ask about their entitlements, and the last thing that occurs to them is that they are entitled to some of their own money back. In the past week I spoke to someone who never claimed mortgage interest relief. It is quite common not to claim medical expenses because people do not see the small sums involved totting up to a large sum at the end of the year. Bin charges are similar. People do not put these charges together in terms of how sums accumulate. When one sees the profile of people oblivious to their entitlements, to the fact that they can claim their own money back if they have overpaid, it is clear a problem exists.

People are not reading the documentation, a good deal of which arrives even with one's tax certificate. There is a need for one-to-one explanation. I do not see how that can be done without setting up an office which people will feel confident in contacting, without feeling they need to have a professional on the case.

Mr. Cowen: We discussed this on Committee Stage, when I said the Ombudsman's office is not

appropriate in this regard. I do not propose to accept the amendment.

The Revenue Commissioners do not deliberately withhold repayments of tax due to taxpayers, or unduly delay such repayments. They make every effort possible, through mail shots, information leaflets, customer inquiry units and their website to ensure taxpayers are aware of their entitlements. To do so, the Revenue Commissioners use a variety of channels. There are 600 PAYE customer service staff available in PAYE regional offices to answer phone calls, amend tax credit allowances, deal with PAYE repayments and answer any queries customers may have. The tax credit certificate sent to each PAYE taxpayer is accompanied by a detailed leaflet setting out a wide range of information about the main personal tax credits available for the year in question, with comparative figures for the preceding year, tax rates and bands for the year in question, exemption limits for single, widowed and married persons, and how to claim an adjustment to the tax credit certificate. The Revenue website has an easy to access customer service information centre on the full range of reliefs available to taxpayers, together with claim forms for download and completion. The home page on the website contains a "what's new" section which alerts customers to timely items of interest. The website also has detailed information to direct customers to the appropriate contact point should they wish to phone, call, write, e-mail or to fax.

There are other means of communication offered including a wide range of general information leaflets, a nationwide network of information offices, an 1890 lo-call phone service, media advertising campaigns and targeted campaigns for particular issues. Revenue seeks opportunities to meet its customers on a more general basis. More significantly, it has fundamentally reorganised itself on a regional basis to provide a more coherent one-stop-shop service to taxpayers throughout the country. Deputy Ó Caoiláin visited the ploughing championships and got a chance to meet Revenue there.

Caoimhghín Ó Caoiláin: I had a great day there and look forward to returning.

Mr. Cowen: There are trade fairs and many other places where Revenue is anxious to see people and discuss a range of matters.

Deputy Richard Bruton asked if the formatting of the information could be improved and made more simple and client friendly. We should always consider improvements and I have no objection to that. However, despite all these customer focus initiatives by Revenue, the taxpayer has the ultimate responsibility for his or her tax affairs. We must make it as amenable and as sim-

ple as possible but the ultimate responsibility stays with the taxpayer.

There is a four-year time limit on repayment claims and that is matched by a similar time limit on revenue-raising assessments in the normal course, except where fraud and neglect are involved. There is a matching restriction of four years on the part of Revenue to assess taxpayers, which matches the four-year rule or restriction on the taxpayer's right to a repayment. I am informed there is no discrepancy there, though some people may have thought there was.

In looking at the main reliefs claimed by taxpayers, the pattern emerging seems that the bigger the allowance, the higher the take-up. That is not surprising, for example in the case of the home carer's credit and the rent relief. Revenue believes there is almost full take-up on the home carer's credit and perhaps 80% take-up on rent relief. There is a lower take-up on the service charges relief. As I said, we are making a change this year to provide for a general upper limit of €400 per annum on which relief can be claimed irrespective of how the charge is determined. When claimed once, it is automatically carried forward to subsequent years. In 2002, an estimated 124,900 claimants availed of it at an estimated cost of €5.2 million, and provisional figures for 2003 indicate there were more than 165,000 claims for bin charge credits. That is a significant increase, a rise of more than 30% year on year. I am sure 2004 and 2005 saw further increases, perhaps because of greater public awareness.

I will follow up the suggestions made to see if we can improve the Bill but the allowances and credits are made for a purpose. They are made available so that people entitled to them can claim them. The ultimate responsibility for claiming them lies with the taxpayer, not the Revenue Commissioners. The only person who can say what is right or wrong in this area is the taxpayer. We recognise these are the parameters within which we operate. There are client-focused initiatives in an effort to make the system as user-friendly through all the technology, assistance, simplification of forms, specialised staff to deal with client queries, lo-call numbers and fax. The Revenue online service has been a great success and should not be under estimated. We see many areas where people are using online services, with usage increasing quite significantly over relatively short periods of time. That provides for much interaction which otherwise would not take place. The technology provides for a quick interactive approach.

Taking all that into account, it is important to recognise the progress we are making. Revenue tries to ensure everyone takes the credits or allowances available to them. The information is made as broadly available as possible but unless every taxpayer takes on his or her own responsibility there will be less than 100% coverage in

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respect of every relief. The system must be made as operable as possible. The Revenue is extending the PAYE computer system to allow taxpayers access their Revenue records, perform a range of services, amend tax credits, request online reviews and receive an automatic repayment in certain cases where the Revenue is fully satisfied that a repayment is due. We should recognise that an adversarial approach is not being taken. Where there is a bona fide entitlement, the Revenue Commissioners are as anxious as anyone else to ensure taxpayers receive their entitlements.

The primary responsibility for bringing that about lies with the individual taxpayer. The more we can do to remove the mystique from interaction with the Revenue Commissioners, the less people will hesitate to contact them directly. Everything that can be done consistent with our responsibilities is being attempted. Specific suggestions about improvement of certain formats will be examined.

Ms Burton: The Minister does not see the bigger picture. This year, 400,000 people were left without tax certificates until the week before last. The Revenue Commissioners have a number of new computer systems, including the revamped ITS systems, but the Minister is blissfully unaware that many people have serious questions about their entitlements to their basic tax credits, which they have not been able to establish. Where a woman has been at home on extended maternity leave, her husband will have claimed some of her credits. When she returns to work, he is in for a nasty shock unless the Revenue Commissioners can come up with amended certificates quickly.

At the moment some Revenue Commissioners offices are practically under siege, to the extent that in recent weeks, they had to suspend telephone responses because the system was overloaded with queries from the public about basic information. Of course the Revenue Commissioners are making strides with on-line systems but there are many problems with the Revenue Commissioners.

A young person taking up a job and renting an apartment who is being taxed on an emergency basis may find those tax deductions make the difference between being able to pay the rent and not. The Minister is far too sanguine about how well the system is working. There is a need for an advocacy structure whereby taxpayers can get their just entitlements. Relying on the Minister's goodwill, and that of the Revenue Commissioners, is not enough.

When the Finance Bill was published, the Minister talked about the additional powers he would confer on the Revenue Commissioners to look at individuals' bank accounts to find income that had previously been undeclared. I have been

stopped on many occasions by large numbers of older people, whom I am confident are tax compliant, who are scared about the Revenue Commissioners going through their various bank accounts over the years to see if they were not tax compliant. I told people that I did not think they had anything to worry about because I could not think of anything else to say. It has been difficult, however, to get information from the Minister about the approach he is taking.

This time last year when the inquiries were starting into single premium insurance policies, I asked the Minister to say that people who took these up legitimately with a lump sum at retirement would have no problem with unpaid tax. This is where the office of an advocate is very important. We need someone to say to tax compliant people, particularly older people, that the Revenue Commissioners are getting the extra powers to investigate those who have cheated on tax in the past, not to investigate those who have been tax compliant during their working lives.

There are many frightened people because the Minister has failed to state that the new powers in the Bill were for tax defaulters, approximately 10,000 people, who could be identified and who owned a percentage of the single premium insurance policies. If the Minister adopted an approach which favoured the compliant taxpayer, he would tell people that they have nothing to worry about, and the advocate's office could tell people that if their tax returns were broadly in line with requirements, they have nothing to worry about. Instead, needless anxiety is caused to many people who were compliant. In the meantime, the people who illegally evade tax do not give a damn about the regulations — their motto is "catch me if you can". They do not lie awake at night worrying about some small bank account being investigated by the Revenue Commissioners. There must be a greater level of communication so those who paid for the progress made by this State are not now frightened about what the Revenue Commissioners will visit upon them.

Subcontractor status and certificates in the construction industry demonstrate the need for an advocate's office. More than 200,000 people work in construction and the vast majority are treated as subcontractors. Young men earning €1,000 in the building trade can be told by their employer to get a subcontractor certificate and that he will look after everything for them. They find it hard to understand the complexity of the situation and, subsequently, unless they have been very careful to comply with all the regulations, it is difficult for them to properly claim refunds and credits when they have been on the emergency rate of tax with deductions at source by the main contractor. It is vital, from the point of view of preserving the integrity of the PRSI system, that these workers be treated as employees. They

should pay a lower rate of income tax and they and their employer should pay PRSI. God only knows what has been happening in the construction industry during the recent boom years. It is in the interests of compliant taxpayers, honest builders and those in the construction industry who are treated as subcontractors but are essentially employees that this issue is addressed and an office of an advocate is in a position to do so.

On pensions, volume three of the report on tax breaks produced by the Department shows comprehensively that those on very high incomes enjoy the overwhelming tax advantage in the area of pensions because one would probably need to have an income in excess of €250,000 to benefit from the relief available on pensions. The report highlighted the example of two individuals with pension funds of €100 million on which each received a tax break of €25 million. Not only will the individuals in question be able to invest the remainder of their funds in approved retirement funds, ARFs, attractive vehicles from a tax avoidance point of view, they will probably be able to pass these funds on tax free to their spouses and, in turn, children.

Only 52% of the population have made provision for a pension. The complexity of signing up to a PRSA and the fact that various financial institutions rip off small savers and investors by applying high costs to products such as PRSAs indicate that the tax system is tilted strongly in favour of wealthy high rollers who can put €250,000 or €500,000 into a pension fund without difficulty. In a fair tax system an advocate for taxpayers' rights would step in and ask what benefits the system was delivering to the 50% of the population who do not have pension coverage. Currently they receive few advantages, even to the extent that information on taking up tax products is scarce.

Under the Bill, a person who invests €7,500 of an SSIA in a pension product will receive a bonus of €2,500 as a special concession. On the other hand, a person who invests €100,000 annually in a pension product will receive from the Revenue Commissioners a tax break of €42,000. Under this Bill, a person with no pension provision on the lowest rate of tax receives a bonus of €2,500, whereas a person who is sufficiently wealthy to be able to invest or have his or her employer invest €100,000 of his or her salary in a pension fund will receive a tax benefit of €42,000. That is the scale of the inequality between the wealthiest and those who have no pension provision.

The argument in favour of appointing an advocate to ensure ordinary taxpayers get their fair due is unanswerable. While taking out newspaper advertisements and enabling those with technical knowledge to use Revenue's on-line service are positive developments, they are not sufficient to address the fundamental inequality of the tax structure. The whole system is geared towards

those who can afford to pay accountants and tax advisers to look after their tax affairs, while those at the lower end of the scale are not facilitated in a manner of which we can be proud.

Amendment put and declared lost.

An Leas-Cheann Comhairle: Amendments Nos. 2 and 3 are out of order.

Amendments Nos. 2 and 3 not moved.

Mr. Boyle: I move amendment No. 4:

In page 9, between lines 15 and 16, to insert the following:

“1.—The Minister shall establish a new subhead in the Book of Estimates on expenditure to be incurred as a result of obligations under the Kyoto Protocol.”.

Having been ruled out of order on Committee Stage, I resubmitted this amendment in a form which ensured it would be in order. It seeks to have the Minister account, through the usual accounting mechanisms, for how the Government intends to meet, in expenditure terms, its commitment on greenhouse gas emissions and global warming under the Kyoto Protocol and, more important, how it intends to raise the funds to meet this commitment. Although modest, the amendment will be important if it forces the Government to take seriously its responsibilities in this area and helps Deputies to see at a glance what precisely are the accounting mechanisms being used to meet what is likely to be an expensive commitment under an international treaty.

In his Budget Statement the Minister referred to the establishment of a carbon fund and indicated that the Minister for the Environment, Heritage and Local Government would introduce a Bill to this end in 2006. I have asked questions on the position with regard to the allocation of moneys to a carbon fund in the current financial year. Will the Minister provide a response because there appears to be considerable uncertainty in this regard?

The establishment of a carbon fund is inherently the wrong mechanism to address this issue because the moneys required to meet our international obligations must be raised in a fair and proportionate manner. Given that the respective contributions of various sectors, whether energy use, transport, industry or agriculture, towards preventing Ireland from meeting our international obligations on greenhouse gases is being measured, it should be easy to introduce mechanisms which would determine the contribution of each sector to the eventual financial obligations the State will be required to meet.

That said, irrespective of the mechanism chosen — this will be a source of considerable debate — the assumptions underpinning the

[Mr. Boyle.]

Minister's comments in the Budget Statement grossly underestimate the likely cost to the State of meeting our Kyoto Protocol obligations. The Minister appeared to assume that in 2008, when the bill for Kyoto starts to come in, we will pay in the region of €15 per tonne of carbon load. If the prices were being established in 2006, the price would be €40 per tonne. Given that carbon load prices are linked to world oil prices, the price is likely to increase in the years prior to 2008 and thereafter. Furthermore, an agreement to replace the Kyoto Protocol is likely to be concluded for 2012 and onwards. The Government has, therefore, underestimated by a factor of three the likely costs of breaching our targets under the Kyoto Protocol. If the Minister were to use ESRI estimates of the probable cost of such breaches to the State, he will need more than a carbon fund to meet Ireland's liability.

I ask the Minister to accept this simple amendment which would improve overall accountability in this area in the years ahead. I would like him to make further commitments and accept he is underestimating the future costs to this State and that the mechanism he has chosen is unlikely to work.

My colleague, Deputy Eamon Ryan, attempted to establish an all-party committee on long term energy policy and I would like a collective approach to be adopted by this House in terms of how we can address the issue of paying for our international obligations. Not only will this increase until 2008 but, as I already indicated, a future agreement will probably establish a harsher regime from 2012. There are even indications that the United States, which opted out of the Kyoto Protocol, may be party to the latter agreement.

With 25% of its energy needs already being met from renewal resources, Sweden's Government has decided to move to an oil-free economy by 2020. Given our poverty in terms of renewable energy, such ambitions are unrealistic in an Irish context. However, if we were to develop a common political approach to the medium to long-term prospects, my party and I would feel more confident that these issues were finally being treated seriously. In terms of taxation, the OECD noted that Ireland has the fewest fiscal instruments for environmental intervention. If the Minister wants to leave a legacy from his second budget and Finance Bill, he could make significant progress in this area and might find some on this side of the House who are prepared to work with him in that direction. Unfortunately, this Government has been obstructionist by refusing to acknowledge the scale of the problem and has not come up with workable long-term solutions to meet the commitments for which this society is collectively responsible.

Mr. Bruton: I welcome this timely amendment from Deputy Boyle. There has not been sufficient debate on the environmental impact of greenhouse gases and carbon emissions and minds could be focused through a closer financial examination of this issue. Recently, I read the NESC report on settlement strategy, which was withering in its conclusion that we have an unbalanced and unsustainable housing settlement pattern. It argued that we are creating dispersed, low-density and car dependent neighbourhoods. In view of the events of recent years, the report is spot on.

We delight to pay lip-service to the environment but, when it comes to real decisions on the extent to which we are willing to invest in public transport or to suppress people's appetite for scattered development, our stated commitments have not been met with practical solutions. The Minister's party won political kudos in some constituencies by playing on the demand for one-off housing. However, if he and his colleagues believed that the Kyoto Protocol commitments were important, they would not have followed that route but would have structured taxes to limit car dependent and resource intensive developments.

I am sure Deputy Boyle does not believe I could pass for a Green.

Mr. Boyle: The Deputy is getting closer.

Mr. Bruton: I certainly recognise that we need to create a framework by which we can come to terms with the policy instruments needed over the long term. I dislike the Kyoto Protocol's rigid approach, although it may be inevitable given that it can only try to control one aspect of policy. Optimal decision making does not accord with the assignment of 10% to one and 11% to another but that is probably the only way that subscribing states can be focused on reaching an international agreement.

I would welcome a tangible debate on Government strategies which reflect a common approach to this area. The Minister for the Environment, Heritage and Local Government articulates a very different view on these matter from other Ministers, even though they have supposedly signed up to a shared position. We need to bring these issues into the open to see the whites of the eyes, so to speak, of the Kyoto Agreement in terms of what it means for us and what the next agreement might involve. Public opinion can then be shaped in a way that responds to these issues in a timely fashion so that we do not have to implement reactive measures. That is the value of Deputy Boyle's proposal.

Ms Burton: I congratulate Deputy Boyle on getting his amendment accepted, which was no small feat. It is useful that we find ways of dealing with the financial implications of the Kyoto Protocol. The Government would probably like us to

believe that, because the implications of the Kyoto Protocol will only kick in after the next general election, the matter should not be discussed in detail by this House. We were given the impression that, once the system of permit trading is agreed and the interests of big players and the cement industry in particular are addressed, all will be well.

However, we have been unable to learn from the Minister the implications of the Kyoto Protocol system on the cost of foreign direct investment. If Intel, Hewlett Packard or another company expands its operations in Ireland after the full Kyoto Protocol regime is in place, what will happen in terms of the cost of the inward foreign investment which we all want? These companies will not be included in the permit structure. I presume they will have to buy permits but that will be expensive. Will the Government assist them? We do not know the answers to critical questions such as this.

Controversy has arisen on the respective merits of concrete and timber framed housing. Certain advertisements claim that one building method is more efficient from a Kyoto Protocol point of view because of the energy conserved. There has been no debate on the implications of that for taxpayers. In light of what the Government has done thus far, it is not unreasonable to expect that PAYE taxpayers will be paying for this rather than those based offshore. The taxpayer will carry the burden of any levies or fines charged on Ireland as a consequence of our failure to meet Kyoto agreements.

Our Government freely entered into these agreements as part of its contribution to the fight against global warming. We have undertaken this as a liability, and we have no indication, even on a shadow estimate basis, of what it is likely to cost us. We should have an idea, as it would help to inform public debate. It would help to inform choices regarding the road we should take to keep the charges incurred as low as possible. As a result of our level of industrialisation at the time the Kyoto Protocol was agreed, our permit system and allowances are much less generous than those of more traditional industrial countries in Europe, which have higher levels of older industries and greater levels of associated pollution and greenhouse gases.

I welcome this proposal, and the Minister for Finance should welcome it also. It is difficult to gather from the Minister's colleagues, which of them, if any, is in charge of this issue. There has been much huffing and puffing from the Minister for the Environment, Heritage and Local Government, Deputy Roche, from time to time. He seems to be partly in charge of some element. There is some information from the Minister for Transport from time to time. In terms of the tax strategy group papers, it would seem that the primary responsibility for the overall shaping of

policy rests with the Department of Finance and its Minister.

The amount of published documentation on this is meagre. There have been a number of papers from the ESRI setting out its opinion on what is likely to occur. As I have stated, the tax strategy group has published some papers. However, those papers, for the most part, are more than four years old. There is little current or up to date information on the costs we are likely to face. What has the Minister done in conjunction with his Department to establish the likely implications from a financial perspective of our commitments to the Kyoto Agreement?

Does the Minister have a budget or shadow estimates that would indicate cost? It would be interesting to ask the Minister the cost to the country this year if the Kyoto Protocol was fully in force and we were fully liable, as we will be some years down the road. Is there a current estimate for this? Does the Minister believe these obligations will arrive? There have been some suggestions that the Government believes this is an indefinite mañana scenario, and the cost will never arise. If this is the view of the Government, could the Minister explain why this is so?

Ms C. Murphy: I support the amendment. Nobody speaks of the Kyoto Protocol without using the words "we" or "our". There is talk of our obligations and what we must do. We should find a more inclusive definition of we, which includes more than just environmentalists and policymakers. The public should take the obligation on board. The public must see the obligation in financial terms. That is the reason this amendment is good.

The public can, with this amendment, take on board the choices that will be put in front of them on the likes of carbon trading, for example. We are better than this, and we can persuade public opinion with regard to choices the public makes in reducing the amount of carbon emissions and the obligation of the public to do this. The public is capable of taking this on board. However, it must be seen in black and white terms. This amendment provides the opportunity to move to such terms, where people understand the exact obligation we are taking on board.

It has been stated that leadership is always about loss, that is, it is not about giving people things but outlining the changes they must make. In this context, we must find a way of delivering loss in terms of the choices people are currently making against the choices they can be persuaded to make in the future. It would be in the interest of people to make these choices. The sooner we move to a point where everyone takes on board the idea that a personal obligation exists, the less it will cost us financially in the longer term.

Mr. Cowen: The Deputy will be aware that I made provision of €20 million in the budget for the purchase of carbon credits in 2006. I assure the Deputy that this is already represented as a subhead in the Book of Estimates in Vote 25, for the Department of the Environment, Heritage and Local Government. This amendment asks me to establish a new subhead, but it has already been put in place.

I indicated in my budget statement that a national carbon fund will be established to be used for the purchase of carbon credits, and to be funded on a multi-annual basis. The fund will be set up on a statutory basis by means of legislation to be brought forward by the Minister for the Environment, Heritage and Local Government. The State's requirements relate to the Kyoto Protocol commitment period from 2008 to 2012. The market for carbon credits is developing rapidly. For example, it is already possible to invest in multilateral investment funds. It is therefore considered prudent for the State to become active in this market to take advantage of this.

While the carbon fund will be a multi-annual fund established in legislation, it is not appropriate to make an announcement on the envisaged size of the fund until the Government has made decisions on purchasing strategy and the second phase of the EU emissions trading scheme. As part of an overall approach to meeting Ireland's target for the purposes of the Kyoto Protocol, the Government signalled in 2004 an intention to purchase up to 18.5 million carbon credits, that is, 3.7 million credits in respect of each year of the five year commitment period. The annual amount of credits to be purchase will be influenced by the extent to which emission reductions can be identified in areas of the economy other than the sectors involved in emissions trading under the EU emissions trading scheme. The Government is actively engaged in seeking to identify emission reduction measures in the context of the ongoing review of the national climate change strategy.

The Government's approach to meeting its Kyoto Protocol commitments does not simply rely on the purchase of carbon credits. Domestic greenhouse gas emission reductions will be achieved throughout the economy using a variety of measures, many of which are set out in the national climate change strategy and are currently being implemented. Others are being considered in the context of the review of this strategy. Reductions will also be achieved by Irish installations in the EU emissions trading scheme.

Significant initiatives with regard to renewable energy are also provided for in this Finance Bill. People will be aware of the five-year biofuels excise relief scheme, and as a complementary measure, the introduction of a 50% VRT relief with regard to flexible fuel vehicles. In addition, funding for renewable energy schemes costing up

to €65 million through Sustainable Energy Ireland was also announced in the budget. This funding will go towards biomass boilers, support for installation of renewable technologies in domestic dwellings, and support to encourage the take-up of compliant heat and power technologies.

Debate adjourned.

Private Members' Business.

Whistleblowers Protection Bill 1999: Motion.

Mr. Rabbitte: I move:

That Dáil Éireann,

- recalling calls made by the Irish Nurses Organisation, the Irish Bank Officials Association and the Irish Airline Pilots Association, among others, for comprehensive statutory protection for employees and others who blow the whistle on significant illegal and unacceptable practices that can otherwise become established and remain unidentified over long periods, even by those charged with conducting inspections;
- bearing in mind the recommendation of the Standards in Public Office Commission that a whistleblowers' charter be introduced for local government employees; and
- having regard to the findings and recommendations of the Lourdes Hospital Inquiry;

noting that:

- the Whistleblowers Protection Bill 1999 was introduced on 24 March 1999, had its Second Stage on 15 and 16 June of that year and was referred to the Select Committee on Enterprise and Small Business;
- on 30 March 2000, the then Minister for Finance told the Dáil, in a statement on the CPA Report on the DIRT inquiry, that: *'The sub-committee further recommended that a scheme and procedure for bank officials to report suspected wrongdoing be introduced. I understand that the Tánaiste and Minister for Enterprise, Trade and Employment will be bringing forward proposals in this area in the near future. These are expected to take the form of amendments to the Whistleblowers Protection Bill 1999 which was initiated in the Dáil last year as a Private Member's Bill'*;

- on 8 November 2000, the then Minister of State at the Department of Enterprise, Trade and Employment with special responsibility for Labour, Trade and Consumer Affairs, confirmed that the Bill was one of a number of upcoming pieces of legislation currently being developed within his area of responsibility;
- on 4 December 2000, the Taoiseach wrote, in an article in *The Irish Times* setting out his Government's proposals for a package of measures to combat corruption, that *'I am announcing a set of proposals which meet the need for modernisation and transparency, while at the same time allowing for the continuing development of a fully inclusive and dynamic body politic. These proposals include the introduction of legislation to protect whistleblowers'*;
- the annual report of the Department of Enterprise, Trade and Employment for 2001 stated that: *'The Whistleblowers (Protection) Bill 1999, which protects employees from civil liability or penalisation by their employers for disclosing to other persons information relating to serious wrongdoing, was extensively amended. In 2001 extensive amendments were prepared based on consultations with all Government Departments and have now been forwarded to the Office of the Parliamentary Counsel for drafting'*;
- although the Bill lapsed on the dissolution of the 28th Dáil on 24 April 2002, it was by order of 18 June 2002, restored to the Order Paper, on the motion of the Government Whip;
- the Bill also featured in a report to the Government of the high level group on regulation, published in November 2002, under the heading "Phase 2 Reforms", being those reforms recommended by the OECD the implementation of which was envisaged for the medium term; and
- the Oireachtas Joint Committee on Finance and the Public Service, in its report of June 2005 on commercial bank charges and interest rates, stated that whistleblowing should receive statutory protection and recommended unanimously that the Whistleblowers Protection Bill 1999 should be progressed;

conscious of the subsequent inexcusable delay in the consideration of this Bill, resolves that, notwithstanding anything in Standing Orders:

- the Order of the Dáil of 18 June 2002, to the extent that it orders that the Whistleblowers Protection Bill 1999 be considered in committee of the whole Dáil, be discharged and the Bill be referred to the Select Committee on Enterprise and Small Business pursuant to Standing Order 112 and paragraph (1)(a)(i) of that committee's Orders of Reference,
- that it be an instruction to the select committee that proceedings on the Bill be commenced as the next immediate item of business of the committee and be progressed with all due expedition and that, immediately after the conclusion of those proceedings, the committee shall, in accordance with Standing Order 85, send a message to the Dáil regarding the completion of its consideration of the Bill. Provided that, if those proceedings are not earlier concluded, the Select Committee shall report back to the Dáil its progress on those proceedings on 1 June 2006.

I wish to share time with Deputies Hogan and McManus.

In debating this motion in the wake of the Neary affair, the Dáil again returns to the need for openness, transparency and accountability in public life. The evidence of its years in office has persuaded me that the Government fears those concepts almost as much as it despises them. It knows that it must pay lip service but its impulse is to renege, to side-step, to prevaricate and to dissemble.

Developments may take place in other countries and reforms may sweep through the most hidebound and bloated of international institutions but the Progressive Democrats and Fianna Fáil see no need to change the way we do our business here. Almost 16 years ago, the House of Commons commission on citizenship, in its final report published in 1990, concluded that:

The challenge to our society in the late 20th century is to create conditions where all who wish can become actively involved, can understand and participate, can influence, campaign and whistleblow, and in the making of decisions can work together for the mutual good.

As long ago as September 2000, the OECD was able to point out, in a policy brief on building public trust, entitled *Ethics Measures in OECD Countries*, that:

Reporting misconduct by public servants is either required by law and/or facilitated by organisational rules in two thirds of OECD countries. A growing need to provide protection for whistleblowers in the public service is

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also visible across OECD countries. Almost half of these countries offer general protection mainly in their public service framework, where the most commonly provided safeguards are legal protection and anonymity.

In its guidelines for multinational enterprises, written by the member states, the OECD stated that:

Safeguards to protect *bona fide* whistleblowing activities are also recommended, including protection of employees who, in the absence of timely remedial action or in the face of reasonable risk of negative employment action, report practices that contravene the law to the competent public authorities.

In Washington DC last month, the Vaughn report, commissioned by the World Bank as a blueprint to modernise its inadequate whistleblower protection policies, was released. The report was drawn up by Robert Vaughn of the American University Law School and it incorporates best practices that have already been adopted by the United Nations — approved by the Organisation of American States to implement its inter-American convention against corruption — and that were enacted last autumn as US policy to strengthen anti-corruption efforts at all multilateral development banks. The United Nations spent last year involving its staff, with advice from external NGOs, in an extensive rewriting of its whistleblower policies. The UN's new policies took effect on 1 January.

The Vaughn report outlines 22 major recommendations for the World Bank, including that whistleblower protection should extend to all staff, including former and temporary employees, consultants and contractors. Employees must have the ability to report directly to multiple authorities, including at board level. Criteria for protected disclosures and prohibited retaliation, based on existing and tested international norms, must be standardised. Due process rights must be accessible and enforceable and, in the absence of a credible and binding internal adjudicatory alternative, access to an external adjudicative body is necessary.

Meanwhile back in Ireland, the Government has been doing that at which it is best — absolutely nothing. There was some genuine reason for hope when the Government gave its official reaction to my Bill on 15 June 1999. The Minister of State at the Department of Enterprise, Trade and Employment, Deputy Kitt, said, "I fully support any meaningful measures to increase the protection of workers and, therefore, I will not oppose the reference of this Bill to a committee". He commented that, in an ideal world, where information and consultation is the norm and the working environment is open and transparent,

this legislation would not be necessary. He continued:

However, human nature being what it is, measures such as those envisaged in the Bill may be necessary as a last resort to ensure that a small minority of employers must answer for certain dubious practices in the conduct of their business affairs. Good employers, however, who respect the practice of information and consultation with their workers, need have no fear from the implementation of the measures envisaged in the Bill.

He concluded by saying:

I have, however, no problem in accepting the spirit in which the Bill is put forward and the principle of protecting employees' rights. I fully support the objective of improving the rights of such employees. As regards future actions, it would be useful if I and my officials could maintain regular contact with Deputy Rabbitte with a view to co-operating to ensure that the resultant Bill contains the best legislative proposals that can be put in place to protect persons from retaliation by their employers for reporting dubious practices to the appropriate authorities.

I can inform the House that neither the then Minister of State, Deputy Kitt, his senior Minister, their successors nor any of their officials have had or maintained any sort of contact with me on this Bill, regular or irregular, from that day. The Minister may well yawn.

In welcoming the Bill, Deputy Conor Lenihan said:

We live in a global economy with large corporate players who can quite easily transgress the rights, not just of their employees but also of thousands of customers and other ordinary people. We have seen that happen in environmental disasters like the one at Bhopal in India. In Nigeria and other areas we have seen companies that have nakedly transgressed the rights of ordinary individuals. It is important, therefore, to introduce this type of legislation domestically.

The then Minister of State, Deputy Cullen, concluded the debate by saying, "The Government is committed to the maximum co-operation on this Bill to ensure we have the best possible legislation on this important issue". That, of course, was before the general election.

Perhaps ominously, the then Minister of State, Deputy Cullen, compared the Bill in importance to the Freedom of Information Act, which he described as "the most far-reaching legislation as regards dealing with the public sector", which "marked an important first step towards a new era of openness in Government and in public affairs". He described my Bill as contributing further to the culture of openness and trans-

parency. We know what the Government did to freedom of information once it became tired of its temporary little commitment to openness, transparency and accountability.

On 16 June 1999, the Bill was sent to the Select Committee on Enterprise and Small Business but the proceedings were delayed to give the Tánaiste and then Minister for Enterprise, Trade and Employment, time to consider the Bill in detail and to propose any necessary amendments. This was understandable and we waited in patience for the results of her deliberations. In the interim, as the motion recites, the Irish Nurses Organisation, the Irish Bank Officials Association and the Irish Airline Pilots Association, among others, called for comprehensive statutory protection for employees and others who blow the whistle on significant illegal and unacceptable practices that can otherwise become established and remain unidentified for long periods, even by those charged with conducting inspections. The Standards in Public Office Commission has recommended that a whistleblowers' charter be introduced for local government employees.

Government Ministers and the Taoiseach continued to give the impression that work was ongoing to strengthen and improve the Bill. On 30 March 2000, the Minister for Finance told the Dáil, in a statement on the Committee of Public Accounts report on the DIRT Inquiry, that a scheme and procedure for bank officials to report suspected wrongdoing would be introduced by way of amendments to the Whistleblowers Protection Bill. On 4 December 2000, the Taoiseach wrote, in an article in *The Irish Times* setting out his Government's proposals for a package of measures to combat corruption:

I am announcing a set of proposals which meet the need for modernisation and transparency, while at the same time allowing for the continuing development of a fully inclusive and dynamic body politic. These proposals include the introduction of legislation to protect whistleblowers.

The annual report of the Department of Enterprise, Trade and Employment for 2001, referring to the Whistleblowers Protection Bill, stated:

Extensive amendments were prepared based on consultations with all Government Departments and have now been forwarded to the Office of the Parliamentary Counsel for drafting.

While the Bill lapsed on the dissolution of the 28th Dáil on 24 April 2002, it was restored to the Order Paper on the motion of the Government Whip after the general election. The Bill also had its supporters in the high level group on regulation, which reported to the Government in November 2002 on the timetable for implemen-

tation of regulatory reforms that were recommended to this country by the OECD and had been accepted by the Government.

Last June, Deputy Seán Fleming produced a report from the Joint Committee on Finance and the Public Service on commercial bank charges and interest rates, stating whistleblowing should receive statutory protection and recommending unanimously that the Whistleblowers Protection Bill 1999 as tabled by the Labour Party should be progressed. What has happened? The truth is that the Taoiseach and the Tánaiste systematically misled the Dáil on the reasons the Government has blocked further progress on this Bill. I have continually questioned the Taoiseach, the Tánaiste and the Minister for Finance on the Order of Business and was told by each that significant legal and constitutional issues had arisen and the legal advice was that the Government should not proceed with the Labour Party's Bill.

Under pressure from me on 15 June last year, the sixth anniversary of the Bill passing Second Stage, the Tánaiste told me she would ask the line Minister to give me the legal advice. When I still had not received the promised legal advice, I again raised the matter with the Tánaiste on 30 June and she was forced to admit that there was, in fact, no legal advice. She stated: "It was not actually the Attorney General's advice but official advice on the difficulties that would arise if the whistleblowing legislation applied to companies outside Ireland with a subsidiary in Ireland".

We now know the Dáil has been systematically misled by the most senior members of the Government and that the real reason the Government reversed engines and decided not to proceed with important legislation it had supported on Second Stage is that it was afraid the legislation might offend some multinationals. The multinational companies have had extensive practical experience of dealing with whistleblower legislation in many other countries in the West and have learned to live quite comfortably with it. However, if they can persuade this Government to impose much poorer standards of corporate governance than they are used to elsewhere, they would be foolish not to throw their weight around.

Our motion requires action. It requires that the Bill be referred to the Select Committee on Enterprise and Small Business, that proceedings on the Bill be commenced as the next immediate item of business of the committee, be progressed with all due expedition and that the select committee report back to the Dáil its progress on those proceedings by 1 June 2006.

As to the merits of the Bill itself, I make no apology for repeating some of what has been said and agreed by the House. The purpose of the Bill is to challenge and help transform the traditional culture of secrecy that surrounds the conduct of

[Mr. Rabbitte.]

business and public affairs in this country. From the Irish Blood Transfusion Service to the beef industry, whether it's Army deafness, Dublin planning or, more recently and most devastatingly, Our Lady of Lourdes Hospital's maternity wing, the questions are the same — did nobody know or suspect, is it credible that nobody in the system ever stumbled across wrongdoing and why was nothing reported earlier? Regarding illegality and malpractice in our financial institutions, did nobody in these institutions know what was going on? In answer to all of these questions, most right-thinking people will believe that people did know or had suspicions. However, the consequences for whistleblowers in terms of careers and livelihoods are such that it is often easier to turn a blind eye.

We do not have a developed sense of corporate morality or personal responsibility in the public sphere. It is always someone else's job to shout "Stop". We do not like cynical troublemakers and naysayers and we also have contempt for busybodies, squealers and tattletales. However, few would disagree that we all have a duty of loyalty to the public trust, the law and our communities. That is the heart of our duty as good patriotic citizens. Therefore, the Labour Party Bill proposes a set of new statutory rights for employees, whether in the public or the private sector, to report and transmit information they receive of illegality or malpractice they have discovered in the course of their employment. This is an essential step to restoring confidence in our major institutions, whether industrial, financial or governmental.

Under the provisions of the Bill, any employee who blows the whistle on fraud or malpractice will be entitled to protection against dismissal or any other sanction that his or her employer attempts to impose. These rights are essential if we are serious about ending the nod and wink culture that permeates certain sectors of Irish business and public life. The Bill would radically challenge the culture of secrecy that surrounds Irish business and public life. It would provide legal protection to employees who have good reason to report dubious practices to regulatory authorities such as the Garda, the Central Bank or the Revenue Commissioners. Employees who make such disclosures in good faith will be protected by the law from civil liability and discrimination in their employment up to and including dismissal.

Events of recent years have demonstrated that the current legal position actively discourages individuals from reporting what they believe to be serious offences or major failings on the part of their employers, many of which have public interest implications. The Whistleblowers Protection Bill 1999 is designed to give legal protection against persecution and discrimination to workers

who find themselves in such situations. Many abuses occur in Irish life due to the fact that no one shouted "Stop". This is just as true in the business world as has been proven — more radically and tragically — to be true in the area of institutional care. This Bill will challenge this culture.

Primarily, the Bill supports individuals who make disclosures to relevant authorities that have a regulatory, supervisory or investigative role. It is not designed to encourage anyone as a first resort to run straight to the media with information received in confidence in the doing of their jobs. However, recent revelations regarding abuses in the banking sector, for example, point to the fact that our regulatory authorities must have access to information to investigate serious issues of public concern. There is an obligation on the State to ensure individuals who provide such information are not victimised or discriminated against in the wake of their disclosures. This is an employment protection and public interest Bill, designed to secure rights for any worker, whether on a FÁS course, working in a hospital, a blood bank, a shopping store, a beef factory, a financial institution or a Department, to refuse to be complicit with improper decisions taken by his or her management superiors.

I share the genuine public concern at the failure of our regulatory institutions, such as the Revenue Commissioners and the Central Bank, to crack down on glaring abuses of the system. The Labour Party is determined that the safeguards of the State put in place to ensure that decent standards prevail in public and commercial life, must work and be seen to work. The Bill will greatly assist in this process. It supports the individual against the might of major companies and institutions, both public and private. It upholds the rights of individuals to draw attention to abuses that affect us all. It is a Bill worthy of the support of all Members of the Oireachtas, which I had believed it received on the last occasion.

I again acknowledge the ground-breaking work done by my former colleague, Deputy and Minister of State, Ms Eithne Fitzgerald, on the issues of freedom of information, ethics legislation, the Electoral Acts and so on. As I pointed out, we are not the first Legislature to address this issue. It is noteworthy that in the United Kingdom, a country with a Government and establishment almost as notoriously secretive as our own, the Public Interest Disclosure Act 1998 — ironically introduced as a Private Member's Bill — was adopted by the Government and enacted last year. Its passage was supported by the Institute of Directors and the Confederation of British Industry. Why can the Department of Enterprise, Trade and Employment not move on?

I emphasise that this Bill borrows from the British legislation in one important respect. Its

purpose is to provide protection from civil liability to employees who make disclosures in categories listed in the Bill as long as those disclosures are made reasonably and in good faith. I stress the words “reasonably” and “in good faith” because it is important to reiterate that I am not advocating a free-for-all for rogues or malcontents in our business and commercial world, still less in the public services. Many Members of the House will agree that there is a wide difference between what is interesting to the public and what is in the public interest to be made known. The Bill will also prohibit the penalisation of employees by their employers where disclosures are made. It lists the persons to whom disclosures should be made and it specifies the categories of matters where disclosure is permissible.

It seems clear that accepting the Bill on Second Stage was preferable to the embarrassment of voting it down but there was never any intention of actually implementing it. The Government thought it better to put on an outward show of agreement, then send the issue into a departmental committee, where it would die of old age.

Although this 1999 Bill probably holds some form of parliamentary record as the longest standing Bill on the Dáil's Order Paper, it will take a change of Government to see it passed into law. If that is what it takes, that will happen.

Mr. Hogan: I thank the Labour Party for its exemplary whistleblowers Bill, which the Fine Gael Party supported in 1999 and continues to support. We are pleased to present a united force in the face of Fianna Fáil and Progressive Democrats opposition to this important Private Members' Bill.

In the debate of 15 June 1999, when Labour brought the Bill to the House, Deputy Rabbitte asked a number of questions. He asked if it was credible that nobody knew or suspected that all was not well at the Blood Transfusion Service Board. Did nobody in the Department of Agriculture and Food know or suspect illegality and malpractice in the beef industry? Did nobody know or suspect the consequences of Army personnel being exposed to hearing damage? Following 30 years of serious allegations, analysis and criticism of the planning system, especially in the Dublin area, is it believable that nobody in the system ever stumbled across any wrongdoing or illegality, or any malpractice as alleged against certain financial institutions?

Many questions must be asked in light of the Government's failure to implement this Bill. Is it possible that so many medical professionals in the Our Lady of Lourdes Hospital in Drogheda knew nothing of the actions of Dr. Michael Neary? Is it possible that so many civil servants in the Health Service Executive saw nothing wrong in the roll-out of PPARS? Is it possible that so many local authority staff and members knew nothing of the

rank corruption in and around Dublin throughout the 1980s and 1990s?

I do not need to present any evidence to this House for the necessity of this Bill because it has been in the public domain for so long. We do not wish to discuss on a regular basis in this House dodgy deals in high places, corrupt officials with too much power and shady practices in our most trusted institutions.

It is mind boggling that the Government has failed to implement the Bill despite its promise to do so. Instead it will work on a sector by sector basis to root out corruption and wrong-doing. Do the promises of this Government mean anything?

Deputy Kenny will address the House tomorrow night. He was trusted by a whistleblower in the HSE and entrusted with the task of telling the nation of the scandal of the PPARS system, which cost the taxpayer €160 million and still does not work. Where is the protection for that individual? That person, who remains anonymous to this day, should have been rewarded for his or her vigilance and not forced to keep their identity a secret. Deputy Twomey will also speak in this debate. Nobody needs to be reminded of the dreadful impact of the actions of Dr. Neary in Drogheda. It beggars belief that the Government is acting in this way one week after the truth about Dr. Neary emerged.

As Fine Gael spokesperson on enterprise, trade and employment I support the Bill and this motion. At the time Tesco was overcharging its customers at check-outs it seemed Deputy Conor Lenihan also supported such legislation. In 1999 he stated:

We must consider consumers' interests. The last few months have been characterised by various stories and allegations against banks and supermarkets relating to — and I am not suggesting it is the case, but it would appear to be — systematic skimming of the customer. This is a dangerous phenomenon and there is a need for proper enforcement to ensure it does not happen. Whistleblower legislation may prove useful in this regard.

Can the Minister of State, Deputy Conor Lenihan, explain why this Government should not enact a comprehensive whistleblowers charter that would protect the workers who identify rip-off merchants and those who work against consumers' interests?

During that same debate Fine Gael stated this legislation should include some supports for employees so that they can obtain confidential legal advice on whether they should progress further a complaint. We want to see safeguards to ensure spurious claims are avoided. Such protection is important and can be adopted on Committee Stage. It would be better if the employee could be assured the complaint had substance by obtaining the advice of a third party. Other juris-

[Mr. Hogan.]

dictions have whistleblower hotlines that people can contact to ask if a certain practice should be reported. There is no point in passing this legislation if the employee is left hanging out to dry.

The definition of employees contained in the 1984 Act would exclude many people, including students. If a student in a third level institution discovers something is radically wrong, will he or she be protected if the whistle is blown? This area is covered in the equivalent British legislation and should be examined.

Revelations of sharp practice, overcharging and daylight robbery in our banks brought shame to the industry but were vital to ensuring trust was restored and consumers got a fair deal. AIB and National Irish Bank were at the centre of this storm over the past years. National Irish Bank was in the spotlight for a litany of sins, ranging from overcharging customers to assisting them to evade taxes. AIB, Ireland's largest financial institution, issued three reports detailing how it overcharged customers by more than €34 million. The Revenue Commissioners also investigated off-shore investments used by former chief executives and other senior management, prompting many observers to conclude that its culture is rotten to the core.

Currency converter machines used by bank staff to calculate transactions had been adjusted to reduce the rate of commission charged from one percentage point to 0.5 of a percentage point, in the days before IFSRA contacted the bank. *The Irish Times* reported the bank confirmed that staff working on the foreign exchange counters were not informed why the machines were altered. Had the error not been made public, it is likely that these customers would never have known they had been overcharged.

The Irish Bank Officials Association, IBOA, said its members were demoralised and disgusted to learn of what happened. The revelations about wrongdoing at AIB and NIB were brought to public attention by staff who reported such misdeeds. They felt unable to raise these matters within their organisations and sought to highlight them through the media or the regulator. Mr. Larry Broderick, general secretary of IBOA, told the Joint Committee on Finance and the Public Service that bank employees are working in a culture of fear and are frightened of speaking out on virtually any issue for fear it will damage their career prospects.

How does the Government respond to these employees? What does it say to the 1,000 bank workers who voluntarily leave jobs once considered safe and well paid? The attitude of the Government is that of a firefighter who will come to the scene of an emergency rather than attempting to prevent that emergency. It is short-sighted, illogical and wrong.

Professional self-regulation must be examined as this is not working in the interests of consumers. I welcomed Government legislation to set up an oversight body for the accountancy profession. The Irish Auditing and Accountancy Supervisory Authority, IAASA, is an improvement on self-regulation in the accountancy and auditing professions. The Blaney inquiry has taught us much about those professions.

We must consider if something similar can be applied to the medical and legal professions. Too many examples of consumers being short-changed due to over-reliance on a self-regulatory regime where people within the profession are examining the misdeeds of the profession's members. Neither the customer nor the country can have confidence in such an arrangement, particularly in light of the Neary case.

The Labour Party Bill and the Labour and Fine Gael motion presented to the House deserve support from all parties. This is an attempt to ensure ordinary decent people do their civic duty in a genuine fashion without facing penalties. The Government has stated it will take a sector by sector approach. This approach may have good intentions but sectors will be left out. Will it always take a scandal for that sector to reach the Government radar? The wrongdoers have had their chance. The Government has had sufficient time since 1999 to consider this matter and I ask it to consider ways of progressing this motion in the interests of the taxpayer and of the people working in the public and Civil Service.

Ms McManus: This motion is an important and timely response to a need that has been brought sharply into focus by recent events. A whistleblowers protection Bill has many applications but none more important than within our health service. Too often we have seen scandals arise because of a fundamental failure to ensure proper accountability and oversight. The hepatitis C scandal, the deaths of haemophiliacs, the nursing homes charges and most recently, the experience of patients of Michael Neary, are testimony to that failure. The publication of the report on Our Lady of Lourdes Hospital in Drogheda by Judge Harding Clark, exposes the latest in this line of scandals. This Private Members' motion is timely in light of that report because it offers us the opportunity of redemption. Since the report was published there has certainly been remorse shown. The women who suffered so much have received an apology from the senior medical staff of Our Lady of Lourdes Hospital. The obstetricians who failed in their duty to properly investigate Michael Neary's practice have expressed regret. The Tánaiste and the Taoiseach have expressed their sympathy and regret. These are all welcome words but they are only words. What the Labour Party offers in this motion is action.

Now that we know the extent of the terrible injustice that was meted out to these young women we have to go beyond simple expressions of regret and the payment of compensation. We can proceed to legislate to protect the future midwife, bank official, worker or civil servant who sees a wrong and refuses to close their eyes to it. We can act by passing such legislation and we should do so. That is the proper way to ensure accountability and it is long overdue. The Government is wriggling out of its responsibilities and this is yet again evidence of its inability to govern well even when the circumstances are so compelling.

The focus of the Judge Harding Clark report has rightly rested upon the unfortunate women patients who have suffered so much but there is another woman who deserves to be remembered. The debt owed to the midwife named as Ann is recorded by Judge Harding Clark in the following words: "If it were in the power of the Inquiry to make an award of bravery to any person, it would be to the midwife who we shall call Ann who made the first complaint to the North Eastern Health Board solicitor". The report describes the difficult, lonely route that this young midwife took in her pursuit of the truth. She was clearly isolated by her colleagues and had to persist doggedly in raising her concerns before the opportunity arose for her to speak to the solicitor. According to the report there was no forum for expressing her concerns and she was reduced to nagging her colleagues. What is striking about Ann is her courage, her refusal to lie down under pressure, her thirst for justice. What is shocking about Ann is that to this day she has never gone public about her role. To this day the women do not know the identity of their champion. "Everyone owes her a debt" says Fidelma Geraghty, a woman who underwent an unnecessary hysterectomy after her baby was stillborn:

If it weren't for her, this could still be going on today and hundreds more women could have been affected. I would love to know who she is.

None of us knows Ann's identity. There is a real danger that what is presented in the Judge Harding Clark report is regarded as of historical interest only. It should not be seen in such a light. The report points out that even in Our Lady of Lourdes Hospital there is still inadequate risk management in place. It also queries the lack of scrutiny of other peripheral hospital maternity units and the need to provide a full assessment of care. We are continually being reassured by the medical professionals that what happened at Our Lady of Lourdes Hospital could not happen today. Speaking frankly, I do not buy that argument. It is not sufficient to rely on the professionalism of doctors alone to police themselves any longer. Increasingly doctors at the highest level

are working within teams rather than in isolation, which is to be welcomed. However, the power relationship between hospital consultant and junior staff, other medical professionals and patients, is still very imbalanced. To its credit the Medical Council has been pressing for many years for reform. Regrettably its concerns have fallen on deaf ears. It is now almost ten years since the Medical Council began campaigning for a new medical practitioners Bill and there is still no sign of it.

Even allowing for reform of the Medical Council, it is important that the role of the whistleblower is recognised and protected. There will always be space for abuse, no matter how good the system of competence assurance in the health service. The idea of the hospital consultant as God has been used to explain how Michael Neary was able to get away with his practice for so long. Doctors are never gods. They are human and subject to the same human frailty as the rest of us. Those who work closest to them can see when a doctor fails to live up to his or her Hippocratic oath in a way that may never be seen from afar.

In Our Lady of Lourdes Hospital in Drogheda it took an exceptional person to break ranks and an exceptional administrator in the health board to pursue the scandal into the open. To this day the person who broke the terrible cycle of pain and mutilation remains unwilling to step forward even after the publication of a report that praises her and totally vindicates her bravery. The forces unleashed by the Neary controversy over the years were powerful and destructive to the point where secrecy is the preferred option for the person whose heroism led to the discovery of a terrible wrong.

The lesson of Ann the whistleblower must not be lost. This motion is a move to recognise just how difficult it can be to speak up when others stay silent and how easily ways can be found to silence the expression of concerns in any workplace, whether in private business or in the public sphere. The need to protect individuals who stand outside of the herd and speak out should be paramount. This is the reason this motion is so important. The Government refusal to act is very disappointing.

This health service under the term of office of the Tánaiste has become more secretive than at any time in the past and is less accountable now than at any time in the past. One of the best ways to protect patients is for there to be a way of recording what happens to them, whether at health board level, through the media or in this House. This Tánaiste has been regarded in many ways as the champion of accountability but has managed to strip out all the safeguards that were in place in the health service. As has been pointed out by Deputy Hogan, we will become more dependent on the whistleblower inside the system

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to alert the public to the failures and the threats that may exist within the health service that is so important to all.

Mr. Martin: I may be sharing time with Deputy O'Connor if he arrives.

Mr. Rabbitte: I applaud the Minister's confidence.

A Deputy: The whistleblowers Bill for Tallaght.

Minister for Enterprise, Trade and Employment (Mr. Martin): To delete all words after "Dáil Éireann" and substitute the following:

- notes this reaffirmation of the Government's commitment to the protection of Whistleblowers; being persons who legitimately bring to the attention of the appropriate authority, sensitive information gained in the course of their employment and notes that Government has already demonstrated this commitment by providing appropriate Whistleblower provisions in a series of statutes enacted by the House as well as in legislative proposals currently before this House;
- notes the very significant legal and drafting issues which have arisen in the drafting of a single all-encompassing legislative proposal on Whistleblowing;
- supports the Government in its decisions to proceed on a case by case basis with appropriate Whistleblowing provisions, as either enacted by the Oireachtas or currently before this House, rather than await the possible resolution of wider complex legal issues;
- notes the Government's approach will continue to provide a series of opportunities for the House to contribute to the formulation and enactment of appropriate Whistleblower provisions on a sectoral basis; and
- endorses the Government's intention to continue to pursue the sectoral approach which will supersede the all-encompassing approach proposed in the Private Members Bill of 1999.

The Whistleblowers Protection Bill 1999 was introduced in the Dáil by Deputy Rabbitte on 24 March 1999. The Government, at its meeting on 15 June 1999, decided to "accept the Bill, in principle, on Second Stage, subject to indicating to Deputy Rabbitte that amendments will be proposed on Committee Stage by the Tánaiste and Minister for Enterprise, Trade and Employment

following consultations with the interested parties and following on the advice of the Attorney General".

As a result, my colleague, the Chief Whip, Deputy Kitt, then Minister of State with responsibility for labour, trade and consumer affairs, announced in the Dáil on 15 June 1999 that he fully supported any meaningful measures to increase the protection of workers and, therefore, would not be opposing the referral of the Bill to committee. He also indicated that many of the provisions of the Bill would have to be examined more closely and would necessitate further consultation with the social partners and other interested bodies. The Bill passed Second Stage in the Dáil on 16 June 1999 and was referred to the Select Committee on Enterprise and Small Business.

I wish to take this opportunity to outline to the House the extensive range of considerations that required attention in seeking to refine the Bill. In July 2000, following examination of the Bill, my Department, in consultation with the Office of the Parliamentary Counsel, circulated a draft memorandum for Government to all Government Departments. As a follow on from observations received from Government Departments, 45 amendments were prepared by my Department. The proposed amendments, if adopted, would have resulted in a more comprehensive item of legislation. This would have provided protection from civil liability or penalisation during their employment for employees, including agency workers, who made — to the specified persons, appropriate officers of public bodies so designated for the purposes of the Bill — certain protected disclosures of information obtained in the course of their employment, as distinct from making certain disclosures in respect of the conduct of the business and affairs of their employers.

At its meeting on 27 July 2001, the Government approved the redrafting and amending of the Whistleblowers Protection Bill 1999 along the lines of the 45 draft amendments. This was subject to further consideration being given to implications for the Central Bank and related issues and the breadth of the grounds, in terms of future behaviour, on which the terms of the Bill could be invoked. The Government amendments raised a number of detailed and complex issues which, according to the advice of the Office of the Parliamentary Counsel, would require substantial redrafting of the Bill. These related to issues such as the inclusion of the Central Bank under the Bill. Clarifications were sought to ensure that the terms "employer" and "employee" did not include the Central Bank and its staff. The issue was that the Central Bank's confidentiality regime was derived from obligations regarding professional secrecy imposed under EU law. It was necessary to avoid any possible conflict with

the Central Bank Acts and/or EU law. Legal advice was received from senior counsel and the Attorney General's office indicated inconsistencies with certain EU commitments in respect of conditions for the disclosure of information. Another issue raised was the provision of the protections of the Bill to public servants. In particular, issues on the operation of the Official Secrets Act 1963 arose.

In 2002 the Office of the Parliamentary Counsel subsequently indicated that the proposed Government amendments would require further consultations, particularly in respect of the protection of trade secret type industrial processes and especially where these overlap with intellectual property rights. The Bill should not create a grey area between the matters that are to be included in whistleblowing and the protection of such intellectual property rights. Further consultation was also indicated for clarification of the nature of the protections that would be required under the Unfair Dismissals Acts 1977 to 1993 for employees who blow the whistle, reasonably and in good faith, and in respect of the Official Secrets Act 1963. In addition, the Attorney General's office also provided further complex legal advice relating to the obligations on designated bodies and the Central Bank of Ireland to report certain suspected money laundering activities to the Revenue Commissioners.

Further progress on redrafting the Bill was overtaken by the dissolution of the Dáil in April 2002 and the general election in May 2002. The Government decided in June 2002 to restore to the Dáil Order Paper the 1999 Bill as one of a number of items of draft legislation circulated by the Chief Whip on 10 June 2002. This was achieved on foot of a motion taken in the House on 18 June 2002. The Bill was placed on the Order Paper and became part of the Government legislative programme, which, as Members are aware, is a commitment to legislate.

Progress on redrafting the Bill was raised on a number of occasions in the House, either on the Order of Business or in the form of parliamentary questions. In addition, the Taoiseach's private office wrote to Deputy Howlin on 5 February 2003. I understand that the Taoiseach's private office also contacted the Deputy on the issue on 21 November 2003.

In light of the complexities encountered, the possibility of continuing to address the issue on a sectoral basis was examined because such an approach began to look more effective and practical. Following consideration, this approach was conveyed to this House on the Order of Business on 19 May 2004 by the then Minister for Defence, Deputy Michael Smith, who stated:

It is now considered, on reflection, that the provision of statutory protection for whistleblowers on a sectoral basis might provide a better and more focussed approach to dealing

with this issue as in the case of section 4 of the Protection for Persons Reporting Child Abuse Act and section 50 of the Competition Act. In such circumstances, proceeding with the 1999 Bill is not viewed as a priority. The matter may be addressed at some future time when priorities in terms of the Government's legislative programme have been implemented.

This approach — that Deputy Rabbitte's Bill was no longer a Government priority — was repeated by the Taoiseach on the Order of Business on 2 November 2004 when he stated:

In such circumstances, proceeding with the 1999 Bill, as it is five years old, is not viewed as a priority. It may be addressed at some future time when the priorities of the legislative programme will be implemented. For the information of the Deputy, the two countries which introduced whistleblowers Bills have altered the legislation because it is not workable.

This sectoral approach was also articulated on a number of occasions during 2004, either on the Order of Business or in replies to a number of parliamentary questions in the House. As highlighted in the Opposition's motion, the Whistleblowers Protection Bill 1999 is still retained on the Government legislative programme. However, in light of further exchanges on the Order of Business on 15, 16 and 30 June and 1 July 2005, and replies given to parliamentary questions on the issue on 28 September, 2 November and 6 December 2005, I believe that it is now necessary to bring clarity to this issue.

I have attempted to give the House some flavour of the exceptional legal difficulties encountered in seeking to give legislative effect to the provisions in the original Bill. I have no reason to believe that these problems can be satisfactorily resolved in the near future, despite the existence of goodwill and hard work on all sides. In recent times, I have been giving consideration to formalising a sectoral approach to the issue of whistleblowing. I will outline to the House what I mean by this and why I think it is the best approach.

A sectoral approach will enable the speedier introduction of relevant measures appropriate to different sectors to address the important issues identified in Deputy Rabbitte's original Bill. As already indicated, however, the extensive work on preparing official amendments to the Private Members' Bill raised a number of complex legal questions relating to: inclusion of the Central Bank having regard to the bank's confidentiality regime; the obligation on designated bodies and the Central Bank of Ireland to report certain suspected money laundering to the Revenue Commissioners; the Official Secrets Act 1963 and its implications for civil servants; the protection of trade secret type industrial processes; and the fact that a single, all-encompassing legislative proposal on whistleblowing would be complex and

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cumbersome, take considerable time to enact and would not be user-friendly to the general public.

The benefits of my suggested approach can be evidenced by legislative developments in the period since the introduction of Deputy Rabbitte's 1999 Bill. It is unfair and inaccurate to say that nothing has happened in respect of whistleblowing in recent years. A significant number of measures have been introduced.

The issues raised in the context of the original Bill are so important that they do not allow for postponement until a perfect item of comprehensive legislation can be devised. Accordingly, my colleagues and I have been availing of opportunities to include suitable whistleblowing provisions in draft legislation, where appropriate. As indicated earlier, while still seeking to solve drafting problems in the original Bill, the Government included suitable provisions in a series of legislation adopted by this House in recent years. These items of legislation were the subject of lengthy discussions during their passage through the Houses, during which the Opposition parties had the opportunity to raise concerns with regard to workers who might want to blow the whistle in good faith. They include section 4 of the Protections for Persons Reporting Child Abuse Act 1998, which provides immunity from civil liability to persons who report child abuse, reasonably and in good faith. Under the Ethics in Public Office Act 2001, the Standards in Public Office Commission is empowered to investigate complaints about alleged contraventions of the Ethics in Public Office Acts..

As far as complaints are made, *inter alia*, by civil servants against other civil servants, the Ethics in Public Office Acts 1995 to 2001 provide at section 5(1) that "where a person makes a complaint to the Commission in good faith, no cause of action shall lie against the person and no disciplinary action shall be taken against him or her as a result of reporting his or her concerns to the Commission". Section 5(4) provides that a person who takes disciplinary action against a complainant in this context will be guilty of an offence and liable to a substantial fine.

Section 50 of the Competition Act 2002 provides that a person shall not be liable in damages in respect of the communication, whether in writing or otherwise, by him or her to the Competition Authority. The 2002 Act also provides that an employer shall not penalise an employee for having formed an opinion of the kind referred to in section 50(1) of the Act and communicated it, whether in writing or otherwise, to the authority if the employee has acted reasonably and in good faith in forming that opinion and communicating it to the authority.

Section 27 of the Safety, Health and Welfare at Work Act 2005, only recently passed by the House, provides for protection against dismissal

and penalisation of employees who, in good faith, take steps to protect themselves or others in a workplace situation.

Section 124 of the Garda Síochána Act 2005 provides for regulations for the establishment of a charter containing guidelines and mechanisms to enable members of the Garda Síochána or other persons to report, in confidence, allegations of corruption and malpractice within the force.

Following my deliberations, the Government has agreed to my proposals to formalise the sectoral approach as part of its policy in respect of addressing the issue of whistleblowing by requiring Ministers — in consultation with the Office of the Parliamentary Counsel to the Government to include — where appropriate, whistleblowing provisions in draft legislation that is either on the Government's legislative programme for the current Oireachtas session or that is in the course of preparation. Such an approach also acknowledges situations where the provision of whistleblowing provisions may not be appropriate.

As part of this approach, I propose to move a Government amendment to include whistleblowing provisions in the Employment Permits Bill 2005 on Committee Stage later in the week. This amendment will provide important protections to employees from overseas who act to report wrongdoing on the part of employers, either to a member of the Garda Síochána or the Minister in respect of the new Act or the earlier Employment Permits Act 2003. The amendment follows the provisions of existing sectoral legislation outlined earlier.

Against this background, I ask the House to support the Government in its decision to proceed on a case by case basis with appropriate whistleblowing provisions, either as enacted by the Dáil or currently before it, rather than await the possible resolution of wider complex legal issues.

In essence, therefore, the Government is putting before the House a different methodology towards achieving the same broad objectives being put forward by the Opposition in the context of the Whistleblowers Protection Bill. I stress that we are essentially proposing what we believe to be an effective alternative, endeavouring to obtain one-size-fits-all legislation. I have outlined a number of the legislative enactments put into play by the Oireachtas in which whistleblowers' provisions exist to protect employees from penalisation or from any attempt to undermine their status as a result of volunteering information for the betterment of others and preventing wrongdoing or other unacceptable behaviour. This should be accepted in good faith. It is not fair to suggest that nothing has been done in the past five years. Significant progress has occurred in respect of the areas outlined.

As regards issues raised in this debate, the context will become available. I refer, for example,

to the appalling behaviour of Dr. Neary at Our Lady of Lourdes Hospital, Drogheda. I applaud Judge Harding Clark on the excellence of her report. I was pleased to appoint her to conduct this inquiry. I assure Deputy McManus that it will not be seen in an historic light and that the recommendations will be acted upon. I know the Tánaiste is very committed to doing that and the opportunities will arise whereby the conclusions of that report may be reflected in terms of new legislation templates, including that which may be proposed as regards the Medical Council, as well as the entire issue of standards and so forth.

Whistleblowing provisions will not provide a panacea for resolving all issues and problems. Issues pertaining to culture, status and a range of other matters are also factors as regards some of the unacceptable activities that have occurred in a wide range of areas alluded to by Deputies in the course of this debate.

I also ask the House to note that the Government's approach will continue to provide a series of opportunities for Members to contribute to the formulation and enactment of appropriate whistleblower provisions on a sectoral basis.

Finally, I ask Members to endorse the Government's intention to continue to pursue the sectoral initiative which will supersede the all-encompassing approach proposed in Deputy Rabbitte's Private Members' Bill of 1999. Under the sectoral approach, I propose to instruct the Chief Whip to seek to remove the Whistleblowers Protection Bill 1999 from the Dáil Order Paper. The bottom line is that we believe the best way to approach this is to insert appropriate clauses in the various items of legislation that will come before the House in this session and next year and also to review the situation on a case by case basis. It would be unfair, then, to leave the Bill on the Order Paper.

Deputy Rabbitte suggested that the Bill has achieved certain historic status. There is no point in persisting with that unnecessarily when an alternative approach has been decided upon by Government. It is an approach that I commend to the House. However, the important public issues that gave rise to Deputy Rabbitte's original proposal have not diminished in relevance. While appropriate provisions to address these issues have been included in a number of statutes, there can be no sense of complacency. I share much of the concern articulated by Members.

It is imperative that we continue to ensure that persons giving sensitive information in the public interest are provided with appropriate safeguards. Furthermore, as the House considers each Bill coming before it, Members will have an opportunity to decide on the whistleblowing safeguards most appropriate to different sectors and to the particular needs of persons working in those sectors. The sectoral approach also means that future measures in this area will be informed

by the experience of earlier measures already on the Statute Book. This is so that we can evaluate the measures already put in place to gauge their effectiveness and the degree to which they may be refined and improved on.

We are not convinced that there is a one-size-fits-all solution. The financial world, for example, is much different from the health worlds, health and safety and employment law and labour rights. We are dealing with a wide spectrum of issues. I accept that everything that has been put forward was argued in good faith but genuine legal difficulties have arisen. Complex questions have been raised. In our bid to find the perfect all-round solution we could lose more valuable time. However, in terms of the legislation coming before the House in a number of important areas, whistleblowing measures may be inserted. The latter is what we are currently proposing to do.

All Deputies have a role to play in this regard and the Government will certainly be prepared to consider contributions to this end from all sides of the House. I am convinced that the sectoral approach offers the best prospect of effectively addressing these important issues in a timely and effective manner. In terms of future legislation coming before the House, the Government is open to whatever amendments or proposals the Opposition puts forward in that regard.

Mr. O'Connor: I thank the Minister for allowing me to say a few words on this matter. As I walked through the self-service restaurant in the House, I noticed that there were
8 o'clock more people watching the Minister speak than there were watching the football match between Chelsea and Barcelona, which is a compliment to the Minister and the manner in which he dealt with this issue.

I compliment the Minister on the kindness he showed me last week when I voiced my concern about possible job losses at the Jacobs Fruitfield factory in Tallaght in my constituency of Dublin South-West. In spite of being abroad on a very important trade mission, the Minister found the time to calm me and give me some very helpful advice. I am pleased that the efforts of the trade unions and staff at the factory have been successful and that the factory can now look forward to a very positive future. I compliment the Minister on the interest he showed in this issue. Every Deputy can discuss issues and the need for job creation in his or her constituency but my constituency needs jobs more than most. It is the third largest population centre in the country with a very young population and it is important that I continue to inform the Minister of the needs of Tallaght in this regard. I thank the Chairman for bearing with me during my brief digression and my colleagues for not heckling me.

I listened to the earlier part of the debate. I have always complimented the Opposition parties for bringing forward motions during Private

[Mr. O'Connor.]

Members' business. If I may say so without upsetting anyone, the remarks of many colleagues are sometimes more sincere in certain debates than in others. There is a certain measure of agreement with regard to this Bill, which has been dealt with very well by the Minister's speech, and it is important that we acknowledge this. I acknowledge the work of my colleagues on the Opposition benches who tabled this motion.

I am aware that we will all repeat ourselves because there are very few new arguments one can make in respect of this issue. However, the Minister reminded us that the purpose of the Bill is to provide protection from civil liability to employees who make certain disclosures reasonably and in good faith in respect of the conduct of a business and the affairs of their employers about which they become aware during their employment. It is important to note that the Bill prohibits the penalisation of employees by their employers in these circumstances. It specifies the person to whom disclosure may be made and the categories of matters in respect of which the making of such disclosures is permissible. It is important for us to understand the importance of this section.

We should also remind ourselves that the Whistleblowers Protection Bill 1999 is still retained by the Fianna Fáil-led Government in the legislative programme. In light of a number of exchanges which, as the Minister noted, have taken place over a long period, it is useful that the Minister has clarified the issue and made the point very clearly that, where appropriate, whistleblowing provisions in draft legislation will be considered in the programme and in the course of preparation by the Government, in consultation with the Office of the Parliamentary Counsel.

It is also important that we listen carefully to and understand the Minister's comments this evening, which I believe he made in good faith. It is useful to put on record that the Minister's deliberations have created a situation whereby the Government has agreed to his proposals to formalise the sectoral approach as part of its policy on addressing whistleblowing by requiring Ministers to take particular account of it as they prepare their own programmes. As part of this approach, I understand that the Minister also proposes to move a Government amendment on Committee Stage of the Employment Permits Bill 2005 this week to include whistleblowing provisions. The amendment offers important protections to employees from overseas who act to report wrongdoing by employers to either a member of the Garda Síochána or the Minister in respect of the new Act or the earlier Employment Permits Act 2001. The amendment follows the provisions of previous sectoral legislation, as was outlined at length by the Minister. The Government's amendment will be formally moved on Committee Stage in the House.

Bearing in mind the point I made about the approach of the Opposition, it would be good if all the Opposition parties supported the Government in its decision to proceed on a case-by-case basis with appropriate whistleblowing provisions as either enacted by or currently before the House rather than waiting for the possible resolution of wider complex legal issues. I do not know what will happen tomorrow night but it would be interesting if a situation which is infrequent in this House emerged, a measure of agreement was reached and a routine or ritual vote did not take place.

I attended a breakfast held last week by South Dublin Chamber of Commerce, which was also attended by Deputy Ardagh. The guest speaker was the former Fine Gael leader, Alan Dukes, who reminded us of the famous speech he made ten years ago. The speech was delivered in Templeogue but became known as the Tallaght speech. In the speech, he argued that it was not necessary for Governments always to be opposed by Opposition parties. The leader of the Conservative Party in the UK, David Cameron, also takes this approach in respect of certain issues. I am aware that slight panic sometimes appears on the Opposition benches as we count down the last 450 days to the next general election but we need to remain focused and perhaps remember that a considerable amount of legislation is coming forward which has considerable merit. I am not saying that any of this legislation does not have merit. There should be more occasions during which the parties can agree on certain matters, having dotted the i's and crossed the t's and made our political points, as we are entitled to do. We should then go forward, accept what the Government is arguing in respect of certain aspects of this legislation and not vote simply for the sake of it. I do not know whether such agreement will be evident tomorrow night but I live in hope.

I compliment the Minister on his speech. It is important that we have an opportunity to deal with this issue, which has been in circulation for a long time. I recall some advertisements produced by insurance companies and other interests which encouraged the public to be sufficiently brave to blow the whistle on insurance fraud. I acknowledge the point made by the Opposition spokespeople that the Bill has been in circulation for a long time but it is important that we understand the need for it. I hope the Minister's speech, which covered all aspects of the Bill, has calmed people. I look forward to voting for the Government amendment in any vote which may occur tomorrow night.

Dr. Twomey: I wish to share time with Deputies O'Dowd and Timmins. I am disappointed that the Minister has left the House, although I have nothing against the Minister for State at the Department of Enterprise, Trade and Employment, Deputy Michael Ahern. It would be very apt for the Minister to be present in the

House for this legislation because he was one of the architects of the current rudderless state of the Irish health service. It would do him good to read the provisions of the Whistleblowers Protection Bill 2005.

Almost since the day it assumed power, this Government has attempted to reduce the amount of information people can obtain about it and the services provided by it. One of the first things it did on re-entering office in 2002 was reduce the strength of the freedom of information legislation so that people could not access information. Pontificating at this stage about transparency and openness in government is, to say the least, somewhat rich. Government codes in respect of disclosure are written in a way that puts people off going down that road. It is almost impossible to follow the codes of governance relating to the HSE. It should be made easy for people to complain about what they perceive as problems within the health service, a matter on which I wish to focus.

The Minister said that he will take a sectoral attitude to dealing with the whistleblowers legislation, which is fine. Does this mean that we can look forward to whistleblowers provisions in a few months' time, when we debate the health information and quality assurance legislation? The heads of that legislation were approved by the Cabinet today and they will now go on a two-month trip to stakeholders who wish to make their opinions known on the legislation. Since the legislation deals with openness and the quality and accountability of systems within the health service, it can only mean that there are whistleblowers provisions for the health services. If not, it means the Minister was waffling and doing exactly what he did during his four-year term in the Department of Health and Children where he was always just one report away from making a decision. Members on this side of the House will be watching closely to see if whistleblowers provisions relating to the health service will be introduced in a couple of months' time when the HIQA legislation comes before the House.

Am I inspired with confidence in the Tánaiste and Minister for Health and Children, Deputy Harney, to deliver on this, regardless of what I may feel about the previous Minister, Deputy Martin? Last year, I asked the Tánaiste a priority question about whistleblowers legislation. Her answer gave a fair indication of what she thinks about the need for whistleblowers legislation for the health service. She said that she had been in the House for many years but she had never heard of medical staff — doctors or other professionals — being shy about voicing their concerns at any forum. Even though this was before the Neary report was published, we were all aware of what had happened in Drogheda. For the Tánaiste to utter that sort of nonsense means that no one was briefing her on a day-to-day basis as to what might crop up in the Neary report. She appeared to indicate that doctors would always

voice their concerns. As a doctor, I am absolutely disgusted with what is contained in the Neary report, namely, that Dr. Neary and the three consultants conspired in some respects to cover up what happened to the women involved. Dr. Neary was allowed to go back to work on the basis of the consultants' findings.

Since the report was published, there has been very little comment from the Tánaiste on who authorised the three consultants to enter the hospital. What happened to the report and when were the findings made known? Who acted on the reports and what was the trail of events following what the three consultants wrote? There are strong indications that the Government is still sound asleep and extremely complacent in this regard. It has no credibility in dealing with the problems in the health service. It acknowledged the report and said it was great, even though there are glaring questions to be answered in regard to the report. We have heard nothing from the Tánaiste since its publication.

I wish to make another point regarding the Tánaiste's reply to me last year. She said that we must distinguish between those who may from time to time express concerns on behalf of patients and those who may have their own perspective on matters. In other words, she is saying that some people, with their own agenda, may set out to destroy one's reputation by using whistleblowers legislation. It is crystal clear from whistleblowers legislation throughout the world that one can include protection so that people's reputations cannot be destroyed by someone using such legislation in a malicious manner. The Tánaiste's answer is similar to that which one would expect from someone at Our Lady of Lourdes Hospital who was trying to defend the indefensible. She does not acknowledge patients' rights or their concerns. She is acting as if she is not representing the people. This same attitude is coming from the opposite side of the House tonight. Members are drooling through contributions they have been given by someone in some press office. There is no rigorous discussion on the issue. Members opposite are not standing up for people who cannot stand up for themselves. They should be far more proactive on the issue.

The Tánaiste also replied that it is only someone at my peer level — I assume she is referring to me as a doctor — who could intervene in the interest of patients. It is not reasonable to expect people who are not medical personnel to be able to take action when they feel something is inappropriate in a hospital. That is the greatest rubbish I have heard in a long time. My role as a legislator is of far greater importance in protecting patients than is my role as a doctor. This goes for every doctor, nurse and health care professional in the health service.

Huge mistakes were made but I know what it was like to work in these hospitals. Some of these hospitals have not changed much in the past seven or eight years. Nothing in the Neary report

[Dr. Twomey.]

will change the way many of these people operate. These practices will continue in the future unless strong whistleblowers legislation that will allow doctors and nurses to come forward and express their concerns is put in place. It would be better if they expressed their concerns to me as a legislator rather than as a doctor. As a legislator, I can at least come before the House and voice these concerns without worrying about a solicitor or a senior counsel's letter arriving on my desk two days later and being threatened with legal action. We all know what would have happened to the nurse at Our Lady of Lourdes Hospital if Dr. Neary got to her before that brave administrator in the north east. He would have sent her a solicitor's letter. He would have threatened and bullied her and the idea of being obliged to face litigation and paying €40,000 or €50,000 to a senior counsel would have buried her. It would have shut her up, as is currently happening to people throughout the country.

This is the reason for the legislation. It is what we are discussing. This matter involves representing patients. One can call them constituents if one wishes but these are the people we are protecting. The Minister, Deputy Martin, should wake up to what this matter involves. The drool in his speech is the same nonsense the Tánaiste, Deputy Harney, gave me three months ago.

Members on the opposite side of the House should be realistic. Patients should be given the protection they need. We should not fall back on this nonsense about peer levels because the people who failed the women in the north east were at that level. It was the bravery of a few individuals that saved many other women's lives. This is something that must be taken on board. When the HIQA legislation is published, there must be a section dedicated to whistleblowers which we can understand and on which we can deliver for patients. Deputy McManus and I will be more than happy to debate the issue on Second Stage and Committee Stage. Like everyone else in the country, we will be extremely disappointed if this aspect is missing from the legislation in a couple of months' time and if more lame excuses to the effect that it will be introduced sometime in the future — when the current Administration will no longer be in government — are offered. That will not be good enough. The legislation must be introduced now.

Mr. O'Dowd: The Labour-Fine Gael motion is very important. It has come at an important time, following such a damning report on what happened in a hospital in my town. In the report, Judge Harding Clark asks whether this type of thing is happening in other maternity units throughout the country. On page 33, there is a long list of people who were qualified and working in the hospital who said nothing about what was happening. It is amazing that such a range of significant Caesarean hysterectomies, which a

surgeon would perform ten times in his or her lifetime, were carried out ten times a year on average. This beggars belief. It amazes me that no one shouted stop.

A fundamental aspect of the whistleblowers legislation is that there should be advocates for patients in hospitals. If a patient is critically or chronically ill or dying, there should be people working in the hospital who would be advocates for him or her.

They should have professional training and knowledge and ensure that patients needs are met. While we need the whistleblower when everything goes wrong, there should be a system where the needs of patients, who often cannot speak for themselves because they may have serious disabilities, psychiatric illnesses, etc., are met. We should protect such patients by providing a system of advocacy.

Local government is also mentioned in the motion. It is amazing that the Minister for the Environment, Heritage and Local Government has refused to act on the strong views of the chairman of the Standards in Public Office Commission who basically asked that whistleblowers legislation be introduced to protect employees and elected members of local authorities against reprisal where a bona fide report or complaint is made by an employee or councillor who believes that he or she is being required to act in a manner that is illegal, improper or unethical and is in breach of constitutional convention or a professional code and that may involve possible maladministration or is otherwise inconsistent with the relevant code. That is what the Standards in Public Office Commission, since the publication of the 2004 report, has asked the Minister for the Environment, Heritage and Local Government to introduce. Basically, it is seeking that we protect, by way of whistleblowers legislation, those who are entitled to the protection and support of the State.

I do not understand why legislation has not been introduced. The United Kingdom has a system we could follow. One of the problems with the tribunal is not the amnesia so many politicians experience in regard to cheques they received or did not receive or what happened to them, it is the question of giving commitments to people seeking planning favours before the statutory meeting has taken place. In the United Kingdom, there is a code of behaviour for elected members and officials. Under no circumstances are they allowed to give any commitment or to organise a meeting before the local authority makes its statutory decision. The absence of such a code of behaviour in this country has resulted in the current situation.

The people are fed up. The tribunals have been sitting for approximately nine years. The Government has made no attempt to introduce new legislation to address the issues in regard to planning corruption, particularly in respect of protecting people who are vulnerable and who, if they told

what they know, would face the same type of attack the nurse at Our Lady of Lourdes Hospital faced. As Judge Harding Clark said in her report, the woman in question was isolated and told she would never work again in this country. That is not good enough.

We need a root and branch reform of our legislation and we must protect the public interest and the public good. At all times, we need to act in the best interests of the public. The public good should always be protected. The same type of legislation is required in the area of local government as that needed to protect those working in hospitals. This Government has not acted and has been unable to face reality. Deputy Rabbitte initially introduced his Bill in 1999 but it was ignored by the Government. There is an unstoppable momentum for change. It is important that we have had this debate and the Government must act and be seen to do so.

Mr. Timmins: I am delighted to support the motion. Sometimes I think that since Eve offered Adam the apple, society has been corrupt and no matter how hard we strive to change, we never quite get there. I read the book, *American Pharaoh*, about Mayor Daley and it was difficult to establish whether he was corrupt or whether he tried to work with the tools at his disposal. As society moves on and we try to emerge from the post-colonial era, perhaps we will realise that we must get our house in order.

We are familiar with the terms “war babies” and “children of the 1960s” but I dub myself a “political tribunalite” because virtually the day after the Acting Chairman, Deputy Ardagh, Deputy Carey and I became Members of the House, the tribunals were established. I am sure they will be running long after we have left. We, as politicians, have that sword of Damocles, to quote the Mr. Redmond, hanging over us because it has meant that we are easy prey when we go out among members of the public and hear the refrain that we are all the same and that there is no difference between us.

When I started in politics, I did not believe corruption was as endemic as suggested. When I heard the initial rumours, I regarded them as such but obviously they were well-founded. I am somewhat weary of coming into the House and listening to Minister give grandiose speeches. After every difficulty or disaster, we are told it will not happen again because certain plans are in train. Despite the refrain that something must never happen again, the likes of the Dr. Neary case, the planning issues in Dublin and, I am sure, throughout the country continue to happen. Each time a difficulty arises, we come into the House and bang our chests and say that it must never happen again because it is terrible. However, difficulties will arise again because, as a society, we do not have the will to address corruption. When somebody approaches us with a difficulty, we run a mile. We do not want to address it because we

have this old difficulty with the informer. When one tells on someone, one feels one is doing something wrong. However, that is not the case. We must send out that message. I recall the term “tell-tale” from school. The tell-tale was frowned upon but if one brings to the notice of the authorities something that is wrong, one is benefitting society and one’s actions should be extolled and not berated. We have a sneaking regard for corruption and for people who do wrong.

Following the establishment of the tribunals, we set about introducing certain measures, one of which was to change the way development plans were drawn up. We have now reached a stage where a politician is almost afraid to use his or her initiative or to do anything. Development plans are now drawn up behind closed doors by people who are not politically accountable. There was some diversity in the past when officials and politicians dealt with it. Officials are not immune to corruption and I am sure if one examined society as a whole, every sector of it is as corrupt or as clean as the next. No one has a monopoly on wisdom and that applies to the media, politics, etc.

Corruption is alive and well and will continue to be until we tackle it. I commend Deputy Rabbitte’s Bill and this motion but we must provide protection for citizens. Until such time as legislation is enacted to provide immunity from prosecution for people who come forward with information that will result in the prosecution of a politician, a civil servant or someone in authority, we will continue to have corruption. Many people with information will speak out of the sides of their mouths and will make veiled references but they will never come forward with the hard evidence if they are party to the corrupt deed. They must be protected and we must make provision in that regard.

Deputy O’Connor said more people in the self-service restaurant were watching the Minister make his speech than the match between Chelsea and Barcelona. That tells me more about Chelsea than the Minister. Illegal dumping was first uncovered in County Wicklow four or five years ago but there have been few prosecutions. Cement Roadstone, a large company, was not prosecuted. We took case law from the British and I did not see any proposals to amend the law in regard to corporate liability. One man’s trip abroad at the expense of a corporate body is another’s perk of the job. It is, however, corruption.

We must address this matter and enhance the powers of the Criminal Assets Bureau. We must be proactive. We can continue to apply the sticking plaster in respect of the difficulties that arise but until we decide that we are serious about this matter, our actions will be completely irrelevant.

Debate adjourned.

Message from Select Committee.

Acting Chairman (Mr. Ardagh): The Select Committee on Social and Family Affairs has completed its consideration of the Social Welfare Law Reform and Pensions Bill 2006 and has made amendments thereto.

Finance Bill 2006: Report Stage (Resumed) and Final Stage.

Debate resumed on amendment No. 4:

In page 9, between lines 15 and 16, to insert the following:

“1.—The Minister shall establish a new subhead in the Book of Estimates on expenditure to be incurred as a result of obligations under the Kyoto Protocol.”

—(Deputy Boyle).

Mr. Boyle: Perhaps at this stage the Minister and I can come to some arrangement as to how we want this Bill to proceed. I presume the other Opposition spokespersons will attend shortly.

I was disappointed with the response of the Minister for Finance before Private Members' Business that the Book of Estimates subhead for carbon credits meets what I was seeking in terms of the amendment before us. I am afraid it does not. My amendment is quite explicit and refers to the Kyoto Protocol. I found the Minister's argument somewhat circular. He was trying to say that the mention of carbon credits was sufficient with regard to meeting the amendment while going on in his later contribution to say the Government is doing more than providing carbon credits in meeting this country's obligations on greenhouse gases and the Kyoto Protocol. If that is the case, the subhead entry in the Book of Estimates should be much more wide-ranging.

The Minister has not responded to much that I said when moving the amendment, namely that the mechanisms he has chosen have been wrong and that he is seriously underestimating the likely cost to Ireland. He is working on the basis that Ireland can and will reduce greenhouse gas emission percentages though the most recent figures have shown that, sadly, those figures are again going upwards in areas where the Government has least control. The Government is bereft of mechanisms to show how that might be brought in a different direction.

When, in the course of his reply, the Minister brings in such items as his proposed excise duty reduction on biofuels and the grants in respect of renewable energy, he is arguing against himself. This area requires a strategy approach far more

wide-ranging than the Government has adopted to date. Even the small and belated measures he has cited are fraught with difficulty in themselves. The Minister is aware that the original biofuel measure brought in by his predecessor took a full 18 months of negotiation with the European Commission even to have it introduced on a small scale, and it does not seem to have been taken up at all. The Minister's own proposal is only a minor pushing out of that particular boat and we might still find ourselves in difficulty because there does not seem to have been any work in advance on whether this proposal is acceptable to the European Commission.

The Green Party believes the Minister should go further. If we are genuinely talking of making biofuels competitive we need to remove the excise duty cap once and for all. The gap between the cost of energy produced by biofuels and conventional fossil fuel products is narrowing and a proper fiscal incentive might tip the balance in terms of consumer confidence. Even in terms of the types of vehicles the Minister is promoting, many of them are expensive. While they might have environmental benefits in terms of their fuel use, some of them are large-scale and might cause environmental damage in other respects.

The Government must take responsibility for the fact that the tax reliefs introduced across the board have had environmental consequences, particularly with regard to the construction industry. One third of all housing in this country has been built since 1995, most of it built without proper energy efficiency standards. The lack of such standards has contributed to a growth in our greenhouse gas levels, and by that I mean the levels emitted by the actual households. That does not even begin to count the costs of the construction of these units, which have been a major contributor.

This country has the greatest level of car usage in the world. We spend more time in our cars than people in any other country. If the Government is encouraging people, through tax reliefs, to live long distances from their work, thus needing to travel by private transport, and if the Government is encouraging through tax reliefs the building of housing which is not energy efficient and is using non-sustainable materials, it is ultimately unfair for the Government to put in place taxation measures which are spreading the burden across all groups in our society whether or not they as individuals have contributed to the problem. The Minister and Government need to do a lot better.

Amendment put.

The Dáil divided: Tá, 39; Níl, 64.

Tá

Boyle, Dan.
Breen, James.
Broughan, Thomas P.
Burton, Joan.
Connaughton, Paul.
Connolly, Paudge.
Costello, Joe.
Cowley, Jerry.
English, Damien.
Gilmore, Eamon.
Gormley, John.
Hayes, Tom.
Healy, Séamus.
Higgins, Joe.
Hogan, Phil.
Kehoe, Paul.
Lynch, Kathleen.
McCormack, Pádraic.
McGinley, Dinny.
McHugh, Paddy.

McManus, Liz.
Mitchell, Olivia.
Morgan, Arthur.
Moynihan-Cronin, Breeda.
Murphy, Catherine.
Neville, Dan.
Ó Caoláin, Caoimhghín.
O'Dowd, Fergus.
O'Keeffe, Jim.
O'Shea, Brian.
Perry, John.
Rabbitte, Pat.
Ryan, Seán.
Sherlock, Joe.
Shortall, Róisín.
Stanton, David.
Timmins, Billy.
Twomey, Liam.
Upton, Mary.

Níl

Ahern, Michael.
Ahern, Noel.
Ardagh, Seán.
Brady, Johnny.
Brady, Martin.
Brennan, Séamus.
Browne, John.
Callanan, Joe.
Carey, Pat.
Carty, John.
Collins, Michael.
Coughlan, Mary.
Cowen, Brian.
Cregan, John.
Curran, John.
de Valera, Síle.
Dempsey, Noel.
Dempsey, Tony.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Finneran, Michael.
Gallagher, Pat The Cope.
Glennon, Jim.
Haughey, Seán.
Hector, Máire.
Jacob, Joe.
Keaveney, Cecilia.
Kelleher, Billy.
Kelly, Peter.
Killeen, Tony.
Kirk, Séamus.

Kitt, Tom.
Lenihan, Brian.
Lenihan, Conor.
Martin, Micheál.
McEllistrim, Thomas.
McGuinness, John.
Moloney, John.
Moynihan, Dónal.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M.J.
Ó Cuív, Éamon.
Ó Fearghail, Seán.
O'Connor, Charlie.
O'Donnell, Liz.
O'Donoghue, John.
O'Donovan, Denis.
O'Flynn, Noel.
O'Keeffe, Batt.
O'Malley, Fiona.
O'Malley, Tim.
Parlon, Tom.
Power, Peter.
Roche, Dick.
Smith, Brendan.
Smith, Michael.
Treacy, Noel.
Wallace, Mary.
Walsh, Joe.
Wilkinson, Ollie.
Woods, Michael.
Wright, G.V.

Tellers: Tá, Deputies Boyle and Catherine Murphy; Níl, Deputies Kitt and Kelleher.

Amendment declared lost.

An Leas-Cheann Comhairle: Amendments Nos. 5 to 7, inclusive, are out of order.

Amendments Nos. 5 to 7, inclusive, not moved.

Mr. Perry: I move amendment No. 8:

In page 9, between lines 15 and 16, to insert the following:

“1.—The Principal Act is amended in section 466A by the substitution of the following for subsection (2):

“(2) Where in any year of assessment an individual proves that he or she is a qualifying claimant he or she shall be entitled to a tax credit (to be known as the ‘home carer tax credit’) of a sum equal to the higher of the amount specified in section 472 of this Act.”.”.

Deputy Bruton has put considerable thought into this amendment. It proposes that the home carer's allowance of €770, which has not increased since its introduction, be increased to the same level as the PAYE tax credit, currently

[Mr. Perry.]

€1,490. Such a step would partly compensate for the erosion in income brought about by individualisation, while recognising the role of spouses who choose to work in the home. In addition to providing a considerable financial benefit to families in which one spouse chooses to care for children, it would recognise the contribution of home carers. This is not a major demand given that the home carer's tax credit has not been increased since its introduction. The State must recognise the role of those who choose to stay at home to look after children by giving them parity with PAYE workers who receive a tax credit of €1,490. I ask the Minister to accept the amendment.

Ms Burton: The Minister should explain the reason certain types of contributions are valued more than others in the tax structure. For instance, highly paid individuals who make pension contributions of €100,000 receive tax relief of €42,000. In comparison, the position of carers is one of extreme disadvantage. The Minister should explain the reason he lavishes so much resources on high income earners in finance legislation while offering few advantages to those on low incomes. It would be interesting to learn how much tax relief for home carers costs, as compared with tax relief paid in respect of pension contributions for high earners.

Mr. Boyle: I support the amendment. The Government has failed to institute a plan which would bring the home carer's allowance at least some distance closer to the standard PAYE credit. The home carer's tax credit was introduced as a sop in response to the furore which greeted the introduction of tax individualisation. The fact that the value of the credit has remained static for several years indicates the Government is no longer interested in providing such a sop.

My family unit has helped the Government increase its tax base in that my wife chose to stop working outside the home and, as a result, lost the benefit of having a separate, individualised tax credit. I suspect many thousands of others are in the same position. Even with the new child care payments, the Government does not recognise that those who choose to work in the home have an equal economic or social value as others in the economy. If it is serious about valuing home carers, it should introduce significant, annual increases in the home carer's credit with a view to achieving parity with the PAYE tax credit. On these grounds, I support the amendment although the Minister, who has been silent on this issue to date, will not be inclined to accept it.

Caoimhghín Ó Caoláin: I, too, support Deputy Bruton's amendment. Any measure of relief or support which can be directed towards those who are providing caring support in the home is to be welcomed. The limited supports and poor oppor-

tunities for further relief currently available to those who provide service, commitment and care in the home impose a responsibility on us to reflect the interests and needs of home carers at every opportunity. I have no difficulty, therefore, in supporting the amendment.

Having had amendments Nos. 5 and 6 ruled out of order, I am unable to follow the reasoning behind the refusal to accept some amendments while rejecting others. The excuses trundled out for rejecting amendment No. 5, for example, which sought to introduce indexation to recognise the reality of the increase in the cost of living, was that it would impose a charge on the Exchequer or people. While I support amendment No. 8, does it, too, not entail imposing a charge? Where and how is the line drawn in deciding which amendments are valid and which are out of order? Deputies put in equal work in trying to present amendments which will make a critical difference to the Finance Bill. It is disappointing when they are rejected as frequently as they have been by the Ceann Comhairle.

Minister for Finance (Mr. Cowen): The amendment relates to the home carer's tax credit of €770 which, under section 466A of the Taxes Consolidation Act 1997, is granted to married couples where one spouse works at home to care for children, the aged or incapacitated persons. The amendment proposes that the amount of the home carer's credit should be the same as the maximum of the employee tax credit, commonly known as the PAYE credit, which, by virtue of section 3 of the Bill, will amount to €1,490 this year. In other words, the amendment seeks to increase the value of the home carer's tax credit by €720 per annum.

It is estimated that to increase the home carer's tax credit as proposed would cost €63.5 million in a full year. As I indicated in my Budget Statement last December, the total cost of the income tax and revenue changes I made is €887 million in a full year, which is 30% greater than the previous year's total. The increases I made in the employee tax credit and personal tax credit, in addition to benefiting all workers, were intended to ensure all those on the minimum wage would be fully outside the tax net. The changes I have provided for in the Bill are generous by any standards and I am not in a position to accept the Deputy's amendment.

Mr. Bruton: I am disappointed by the Minister's response. The PAYE credit was increased on about four occasions but the home carer's credit was never increased since its introduction by his predecessor, which implies that people who work in the home are regarded as inferior. However, we all realise that the people who are willing to work in the home to rear children or help older or infirm relatives are an important element of any community. I cannot understand why the

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Minister took such a peculiar attitude given that, in any other forum, he would laud the people who are willing to commit themselves to caring in the home. A degree of consistency is needed between rhetoric and action and a balance should be found between the needs of the economy for more workers and of families for people to work in the home. The Minister and his predecessor seem to have closed their minds on this issue.

Mr. Perry: Given the critical role of carers in the home and that many are unpaid, €63 million represents a good investment. Although the Minister has refused to accept this amendment, he could at least indicate that he is prepared to increase the home carer's allowance in the future because it is disappointing that the allowance was not increased from €770 or index linked in any way. In light of the cost to the State of looking after people in long-term care, carers who rear children or look after the elderly within the home represent good value for money. These are critical roles, yet in some cases the people involved are refused home carer's allowance. Providing the PAYE equivalent in tax benefit would go some way towards recognising the work of the spouse in the home. This is a well-crafted amendment which demonstrates concern for people who contribute hugely to society and it is disappointing the Minister has given no credence to it.

Caoimhghín Ó Caoláin: I support Deputy Bruton's argument on behalf of home carers. The Minister did not respond to my question, although I accept that he may not be in a position to do so. If that is the case, clarification could be provided later. I do not wish to impinge on this commendable amendment but the Minister, in his response, indicated an estimated cost in excess of €60 million, yet many amendments were ruled out of order on Committee and Report Stages due to potential charges on the Exchequer. What is the difference in this case? In terms of the drafting of future amendments, I am curious as to what is acceptable for consideration and debate, as against the traditional letter from the Ceann Comhairle citing number after number. My experience in this regard is not unique, other Deputies have had the same experience. I ask for an explanation.

Acting Chairman: The decision as to why Deputy Ó Caoláin's amendment was out of order and Deputy Bruton's was acceptable is a matter properly for the Chair. I will ask the Ceann Comhairle or the Bill's office to explain the difference as I would like to learn it myself.

Mr. Cowen: I have nothing further to add. As I said with regard to the budget, we introduced a good package of tax reliefs for many PAYE workers, including those in single income families, and the argument that the commitment to these families should be equated with increases

in home carer's credit is a flawed one. Significant improvements in take home pay have resulted from the budgetary provisions being incorporated into the Finance Act. The choices I made were aimed at taking minimum wage earners out of the tax net.

It is easy for the Opposition to enter the fray regardless of its record of increasing income tax and the costs of its proposals. It is a simple line of argument and, if I had more money available to me, I would provide for much more. We brought a record package in that respect and I contend that by reason of the reforms we have undertaken to the income tax code, we have shown more commitment to working families than any previous administration. However, I do not wish to open that debate tonight.

Amendment put and declared lost.

Mr. Bruton: I move amendment No. 9:

In page 9, between lines 15 and 16, to insert the following:

"1.—The Principal Act is amended by the insertion of the following new section 15A:

"15A.—(1) In any year of assessment where monies are paid to any state or other body in respect of which the individual making such payments would be entitled to a tax credit or an allowance for income tax the Minister for Finance may direct that such state or other body shall make a return of such payments made by such persons in such format and shall be determined by regulations as shall be made by the Minister for Finance to enable a tax credit or deduction to be made or allowed.

(2) In respect of any such information provided to the Offices of the Revenue Commissioners no liability shall attach to the Office of the Revenue Commissioners or otherwise for failing to provide such tax credit or allowance to the person who made the payment.".

I do not intend to dwell long on this because we have discussed the substance of it with Deputy Burton's amendment No. 1. This amendment is designed to encourage the Minister to open up areas where a form of refund at source could be operated in respect of tax allowable expenditure. One such area concerns bin tax which, we are told, almost 1 million people are now paying, although the Minister's own figures indicate that only 164,000 are claiming tax relief. That suggests that 836,000 did not get tax relief in 2003. As many Deputies on this side of the House have indicated, that is not fair play and a more proactive approach is needed by the Government in identifying unclaimed tax relief and making refunds easier to obtain.

[Mr. Bruton.]

During the debate on Deputy Burton's amendment, I made suggestions to the Minister and was disappointed that other than a vague agreement that they would be useful, he made no commitment on making authoritative estimates of the level of underpayment, making easy claim systems available when allowances are sent to people or allowing medical relief for sensible measures such as preventive optical or dental care, which are currently deemed not allowable because of their routine nature. I will not labour the point because other amendments need to be discussed but a provision along these lines ought to be adopted by the Government.

Ms Burton: I support the amendment. Given the statistics provided by the Minister on the rate of pick up of tax breaks, it would seem that some 800,000 households are not claiming tax relief on refuse charges. This means the Minister is in pocket to the tune of that amount.

The Minister recalls, I am sure, correspondence and comments about Dublin Bus. If a person overpays a bus fare, Dublin Bus give a voucher indicating the overpayment. Money accrued in this way which is not claimed is used, to some extent, for charitable and community purposes. The question arises of what the Minister does with the extra money he is holding on behalf of taxpayers. If the facility does not exist for taxpayers to collect this money, there is a good argument that it should perhaps be distributed over and beyond the income that may be distributed by the Government to charities. The Minister is essentially holding on to taxpayers' money which rightfully belongs to taxpayers. It seems inappropriate that the Minister can hold on to this money. If he will not refund it or provide schemes for refunding it, perhaps other ways should be found to distribute it to some charitable causes.

One must also bear in mind that these reliefs are somewhat of a scam, particularly where they concern people whose income is so low that they have no tax liability. We do not operate a system of refundable tax credits. If a family has a significant number of children but the parents work at or close to the minimum wage, the reality may be that they will not have much of a tax liability if the income is very low. Therefore, the family will not be in a position to benefit from tax refunds. Despite this, these are the types of families, especially those with small children and babies, who require a refuse collection on a weekly basis, especially in the summer.

There is much dishonesty evident in this issue. In some ways, this tax break was introduced as a way of getting over the argument that there was a double taxation element in bin charges as people had already paid them through the general payment of income tax. The way the system operates, local authorities in the Dublin area attempt to charge on the double and even on the triple for refuse services.

Fianna Fáil destroyed the rates base of local government in 1977 to win a famous general election. As a consequence, the party screwed up the economy for many years. The Minister may argue that the chief architect of this debacle left shortly afterwards to join the Progressive Democrats. He may state that the destruction arising in the economy from that particular event was in many ways the product of what subsequently became the Progressive Democrats wing of Fianna Fáil.

The Minister boasts that a certain percentage of taxpayers do not pay income tax because their income is so low. However, these people are in no position to receive a refund on service or bin charges. In Dublin, most local authorities are trying to work towards a flat charge and a pay-per-lift charge. The objective is to have this weighted. It is especially interesting in the case of the local authority in Dún Laoghaire-Rathdown, where the cost has now risen to quite significant levels.

All this indicates that this matter equates to Fianna Fáil's attempt to get back to rates by the back door, as a result of what it did in 1977. Local government in Ireland has never recovered from this event. Once the idea is sold to the people that a particular form of taxation is to be abolished, it becomes impossible to go back. The old rating system had many elements which were extremely unfair nonetheless. We are now in a logically absurd position with regard to a number of these matters.

The easiest action to take would be to give people at the point of payment a tax credit for bin charges. Perhaps the moneys could be refunded directly at the point of purchase of bin services by the local authority. The authority could then be reimbursed by the Department of Finance. This would ensure that a very high percentage of the tax credit would be refunded to people. It may also be cheaper to do this from an administrative perspective.

I support the amendment put forward by Deputy Bruton. If we are logical about the tax system, it is the responsibility of the State to find a way of refunding tax credits to people who are lawfully entitled to them. We have a system which pays lip-service to this. In theory there are many tax credits, but in practice the majority of people in the case of bin charges fail to make use of them. It is most likely that it is people with accountants who gain the benefit of the tax credit, even though they may require tax relief least of all. We are in a logically absurd position.

Mr. Boyle: We do not need to spend too much time on this amendment. As Deputy Bruton stated in moving the amendment, we have covered most of the ground already in amendment No. 1. The theme of the contributions appears to be that if the Minister is not prepared to have some kind of refund mechanism for the additional moneys he finds in the coffers due to the indifference or ignorance of taxpayers, he

may consider more innovative ways of recycling the money.

Perhaps he should consider a dormant reliefs fund to match the dormant accounts fund for the unclaimed accounts in insurance companies and banks. Perhaps he would prefer the mechanism used in the national lottery for unclaimed winnings, where money is recycled in other causes. He may even increase the amount of money given to the National Pensions Reserve Fund. At least there would be a recycling element to this.

The point is that money is in the coffers that would not be there if people knew of and were able to claim their entitlements. The Minister sees a political benefit in this, and if I were in Government I would probably see the same. In terms of tax equity and fairness, it is an issue that must be tackled.

Caoimhghín Ó Caoláin: I support amendment No. 9. From the first part, it is clear that this is not intended to be only a one-way street. It may very well facilitate the collection of revenues due that might not otherwise present. It puts the onus on State and other bodies to make the necessary returns of all moneys received. It is likely that other bodies exist that do not currently make all the returns, and this amendment may produce a greater beneficial outcome in terms of the overall revenue performance. It may not merely aid and abet the objective of ensuring that all tax compliant PAYE workers receive their due credits. It is a laudable amendment which reflects on the spirit of the first amendment, which was discussed previously. I join in recording support for it.

Mr. Cowen: If I understand the Deputy's amendment correctly he proposes that I make regulations to provide that where payments made to the State or other bodies qualify for income tax relief that relief be given by way of deduction from the payment, rather than as part of the taxpayer's tax credits. In that case the Deputy is proposing an extension of the principle of tax relief at source, which currently exists for medical insurance premiums and mortgage interest payments. While that system works very successfully in both those areas it is not, as I said on Committee Stage, suitable for all reliefs. Ideally the system needs a small number of payment recipients relative to a large and regular number of payers. There are not many reliefs which meet such criteria and the system would not be cost-effective either for Revenue or the payee for once-off or irregular payments to a wide variety of payees. There is also an Exchequer cost and to work smoothly the tax relief at source system must apply to all payers, whether or not they are liable to tax. The benefits must be judged against the costs and that cannot be done on the catch-all basis proposed by the Deputy.

On Committee Stage, I indicated to the Deputy that I would consider whether there was any area, given the number of bodies or institutions on

whom one was dependent for information and the number of taxpayers involved, to which an extension of tax relief at source could be applicable. If and when I identify any areas of tax relief that are suitable for applying the scheme I will bring them before the House. However, extending tax relief at source is not as simple as people might think. For that reason I cannot accept the amendment suggested.

Amendment put and declared lost.

Mr. Bruton: I move amendment No. 10:

In page 9, between lines 15 and 16, to insert the following:

"1.—A person, none of whose taxable income is chargeable at the higher rate, who makes a pension contribution within the limit set out in section 779 of the Principal Act, shall be entitled to receive a tax credit contributed to the pension scheme equivalent to relief at the higher rate."

This amendment deals with the entitlement to pension relief. In our system, as the Minister knows, pensions are one of the few areas where we have not standardised tax credits. People are entitled to pension relief at their top rate and in many cases to relief on social insurance contributions. That is fine for people who are on the top rate of tax but, as we know, many people are on the standard rate or do not pay tax at all.

The benefit of the relief to those on a low income is, at best, less than half of that accruing to high-earners. It is an *ad valorem* relief whereby the more income a person has the more relief they receive. At the top of the scale a person can earn up to €247,000 and get relief for pension contributions at up to 40%, meaning the taxpayer contributes a subsidy to such a person's pension fund of €41,500 each year. They are effectively in receipt of matching money each year. The Minister envisages that people can accumulate up to €5 million per individual fund, which would generate a pension of close to €500,000 per year. One half of that will have been funded by the taxpayer, which represents an extraordinary largesse compared to what somebody on the standard rate of tax receives. One half of the population has no pension cover whatsoever other than the social welfare pension and it does not take a genius to know that that half will predominantly comprise the low-paid. It can safely be assumed that three quarters of the low-paid have no pension cover.

We are presiding over an unjust shareout of taxpayer's money in this regard because, as I am sure the Minister's advisers will confirm, the total value of concessions under the pension relief provisions amounts to approximately €300 million. If there was an analysis by income distribution, which there is not at the moment, I safely assume it would reveal that two thirds of that money will go to the top 10% of earners. It is a very iniquitous

[Mr. Bruton.]

tous spread in what is a generous area of tax relief.

I am in favour of encouraging people to provide private pensions but it must be done on a fair basis. In particular, we must encourage people at the low end and the purpose of my amendment is, at the very minimum, to give people relief at 42% regardless of where they are on the income scale. People will rightly argue that those on a standard rate do not have a huge amount spare income to put into a pension but at least they would be given the opportunity to do so. The Minister will say that this issue is under consideration but it has been under consideration for a very long time. The only gesture made this year was a small one, though we cannot complain about any gesture. It allowed the small number of people in this category with SSIA's to be able, as a concession, to put an extra €2,500 into their pension using the tax relief.

When these data are available in some 12-18 months there will be a huge outcry at the way in which the money is being shared between those on modest and those on higher incomes. Some people privileged enough for an employer to put money into a fund for them can contribute an unlimited amount. We have seen that used as a way of paying senior executives non-taxable income. I am not sure there is any authentic public benefit in that system.

We should have reformed the system long ago. We did not reach this section on Committee Stage but on Report Stage the Minister responded that he would need a study before he would concede the suggestion. He thought the costs might be greater than the benefits, but I cannot understand his logic. We have conceded that there are huge benefits in relief for pension provision, which is a bulwark of our tax code, but it is preposterous for the Minister to say he needs an analysis to help him decide whether to give at least as much, in percentage terms, to the lowest paid as to the top paid. It is purely a debating point rather than a serious attempt to address the issue. More seriously, he says he wants time to review the pension board study but I have met with the Minister for Social and Family Affairs, Deputy Brennan, who has presumably studied the issue in great depth and he has said he supports the proposal. It is clear that among those most informed in Government it is regarded as a good path to take. We should not hesitate to do so and I hope the Minister will agree.

Ms Burton: The Minister must accept that probably the most unfair aspect of the entire Irish tax code is that dealing with pension relief. This fact is borne out by the study commissioned and written by the Minister's officials, as volume 3 of the study into tax breaks. It showed an extraordinary position. Of the six or seven case studies in the report, two deal with separate individuals who have accumulated pension funds of €100 mil-

lion each, will receive a €25 million tax free payout and be given an opportunity to invest the remaining €75 million in approved retirement funds that appear to carry other significant tax advantages, such as transferring the funds tax free to spouses and, probably, children.

The study contains a number of other examples of people who I assume are, for the most part, proprietary directors. Their companies made contributions of €5 million, €6 million, €7 million or more to their pension funds, thereby attracting very large tax breaks. We must be clear that if a proprietary company wishes to provide a pension fund for its directors, that is its business, but I do not know how it would be the State's business to provide a large tax benefit of approximately 42% of the sum contributed by the company. These are tax arrangements of the purest kind that serve to mitigate income tax and put people in that situation in advantageous positions.

In an amendment I have retabled I will ask the Minister why the House cannot be given the information on the 6,000 or so special self-administered pension funds, such as the details of their capital amounts, tax breaks attaching to them and the cost of such to the State. Why can the House not be given similar information on approved retirement funds with amounts that are in excess of a certain minimum?

If a community group or community-based or private crèche receives a grant of a few thousand euro, the information is available somewhere in the reports of various public bodies and is essentially in the public domain. However, while some receive extraordinary pension benefits from the State and earn far more in tax breaks than most people earn in a lifetime, the information is not disclosed. This is wrong and the matter of privileged sections of people being exempt from tax for one reason or another has bedevilled the debate on tax. The ordinary PAYE taxpayer has no way of knowing how much these tax benefits are worth and to whom they are paid. A tax benefit and tax forgone are as valuable to high income people, if not more so, than a direct payment of a State grant.

The failure to cost tax expenditures, especially in the pension area, is wrong. The Minister publicised his scheme for low income earners with SSIA's and no pension provisions. For example, if a person saves €7,500 of his or her SSIA money in approved pension products and meets the conditions, he or she will get a bonus from the State of €2,500, a third of the amount. Multimillionaires with special arrangements get incredible deals, but they are all confidential. The deal is in excess of the amount a person with no pension provision should get.

It is sensible, proper and correct of the State to support people in saving for retirement and I have no quibble with it. However, the amounts given to some people are disproportionate and are, effectively, welfare for the rich. Deputies get hot under the collar because a lone parent gets a

few bob but these types of tax breaks are the highest form of State welfare for the rich. The Government does not seem to care. The Minister will put a ceiling on reliefs in the Bill but people already with money in pension funds of the type described in the officials' report will get away with it.

How will we ensure fairness and equity in what is happening? I read the report of the National Pensions Reserve Fund and welcome that the fund is doing well. We must bear in mind that 48.1% of workers do not have pension cover. The National Pensions Reserve Fund will do nothing for them. The fund's proceeds are intended to meet the pensions of public servants and the like from 2025 on. We are left with a group of citizens without pension cover, many of whom are women who left the workforce to look after families.

Some type of fairness should be a consideration in the allocation of significant tax benefits in respect of pensions. I am uncertain of the annual cost of such benefits on the Exchequer. It must be at least €1 billion and it has been suggested the cost is €2 billion to €3 billion. The reports did not contain costings. All we know is that the benefits are very expensive and skewed towards people at the top end of the income scale. Members of the Oireachtas and the senior Department of Finance officials with the Minister are well paid by Irish public service standards but most of us could not avail of these pension products because we do not have enough money or annual income to invest the €100,000 needed to make gains and are not self-employed, meaning we do not qualify to take part in the most lucrative of the pension schemes.

When he speaks about the costs of various tax breaks, the Minister often refers to pensions as though the whole country and citizenry benefit equally from pension benefits. They do not. Until we are given the detailed breakdown of the figures and see how much the high income earners earn from pension tax breaks as opposed to people on modest and low incomes or public servants who are strictly limited in what they can claim, a situation will continue in which pensions are the critical area in transferring large amounts of money tax-free to be used at a later date by people who are already very well off. The Minister for Social and Family Affairs is suggesting introducing mandatory pensions. From what he says there is no difference between mandatory pensions and mandatory taxation. Small, self administered pension funds and approved retirement funds for the wealthy reveal the true nature of specialised tax relief. The Minister must provide us with more information on this. The report by the Minister's officials shows this matter is a scandal.

Tomorrow is international women's day and the majority of the 49% of workers not covered by pension relief are women. If the Minister wished to make a difference to women in this country he should bring forward imaginative

schemes to allow women who have left the workforce to contribute and receive pension relief. Currently, tax relief is tilted in one direction and the more one has, the more one receives.

Mr. Boyle: Tax relief on pensions is, to paraphrase Oscar Wilde, the tax relief that dare not speak its name. It is the most pernicious and iniquitous method of relief in the system. The Minister has missed a major opportunity to tackle one of the most unequal aspects of our tax code. This became apparent when tax forgone began to equal the amount paid annually in the State pension and it has now surpassed that amount. This gap will now be widened because of the lack of action. Why do we pay €2.7 billion in State pensions while forgoing €3 billion?

Raising the State pension above €200 before the end of the Government's term is a gimmick as this figure is among the lowest in Europe as a percentage of average income. Any fair pension policy would have this as its mainstay and would not rely on taxation and tax relief as a means to provide for our citizens in later years. The need for equity in the system, the principle advanced in Deputy Bruton's agreement, is one with which I readily agree although I do not agree with the mechanism he suggests.

Inequity exists between taxpayers at the standard rate and those at the higher rate. Inequity is also suffered by those in the workforce but not in the tax net and women neither in the work force nor in the tax net, to whom Deputy Burton referred. We need mechanisms to address pension needs and if tax relief is such a mechanism it should be a refundable tax credit in order to cater for these sectors and provide the same effective relief. Neither the Minister nor the Government has this degree of imagination.

Providing tax relief to those with a disposable income of €100,000 is a disgrace. Why does this exist in our tax code? A sum of €100,000 per year for an individual is the equivalent of eight years for those on the highest rate of the State pension. Females can expect to enjoy this for 15 years of their life while males can enjoy it for ten years of their life. If there was sanity in the pension system we would average these figures and provide the highest possible State pension. We would not provide the expectation that the rich can enjoy the same income entitlement and standard of living when they cease to be economically active. Currently, those earning six figure sums before retirement can earn six figure pensions. In a society where the majority of our elderly population does not live in that realm we cannot support such iniquitous policies.

Government legislation on PRSAs prevents people from accessing the fund for ten to 15 years. At the higher end of the scale, those who sold the funds are entitled to withdraw the equivalent of 1% of the value of the fund during the same period. Is there any justice or equity in the pension policy pursued by this Government? The

[Mr. Boyle.]

Minister advocates one policy while his counterpart in the Department of Social and Family Affairs indicates another. Any move towards reform will have the rabid Rottweiler of Ranelagh up in arms, addressing the inequity of being rich and staying rich in the unwieldy society this Government has helped create.

If the Minister wishes to achieve something in his term of office he must ensure those at the lower end of the scale can live on their incomes and that these increase at a rate greater than inflation. The opposite approach is the current policy. Tax relief of significant proportions is provided to the richest in society and these are out of sync with cost of living increases. I wish to hear the Minister admit the system is not working and needs to be radically changed. The opportunities the Minister has had have been missed and we will pay the price in years to come in increasing inequality.

Caoimhghín Ó Caoláin: I concur with the arguments and sentiments of the last speaker and I support amendment No. 10 which seeks, in a modest way, to provide those on the lowest income scale with some credit for their efforts to provide for pension needs in later life. The review of tax reliefs has revealed how the wealthy have used pension reliefs to avoid tax on a massive scale. One notorious case concerns retirement funds of €100 million set up by two companies for two bosses. In each case €25 million was withdrawn by individuals concerned as a tax free lump sum. This occurs at one end of the scale and this amendment seeks to address the other end.

Without addressing this we will see a perpetuation of the inequalities inherent in our society and Government policy as presented over the past two terms. The Government continues to deny it is the case but all evidence shows we are creating opportunities for those who have built up largesse to have a greater return from the Exchequer and public funds. Yet, those at the very lowest level who have striven and faced all the difficulties of providing for themselves and dependants throughout their lifetime, have no measure of relief offered. It is a simple choice of taking the first steps to address the inequalities that exist and in this regard the amendment proposes a very paltry step in that direction. I hope the Minister will accede to it.

Mr. Cowen: There seems to be some amnesia on the opposite side about the fact that this Bill provides for the first time in the tax code for limits and fixed amounts beyond which the State will not provide relief for pension provision. This has not been done before by any Government. I did not hear much comment about that in the contributions. I remind Members that I commissioned the internal report on pensions and I acted on its findings.

Deputy Bruton's amendment is concerned with contributions to occupational pension schemes by those on lower incomes and seeks a tax credit to be contributed by the Exchequer to the individual's pension scheme equivalent to relief at the higher rate of tax of 42%. I presume the amendment proposes that this tax credit is to be in place of relief the individual may be getting at the standard rate, assuming they are in the tax net.

The proposal is similar to one of the recommendations made in the recently published national pensions review. The Bill provides for a once-off incentive for those lower paid with SSIA's who are in the savings habit to invest their SSIA's in pensions. Further work is ongoing in this respect.

The question of pension provision in the longer term is a separate matter. The national pensions review produced by the Pensions Board provides a basis for consideration which the Government is giving to the overall pensions situation. This consideration is a work in progress. The chief executive of the Pensions Board when referring to the report which issued before Christmas, stated: "Its detailed analysis and costing of the pension situation are at least as important as the recommendations and should continue to be used as a frame of reference going forward". There is work to be done on analysing and costing the situation.

The board understands that further decisions must be made in the context of employment interests, competitiveness and overall economic and social considerations. The Pensions Board consider that its analysis and recommendations must be considered by the Government in a wider context. The Government has taken no position on any of the recommendations in the report nor is it a question of addressing these in the Finance Bill at this stage. The wider policy issues raised by the Pensions Board will require further and ongoing examination by Government.

Deputies have been pressing me on the need for the analysis of tax decisions. I remind the House that decisions relating to pensions have far-reaching effects which are long term and go to the heart of our tax structure. I presume Deputies will want the Government and I as Minister to undertake the necessary analysis before proceeding.

The cost of increasing tax relief for pensions to 42% depends on the uptake but it is clear it could be very significant and this must be borne in mind in future policy analysis in this area. For that reason alone I cannot accept the amendment at this time.

The report of the Pensions Board which listed the possible means of incentivising wider pension coverage acknowledged that one effect of such a change might be simply to confer additional tax relief on those already saving for pensions. There are other considerations with respect to this proposal. The potential for those dead weight costs

would need to be taken into account in assessing it.

Deputy Bruton stated the cap I instituted would give approximately €500,000 of an annual pension per year. Given increased longevity rates, a pension fund of €5 million less the lump sum will give a male retiring at age 60 an annual pension of approximately €110,000 for life. Where a person retires at 65, the annual pension will be approximately €135,000. The average life expectancy is based on Central Statistics Office data. A male aged 60 in 2001 has a life expectancy of 19 years and when retiring at 65 it is 15.4 years. There is a general consensus that life expectancy will continue to improve. The CSO assumes that by 2030, average life expectancy for a male aged 60 will be 25 years.

Deputy Burton raised the issue of publishing lists of schemes approved under Part 30, Chapter 1, of the Taxes Consolidation Act. This is similar to an amendment proposed on Committee Stage. It relates primarily to the small self-administered occupational pension schemes or SSASs, which are generally one-person schemes and also used to improve retirement funds. The proposal seems to be that Revenue would publish details of SSASs approved by them each year. During the earlier debate, I indicated on Committee Stage the fundamental difficulty with the proposal, which is the issue of taxpayer confidentiality. With regard to SSASs in particular there is a very real risk that in publishing the information sought, individual taxpayers could be identified. All taxpayers have a legitimate expectation of privacy in their dealings with Revenue and the release of a taxpayer's personal information in this manner would undermine those expectations. Those issues must be respected.

The pensions provisions in the Bill seek to close off excessive funding for pensions, to limit the amount that can be drawn from pension products by way of tax-free lump sums and to restrict the capacity of individuals to use ARFs as purely long term tax-exempt vehicles. I am confident these changes will have the intended impact and will create greater equity in the area of pensions tax relief.

With regard to State pension provision, the record of this Government is far better than any of its predecessors. Pensions have increased by more than 120% at a time when the consumer price index has increased by 35% or thereabouts.

Mr. Bruton: I am disappointed at the Minister's response. He is willing to give substantial relief to those with high incomes and states that more work must be done in order to give far less relief to those on low incomes. This strains credibility. I do not understand his argument that this could undermine competitiveness in some way. It would give people more security and would be a positive measure. He also argued that this might confer benefit on people who already had a pension but it would benefit people at the bottom of the pile,

those on the standard rate of income tax and if they are single are earning under €32,000 a year. The conferring of benefit on people who are on incomes under that amount and who are making some contribution into a pension scheme could hardly be regarded as some extraordinary worry to the taxpayer.

Mr. Cowen: I was quoting from the report.

Mr. Bruton: The Minister was quoting it as if it would be persuasive in the House. The Minister is responsible for what is decided in this House. We are debating the matter and the Minister is quoting from the report to back up his position.

Mr. Cowen: I am quoting the chief executive.

Mr. Bruton: It is not credible and it does not bolster the argument against this amendment.

Mr. Cowen: That is the Deputy's view.

Mr. Bruton: If the commission was here the members would not be arguing along the lines the Minister is arguing. The Minister congratulated himself for being the first to put a cap on pensions. That is true but most of the huge explosion in the cost of pensions has occurred under his Government, with the huge increase in pension relief provided, allowing from what was 15% of income to rise to 30% of income and now at 40% of income in certain cases. Caps were never an issue. Caps have been introduced only late in the day on a scheme that has been largely created by the Government. The equity element for which the Minister seeks credit should have been part of what the Government allowed Mr. McCreevy introduce. The Government should have recognised that the change from 15% across the board to this generous relief required those sorts of caps. I do not pretend this amendment is the answer but the House must get to grips with this and have a more significant reforming element than we have seen. The sooner the Government comes forward with proposals we can debate the better. I am glad this has been supported. It has been worthwhile to debate this issue and hopefully when we return next year a more comprehensive package of reform will come from Government, which I will support if it is fair.

Ms Burton: If the Minister is to boast about his Government's achievements it is important to note that the abuse of pensions for tax purposes was consciously slipped into the Dáil by then Minister for Finance, Mr. McCreevy, around 2000. If the Minister examines his officials' report he will see that in 2000 Mr. McCreevy removed practically all limitations on pension investments for tax purposes. He significantly widened what could be invested in. The Minister's report shows that until then the numbers and amounts in small, self-administered pension schemes were rela-

[Ms Burton.]

tively modest, as one might imagine, because only a relatively confined group of people, generally senior company executives or proprietary directors, could avail of them. Once Mr. McCreevy opened the floodgates in 2000, all the worst abuses that we have highlighted happened. The Minister's officials' report shows the amount of money in those funds rose very quickly to over €1 billion within a short time in approximately 2,200 special funds.

Acting Chairman (Dr. Cowley): Deputy Burton's two minutes have expired.

Ms Burton: The Minister must acknowledge that he was put in office to remove his predecessor, some of whose actions were so extreme in favouring tax evasion and avoidance by the rich that the Taoiseach saw fit to replace him. The Minister should remember that.

Mr. Cowen: On the question of taking long-term decisions, let the record show the views of the Opposition parties when we decided on the National Pensions Reserve Fund, a policy decision by my predecessor. Let the record show what Opposition spokespersons said about raiding that fund when a downturn happened in 2001 and 2002. Let the record show what they all said on how that pension fund should be dealt with and whether we should put money aside for the future. The consistent position of this Government will stand the test of time in terms of taking decisions that will be of great benefit not to this Administration or in the next term but in 2025 and beyond when there will be the prospect of ensuring we have adequate provision for State pensions for ordinary workers. Let the record show the views of the so-called workers' representatives on that when the heat came on in the first few years of the fund.

Mr. Boyle: It is too early to tell.

Mr. Cowen: It is not too early to expose Deputy Boyle's inconsistency.

Mr. Boyle: We will see who is inconsistent in 2025.

Mr. Cowen: The Deputy should read previous debates. There is only so much sanctimonious hypocrisy I can take in one night.

Ms Burton: Let the record show what Mr. McCreevy did.

Mr. Cowen: Pension provisions—

Ms Burton: That is why Mr. McCreevy was removed.

Mr. Cowen: There is a conspiracy theorist over there.

Caoimhghín Ó Caoláin: The Minister seeks to apply a broad brush stroke across the Opposition benches. I can speak only on behalf of my party, which I am proud to represent. The position I have argued consistently on the national pension fund is not as the Minister describes "to raid" it, but on the contrary to use it as a resource in the interests of the wider economy.

Mr. Cowen: Many a pensioner was left short at the post office on a Saturday morning after some of Deputy Ó Caoláin's mates got to them. There is only so much nonsense I can listen to.

Caoimhghín Ó Caoláin: The arrangement for the provision of education is one example of how the Government squanders money on PPP arrangements.

Mr. Cowen: I have heard too much of that nonsense. There was not much for many a pensioner on a Saturday morning.

Ms Burton: We know who the Minister looked after.

Caoimhghín Ó Caoláin: We would pay less in guaranteed return to the national pension fund and save the hard-pressed taxpayers their tax euro.

Mr. Cowen: That is enough sanctimonious hypocrisy for one night.

Caoimhghín Ó Caoláin: The Minister is not prepared to accept that reality because the Government was beholden to private sector interests.

Mr. Bruton: I admire the Minister's selective quotation from history. He did not even quote, but assumed the record would back up anything he says. When the record is examined it will show a different picture. The late Jim Mitchell, who stood here for Fine Gael before me, was a strong supporter of that and advocated that the pension contribution be increased to 1.5%.

Mr. Cowen: In subsequent debates that was not the position.

Mr. Bruton: The National Pension Reserve Fund has set aside money to do what the Minister accuses the Opposition of advocating, namely putting money from the fund into bankable infrastructure projects. The Minister and his colleagues have not been able to propose any project that could draw down that money. This is a failure to implement a positive suggestion from the Opposition. It has yet to be implemented.

Mr. Cowen: There were conflicts of interest on that.

Mr. Bruton: Since it has occurred the Minister has made changes to remove the conflict of interest, which arose as a result of the——

Mr. Cowen: The issue is how one deals with conflicts when they arise.

Mr. Bruton: The Minister loves to talk people down but does not like to hear the truth.

Mr. Cowen: Not at all.

Mr. Bruton: The Minister's predecessor established the National Development Finance Agency to advise on and negotiate PPPs. It was to advise both sides, and the resulting conflict of interest was rightly highlighted. To the Minister's credit he removed the conflict by changing the way the NDFA operates. The conflict of interest signalled was of sufficient significance for the Minister to make changes. I will take no lectures on this because the Minister is coming under pressure and throws out abuse all over the place.

Mr. Cowen: I am not throwing out abuse but defending my position and pointing out the inconsistencies I have heard from various parties tonight, which I am entitled to do.

Mr. Bruton: The Minister is distorting the record and trying to deflect from a genuine debate on the equity of pension provision.

Mr. Cowen: I am not distorting the record.

Mr. Bruton: Any fair observer, even the Minister, must notice that there is great inequity in this. Much of that inequity was recreated by his predecessor and the Minister is, in effect, sticking his head in the sand if he does not recognise that. It was he who made the great leap forward that has created the vehicle that exists which is being used to the extent it is. One cheer is warranted for starting to introduce caps on something that should have been in place from when these enormous expansions in eligibility were made.

I do not wish to delay the business of the House because there are other issues that we would like to reach.

Amendment put and declared lost.

Acting Chairman: Amendments Nos. 11, 12 and 13 will be discussed together.

Mr. Bruton: I move amendment No. 11:

In page 10, line 6, column (1), to delete "€32,000" and substitute "€34,000".

The truth is that this Government said, on taking office for the second time, that the key target it had for tax was to reduce the proportion of people paying at the top rate to 20%. That is now 32% and is way ahead of what was proposed. The Minister has let down 246,000 taxpayers who

would not be paying at the top rate of tax if the commitment had been honoured. One hits the top rate of tax now at €32,000 for a single person. That is no more than the average industrial wage. Indeed, it is way below the average industrial wage in the public service, in distribution or in most of the private sector.

This is an area where Government has failed by its own standard to deliver what it set out to do. It is not that it has been short of tax money. In the space of just 12 months, the increase in revenue collected by this Minister between his budget speech this year and the one he made in 2005, is €5.2 billion. That is an astonishing increase in tax revenue, but resources could not be managed in such a way as to deliver commitments that were made in the general election and subsequently in An Agreed Programme for Government. It is a reflection on the inability to manage resources effectively.

This is not the only commitment made that has been airbrushed away. There were commitments to end hospital waiting lists in two years, reduce class sizes for children under nine etc. These have been airbrushed away and the resources have not been well managed by any standard.

The Minister might say that this is an easy amendment to table and that is true. However, I tabled it precisely because it is the type of amendment the Government said it was going to deliver when it put together its programme for Government and which it has lamentably failed to do.

Ms Burton: Has the Minister any idea how long it took his predecessor, the former Deputy McCreevy, to swim from Inchydoney to the shores of Belgium when he was thrown overboard after the meeting with Fr. Seán Healy? As well as creating open season for pensions and all manner of extraordinary arrangements for the wealthiest, he gave them tax-free holidays and a scenario where people with income in excess of €1 million per annum paid no tax.

Allied to that was the extraordinary meanness of the former Deputy McCreevy. He established a scenario where although the Fianna Fáil and Progressive Democrats manifestos and the programme for Government contained solemn undertakings that only 20% of taxpayers would pay tax at the top rate, to this day the current figure for those paying at the top rate is more than 31%. By the time we get the figures at the end of the year, it will probably be more than 32%.

When historians come to look at the Minister's budget, on the issue of tax relief for middle income earners they will find he was very mean in relative terms because tax revenues have continued to soar ahead. He has continued to maintain a plethora of tax breaks for the very wealthy, working on the principle of St. Augustine: "Lord, let me introduce reform, but not just yet". The dates for most of the Minister's proposed reforms are anytime after the middle of next year to the middle of 2008.

[Ms Burton.]

Sceptics among us might argue that we have been here before. From time to time, the former Deputy McCreevy announced the closure of various tax breaks and then re-opened them in the course of several budgets. We know the Minister intends to limit some of them, but whether that will happen, I do not know.

I do not see why the Minister should get agitated when we, on this side of the House, say that the former Deputy McCreevy was taken out, thrown overboard and left to swim from Inchdoney to Brussels, much to his horror and discomfort. He has never been happy in dealing with the services directive in quite the way he was when he chirped away in the Department of Finance. That is how the Minister, Deputy Cowen, has come to be here. We are entitled to measure his achievement, if any, against the promises made by his party and in An Agreed Programme for Government. The most fundamental promise was that the majority of taxpayers would pay tax at the standard rate and the Minister has failed lamentably in two budgets to deliver one iota on that. Instead, he has tinkered with closing off some of the tax breaks for the very wealthy, but it is too early to say whether that will work because we do not know if he will simply extend the dates again in due course. That is what his predecessor did.

Everything is relative. The Minister will tell the House that in 1977, when the late Jack Lynch was Taoiseach and Fianna Fáil was in power at the beginning of its glorious revolution, marginal tax rates were extraordinarily high. Of course they were. They were so under Mr. Haughey and under various Fine Gael and Labour Party Administrations. However, they have been brought down consistently, with one exception. Single PAYE workers who earn slightly more than the average industrial wage and who do a little overtime or receive a bonus pay tax on this at 42%.

No amount of throwing shapes changes the fact that the biggest con job carried out by the Minister's predecessor, the former Deputy McCreevy, was to promise that only 20% of taxpayers would pay tax at the top rate. The Minister or his Government has never come near to honouring that commitment. On many occasions, his colleague, the Tánaiste, has said that this is primary value for the Progressive Democrats. His colleague, the Taoiseach, has said on many occasions that it is an outrage that some millionaires pay no tax. When it came to this year's budget, nonetheless, the Minister again continued to milk the ordinary PAYE taxpayer. Equity is a relative entity. People on modest incomes are justified in looking over the fence at the kind of people found in the tent at the Galway races and asking what it is that is so special about them that they should benefit from the extraordinary regime of tax benefits introduced by Fianna Fáil. What is so special about these people? I acknowledge and

am pleased that they are entrepreneurs. I am delighted that their businesses are doing well and hope they continue to do prosper. However, what is wrong with them paying their fair share of tax? What is wrong with the Minister giving ordinary PAYE taxpayers a break?

Nothing the Minister says about the state of the economy nine or 20 years ago can detract from the fact that his budget gives away approximately €3.4 billion in pension reliefs, most of it to the higher paid. He is failing to fulfil the primary promise made year after year by this Government since it assumed power that only 20% of PAYE taxpayers would pay tax at 42%. The percentage of PAYE taxpayers who pay tax at this rate is almost 32% in draft form, so the Minister is very far away from his target.

When I heard the Minister speak on budget day, I wondered why he was so timid in respect of a promise which was freely given and repeated time after time by his Government. There is plenty of money with which to address this promise. It might mean taking a few bob off the people who frequent the tent at the Galway races and making them cough up a little bit more. Seeing as these individuals have made so much money, I do not see why they should not be happy to contribute slightly to the nation's welfare. They will die like the rest of us and, like the rest of us, their bequest to their children will be the type of society they helped create. I do not understand why the fundamental Fianna Fáil promise, which is also a fundamental Fianna Fáil problem, was abandoned by the Government. The Minister can revisit the records of every other party in this House but his Government has been in power for nine years. The Minister was assigned his post to right some of the wrongs of his predecessor and bring some notion of fairness to the tax code. Until some sense of fairness is introduced in respect of the 32% of PAYE taxpayers who pay tax at the top rate, the Government's primary election promise will remain a broken promise.

Mr. Boyle: The Minister might remember how I complimented him on budget day and after his speech on Second Stage of this Bill. I do not know if he interpreted it as a compliment but I meant it as such. I am convinced he believes in the need for change and we share a belief in the direction that change should take. However, I am frustrated because the amount of change he believes in is far too modest and the speed at which he believes change should take place is painfully slow. These are the two genuine areas of disagreement which exist between most of the parties in this House. The number of fundamental philosophical differences between the parties are few but fundamental differences emerge when it comes to how change is managed and when it can be achieved.

The Minister might think that some of us on this side of the House are sanctimonious for making these arguments but I would prefer to be lab-

elled sanctimonious than be smug and arrogant, traits which are all too evident in the Government. If the Minister seeks real debate, he should have it on those terms rather than engage in name-calling.

With regard to the substantive amendments before us—

Mr. Cowen: Let the record show who is doing all the name calling in this debate.

Mr. Boyle: I am recording my own version of history, as the Minister has been doing all evening.

Mr. Cowen: This name calling took place on Second, Committee and Report Stages.

Mr. Boyle: There will be no more compliments for the Minister.

Mr. Cowen: I will live without them.

Mr. Boyle: Fair enough, but he might need them one day.

Mr. Cowen: I will be waiting for transfers from Deputy Boyle's colleagues.

Mr. Boyle: They will, of course, be very valuable in Laois-Offaly.

Mr. Cowen: The day that happens, I will be there.

Mr. Boyle: I will address the substantive amendments before us. As members of the Opposition, the limitations we face in making amendments of this type mean that these upward figures are the extent to which Deputy Bruton can suggest these changes. I agree with what has been proposed in these amendments and support them.

The real change which is needed and which would cut across all parties and potential Governments is the need to index these bands and credits. As members of the Opposition, we are not allowed to make such amendments because they would cut across the decision-making powers of future Ministers for Finance. While a considerable amount of phony debate has taken place about headline rates of income tax, there has been less debate about the effective rates of income tax. One can only tackle the underlying problems about iniquities relating to effective rates of income tax by introducing the concepts of index linking. The sooner we move and have real debate on these issues, the less need there will be for amendments of this type.

If I recall correctly, on Second Stage, the Minister spoke about statistics and the proportion of people, their income levels, what they pay in terms of overall income tax and the percentage of the income tax take. The figures were spurious because one needs to break down each of those

income groups and find out what is the effective tax rate. One needs to discover what they are paying as a proportion of their own income. We would then know the degree of equity that exists within the income tax system. It is perceived that people on the highest incomes pay a proportionately less effective tax rate than people on the lowest incomes. Until we get statistics more honestly provided in this form, the Minister cannot argue against the type of amendments proposed this evening by Deputy Bruton.

Caoimhghín Ó Caoláin: I will facilitate the moving on of this debate as little more than 30 minutes remain on Report and Final Stages. I support the amendment.

Mr. Cowen: I propose to deal with amendments Nos. 11 to 13, inclusive.

These propose changes in respect of the standard rate bands. The costs of the increase in the income tax bands, as proposed by Deputy Bruton, would be €438 million in a full year. The proposal would increase the standard rate band for a married one-earner couple to €46,000, which is €5,000 more than was envisaged in the budget. The proposal would also reduce the non-transferable band available to the lesser earning spouse in a married two-income couple to €22,000, as compared to the figure of €23,000 envisaged in the budget.

I appreciate the Deputy's concern in respect of married one-income couples, however, the budget introduced several income tax changes which will benefit married one-income couples. For the second year in a row, married one-income couples have seen substantial increases in their tax credits and standard rate band. The standard rate band for such couples was increased by €2,600 to €41,000. The personal employee tax credits were increased by €50 to €1,630 and by €220 to €1,490, respectively. These changes ensure that a married one-income couple in the PAYE system who receive the home carer's tax credit may earn up to €27,600 without any liability for income tax arising. As a result of the budget, the income tax bill for a married one-income couple with an income in excess of €41,000 per annum is reduced in 2006 by an additional €892 per annum.

When the Government set itself the target that 80% of PAYE taxpayers would pay tax at the standard rate of income tax, the income tax landscape differed from the current landscape. People in the tax net at that time were afforded tax allowances at their marginal rate of tax. Thus, if the personal allowance was increased by €1,000 per annum, it was worth €480 to the higher rate taxpayer and €260 to the lower rate taxpayer. The effect of this was that increases in personal allowances removed higher rate earners from the higher rate as more of their income was exempt from tax at 48%, which was the higher rate at the time. In the 1999 budget, those tax allowances were standard rated and were worth a uniform

[Mr. Cowen.]

€260 to all taxpayers, regardless of whether they paid tax at the higher or standard rate. This was seen as a fairer system and hailed as such at the time. The standard rate of allowances were later relabelled tax credits. One side effect, however, was that increases in the standard rate of tax allowances no longer acted to remove higher rate taxpayers from the higher rate band. The only way this could be achieved was by widening the standard rate band. Over time, without other reforms, the number and percentage of higher rate taxpayers would have risen inexorably.

Providing greater equity has made the 80% standard rate target more difficult to achieve. The solution reached was individualisation in 2000. Before 2000, a married taxpayer received double a single person's tax band and double their tax allowances. Individualisation of the standard rate band meant each person would be treated as an individual taxpayer with an appropriate standard rate tax band. At the time, the standard rate bands were €14,000 for a single person and €28,000 for a married single earner and €28,000 for married double earners. The individualisation proposal only affected the standard rate band. There was never a proposal to individualise personal allowances. Married earners still receive twice the allowance or tax credit of single people.

The other major reform has been to undertake to keep those on the minimum wage out of the tax net. This was part of the social partnership agreement in 2001 and 2002. The principal way to achieve this was by increasing tax credits. It absorbs resources that might otherwise have gone to widening the standard rate band. Given that tax credits are calculated at the standard rate band, increases in these credits does nothing to remove one from the higher rate.

This is the context in which we must deal with these issues. After budget 2006, the average tax rate for a person on the average industrial wage will be 12% lower than it was when the Government came into office. The average tax rate is 15% for those on the average industrial wage compared to 27% previously. This is a major advance in terms of equity for average workers, which cannot be denied. In 2006, a PAYE person on the average industrial wage will have seen his or her pay increase by more than €12,000 compared to 1997. Even allowing for the pay increase of €12,600, the tax bill is down by more than €400 per year compared to 1997. In real terms, when the cost of living as measured by the CPI is taken into account, a person on the average industrial wage will have seen his or her take home pay increase by 44%, of which approximately half is due to tax reductions. These are significant achievements in terms of reform of the income tax code. It is more favourable and equitable to people on average and lower incomes.

After budget 2006, the percentage of the income tax yield coming from those earning at or under the average industrial wage is 6% com-

pared to more than 14% in 1997. The total yield from people in that wage bracket, and under, is less than half of what it was when the Government took up office. This is a reduction of 57%. The reality is that people on average incomes, or lower, are much better off now under the income tax changes introduced since the Government came into office than was possible or envisaged by those who have opposed us since then and prior to that. When one examines all the income tax reductions that have taken place, 31 of the 32 have been under Fianna Fáil-led Administrations over a long period.

While it has not been possible to reach the goal of 80% on the standard rate, our tax policies have ensured we have the lowest tax wage in the European Union, and one of the lowest in the OECD. Since 1997, the average tax rates for all categories of taxpayers has decreased significantly. Earners retain a greater proportion of income and take home pay. The average tax take from income tax, PRSI and the health levy is a proportion of gross income. While in the past it was approximately 27% for someone on the average industrial wage, it is 15% as a result of successive changes since the Government took office. This is a record the Government can defend and be proud of.

The structural change of moving to tax credits has made that target much more difficult to achieve. It must also be considered in the context of other priorities or needs. I could have left 25% of people on the minimum wage outside the tax net, as was the case previously. These people who are now on a higher minimum wage are outside the net tax, which is a greater priority than some of the issues raised by the Deputy. This is not to say that these people were neglected. Their take home pay is also better. One must make these decisions.

I stand over the Government's record in regard to the income tax code as it applies to average workers and the overall tax yield from workers. One of the reasons this has been achieved is that there is a greater number of people at work in the economy. This is creating wealth and tax revenue and enabling us to spread the benefits to a greater extent than would otherwise be the case if the jobs were not being created.

It is fine if people want to debate whether we are too pro-enterprise or not sufficiently pro-enterprise. We can have that philosophical debate on a party political basis. However, the point is that there are far more people at work, far more people with more disposable income and far more people in a better position than was the case previously as a result of the income tax changes that have been introduced. I will defend the structural changes we introduced and the further priorities we have identified.

Mr. Bruton: I will not delay because Members would like to debate other amendments. When the Minister made this commitment, he knew that the standard rating had been introduced. Tax cre-

dits were in place. It is not something that was unknown to the Minister and his Government colleagues when he made this commitment. Seeking a fool's pardon now because it was much more difficult to achieve that he thought is a bit like the former Taoiseach, Charlie Haughey, saying he did not realise what a big issue the health service was until the election happened. These were commitments the Government solemnly made, and people will take the Minister at his word.

I do not share the Minister's view that this has been a great boon for single income families or average working families. When the process of individualisation was reconsidered as a result of a backbench revolt, a home carer's credit was set at €770. It was virtually equal to the PAYE allowance at the time, amounting to a credit of €800. This has been allowed to be eroded. There has been no increase while PAYE workers have seen huge increases. Individualisation for single income families means they pay €5,000 more in tax on the same income than a double earner family. This has gone too far, coupled with the erosion of the home carer's credit. The Minister has tipped the balance too far.

To say average workers have done well is not true. They have worked hard and provided huge amounts of tax revenue for the Exchequer through not just their income tax but the purchase of houses, cars and so on. We should not forget that this is the only country in Europe where the tax rate on consumption is higher than the tax rate on income. There is an extremely high level of tax on consumption in this country. This is a big factor in the huge growth in tax revenue. It has not been a good deal for average workers who must spend most of their income on tax.

Amendment put and declared lost.

Amendments Nos. 12 to 14, inclusive, not moved.

Acting Chairman: Amendment No. 16 is related to amendment No. 15 and both may be discussed together.

Ms Burton: I move amendment No. 15:

In page 11, between lines 24 and 25, to insert the following:

“4.—No deduction, allowance or relief that would, but for this section, be allowed or available in computing profits or gains arising from rental income or in assessing liability to tax on that income shall be allowed or made available to a landlord of a tenancy, within the meaning of the Residential Tenancies Act 2004 and to which Part 7 of that Act applies, who has failed to comply with the requirements of that Part.”

Nine years ago families who paid the 42% rate of tax usually could have aspired to owning their own homes. One of the consequences of the Celtic tiger is that for many families and for younger people, managing to buy a house is becoming more difficult. Yesterday I heard one of the Minister's cheerleaders, the chief economist from Bank of Ireland, say that the average cost of a house, or I should say a two bedroom apartment, in the Dublin area for first-time buyers is moving towards €400,000. Mortgage interest rates are inexorably rising and the European Central Bank has said they will rise on probably two occasions in the next year and a half, so the cost of mortgages is rising.

An extraordinary number of people are now renting. That is one of the statistics we do not hear from the Government. In the 1950s and until the mid-1960s, a reasonably moderate proportion of people lived in rented accommodation. The Minister may recall that in 1973, a Labour Party Minister, Jimmy Tully, from Meath brought in the right of council tenants to buy their own houses. Many of the landlord companies which operated in Dublin, Cork and other large cities also extended that right. For example, the Artisan Dwelling Company offered to sell a large number of its properties to its tenants.

However, after all the economic prosperity of the Government, more people are renting than at any time in the past 25 years. While some of the renters are migrant workers from other European countries and beyond, who may or may not stay here indefinitely, many of those renting are Irish. Traditionally, some of them might have got a local authority house to rent. As I said, in 1973 the Labour Party brought in the right of people to buy their council houses after a period of renting from a local authority. After approximately ten years, they could buy the house if they were in employment. Good solid social progress was made and I believe Fianna Fáil always supported the Labour Party in its position of giving renters the right to buy properties and have an aspiration to own their own houses. That is an aspiration probably shared by all the parties in this House.

Times, however, have changed under this Government. Many of our people are now renting and they will do so for a long time, if not forever. That brings us to the impact of renting on estates throughout the country. In my area of Dublin West, in some estates and developments, over one third of houses are rented. In some of the recent developments, some of these property millionaires queued up and brought 30 to 40 properties off the plans because, given that they have so much accumulated by way of rent allowances, they must buy more properties to maintain the benefit of their tax allowances.

The amendments propose that people who have these advantages fully comply with the Residential Tenancies Act 2004, that they are not granted tax allowances in respect of rent unless they are in compliance and that they furnish the

[Ms Burton.]

Revenue Commissioners with sufficient information to show they have complied with all the requirements of the law in regard to registering as a landlord.

I do not believe I am the only Member of this House who has had dreadful problems with the new Residential Tenancies Board. As I said, in some estates in my constituency, up to one third of houses are owned by landlord. Sometimes, in the case of apartment developments, up to 50% are owned by landlords. Some of those landlords have absolutely no sense of responsibility to the tenants living in their houses or, more particularly, to other people in the complex, development or estate who have bought their own homes. The properties are in a disgracefully state. No advice or information is provided for tenants on issues such as late night parties and loud noise. When residents in an area try to get information about these landlords, they find they are not registered. We do not even know if they are registered for tax purposes.

In countries such as France, Italy and Spain, people often rent houses for generations, as happened here up to the 1960s. Being a landlord carried responsibilities. However, the Government has bred a new class of landlord who seems to know only profit and who churns tenants over at least once a year. As a result, a sustainable community is not being built up.

The Minister may say the proposals in these two amendments are very modest, which I acknowledge, but they are an attempt to use the tax laws to make these landlords in some way collectively socially responsible to other people who live in the estates in which they have invested. One must remember these landlords are investing for a profit. Many of them seem to have no sense of social responsibility. As I said, in other countries, there is a long tradition of letting properties and at times it is difficult to distinguish a rented premises from one which is owner-occupied. Anybody who goes canvassing can pick out the rented properties at a distance of 100 yd. because we have bred a landlord class who seem to have a diminished sense of responsibility to their community.

The Minister may say the provisions in the amendments are very modest but they are an attempt to use the provisions of tax law to put some smacht on these landlords so they have some social responsibility to the other people in the area in which they have bought their rented properties. If we could address this problem, we would have a much better regulated rental market. Perhaps down the road, we might return to what was, I thought, a fundamental value of Fianna Fáil that people might be encouraged to own their own properties and have a sense of pride.

Currently in Dublin West, the average rent is approximately €1,200 per month. With a property costing €400,000, one would not need to be a

rocket scientist to work out that if one had the wherewithal to buy, one could buy as cheaply. However, people on the minimum wage cannot afford to get into that end of the property market. They cannot take the step up. My council in Fingal has been to the fore in producing affordable schemes but has nothing for this year. Those schemes have practically dried up. Part V was meant to provide a continuing throughput of social and affordable housing but the Minister's party wshed on that and allowed developers to pay cash instead. Cash is virtually useless because it is nowhere near the equivalent of the houses which should have been produced.

I commend this amendment. Landlords should not have things all their own way. If there is a technical way of improving the amendment I would accept that. Through the tax system we are developing a new landlord class. An ordinary family gets modest tax breaks on mortgage interest relief when buying a property. Because of the structure of tax breaks which the Minister's party has introduced, the tax breaks for a landlord are typically worth five to seven times what they are worth to a family buying its own home to live in. That is another major inequity and unfairness in the way the Minister's predecessor in particular developed the tax system.

The Minister perhaps has an opportunity here for reform. It means turning his back on some of what the former Minister, Mr. McCreevy, did, but socially that is well worth doing.

Caoimhghn Ó Caoláin: Both amendments are reasonable and I hope the Minister will accept them in these closing minutes of the Report and Final Stage of this Bill. I will speak specifically to amendment No. 16. Some private landlords are in receipt of what can only be seen as a bounty through the supports from the rent allowance scheme. While they are enjoying these supports provided through public monies, and getting redress with regard to whatever claims they can present through their inventive accountants, many are not registered as landlords with the Private Residential Tenancies Board. This shows a patent disregard for the law. The requirement is clearly there. It is important we ensure there is compliance through the introduction of the measures which amendment No. 16 seeks to achieve and that it becomes compulsory that landlords meet all the requirements, including registration, before benefitting in any way, at any level, either within the taxation code or through the supplementary welfare Acts.

I listened to what Deputy Burton said. Sadly, it is all a reality. She spoke of a new landlord class being bred, and that seems to be so. We have traditionally known of the poor standard of much of the accommodation being let, of appalling conditions, not only in rented accommodation in our cities but in many of our rural towns through the years. Much of that accommodation was deemed inappropriate and local authorities regularly

threatened not to assess people coming from those properties for local authority housing, saying that because of the state of repair of those flats, or whatever one would call them, they were beyond safe, habitable use. From a number of surveys we know today that this abuse is now being visited on our new immigrant brothers and sisters, our new neighbours of colour in different parts of the island. This is a further reprehensible abuse by people who have traditionally shown no regard for their neighbours and the needs of their respective communities. Now they are showing even less regard for people coming to our country from other parts of the world.

Strong measures must be introduced to ensure compliance and to ensure the standards required are enforced. I commend amendment No. 16 to the Minister and hope he will give us some small return for the effort put in this evening.

Mr. Bruton: I support the amendment though I do not altogether share the belief that landlords and renting are bad. The real problem is that we have taken an extraordinary attitude to renting. For years we had no proper regulation. The Private Residential Tenancies Board was a good idea but is not working. It has teething problems and needs to get its act together. This amendment will help force the pace in terms of getting more landlords registered.

It is criminal that our approach to supporting people in the private rented sector is that they get a subvention from the State only if they are unemployed. Many low income people should be supported and we should be trying to develop a high quality rented sector catering to people of all incomes rather than, as we have done, create a situation where a lot of rented property is geared towards people at the lowest end of the scale. We have not put investment into standards. We have no income support for people, which would give better control over the regulation of the sector and its management.

Renting is here to stay. It is much more prevalent in the rest of Europe than in Ireland and does not have the deplorable reputation which renting has obtained in Ireland. We need to strengthen our regulatory approach and be broader-based in the way we give income support and tax relief to people who choose to rent. We might then develop a high quality rental sector. I support these amendments, and some of the Minister's amendments also go a little way along this road.

Mr. Boyle: I will speak briefly as I do not want to deprive the Minister of the opportunity to utter the final words on the Bill. I support the amendments. The principle being advanced, that no degree of relief for a subsidy or direct payment should be given to people who should be obliged to adhere to the law of the land, is sound and should be part of the Finance Bill just as much as it should be part of the necessary social welfare legislation. Not only are we giving relief with regard to many rental properties, but the State is the biggest tenant. Some 40% of all rents paid in this State are paid through the supplementary welfare allowance and that degree of double jeopardy means we should have provisions like this in both our finance and social welfare legislation.

Mr. Cowen: I propose to take amendments Nos. 15 and 16 together.

I understand the intentions of the Deputies with regard to the three amendments are to ensure that all landlords now legally obliged to register their tenancies with the Private Residential Tenancies Board will be required to demonstrate that they fulfil their obligations or will otherwise not be granted any deduction in determining the taxable amounts of their rental income.

The legislation currently included in section 11 of this Finance Bill addresses this issue as far as the key tax relief involved is concerned. This entire area was the subject of some 11 o'clock discussion on Committee Stage of last year's Finance Bill, when I undertook to consider the issue further. It was also covered by speakers at the time of the passing of the Private Residential Tenancies Act 2004 when there was comment on the desirability of establishing a linkage between the legislation as proposed and the reliefs granted in tax legislation. Section 11 of the Finance Bill provides that unless a landlord meets his or her registration obligations under the Residential Tenancies Act in respect tenancy, then the interest deduction—

Acting Chairman: As it is now 11 o'clock, I am required to put the following question in accordance with an order of the Dáil of this day: "That the amendments set down by the Minister for Finance and not disposed of are hereby made to the Bill, Report Stage is hereby completed and the Bill is hereby passed."

Question put.

The Dáil divided: Tá, 66; Níl, 47.

Tá

Ahern, Michael.
 Ahern, Noel.
 Andrews, Barry.
 Ardagh, Seán.
 Brady, Johnny.
 Brady, Martin.
 Brennan, Séamus.
 Browne, John.
 Callanan, Joe.
 Carey, Pat.
 Carty, John.
 Collins, Michael.
 Cooper-Flynn, Beverly.
 Coughlan, Mary.
 Cowen, Brian.
 Cregan, John.
 Curran, John.
 de Valera, Síle.
 Dempsey, Noel.
 Dempsey, Tony.
 Dennehy, John.
 Devins, Jimmy.
 Ellis, John.
 Finneran, Michael.
 Gallagher, Pat The Cope.
 Glennon, Jim.
 Haughey, Seán.
 Hoctor, Máire.
 Jacob, Joe.
 Keaveney, Cecilia.
 Kelleher, Billy.
 Kelly, Peter.
 Killeen, Tony.

Kirk, Séamus.
 Kitt, Tom.
 Lenihan, Brian.
 Lenihan, Conor.
 McEllistrim, Thomas.
 McGuinness, John.
 McHugh, Paddy.
 Martin, Micheál.
 Moloney, John.
 Moynihan, Donal.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M.J.
 Ó Fearghaíl, Seán.
 O'Connor, Charlie.
 O'Donnell, Liz.
 O'Donoghue, John.
 O'Donovan, Denis.
 O'Flynn, Noel.
 O'Keeffe, Batt.
 O'Malley, Fiona.
 O'Malley, Tim.
 Parlon, Tom.
 Power, Peter.
 Roche, Dick.
 Smith, Brendan.
 Smith, Michael.
 Treacy, Noel.
 Wallace, Mary.
 Walsh, Joe.
 Wilkinson, Ollie.
 Woods, Michael.
 Wright, G.V.

Níl

Boyle, Dan.
 Breen, James.
 Broughan, Thomas P.
 Bruton, Richard.
 Burton, Joan.
 Connaughton, Paul.
 Connolly, Paudge.
 Costello, Joe.
 Cowley, Jerry.
 Crowe, Seán.
 Deenihan, Jimmy.
 Durkan, Bernard J.
 English, Damien.
 Enright, Olwen.
 Gilmore, Eamon.
 Gogarty, Paul.
 Gormley, John.
 Hayes, Tom.
 Healy, Séamus.
 Higgins, Joe.
 Hogan, Phil.
 Kehoe, Paul.
 Lynch, Kathleen.
 McCormack, Pádraic.

McGinley, Dinny.
 McManus, Liz.
 Mitchell, Olivia.
 Morgan, Arthur.
 Moynihan-Cronin, Breeda.
 Murphy, Catherine.
 Neville, Dan.
 Ó Caoláin, Caoimhghín.
 O'Dowd, Fergus.
 O'Keeffe, Jim.
 O'Shea, Brian.
 O'Sullivan, Jan.
 Perry, John.
 Rabbitte, Pat.
 Ring, Michael.
 Ryan, Eamon.
 Ryan, Seán.
 Sherlock, Joe.
 Shortall, Róisín.
 Stanton, David.
 Timmins, Billy.
 Twomey, Liam.
 Upton, Mary.

Tellers: Tá, Deputies Kitt and Kelleher; Níl, Deputies Kehoe and Broughan.

Question declared carried.

Adjournment Debate.

An Leas-Cheann Comhairle: The Bill, which is certified a money Bill, will now be sent to the Seanad.

Hospital Services.

Ms Lynch: While I appreciate the presence of a junior Minister from the Department of Health

and Children — it is rare that the relevant Minister comes before the House for the Adjournment debate — I would have preferred the Minister to attend.

The health of more than 200 diabetic children is in serious danger because of inadequate treatment and staffing at Cork University Hospital. This was pointed out four weeks ago to all public representatives and Deputies in Cork city during a meeting of parents. The parents in question found it extremely difficult to attend the gathering because they had to leave children who need to be monitored on an hourly basis. While the number of diabetic children attending Cork University Hospital has almost doubled to 207 in the past three years, the number of staff at the hospital has decreased. The hospital used to have one whole-time diabetic nurse specialist but now has only a part-time diabetic nurse specialist.

Diabetic children must wait six months and sometimes longer for a check-up, despite the fact that international diabetic bodies recommend that check-ups take place every three months. I could accept such waiting times if they were the same across the country but parents of children aged as young as 18 months who have been diagnosed with diabetes are now travelling from Cork to Dublin to have them treated. This is a long journey to take every three months but at least if their child's sugar levels fluctuate they are able to obtain advice on a 24-hour basis from a nurse specialist simply by making a telephone call. If a child in Cork is diagnosed with diabetes, parents have access to a half-time nurse, an endocrinologist who is not employed full-time to treat children with diabetes, a social worker and a dietician, neither of whom is employed in a whole-time capacity for this purpose.

Type one diabetes is the most common form of diabetes in children and is automatically assumed to refer to children. Having experienced the trauma of learning that her child has diabetes, one parent informed me that she was given an orange and syringe and told to practise injecting her child. She was then left on her own with no idea of how to deal with a child who experiences fluctuating sugar levels and bouts of lethargy. The terror of the experience virtually overwhelmed her.

Lack of education for parents and children, the absence of proper management of diabetes and a sense of being abandoned with no one to turn to if the treatment prescribed does not provide good blood sugar control are the major problems faced by parents. Those of us who attended the parents' meeting, including Deputy Boyle who is present, were asked to write and telephone Tony McNamara, the general manager of Cork University Hospital, and do all in our power to have the matter rectified. We were told a meeting was about to take place but Mr. McNamara would prefer to discuss matters with the parents, which is fine. Parents informed me that the meeting was unsatisfactory and merely confirmed their views.

We have been informed, for example, that an advertisement for a full-time specialist nurse in diabetes care will not be placed as planned and if a recruitment procedure proceeds, it will be for a half-time specialist nurse. The parents, who are desperate, are not the type of people one finds protesting outside Leinster House, although perhaps that is what they need to do. They find it outrageous that this should happen.

The decision to take one's child to Dublin for treatment in hospital is a significant one. Parents know the difficulties involved but are prepared to face them for the sake of their children. Over the past few days, debate has taken place on a new children's hospital. We hear that millions of euro will be spent, yet Cork is a blackspot in terms of care for children with diabetes, who look forward to continued ill-health. I appeal to the Minister to insist that the hospital should employ the required number of staff. It has suggested imaginative ways of paying for nurses, involving sponsorship by drug companies of a health service for our children which the State is obliged to provide.

Minister of State at the Department of Health and Children (Mr. B. Lenihan): I thank Deputy Lynch for raising this matter, which I will take on behalf of my colleague, the Tánaiste and Minister for Health and Children, Deputy Harney.

As the Deputy will be aware, operational responsibility for the management and delivery of health and personal social services falls within the remit of the Health Service Executive. This includes responsibility for the provision and development of paediatric diabetes services at Cork University Hospital. The hospital currently employs one general paediatric consultant with a special interest in diabetes and endocrinology. A part-time clinical nurse specialist is also employed at the hospital. A full-time clinical nurse specialist post for the paediatric service will be advertised in coming weeks. This post is a development of the service and will address some of the current issues around the education and resources of the service.

The management of the hospital met with patient forum groups in February to discuss the issues surrounding the service. Hospital management has reported that the suggestions made at this meeting are currently being examined. The development of the paediatric diabetes service remains a priority for the executive management board of Cork University Hospital. The Tánaiste is confident that the Health Service Executive will continue to monitor the delivery of this service to ensure that the needs of the service users are prioritised and met.

Mental Health Services.

Mr. Andrews: I am glad of the opportunity to raise this matter. The east coast catchment has the unhappy distinction of being the mental

[Mr. Andrews.]

health service area with the lowest funding in the State. The reason is partly historical, in that most counties had their own psychiatric hospitals and, when these were closed and replaced by better community-based facilities, funding was provided to compensate for the loss of county hospitals. However, because Dún Laoghaire never had a county hospital, it had nothing to bring to the bargaining table. As a result, it lies at the bottom of the league table of funding according to figures provided by the HSE. We need to acknowledge that significant problems exist in terms of funding for this area.

The recently published report, *A Vision for Change*, details a comprehensive model mental health service provision in Ireland. The report describes a framework for building and fostering positive mental health across the entire community and for providing accessible community-based specialist services for those suffering with mental illness.

In Dún Laoghaire, when a national pilot project, DETECT, was established, a mere 10% of the necessary funds was provided by the HSE, with the balance coming from Order of St. John of God. The project, which was rolled out last month, tries to reduce the duration of untreated psychosis because people with an established psychosis are 25 times more likely to commit suicide than the general population. This highlights the importance of early detection. As it is an established fact that psychosis is treatable, the earlier the detection, the better.

This issue particularly affects areas of disadvantage and identifiable social and economic problems. The lack of services within the Dún Laoghaire area affects people on low incomes more than those with private insurance. The need for a multidisciplinary response to diagnoses of psychosis is not always met in such circumstance. Sufferers are seen by psychiatrists but have little or no access to community psychiatric nurses, social welfare officers or occupational therapists.

A false economy is created by balancing the cost of hospitalisation for sufferers of mental illness against the much lower cost of setting up a system of early detection. DETECT has impressed me with the type of service it intends to provide. The people involved in the project made a presentation at Cluain Mhuire last month, in which they demonstrated their knowledge of best international practice and their plans to reduce the incidence and duration of psychosis.

There is a perception among the providers of mental health care that the service is grossly under-resourced, both in financial terms and in the range of staffing and physical resources required to provide a quality service. The serious funding crisis that exists may be illustrated as follows. In 1984, 13% of total health expenditure went towards mental health but this figure

decreased to 10% in 1994 and to 7.3% in 2004. While the overall pie has grown larger, the lack of resources for this area is apparent.

In the past, mental health budgets were funded on the basis of historical budgets and existing service pressure. In the future, this funding will follow existing population trends and needs, if the recommendations of the report, *A Vision for Change*, are implemented. The report draws into focus the uneven distribution of funding and human resources throughout the country. The recommendations have been made and the ideas are there. We need substantial extra funding to finance these policies. An urgent programme of capital and non-capital investment in mental health services adjusted in line with inflation should be introduced in line with the reorganisation of the mental health services.

Mr. B. Lenihan: I thank Deputy Andrews for raising this matter, which I will take on behalf of my colleague, the Tánaiste.

Our mental health services have undergone significant changes over the past two decades. The move away from institutional care to community care has brought the mental health services generally closer to the service user. The move from hospital-based care to individualised care has empowered users to take a more proactive role in their care and treatment. This has been complemented by the care and treatment provided by multidisciplinary teams in partnership with other health care professionals and voluntary agencies.

These changes have been in line with the model of service provision now recommended by the recently published report of the expert group on mental health policy, *A Vision for Change*. This report is the first comprehensive review of mental health policy since *Planning for the Future* was published in 1984. The report has been accepted by the Government as the basis for the future development of mental health policy. It recommends that a programme of capital and non-capital investment in mental health services, adjusted in line with inflation, should be implemented in a phased way over the next seven to ten years. The proposed new workforce will comprise more than 11,000 staff throughout the service. Allowing for the assimilation of all existing posts, the expert group has estimated that a total of 1,800 new posts are required across the services, together with a total non-capital investment of €150 million per annum in addition to existing funding. This programme of investment has already begun with an additional €25 million allocated to the HSE in the Estimates for 2006 for the further development of mental health services.

Significant capital investment will be required to implement the proposals in *A Vision for Change* regarding 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, as outlined in their report, much of it could be realised from the value of existing hospitals and lands.

The proposals in *A Vision for Change* will allow for further significant expansion in community services and in specialised services for groups such as children, older people and those with particular needs. The implementation of this policy will be a matter for the Health Service Executive in accordance with the provisions of the Health Act 2004. The national mental health directorate within the HSE is in the process of establishing an implementation group to ensure that the recommendations are realised in a co-ordinated manner.

I am aware the adult mental health service in former community care area 1, now known as the local health office in Dún Laoghaire, has a population of 170,000 and a mental health budget of almost €13 million for 2006. There are 4.5 consultant-led mental health teams operating in the area.

In preparation for the implementation of the Mental Health Act 2001, the Health Service Executive reviewed the number of consultants *per capita* in the new local health office areas. The review indicated that the local health office in Dún Laoghaire has the lowest number of consultant psychiatrists *per capita* in the country. In order to begin to address the issue, an additional €550,000 revenue funding will be allocated to the Dún Laoghaire service in 2006, and the intention is to provide additional funding in coming years in order to increase the number of consultant-led teams in line with the national norm.

My colleague, the Minister of State at the Department of Health and Children, Deputy Tim O'Malley, who has special responsibility for mental health, will be seeking the active support of all involved in the mental health services so that together we can bring about the far-reaching improvements contained in *A Vision for Change*. He will shortly be appointing a group, as recommended in the report, to monitor the implementation of its recommendations.

I would like to stress that *A Vision for Change* details a comprehensive model of mental health service provision for Ireland. It describes a framework for building and fostering positive mental health across the entire community and for providing accessible, community-based, specialist services for people with mental illness. On that basis, I assure Deputy Andrews that, in line with this policy, the level of mental health service provision throughout the country will be improved and equalised in the coming years.

General Practitioner Co-operatives.

Mr. Deenihan: The concept of the general practitioner co-operative has been introduced successfully in Ireland over the past five years.

Traditionally, out-of-hours service was provided by general practitioners on an on-call basis. This meant that many GPs, particularly those in single-handed rural practices, could be constantly on-call. Other doctors working in group practices or in urban areas with colleagues in practice nearby were able to organise rotas and secure some time off duty. As demands increased on general practice, the level of out-of-hours calls increased and doctors were becoming increasingly tired and stressed. In response to increased demands on GPs, they began to explore the introduction of the co-operative model of providing out-of-hours services in 2000. This model, which had been in operation in the UK, was introduced to Ireland initially on a pilot basis and has expanded throughout the country in recent years.

In the south west of the country SouthDoc, which commenced in 2001, is a co-operative of general practitioners which provides an out-of-hours service for Cork city and county and most of Kerry. The call centre is located at St. Finan's Hospital, Killarney. The co-op has a board of medical directors and employs a general manager to run the centre. There are different types of treatment centres in operation: overnight centres which are staffed throughout the night; treatment centres which are staffed up to midnight only; and lock-up centres, which are used as a base to see patients but are not staffed.

The location of various centres is determined by the demographics of the region. In general, the treatment centres are based in the major centres of population, large towns and villages such as Tralee, Castleisland and Killarney in Kerry, and Bantry and Cork city in County Cork. Centres are located in order to be accessible within a reasonable travelling time to the population they serve.

In the period 2001 to 2005 the co-op has been rolled out in counties Cork and Kerry and now most of these two counties is covered by the service. Although the scheme has been a major success in these counties, north Kerry remains excluded. Some 14 general practitioners in the north Kerry area, from Kerry Head to Tarbert, have waited to be admitted to the GP co-op scheme for four years and were finally given approval in October 2005, or so they thought. Initially the relevant GPs were informed that the scheme would commence in early 2006. However, they have now been informed that the funding which had been promised to them to run the scheme is available but has not been released.

I wish to stress to the Minister that the extension of the GP co-op scheme is essential to north Kerry, which is predominantly a rural area. The GPs in this area still find themselves excluded from the scheme and have to cover a large rural area without any back-up. Many of them have to work day shifts immediately following what are sometimes lengthy call-outs during the night. Pro-

[Mr. Deenihan.]

fessor Drumm and the Minister, Deputy Harney, surely have a duty of care to the GPs as their employers to ensure the personal safety of these doctors and that they are not at risk while carrying out their duty. These GPs sometimes have to drive long distances at night on their own. This can be stressful and scary for female doctors in particular. If they were included in SouthDoc, these GPs would have the services of a nurse and driver and other back-up services. It is not fair to the GPs in north Kerry.

I call on the Minister, through the Minister of State, Deputy Brian Lenihan, to contact the chief executive of the Health Service Executive immediately so that the funding to get the scheme up and running can be released without further delay. The north Kerry area should not remain excluded from this essential primary care out-of-hours service.

Mr. B. Lenihan: I am taking this debate on behalf of the Tánaiste and Minister for Health and Children, Deputy Harney, and I thank Deputy Deenihan for raising this matter on the Adjournment. The Government is committed to the development of GP out-of-hours services as outlined in the national health and primary care strategies. Currently, out-of-hours general practitioner co-operatives are operating in at least part of all counties in the State.

In the Health Service Executive's southern region, out-of-hours general practitioner services are provided in counties Cork and Kerry by the SouthDoc co-operative. Decisions regarding the geographical areas to be covered by general practitioner out-of-hours co-operatives and any expansion of the services are made by the HSE, which has regard to the strategic, financial and other issues involved, including the readiness of general practitioners within an area to become part of a co-operative.

With regard to SouthDoc, this co-operative was established as a limited company for the provision of out-of-hours general practitioner services in 2001. Initially it began in south Kerry and west Cork. By 2003 it expanded to take in Cork city and in August 2005 it further expanded to north and east Cork. There are 365 GPs participating in the SouthDoc co-operative. It has, on average, 2,250 calls per week, and it provides services to a population of 581,000 people. There are 26 treatment centres. In Kerry, these treatment centres are located in Killarney, Cahirciveen, Tralee and Castleisland.

In 2006, approximately €34 million is included in the HSE's baseline funding for GP out-of-hours co-operative services. Of this amount, €2 million is new funding for this year. In the context of this additional funding, the HSE has advised me it is currently considering the expansion of the GP co-operative service to north Kerry along

with proposals for expansion to other areas. The HSE southern area continues to work closely with the north Kerry GPs in terms of moving towards their inclusion in SouthDoc. In 2006, the HSE will have over €6 million available in its baseline funding for the SouthDoc co-operative. Between 2000 and 2005 almost €18 million has been provided to fund the out-of-hours services provided by SouthDoc. These amounts do not take into account fees for attendance on patients that participating general practitioners would receive.

Schools Building Projects.

Mr. Boyle: It has been a longer day than usual. I sat through the entire Report Stage of the Finance Bill 2006, but I am grateful for the opportunity to raise the issue of a group of schools building projects in my constituency which is causing ongoing concern and controversy for the school managements and the parents of pupils in each of the schools involved. School building in Cork may have suffered from an expectation created by the term in office of my constituency colleague, Deputy Martin, as Minister for Education and Science from 1997 to 2000. Since the change of Ministers in 2000 school building in Cork has slowed down to a trickle.

Among the schools I have included in my question on the Adjournment are four primary schools, though one may be a putative primary school, and two secondary schools, all of which became political issues as we approached the general election in 2002. I am a member of the Committee of Public Accounts and we put questions to the Secretary General of the Department of Education and Science, who assured us there was no geographic bias in terms of where schools were built. It is strange, however, that the blips in school building programmes seem to follow the appointment of particular Ministers in particular constituencies. Perhaps that is just a gift the Taoiseach has for making these appointments, but the inverse is that where school buildings were built at a quicker than average rate they tended not to be built in subsequent years.

Some of these schools have waited four or five years and there is no sign of progress. The Government must give a clear explanation for the delays. Some schools have experienced difficulty with land acquisition but parents and the boards of management wonder why the Department, or the Office of Public Works acting on behalf of the Department, is not more proactive.

The primary school in Passage West was all set for development in 2000 but the Seveso directive threw it into doubt because it was within a quarter mile of a dangerous industrial facility, the IFI plant in Marino Point. With the closure of IFI, which had serious economic implications, it was thought the road was clear to build the new

school. Three years on there is still no development.

Rochestown is an area of high population where the land is being provided but there still seems to be no clear decision from the Department as to when a new school will be provided.

Carrigaline is a Gaelscoil which is very successful in terms of student intake. Most of its pupils, however, continue to sit in prefabricated structures and the parents and board of management are entitled to demand answers from the Department.

The two secondary schools are in my own community, Ashtown and Coláiste Chríost Rí. Both have been waiting for ancillary facilities in the shape of PE halls and modified classrooms and learning centres. As the primary schools, they have been waiting half a decade and more for positive decisions and the start of construction work on their projects.

The questions are very simple. Why are so many projects outstanding and why is it so in this particular community? The process seems out of step with the average waiting time for schools throughout the country and, as the TD for that constituency, I would like to be able to assure my constituents that their expectations will be met at the earliest opportunity. If the Minister can offer any words of comfort in the way of dates or decisions on resources many people in my constituency will be pleased.

Minister of State at the Department of Education and Science (Mr. B. Lenihan): I am giving the reply to the matter raised by Deputy Boyle on behalf of the Minister for Education and Science, Deputy Hanafin. I welcome the fact that the matter has been raised as it affords the Minister the opportunity to outline to the House the strategy of the Department of Education and Science for capital investment in education projects and to outline the position on the development of both primary and secondary education provision in Cork South-Central.

Modernising facilities in our 3,200 primary and 750 post-primary schools is not an easy task, given the legacy of decades of under-investment as well as the need to respond to emerging needs in areas of rapid population growth. Nonetheless, since taking office, this Government has shown a sincere determination to improve the condition of our school buildings and to ensure that the appropriate facilities are in place to enable the implementation of a broad and balanced curriculum. As evidence of this commitment there will be 1,300 building and modernisation projects active in our primary and post-primary schools during 2006. Over €490 million has been spent on primary and post-primary projects throughout the country.

Ballygarvan national school is a co-educational primary school. Enrolments have been increasing

in recent years from 140 pupils in September 2000 to 183 pupils in the current year. The Department has received an application from the school authority for a new school building. Having examined the application and ruled out the possibility of extending the existing school to provide the accommodation required, the need for a new school building was acknowledged. The property management section of the Office of Public Works, which acts on behalf of the Department in site acquisitions generally, was requested to identify and acquire a suitable site for the new school building for Ballygarvan national school. A site has been identified comprising three adjoining parcels of land belonging to three different owners. Negotiations have concluded with the vendors of one of these parcels of land and draft contracts are currently with the Chief State Solicitor's Office. A price has been agreed for a second parcel of land and contract documents are now awaited. The matter of the acquisition of the third parcel of land is ongoing. When site acquisition is finalised, the delivery of the new school building will be considered in the context of the school building and modernization programme.

Star of the Sea, Passage West, is a co-educational primary school with a current enrolment of 277 pupils. On foot of its application, a decision was taken to provide a new school building on a new site. A site has been acquired to facilitate the construction of a new school building. The long-term projected staffing, on which the precise accommodation needs of the school will be based, is almost finalised. When this is completed, the project will be considered in the context of the school building and modernization programme.

Gaelscoil Carrig Ui Leighin is a co-educational primary school. Enrolments have been increasing in recent years from 239 pupils in September 2000 to 386 pupils in the current year. The Department has received an application from the school authority for an extension consisting of 6 classrooms. The long-term projected staffing on which the accommodation needs will be based has been determined. The proposed project will be considered in the context of the school building programme.

The need for a new primary school in the Rochestown area of Cork is acknowledged. A site has been reserved by the local authority. Acquisition of the site and the building project required to deliver a new school building is being considered in the context of the school building and modernization programme 2006-10.

Ashton School is a co-educational second level school with a current enrolment of 523 pupils. It was included in the 2005 building programme for the provision of a new school. The appointment of a design team is under way.

[Mr. B. Lenihan.]

Coláiste Chríost Rí is an all boys school with a current enrolment of 684 pupils. The Department has an application for a PE hall at the school. This project is being considered in the context of the school building programme.

I thank Deputy Boyle for giving the Minister the opportunity to outline to the House the

method used by her Department in determining in an open and transparent way how projects are included for funding in the school building programme and I assure Deputy Boyle and the House that the schools referred to and all others will be treated in a fair and equitable manner.

The Dáil adjourned at 11.50 p.m. until 10.30 a.m. on Wednesday, 8 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 10, inclusive, answered orally.

Questions Nos. 11 to 48, inclusive, resubmitted.

Questions Nos. 49 to 55, inclusive, answered orally.

Road Safety.

56. **Mr. Crawford** asked the Minister for Transport when his proposals to deal with untaxed and uninsured cars, both Irish and international, will be implemented; and if he will make a statement on the matter. [9078/06]

Minister for Transport (Mr. Cullen): I will bring forward legislation in the current Dáil session to deal with a number of road safety issues including making a change to the legislation to allow the Garda Síochána to impound uninsured vehicles that are registered outside the State. It is an offence to drive an uninsured vehicle in a public place regardless of where it is registered. I remind the House that all victims of uninsured driving are compensated by the Motor Insurers Bureau of Ireland.

Under section 41 of the Road Traffic Act 1994, untaxed vehicles registered in the State may be impounded. Foreign vehicles do not come within the provisions of motor tax legislation, by virtue of EU Directive 83/182 and there are no plans to change the directive. However, the Revenue Commissioners and the Garda Síochána enforce the law in relation to the importation of foreign vehicles into the State.

State Airports.

57. **Mr. Naughten** asked the Minister for Transport if he will meet with the Cork Deputies to discuss the possible debt of €200 million being incurred by Cork Airport Authority arising from the construction of a new terminal at Cork Airport. [9125/06]

87. **Mr. Allen** asked the Minister for Transport if he will deliver on the promise that Cork Airport Authority would not inherit the debt arising from the construction of a new terminal at Cork Airport. [9072/06]

97. **Ms Lynch** asked the Minister for Transport if he is satisfied that the arbitrator appointed to mediate between Cork and Dublin Airport Authorities on the projected €200 million debt arising from the construction of a new terminal at Cork

Airport is truly independent of both parties; and if he will make a statement on the matter. [9185/06]

386. **Mr. Durkan** asked the Minister for Transport the position in regard to outstanding debt at any of the airports here; the extent to which the revised plans for the future of Aer Lingus has affected such issues; and if he will make a statement on the matter. [9453/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 57, 87, 97 and 386 together.

I have already had meetings with my colleagues in Government in relation to the debt issue at Cork Airport and I would be happy to meet with Deputies, recognising that the Cork Airport Authority together with the Dublin Airport Authority are responsible for completing a business plan under the State Airports Act 2004.

As was stated on my behalf in response to a motion on the Adjournment in this House in relation to this matter last month, the major new airport development project which is currently being completed at Cork will effectively deliver a new landside airport and represent the first major upgrading of all facilities since the airport was built in the late 1950s. When completed, the new Cork Airport will have a passenger capacity of 3 million people with the facility to expand to 5 million, when needed. It is important that the debate about Cork's future debt should not obscure this major development for the airport. Such facilities will greatly benefit the airport's users but will have to be funded. Cork's future as an independent airport has to take account of a realistic assessment of what is commercially feasible including the capacity of the airport to contribute to its capital investment programme.

In recognition of these commercial realities, the State Airports Act 2004 provides a framework for an orderly approach to the distribution of the assets of Shannon and Cork airports in conformity with the provisions of the Companies Acts. The Act also addresses business planning issues.

The boards of Cork and Shannon airports are now charged with making preparations to assume responsibility for the ownership and development of the airports. They are also empowered to undertake certain management and operational functions, on an agreed basis with Dublin Airport Authority, during the interim period.

Under the Act, before any assets can transfer to either the Shannon or Cork Airport Authorities, the Ministers for Transport and Finance will have to be satisfied as to the financial and operational readiness of the airport authorities. Accordingly, each airport authority is required to prepare a comprehensive business plan and obtain the Ministers' approval for these plans before any assets can be transferred. Such plans would address the funding of capital investment

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and feed into decisions on determining the mechanisms for allocating airport assets among the three airports. The ability of both Shannon and Cork airports to operate on a fully commercial basis will be fully assessed as part of this process and will be factored into the decisions made.

With regard to the appointments referred to by the Deputy, these are operational matters for the Dublin Airport Authority plc., DAA, and Cork Airport Authority plc., CAA, and I have no statutory functions in relation to them.

However, I am informed that in agreement with the CAA the DAA has recently appointed BDO Simpson Xavier, BDO, to assist the CAA in developing its business plan and appropriate financing proposals for the Cork Airport development investment in line with the requirements of the State Airports Act 2004, the provisions of the Companies Acts and the commercial and financial viability requirements of the DAA and CAA.

I await the outcome of this work because of its importance to facilitating the development of a dynamic, independent and financially sustainable Cork Airport. The Government objective of airport restructuring must be achieved in a manner which underpins the financial sustainability of all three State airports.

There is no link between the Government's plans for the future of Aer Lingus and the matters dealt with above.

Questions Nos. 58 and 59 answered with Question No. 55.

Public Transport.

60. **Mr. Morgan** asked the Minister for Transport if he is satisfied with the new Bus Átha Cliath timetable which proposes to trim routes to west Tallaght supposedly due to the roll-out of Luas which in reality is an optional service that does not run near these areas. [9200/06]

Minister for Transport (Mr. Cullen): The scheduling of buses on any of its routes is a day to day matter for Dublin Bus and the company regularly adjusts its timetable and service levels. It would be normal to see such changes taking place to reflect changing settlement patterns in the city or where new rail infrastructure is being introduced. It is against this background that the company has undertaken a review of its network. I understand that Dublin Bus will provide notification to all its customers who may be affected by these services changes.

Road Safety.

61. **Mr. P. McGrath** asked the Minister for Transport the reason a ban on using a mobile phone when driving, as recommended in the national road safety strategy, has not been

implemented; and if he will make a statement on the matter. [9095/06]

144. **Mr. Penrose** asked the Minister for Transport the time-line he envisages for the extension of penalty points to the practice of hand-held mobile phone use while driving. [9182/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 61 and 144 together.

The Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) (No.2) Regulations 2002 prohibit the use of a hand-held mobile phone while driving a motor vehicle. The Attorney General has advised that these regulations, in so far as they deal with the mobile phone issue, are open to challenge in the courts on the grounds that they may be *ultra vires*. As a consequence, my Department has been considering a legislative framework to address the overall regulatory questions arising from the development of in-car technologies, which would include mobile phone use. Developing such a framework is a complex task and also has to take account of EU law to avoid excluding beneficial developments that can enhance vehicle safety.

I intend to publish a road safety Bill before the summer dealing with such issues as roadside breath testing, speed cameras and other safety matters. If the question of how to legislate effectively and appropriately for mobile phones has been finalised within that timeframe, I will include a provision to that effect in the forthcoming Bill.

I should add that, as things stand, drivers who use mobile phones in a way that constitutes careless driving leave themselves open to prosecution, with the possibility of penalty points being awarded.

Road Accidents.

62. **Mr. Sargent** asked the Minister for Transport his views on whether the current system of reporting road accidents does not provide people with the information necessary to ascertain the causes of accidents and that there is an urgent need to implement a new system of detailed categorisation to tackle the ever-growing tragedy of road accidents. [9211/06]

80. **Mr. Durkan** asked the Minister for Transport the extent to which he or his Department or others under his aegis have studied the cause or causes of all fatal motor accidents in the past 12 months; the action he proposes to take to address issues that have become apparent; the timescale for such a plan; and if he will make a statement on the matter. [9157/06]

114. **Mr. Deenihan** asked the Minister for Transport when a road accident investigation unit will be established; its powers and functions; the

staffing arrangements for such a unit; and if he will make a statement on the matter. [9106/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 62, 80 and 114 together.

Information available regarding causes of fatal road collisions is prepared by the National Roads Authority, NRA, based on reports from the Garda Síochána and is published by the authority in its annual Road Accident Facts reports. The most recent report is in respect of 2004 and that report is available in the Oireachtas Library and on the NRA website. The report refers in particular to the various contributory factors to collisions where such data are available. In that context the report in respect of 2004 notes that driver error accounted for 88% of all contributory factors in respect of all collisions where such were identified. Pedestrian error was the next most listed factor at 8% with road factors accounting for 2% of all of those listed. The remaining factors listed related to vehicle and environmental factors. Statistics relating to 2005 are not yet fully analysed or authenticated.

The annual road collision reports provide a significant degree of knowledge that supports and informs the deployment of road safety measures, which are pursued within the planning framework of the multi-annual road safety strategies.

The primary immediate investigative role in relation to road accidents is vested in the Garda Síochána. Priority in such an investigation must be given to the determination of the causes of road accidents including, where appropriate, road construction or surface standards, and in particular whether a breach of the road traffic laws contributed to the occurrence.

The Garda Síochána is the body empowered to make such a determination and to launch criminal proceedings against any person who the gardaí consider should be accused of the commission of an offence. Garda reports on these investigations are forwarded to the National Roads Authority and subsequently to each local authority for the purpose of the establishment of accident trends and causes generally and to facilitate the carrying out of remedial works relating to road infrastructure where such action is deemed to be necessary.

As I outlined last week during the Committee Stage debate of the Driver Testing and Standards Authority Bill, the Road Safety Authority as it will now be called, will take on responsibility for road safety research and statistical collection. This will result in a more integrated approach to road safety policy generally, with one agency responsible for road safety research, statistical data, advertising, education and recommendations regarding road safety policy.

Aviation Safety Regulation.

63. **Dr. Cowley** asked the Minister for Transport the reason a person from Clare Island,

County Mayo in advanced labour and a patient of Mayo General Hospital, who was airlifted by the Air Corps search and rescue team at 4.45 a.m. on 14 February 2006 did not arrive in Mayo General Hospital until 3.35 p.m. on 15 February 2006 due to current civil aviation law where a helicopter with two or more passengers can only land at an airport and not at a hospital, in this case it was Sligo airport, where the woman was then moved by taxi to Mayo General Hospital; if he agrees this is totally unnecessary; if he intends to introduce a change in this law to avoid such a thing happening in the future, which is totally unnecessary and dangerous in emergency cases; and if he will make a statement on the matter. [7152/06]

Minister for Transport (Mr. Cullen): The Irish Aviation Authority, IAA, has, since its establishment in 1994, been responsible for the regulation of aviation safety, including that of helicopters, in accordance with internationally agreed standards.

The authority has informed me that, because the helicopter was carrying passengers as well as the woman in labour it was not permitted to land at an unapproved landing site. When a search and rescue helicopter is only carrying a casualty and essential personnel including its crew it is permitted to land at an unapproved site in accordance with an exemption to SI 72 of 2004, Irish Aviation Authority (Rules of the Air) Order 2004. These search and rescue practices adhere to the highest international emergency and safety procedures and as such the IAA does not have any plans to change them.

Air Services.

64. **Mr. McCormack** asked the Minister for Transport his proposal to facilitate the retention of the landing slots at Heathrow Airport by Aer Lingus into the future; and if he will make a statement on the matter. [9104/06]

Minister for Transport (Mr. Cullen): The Government in its decision of 18 May 2005 agreed to the State disposing of a majority shareholding in Aer Lingus and retaining a stake of at least 25% to protect strategic interests provided that both myself and the Minister for Finance are satisfied that this level of disposal is warranted on foot of the analysis prepared by the Departments' advisers for the transaction. The advisers appointed to recommend the most appropriate transaction mechanism and advise on the size and timing of a transaction submitted their report before the end of last year. The key conclusions and recommendations are currently being considered by myself and the Minister for Finance.

The advisers in their report considered the possible need for any measures going beyond the retention of a 25% shareholding to protect strategic interests. In the case of landing slots at Heathrow Airport, the advisers suggest that some

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additional measures may be desirable to ensure that the slots at Heathrow remain available for the provision of a reasonable level of services to and from Ireland. I am considering this recommendation in conjunction with my colleague, the Minister for Finance.

Road Safety.

65. **Mr. Perry** asked the Minister for Transport when it will become mandatory for motorcyclists on provisional licences to display L-plates; and if he will make a statement on the matter. [9121/06]

Minister for Transport (Mr. Cullen): In line with commitments given in the Road Safety Strategy 2004-2006 it is my intention that a requirement that motorcyclists with provisional licences must display L-plates will be introduced. The necessary provisions are currently under consideration in the context of a wider revision of driver licensing regulations.

66. **Mr. Noonan** asked the Minister for Transport if a draft new rules of the road has been published; if not, the reason for the delay; and if he will make a statement on the matter. [9111/06]

109. **Mr. Costello** asked the Minister for Transport the reason for the inordinate delay in producing an updated and on-line version of the Rules of the Road booklet. [9175/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 66 and 109 together.

My Department is currently engaged in a comprehensive review of the Rules of the Road booklet. It is the intention that a draft of the new booklet will be published on the Department's website in the coming weeks and that comments and submissions will be invited from the public and interested parties. The new booklet will be finalised following consideration of any submissions received and it is intended that the booklet will be made available for sale shortly thereafter. The new booklet will also be available on-line and this will ensure that in future the booklet will provide up-to-date information on an ongoing basis.

Question No. 67 answered with Question No. 54.

Park and Ride Facilities.

68. **Mr. Durkan** asked the Minister for Transport the way in which it is proposed to fully utilise the rail services in the absence of specially provided parking areas; the intention he has given to this issue in the commuter belt; the location and extent of the parking to be provided at all rail stations within a 40 mile radius of Dublin; and if he will make a statement on the matter. [9158/06]

390. **Mr. Durkan** asked the Minister for Transport his plans for the provision of off street parking throughout the rail commuter belt with a view to encouraging rail transport and alleviating road congestion; and if he will make a statement on the matter. [9457/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 68 and 390 together.

The development of public transport park and ride facilities is primarily a matter for transport providers, local authorities and private developers, either separately or in appropriate conjunction. However, since the provision of such facilities is significant in promoting a more integrated approach to public transport, and in making it a more attractive consumer product, my Department is progressing certain initiatives to encourage development of park and ride facilities across the country. Under Transport 21, €5 million is being made available in 2006 for park and ride facilities and interchanges in the greater Dublin area, GDA.

In summer 2005, I approved a Dublin Transportation Office, DTO, strategy for rail-based park and ride, and indicated that capital funding would be made available for suitable projects. The DTO strategy for rail-based park and ride envisages facilities at some 22 locations on the existing and proposed rail network within the GDA. Arrangements for rail-based park and ride funding will also extend to public transport interchange projects. Revenue support to subsidise the operation of park and ride facilities will not be made available.

Two types of park and ride are envisaged, namely, strategic and local sites. A number of larger strategic sites will be identified close to or on the strategic rail corridors where longer distance commuters can transfer to public transport. Local park and ride sites will be smaller in scale and located along public transport corridors, principally rail. Good examples of these types of sites are the existing facilities at DART-suburban rail stations. It is important that interchange and park and ride developments should, wherever possible, be included as part of a wider public transport development framework.

Road Safety.

69. **Dr. Upton** asked the Minister for Transport his views on the situation whereby provisional drivers are legally permitted to drive alone once they are on their second licence; the information available on the correlation between provisional licence status and fatal road accidents; if any other EU states allow provisional drivers to drive unaccompanied; and if he will make a statement on the policy he intends to pursue in this regard. [9058/06]

Minister for Transport (Mr. Cullen): The Government's Strategy for Road Safety 2004 to 2006 identified speed, seat-belt wearing, driving while intoxicated, engineering measures and vul-

nerable road users as being the key priority areas to be addressed over the years of the strategy in terms of yielding road safety benefits. As regards legal changes to enhance road safety, the strategy states that driver licensing regulations will be amended to discourage long-term reliance on provisional licences. In this context I will consider what amendments to licensing regulations should be made.

There are no statistics available regarding the correlation between provisional licence status and fatal road accidents. Information in relation to the position in other EU member states is not readily available.

70. **Mr. Gormley** asked the Minister for Transport his views on the safety implications of the increased amount of heavy goods vehicles on roads here; and if the Government will reconsider its strategy of allowing the long-term gradual closure of rail freight infrastructure which has encouraged further freight traffic on to roads here. [9209/06]

Minister for Transport (Mr. Cullen): An NRA study relating to the number of vehicle kilometres of travel in Ireland in 2001 indicates that the average number of kilometres travelled by goods vehicles is significantly higher than other vehicle types. There is no evidence, however, that heavy goods vehicles are significantly involved in road collisions. It is unfortunately the case that the consequences resulting from a collision with a heavy goods vehicle are generally more severe than with a smaller type of vehicle. Along with the road safety strategy, the national roads development plan will lead to a safer road network for all vehicles including heavy goods vehicles.

The position in relation to rail freight is that the strategic rail review contained a comprehensive examination of the rail freight business and its realistic potential to support economic development and contribute to a sustainable environment. Iarnród Éireann, in responding to the challenges contained in the review, has developed a business plan based on a strategy with regard to freight, which is to break even by 2006; increase the profitability of the existing profitable business; withdraw from those businesses that are heavily loss-making; and target trainload traffic. The company has made good progress in growing the rail freight business in areas where it holds a competitive advantage over road haulage. Iarnród Éireann continues to pursue a policy of growing its rail freight business where opportunities present. However, as in all businesses, it must adjust the freight business from time to time to reflect market realities.

Since 1999, Iarnród Éireann has invested more than €1.5 billion in rebuilding the railways, with Government and EU support for the investment programme delivering improvements in new trains, upgraded infrastructure and customer facilities. While such investment has primarily

focused on improving passenger services, the investment in improving rail infrastructure also has a direct beneficial impact on freight activities.

Rail Network.

71. **Mr. M. Higgins** asked the Minister for Transport if he has received from Iarnród Éireann specific proposals in relation to the development of the first phase of the western rail corridor; and the action he intends taking on foot of these proposals. [9186/06]

Minister for Transport (Mr. Cullen): On 21 February 2006, Iarnród Éireann submitted to my Department a business case relating to the reopening of the Ennis to Athenry railway line as phase one of the western rail corridor. My Department is currently examining this proposal and I will make a decision once this process is completed.

Road Traffic Regulations.

72. **Mr. Coveney** asked the Minister for Transport the measures he intends to take to address the problem of speeding heavy goods vehicles and buses; and if he will make a statement on the matter. [9090/06]

Minister for Transport (Mr. Cullen): Directive 92/6/EEC requires speed limiters to be fitted to goods vehicles having a design gross vehicle weight exceeding 12,000 kg and passenger vehicles with more than eight passenger seats having a design gross vehicle weight exceeding 10,000 kg so that their speed may not exceed 90 km/h and 100 km/h, respectively. This directive was transposed into Irish law by means of the Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) Regulations 1993.

Directive 2002/85/EC extends the requirement to have speed limiters fitted to include goods vehicles having a design gross vehicle weight exceeding 3,500 kg and all passenger vehicles with more than eight passenger seats. The speed limiters are required to be set so that the speed of these vehicles may not exceed 90 km/h and 100 km/h, respectively. The directive's provisions generally apply to these vehicles that are first registered on or after 1 January 2005. Directive 2002/85/EC has been transposed into Irish law by means of the European Communities (Installation and Use of Speed Limitation Devices in Motor Vehicles) Regulations 2005 (SI 831 of 2005).

Notwithstanding the requirement to have a speed limiter fitted as described above, goods vehicles with a design gross vehicle weight exceeding 3,500 kg and passenger vehicles with more than eight passenger seats are subject to an ordinary speed limit of 80 km/h, unless the road is subject to a lower speed limit.

Enforcement of the regulations is a matter for the Garda Síochána.

Great Southern Hotels Group.

73. **Mr. Wall** asked the Minister for Transport his views on the Government's support for the sell-off of the Great Southern Hotels group by the Dublin Airport Authority; his views on whether the sale of the hotels will damage the tourism industry in the areas in which the hotels are located; the efforts he made to oppose the sale; and if he will make a statement on the matter. [8320/06]

131. **Mr. Bruton** asked the Minister for Transport his proposals in relation to the future of the Great Southern Hotels chain; when these proposals will be given effect; and if he will make a statement on the matter. [9099/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 73 and 131 together.

The Great Southern Hotels Group, GSH, is a wholly owned subsidiary of the Dublin Airport Authority, DAA. In the view of the DAA, the orderly disposal of the GSH hotels, offers the best opportunity for the hotels to reach their full potential in the niche markets to which they are best suited. I share the view of the DAA that this decision is ultimately in the best interests of GSH, its employees and the communities and interests they serve and the Government has also taken note of this assessment.

The Great Southern Hotels group has now retained advisers to examine all aspects of the proposed disposal of the hotels. I understand that the executive chairman of the hotel group and the advisers, together with senior management of the group have visited all the hotels and met the staff on the difficulties being faced by GSH and the implications of the decision to dispose of the hotels. A programme will also be put in place to minimise the impact of the decision on the day-to-day business of the hotels.

I met trade union representatives from the GSH group recently to discuss their concerns relating to the future of the hotels. I understand that a meeting between the unions and the DAA is being arranged and will take place shortly to discuss the situation and the way forward.

Light Rail Project.

74. **Mr. Eamon Ryan** asked the Minister for Transport the analysis his Department has carried out to examine the feasibility of continuing the tunnelling machines for the proposed Dublin metro from the proposed station at St. Stephen's Green onto a connecting point with the existing Sandyford Luas line; if the Government has a proposed timetable for such an initiative; if it will be possible to run metro carriages on the Luas line south of Ranelagh; and the upgrades which would be required for such metro services to be run to Sandyford and beyond to Cherrywood. [9201/06]

Minister for Transport (Mr. Cullen): When developing the metro proposals for Dublin, the Railway Procurement Agency investigated the feasibility of a physical connection between metro north and the Luas green line and concluded that such a connection is feasible.

While Transport 21 involves a very large commitment of financial resources, those resources are also finite. It was therefore necessary to prioritise the investments to be made over the ten year period. In that context it was decided to extend metro north to Swords and to join the two existing Luas lines and extend that line northwards to Liffey junction. Transport 21 also provides for interchange at St. Stephen's Green between metro, Luas and interconnector, in the same way as provision for interchange is made elsewhere across the proposed network.

The Dublin Transportation Office's A Platform for Change continues to provide the strategic planning framework for the development of the greater Dublin area's transport system. In that context further feasibility studies and planning work will be undertaken on projects in A Platform for Change but not included in Transport 21, including the upgrading of the Luas green line to metro. However, funding to bring such projects to construction is not included in Transport 21's ten-year capital envelope.

Provision was made during the construction of the Luas green line for its future upgrading to metro. It will be possible to run metro rolling stock on the Luas line south of Ranelagh, when the metro tunnel is connected to the Luas green line. However this will require some further upgrading of the existing infrastructure particularly to take account of the longer trains which operate on metro including, for example, lengthening of platforms and upgrading of control systems and power supply.

Road Accidents.

75. **Mr. Stanton** asked the Minister for Transport his views on the fact that a large number of road accidents may be attributed to drivers falling asleep while they are driving; and if he will make a statement on the matter. [9142/06]

130. **Mr. Stanton** asked the Minister for Transport the action he intends to take to alert people to the dangers of driving when they are excessively tired; and if he will make a statement on the matter. [9141/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 75 and 130 together.

Commentary on the information available regarding causes of fatal road collisions is prepared by the National Roads Authority, NRA, based on reports from the Garda Síochána and published by the authority in its annual Road Accident Facts reports. The most recent report is in respect of 2004 and that report is available in the Oireachtas Library and on the NRA website. Such commentary has not, to date, included spec-

ific details of a link between fatigue and fatal crashes in Ireland. The question bank for the driver theory test includes questions regarding fatigue so that learner drivers are aware before they commence driving of the dangers of driving while fatigued.

The National Safety Council, which has been mandated with responsibility for promotional and educational initiatives relating to road safety, has produced a leaflet on driver fatigue. It has also organised two nationwide campaigns called Driver Reviver to address the problem of driver fatigue. This campaign was first launched on Easter weekend 2002 and over the All-Ireland football final weekend in September 2003. The council is in the process of developing a further driver fatigue awareness campaign in 2006.

The proposed Road Safety Authority will take over responsibility for the functions of the National Safety Council as well as for road safety

research and statistical collection. This will result in a more integrated approach to road safety policy generally, with one agency responsible for road safety research, statistical data, advertising, education and recommendations regarding road safety policy.

State Airports.

76. **Mr. Hogan** asked the Minister for Transport if he will provide figures on the passenger numbers on the six regional air routes, which are covered under PSO contracts for each month from July 2004 to date; the cost per passenger covered by the PSO subsidy on each of the six routes; and if he will make a statement on the matter. [9076/06]

Minister for Transport (Mr. Cullen): The PSO passenger numbers at each of the regional airports from July 2004 to date, based on figures supplied by the regional airports, are as follows:

2004-2005 PSO Passenger Numbers

	Jul 04	Aug 04	Sep 04	Oct 04	Nov 04	Dec 04	Jan 05	Feb 05	Mar 05	Apr 05	May 05	Jun 05
Donegal	3,974	4,191	3,603	3,092	2,474	2,431	1,880	2,031	2,253	2,373	3,190	3,745
Sligo	3,546	3,879	3,805	3,795	3,364	3,225	1,533	3,003	3,321	3,222	3,450	3,834
Galway	8,754	8,141	9,293	8,937	7,888	8,153	6,924	8,381	8,777	9,119	8,805	8,357
Kerry	8,999	8,927	8,764	8,323	8,476	7,829	6,359	6,885	7,932	8,376	7,954	8,372
Knock	1,677	1,827	1,758	1,745	1,714	1,613	1,151	1,486	1,596	1,617	1,668	1,551
Derry	2,699	2,485	2,706	2,594	2,855	2,390	2,068	2,315	2,331	2,492	2,543	2,530

2005-2006 PSO Passenger Numbers

	Jul 05	Aug 05	Sep 05	Oct 05	Nov 05	Dec 05	Jan 06
Donegal	3,828	4,109	3,696	3,321	3,123	3,221	2,777
Sligo	3,269	3,601	3,547	3,367	2,991	2,921	2,316
Galway	7,235	6,047	6,625	6,478	6,066	6,657	6,211
Kerry	7,656	8,055	8,025	7,806	7,441	7,227	5,862
Knock	1,293	1,272	990	895	669	733	631
Derry	2,177	2,352	2,613	2,407	2,446	2,361	2,132

The subvention per passenger on each PSO route is as follows:

	Jul 2004-Jun 2005	22 July 2005- 31 Dec 2005
	€	€
Donegal*	63.80	61.16
Sligo*	63.80	61.16
Galway	56.46	38.47
Kerry	50.75	32.34
Knock**	167.83	93.89
Derry**	84.91	93.89

* Operated under a combined contract since 28 February 2003.

** Operated under a combined contract running from 22 July 2005 to 21 July 2008.

Driving Tests.

77. **Mr. G. Murphy** asked the Minister for Transport when the initiative to reduce the backlog of people awaiting a driving test will commence; and if he will make a statement on the matter. [9087/06]

101. **Mr. Crowe** asked the Minister for Transport the waiting time per area for people wishing to sit their driving test; if his attention has been drawn to the difficulties this is creating for drivers particularly in areas of high unemployment and poor public transport; and the new steps or measures he proposes to introduce in particular relevance to these areas of social and economic deprivation. [9199/06]

125. **Mr. Penrose** asked the Minister for Transport his proposals to reduce waiting times for the driving test. [9183/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 77, 101 and 125 together.

I refer the Deputies to my reply to Question No. 113, which I answered in the House on 1 February 2006.

As I have already indicated, the delay in providing driving tests is a matter of regret to me. I believe it not only represents a poor service to the public but it is also hampering the development of initiatives which I wish to pursue and which will contribute further to road safety. The driving test and those who deliver it are a key element in the road safety strategy.

It is my objective to eliminate the backlog of driving tests by mid-2007 and my Department has developed a package of measures in consultation with staff interests to achieve this. Additional staff have been made available to the driving test service. Seven additional testers are currently being trained and will be carrying out tests from April onwards. A recruitment campaign has been completed and a further ten persons will commence training shortly and will be available for testing this June.

I am pleased to acknowledge that a very high number of the existing driver testers have indicated that they will participate in a bonus scheme which will make a significant contribution to the reduction of the backlog. Some 90 driver testers have, by way of additional Saturday and evening working, committed to deliver some 30,000 tests over a one year period. This scheme commenced in February and will make a significant contribution to the backlog.

My Department is currently awaiting the outcome of an arbitration hearing on the use of outsourcing which could make a vital and significant additional contribution to the backlog.

My Department is still in a position to offer early tests to those applicants requiring an urgent test, once they provide satisfactory documentary evidence of the reason they require it.

Information on driving test waiting times is set out in the following table.

Driving Test Applicants on waiting list — 27/02/06

Centre	Average Weeks Waiting
<i>North Leinster</i>	
Finglas	29
Dundalk	33
Mullingar	21
Navan	41
Raheny	37
<i>South Leinster</i>	
Churchtown	33
Gorey	46
Naas	34
Tullamore	40
Wicklow	41
Tallaght	35
<i>West</i>	
Athlone	26
Birr	33
Castlebar	25
Clifden	22
Ennis	27
Galway	37
Loughrea	28
Roscommon	29
Tuam	32
<i>South East</i>	
Carlow	37
Clonmel	40
Dungarvan	47
Kilkenny	25
Nenagh	34
Portlaoise	25
Thurles	41
Tipperary	43
Waterford	31
Wexford	29
<i>South West</i>	
Cork	29
Killarney	35
Kilrush	33
Limerick	44
Mallow	36
Newcastle West	30
Shannon	44
Skibbereen	37
Tralee	21

Centre	Average Weeks Waiting
<i>North West</i>	
Ballina	29
Buncrana	21
Carrick-on-Shannon	26
Cavan	28
Donegal	41
Letterkenny	34
Longford	26
Monaghan	23
Sligo	25

Public Transport.

78. **Mr. Kenny** asked the Minister for Transport the date when full integrated ticketing will be introduced on all public transport systems in Dublin; if he is satisfied with the slow rate of progress on this initiative to date; and if he will make a statement on the matter. [9117/06]

81. **Mr. Rabbitte** asked the Minister for Transport the progress in completing the integrated ticketing project; if he is satisfied with the level of co-operation between different State transport providers; and if he will make a statement on the matter. [9180/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 78 and 81 together.

The Railway Procurement Agency, RPA, is the statutory body responsible for the delivery of a multi-operator system of integrated public transport ticketing using smartcard technology. The proposed system is, in line with international experience, being introduced on a phased basis, initially in the Dublin area.

As part of the phased introduction of smartcard-based integrated ticketing, Morton's Coaches, in conjunction with the RPA and as a proof of concept, successfully launched smartcards on its services in April 2004. In March of last year, another step was taken with the launch of smartcards on Luas services. To date, in excess of 11,000 smartcards have been purchased for use on Luas services. The Luas smartcard deployment continues to help in obtaining important feedback from passengers and provides operational experience for the next stage of integrated ticketing. In addition, both Dublin Bus and Irish Rail continue to integrate their ticketing arrangements using magnetic strip technology which it also is planned to replace with smartcard technology. Both companies also have tickets which integrate with Luas services.

Following an inconclusive procurement procedure in 2005, the RPA, in consultation with the different State and private transport providers, has presented proposals to my Department for a revised implementation plan. I am examining

these proposals at present and will respond to the RPA shortly.

International experience has shown that successful delivery of integrated ticketing is achieved by a careful, phased introduction with full co-operation from all public transport operators and I believe that the RPA is correct in taking a prudent approach to the implementation of this complex project using new technology.

Road Safety.

79. **Mr. English** asked the Minister for Transport when he intends to introduce compulsory motorcycling training; and if he will make a statement on the matter. [9119/06]

Minister for Transport (Mr. Cullen): The Road Safety Strategy 2004-2006 stated that compulsory initial practical training for motorcyclists would be introduced. A working group comprising of motorcycle interests has been considering the appropriate standards that will apply in this area and the standards with which instructors must comply. Overseeing the introduction of such training will be the responsibility of the proposed Road Safety Authority.

Primary legislation is necessary to facilitate the introduction of compulsory initial practical training for motorcyclists and the necessary amendment to the Road Traffic Acts 1961 to 2004 will be brought forward as soon as practicable.

Question No. 80 answered with Question No. 62.

Question No. 81 answered with Question No. 78.

Road Network.

82. **Mr. J. O'Keeffe** asked the Minister for Transport the date at which barrier free tolling will be implemented on the M50; the way this system will be operated; and if he will make a statement on the matter. [9093/06]

132. **Dr. Upton** asked the Minister for Transport if he will set out a timeframe for the introduction of open road tolling on the West Link toll-bridge; if this is not planned to coincide with the opening of the Dublin Port tunnel, the way in which he proposes to manage the additional 2,200 trucks which will use the West Link when the Dublin Port tunnel opens. [9059/06]

Minister for Transport (Mr. Cullen): I propose to answer Questions Nos. 82 and 132 together.

The statutory power to levy tolls on national roads, to make toll by-laws, and to enter into toll agreements with private investors in respect of national roads is vested in the National Roads Authority, NRA, under Part V of the Roads Act 1993, as amended by the Planning and Develop-

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ment Act 2000. Tolling the M50, therefore, is a matter for the NRA in the first instance.

Following the termination of discussions with NTR in relation to the upgrade of the West Link toll facility, the NRA has commenced a tender process for the design, building and operation of a barrier free toll regime on the M50. I understand from the NRA that it expects to have free flow single point tolling in operation on the upgraded section of the M50 in summer 2008. I expect to receive specific proposals later this year from the NRA on these 2008 arrangements.

The planning permission granted for the M50 upgrade requires that the NRA publish a scheme of specific demand management measures for the motorway corridor no later than three years after the upgrade has been completed in 2010. For this reason the barrier free tolling arrangements will need to be adaptable to meet the medium to long-term needs that arise and to satisfy the planning permission requirements in that regard. Comprehensive research and analysis will require to be undertaken by the NRA in the coming years in order to address the post 2010 situation and to submit proposals to the Minister for Transport at the appropriate time.

The move to free flow tolling will not occur in conjunction with the opening of the Dublin Port tunnel. However, following the opening to traffic of the tunnel, Dublin City Council will be introducing a heavy goods vehicle traffic management strategy to ensure that optimum traffic benefits are secured from the Dublin Port tunnel. My Department is consulting with all stakeholders, including Dublin City Council, to facilitate the development of a co-ordinated traffic management strategy for the opening of the tunnel.

The improvement of traffic flow on the M50 requires the implementation of the M50 upgrade project, including the installation of barrier free tolling, phase one of which is now getting under way. The delivery of the upgrade works will provide a significantly enhanced M50 motorway linkage around Dublin city.

Employment Rights.

83. **Mr. Sherlock** asked the Minister for Transport the steps he proposes to take to ratify the recently agreed Bill for rights for seafarers under the International Labour Organisation's 2006 Maritime Labour Convention. [9195/06]

Minister for Transport (Mr. Cullen): The new Maritime Labour Convention was adopted on 23 February 2006 at the 94th International Labour Organisation in Geneva. Ireland fully supports the new convention and voted in favour of the proposal.

At a national level Ireland has consistently supported the International Labour Organisation in its efforts to promote decent global labour standards for seafarers and was represented at the

94th convention by a tripartite delegation consisting of Government officials, nominees of the employers — IBEC — and of the workers — ICTU.

The new convention sets out clear principles and rights for seafarers while allowing a sufficient degree of national discretion to deliver those rights with transparency and accountability. It consolidates and updates 68 existing ILO maritime conventions and recommendations adopted since 1920. Countries that do not ratify the new convention will remain bound by the previous conventions that they have ratified.

The new convention will come into force after it has been ratified by 30 ILO member states with a total share of at least 33% of world gross tonnage. The first step for Ireland will be to examine the impact that the convention will have on current national legislation with a view to introducing, where necessary, appropriate statutory provision to give full effect to the convention. Once this is completed Ireland will then be in a position to initiate its formal ratification process to the convention.

Road Traffic Offences.

84. **Ms O'Sullivan** asked the Minister for Transport his policy in relation to the imposition of double penalty points for certain road traffic offences occurring at specific dates and times associated with higher road collision rates. [9178/06]

Minister for Transport (Mr. Cullen): I have no proposals at present along the lines suggested by the Deputy.

Road Safety.

85. **Mr. Deasy** asked the Minister for Transport the reason the National Safety Council's proposed road safety campaign targeted at foreign nationals has not been initiated; and if he will make a statement on the matter. [9083/06]

Minister for Transport (Mr. Cullen): The National Safety Council is the agency mandated with responsibility for road safety advertising and education. The council is currently in the process of developing road safety leaflets in eight languages. The leaflets will be distributed widely throughout the relevant communities. They will also be made available to the gardaí for distribution as they see fit. Furthermore, the council is working with its advertising agency on the production of a road safety radio campaign targeting non-nationals. These campaigns will be launched shortly.

Road Network.

86. **Mr. Stagg** asked the Minister for Transport the legislative and procedural changes he proposes in view of the lessons learned from a fatal

road traffic accident (details supplied); and if he will make a statement on the matter. [9191/06]

Minister for Transport (Mr. Cullen): I have no proposals for any legislative changes arising out of the fatal road accident to which the Deputy refers.

The planning, design and implementation of national road improvement projects including the specification of standards under section 19 of the Roads Act 1993, is a matter for the NRA.

I understand that the NRA's Design Manual for Roads and Bridges, which was originally published in December 2000, contains standards and advice notes relating to the design, assessment and operation of national roads in Ireland. The NRA requires that the design manual be used on all projects for the construction and-or improvement of national roads.

The NRA's Specification for Road Works, which was originally published in March 2000, contains detailed specifications for all elements of road works. The full document or relevant parts is included as part of the contract documents for individual road construction or improvement projects and must therefore be complied with as a contractual obligation.

I am informed by the NRA that the standards and requirements in relation to road surfacing and resurfacing have been further elaborated in NRA circulars 6/2002, 7/2002 and 05/2005. In 2005, the NRA consolidated the relevant contents of circulars 6/2002 and 7/2002 and issued circular 05/2005 to all local authorities restating the requirements outlined in the earlier circulars and supplementing where necessary the guidance provided.

The NRA allocates funding to local authorities for road pavement schemes taking account of up-to-date road condition surveys. It is a matter for individual local authorities, in accordance with their statutory responsibilities under section 13 of the Roads Act 1993, to undertake the necessary works. In this regard the local authorities are required by the NRA to observe the standards set out in the Specification for Roadworks and the Design Manual for Roads and Bridges. In performing its functions under the Roads Act, I understand from the NRA that local authorities have supervisory personnel in place to ensure that standards and specifications are being met by road contractors.

It is a matter for the NRA to keep under review the procedures, requirements and advice to which I have referred above.

Question No. 87 answered with Question No. 57.

Question No. 88 answered with Question No. 55.

State Airports.

89. **Mr. O'Shea** asked the Minister for Transport the reason for the excessive delay in the production of business plans by the Dublin Airport Authority, the Shannon Airport Authority and the Cork Airport Authority; and the outstanding issues to be resolved in his proposal to establish each of these authorities as independent entities. [9057/06]

133. **Mr. Connaughton** asked the Minister for Transport the reason for the delay in effecting the policy of breaking-up Aer Rianta into three separate authorities; if he is satisfied with this delay; and if he will make a statement on the matter. [9102/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 89 and 133 together.

I have already dealt in detail with the issues raised by the Deputy in my earlier reply today to Priority Question No. 52.

Road Network.

90. **Ms Shortall** asked the Minister for Transport the progress that has been made in buying out the West Link toll bridge; when he expects same to be completed; and his estimate of the full and final cost to the State. [9173/06]

Minister for Transport (Mr. Cullen): As announced by the National Roads Authority, NRA, on 27 January, the NRA has, with my agreement, terminated its negotiations with National Toll Roads, NTR, in relation to the upgrade of the West Link section of the M50. The NRA now proposes to remove the West Link toll plaza in 2008, to install a single point barrier free toll system on the M50 and to compensate NTR in accordance with the West Link agreement. Issues relating to the West Link toll agreement are matters, in the first instance, for the National Roads Authority and the toll operator, NTR.

Vehicle Regulations.

91. **Mr. Hayes** asked the Minister for Transport his views on whether there is a need to make blind-spot mirrors compulsory on all heavy goods vehicles irrespective of age; when this will be achieved; and if he will make a statement on the matter. [9114/06]

372. **Mr. Eamon Ryan** asked the Minister for Transport if he intends to enforce the installation of extra cyclopes mirrors on heavy goods vehicles; and the means and timetable for the introduction of such a regulation. [9218/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 91 and 372 together.

Directive 2003/97 lays down new standards for the type approval of certain categories of

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vehicles, particularly lorries, in relation to the field of vision of drivers and requires that all new vehicles meet the new standards from 26 January 2007.

Directive 2003/97 was transposed into Irish law by the European Communities (Mechanically Propelled Vehicles Entry Into Service) (Amendment) (No. 2) Regulations 2004 as regards type approval and entry into service of vehicles.

In April 2005, the Irish Road Haulage Association, IRHA, the Society of the Irish Motor Industry, SIMI, and the Irish Business and Employers Confederation, IBEC, were requested to consider advising their members to retrofit vehicles with blind spot mirrors or indirect vision devices. The SIMI was also asked that, in advance of the 26 January 2007 deadline for new vehicles, all new HGVs being put on the market meet the higher standards required by Directive 2003/97/EC.

The IRHA responded positively indicating that for the past number of years it has actively encouraged its members to fit convex mirrors to their vehicles and to request these when acquiring new vehicles. The SIMI has informed me that it has received a very positive response from vehicle distributors to the request for early implementation of Directive 2003/97/EC and it anticipates that by the end of March 2006 up to 80% of new vehicles of the relevant categories will meet the requirements of the directive.

92. **Mr. Quinn** asked the Minister for Transport the reason for the excessive delay in reintroducing height restrictions for heavy goods vehicles in view of the fact that these were promised three years ago and it was stated that this is Government policy; and if he will make a statement on the proposed timescale for these regulations. [9053/06]

158. **Mr. G. Murphy** asked the Minister for Transport if his Department has decided to implement a height limit on goods vehicles; when this policy will be implemented; and if he will make a statement on the matter. [9088/06]

389. **Mr. Durkan** asked the Minister for Transport the position in regard to the banning of super-trucks; if the European Commission has sanctioned the proposal; and if he will make a statement on the matter. [9456/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 92, 158 and 389 together.

EU law on maximum weights and dimensions for vehicles is set out in Directive 96/53/EC. Under that directive, which has been fully implemented by Ireland, a member state may not prohibit the use, in its territory, of vehicles from another member state which comply with the

authorised maximum weight and dimension limits set down in the directive.

The directive specifies 4 m as the limit value for vehicle height. Consequently, provided a vehicle registered in a member state is 4 m or less in height, every member state must permit that vehicle to operate on its territory. A member state may, however, prescribe a higher limit on its territory.

Ireland does not impose any height limit on goods vehicles at present but the question of whether to prescribe such a limit is currently being examined in my Department. That examination includes consideration of the submissions received from interested parties in response to public consultation on the subject. I intend to make a decision on the matter shortly. In the event that it is decided to introduce a statutory height restriction for goods vehicles, it will be necessary to submit the draft regulations to the European Commission for consideration and for referral to other member states in accordance with the Technical Standards and Regulations Directive (Directive 98/34).

As regards the Dublin Port tunnel, my officials are liaising with the other stakeholders principally Dublin City Council, the NRA and Dublin Port to ensure that HGV traffic management arrangements, consequent upon the commissioning of the tunnel, achieve the maximum benefits for the city.

Light Rail Project.

93. **Mr. Deasy** asked the Minister for Transport the detailed costing for the proposed metro north project; and if he will make a statement on the matter. [9084/06]

112. **Mr. Stagg** asked the Minister for Transport the cost of the metro north proposal; if a specific budget has been set aside and the way in which this has been determined if the exact route has yet to be set. [9190/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 93 and 112 together.

The capital envelope for Transport 21 includes the cost of metro north. The project will be procured as a PPP and funded through annual availability payments, over a period of approximately 26-year period.

The capital cost of metro north and the value of annual availability payments remain commercially sensitive in advance of the completion of the public procurement procedures. I do not therefore propose to comment further on this issue, to protect the commercial interests of the State and the taxpayer.

The Railway Procurement Agency, RPA, is currently preparing a detailed implementation plan for the metro north line. This includes the public consultation on route options, which was launched on 28 February 2006. The RPA has

carried out a feasibility study and a preliminary environmental assessment of possible alignments for metro north. This study identified three broad corridor options for the metro. The final route and location of stops will be defined through the public consultation and statutory approval process.

Park and Ride Facilities.

94. **Mr. Hayes** asked the Minister for Transport when increased park and ride facilities will be in operation nationwide; and if he will make a statement on the matter. [9123/06]

Minister for Transport (Mr. Cullen): The development of public transport park and ride facilities is primarily a matter for transport providers, local authorities and private developers, either separately or in appropriate conjunction. However, since the provision of such facilities is significant in promoting a more integrated approach to public transport, and in making it a more attractive consumer product, my Department has been progressing certain initiatives to encourage development of park and ride facilities across the country.

Under Transport 21, €5 million is being made available in 2006 for park and ride facilities and interchanges in the greater Dublin area, GDA. In summer 2005, I approved a Dublin Transportation Office, DTO, strategy for rail-based park and ride and indicated that capital funding would be made available for suitable projects. The DTO strategy for rail-based park and ride envisages facilities at some 22 locations on the existing and proposed rail network within the GDA. Arrangements for rail-based park and ride funding will also extend to public transport interchange projects. Capital funding for pilot bus-based park and ride projects will also be considered. However, revenue support to subsidise the operation of park and ride facilities is a matter for each developer.

Two types of park and ride are envisaged, namely, strategic and local sites. A number of larger strategic sites will be identified close to or on the strategic rail corridors where longer distance commuters can transfer to public transport. Local park and ride sites will be smaller in scale and located along public transport corridors, principally rail. Good examples of these types of sites are the existing facilities at DART-suburban rail stations. It is important that interchange and park and ride developments should, wherever possible, be included as part of a wider public transport development framework. While a number of specific proposals are under consideration by the relevant agencies, there are currently no such proposals awaiting the approval of my Department.

Outside Dublin, my Department has provided significant funding for the highly-successful Black Ash Park and Ride in Cork, which was officially

opened in December 2004. Further funding for additional park and ride and bus priority measures in the regional cities has been provided for in Transport 21. Various bus priority measures are currently being implemented in the regional cities with funding from my Department, and the relevant local authorities are carrying out investigations of park and ride possibilities in their areas. However, my Department does not have park and ride proposals on hands at present.

Driving Instructor Industry.

95. **Mr. Perry** asked the Minister for Transport the discussions he has had with the driving instructor industry to inform it of his plans for the regulation of that sector; if it is supportive of such proposals; and if he will make a statement on the matter. [9122/06]

Minister for Transport (Mr. Cullen): Proposals developed by my Department for the regulation and quality assurance of driving instruction will involve a test of the competence of individual instructors. A working group comprising representatives of my Department and of instruction interests has formulated the design of the standards that a driving instructor must meet. The standard will set out criteria for entry to the driving instructor profession and the three part exam comprising a written exam, a practical driving test and a test of instructional capability that instructors will have to pass in order to be registered.

Responsibility for implementing the standard of driving instruction and establishing a register of driving instructors will be with the proposed road safety authority. I am considering what arrangements will be put in place to oversee implementation of the standard in the context of the establishment of the authority. As part of this process the standard referred to above will form the basis for a consultation document to be issued shortly which will set out the requirements that driving instructors will have to comply with in order to be registered.

Road Network.

96. **Mr. Noonan** asked the Minister for Transport the reason officials from his Department have not had discussions with National Toll Roads in relation to the impact of the opening of the Dublin Port tunnel on the West Link toll bridge; if he is satisfied with the situation whereby officials from the National Roads Authority have not consulted with the National Toll Roads either; and if he will make a statement on the matter. [9110/06]

Minister for Transport (Mr. Cullen): The planning, design and implementation of national road improvement projects, including the Dublin Port tunnel, are matters in the first instance for the National Road Authority, NRA, and the local

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authorities concerned, in this case, Dublin City Council. I am not aware of specific discussions between the NRA and NTR in relation to the impact of the port tunnel on the West Link toll bridge.

The NRA and Dublin City Council are working to ensure that the Dublin Port tunnel, when open, will integrate smoothly with the road network at both the M1-M50 junction and in the port area. As part of this process, Dublin City Council is preparing a HGV traffic management plan to ensure the optimum use of the tunnel by HGV traffic. Preparation and adoption of this plan is a matter for Dublin City Council.

Dublin City Council recently conducted a public consultation process in relation to the HGV management strategy, the closing date for which was 10 February. I understand that a significant number of submissions have been received from a range of interested parties which are now being processed by the council. It will then be a matter for the council to finalise the strategy, taking account of the views expressed.

I am very conscious of the need to co-ordinate the commissioning of the completion of the Dublin Port tunnel with the upgrade of the M50. My officials and I are consulting with all stakeholders, including Dublin City Council, to ensure that a co-ordinated traffic management strategy is developed for the opening of the tunnel.

Question No. 97 answered with Question No. 57.

Semi-State Bodies.

98. **Ms B. Moynihan-Cronin** asked the Minister for Transport the manner in which he proposes to retain a controlling share for the State in Aer Lingus. [9061/06]

134. **Ms B. Moynihan-Cronin** asked the Minister for Transport the proposed method of disposal of the State share in Aer Lingus. [9060/06]

142. **Mr. G. Mitchell** asked the Minister for Transport if a decision has been taken to proceed with the partial privatisation of Aer Lingus; the percentage of the airline to be privatised; when this decision will take effect; and if he will make a statement on the matter. [9100/06]

384. **Mr. Durkan** asked the Minister for Transport the extent to which the future of Aer Lingus has been finalised; and if he will make a statement on the matter. [9451/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 98, 134, 142 and 384 together.

I refer the Deputies to my reply to priority Questions Nos. 50 and 53 on today's order paper.

Road Safety.

99. **Mr. Connaughton** asked the Minister for Transport his views on the use of black-box technology, speed limiters and driving training simulators to enhance road safety; if his Department will finance the introduction of such technology; and if he will make a statement on the matter. [9103/06]

Minister for Transport (Mr. Cullen): In recent days, the EU Commission has forwarded to the Council of Ministers a communication on the intelligent car initiative entitled Raising Awareness for ICT of Smarter, Safer and Cleaner vehicles. This communication invites member states to support the objectives in the communication and stresses the need for member states to act together at the European level. The intelligent car initiative is intended as a policy framework for advancing, *inter alia*, eSafety.

As part of the eSafety initiative, my Department is currently participating in EU initiatives to promote the use of technology in advancing vehicle safety. The EU initiatives also involve participation by vehicle manufacturers and insurance companies and in this regard my Department is currently in touch with the insurance industry and the SIMI. My Department is also in touch with other Departments which are involved — the Departments of the Environment, Heritage and Local Government, Finance and Communications, Marine and Natural Resources.

Some of the major challenges in advancing such systems is settling on a European-wide technology basis and determining whether the obligation to fit the technology becomes a requirement on industry. No decisions have yet been made in that regard.

National Car Test.

100. **Ms Enright** asked the Minister for Transport the reason for the delay in implementing the recommendations arising out of the mid-term review of the national car test; the reason for the delay in establishing a technical standards advisory forum; when both will be implemented; and if he will make a statement on the matter. [9109/06]

106. **Mr. S. Ryan** asked the Minister for Transport the mechanisms in place for the assurance of quality in the national car test contract; the manner in which testing standards are supervised and monitored; and if he will make a statement on the matter. [9055/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 100 and 106 together.

The report on the outcome of the mid-term review of the national car testing service conducted by PricewaterhouseCoopers, PwC, for my Department was received in the Department at the end of October 2005. My Department is now

in discussion with the National Car Testing Service, NCTS, with a view to implementing the recommendations contained in the PwC report as soon as possible. The discussions are being conducted in accordance with the contract change procedures provided for in the project agreement between the Minister for Transport and the NCTS for the operation of the car testing service. While these discussions are ongoing, it would not be appropriate to outline the recommendations contained in the report. However, as soon as the discussions conclude, I will publish the report on my Department's website.

As I have previously indicated in reply to parliamentary questions, it is the intention to establish a technical standards forum to consider and make recommendations in relation to vehicle technical matters associated with the NCT. I will establish such a forum in due course.

As regards quality assurance, there are a number of arrangements in place to ensure that car testing is carried out competently. Under the contract between the Minister and National Car Testing Service Limited, NCTS, the company is required to meet a range of performance standards for the service. These cover premises, test equipment, staff, test arrangements, facilities management, information technology and customer service. The performance standards are designed to ensure test integrity and consistency across the network of test centres. The equipment used to carry out NCT tests was selected on the basis of its capability to accurately and consistently test vehicles in accordance with detailed technical specifications and is regularly serviced and calibrated. Vehicle inspectors are qualified vehicle mechanics who have undergone rigorous and comprehensive initial training before they commenced testing cars and they undergo regular review and developmental training. The entire test process is subject to regular internal scrutiny by the NCTS management. In addition, my Department monitors the performance of the NCTS to ensure that it delivers the service to the required standard.

To assist my Department in monitoring the performance of the NCTS, a supervision services contractor — a consortium involving the Automobile Association and PricewaterhouseCoopers 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; quarterly 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 satis-

faction levels; and an annual review of the company's overall performance. I am satisfied that the combination of these measures ensures that, as far as is possible in a high volume repetitive process, the test results reflect the condition of vehicles at the time of testing.

Question No. 101 answered with Question No. 77.

Dublin Transport Authority.

102. **Mr. Coveney** asked the Minister for Transport when he will establish a Dublin transport authority; its powers and functions; and if he will make a statement on the matter. [9089/06]

150. **Mr. J. O'Keeffe** asked the Minister for Transport the future role of the Dublin Transportation Office in view of the proposed establishment of the Dublin transport authority; and if he will make a statement on the matter. [9094/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 102 and 150 together.

I will shortly receive the report of the team I established last November to finalise the remit, structures and human resource requirements of the proposed new transport authority for the greater Dublin area. Once I have received the team's report and had an opportunity to consider its contents, I will bring proposals to the Government for decision. However, in the interim it would not be appropriate for me to speculate about the contents of the team's report or the decisions of the Government arising from it.

Light Rail Project.

103. **Mr. Cuffe** asked the Minister for Transport when he expects the public consultation phase for the extension of the Luas from Connolly Station east towards the Point Depot to commence; and if his own Department favours a routing which would run along the Liffey quays or a more direct route through the International Financial Services Centre. [9205/06]

Minister for Transport (Mr. Cullen): Public consultation in relation to the proposed extension of the Luas red line from Connolly Station to the Point Depot, line C1, commenced in April 2003. The Railway Procurement Agency, RPA, has since applied to me for a railway order in respect of this project. The application is based on the agency's preferred route through Mayor Street.

I have appointed Mr. James Connolly SC as inspector to conduct the public inquiry. As yet, the inspector has not fixed a date for the commencement of the inquiry. A number of parties have made submissions in respect of this proposed project and it will be open to any interested party to have their views heard at the public inquiry.

[Mr. Cullen.]

It would not be appropriate for me to comment about the proposed route as I will have to make a decision on the application for the railway order in due course.

Road Safety.

104. **Mr. Gilmore** asked the Minister for Transport the reason a target for the reduction in serious injuries will not be set by the end of the current road safety strategy; and if he will make a statement on the matter. [9169/06]

Minister for Transport (Mr. Cullen): The Road Safety Strategy 2004-2006 acknowledges significant difficulties in establishing a benchmark from which to set a target for the achievement of a reduction in the number of serious injuries. For that reason the central target established for the strategy was focused on the realisation of a reduction in the number of road deaths.

The strategy included a commitment to the pursuit of a programme aimed at establishing a more robust basis for determining injury data based on the information flow from the gardaí to the National Roads Authority allied to information from hospital admission data and insurance claims. This exercise is being pursued by a number of organisations, under the general direction of the National Roads Authority, which is tasked with the publication of national road collision data.

Given that we are now in the final year of the road safety strategy, a target for serious injuries will not be set within the lifetime of the existing strategy. Based on the outcome of the exercise referred to above, the question of establishing a target for serious injuries will be considered in the context of the development of the next strategy for the period beyond 2006.

105. **Mr. Gilmore** asked the Minister for Transport the preparation he is making to formulate a new road safety strategy following the expiration of the current strategy later in 2006. [9170/06]

162. **Mr. Morgan** asked the Minister for Transport his proposals to deal with the prevention of tragedies in view of the ongoing carnage on roads here. [9162/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 105 and 162 together.

The Government Road Safety Strategy 2004-2006 sets a primary target of a 25% reduction in road collision fatalities by the end of 2006 over the average annual number of fatalities in the 1998 to 2003 period. Achievement of the target would result in no more than 300 deaths per annum by the end of the period of the strategy. This is an ambitious target and one which will require the continued commitment to a strategic, integrated approach by all of the road safety

agencies. However, the recent increase in road deaths is a cause of concern and places the challenge of meeting the target set for the end of 2006 into stark focus. As of 3 March, 74 people had lost their lives on our roads this year, compared to 72 at the same date last year.

Progress depends in the first instance on a continued emphasis on the approach that underpins the strategy. A major independent review of the previous strategy confirms that basing the primary target on the achievement of progress in the areas of speeding, drink driving and seat belt wearing remains the correct approach and these remain the key areas of the strategy.

Significant initiatives identified in the strategy that have been realised to date include the introduction of a new system of metric speed limits through the passage of the Road Traffic Act 2004 and the establishment of the new Garda traffic corps. The new speed limits structure featured a reduction in the speed limit in all rural, regional and local roads from 60 mph to 80 km/h, which equates to 50 mph. The establishment of the dedicated traffic corps in 2004 by the Minister for Justice, Equality and Law Reform under a distinct management structure under the command of an Assistant Commissioner addresses a particular commitment given by the Government. The corps, when it is fully staffed, will provide the basis for the achievement of the significant gains in road safety that emanate from consistent high levels of traffic law enforcement.

Other major proposals identified in the strategy such as the plans to establish a system of private sector operation of speed cameras under the auspices of the gardaí, the further extension of the operation of the penalty points and fixed charge systems, and the question of the introduction of a more general basis for the carrying out of preliminary roadside alcohol testing of drivers are being advanced.

I will bring forward legislation during the current Dáil session for the purpose of extending the basis for which a roadside breath test can be requested and also to provide a statutory basis for the engagement of private sector interests in the operation of a speed camera programme under the direct control and guidance of the gardaí. I have also recently announced the extension of the penalty point system from the existing five offences to 35 offences in early April. The emphasis of this extension is on offences that relate to driver behaviour which is the greatest single contributory factor in road collisions.

My priority at present is to implement the measures set out in the existing road safety strategy. As I indicated last week at the Committee Stage debate on the Driver Testing and Standards Authority Bill, the Road Safety Authority, as it will now be called, will play a major role in the development of future road safety strategies. The authority will be in a position to engage with all of the contributory bodies in order to develop

and monitor the delivery of a comprehensive road safety programme for the period beyond 2006. It is envisaged that the programme will form the basis of the Government's road safety strategy.

Question No. 106 answered with Question No. 100.

Road Traffic Offences.

107. **Mr. O'Dowd** asked the Minister for Transport when the legislation to allow for the expansion of the speed camera network will be published; when this system will be fully operational on roads here; and if he will make a statement on the matter. [9116/06]

159. **Mr. Rabbitte** asked the Minister for Transport the way in which and when he proposes to legislate for the private operation of speed cameras; when additional cameras will be provided and the number of same; the preparation he has made to identify the locations for such speed cameras; if this legislation will be dealt with through the proposed Road Traffic Bill or under a separate Bill; and if he will make a statement on the matter. [9181/06]

Minister for Transport (Mr. Cullen): I propose to take Questions No. 107 and 159 together.

I intend to bring proposals for a new Road Traffic Bill before the House in the current Dáil session and that Bill will contain proposals which will provide for the engagement of the private sector in the provision and operation of road speed cameras as part of the Government's road safety strategy. My colleague, the Minister for Justice, Equality and Law Reform, is engaged in advancing the tendering process for the engagement of the private sector.

The operation of the speed cameras will be under the control of the Garda Síochána and the selection of sites for speed cameras will be identified by the Garda Síochána with the assistance of the National Roads Authority. The cameras will be used to increase compliance with speed limits across the entire network and reduce the speed of vehicles at locations that have either a speed related collision history or are of a type where a high frequency of collisions may be likely and by so doing increase road safety.

Road Safety.

108. **Ms O. Mitchell** asked the Minister for Transport his position in relation to a proposal from one local authority to erect road signs in languages other than Irish or English; if this requires legislative amendment; and if he will make a statement on the matter. [9082/06]

Minister for Transport (Mr. Cullen): The National Roads Authority forwarded a proposal to my Department on 28 February 2006 that the

authority had received from Laois County Council. Since 1996 the Traffic Signs Manual has contained a "Drive on Left" warning sign displaying a symbol depicting a vehicle being driven on the left-hand side of a road altogether with the text "Drive on Left" in English, French and German languages. The proposal that Laois County Council has drawn up consists of a variation of this warning sign that would display text in English, Polish and Czech languages. Warning signs are non-regulatory traffic signs and local authorities can only provide such signs on public roads that comply with directions given by the Minister for Transport pursuant to section 95(16) of the Road Traffic Act.

The merits of the proposal for the new sign are being examined in my Department at present in consultation with the National Roads Authority, the Department of the Environment, Heritage and Local Government and the Garda Síochána. I await the outcome and recommendations of the consultation process. If an appropriate format of a new warning sign emerges from this process it would be then up to me to give a direction to road authorities in relation to its provision and use on a national basis.

Question No. 109 answered with Question No. 66.

Road Traffic Offences.

110. **Mr. Costello** asked the Minister for Transport his policy in pursuing a change in EU and Irish law to allow Irish courts impose a penalty of alcohol interlock devices on convicted drink drivers; if his attention has been drawn to moves in several other EU countries to provide for such devices; and the proposals he will be bringing under the proposed Road Traffic Bill to enact legislation in this regard. [9176/06]

Minister for Transport (Mr. Cullen): Standards for new passenger cars in the EU are specified in a range of EU type-approval directives that are incorporated into a system known as EU Whole Vehicle Type Approval, WVTA. WVTA facilitates the achievement of a single market for cars through harmonised safety and environmental standards. New cars must have WVTA in order to be placed on the market in the EU. Once a car has WVTA, it must be given access to the EU market and it is not open to a member state to unilaterally require additional equipment to be fitted in a car.

The inclusion in motor vehicles of technology of the type outlined by the Deputy is not required under the EU motor vehicle type-approval system. Accordingly, it would not be open to Ireland to require the installation of such equipment in motor vehicles. I will, however, be watching technical developments in this area, particularly as in regards the effectiveness of the technology in reducing drink driving.

Proposed Legislation.

111. **Mr. Howlin** asked the Minister for Transport the changes in law he intends making in respect of mandatory retesting for drivers convicted under a drink-driving offence; the way in which and when he proposes to legislate for same; the drink-driving offences to which the proposal will apply; the other road traffic offences to which the proposal will apply; and if he will make a statement on the matter. [9193/06]

Minister for Transport (Mr. Cullen): I refer the Deputy to my reply to Question No. 118 of 23 February 2006.

The matter raised by the Deputy is being considered by me in the context of revisions to road safety legislation generally which I intend to bring to Government shortly.

Question No. 112 answered with Question No. 93.

Road Traffic Offences.

113. **Mr. Broughan** asked the Minister for Transport the changes he proposes from April 2006 to fixed penalties other than those attracting penalties points. [9171/06]

Minister for Transport (Mr. Cullen): I propose to extend the fixed charge system that is provided in the Road Traffic Act 2002 from 3 April 2006 to a wide range of traffic and parking offences that are enforced by the Garda Síochána. The extension of the fixed charge system will also apply in respect of those offences that are currently enforced by traffic wardens under the fine-on-the-spot system. The fine-on-the-spot system will be abolished on the introduction of the new system.

The roll-out of the fixed charge system will also entail the determination by me of the level of fixed charge to be applied to each offence and the prescription of the form of statutory notices to be used. I will be making the necessary sets of statutory regulations and commencement order shortly.

Question No. 114 answered with Question No. 62.

Question No. 115 answered with Question No. 55.

Public Transport.

116. **Mr. Timmins** asked the Minister for Transport the way in which funding for the implementation of Transport 21 will be allocated; and if he will make a statement on the matter. [9140/06]

Minister for Transport (Mr. Cullen): The basis for Transport 21 is a ten-year capital envelope agreed with the Minister for Finance. This envel-

ope comprises an agreed annual provision for Exchequer and PPP expenditure over each of the ten years based on a combination of project specific allocations for major infrastructure works and global allocations for certain areas of expenditure like traffic management. Each year annual allocations are made from the provision for that year, either in the form of global allocations to bodies like the National Roads Authority — for national road improvements — or project — specific allocations.

Light Rail Project.

117. **Mr. Neville** asked the Minister for Transport if he has received information from the rail procurement agency in relation to the cause of recent structural defects identified with the Luas tracks; if he is confident that such defects will not manifest themselves in other sections of the track; and if he will make a statement on the matter. [9113/06]

383. **Mr. Durkan** asked the Minister for Transport the position in regard to the improvement works on the Luas; if construction was originally carried out in accordance with specifications; and if he will make a statement on the matter. [9450/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 117 and 383 together.

I refer the Deputy to my reply of 1 February 2006 to Questions Nos. 129, 158, 172, 179, 190, 200 and 280 in relation to the matter. The position remains unchanged.

Question No. 118 answered with Question No. 54.

International Agreements.

119. **Mr. Crawford** asked the Minister for Transport if the final deal on an open skies regime has been finalised; if not, the nature of the difficulty in completing this agreement; the options for Ireland in the event that an open skies regime between the US and the EU is not achieved; and if he will make a statement on the matter. [9077/06]

Minister for Transport (Mr. Cullen): EU negotiations with the US about a wide-ranging aviation agreement finished on 18 November 2005, at which time the text of a draft EU-US air transport agreement was settled.

The only outstanding issue now is the outcome of the US's moves to amend its ownership and control rules so that EU carriers, for example, could have much greater control over the commercial activities of US airlines that they invest in. The US began its public consultation process at the beginning of November 2005, with all comments to be received by it in early January 2006. The US is currently considering those comments

and I understand that its timetable is now to conclude its considerations by the end of March, and to publish its comments and its final rule on ownership and control in early April 2006.

The March Transport Council will receive the latest information on this subject from the European Commission, but may not be in a position to make a final decision on the EU-US agreement without sight of the final US ownership and control rule. It is envisaged that the Transport Council in early June will be in a position to take a decision on the EU-US agreement, with a view to it coming into effect on schedule in November 2006.

I would be extremely disappointed if the EU-US agreement is not signed this year as planned, in view of the enormous benefits that open skies will bring to Irish aviation and to Irish business and tourism. In that event Ireland would re-examine options for direct bilateral arrangements with the US.

Road Network.

120. **Mr. Broughan** asked the Minister for Transport if he is satisfied with the regulatory regime that exists for compliance with National Roads Authority roadworks specifications; if he will take the opportunity of his proposed Road Traffic Bill to introduce statutory minimum standards of compliance with roadworks specification; if he will use the opportunity to introduce sanctions where local authorities fail to comply with guidelines-standards; and if he will introduce a statutory checking system to National Roads Authority procedures in order that roads are completed in compliance before funding is handed over to the local authority. [9172/06]

Minister for Transport (Mr. Cullen): The planning, design and implementation of national road improvement projects is a matter for the National Roads Authority, NRA.

I understand that the NRA's Design Manual for Roads and Bridges, which was originally published in December 2000, contains standards and advice notes relating to the design, assessment and operation of national roads in Ireland. The NRA requires that the design manual be used on all projects for the construction and-or improvement of national roads.

While the design manual is not a statutory document the NRA, as the agency with responsibility for the construction and maintenance of the national roads network and the funding of individual projects, requires that the technical standards specified in the document be adhered to.

The NRA's Specification for Road Works, which was originally published in March 2000, contains detailed specifications for all elements of road works. The full document or relevant parts is included as part of the contract documents for individual road construction or improvement pro-

jects and must therefore be complied with as a contractual obligation.

There are no statutory minimum standards in relation to road re-surfacing. I am informed that both the NRA's Specification for Road Works and Design Manual for roads and Bridges include requirements in relation to road surfacing and re-surfacing.

Employment Rights.

121. **Aengus Ó Snodaigh** asked the Minister for Transport if his attention has been drawn to the fact that some Dublin Bus drivers are claiming that they are pressurised to work six hours straight, which is in direct contravention to the law that stipulates that they should work no longer than four and a half hours; and if he will make inquiries on the matter. [9164/06]

Minister for Transport (Mr. Cullen): The terms and conditions of employment of bus drivers is a matter for Dublin Bus. These drivers are not covered by the EU regulation on drivers hours or by the EU directive on the organisation of working time of persons performing mobile road transport activities because they are operating on a regular passenger service within a 50 km radius. I will, however, bring the matter to the attention of Dublin Bus.

Question No. 122 answered with Question No. 55.

Road Traffic Offences.

123. **Ms O'Sullivan** asked the Minister for Transport the legislative changes he proposes to ensure the greater application of charges under section 22 of the Road Traffic Act 1994. [9177/06]

Minister for Transport (Mr. Cullen): Section 22 of the Road Traffic Act 1994 provides that where a person is convicted of a drink driving offence, the court shall, unless it is satisfied that there are special and substantial reasons for not so doing, order that person to pay a prescribed amount to the courts as a contribution to the costs and expenses of the Medical Bureau of Road Safety.

I am currently examining the provisions of section 22 in the context of pending legislation in relation to drink driving offences generally. I will be consulting my colleague, the Minister for Justice, Equality and Law Reform in this context.

Penalty Points System.

124. **Ms O. Mitchell** asked the Minister for Transport when he intends to address the loophole which allows drivers with 12 penalty points to continue to drive; and if he will make a statement on the matter. [9081/06]

Minister for Transport (Mr. Cullen): The penalty point system applies points to a driver's record and provides for that person to be disqualified when he or she has accumulated 12 points. On receipt of notifications from the Garda Síochána or the Courts Service that a fixed charge has been paid, or a person has been convicted of a penalty point offence, the Department of the Environment, Heritage and Local Government, endorses the licence record in the national driver file with the appropriate number of penalty points and issues a notification to the person concerned.

Any driver who accumulates 12 penalty points is automatically disqualified for a period of six months under section 3 of the Road Traffic Act 2002. The person concerned is notified he or she is disqualified and directed to surrender his or her licence to the appropriate licensing authority. It is an offence under section 5 of the Road Traffic Act 2002 to fail to surrender a driving licence to a licensing authority.

The Garda Síochána can access the information on driver records held in motor tax offices. However, in order to ensure that the Garda Síochána is aware of disqualifications, the notification process has recently been strengthened and a copy of the disqualification letter is now sent directly by the Department of the Environment, Heritage and Local Government to the Garda Commissioner. A copy is also being sent to my Department.

Question No. 125 answered with Question No. 77.

Road Network.

126. **Mr. Hogan** asked the Minister for Transport his views on a current Health and Safety Authority survey, which identified defects relating to the condition of roads here as a factor in compromising road safety; and if he will make a statement on the matter. [9075/06]

Minister for Transport (Mr. Cullen): It is the function of the National Roads Authority under section 17 of the Roads Act 1993 to secure the provision of a safe and efficient network of national roads. As part of this function, the National Roads Authority has overall responsibility for the planning, design and maintenance of national roads.

I understand that the Health and Safety Authority has a remit to investigate incidents on a roadway where the incident results from or has a direct relationship to ongoing work activity. I have been informed that it is not involved in any survey on the condition of national or secondary roads generally.

Road Network.

127. **Mr. Wall** asked the Minister for Transport

the definitive date for the opening of the Dublin Port tunnel; the reason for the delay; and if he will make a statement on the matter. [9054/06]

129. **Mr. McGinley** asked the Minister for Transport when the Dublin Port tunnel will be open to the public; the cost of the project, including extra costs sought by the building contractor; and if he will make a statement on the matter. [9096/06]

161. **Ms McManus** asked the Minister for Transport when he expects the Dublin Port tunnel to open; and the measures in place to cope with the extra traffic congestion on the M50. [9184/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 127, 129 and 161 together.

The planning, design and implementation of national road improvement projects, including the Dublin Port tunnel, is a matter for the National Roads Authority and the local authorities concerned. Good progress continues to be made on the construction of the tunnel. I am informed that the civil engineering work within the tunnels has been largely completed and that the main focus of work has shifted to the installation of the mechanical and electrical systems which make up the safety and control features of the project. I understand from the National Road Authority that the tunnel is expected to be open to traffic in summer 2006 following the testing and commissioning of the tunnels' operational and safety features.

I also understand that the estimated cost of the Dublin Port tunnel remains at €751 million. Claims for additional costs submitted by the contractor in this case are a matter for Dublin City Council in the first instance. It should be noted that the making of a claim by a contractor does not inevitably lead to additional payments. The traffic management and control arrangements that will apply following the opening of the Dublin Port tunnel are a matter for Dublin City Council. Following the opening to traffic of the Dublin Port tunnel, Dublin City Council will be introducing a heavy goods vehicle traffic management strategy to ensure that maximum traffic benefits are secured from the Dublin Port tunnel. My Department is consulting with all stakeholders, including Dublin City Council, to facilitate the development of a co-ordinated traffic management strategy for the opening of the tunnel.

The improvement of traffic flow on the M50 requires the implementation of the M50 upgrade project, including the installation of barrier free tolling, phase 1 of which is getting under way. The delivery of the upgrade works will provide a significantly enhanced M50 motorway linkage around Dublin City.

Road Safety.

128. **Mr. M. Higgins** asked the Minister for Transport when he proposes to reduce the blood-alcohol threshold level for driving; and if he will make a statement on the matter. [9192/06]

Minister for Transport (Mr. Cullen): The position of the Government in relation to drink driving policy is set out in a comprehensive manner in the road safety strategy 2004-06. This recognises that our priority is to improve compliance with the existing 80 mg per 100 millilitres of blood limit, rather than move to new limits. We apply an 80 mg limit with very strict application of driving disqualification. Lower blood alcohol limits operating in some countries do not necessarily attract such strict penalties.

The statistics indicate that those being detected for drink driving have a blood alcohol level well in excess of the legal limit. Some 89% of blood and urine specimens and 81% of breath specimens analysed in 2003 by the medical bureau of road safety were above the alcohol limit for driving. However, what is even more worrying is that over half of those who failed blood or urine tests, and almost one third of those who failed breath tests, had alcohol contents that were at least twice as high as the legal limit. The limit, therefore, is being ignored by a core number of drivers who refuse to obey the law.

I will bring forward legislation during the current Dáil session for the purpose of extending the basis for which a roadside breath test can be requested. The question of reducing the limit will be kept under review but the priority at present is to increase the chances of being breathalysed and heighten the deterrent effect.

Question No. 129 answered with Question No. 127.

Question No. 130 answered with Question No. 75.

Question No. 131 answered with Question No. 73.

Question No. 132 answered with Question No. 82.

Question No. 133 answered with Question No. 89.

Question No. 134 answered with Question No. 98.

Public Transport.

135. **Mr. Eamon Ryan** asked the Minister for Transport the long term targets his Department has for the modal split of both freight and passenger transport here; and if he will make a statement on the matter. [9202/06]

378. **Mr. Durkan** asked the Minister for Transport his plans to encourage the use of buses; if it is intended to take particular initiatives to make travel by bus more attractive, such as more conveniently located bus stops, bus shelters, increased frequency of services and other means to encourage passengers towards the use of this particular mode of public transport; and if he will make a statement on the matter. [9443/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 135 and 378 together.

My Department, in its statement of strategy, has as one of its guiding principles the encouragement of modal shift in favour of attracting passengers to public transport. The investments needed to support this policy are contained in Transport 21 which provides a massive investment in public transport. In the greater Dublin area alone, the objective is to deliver 175 million extra passenger journeys net per annum on public transport.

The strategic rail review, commissioned by my Department, and published in 2003, contained a comprehensive examination of the rail freight business and its realistic potential to support economic development and contribute to a sustainable environment. Iarnród Éireann, in responding to the review, held wide-ranging consultations with business interests around the country to identify those freight activities which are best suited to rail transport. The company has developed a business plan based on a strategy to break even by 2006, increase the profitability of the existing profitable business while withdrawing from those businesses that are heavily loss-making. The company has made progress in developing the rail freight business in areas where it holds a competitive advantage over road haulage.

Iarnród Éireann continues to pursue a policy of growing its rail freight business where opportunities present. However, as in all businesses, it must adjust the freight business from time to time to reflect market realities. The rail freight market has been liberalised since January last for international services and will be liberalised fully from January next.

The Department's statement of strategy recognises that a mix of policies is needed to alleviate the effects of congestion and an improved quality and range of public transport services can attract people out of cars for all or part of their journeys. Under Transport 21, the bus will continue to play a crucial role in the capital's public transport system. There will be a greater focus on the development of orbital, feeder and local services integrating the city and complementing the rail network. We continue to make progress on investment and development of our public transport system in areas such as the Dublin suburban rail network, inter-city rail services, bus capacity and increased bus services and quality bus corridors.

Question No. 136 answered with Question No. 55.

Road Safety.

137. **Caoimhghín Ó Caoláin** asked the Minister for Transport his proposals or the initiatives he proposes to take in the area in view of the unacceptably high road deaths on the Inishowen peninsula, County Donegal. [9165/06]

Minister for Transport (Mr. Cullen): In view of the unacceptably high level of road fatalities in Donegal, and in particular on the Inishowen peninsula, the Minister of State, Deputy Gallagher, has held urgent consultations with relevant officials in Donegal to discuss the issue of road safety in the area. A seat belt campaign was recently launched by the Minister of State in Donegal to increase awareness of the importance of seat belt wearing.

The National Safety Council, in consultation with the Department of Transport, the Department of the Environment, Heritage and Local Government, and the City and County Managers Association is developing a template for road safety action plans which will be piloted in ten chosen local authority areas. The results of these pilots will inform the development of models which can subsequently be applied in all local authority areas throughout the country. This project includes an examination of the role of local authority road safety officers by the National Safety Council in consultation with relevant Departments and agencies.

Donegal County Council is participating in this pilot project. The National Safety Council has in this context met with the road safety working group in Donegal and the development of a road safety plan for the county is under way. The National Safety Council and the Garda have been active in pursuing road safety education initiatives at a local level in Donegal.

In response to the disturbing number of road fatalities in Buncrana district, a Garda traffic corps unit was established in the district on a pilot basis with effect from 20 October 2005. The unit was in addition to the traffic corps personnel already operating in the Donegal division. Following a review of the unit, a decision has been made to extend the pilot until 15 March 2006 when a further review will be carried out.

Air Services.

138. **Mr. Howlin** asked the Minister for Transport his response to the suggestion that a confidential reporting system for pilots be introduced here to facilitate the reporting of unsafe practices by airlines; his intention to facilitate this by the introduction of whistleblower legislation in the transport sector; and if he will make a statement on the matter. [9194/06]

Minister for Transport (Mr. Cullen): I refer the Deputy to my reply to a similar question, for written reply, on 16 February 2006. In that reply I stated that my Department was in the process of transposing an EU directive on mandatory occurrence reporting, directive 2003/42/EC of the European Parliament and of the Council of 13 June 2003 on occurrence reporting in civil aviation, into domestic legislation. There is an optional provision for voluntary reporting of incidents that do not come under the requirement for compulsory reporting in this directive. My Department will examine the feasibility of establishing such for the whole Irish aviation system to include operators, air traffic management providers, maintenance and airport personnel.

I also indicated that under the provisions of the Irish Aviation Authority orders, airlines, as a condition of an air operators certificate are obliged to report all aviation safety related occurrences to the Irish Aviation Authority or in certain cases to the air accident investigation unit of my Department.

Traffic Management.

139. **Mr. Bruton** asked the Minister for Transport when the recommendations-initiatives proposed by the Clare Street Initiative will be published; when the group last met and will next meet; and if he will make a statement on the matter. [9098/06]

Minister for Transport (Mr. Cullen): The group which met as part of the Clare Street initiative on 5 October last identified 15 priority projects to improve traffic management in the greater Dublin area. I will let the Deputy have the details of the projects in the coming days. The further development of these projects is being considered by the relevant agencies and will be followed up by the Dublin Transport Office.

Penalty Points System.

140. **Mr. Ring** asked the Minister for Transport the information which will be supplied to the public on the introduction of additional penalty points on 1 April 2006; when this will commence; and if he will make a statement on the matter. [9086/06]

Minister for Transport (Mr. Cullen): The National Safety Council, as the agency mandated with responsibility for road safety education and information, operates a dedicated penalty point website, www.penaltypoints.ie. I understand that the website is being redesigned-updated in the context of the changes pending on road safety issues and policy. The website will be operational again shortly. In addition, the National Safety Council is in the process of designing a public education-awareness campaign about the new penalty points offences, which will be launched

this month in the lead up to the 3 April 2006 date for the extension of the penalty points system.

Port Development.

141. **Mr. Boyle** asked the Minister for Transport if he has had discussions with Government Departments regarding the possible change of use of existing lands under control of Dublin Port to promote new residential development; if his Department has commissioned analysis or entered into discussions with the Port Company or Dublin City Council on the proposed development of the south docks as a residential area as has been suggested by Dublin City Council. [9204/06]

Minister for Transport (Mr. Cullen): Neither I nor my Department have had discussions on the possible change of use of existing lands under the control of Dublin Port to promote new residential development, nor has my Department commissioned analysis in the matter.

Dublin Port is a State-owned company established under the Harbours Act 1996. The Act provides that the principal objects of the company include the provision of such facilities, services and lands in its harbour for ships, goods and passengers as it considers necessary. The company is required to take all proper measures for the management, control, operation and development of its harbour. Decisions on the use of the land within the port estate are a matter for the port company.

I draw the Deputy's attention to the fact that, as indicated in Parliamentary Question No. 464 of 21 February 2006, a process involving our commercial ports handling unitised trade, including Dublin Port Company, is under way. The purpose of this process is to satisfy the Government that the anticipated seaport capacity requirement to 2014 and beyond can be efficiently and adequately met.

Question No. 142 answered with Question No. 98.

Traffic Management.

143. **Mr. Cuffe** asked the Minister for Transport if he, or his Department has made representations to Dublin City Council with regard to the proposed new heavy goods vehicles management strategy which is due to be introduced following the opening of the Dublin Port tunnel; his views on the contention of the consultants hired by Dublin City Council that following the opening of the tunnel there should not be the provision for free access to and from the port from the south side of the river due to the continued problems that such provision would create for the residential areas on any such port access route. [9206/06]

Minister for Transport (Mr. Cullen): Preparation and adoption of the HGV traffic management strategy to ensure optimum use of the Dublin Port tunnel by HGV traffic is a matter in the first instance for Dublin City Council. My Department's formal role will be to put in place the necessary regulatory framework as regards traffic signs, etc., to support the strategy.

As a major new element in Dublin's road network, the Dublin Port tunnel will have a major beneficial impact on traffic flow in the Dublin area. It will be of particular benefit in facilitating improved access to Dublin Port for HGVs while reducing HGV traffic in the city. My Department's primary objective is to ensure those benefits are realised.

I am conscious of the need to co-ordinate the commissioning of the completion of the Dublin Port tunnel with the upgrade of the M50. My officials and I are consulting with all stakeholders, including Dublin City Council, to ensure that a co-ordinated traffic management strategy is developed for the opening of the tunnel. The HGV management strategy is an important part of this process.

It is not for me to give a determination to Dublin City Council on specific issues such as access to the port from the south side of the river. My focus is to bring about a co-ordinated strategy that will balance the needs of all concerned. I will, however, continue to liaise with Dublin City Council so that I may be assured that the primary objective of the Department is achieved in a manner which maximises the overall traffic benefit of the tunnel.

Question No. 144 answered with Question No. 61.

Rail Freight.

145. **Mr. Sherlock** asked the Minister for Transport if his attention has been drawn to a recent study by Irish railway news which showed that 26 rail freight flows have been lost to road since 1994 with at least ten lost during the past two years; his reaction to these findings; his proposals to halt the decline in rail freight; and if he will make a statement on the matter. [9187/06]

Minister for Transport (Mr. Cullen): The strategic rail review, commissioned by my Department, and published in 2003, contained a comprehensive examination of the rail freight business and its realistic potential to support economic development and contribute to a sustainable environment. Iarnród Éireann has advised me that one of the company's goals is to return the freight business to profitability and significant progress has been made recently in this regard. To help achieve this turnaround, Iarnród Éireann withdrew from loss-making groupage, palletised and single container rail transport in the recent past. However, Iarnród Éireann continues to pur-

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sue a policy of growing its rail freight business where opportunities present.

The transport of pulpwood for Coillte is on the increase and Iarnród Éireann is in negotiations regarding the transport of full trainload container traffic which is a viable business for the company.

Since 1999, Iarnród Éireann has invested over €1.5 billion in rebuilding the railways, with Government and EU support for the investment programme delivering improvements in new trains, upgraded infrastructure and customer facilities. While such investment has primarily focused on improving passenger services, the investment in improving rail infrastructure also has a direct beneficial impact on freight activities.

Taxi Regulations.

146. **Ms Lynch** asked the Minister for Transport if he is satisfied with the progress in introducing quality standards into the taxi industry; and when he envisages the commencement and full operation of section 36 of the Taxi Regulation Act 2003. [9179/06]

Minister for Transport (Mr. Cullen): The Commission for Taxi Regulation is the independent body responsible for the development and maintenance of a new regulatory framework for the control and operation of small public service vehicles, including taxis, and their drivers, under the Taxi Regulation Act 2003.

In 2005 the commission initiated a national review to assess the extent and quality of services provided by small public service vehicles and subsequently published Roadmap — Towards a new national code of regulation for taxis, hackneys and limousines in Ireland which set out the areas where change is required along with the commission's proposed solutions. Submissions were invited on the Roadmap by 26 September 2005 following which the preparation of new regulations commenced. The commission has also taken over the power to declare or alter taximeter areas and to fix maximum taxi fares from local authorities and invited submissions on consultation paper No. 3, taximeter areas and taxi fares by 19 December 2005.

I am satisfied with the progress made by the commission since its establishment in September 2004. I note that the commission today launched a detailed action plan, which outlines proposed changes to regulations and other structures. The latter are focused on improving standards generally.

With regard to the commencement of section 36 of the Taxi Regulation Act 2003, as amended by section 36 of the Road Traffic Act 2004, which provides for a system of automatic disqualification from applying for or holding a small public service vehicle driver or vehicle licence in respect

of persons who have been convicted of one of a range of very serious offences, including murder, manslaughter and various sexual, drug trafficking and other offences. This requires further consultation with licensing authorities, the Garda Síochána, the Courts Service, among others, to ensure that the appropriate arrangements for implementation are in place. Specific legal advice on a number of issues surrounding the practical application of the section has been sought from the Office of the Attorney General. It will be necessary to give an appropriate period of advance notice of the proposed commencement of the section to allow persons who may be affected by the provisions, in particular existing licence holders, to clarify their position with the courts. Commencement of the section will be considered, in consultation with the Commission for Taxi Regulation, when the legal and administrative issues have been resolved.

Road Safety.

147. **Mr. Crowe** asked the Minister for Transport if there have been North-South meetings or discussions involving him and his Northern counterpart or his Department officials regarding harmonising road safety guidelines and particularly for outside of schools. [9161/06]

Minister for Transport (Mr. Cullen): While I met my ministerial counterparts recently at a British-Irish Council meeting, the issues discussed were mutual recognition of driver disqualification and greater co-operation in the treatment of other road traffic infringements where the penalty falls short of disqualification. There have been no meetings or discussions on the issues referred to by the Deputy.

Road Network.

148. **Mr. O'Shea** asked the Minister for Transport the precise details of the extent of the existing quality bus corridors in the Dublin area; the length of actual bus-priority provision in each quality bus corridor; the quality bus corridors which have been fully completed; and if he will make a statement on his policy in this area. [9056/06]

Minister for Transport (Mr. Cullen): I refer the Deputy to the following table, compiled by the Dublin Transportation Office, DTO, from its data and from information supplied to it by the agencies responsible for quality bus network rollout, that is, the quality bus network project office and the relevant local authorities.

The DTO points out that, in the implementation of quality bus corridors, the extent of a dedicated bus priority is not the only important consideration in making the QBC effective — it can be as important to implement bus priority at

the congested points on the network and to implement other traffic management techniques

along the corridor to ensure reliable running times throughout.

Extent of Quality Bus Network — March 2006

Estimated length of actual bus-priority provision in each quality bus corridor

	11 QBCs — Fully Completed	Km's	Inbound	Outbound
1	Lucan QBC	17	11.0	8.0
2	Malahide QBC	7.5	6.0	6.0
3	Stillorgan QBC	23.06	13.0	13.0
4	Finglas QBC	6.0	4.0	2.0
5	North Clondalkin QBC	12.1	3.0	2.5
6	Rathfarnam QBC	8.4	6.0	2.0
7	Tallaght QBC	12.2	5.0	2.0
8	Blanchardstown QBC	16.4	5.3	2.0
9	Swords QBC	21.6	11.0	8.0
10	South Clondalkin QBC	7.2	5.0	4.0
11	Orbital QBC	6.4	3.0	3.0
	Total	138.0	72.3	52.5

	Done to Date: Additional Bus Priority	Km's
1	Naas Road Phase 1 — (Monastery Road to Newlands) Outbound	1.5
2	Outer Ring Road (Q1)	3.3
3	N32	2.5
4	Clontarf	1.5
5	Laurel	0.5
6	Howth	5.9
7	Merrion Road	4.3
8	Peases	0.6
	Total	20.1

Airport Development Projects.

149. **Mr. G. Mitchell** asked the Minister for Transport if work has begun on the construction of a second terminal at Dublin Airport; when this development will be completed; the final cost of this project; and if he will make a statement on the matter. [9101/06]

Minister for Transport (Mr. Cullen): Under the Dublin Airport Authority's medium term plan for new infrastructural provision at Dublin Airport published last autumn, a new terminal and associated pier facilities, pier E, will be provided to the south of the existing terminal. These facilities are due to come on stream in 2009.

The Dublin Airport Authority has recently announced the project management and design and cost consultancy teams for the project. Work will commence immediately on the planning application and in this regard, detailed pre-planning consultation with Fingal County Council has already taken place. The Dublin Airport Auth-

ority is working towards having the terminal operational by late 2009.

The specification and cost of terminal 2 will be independently verified by experts on behalf of the Government and my Department will shortly appoint the independent verifiers following a tender process. The final cost of terminal 2 will be determined by the market through a public procurement process.

Question No. 150 answered with Question No. 102.

Pension Provisions.

151. **Caoimhghín Ó Caoláin** asked the Minister for Transport his proposals to overcome the shortfall in the fund in view of the ongoing uncertainty regarding the pension scheme for Aer Lingus workers. [9166/06]

360. **Mr. Eamon Ryan** asked the Minister for Transport the steps he has taken to address the pension fund deficit of more than €330 million at

[Mr. Eamon Ryan.]

Aer Lingus before the planned sale of the company in six months time. [9214/06]

371. **Mr. Bruton** asked the Minister for Transport if he foresees obstacles to utilising some of the proceeds of shares in Aer Lingus to supplement the deficit in the pensions of retired aviation workers. [8996/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 151, 360 and 371 together.

I have already dealt, in response to priority questions, with the Government's decision to dispose of a majority stake in Aer Lingus and the ongoing consideration, by the Minister for Finance and me, of the advisers' report on the nature, scale and timing of an investment transaction. The advisers report identifies issues that should be resolved in regard to the company's pension schemes.

I understand that, on the basis of the most recent actuarial valuation, the Irish airlines superannuation (general employees) scheme is in deficit if provision is to be made for future increases in pensions to reflect growth in the consumer price index. I also understand that, under the rules of the scheme, there is no guarantee in regard to the granting of increases in pensions. Such increases are entirely at the discretion of the trustees of the scheme. If no such increases were to be paid the scheme would be in surplus.

The scheme is a multi-employer scheme with the Dublin Airport Authority and SR Technics being employer members alongside Aer Lingus. The issue of funding is a matter for the company and its employees. However, in light of the issues raised in the adviser's report I asked the company to assess the options to deal with the issues. An increase in contributions by the company and employees would be an essential part of any solution. It may be possible, in the context of an overall solution to the pension issue, that the company may utilise some of the equity raised in a transaction for the purpose of meeting part of its commitment to resolving the funding requirements. Based on advice received to date, I do not anticipate any obstacles to implementing a solution along these lines.

Last week I asked the company to engage intensively with the trade unions and their advisers in regard to its proposal on the pensions issue. I hope to revert to Government in the coming weeks in the light of the progress in that process.

Road Network.

152. **Mr. Gogarty** asked the Minister for Transport his views on whether it will be necessary within the near future to introduce demand management measures on the M50 as was suggested by An Bord Pleanála, Arup Consulting Engineers, the Dublin Transportation Office and the

National Roads Authority at the oral hearing to examine the proposed widening and upgrade of the M50; the road tolling contracts which have been signed over the past year; the additional road tolling contracts awaiting his approval; when he expects such contracts to be agreed; and if he will postpone any finalisation of such agreements pending agreement between the Government and the National Roads Authority on the nature of future tolling arrangements on the M50 motorway. [9208/06]

Minister for Transport (Mr. Cullen): I understand from the National Roads Authority that the free flow toll arrangement to be put in place on the M50 on completion of phase 1 of the upgrade in 2008, will be a single point toll. I expect to receive specific proposals later this year from the National Roads Authority on these 2008 arrangements.

The planning permission granted for the M50 upgrade requires that the National Roads Authority publish a scheme of specific demand management measures for the motorway corridor no later than three years after the upgrade has been completed in 2010. For this reason the barrier free tolling arrangements will need to be adaptable to meet the medium to long-term needs that arise and to satisfy the planning permission requirements in that regard. Comprehensive research and analysis will require to be undertaken by the National Roads Authority in the coming years in order to address the post 2010 situation and to submit proposals to the Minister for Transport at the appropriate time.

The statutory power to levy tolls on national roads, to make toll by-laws, and to enter into toll agreements with private investors in respect of national roads is vested in the National Roads Authority under Part V of the Roads Act 1993, as amended by the Planning and Development Act 2000. Accordingly, individual PPP contracts are a matter for the National Roads Authority and I have no function in regard to the approval or signing of such contracts.

The current position in respect of toll road-PPP projects is that three projects have been completed, namely, second West Link bridge on the M50, M1, Dundalk western bypass, and the M4 Kilcock-Enfield-Kinnegad route. No PPP contracts were signed in 2005. However, I understand from the National Roads Authority that a further three contracts are expected to be awarded in 2006, that is, N25 Waterford city bypass, N7 Limerick southern ring phase II and the N3 Clonee-Kells route. I am informed that the National Roads Authority does not envisage any delays in the awarding of these contracts.

Courts Decisions.

153. **Ms Burton** asked the Minister for Transport the degree of contact and co-operation between his Department and the Courts Service

on road traffic case law; if he is satisfied with the exchange and flow of statistics and information between the two bodies; and the steps he is taking to improve matters. [9196/06]

Minister for Transport (Mr. Cullen): General statistics relating to decisions taken by the courts are available in the annual reports of both the Courts Service and the Garda Síochána. Notifications of driving disqualifications and endorsements of licences ordered by the courts are sent by the Courts Service to the relevant licensing authority, which records the disqualification and/or endorsement on the driver record. A copy of such notifications is also sent by the Courts Service to my Department for information.

Legislative Programme.

154. **Mr. English** asked the Minister for Transport if legislation to allow for open road tolling will be published before the summer recess; and if he will make a statement on the matter. [9120/06]

Minister for Transport (Mr. Cullen): I anticipate, subject to the other priorities on the legislative programme, that draft legislation to facilitate open road tolling will be introduced by mid 2006.

Road Traffic Offences.

155. **Mr. P. Breen** asked the Minister for Transport when proposals to deal with and to prosecute persons who use drugs and drive will be implemented; and if he will make a statement on the matter. [9079/06]

Minister for Transport (Mr. Cullen): It is illegal in Ireland to drive while under the influence of drugs to such an extent as to be incapable of having proper control of the vehicle. Section 49 of the Road Traffic Act 1961, as inserted by section 10 of the Road Traffic Act 1994 prohibits the driving of a mechanically propelled vehicle by a person while under the influence of an intoxicant. An intoxicant includes alcohol and drugs, and any combination of drugs and alcohol.

The Medical Bureau of Road Safety continues to analyse blood and urine specimens received from the Garda Síochána under the Road Traffic Acts for the presence of a drug or drugs where the level of alcohol determined is under the legal limit, or when a specific request for drug analysis has been received from the Garda when the alcohol result is above the legal limit. The provisional number analysed in 2005 was 750, which is 32% higher than 2004. Prosecution of offences relating to driving while under the influence of drugs is a matter for the Garda Síochána.

Question No. 156 answered with Question No. 55.

EU Directives.

157. **Ms McManus** asked the Minister for Transport the action he intends taking to transpose directive 2000/79/EC into Irish law in view of the recent European Court of Justice ruling; the reason for the delay in its transposition; and the action he is taking to address all remaining untransposed directives. [9188/06]

Minister for Transport (Mr. Cullen): Directive 2000/79 deals with working time for mobile workers in civil aviation. A draft statutory instrument to implement this directive is at an advanced stage of preparation, following consultations with employee and employer representatives. The main issue outstanding is the detail of an inspection regime by the existing working time labour inspectorate under the aegis of the Department of Enterprise, Trade and Employment. My officials have been liaising with that Department on this issue, and are aiming to have the directive transposed in the near future.

The working time limits contained in this directive are essentially the same as those in the existing JAR-Ops rules on flying time, which are currently implemented by the Irish Aviation Authority in Ireland. Forthcoming EU legislation in this area, known as EU-Ops, will formally transpose the JAR-Ops rules into European law by way of a regulation that is expected to be adopted later in the first half of this year. This regulation will be directly applicable in each member state.

In regard to directives not yet transposed into national law, every effort is being made to effect transpositions as soon as possible.

Question No. 158 answered with Question No. 92.

Question No. 159 answered with Question No. 107.

Question No. 160 answered with Question No. 55.

Question No. 161 answered with Question No. 127.

Question No. 162 answered with Question No. 105.

Vegetable Imports.

163. **Mr. P. McGrath** asked the Taoiseach the volume of vegetables which has been imported from Israel in 2005; and if he will make a statement on the matter. [8827/06]

Minister of State at the Department of the Taoiseach (Mr. Kitt): The information requested by the Deputy is presented in the following table. For comparative purposes data for the preceding five years is also provided.

[Mr. Kitt.]

Vegetable Imports from Israel	2000	2001	2002	2003	2004	2005*
	Tonnes	Tonnes	Tonnes	Tonnes	Tonnes	Tonnes
<i>Potatoes of which:</i>						
New potatoes, fresh or chilled	25			539	846	796
Potatoes main crop, fresh or chilled	40	57	8	13	210	301
Seed potatoes, fresh or chilled				8	2	
Potatoes, processed			2			
Carrots and turnips, fresh or chilled		15	26	2	167	1,094#
Sweet peppers, fresh or chilled	54	275	130	63	227	282
<i>Tomatoes of which:</i>						
Tomatoes, fresh or chilled	35	110	202	138	71	55
Tomatoes, frozen		12				
Tomatoes, processed					69	24
Other edible root vegetables, fresh or chilled			2	122	115	104
<i>Sweetcorn of which:</i>						
Sweetcorn, frozen		45	50	61	109	60
Sweetcorn, fresh or chilled	9	2	3			3
Sweetcorn, processed			66	70	108	129
Sweet potatoes, fresh	22	34	48	51	62	83
Celery (other than celeriac), fresh or chilled	4	1	3	6	18	5
<i>Onions of which:</i>						
Onions other than sets fresh or chilled		8	16			
Onion sets, fresh or chilled				1		
Other vegetables, fresh, chilled, frozen or processed	80	185	123	155	98	45
Total	269	744	679	1,229	2,102	2,981

* Provisional estimates.

Currently under review.

Departmental Staff.

164. **Mr. Connolly** asked the Taoiseach the number of persons with disabilities employed in his Department; the percentage of the total staff that this represents; the human resources policy of his Department with regard to the recruitment of persons with disabilities; the qualification criteria for persons with disabilities; and if he will make a statement on the matter. [8892/06]

The Taoiseach: Seven persons employed in my Department have voluntarily, self disclosed that they have disabilities. This represents 3.72% of total staff. The principle of equality underpins my Department's human resource policy in accordance with equality legislation and the Government's policies on diversity, dignity at work and gender equality. My Department is an equal opportunities employer. Staff are recruited through the Public Appointments Service which does not make a distinction between the qualification criteria for persons with disabilities and those with none.

General Medical Services Scheme.

165. **Mr. Hogan** asked the Tánaiste and Mini-

ster for Health and Children if she will review the situation whereby old aged pensioners must pay up to €50 for a medical letter for the purpose of their application for a driving licence; her views on having this particular charge met by their medical card; and if she will make a statement on the matter. [8946/06]

166. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children the reason people over 70 years of age with a medical card have to pay their doctor to get a medical form signed in order that they can get a renewal of their driving licence; and if she will make a statement on the matter. [9222/06]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 165 and 166 together.

Under the terms of the general medical services scheme, GMS, contract, participating general practitioners undertake to provide a range of treatments and general practitioner services for the patients on their GMS panel. Their GMS contract obliges them to provide the first and last certificates to explain work absence

for their patients. All other requested certificates, such as those in respect of requirements for driving licences or life assurance policies, are a matter between the GP and the individual patient and may involve a charge.

EU Directives.

167. **Mr. Quinn** asked the Tánaiste and Minister for Health and Children if she will confirm that EU Directive 2005/4/EC was implemented before 11 February 2006; if the directive was not implemented by 11 February 2006 the reason Ireland did not meet its obligations to implement this directive before the deadline; and if she will make a statement on the matter. [9303/06]

168. **Mr. Quinn** asked the Tánaiste and Minister for Health and Children if she will confirm that EU Directive 2005/5/EC was implemented before 18 February 2006; if the directive was not implemented by that date, the reason Ireland did not meet its obligations to implement this directive before the deadline; and if she will make a statement on the matter. [9304/06]

169. **Mr. Quinn** asked the Tánaiste and Minister for Health and Children if she will confirm that EU Directive 2005/10/EC was implemented before 28 February 2006; if the directive was not implemented by that date, the reason Ireland did not meet its obligations to implement this directive before the deadline; and if she will make a statement on the matter. [9308/06]

Minister of State at the Department of Health and Children (Mr. S. Power): I propose to take Questions Nos. 167 to 169, inclusive, together.

It has been decided, in the context of the Government's "Better Regulation" agenda, that these directives, which lay down the sampling methods and the methods of analysis for the official control of a number of contaminants, will be transposed by a single statutory instrument. The drafting of this statutory instrument is at an advanced stage and I expect that the matter will be finalised shortly.

Hospital Services.

170. **Mr. S. Ryan** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Limerick will be recalled for surgery at Beaumont Hospital; if her attention has been drawn to the fact that this person was diagnosed with a brain aneurysm and was originally called to attend for surgery on 16 June 2005 to find no bed available and has heard nothing from the hospital since. [8791/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health

Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

171. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children the reason the parents of a 16 month old ill child (details supplied) in County Mayo had to wait for two hours for transport to arrive to bring their ill child to hospital on 13 February 2006; if the non availability of an ambulance on that date was due to the failure of Health Service Executive West region to provide a 24-hour, full-time ambulance station service in the Erris region; and if she will make a statement on the matter. [8792/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

Hospital Waiting Lists.

172. **Mr. Crowe** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the case of a person (details supplied) who has been on a waiting list for six months for a badly needed high chair after a hip operation; and if so, when they will be granted same as they are in urgent need. [8810/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

Health Services.

173. **Mr. Wall** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Kildare will be given an appointment; and if she will make a statement on the matter. [8815/06]

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

[Ms Harney.]

the executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

Disabled Drivers.

174. **Mr. Perry** asked the Tánaiste and Minister for Health and Children if she received correspondence dated 10 February 2006 (details supplied); and if she will make a statement on the matter. [8818/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): My Department has received the correspondence referred to by the Deputy. The primary medical certificate is a requirement of the disabled drivers and disabled passengers (tax concessions) scheme. The Department of Finance has statutory responsibility for this scheme. Accordingly, the correspondence has been forwarded to the Minister for Finance.

Pharmacy Regulations.

175. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Health and Children her views on whether it is beneficial to require chemists to advertise, promote and stock in a visible location organ donor cards; if she will engage pharmacy representatives in this regard; and if she will make a statement on the matter. [8843/06]

Tánaiste and Minister for Health and Children (Ms Harney): My Department is advised by the Health Service Executive that arrangements have recently been put in place to facilitate the distribution of organ donor cards throughout the community pharmacy network. The Irish Pharmaceutical Union has arranged with the Irish Kidney Association on behalf of the Irish donor network, for pharmacies to stock organ donor cards.

The annual organ donor awareness campaign, which is organised by the Irish donor network, administered by the Irish Kidney Association and which has been supported by my Department, highlights the requirement for increased organ donation. In addition, and in the context of increasing the number of donor organs available for transplant, the Health Service Executive was asked by the Department to undertake a review and analysis of the factors that impact on organ procurement and retrieval rates in hospitals around the country. My Department is advised that this review has commenced.

Health Services.

176. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the position in respect of the survivors of symphysiotomy procedures; the measures she proposes to take to

provide redress for these patients; and if she will make a statement on the matter. [8862/06]

Tánaiste and Minister for Health and Children (Ms Harney): My predecessor, Deputy Martin, met the survivors of symphysiotomy group, SOS, in late 2003 and agreed that a range of measures would be put in place to support the group.

My Department is advised by the Health Service Executive, HSE, that the current position with regard to the services now in place is as follows. The former health boards and the relevant voluntary hospitals appointed liaison officers, who met and continue to meet with patients that have undergone symphysiotomy to discuss their healthcare needs. Independent clinical advice is available, on request, through the liaison personnel, to patients who have undergone symphysiotomy. This has already been availed of by a number of members of SOS and appropriate follow-up has been arranged. An assessment service for patients was established at Cappagh Hospital, Dublin. This service is provided by a multi-disciplinary team which undertakes an assessment of patients, following which, recommendations for care pathways are discussed with individual patients. Medical cards have been granted, based on medical grounds, to SOS patients who do not have such eligibility.

The HSE has recently issued replacement medical cards that contain a unique patient identifier that is designed to allow for the fast-tracking of patients requiring hospital appointments and/or treatments. The provision of certain non-GMS items recommended for patients by their GP and/or consultant will continue and the pharmacist-supplier will be reimbursed by the HSE. In addition, medical expenses related to symphysiotomy may be refunded, where necessary, to patients in respect of medication/private treatments required to address the effects of symphysiotomy.

Applications for home help and modifications are dealt with on an individual basis and applications are fast-tracked, where necessary. Independent counselling services are available to patients where requested. Information packs have been made available to general practitioners and relevant healthcare personnel.

I met the chairperson of the SOS group and a representative of the HSE on 17 January 2006. The chairperson expressed satisfaction with regard to progress made to date. I am satisfied from the foregoing that considerable progress has been made in putting in place the required level of support for patients who have undergone symphysiotomy.

The HSE will continue to oversee the provision of necessary support services for this patient group. With the increasing use of caesarean section as a means of delivery, symphysiotomy is now rarely employed in obstetric practice.

177. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the extent of breast screening services here; the proposals she has to extend the service to those counties that currently lack same; when it is expected to have BreastCheck available countrywide; and if she will make a statement on the matter. [8863/06]

Tánaiste and Minister for Health and Children (Ms Harney): I recently met 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 next year 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 Infirmiry-Victoria Hospital, Cork.

Hospital Accommodation.

178. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the position in relation to the proposed replacement hospital for Our Lady of Lourdes Hospital, Drogheda; if a site, or sites, have been identified; if feasibility studies have been carried out; and if she will make a statement on the matter. [8864/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

The need to redevelop Our Lady of Lourdes Hospital is accepted. Last year a design team was appointed by the Health Service Executive, HSE, to look at the feasibility of redeveloping on the present site. Given the likely level of disruption

and costs involved the HSE is now looking at the costs and benefits of developing the hospital on an alternative site. The HSE has also commissioned a study to determine the ideal configuration of hospital services throughout the north east region and to evaluate the benefits and risks associated with the provision of acute services on five sites for a population of 350,000.

Air Ambulance Service.

179. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the position with regard to the provision of an air ambulance service for the entire country; and if she will make a statement on the matter. [8865/06]

Tánaiste and Minister for Health and Children (Ms Harney): A consultancy study jointly commissioned by my Department and the Department of Health, Social Services and Public Safety, Belfast — DHSSPS — on the costs and benefits associated with the introduction of a dedicated helicopter emergency medical service for the island of Ireland, was published last year and is available on my Department's website. The study concluded that the introduction of a dedicated inter-hospital air ambulance service would be appropriate in an all-island context.

In considering the report, the DHSSPS advised that its priority at present is the need for further investment to improve the ground ambulance service.

On foot of the report my Department had detailed discussions with the Department of Defence regarding the future provision of air ambulance services by the Air Corps. Arising from these discussions, a detailed service level agreement has been prepared and signed. The signatories to the agreement are the Department of Defence, the Department of Health and Children, the Health Service Executive, the Defence Forces and the Air Corps.

The agreement sets out the range services to be provided by the Air Corps, specifically, as follows: inter-hospital transfer for spinal and serious injury and illness; air transport of neonates requiring immediate medical intervention in Ireland; air transport of patients requiring emergency organ transplant in the UK; air transport of organ harvest teams within Ireland; air transport of patients from offshore islands to mainland hospitals where the coastguard service is not available.

A steering group comprising representation from each the signatories to the service level agreement has been established. The group will monitor the operation of the agreement and will amend, if necessary, the provisions of the agreement to take account of service developments, including the new fleet replacement programme currently being put in place by the Air Corps.

Health Services.

180. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the reason home help has been withdrawn from a person (details supplied) in County Kilkenny; if she will review the case and grant home help; and if she will make a statement on the matter. [8873/06]

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 case investigated and to have a reply issued directly to the Deputy.

Medical Cards.

181. **Mr. G. Mitchell** asked the Tánaiste and Minister for Health and Children if the Health Service Executive will review a medical card in the case of a person (details supplied) in Dublin 8. [8883/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

Hospital Services.

182. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children when the Health Service Executive south east area hospital group will be notified of their 2006 allocation; and if she will make a statement on the matter. [8885/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

183. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if assistance will be given to a person (details supplied) in Dublin 5; and if she will ensure that a patient is never again allowed to leave a hospital without the proper equipment. [8886/06]

Tánaiste and Minister for Health and Children

(Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

Services for People with Disabilities.

184. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if she will work with a person (details supplied) on important issues relating to people with disabilities and the Lucan disability action group; and if they will be given the maximum advice, support and assistance. [8888/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley):

Both the Tánaiste and I am aware of, and acknowledge, the services provided by Lucan disability action group. The Tánaiste has met with this group in recent months.

The Group has been in receipt of funding for the past numbers of years from FÁS under the social economy programme and I understand that there is potential for the organisation to seek continuing funding from FÁS, albeit at a reduced rate for 2006.

While Lucan disability action group has not been in receipt of funding from the Health Service Executive to date in respect of the services that it provides, these services complement the range of supports already provided by the HSE to persons with disabilities in the Lucan area.

Accordingly, it is appropriate that the group should engage with the HSE concerning the possibility of entering into an agreement for the provision of services to be funded by the executive in accordance with its functions under the Health Act 2004. The group has been made aware of this.

Child Care Services.

185. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children the reason that parliamentary questions to her Department seeking her views on children's issues are regularly transferred to other Departments (details supplied); if she accepts that, as Minister for children, she has a responsibility to share her views on these matters and not to pass the buck to other Departments; her views on whether this pattern demonstrates that children's issues are given short shrift by her Department and that this Government needs a more dedicated, integrated approach to children's concerns; and if she will make a statement on the matter. [8890/06]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): This Government is committed to addressing the needs of children and to placing children's issues at the heart of Government. This commitment is evident in the establishment of the social services inspectorate, the former national children's office and more recently the Office of the Minister for Children.

The office of the Minister of State with responsibility for children places the interests of children at the heart of Government and builds on the successes already achieved in the context of the national children's strategy. The responsibilities of the new office within the Department of Health and Children comprise the following functions: the equal opportunities child-care programme — transferred from the Department of Justice, Equality and Law Reform; the programmes and activities of the national children's office; and policy and legislative work on child welfare and protection — Department of Health and Children.

The new youth justice service of the Department of Justice, Equality and Law Reform and the early years education functions of the Department of Education and Science will be co-located at the new office. However, these Departments will retain responsibility for these areas.

The purpose of bringing the various responsibilities together is to maximise the development and co-ordination of policies for children and young persons at the highest level.

As Minister of State with responsibility for children with delegated responsibilities in the Departments of Health and Children, Education and Science and Justice, Equality and Law Reform, I attend Government meetings. This gives a strong voice for the interests of children and young persons at Cabinet level.

One of the key strengths of the former national children's office has been its cross-cutting functions, which allowed it to work with other agencies in an innovative way. The new structure allows this work to be continued with a renewed focus in the context of a more comprehensive strategic framework and simpler administrative arrangements.

Under the new arrangements, Departments other than the Department of Health and Children continue to have responsibility for issues relating to children within their remit, such as those raised in the parliamentary questions referred to by the Deputy. Question No. 1195 of 25 January 2006, related to intercountry police/Garda vetting issues and was therefore a matter for the Department of Justice, Equality and Law Reform.

Question No. 182 of 1 December 2005, which concerned family reunification procedures, was also a matter for the Department of Justice Equality and Law Reform. Both of those questions were transferred to that Department and

answered by the Minister for Justice, Equality and Law Reform.

Question No. 436 of 28 February concerned a report by the Equality Authority and the National Youth Council of Ireland. This was a matter for the Department of Education and Science and was transferred to that Department and was answered by the Minister of State at the Department of Education and Science with responsibility for youth affairs.

The foregoing demonstrates that children's services are being dealt with in a strategic manner and that an integrated approach is being taken to children's issues through the establishment of the office of the Minister of State with responsibility for children.

Services for People with Disabilities.

186. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the number of persons with disabilities employed in her Department; the percentage of the total staff that this represents; the human resources policy of her Department with regard to the recruitment of persons with disabilities; the qualification criteria for persons with disabilities; and if she will make a statement on the matter. [8893/06]

Tánaiste and Minister for Health and Children (Ms Harney): There are currently 15 people employed in my Department recorded as having a disability, which represents 2.3% of the total staff number serving. The figure is lower than 3% due to a number of circumstances recently.

The Public Appointments Service undertakes the recruitment of staff to posts in the Department following approval from the Department of Finance. Provided the qualifying criteria are satisfied for a particular competition, persons with disabilities are eligible to compete in all such competitions. Every effort is made to ensure that the particular needs of persons with disabilities are met throughout the selection process.

Furthermore, my Department is participating in the willing able monitoring project, WAM, during this summer. The WAM project, which is administered by the association of higher education access and disability, AHEAD, aims to provide graduates with disabilities temporary placements with public and private sector employers.

Health Services.

187. **Mr. Deenihan** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Kerry will be called for orthodontic treatment; and if she will make a statement on the matter. [8916/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and per-

[Ms Harney.]

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 arrange to have this case investigated and to have a reply issued directly to the Deputy.

Avian Flu Vaccines.

188. **Ms McManus** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that vaccines acquired to combat bird flu are sourced from a company that was forced to close its plant temporarily due to a failure to meet safety standards; if she has ensured that all checks have been carried out to ensure that standards are fully in accordance with international requirements; and if she will make a statement on the matter. [8920/06]

Tánaiste and Minister for Health and Children (Ms Harney): I announced the purchase of H5N1 vaccine on 24 February. We have secured sufficient H5N1 vaccine for 200,000 people, that is, 400,000 doses. The vaccine is scheduled for delivery in May and October 2006. This purchase forms part of the award of contracts to Baxter and Chiron, announced by the Department of Health in London, for supply of H5N1 vaccine. This is part of our overall pandemic preparedness strategy.

The UK tendering exercise was conducted in accordance with the EU procurement regulations. Five tenders were received and these were assessed against pre-determined criteria. The tender bids from Baxter and Chiron were judged best to meet all the required criteria, including technical and scientific requirements as well as providing the best value for money.

The Chiron H5N1 vaccine is being manufactured in Italy and not at the site in Liverpool where there were manufacturing difficulties concerning the seasonal flu vaccine in 2004. I have no concerns regarding the supply of vaccine from the Italian plant.

Health Services.

189. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children if there are arrangements in place for the sharing of respite facilities for children and young adults on an all Ireland basis; if such arrangements do not exist, if they will be initiated; and if she will make a statement on the matter. [8932/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has

requested the parliamentary affairs division of the executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

190. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children the position regarding the provision of a dementia unit for a day care centre and a nursing home (details supplied) in County Clare; and if she will make a statement on the matter. [8935/06]

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 case investigated and to have a reply issued directly to the Deputy.

191. **Mr. Dennehy** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the reason the rehabilitation unit planned for the southern region, with a location in Cork, as agreed by the then Southern Health Board and the National Rehabilitation Board, has not been proceeded with; her further views on whether the southern patients should not all have to go to Dún Laoghaire for attention and services; and if she will make a statement on the matter. [8936/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

Irish Blood Transfusion Service.

192. **Mr. Dennehy** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to whether the Blood Transfusion Service Board intends to replace the services building in Cork, which the Blood Transfusion Services Board and the Department of Health and Children agreed in November 1997 needed replacement; if she is satisfied that the existing facility meets all of the requirements of standards set by the Irish Medicines Board and monitored by her Department; and if she will make a statement on the matter. [8937/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Irish Medicines Board, IMB, conducts twice yearly inspections of all IBTS

facilities in line with the recommendations of the Finlay tribunal report of 1997. The IMB was also designated by me during 2005 as the regulatory authority for blood establishments and hospital blood banks under the EU Directive on Blood Quality and Safety.

In 2004, the IBTS invested more than €3 million in the refurbishment of its Cork centre to ensure compliance with good manufacturing practice, GMP, standards. Whilst I am informed that this has met the immediate requirements of the regulator, the IMB has stated in its annual report for 2004 that the replacement of the Cork centre with a purpose-built facility will be necessary to achieve and maintain full GMP compliance in the medium to long term.

There is provision in the capital investment framework 2005-09 for the appointment of a design team and commencement of the planning process for the new centre. This project is the subject of ongoing consultations between the IBTS and the Department.

Health Services.

193. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if the maximum support and assistance will be given to a person (details supplied) and their family; if all elderly patients with dementia will be dealt with properly; and if the proper resources and services will be provided to this person. [8943/06]

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 case investigated and to have a reply issued directly to the Deputy.

Sale of Hospital.

194. **Mr. Hogan** asked the Tánaiste and Minister for Health and Children if she will ensure that the Lacken Pitch and Putt Club, Kilkenny, will be retained for the benefit of the local community; if a decision will be made to proceed with the sale of St. Canice's Hospital, Kilkenny; and if she will make a statement on the matter. [8947/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have

this case investigated and to have a reply issued directly to the Deputy.

Hospitals Building Programme.

195. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if funding of €2.6 million for the completion of phase two of a project at St. Canices Hospital, Kilkenny, will be approved for the provision of long stay beds for the care of the elderly in Kilkenny; if a response will be expedited to the submission and requests made by the Health Service Executive to her Department regarding this urgent project; and if she will make a statement on the matter. [8953/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

Health Services.

196. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if the nursing home section, community care services, Kilkenny have reached a decision regarding approval for a discretionary payment in the case of a person (details supplied) in County Kilkenny; and if a decision will be expedited. [8954/06]

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 case investigated and to have a reply issued directly to the Deputy.

197. **Mr. Neville** asked the Tánaiste and Minister for Health and Children when speech therapy will be made available for a person (details supplied) in the mid western area. [8958/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

Hepatitis C Incidence.

198. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children if she will reconsider her stance on providing free healthcare for the estimated 100 women who are severely affected with hepatitis C but have not tested positive but have every other manifestation of the illness; and if, in view of the small number involved and the effects of hepatitis C on their bodies, she will further reconsider her stance on this matter; and if she will make a statement on the matter. [8960/06]

Tánaiste and Minister for Health and Children (Ms Harney): The issue of an extension of the Health (Amendment) Act 1996 to provide free health care for the patients referred to by the Deputy, has been carefully examined and advice taken from a number of relevant experts.

While I am sympathetic to the women in question, I cannot support an extension to the current eligibility requirements. This position was signalled to the support group representing the women at a meeting that I had with them in February 2005. Following further analysis of the matter, I confirmed my decision to the support group in September last.

Accident and Emergency Services.

199. **Ms Burton** asked the Tánaiste and Minister for Health and Children the way in which the daily figures regarding the number of patients who have been admitted to hospital through accident and emergency departments, yet are still lying on trolleys, are compiled; if trolleys are counted at the same time every day; if individual hospitals have been given guidelines on the way in which to conduct this count; if so, the guidelines for same; and if she will make a statement on the matter. [8963/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for collecting data on hospital activity. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Medical Cards.

200. **Dr. Upton** asked the Tánaiste and Minister for Health and Children the reason all patients suffering from cystic fibrosis are not automatically entitled to a medical card; the reason that these patients, who suffer from a long term illness, should not be entitled to a medical

card; if she will review this situation; and if she will make a statement on the matter. [8965/06]

Tánaiste and Minister for Health and Children (Ms Harney): At present, medical cards are granted primarily on the basis of means and individual circumstances. I have no plans to provide for the granting of medical cards to any particular group as a whole. However, my Department is currently reviewing all legislation concerning eligibility for health and personal social services with a view to making the system as fair and transparent as possible.

Cystic fibrosis is one of a number of conditions covered by the long-term illness scheme. This provides for the supply, without charge, of drugs, medicines and surgical appliances to persons with this condition.

Hospital Services.

201. **Mr. Penrose** asked the Tánaiste and Minister for Health and Children if she will take steps to have a person (details supplied) in County Westmeath immediately admitted to Tallaght Hospital; and if she will make a statement on the matter. [8971/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

Health Services Staff.

202. **Mr. Morgan** asked the Tánaiste and Minister for Health and Children if protective clothing will be issued to home help and home support persons employed by Health Service Executive; if they will be issued with medical soap and proper aprons; and her plans to issue uniforms and identity badges to these employees. [8984/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to human resource management issues within the Health Service Executive. As this is a matter for the executive under the Health Act 2004, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Services for People with Disabilities.

203. **Mr. Lowry** asked the Tánaiste and Minister for Health and Children if a residential place will be found for a person (details supplied) in County Tipperary with spina bifida; the reason

for the delay in securing a residential place; if she will ensure that this person is placed in an appropriate care environment; and if she will make a statement on the matter. [8990/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

Health Services.

204. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children her proposals to provide at least one specialist palliative care inpatient unit in each of the Health Service Executive areas; and if she will make a statement on the matter. [9020/06]

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 case investigated and to have a reply issued directly to the Deputy.

205. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children her proposals to ensure that all palliative care patients have access to respite care in a setting of their choice; and if she will make a statement on the matter. [9021/06]

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.

206. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children her proposals to provide care attendants to support families of palliative care patients in the community; and if she will make a statement on the matter. [9022/06]

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.

207. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children her proposals to ensure that all consultants in palliative care medicine have access to dedicated specialist beds in specialist palliative care units or acute general hospitals; and if she will make a statement on the matter. [9023/06]

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.

208. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children her proposals to ensure that the provision of services and equipment for palliative care patients should be based on need and not on ability to pay; and if she will make a statement on the matter. [9024/06]

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.

209. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children the number of specialist palliative care beds per 100,000 population which are available in each Health Service Executive area; and if she will make a statement on the matter. [9025/06]

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.

210. **Mr. J. Breen** asked the Tánaiste and Minister for Health and Children the official figures

[Mr. J. Breen.]

regarding the number of children suffering from autism who are awaiting assessment in the Clare area; and if she will make a statement on the matter. [9026/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

211. **Mr. Stagg** asked the Tánaiste and Minister for Health and Children the number of ambulances serving County Kildare through hospital and ambulance centres in 2006; and the corresponding figures from 1996. [9033/06]

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.

212. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Wexford will be called for an appointment in Waterford Regional Hospital; and if she will make a statement on the matter. [9036/06]

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.

213. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children the number of people who have applied for drug addiction treatment in the south-east region from 2000 to 2005, inclusive; the cost of such treatment in that period; the locations where such treatment takes place; and if she will make a statement on the matter. [9037/06]

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.

214. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children the number of houses which were completed under the special housing aid for the elderly in County Wexford in the years 2001, 2002, 2003, 2004 and 2005; and if she will make a statement on the matter. [9038/06]

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.

215. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children her plans for the proposed new accident and emergency department in Wexford General Hospital; the date the new accident and emergency department will begin construction; the date the new outpatients department will begin construction; the dates for construction to end on both projects; and if she will make a statement on the matter. [9039/06]

217. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the serious and continuous overcrowding in the accident and emergency department in Wexford General Hospital; her plans to solve this problem; and if she will make a statement on the matter. [9041/06]

218. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the serious overcrowding in Wexford General Hospital and that there are an additional 40 beds needed on top of the 19 bed unit that is currently under construction; her plans to solve this problem in the way of building another unit to accommodate up to 40 beds on top of the 19 bed unit currently under construction; and if she will make a statement on the matter. [9042/06]

224. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the serious overcrowding in Wexford General Hospital; if her attention has further been drawn to the fact that the stretcher ambulance beds are used as trolleys in the accident and emergency department thus holding up

the ambulance due to the stretcher being used to facilitate patients in the accident and emergency department; her views on whether this is a satisfactory position to be in; her plans to solve the problem; the action she will take to stop ambulance stretchers being used to stop the emergency services of ambulances being held up; and if she will make a statement on the matter. [9050/06]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 215, 217, 218 and 224 together.

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, my Department has requested the parliamentary affairs division of the executive to arrange to have a reply issued directly to the Deputy.

Official Engagements.

216. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children when she last made a visit to Wexford General Hospital; her plans to visit in the near future; if not, if she will make plans to visit the hospital soon to see at first hand the overcrowding there; and if she will make a statement on the matter. [9040/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy will wish to note that I have made several visits to hospitals around the country following my appointment as Minister for Health and Children. I have not yet been in a position to visit Wexford General Hospital. It is my intention to continue to visit various facilities around the country, including Wexford General Hospital, as my schedule allows.

Questions Nos. 217 and 218 answered with Question No. 215.

Health Services.

219. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children her plans for a hospital (details supplied) in County Wexford; if there are plans within the Health Service Executive to sell off adjoining lands; and if she will make a statement on the matter. [9043/06]

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.

220. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children the position regarding phase two of St. John's Hospital, Enniscorthy; when phase two of St. John's Hospital will begin construction; and if she will make a statement on the matter. [9044/06]

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.

221. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Wexford will be called for their appointment; and if she will make a statement on the matter. [9045/06]

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.

222. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children the plans that have been brought forward to her Department for a centre (details supplied); the action she will take on same; and if she will make a statement on the matter. [9046/06]

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.

223. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children the future of Care Doc in County Wexford in the four main towns of Enniscorthy, Wexford, Gorey and New Ross; the rota hours and day at each of the towns; the future plans for same in each town; if she has satisfied herself with the level of service that Care Doc is giving in each town in the county; if there will be an extra service due to the increase of population; and if she will make a statement on the matter. [9047/06]

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.

Question No. 224 answered with Question No. 215.

225. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children when an application for subvention will be processed for a person (details supplied) in County Clare; and if she will make a statement on the matter. [9051/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Waiting Lists.

226. **Ms Lynch** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that public patients in Cork are having to wait for up to four years to see a consultant; if her attention has further been drawn to the fact that of the 40,000 plus patients treated by National Treatment Purchase Fund since its inception in 2002 only 6.5% or 2,600 of those were from the Cork area; her views on whether the delay in seeing consultants is preventing many patients with serious ailments availing of the National Treatment Purchase Fund; and if she will make a statement on the matter. [9074/06]

Tánaiste and Minister for Health and Children (Ms Harney): In 2005 I asked the National Treatment Purchase Fund, NTPF, to examine the needs of patients waiting longest on outpatient waiting lists. As a result, the NTPF set up a number of outpatient 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 outpatient level in private hospitals.

The NTPF intends to expand its outpatient initiative in 2006 and the fund has asked for proposals from hospitals in this regard. The fund has reported that, to date, no proposals have been received from the acute hospitals in Cork.

Responsibility for the management and delivery of acute hospital services is a matter for the

Health Service Executive. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have a response provided for the Deputy on the management of outpatient waiting lists in Cork hospitals and any proposals to reduce outpatient waiting times.

Health Services.

227. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children why nothing has been done for a person (details supplied) who is on a waiting list; and if she will work closely with the family on this issue. [9092/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

228. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if she will expedite an application for a medical card in the name of a person (details supplied) in County Kilkenny; and if she will make a statement on the matter. [9126/06]

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.

Parliamentary Questions.

229. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children when a reply will issue from the Health Service Executive to Parliamentary Question No. 301 of 31 January 2006. [9130/06]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): My Department has made inquiries with the Health Service Executive's parliamentary affairs division on this matter. The executive has advised that its national care group manager has written to the Deputy indicating that a reply to the matter concerned is being prepared and that it is anticipated that a final response will issue shortly.

230. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children when a

reply will issue from the Health Service Executive to Parliamentary Question No. 318 of 31 January 2006. [9131/06]

Tánaiste and Minister for Health and Children (Ms Harney): My Department has been advised by the Health Service Executive that a reply issued to the Deputy on 2 March 2006.

Health Services.

231. **Mr. Ring** asked the Tánaiste and Minister for Health and Children when capital funding will be provided for the renovation of the upstairs of a building (details supplied) in County Mayo. [9132/06]

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.

Doctor Registration.

232. **Mr. Hayes** asked the Tánaiste and Minister for Health and Children if the issue of permanent registration for section 7.6 doctors has been addressed; and if she will make a statement on the matter. [9213/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Medical Council has informed me that this matter is *sub judice*. It would, therefore, not be appropriate for me to make any comment at this time.

Health Services.

233. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children why a person (details supplied) in County Mayo, who had an enucleation of the left eye due to a tumour, is unable to get an artificial eye replacement; and if she will make a statement on the matter. [9217/06]

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.

234. **Mr. Ring** asked the Tánaiste and Minister for Health and Children if a person (details

supplied) in County Mayo was assessed for a long-stay bed in Westport; if so, on what date; and if this person is being actively considered for a long-stay bed in Westport as requested. [9230/06]

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.

235. **Mr. Ring** asked the Tánaiste and Minister for Health and Children if respite care was provided for a person (details supplied) in County Mayo as had been requested by the director of public health nursing; and the reason no response issued to a letter of request. [9231/06]

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.

236. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the reason the Health Service Executive did not reply to correspondence seeking a long-stay bed for a person (details supplied) in County Mayo; if the bed as requested was provided; and the reason correspondence was not replied to. [9232/06]

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.

237. **Mr. Ring** asked the Tánaiste and Minister for Health and Children if a long-stay bed was provided for a person (details supplied) in County Mayo as per the wishes of their family and requested in a letter to the director of public health nursing by this Deputy; and the reason no reply issued to this request. [9233/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's ques-

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tion 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.

238. **Mr. Ring** asked the Tánaiste and Minister for Health and Children if a long-stay bed was provided for a person (details supplied) in County Mayo as had been requested in correspondence to the Health Service Executive; and the reason no reply issued in this regard. [9234/06]

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.

239. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the reason no reply issued from the director of public health nursing following a request for a long-stay bed for a person (details supplied) in County Mayo. [9235/06]

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.

240. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the number of long-stay beds available in County Mayo and their location; the numbers currently on the waiting lists for those beds; and their average age profile. [9236/06]

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.

241. **Mr. Ring** asked the Tánaiste and Minister for Health and Children if a short-stay bed with physiotherapy was provided for a person (details supplied) in County Mayo as had been requested by the director of public health nursing; and the reason no reply issued to this request. [9237/06]

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.

242. **Mr. Ring** asked the Tánaiste and Minister for Health and Children if a long-stay bed was provided for a person (details supplied) in County Mayo; and the reason no response issued from the Health Service Executive in this regard, particularly in view of the age of the person involved. [9238/06]

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.

243. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the number of people in private nursing homes in County Mayo who have requested a long-stay bed in a public nursing home. [9239/06]

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.

244. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the number of people in County Mayo on a waiting list for assessment for a long-stay bed; and the numbers currently on the waiting list for assessment for a short-stay or respite bed in public nursing homes. [9240/06]

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.

245. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the number of short-stay or respite beds in public nursing homes in County Mayo and their location; the numbers on the waiting lists for those beds; and if she will make a statement on the matter. [9241/06]

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.

246. **Mr. Ring** asked the Tánaiste and Minister for Health and Children if a long-stay bed will be provided for a person (details supplied) in County Mayo; and the reason no response issued from the Health Service Executive in this regard. [9242/06]

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.

247. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the reason no response has issued from the director of public health nursing to correspondence in relation to a person (details supplied) in County Mayo; if this person will be given a transfer to Westport as requested. [9243/06]

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.

248. **Mr. Ring** asked the Tánaiste and Minister for Health and Children if a person (details supplied) in County Mayo is being considered for a long-stay bed; if they have been assessed; if they will be considered for a long-stay bed in a nursing unit; and the reason no response issued from the director of public health nursing to a query in this regard. [9244/06]

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.

249. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the reason transport and a personal assistant have not been provided for a person (details supplied) in County Mayo; and if she will make a statement on the matter. [9245/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to issue a reply directly to the Deputy.

250. **Mr. Ferris** asked the Tánaiste and Minister for Health and Children the person who has responsibility for infection control in the psychiatric unit at Kerry General Hospital. [9246/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to issue a reply directly to the Deputy.

251. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in County Mayo has to wait for an MRI scan; and if she will make a statement on the matter. [9247/06]

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

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of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this case investigated and to issue a reply directly to the Deputy.

252. **Mr. McGinley** asked the Tánaiste and Minister for Health and Children if she is aware that a procedure for a person (details supplied) in Letterkenny General Hospital has been cancelled on five occasions during the past four months because no beds are available; her plans to improve the bed situation in Letterkenny General Hospital; when it is expected that the procedure prescribed for this person will be carried out; and if she will make a statement on the matter. [9292/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this case investigated and to issue a reply directly to the Deputy.

Cancer Screening Programme.

253. **Mr. Curran** asked the Tánaiste and Minister for Health and Children if she will review the operation of BreastCheck; and if, in particular, she will consider offering the service to women outside the target group aged 50 to 64 years. [9352/06]

Tánaiste and Minister for Health and Children (Ms Harney): BreastCheck, the national breast screening programme, is available to women in the 50 to 64 age group in the eastern, north-eastern, south-eastern and midlands regions. There are approximately 160,000 women in the target age group in these regions and since the programme commenced, more than 1,600 cancers have been detected.

Planning is under way for the roll-out of the programme to the remaining regions. There are approximately 130,000 women in the target population for screening in the southern and western regions. BreastCheck is confident that the target date of next year for the commencement of the roll-out will be met. On full roll-out, women in the 50 to 64 age group in every county will have access to breast screening and follow-up treatment, where appropriate.

When the national roll-out of the programme is sufficiently developed and it is assured that a quality service is being delivered at national level, consideration will be given to including older women and thereby continuing the screening of women in the programme who have reached 65 years of age. There is no evidence of the value of

population-based breast screening programmes for women under 50 years of age and there are no plans to extend the programme to this age group.

Assisted Human Reproduction.

254. **Mr. Bruton** asked the Tánaiste and Minister for Health and Children her policy on human embryo research; and if she will make a statement on the matter. [9358/06]

Tánaiste and Minister for Health and Children (Ms Harney): This issue was examined by the Commission on Assisted Human Reproduction. The commission's report was published in May 2005 and, as I indicated at the time, the Government decided to refer the report to the Oireachtas Joint Committee on Health and Children. This will allow for further political consideration of the complex issues involved.

Research of this kind also arises under the EU seventh research framework programme. My colleague, the Minister for Enterprise, Trade and Employment, Deputy Martin, has lead responsibility in regard to Ireland's involvement in the negotiations in this regard.

Health Services.

255. **Mr. Connaughton** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in County Galway is not entitled to get a new exercise motivator-bicycle; if she is aware that their existing exercise motivator is not repairable; and if she will make a statement on the matter. [9359/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to issue a reply directly to the Deputy.

Accident and Emergency Services.

256. **Mr. Timmins** asked the Tánaiste and Minister for Health and Children if she or a person in her Department issued a directive to hospitals directing that, if necessary, elective surgery be cancelled to enable people in accident and emergency departments for more than three days to take up beds; and if she will make a statement on the matter. [9413/06]

Tánaiste and Minister for Health and Children (Ms Harney): I have not directed any hospital to cancel elective surgery where necessary to make beds available for patients in accident and emergency departments, nor am I aware of anyone in my Department having done so.

Health Services.

257. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children the status of an application for a medical card for a person (details supplied) in County Clare; and if she will make a statement on the matter. [9421/06]

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 issue a reply directly to the Deputy.

258. **Mr. O'Dowd** asked the Tánaiste and Minister for Health and Children if the Louth child and adolescent psychiatric services will offer an appointment to a person (details supplied) in County Louth at the request of their family doctor and school principal. [9461/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to issue a reply directly to the Deputy.

259. **Mr. N. O'Keefe** asked the Tánaiste and Minister for Health and Children the position regarding the appointment of a personal assistant in respect of a person (details supplied) in County Cork. [9563/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to issue a reply directly to the Deputy.

National Historic Properties.

260. **Aengus Ó Snodaigh** asked the Minister for Finance if an inventory of Office of Public Works controlled public parks, with and without playground facilities, has been carried out; if so, if he will supply a copy of the inventory; and if not, if he will initiate such a study. [8999/06]

Minister of State at the Department of Finance (Mr. Parlon): An inventory of playground facilities in national historic properties owned by the

Office of Public Works will be carried out in the near future.

Decentralisation Programme.

261. **Mr. Hayes** asked the Minister for Finance the progress made in decentralising sections of his Department to Tipperary town. [9266/06]

Minister of State at the Department of Finance (Mr. Parlon): The Commissioners of Public Works have informed me that contracts have been signed for the purchase of a site earmarked for decentralisation in Tipperary town and that they expect the sale to close shortly.

Tax Collection.

262. **Mr. Gregory** asked the Minister for Finance if the income tax demand for 2004 made to a person (details supplied) in Dublin 7 will be reviewed in view of the information supplied. [9705/06]

266. **Mr. Gregory** asked the Minister for Finance if the tax demand for a person (details supplied) in Dublin 7 takes into account the person's redundancy entitlements and subsequent employment entitlements. [8870/06]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 262 and 266 together.

I have been advised by the Revenue Commissioners that the tax demand arose because of the incorrect operation of PAYE by one of the person's employers, who refunded tax to him in error. No tax was paid on the redundancy payments the person received as they were not taxable. No relief, therefore, is due in this regard. However, there is a further minor adjustment due to him which will reduce the underpayment to €5,797.94. A revised demand will issue shortly. The Revenue Commissioners have also written to the person with a full explanation.

Disabled Drivers.

263. **Mr. Perry** asked the Minister for Finance if he received correspondence dated 10 February 2006 (details supplied); and if he will make a statement on the matter. [8819/06]

Minister for Finance (Mr. Cowen): I have received a letter from the person concerned. She applied on behalf of her daughter for a primary medical certificate in respect of the tax concessions available under the disabled drivers and disabled passengers (tax concessions) scheme. She was not awarded the certificate and wishes to appeal the decision. The senior area medical officer of the relevant Health Service Executive area is responsible for deciding applications for the primary medical certificate under the scheme. Refusal of the certificate can be appealed to The Secretary, Disabled Drivers Medical Board of

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Appeal, National Rehabilitation Hospital, Rochestown Avenue, Dún Laoghaire, County Dublin. I have no direct role in this appeals process.

A person who is to qualify for the primary medical certificate must be permanently and severely disabled and satisfy one of the following conditions as set out in the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994: be entirely or almost entirely without the use of both legs; be entirely without the use of one leg and almost entirely without the use of the other leg such that the applicant is severely restricted as to movement of the lower limbs; be without both hands or without both arms; be without one or both legs; be entirely or almost entirely without the use of both hands or arms and entirely or almost entirely without the use of one leg; have the medical condition of dwarfism and have serious difficulties of movement of the lower limbs.

Tax Code.

264. **Mr. Wall** asked the Minister for Finance if an application for tax relief by a person (details supplied) in County Kildare will be processed; and if he will make a statement on the matter. [8829/06]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that the taxpayer's claim for service charges has been processed and notification of refunds arising to him have issued, dated 28 February 2006.

Semi-State Bodies.

265. **Mr. Kehoe** asked the Minister for Finance if he will confirm that under the Sugar Bill Act 1991, worker directors were to be retained under the same status as workers of other semi-State bodies, that is, in terms of remuneration; if he is aware that instead their remuneration was reduced; and if he will make a statement on the matter. [8840/06]

Minister for Finance (Mr. Cowen): Section 6 (1) of the Sugar Act 1991, No. 3/91, states:

Every person who immediately before the transfer date was an employee of the Company, shall, on the transfer date, enjoy the same rights (including rights under a pension or superannuation scheme of the Company) and be subject to the same obligations as he enjoyed and was subject to immediately before the said date.

The "transfer" refers to the transfer of shares held by the Minister for Finance in Comhlucht Siúicre Éireann to the holding company established for the purpose of the Act.

The Worker Participation (State Enterprise) Act 1977, No. 6/77, provided for the appointment of worker directors to the boards of various State

companies, including Comhlucht Siúicre Éireann. The board of Comhlucht Siúicre Éireann ceased to exist after the sale of the company. The Minister has no function in regard to the remuneration of employees of any private sector company.

Question No. 266 answered with Question No. 262.

Tax Code.

267. **Mr. McGuinness** asked the Minister for Finance if a P21 will be issued immediately to a person (details supplied) in County Carlow. [8872/06]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that a P21 for the year 2005 issued to the taxpayer on 28 February 2006. A revised P21 for 2004 will issue in the next few days. The combined reviews will show a small refund due and a cheque will issue to the taxpayer shortly.

Departmental Staff.

268. **Mr. Connolly** asked the Minister for Finance the number of persons with disabilities employed in his Department; the percentage of the total staff this represents; the human resources policy of his Department with regard to the recruitment of persons with disabilities; the qualification criteria for persons with disabilities; and if he will make a statement on the matter. [8894/06]

Minister for Finance (Mr. Cowen): At year end 2005, 19 staff were recorded as having a disability, equal to 2.85% of staff. The Department of Finance, in common with all other Departments and Civil Service offices, fully implements the Government's policy on the employment of people with a disability.

As part of a review of policy on the employment of people with a disability in the Civil Service, my Department commissioned independent research in regard to the operation of the 3% employment target. A survey carried out as part of this research which was published as Employment and Career Progression of People with a Disability in the Irish Civil Service, IPA 2002, shows 7% of Civil Service staff have a disability compared with the 2% to 3% generally reported in the annual surveys. The consultants, therefore, concluded that the arrangements for reporting disabilities must be addressed.

In the light of the consultants' recommendations, the Government approved proposals from the Minister for Finance to improve the operation of the existing policy. These included the development, in conjunction with the staff unions, of a new code of practice for all Departments to support staff with a disability. A proposal was also made for ensuring the Civil Service continues to provide employment opportunities

which might not otherwise be available for people with a disability.

The possible use of a survey based on voluntary self-disclosure both for new staff on appointment and for existing staff will be considered in discussions with the staff unions as part of the development of the code of practice. As this gives rise to complex issues about confidentiality and the use of information, specific guidelines on these matters are being examined as part of the new code of practice for the Civil Service.

The same qualification criteria apply to all staff being recruited to the Civil Service. In competitions, candidates are assessed on the basis of common standards of education and experience. However, some special arrangements are made from time to time to ensure people with a disability competing for Civil Service posts are accommodated and that allowance is made for their disability.

Tax Code.

269. **Mr. Bruton** asked the Minister for Finance the number of taxpayers who have paid tax at the top rate in each year over the past ten years; the percentage of this group as a percentage of the total number of eligible taxpayers in each year in each case; and if he will make a statement on the matter. [8934/06]

Minister for Finance (Mr. Cowen): I assume the Deputy is seeking the numbers of higher rate taxpayers as a percentage of all income earners on the income tax record in each year. I am advised by the Revenue Commissioners that the information requested by the Deputy is as follows:

Tax year	Higher rate No.	%
1996-1997	388,580	27.96
1997-1998	424,050	28.40
1998-1999	481,970	30.41
1999-2000	542,980	32.57
2000-2001	540,430	30.62
2001†	534,990	29.89
2002	506,810	26.89
2003*	559,540	29.04
2004*	641,060	32.27
2005*	666,430	32.85
2006*, post-budget	658,080	31.91

†Short tax “year” from 6 April 2001 to 31 December 2001.

*Provisional and likely to be revised.

The figures for the numbers of income earners have been rounded to the nearest ten. The figures for the years 1996-97 to 2002, inclusive, are based on income data derived from income tax returns held on Revenue records and have been grossed up to an overall expected level to adjust for incompleteness in the numbers of returns on

record at the time the data were extracted for analytical purposes.

For the years 2003 to date, the figures are estimates from the Revenue tax forecasting model using actual data for the year 2002 adjusted as necessary to reflect actual or estimated growth in employment and wages for the year in question. From the 1999-2000 tax year onwards, personal credits — formerly allowances — and employee credits — formerly PAYE allowances — are deducted after tax is calculated rather than before the tax calculation, as was previously the case. This should be taken into account in comparing numbers for 1999-2000 and later years with earlier years. It should be noted that a married couple who have elected or been deemed to have elected for joint assessment are counted as one tax unit.

Tax Collection.

270. **Ms Burton** asked the Minister for Finance the estimated value of tax refunds due to individual taxpayers but not claimed for each year from 1998 to date in 2006; and if he will make a statement on the matter. [8964/06]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that for reasons to do with the structure and operation of the tax assessment and collection system, it is not possible to estimate the value of tax refunds which have not been claimed by individual taxpayers.

For PAYE taxpayers, the tax collection system is designed to collect an employee’s tax liability for a year on a cumulative basis over the year. It can only collect the correct amount of tax where the employee has claimed and been granted all the reliefs to which he or she is entitled. Revenue can only allow tax credits and reliefs on the basis of the information that is known to them. If there is a change in circumstances which has not been notified to Revenue, the information on the tax credit certificate will be incorrect and the system will not operate as intended, resulting in the wrong amount of tax being deducted.

For example, a PAYE taxpayer may become self-employed during the year and in this case the overpayment would be subsequently offset against any Schedule D income tax due. Likewise, a PAYE taxpayer may have received dividend or other non-employment income during the year or a capital gain which has not yet been declared to Revenue. Some reliefs are based on actual expenditure by the taxpayer and can only be claimed when the amount of that expenditure is known, that is, after the end of the relevant tax year. Examples of this are medical expenses, certain dental expenses, third level tuition fees and rent relief. Repayments can only be made in response

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to specific information being provided for Revenue.

The amount of any tax overpaid can only be established by the individual concerned making a claim and a return showing all income and credits and reliefs due. The vast majority of taxpayers are conscious of the tax credits and reliefs to which they are entitled and, where claims are necessary, they take the required action.

Revenue makes every effort possible to inform taxpayers of their entitlements. In the case of the PAYE sector, the tax credit certificate sent to each taxpayer is accompanied by a detailed leaflet setting out a wide range of information in regard to: main personal tax credits available for the year in question with comparative figures for the preceding year; tax rates and tax bands for the year in question; and the procedures for claiming an adjustment to the tax credit certificate. Where additional tax credits are claimed, the necessary adjustments in the taxpayer's affairs are made speedily.

In the case of self-employed taxpayers and all other taxpayers whose tax is not collected through the PAYE system, a return of their income and a claim for allowances and reliefs is made under what is known as self-assessment. The individual is assessed for income tax on the basis of the income, allowances, deductions and tax credits included in this return. If the self-assessed taxpayer does not make this return — they are obliged to do so by law — it is not possible to determine the allowances and so on to which they are entitled. Refund amounts arising from notices of assessment are refunded to the taxpayers without delay; in some instances, on the same day as the notice of assessment is received.

Tax Reliefs.

271. **Mr. Lowry** asked the Minister for Finance the grants and financial supports available for the construction of nursing homes; the changes to the scheme; and if he will make a statement on the matter. [8985/06]

Minister for Finance (Mr. Cowen): Capital expenditure incurred on the construction or refurbishment of registered nursing homes may be written off for tax purposes over seven years at the rate of 15% per annum over the first six years and 10% in the seventh year. To qualify for allowances the home must be operated or managed as a registered nursing home within the meaning of section 2 of the Health (Nursing Homes) Act 1990 and be registered under section 4 of that Act.

I will introduce a number of changes to this scheme in the 2006 Finance Bill. Section 37 of the Bill will apply to buildings and structures including registered nursing homes that are first used

or first used after refurbishment on or after 1 August 2006. However, this date may be subject to amendment on Report Stage of the Finance Bill later today. The tax life of these buildings or structures will be extended to 15 years, as is the holding period for balancing allowance and balancing charge purposes. The write-off period and annual rate of write-off will remain unchanged.

Section 39 addresses an anomaly that existed on the claw back of allowances. Under the existing rules, the clawback provisions take effect if a registered nursing home is sold, destroyed, or if it “ceased altogether to be used”. If any of these events occur within the seven year writing down or ten year holding period, the tax benefits must be repaid. However, if the facility continues to be used for a different purpose, which may be completely unrelated to healthcare, the investor loses entitlement to any future capital allowances, but there is no clawback of relief previously availed of. Section 39 provides that in future, if the facility ceases to be a registered nursing home at any time in the 15 year holding period, the clawback will be triggered and all allowances already availed of must be repaid. This change will apply to buildings and structures, including registered nursing homes, that are first used or first used after refurbishment on or after 1 January 2006. However, where a registered nursing home ceases to be in use as a registered nursing home and, within six months, becomes another type of relevant facility, such as qualifying residential units, convalescent homes, qualifying private hospitals, qualifying mental health centres and certain child care facilities, the provisions of this section are not triggered.

I am informed by the Minister for Health and Children that no grants are available for the construction of nursing homes from her Department.

272. **Mr. Carey** asked the Minister for Finance when repayment in respect of a Med 1 application will be made on behalf of a person (details supplied) in Dublin 11; and if he will make a statement on the matter. [8994/06]

Minister for Finance (Mr. Cowen): I have been advised by the Revenue Commissioners that the person's Med 1 form has been processed and refunds are due to the person and his wife for the years 2004 and 2005. Cheques have been issued accordingly.

Decentralisation Programme.

273. **Mr. McGuinness** asked the Minister for Finance the status of the purchase of a site for the offices of the Health and Safety Authority at Thomastown, County Kilkenny, as part of the decentralisation programme; if, as part of this land acquisition, his Department will consider using part of the site for the extension of the local

health centre at Thomastown; and if he will make a statement on the matter. [9032/06]

Minister of State at the Department of Finance (Mr. Parlon): The Commissioners of Public Works have informed me that terms for the acquisition of a site in Thomastown have been agreed and that the contract for sale is with the Chief State Solicitor's Office. The Commissioners have also informed me that they are not aware of any proposal to extend the local health centre.

Tax Code.

274. **Mr. McGinley** asked the Minister for Finance his views on removing the VAT on all non-profit arts organisations vetted as bona fide by the Arts Council; and if he will make a statement on the matter. [9073/06]

Minister for Finance (Mr. Cowen): Charities and non-profit organisations are exempt from VAT under the sixth VAT directive with which Irish law must comply. As such, they do not charge VAT on their services and cannot recover VAT on goods and services which they purchase. Only VAT registered businesses which charge VAT can recover VAT.

In addition, the VAT Act lists a range of activities exempt from VAT. Included in this list are the promotion of and admissions to live theatrical or musical performances. This broad exemption is allowed under Article 13(1)(n) of the sixth VAT directive. This means the promoter realises the full value of admission fees, as no VAT is applied. In this regard, the exemption is already generous and covers a broad range of activities accessible to the wider public.

The position on providing a VAT exemption for performance fees charged by musical or theatrical performers to non-profit arts organisations is that it would not be possible under EU law with which Irish VAT law must comply. Performance fees charged to non-profit arts organisations are therefore liable for VAT at the standard rate of 21%.

275. **Mr. Bruton** asked the Minister for Finance the basis of the estimate of the cost of leaving the existing remittance basis of tax at €100 million; his estimate of the number of companies availing of this system and the number of individual taxpayers involved; and the way in which his estimate of the cost of this concession has grown over the past five years. [9250/06]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that individuals charged tax on the remittance basis of taxation pay tax on the income concerned under the self-assessment system. The Revenue Commissioners further informed me that the data sought by the Deputy cannot be separately iden-

tified because all foreign-sourced income, including income charged on the remittance basis, is grouped together and assessed for income tax under what is termed Case III of Schedule D. In addition, those individuals chargeable on the remittance basis are obliged to declare only so much of the foreign income received in, or remitted to, the State. Accordingly, details of un-remitted employment income under foreign contracts, in respect of which Irish tax was forgone, are not required.

Therefore, while the Revenue Commissioners could not quantify the number of employers and employees using the remittance basis, it was clear from information derived from normal Revenue operations that remuneration structures using the remittance basis were widely promoted. In particular, some offshore agencies targeted professionals such as pharmacists, doctors, dentists, engineers and architects, and others working in Ireland, offering foreign "off the peg" contracts purporting to ensure entitlement to the remittance basis.

It was also clear that the use of the remittance basis was spreading to a wide variety of sectors including the IT, financial services, pharmacy, pharmaceutical, mining, fishing and construction sectors. The remittance basis in the construction sector was promoted and used extensively in some large infrastructure projects. In the case of a small number of such contracts, the Exchequer loss was estimated by Revenue at €30 million. Estimated costs of €50 million in 2006, €75 million in 2007 and €100 million in subsequent years were arrived at on the basis of such existing costs and the day-to-day evidence of the promotion, and resulting spread, of the use of the remittance basis.

Tax Collection.

276. **Mr. Kenny** asked the Minister for Finance the annual yield for deposit interest retention tax for the years 2002, 2003, 2004 and 2005; and if he will make a statement on the matter. [9257/06]

Minister for Finance (Mr. Cowen): The net yield from DIRT collected was €206.5 million in 2002, €153.3 million in 2003, €143.6 million in 2004 and €167.1 million in 2005. The figure for 2005 is preliminary and subject to revision. The annual yield from DIRT is dependent on the amount of moneys on deposit and the rates of interest applying to such deposits. As such, the annual yield can vary greatly where interest rates change. This is apparent in the sharp decrease in yield in 2003, compared to 2002, following a reduction in interest rates in that year.

Tax Credits.

277. **Mr. Kenny** asked the Minister for Finance the number of people availing of single persons

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tax credit, married persons tax credit, widowed persons tax credit, in year of bereavement, qualifying for one parent family credit, home carer's tax credit, PAYE tax credit, age tax credit, single, widowed and married for the tax years 2002, 2003, 2004 and 2005; and if he will make a statement on the matter. [9258/06]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that figures for the numbers of income earners availing of the tax credits mentioned by the Deputy are set out in the following table to the extent to which they are available. The numbers given in this table for the years 2003 onwards are provisional and are subject to revision. The figures for the number of tax credits for widowed persons in the year of bereavement and aged persons will

be available shortly for 2003 when ongoing processing work is complete.

The figures in the table relate to the numbers of income earners in a position to absorb each tax credit either partly or fully, but do not include the numbers of qualifying claimants who, because of the operation of other deductions and reliefs, have their taxable income reduced to nil or have their tax liability reduced to nil by the impact of other tax credits. Claimants for the age credit, whose tax liability has been reduced to nil by the operation of the personal or employee credits or both together, will not be included in the numbers shown for the age credit. The figures for numbers of income earners have been rounded to the nearest fifty. It should be noted that a married couple who has elected or has been deemed to have elected for joint assessment is counted as one tax unit.

Number of income earners availing of certain tax credits

Year	2002	2003	2004	2005
<i>Tax credit</i>	Numbers	Numbers	Numbers	Numbers
Single Persons	1,169,600	1,213,600	1,257,900	1,282,200
Married Persons	629,400	623,300	637,500	654,300
Widowed Person	72,950	73,700	74,950	76,000
One parent family	102,700	104,700	107,900	110,150
Home carer	100,850	104,200	104,000	104,100
Employee (PAYE)	1,257,800	1,309,350	1,378,150	1,413,200
Widowed person in year of bereavement	4,000	Not available	Not available	Not available
Age (single)	14,000	Not available	Not available	Not available
Age (widowed)	22,200	Not available	Not available	Not available
Age (married)	31,900	Not available	Not available	Not available

Tax Reliefs.

278. **Mr. Kenny** asked the Minister for Finance the number of claimants for rent relief for private rented accommodation for single people under 55 years of age, over 55 years of age, widowed under 55 years of age, widowed over 55 years of age, married under 55 years of age and married over 55 years of age for the tax years 2002, 2003, 2004 and 2005; and if he will make a statement on the matter. [9259/06]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that the most recent year for which complete information on numbers of claimants for tax relief on rent paid in private tenancies is for the income tax year 2002. The information requested by the Deputy in so far as it is available is included in the following table. Preliminary figures for 2003 indicate that the numbers of claimants for the tax relief in that year, and the corresponding distribution by age and marital status, is of a similar order.

Numbers of claimants of tax relief for rent paid in private rented accommodation for the income tax year 2002.

	Over 55	Under 55
Single	1,117	83,913
Widowed	400	212
Married	504	11,244
Total	2,021	95,369

279. **Mr. Haughey** asked the Minister for Finance if a private college (details supplied) is approved by the national college of education awards for the purpose of obtaining tax relief on third level education fees; and if he will make a statement on the matter. [9383/06]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that under the relevant legislation the approval of colleges for the purposes of obtaining tax relief on third level education fees is granted by the Minister for Education and Science, with the consent of the Minister for Finance. I am further

informed that the college mentioned in the details supplied is not an approved college for the purposes of obtaining tax relief. Applications for approval of colleges for the purposes of obtaining tax relief on third level education fees should be sent by the relevant college to the Department of Education and Science, Student Support Services, Portlaoise Road, Tullamore, Co. Offaly.

Decentralisation Programme.

280. **Mr. Walsh** asked the Minister for Finance whether the Office of Public Works has arranged accommodation for the 200 staff from the Department of Communications, Marine and Natural Resources and Bord Iascaigh Mhara who have volunteered to transfer to Clonakilty, and who are waiting for a decision on suitable accommodation for more than two years; and if he will make a statement on the matter. [9460/06]

Minister of State at the Department of Finance (Mr. Parlon): Tenders have been invited for the design and construction of new offices for the Department of Communications, Marine and Natural Resources and Bord Iascaigh Mhara in Clonakilty and are due for return on 20 March next. Following receipt and evaluation of the tenders, a preferred tenderer will be selected. The preferred tenderer will then be instructed to apply for planning permission. Subject to receipt of a satisfactory planning permission, a formal contract will be entered into and work will commence on site. The Commissioners of Public Works are anxious to ensure that the project will progress to construction at the earliest possible date.

Tax Credits.

281. **Ms Shortall** asked the Minister for Finance if he will arrange with the Revenue Commissioners to have the tax affairs of a person (details supplied) in Dublin 9 regularised; if he will seek an explanation from them as to the way in which this person's tax credit for his status as a widower was changed to single person's tax credit since 2005; if he is satisfied that the software used by the Revenue Commissioners operates in an efficient capacity; and if he will make a statement on the matter. [9553/06]

Minister for Finance (Mr. Cowen): I have been advised by the Revenue Commissioners that the person's tax credits have been amended for 2006 and he is now getting the correct widowed persons credit. There are special provisions for the first five years after a person with dependent children is widowed. In most cases a widow or widower with dependent children receives a personal credit, which is the same as the single person's credit, plus the one parent family credit. A widow or widower who does not have dependent chil-

dren does not receive the one parent family credit but receives a higher personal credit.

For 2003, the person received the personal credit for a widowed person with dependents and the one parent family credit. For 2004 and 2005 he was no longer entitled to the one parent family credit and was entitled only to the higher personal credit for a widowed person without dependent children. However, due to a manual processing error his personal credit was not updated at the time of the withdrawal of the one parent family credit and it remained at the level of the single person's credit.

The person is entitled to a refund of €300 for 2004. A cheque will be issued shortly. A refund will also be due for 2005. This will be dealt with when all of the person's income details for the year become available. I am assured by the Revenue Commissioners that this was a manual processing error which they regret. It was not software related and Revenue has advised me that the operation of their computer system was not a factor.

Alternative Energy Projects.

282. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources if the Government has a claim to part of the territory where a company (details supplied) is planning to develop an off-shore wind farm on the area north of the Causeway coast known as the Tunes Plateau; the way in which the transmission of power from this windfarm will be handled and to which jurisdiction will the increase in renewable power be credited. [8799/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): The persons considering developing a wind farm at the location in question were informed that the development and operation of such a facility there could only be carried out in accordance with the terms of a foreshore lease granted under the Foreshore Acts.

If an application for a foreshore lease were made, it would have to address among other things the arrangements to be made for transmission of the energy generated. However, no application for a foreshore lease has been received to date. The national statistical value of the electricity produced would have to be considered further after the point of connection of the wind farm to an electricity network and the final planned region of consumption of that electricity are known.

Computerisation Programme.

283. **Mr. Kenny** asked the Minister for Communications, Marine and Natural Resources the position regarding the establishment of open-source centres of excellence here; the locations

[Mr. Kenny.]

chosen; and if he will make a statement on the matter. [8820/06]

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.

Departmental Staff.

284. **Mr. Connolly** asked the Minister for Communications, Marine and Natural Resources the number of persons with disabilities employed in his Department; the percentage of the total staff this represents; the human resources policy of his Department with regard to the recruitment of persons with disabilities; the qualification criteria for persons with disabilities; and if he will make a statement on the matter. [8895/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Current data shows that 5.4% of staff in my Department, out of an overall staff complement of 503, have disabilities. The policy on employment of people with disabilities in the Civil Service is the responsibility of the Minister for Finance and a target of 3% has been set for such recruitment. The guidelines used to date by my Department for the employment of people with disabilities and related monitoring are set out in the Code of Practice for the employment of people with Disabilities in the Civil Service 1994.

My Department works with the Departments of Finance and Justice, Equality and Law Reform among others, and the National Disability Authority in the implementation of the provisions of the Disability Act 2005, including those relating to the recruitment and employment of people with disabilities in the Civil Service. The Public Appointments Service is responsible for recruitment across the Civil Service, including the recruitment of people with disabilities.

My Department will support the willing able mentoring, WAM, project on placements for graduates with disabilities this summer. The project aims to provide between three and six months quality work experience to graduates with disabilities. This is in compliance with the Disability Act 2005 Part 5 section 47(3)(d)(iv) which permits a Minister to specify compliance targets including, “that the public body concerned shall offer a specified number of work experience placements of specified duration to persons with disabilities each year”.

Telecommunications Services.

285. **Mr. Deenihan** asked the Minister for Communications, Marine and Natural Resources

whether broadband will be provided for the Tullig area in Castleisland, County Kerry; and if he will make a statement on the matter. [8915/06]

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 designed to promote the rollout of broadband access through the establishment of sustainable broadband services in towns, villages, rural hinterlands and under-served areas of larger towns on the basis of local and regional authority coordination and community driven initiatives. I intend to hold a third call of the group broadband scheme and my officials are finalising the application procedure and documentation. I expect to be in a position to formally launch the third call shortly.

Departmental Bodies.

286. **Mr. Boyle** asked the Minister for Communications, Marine and Natural Resources the number of public appointments made by his Department since 1997; and the relevant bodies. [9223/06]

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 my Department was established in June 2002 is set out in the table below.

Information on appointments to the boards of State-sponsored bodies prior to June 2002, under the aegis of the former Department of the Marine and Natural Resources and the former Department of Public Enterprise, will be compiled separately and forwarded to the Deputy as soon as possible.

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	Appointment 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

Board Member	Appointment Date
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 Appointment
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 McMahon	01.01.05
Ms Karin Dubsy	01.01.05
Mr. Damian McDonald	01.01.05

Bord na Móna

Board Member	Date of Appointment
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. Coghill	19.05.03
Ms Anne Heraty	28.09.04
Mr. Gabriel Cribbin	09.09.05

Bord Iascaigh Mhara

Board Member	Date of Appointment
Ms Rose McHugh	29.09.04

Bord Gáis Éireann

Board Member	Date of Appointment
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 Appointment
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 Appointment
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

Central Fisheries Board

Board Member	Date of Appointment
David Mackey (Chairman)	24.06.05
Mary Bohan	24.06.05
Eamon 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 Appointment
Mr. Brendan McKenna (Chairperson)	26.06.02
Ms Sinead Leech	26.06.02
Mr. Martin Lowery (Chief Executive)	26.06.02
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 the Minister for Agriculture and Food on 01.01.2004.

[Mr. N. Dempsey.]

Commission for Energy Regulation, CER

Board Member	Date of Appointment
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 Appointment
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 Appointment
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 Appointment
Mr. Tom O'Reilly	24.01.03
Mr. Frank Maher	24.01.03
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 Appointment
Ms Brenda Daly	22.09.02
Mr. Seamus Martin	22.09.02
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 Appointment
Mr. Thomas Quinn	05.12.02
Mr. Don McManus	05.02.04

Dundalk Port Company

Board Member	Date of Appointment
Mr. Kevin Meenan	05.04.05

Eastern Regional Fisheries Board

Board Member	Date of Appointment
Ms Betty Hayes	08.12.03

Electronic Communications Appeals Panel pool from which three persons will be appointed by the Minister to an appeal panel. Two panels currently exist, each with its own chairperson.

Board Member	Date of Appointment
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

Eirgrid

Board Member	Date of Appointment
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 Appointment
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 Appointment
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 Appointment
Mr. Edmund O'Connell (Chairperson)	22.06.02
Mr. Seamus Ó Scolláin	25.09.03
Ms Mary Austin	25.09.03
Mr. Vincent Caffrey	25.09.03

Loughs Agency*

Board Member	Appointment 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
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

*These appointments were made jointly with the Secretary of State for Northern Ireland.

Marine Institute

Board Member	Appointment 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 Appointment
Mr. Philip O'Brien (Chairperson)	21.07.03
Mr. John Shackleton	04.12.03
Mr. Eoin Ó Buachalla	04.12.03

National Salmon Commission

Board Member	Appointment 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

New Ross Port Company

Board Member	Date of Appointment
Ms Rosie Kehoe	17.02.04
Cllr. Sean Connick	17.02.04
Cllr. Larry O'Brien	26.11.04

Northern Regional Fisheries Board

Board Member	Date of Appointment
Mr. Billy Grimes	July 2003

[Mr. N. Dempsey.]

Port of Cork Company

Board Member	Date of Appointment
Cllr. Tim Falvey	14.02.02
Mr. Paul Millard	15.10.02
Mr. David Doolan	15.10.02
Cllr. Michael Hegarty	04.08.04

Port of Waterford Company

Board Member	Date of Appointment
Ald. Thomas Cunningham	19.08.02
Mr. Ben Gavin (Chairperson)	05.02.04
Ms Fiona Robbins	05.02.04
Mr. Pádraig Ó Gríofa	05.02.04
Mr. Maurice Lonergan	05.02.04
Mr. Michael Flynn	05.02.04
Mr. Patrick Murphy	05.02.04
Mr. Derek Donnelly	05.02.04
Ms Lola O'Sullivan	29.08.04
Mr. Derek Madigan	16.03.05

Radio Telefís Éireann Authority

Board Member	Date of Appointment
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 Appointment
Mr. Gerard Reidy	17.07.02
Mr. Joe Treacy	17.07.02

Southern Regional Fisheries Board

Board Member	Date of Appointment
Mr. Pat Bowe	14.12.04

Sustainable Energy Ireland

Board Member	Date of Appointment
Mr. Martin Finucane	24.10.03

Regional Harbour Authorities

Arklow Harbour

Board Member	Date of Appointment
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 Appointment
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 Appointment
Cllr. Tadgh O'Donovan	28.09.04
Cllr. Joe Carroll	28.09.04
Cllr. Brendan Leahy	28.09.04
Cllr. Brendan 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 Appointment
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 Appointment
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 Appointment
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 Appointment
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

Board Member	Date of Appointment
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 Appointment
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 McMorro	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 Appointment
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 Ni Fhearaioisa	28.09.04
Mr. Christopher Lynch	28.09.04
Mr. Vincent Locke	28.09.04
Mr. Liam Sullivan	28.09.04

Fish Quotas.

287. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources the quota allocation for mackerel, horse mackerel and blue whiting that was made to each sea fishery boat in the north west fishing fleet in 2005 under the European Union Common Fisheries Policy rules. [9255/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): In 2005, the available national quotas for horse mackerel and blue whiting were not allocated to particular vessels in given quantities. These quotas were available to be fished on an unallocated basis by the various vessels with the required licensing entitlements. An allocation

[Mr. Browne.]

system has been introduced for 2006 for horse mackerel involving specific allocations to 29 vessels. An allocation system was applied to the national mackerel quota in 2005 whereby specific allocations were made to 23 vessels in the RSW segment of the Irish fleet. Details of the allocations made in respect of last year's mackerel quota and this year's horse mackerel quota are outlined in the following table.

	2005 Mackerel Quota	2006 Horse Mackerel Quota
<i>Pelagic Segment</i>	Allocation (MT)	Allocation (MT)
Aine	1,586	1,025
Antarctic	2,266	1,237
Atlantean	2,266	1,237
Atlantic Challenge	2,266	1,237
Atlantic Dawn	2,266	1,237
Brendelen	1,495	1,025
Carmarose	1,133	884
Colmcille	1,133	884
Felucca	1,557	1,025
Fr. McKee	1,495	1,025
Girl Stephanie	1,133	884
Menhaden	1,133	884
Neptune	1,586	1,025
Olgarry	1,528	1,025
Pacelli	1,528	1,025
Paula	2,198	1,237
Sea Spray	1,133	884
Sheanne	2,226	1,237
Vigilant	1,557	1,025
Western Chieftain	1,586	1,025
Western Endeavour	2,266	1,237
Western Viking	2,198	1,237
Westward Isle	1,133	884
<i>Polyvalent Segment</i>		
Eilean Croine	Unallocated	593
Sparkling Star	Unallocated	593
Lovon	Unallocated	593
Carmona	Unallocated	593
Sarah David	Unallocated	432
Ronan Ross	Unallocated	432

Fishing Vessel Licences.

288. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources further to a parliamentary question of 22 February 2005, the measures he intends taking to review the need for restrictions on the practice of pair trawling in the Shannon estuary following a submission he since received from the Irish whale and dolphin group; if the vessels involved in such

fishing are large enough to capture dolphins and that dolphin calves in particular remain vulnerable to such fishing for the first two years of their lives; if his Department will support a dedicated survey to ascertain both the size of the fishery and the demands of the dolphin population in the estuary. [9269/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne):

The submission to which the Deputy refers appears to be from the Shannon Dolphin and Wildlife Foundation, SDWG, and I have noted the comments of that group. The fishery in question generally involves one or two pairs of boats of approximately 65 feet in length. While there does not appear to be any significant threat to the dolphin population in this area from fishing activity at this time, the Department of the Environment, Heritage and Local Government, which has primary responsibility for the conservation of marine mammals in this State, is scheduled to carry out an assessment of the dolphin population in the area later this year. When the results of this assessment have been received, the matter can be reviewed again in conjunction with the Department of the Environment, Heritage and Local Government.

EU Directives.

289. **Mr. Quinn** asked the Minister for Communications, Marine and Natural Resources if he will confirm that EU Directive 2004/8/EC was implemented before 21 February 2006; if the directive was not implemented by that date, the reason Ireland did not meet its obligations to implement this directive before the deadline; and if he will make a statement on the matter. [9302/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):

EU Directive 2004/8/EC requires member states to take a number of actions in respect of the promotion of combined heat and power, CHP, including the requirement to introduce a new definition of high efficiency CHP. This definition requires the provision of efficiency reference values for the separate production of electricity and heat, and the European Commission had committed to establishing a harmonised set of efficiency reference values by 21 February 2006. These values have not yet been finalised. In anticipation of the establishment of these values, Ireland drafted provisions for the new definition and these are included in the Energy (Miscellaneous Provisions) Bill 2006, the text of which has been approved by the Government. Arrangements are in hand to publish the Bill in the coming days and the harmonised efficiency reference values will be inserted by ministerial order once established by the Commission.

Harbours and Piers.

290. **Mr. P. Breen** asked the Minister for Communications, Marine and Natural Resources further to Question No. 267 of 19 April 2005, if funding will be provided to increase the pier at Doonbeg, County Clare; and if he will make a statement on the matter. [9313/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): Doonbeg Pier is owned by Clare County Council and responsibility for its repair and maintenance rests with the local authority in the first instance. The Department's programme of funding for small fishery harbours for 2006 is under consideration. The question of providing funding for Doonbeg Pier will depend on the amount of Exchequer funding available for works at fishery harbours generally and overall national priorities.

Alternative Energy Projects.

291. **Mr. Deasy** asked the Minister for Communications, Marine and Natural Resources when he intends implementing the renewable energy grants schemes announced by the Minister for Finance in budget 2006 on 7 December 2005; if the proposed scheme will include the installation of geothermal heat pumps and solar heating systems in individual homes; if the installation of such systems in individual houses currently being planned or being built will be eligible for grant aid under the proposed scheme; and if he will make a statement on the matter. [9323/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The multi-annual financial package for renewables announced in budget 2006 includes a grant aid package for the domestic sector, which will provide for individual grants to install renewable energy technologies including solar panels, geothermal heat pumps and wood pellet boilers. My Department, in conjunction with Sustainable Energy Ireland, SEI, is developing the necessary detailed measures to roll out the new programme, which will be announced shortly. Once the scheme has been launched, applicants will be required to apply for, and receive, approval before any materials are purchased or any works are commenced.

292. **Mr. Healy-Rae** asked the Minister for Communications, Marine and Natural Resources if the windmills that have been built and are planned to be built overproduce electricity and are not used by the national grid, if there is a facility in place in order to sell the extra electricity produced to Europe; and if he will make a statement on the matter. [9351/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The

renewables directive, Directive 2001/77/EC, obliges Ireland to develop and implement a programme capable of increasing the amount of electricity from renewable energy sources to 13.2% of total consumption by 2010. The target of 13.2% approximates to 1,450 MW of installed generating capacity to be operational to the electricity network by 2010. Ireland has approximately 765 MW of renewable capacity connected. This consists of approximately 495 MW of wind powered plant, 240 MW of hydro-powered plant with the balance of approximately 30 MW made up of different biomass technologies.

The additional new capacity required to achieve the 1,450 MW target will be delivered by projects under the previous AER V and AER VI competitions and the new renewable energy feed in tariff REFIT programme. Wind energy will be the dominant technology in achieving the target. As an island nation the facility to export electricity directly to Europe is not in place. However, the Government is fully committed to the development of east-west electricity interconnection as a matter of priority. The Commission for Energy Regulation has been engaged in a process of rigorous exploration of the options for such development and I expect to receive advice from the Commission on next steps shortly.

Broadband Network.

293. **Mr. Kenny** asked the Minister for Communications, Marine and Natural Resources the number of broadband subscribers on a county basis in tabular format; and if he will make a statement on the matter. [9384/06]

294. **Mr. Kenny** asked the Minister for Communications, Marine and Natural Resources the number of companies competing for broadband customers on a county basis in tabular form; and if he will make a statement on the matter. [9385/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 293 and 294 together.

The collation of data on broadband subscriber numbers is a matter for broadband service providers in co-operation with the Commission for Communications Regulation, ComReg. The Department's website *www.broadband.gov.ie* lists broadband providers and their product offerings on a by town/district basis. Service providers make available the information to the Department on a voluntary basis.

295. **Mr. Kenny** asked the Minister for Communications, Marine and Natural Resources the number of broadband enabled lines in existence on a county basis in tabular format; and if he will make a statement on the matter. [9386/06]

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 fully liberalised private sector, regulated by the Commission for Communications Regulation, ComReg. The upgrading of telephone exchanges for the provision of broadband is an operational matter for Eircom, and I do not have any function in the matter.

Mobile Telephony.

296. **Mr. Collins** asked the Minister for Communications, Marine and Natural Resources the number of mobile telecommunications masts which were monitored by ComReg during 2006; if they have monitored the structure next to a school (details supplied) in County Limerick; and if not, their plans to do so in view of the written requests from community representatives. [9426/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Commission for Communication Regulation — ComReg — audits emissions of non-ionising radiation from telecommunication sites including masts. So far in 2006, 17 sites have been monitored, with a further 20 sites to be monitored over the next month. To date, ComReg has not received any written requests to monitor any mast or site in Glin, County Limerick, or its environs. I will ask officials to liaise with ComReg to arrange an audit of the site in question.

Illegal Immigrants.

297. **Mr. P. Breen** asked the Minister for Foreign Affairs if the Government will be lobbying for the enacting of the McCain/Kennedy Bill for immigration reform in the US; and if he will make a statement on the matter. [8801/06]

298. **Mr. F. McGrath** asked the Minister for Foreign Affairs if he will raise the issue of the Kennedy/McCain Bill and the undocumented Irish with the President of the USA, Mr. George W. Bush, on 17 March 2006. [8891/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 297 and 298 together.

The Government attaches the highest priority to the issue of the undocumented Irish in the United States. In all of our contacts with US political leaders we raise our concerns and emphasise the importance of addressing the situation in a positive and sympathetic way. The coming St. Patrick's Day period will provide a particularly valuable opportunity for the Taoiseach and me to discuss all aspects of the situation, including of course the Kennedy-McCain bill, with the Pres-

ident, his Administration and leading figures in Congress.

The Deputies can be assured that this timely and very valuable lobbying opportunity will be availed of to the full by both the Taoiseach and myself.

Consular Assistance.

299. **Mr. Connolly** asked the Minister for Foreign Affairs his proposals to help Irish citizens living in an increasingly disturbed and volatile situation in Zimbabwe; the consular assistance available to persons wishing to leave; and if he will make a statement on the matter. [8861/06]

Minister for Foreign Affairs (Mr. D. Ahern): The Irish Embassy in South Africa, which is also accredited to Zimbabwe, provides consular assistance to Irish citizens who live in, or travel to, Zimbabwe. The embassy estimates that there are now approximately 3,000 Irish citizens resident in Zimbabwe.

The embassy is in regular contact with the Irish community in Zimbabwe at every level. Staff from the embassy visit Zimbabwe approximately every four to six weeks and regularly meet with members of the Irish community, Irish religious, and Irish NGOs during such visits.

The embassy is aware that a number of Irish citizens in Zimbabwe are considering the possibility of moving to Ireland. The embassy offers advice and information on the various issues that arise relating to a move to Ireland. The citizens concerned also benefit from the support and advice offered by the Safe Home Programme Limited. The Department of Foreign Affairs gives a significant financial contribution to the Safe Home Programme — €184,743 in 2005 — to support it in its work with Irish citizens in Britain and elsewhere, including Zimbabwe.

The embassy monitors and reviews the position of the Irish community in Zimbabwe on an ongoing basis, and maintains close and continuing contact with community representatives there.

Departmental Staff.

300. **Mr. Connolly** asked the Minister for Foreign Affairs the number of persons with disabilities employed in his Department; the percentage of the total staff that this represents; the human resources policy of his Department with regard to the recruitment of persons with disabilities; the qualification criteria for persons with disabilities; and if he will make a statement on the matter. [8896/06]

Minister for Foreign Affairs (Mr. D. Ahern): The target for the employment of people with disabilities in the Civil Service is 3%. Policy on this target is the responsibility of the Department of Finance.

The guidelines for monitoring the target are set out in the 1994 code of practice for the Civil Service. In this context, the term “people with disabilities” means people with a physical, sensory or psychological impairment which may “have a tangible impact on their functional capability to do a particular job; or have an impact on their ability to function in a particular physical environment; or lead to a discrimination in obtaining or keeping employment of a kind for which they would otherwise be suited”.

The Department of Foreign Affairs, through its human resources strategy, is strongly committed to positive action designed to enhance employment opportunities for persons with disabilities. The compilation of statistics in this area is very sensitive. Some officials who would be considered as “disabled” under the above definition might well not welcome being included in any public categorisation in this area. In these circumstances, including the protection of the also sensitive monitoring process, I would prefer not to go further than to state that the percentage of staff with a disability in the Department currently stands at approximately 3.5%, that is, significantly above the 3% target.

European Enlargement.

301. **Mr. Connolly** asked the Minister for Foreign Affairs his views on the implications for Serbia-Montenegro’s future EU membership prospects on the failure to deliver the fugitive General Ratko Mladic to the International War Crimes Tribunal for the former Yugoslavia in the Hague; and if he will make a statement on the matter. [8982/06]

Minister for Foreign Affairs (Mr. D. Ahern): Serbia and Montenegro opened negotiations on a stabilisation and association agreement with the European Union in October 2005. This was a reflection of the progress the country has made in its reform process. The pace and conclusion of the negotiations will depend in particular on Serbia and Montenegro’s progress in developing its legislative framework and administrative capacity, the effective implementation of its constitutional charter, and full co-operation with the International Criminal Tribunal for the former Yugoslavia (ICTY).

Full co-operation with the tribunal is essential to achieving lasting reconciliation in the region and lifting a fundamental obstacle to EU integration. Recalling Security Council resolutions 1503 and 1534, Ireland, together with its EU partners, has emphasised its expectation that Serbia and Montenegro take decisive action to ensure that all fugitive indictees, notably Ratko Mladic and Radovan Karadic, are finally brought to justice. Successive General Affairs and External Relations Councils have stressed the importance of full cooperation with the tribunal, and Enlargement Commissioner Rehn and Com-

mission President Barroso again emphasised the need for it during their recent visit to Belgrade in February.

At the most recent meeting of the Council in Brussels last week, Ministers stressed that full cooperation with ICTY must be achieved in order to ensure that Serbia and Montenegro’s SAA negotiations are not disrupted. The Council also urged Serbia and Montenegro, as well as Bosnia and Herzegovina, to take decisive action to ensure that all remaining fugitive indictees are brought to justice without delay. The EU Presidency and Commission will remain in close contact with the chief prosecutor of the tribunal on the matter and continue to keep the Council fully informed. We will continue to monitor the situation closely.

Northern Ireland Issues.

302. **Mr. Connolly** asked the Minister for Foreign Affairs his assessment of the impact of the events in Dublin on the weekend of 24 to 27 February, 2006 on the future direction of the Northern Ireland peace process; and if he will make a statement on the matter. [8983/06]

Minister for Foreign Affairs (Mr. D. Ahern): I condemn once again those who came to the city centre on 25 February intent on causing violence and destruction. The disorder was engineered by a small number of organised thugs supported by opportunistic hooligans. These acts have been condemned by all right-thinking people and by their political representatives on all sides.

It is important that the events of 25 February in no way alter our political programme or intimidate us into caution or inaction. They will not stop us taking risks for peace or stop us working with all sides and shades of opinion if they are committed to peaceful means in support of their agenda. They will not stop us sitting down at the table with Unionists in a spirit of friendship and co-operation or from reaching out to progressive voices in loyalism. We will, in fact, work to do the exact opposite of what these people intended, by further intensifying our efforts to strengthen inclusivity, preserve democracy and build a shared future for all the people of this island, free from violence and the threat of it.

International Agreements.

303. **Mr. Gilmore** asked the Minister for Foreign Affairs if specific agreements between the Republic of Ireland and the USA on combating terrorism exist; if so, if any provide for independent policing operations within each others territories; and if he will make a statement on the matter. [9273/06]

Minister for Foreign Affairs (Mr. D. Ahern): Ireland has not concluded any specific bilateral agreements on combating terrorism with the

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United States. A bilateral extradition treaty between Ireland and the United States of America has been in force since 1983 that puts in place a general extradition arrangement between the two States. In addition, Ireland and the US are both parties to the following 12 multilateral terrorism conventions: Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973; International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979; International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997; International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999; Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963; Convention for the Suppression of Unlawful Seizure of Aircraft, signed at the Hague on 16 December 1970; Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971; Convention on the Physical Protection of Nuclear Material, signed at Vienna on 3 March 1980; Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988; Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988; Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988; Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991.

Neither the bilateral agreement nor any of the above conventions or protocols provide for any of the State's parties carrying out independent policing operations in the territory of other State's parties.

Human Rights Abuses.

304. **Mr. Gilmore** asked the Minister for Foreign Affairs if the Government has information regarding the existence of secret detention centres within Irish territory or elsewhere in Europe; and if he will make a statement on the matter. [9274/06]

305. **Mr. Gilmore** asked the Minister for Foreign Affairs if the authorities have been contacted by authorities or secret services of other countries requesting permission for the secret

detention or rendition of prisoners on national territory; and if he will make a statement on the matter. [9275/06]

306. **Mr. Gilmore** asked the Minister for Foreign Affairs if the Government has requested information from the American authorities regarding the alleged existence of secret detention centres in Europe; if so, the replies it has received to date; and if he will make a statement on the matter. [9276/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 304 to 306, inclusive, together.

I refer the Deputy to my previous replies on the subject, in particular, to Questions Nos. 43, 47, 66 and 118 of 14 December 2005. In my reply to those questions, I recorded the Government's deep concern at the allegation that there is or has been a network of secret prisons in Europe. The existence of such secret prisons would plainly be in breach of international law and of the principles upon which the EU is founded; these include liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law. The Government has no information regarding the possible existence of such prisons other than what has been stated in the allegations. If the allegations were proven to be true, the Government would view such a development with the gravest concern.

In the Government's contacts with the United States authorities, on which I have reported to the House in considerable detail, most recently on 22 February 2006, we have been concerned above all to ensure that no extraordinary rendition of prisoners has occurred or is occurring through Ireland, and we have received categorical assurances from the US authorities in this respect. I am not aware of any suggestion that a secret detention centre might have operated within Irish territory, and consequently I have not raised the matter in my discussions with the US authorities. The concern in member states at the possible existence of such centres in the EU has, however, been flagged to the US, in a letter from the Presidency to the US Secretary of State, Dr. Condoleezza Rice, sent last November. The Government has not been contacted to seek its permission for the secret detention or extraordinary rendition of prisoners in or through the national territory.

On the question of secret detention centres in Ireland, I refer the Deputy to the Government's reply of 20 February 2006 to a questionnaire on the subject of what has been termed "unacknowledged deprivation of liberty", circulated by the Secretary General of the Council of Europe, Mr. Terry Davis, to its 46 member states. The reply made clear that there are no secret detention centres in Ireland and that there is no indication of any occurrence of the unacknowledged deprivation of liberty. On 1 March 2006, the Secretary

General identified our reply as one of only 13 he deemed sufficiently comprehensive not to require further material.

307. **Mr. Gilmore** asked the Minister for Foreign Affairs if the Government is aware of any flights to, from or over national territory by aircraft chartered by the CIA or related agencies; and if he will make a statement on the matter. [9277/06]

308. **Mr. Gilmore** asked the Minister for Foreign Affairs if permission was requested by the CIA or related agencies to fly to, from or over national territory; and if he will make a statement on the matter. [9278/06]

309. **Mr. Gilmore** asked the Minister for Foreign Affairs the information required from an agency in support of a request to fly to, from or over national territory; if a passenger list would be required; and if he will make a statement on the matter. [9279/06]

310. **Mr. Gilmore** asked the Minister for Foreign Affairs if the Government knows of the illegal transportation of prisoners on flights to, from or over national territory; and if he will make a statement on the matter. [9280/06]

311. **Mr. Gilmore** asked the Minister for Foreign Affairs the legal basis for the transportation of prisoners through Irish territories by a third country; if the Government has ever authorised this kind of transportation; if so, the kind of assurances the Government demanded regarding the conditions under which these prisoners were held; and if he will make a statement on the matter. [9281/06]

312. **Mr. Gilmore** asked the Minister for Foreign Affairs if the Government's attention has been drawn to landings by any aircraft that may have been involved in the illegal movement or rendition of prisoners; and if he will make a statement on the matter. [9282/06]

313. **Mr. Gilmore** asked the Minister for Foreign Affairs if the Government knows of, or has been passively or actively involved in, the carrying out of abductions by foreign secret services on national territory or that of other States; and if he will make a statement on the matter. [9283/06]

314. **Mr. Gilmore** asked the Minister for Foreign Affairs if the Government has requested information from the American authorities regarding alleged flights to, from or over national territory by aircraft chartered by the CIA which may have been used for the illegal transportation of prisoners; if so, the replies which have been

received to date; and if he will make a statement on the matter. [9284/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 307 to 314, inclusive, together.

I refer the Deputy to my replies to Questions Nos. 246, 247 and 249 of 1 February, and 117, 119 and 120 of 2 February.

I know of no landings on the State's territory of aircraft which have been illegally carrying prisoners transiting Ireland. Moreover, as I have made clear to the House on numerous occasions in responding to questions, the United States has given Ireland repeated, clear and explicit assurances that no prisoners have been transferred through Irish territory, nor would they be, without our permission.

I am aware of media and other reports concerning allegations that aircraft, which it is claimed may at some stage have been used in so-called extraordinary rendition operations between countries other than Ireland, might on different occasions have transited Shannon Airport. In his reply of 13 December 2005, my colleague the Minister for Transport furnished details in regard to the movements of a small number of aircraft cited in such reports. There is no authoritative basis on which to come to a view on the truth of the allegations which have been made regarding the activity of such aircraft outside our jurisdiction. Moreover, none of these reports have included any concrete evidence or specific allegations that prisoners have been transported through Irish airports or airspace as part of an extraordinary rendition operation.

In accordance with the terms of the 1944 Chicago Convention on International Civil Aviation, civil aircraft are not required to seek permission to land here unless they are engaged in commercial operations in this country. Under the Chicago convention, such aircraft are not required to submit details of their cargo or passenger manifests when making technical stops, for example to refuel.

State aircraft, on the other hand, are required to apply for permission before landing in Ireland. In the event that the US authorities were to request such permission for a State aircraft operating for the CIA, the Department of Foreign Affairs would require, in keeping with standard practice, an undertaking from the US Embassy that the aircraft would be unarmed; would not be carrying arms, ammunition or explosives; would not be engaged in intelligence gathering; and was not taking part in military exercises or operations. These conditions are not legal requirements but are policy stipulations which are applied at the direction of the Minister for Foreign Affairs. Other data sought would include the type and registration number of the aircraft, its call sign, the purpose of the flight, the nature of any cargo, its destination and point of

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departure, and estimated times of arrival and departure.

On the Deputy's question on the legal basis for the transportation of prisoners through Irish territory by a third country, Irish law permits the transit through Irish territory of a person being detained by the authorities of another State in two circumstances. Section 40(1) of the Extradition Act 1965 allows the Minister for Justice, Equality and Law Reform to permit the transit through the State of a person being conveyed from one country to another upon that person's surrender pursuant to an agreement in the nature of an extradition agreement. This is subject to any relevant extradition provisions and to such conditions, if any, that the Minister thinks proper.

The Minister for Justice, Equality and Law Reform may also consent to the transfer of a sentenced prisoner through Irish territory pursuant to the Council of Europe Convention on the Transfer of Sentenced Persons 1983, when he is satisfied that Article 16 of that convention is applicable. The convention defines a sentence as a punishment involving deprivation of liberty ordered by a court on account of a criminal offence. As stated above, any authorisations in this area would be a matter for my colleague, the Minister for Justice, Equality and Law Reform.

The issues raised by the Deputy's question were also fully addressed in Ireland's reply of 20 February 2006 to a questionnaire circulated by the Secretary General of the Council of Europe, Mr. Terry Davis, to its 46 member states. On 1 March 2006, the Secretary General identified our reply as one of only thirteen he deemed sufficiently comprehensive not to require further material. I reiterate that the Government has made its complete opposition to the practice of extraordinary rendition clear on numerous occasions.

State Visits.

315. **Mr. J. Higgins** asked the Minister for Foreign Affairs if he had prior knowledge of the visit of US President, George W. Bush, to Shannon Airport on 1 March 2006; and if he will make a statement on the matter. [9325/06]

316. **Mr. J. Higgins** asked the Minister for Foreign Affairs if he authorised the commander in chief of a foreign army to conduct a meeting in Shannon Airport with US troops under his command who are in military occupation of another country. [9326/06]

317. **Mr. J. Higgins** asked the Minister for Foreign Affairs if he was consulted beforehand on the meeting between US President George W. Bush and United States' troops at Shannon Airport. [9327/06]

321. **Mr. Kenny** asked the Minister for Foreign Affairs when his Department was notified that the US President would stop over at Shannon Airport to refuel; if his Department was notified that the US President would also address troops as part of this stopover; and if he will make a statement on the matter. [9388/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 315 to 317, inclusive, and 321 together.

A request for the aircraft carrying the President of the United States, George W. Bush, to land at Shannon Airport was applied for several days in advance by the US embassy and permission was granted in accordance with the normal procedures. It is entirely normal and appropriate to extend such courtesies to visiting Heads of State and other dignitaries. President Bush's meeting with US military personnel at the airport appears to have been a spontaneous act. Such personnel were in transit as part of a multinational force authorised by the United Nations Security Council.

Illegal Immigrants.

318. **Mr. Ring** asked the Minister for Foreign Affairs the reason a specific query asked in a previous parliamentary question (details supplied) was not responded to. [9349/06]

Minister for Foreign Affairs (Mr. D. Ahern): In my reply of 28 February to the Deputy's question I emphasised that a particular priority of the Taoiseach's and my own visit to Washington over the St. Patrick's Day period would be to convey to President Bush and his Administration and key players in Congress the Government's strong support for measures to address the position of our undocumented. I am certain our undocumented citizens would share this priority.

As I conveyed in my reply of 28 February, I am acutely aware of the concerns of the undocumented, not least from my visits to the United States. These concerns are also conveyed through regular reports from the embassy and consulates, including of meetings with the Irish Lobby for Immigration Reform, ILIR. I have been happy to make a grant of €30,000 available to the ILIR which actively represents the interests of our undocumented. I very much hope to meet representatives of the ILIR during my visit to Washington. In addition to my earlier reply, I assume this envisaged meeting with the ILIR subsumes the sense of the Deputy's question.

Presidential Visit.

319. **Mr. Quinn** asked the Minister for Foreign Affairs if any representative of the Government met with President George W. Bush during his time here, either formally or informally; if he will report on discussions he had with President Bush

during his visit; and if he will make a statement on the matter. [9364/06]

Minister for Foreign Affairs (Mr. D. Ahern): There was no meeting between a representative of the Government and President Bush on this occasion.

320. **Mr. Quinn** asked the Minister for Foreign Affairs the cost to the State of the visit of President George W. Bush on 28 February-1 March 2006, broken down by category of expenditure made or income forfeited; the number of gardaí assigned to duties related to this visit; the number of members of the Defence Forces assigned to duties related to this visit; the additional security resources which were allocated to Shannon Airport to facilitate the stopover; the cost of these resources; the duration of the security operation; if permission was needed, requested or granted for the President to disembark from his aeroplane to meet American troops at Shannon Airport; if fees or tariffs were charged to the US Government in relation to this visit; if permission was granted for weapons to be carried on President Bush's aircraft; and if he will make a statement on the matter. [9365/06]

Minister for Foreign Affairs (Mr. D. Ahern): Permission for President Bush's aircraft to land was granted by my Department in accordance with the normal procedures. However, operational issues with respect to landing an aircraft in the State and the security of visiting Heads of State are not matters for my Department. Queries on these matters are more appropriately addressed to the civil aviation authorities and the Garda Síochána.

President Bush's meeting with US military personnel at the airport appears to have been a spontaneous act. Such personnel were in transit as part of a multinational force authorised by the United Nations Security Council. Permission for this meeting was not required.

Question No. 321 answered with Question No. 315.

Swimming Pool Projects.

322. **Mr. Hogan** asked the Minister for Arts, Sport and Tourism when the necessary finance will be made available for the provision of a new swimming pool at Kilkenny City; and if he will make a statement on the matter. [8841/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Under the local authority swimming pool programme, there are four stages in the development of a swimming pool project. These are, in order of progress: feasibility study-preliminary report; contract documents; tender; and construction. My Department's technical advisers, the Office of Public Works, evaluate

each stage and local authorities cannot proceed to the next stage of a project unless prior approval issues from my Department. Grant aid is formally allocated when the tender for the project is approved.

In March 2005, I approved the preliminary report for the proposed replacement swimming pool in Kilkenny submitted by Kilkenny County Council. This approval allowed the council to have detailed contract documents prepared for the work proposed. The matter will be considered further when the council submits the tender documentation for the project to my Department.

Departmental Staff.

323. **Mr. Connolly** asked the Minister for Arts, Sport and Tourism the number of persons with disabilities employed in his Department; the percentage of the total staff that this represents; the human resources policy of his Department with regard to the recruitment of persons with disabilities; the qualification criteria for persons with disabilities; and if he will make a statement on the matter. [8897/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): There are currently eight persons with disabilities employed in my Department. This figure represents more than 4% of staff. My Department is fully committed to the employment of persons with disabilities, where possible, and is fully aware of the requirements of the Disability Act 2005 in this regard. However, all assignments to my Department are currently made with a view to the decentralisation of the Department to Killarney in 2007 in line with central arrangements in this regard. This may have an effect on the numbers of persons with disabilities employed in the Department in the short term.

Departmental Funding.

324. **Mr. Connolly** asked the Minister for Arts, Sport and Tourism the funding that has been advanced to community projects and groups in County Cavan in each year since 2000; and if he will make a statement on the matter. [8980/06]

325. **Mr. Connolly** asked the Minister for Arts, Sport and Tourism the funding that has been advanced to community projects and groups in County Monaghan in each year since 2000; and if he will make a statement on the matter. [8981/06]

333. **Mr. Connolly** asked the Minister for Arts, Sport and Tourism the funding advanced to community projects and groups in County Monaghan in each year since 2000 as a percentage of the national total funding; and if he will make a statement on the matter. [9339/06]

334. **Mr. Connolly** asked the Minister for Arts, Sport and Tourism the funding advanced to community projects and groups in County Cavan in each year since 2000 as a percentage of the national total funding; and if he will make a statement on the matter. [9340/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I propose to take Questions Nos. 324, 325, 333 and 334 together.

	Cavan	Cavan	Monaghan	Monaghan
Year	Funding	National Total	Funding	National Total
	€	%	€	%
2002	691,200	0.9	1,233,000	1.6
2003	580,000	1	685,000	1.2
2004	1,075,000	1.7	996,000	1.6
2005	785,000	1.4	744,000	1.3

In addition the following funding was paid in respect of cultural projects in Monaghan.

Year	Amount
	€
2003	31,500
2004	460,770
2005	916,725
2006	34,893

Sports Funding.

326. **Aengus Ó Snodaigh** asked the Minister for Arts, Sport and Tourism the funding allocated under the Government sporting grant schemes in 2005 and for 2006; and the breakdown of the way in which and where the funding was allocated. [9001/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): In 2005, my Department's total expenditure on sport amounted to €184.5 million on the sports capital programme, local authority swimming pool programme, redevelopment of Lansdowne Road, Campus and Stadium Ireland Development Limited, Irish Sports Council, Horsereading Ireland and Bord na gCon. The provision for sport in 2006 in the Book of Estimates amounts to €228.795 million, an increase of 24% over 2005.

The national lottery funded sports capital programme, which is administered by my Department, is the primary means of providing capital funding for sports facilities to clubs and voluntary and community organisations throughout the country. The programme is advertised on an annual basis. In 2005 a total of €56.8 million was paid out in respect of grants allocated under the sports capital programmes. Since 1998 a total of

The national lottery funded sports capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and national level throughout the country. The following funding has been paid to grantees into counties Cavan and Monaghan since the establishment of my Department in June 2002.

€395 million has now been allocated to 4,923 projects throughout the country providing for the needs of organisations and participants in the areas of physical recreation, training, coaching and competition at all levels of sport. Almost €68 million has been provided in the 2006 Estimates for the provision of national lottery funded sport and physical recreational facilities.

In 2005, €14.1 million was spent under my Department's local authority swimming pool programme supporting the construction-refurbishment of swimming pools. In that year, two new pools opened to the public — in Tuam and Ballymun — and two refurbished pools opened — in Clonmel and Churchfield in Cork city. In addition, five projects were approved for grant assistance allowing construction-refurbishment work to commence at various locations. Seven pool projects were approved to seek tenders for construction and a further nine projects had their preliminary reports approved allowing the preparation of contract documents. In 2006, €32 million has been provided in my Department's Vote in respect of this programme and so far this year I have allocated a further €11,427,642 towards three swimming pool projects at Portlaoise, Portarlington and Longford.

In January 2004 the Government agreed to provide funding of €191 million, phased over five years, to the joint IRFU-FAI project for the redevelopment of Lansdowne Road stadium as a 50,000 seat state-of-the-art stadium. This project has now been taken to the planning stage and an application for planning permission was lodged with Dublin City Council in January. Expenditure in 2005 amounted to €9.5 million, with €20 million being provided for expenditure in 2006.

In 2005, a total of €1.4 million in current funding was provided to CSID, the company charged with the development of the sports campus. In November 2005, the Government approved the

commencement of phase one of the development of facilities at Abbotstown and funds for the delivery of the project have been provided in my Department's multiannual capital envelope for 2006-10. Phase one provides for the development of a national field sports training centre, catering for rugby, soccer, Gaelic games and hockey. In addition, a national indoor training centre is planned to provide world class training facilities for more than 30 sports, accommodation for sportsmen and sportswomen, sports science and medical facilities and publicly accessible all-weather floodlit synthetic pitches for community use are also included. Current and capital funding totalling €10.798 million has been provided in the 2006 Estimates.

The Irish Sports Council was established in 1999 as the statutory body responsible for the promotion and development of sport in Ireland. It spent more than €34 million in 2005 on initiating, developing and enhancing a wide range of programmes aimed at increasing participation and raising standards in sport. Almost €41 million has been allocated to the council for 2006, which will ensure the continuation of its work in advancing and supporting sport at all levels.

Government support for the horse and greyhound racing industries is provided under the horse and greyhound racing fund, as approved by the Oireachtas. Under the provisions of the Horse and Greyhound Racing Act 2001, the fund receives a guaranteed level of finance based on the excise duty on off-course betting. A total of €68.35 million was provided under the fund in 2005 of which €54.84 million was allocated to current expenditure and €13.51 million to capital programmes. In 2004 the Oireachtas approved regulations to increase the limit of the fund from €254 million to €550 million to continue the fund for a further four years to 2008. A total of €70.06 million has been provided for the fund in 2006.

This unprecedented level of investment in sport is clear evidence of the importance which the Government attaches to establishing modern, well equipped and well managed sporting facilities supported by a wide range of programmes which are having a real benefit to our communities.

327. **Aengus Ó Snodaigh** asked the Minister for Arts, Sport and Tourism the steps being taken by his Department to promote Olympic sports here. [9002/06]

331. **Aengus Ó Snodaigh** asked the Minister for Arts, Sport and Tourism the steps which are being taken by his Department to promote and invest in minority sports, such as tennis, skateboarding, ice hockey, hill climbing and so on; and if he will report on the matter. [9007/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I propose to take Questions Nos. 327 and 331 together.

My Department's role is to provide the overall policy framework and the necessary funding to assist in the provision of sports facilities and to enable its State agency, the Irish Sports Council, to carry out its various functions. The Irish Sports Council was established in 1999 as the statutory body with responsibility for the promotion and development of sport. The provision in funding for the Sports Council in the 2006 Estimates is €40.9 million, in comparison with just over €13 million in 2000. This increased level of funding has enabled the council to initiate, develop and enhance a wide range of programmes to assist the governing bodies of Olympic, major and minority sports in strengthening their capacities, increasing participation and raising standards in their sports.

The Irish Sports Council has already this year allocated grants totalling €7.7 million to 59 national governing bodies of sport, including Olympic and minority sports. The core activities covered by the grants include administration of the sports, the employment of professional staff, coach development and assorted development activities. For certain sports it may also include hosting events and programmes aimed at increasing participation. The sports council also works in partnership with the Olympic Council of Ireland, Paralympic Council of Ireland and relevant Olympic governing bodies of sport in the preparation and participation of Irish competitors at the Olympic and paralympic games.

Arising from the Athens review 2005, the sports council put together an operational plan which identifies key performance indicators, timescales and costings and the roles of the various agencies in supporting Ireland's Olympic and paralympic preparations for Beijing 2008 and beyond. The plan encompasses elements such as the introduction of targeted sport performance plans, including prioritising junior, development and elite athletes; the international carding scheme; proposals for the development of an Irish institute of sport; maintaining and enhancing the role of the Olympic and paralympic performance committees to ensure optimum co-operation in the preparation and performance of the Irish team for the Beijing games and beyond and the strengthening of the Olympic Council of Ireland's administrative capability.

The sports council has established performance planning for a number of targeted Olympic-paralympic sports. Grants are allocated to each sport, which have clear performance pathways and targets. This approach will help put into place longer term planning within high performance sports linking directly into the 2012 London games. In 2006, additional grants totalling €3.9 million have been allocated to 13 Olympic-paralympic sports.

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The Olympic performance committee and paralympic performance committees, with representatives of the council, the Olympic Council of Ireland and the Paralympic Council of Ireland, meet regularly to address various topics that arise in the run-up to the games. The meetings focus on strengthening co-operation between the key agencies on athlete preparation, particularly in relation to pre-games training camps, acclimatisation and full medical and science support.

The national lottery funded sports capital programme administered by my Department allocates funding to sporting and community organisations at local, regional and national level. The programme is advertised on an annual basis. Since 1998 a total of €395 million has been allocated to 4,923 projects providing for the needs of organisations and participants in the areas of physical recreation, training, coaching and competition at all levels of sport, including Olympic and minority sports. Among the major projects which have received substantial funding are the National Aquatic Centre and national centres for rowing, tennis, hockey, boxing, basketball and athletics, all catering for Olympic sports.

The local authority swimming pool programme, which is also administered by my Department, provides grant aid towards the capital costs of a new swimming pool, a replacement pool or the refurbishment of an existing pool. I allocated a total of more than €19 million under the local authority swimming pool programme in 2005 towards five swimming pool projects. So far in 2006 I have allocated a further €11.4 million towards three swimming pool projects.

The Government has approved the commencement of phase one of the development of facilities at Abbotstown and funds for the delivery of the project have been provided in my Department's multiannual capital envelope for 2006-10. Phase one provides for the development of a national field sports training centre catering for rugby, soccer Gaelic games and hockey. In addition, a national indoor training centre is planned to provide world class training facilities for more than 30 sports, accommodation for sportsmen and sportswomen, sports science and medical facilities and publicly accessible all-weather floodlit synthetic pitches for community use are also included.

The Irish Sports Council is also finalising its proposals for the development of an Irish institute of sport. The planned facilities at the sports campus at Abbotstown and the considerable progress being made in providing a network of high quality facilities throughout the country, complemented by the support of the sports council, help deliver the infrastructure and programmes needed for the further development of our elite competitors as well as participants at all levels in all types of sport in Ireland.

328. **Aengus Ó Snodaigh** asked the Minister for Arts, Sport and Tourism the steps which are being taken to invest funds in communities here for new, modern sport facilities. [9003/06]

329. **Aengus Ó Snodaigh** asked the Minister for Arts, Sport and Tourism the steps which are being taken by his Department to invest funding for sporting facilities into designated areas of disadvantage here, such as the CLÁR and RAPID areas. [9004/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I propose to take Questions Nos. 328 and 329 together.

The national lottery funded sports capital programme, which is administered by my Department, provides funding to sporting and community organisations at local, regional and national level throughout the country towards the provision of sport and recreational facilities. Since 1998, almost €395 million has been allocated in sports capital funding to some 4,923 projects in villages, towns and parishes throughout the country. Over that period, the annual allocation has increased by more than 830% from just over €7.55 million in 1998 to almost €63.2 million in 2005. Of the 2005 allocation, in excess of €12.7 million was allocated to projects classified as community-mixed, which would include recreational facilities provided in community centres and community based facilities and projects where more than one sport or recreational activity was available.

One of the stated objectives of the sports capital programme is to prioritise the needs of disadvantaged areas in the provision of sports facilities. Such areas are those designated by Government for special support through the schemes administered by the Department of Community, Rural and Gaeltacht Affairs and Pobal, the agency with responsibility for the administration of the RAPID programme, that is, RAPID I and II, local drugs task force and CLÁR areas.

Projects identified as being located in areas designated as disadvantaged are targeted and prioritised in a number of ways during assessment of applications under the programme. They are permitted to have a lower level of own funding available — 20% as against the normal 30% — towards their project and also receive a higher assessment score under a number of assessment criteria. In addition, applications which include programmes aimed at improving social inclusion also receive higher assessment scores.

Over the period 2001-05, a total of €141 million was allocated under the sports capital programme to almost 1,500 projects in respect of the provision of facilities in areas categorised as disadvantaged. In addition, successful projects located in CLÁR and RAPID areas may qualify

to receive additional top-up funding, payable by the Department of Community Rural and Gaeltacht Affairs, in addition to their sports capital allocation. In the case of projects located in CLÁR areas, this top-up funding can be up to 20% of the sports capital grant amount; in the case of projects located in RAPID areas which are also endorsed by their local area implementation team, the top-up funding can be up to 30%.

My Department continues to liaise closely with both the Department of Community, Rural and Gaeltacht Affairs and Pobal with regard to continuing to prioritise applications for sports capital funding from areas designated by Government as disadvantaged.

The local authority swimming pool programme, which is also administered by my Department, provides grant aid towards the capital costs of a new swimming pool, a replacement pool or the refurbishment of an existing pool. The programme provides for a maximum grant level of 80% of eligible costs — 90% in the case of disadvantaged areas — subject to a maximum of €3.8 million. The current round of the swimming pool programme was closed to applications on 31 July 2000 and the priority in relation to the programme is to support the 57 projects which applied for funding prior to the closing date. Since 2000, just over €93 million has been allocated towards the cost of swimming pool projects.

I am sure the Deputy will agree that, given the massive increase in investment I have outlined, it is clear there has been a significant improvement in the level of sport and recreational facilities being provided in communities all over the country. However, my Department is continually assessing the economic and social potential of sport and has established an inter-agency steering group to oversee the development of a sports facilities strategy.

Section 847A of the Taxes Consolidation Act provides for a scheme for tax relief for relevant donations to approved sports bodies towards the funding of sports capital projects. Approved sports status can be awarded by my Department for suitable capital projects, allowing for tax relief to be claimed by a club on donations towards the project that exceed the minimum qualifying threshold of €250 per annum. Full details of the tax relief scheme are available on my Department's website at www.dast.gov.ie.

Sport and Recreational Development.

330. **Aengus Ó Snodaigh** asked the Minister for Arts, Sport and Tourism the steps which are being taken by his Department to promote sport on an all Ireland basis. [9006/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The Irish Sports Council and the Sports Council for Northern Ireland have an

excellent working relationship and engage in a number of joint initiatives, such as the code of ethics and good practice for children's sport, the all-island sports development conference and programmes such as Youth Sport West. The high level all-island planning group, which includes the chairperson and chief executive of each council, meets on a regular basis to ensure consistency in policy and practice in sports development. There is co-operation on such issues as research, development of high performance sport and anti-doping. The group ensures that there is no duplication of effort in planning and support for governing bodies of sport and individual athletes.

Regular meetings take place between officials of my Department and the Department of Culture, Arts and Leisure at which sporting topics are discussed to the mutual benefit of each Department.

The selection of London last July as the host city for the 2012 games offers Ireland an unprecedented opportunity for businesses, tourism and sport. I have met David Hanson MP, Northern Ireland's Minister for Culture, Arts and Leisure for discussions on a number of sports issues, including the opportunities in relation to London hosting the 2012 summer Olympic Games and Paralympic Games. The Minister and I agreed there were tremendous opportunities for both Northern Ireland and the Republic to benefit from the games. The existing close working relationships both at departmental and sports council levels will provide a solid basis upon which to maximise the opportunities ahead. I have also discussed the situation with Richard Caborn MP, the British Minister for Sport, who has warmly welcomed the approach being undertaken on an all-island basis here.

Question No. 331 answered with Question No. 327.

Appointments to State Boards.

332. **Mr. Boyle** asked the Minister for Arts, Sport and Tourism further to Parliamentary Question No. 707 of 25 January 2006, the state boards or bodies to which the 157 appointments were made under the aegis of his Department since 2002. [9226/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I wish to refer the Deputy to Parliamentary Question No. 162 of 2 March 2006 which gives the most up-to-date information on appointments to State boards under the aegis of my Department.

Questions Nos. 333 and 334 answered with Question No. 324.

Swimming Pool Projects.

335. **Mr. Ó Fearghail** asked the Minister for Arts, Sport and Tourism the progress achieved to date towards the delivering of a new swimming pool complex for the community at Athy, County Kildare; when the project will move to construction phase; and if he will make a statement on the matter. [9380/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Under the local authority swimming pool programme, there are four stages in the development of a swimming pool project. These are, in order of progress, feasibility study-preliminary report; contract documents; tender; and construction. My Department's technical advisers, the Office of Public Works, evaluate each stage and prior approval is required before local authorities can proceed from one stage to the next. Grant aid is formally allocated when the tender for the project is approved.

I approved the contract documents submitted by Kildare County Council for the proposed replacement swimming pool in Athy town in June 2005. This approval allowed Kildare County Council to invite tenders for the work proposed. The matter will be considered further when the council submits the tender documentation for the project to my Department.

Physical Education Facilities.

336. **Mr. Ring** asked the Minister for Arts, Sport and Tourism if funding will be provided to upgrade the sports hall floor in a school (details supplied) in County Mayo. [9602/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): In my reply to Parliamentary Question No. 2702 on 26 January 2006 the Deputy was advised of the position regarding the project in question. There has been no change in the position since then. The national lottery funded sports capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and national level throughout the country. The programme is advertised on an annual basis.

Schools may only apply for funding jointly with local sports clubs or community groups and must: show a clear need for the proposed sports facility in the area as formally agreed with other local groups and-or the local authority; show how the proposed facility will meet that need; and show that the local community will have significant access to the proposed facility when it is not being used by the school or college. In this regard, significant access is a requirement for a minimum of at least 30 hours a week throughout the year. Applications from primary and post-primary

schools and colleges on their own will not be considered under the programme.

Applications for funding under the 2006 programme were invited through advertisements in the press on 27 and 28 November last. The closing date for receipt of applications was 20 January 2006. All applications received before the deadline, including one from the organisation in question, will be evaluated against the programme's requirements and assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed.

Decentralisation Programme.

337. **Mr. McGuinness** asked the Minister for Enterprise, Trade and Employment the number of staff who have requested to relocate to Thomastown, County Kilkenny, from the Health and Safety Authority or elsewhere as part of the programme of decentralisation; the timeframe for the move; the progress to date; and if he will make a statement on the matter. [9031/06]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): I understand from the Health and Safety Authority that the number of staff who have requested to relocate to Thomastown based on central applications facility applications are 11 existing HSA staff; 41 civil servants; and ten other public servants. In addition, the authority has recruited or promoted 18 staff who have signed contracts which contain a Thomastown relocation clause.

As regards the timeframe for the move, the authority has been advised by the OPW that the site procurement is in the final stages and that the current timeline for availability for occupancy is mid-2008. The authority is also actively seeking an interim base in Kilkenny city to accommodate 21 staff who are in the process of recruitment for the registration, evaluation and authorisation of chemicals strategy and some serving staff who wish to move in advance of the Thomastown premises being made available. All staff who move in the interim to Kilkenny city will transfer to Thomastown when the premises are complete.

With regard to progress to date, I have been advised by the authority that a detailed implementation plan has been prepared and submitted to the decentralisation implementation group. This plan was considered and approved by the board of the authority and is reviewed on a regular basis having regard to any developments that have taken place in the meantime. The matter is under active discussion with the staff unions at the authority's industrial relations council.

Employment Agencies.

338. **Dr. Upton** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the fact that many non-national contract workers who obtain work through employment agencies receive no pay when there is no work and cannot claim benefits; and if he will make a statement on the matter. [8846/06]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): The practice in the employment agency sector in Ireland is that, in general, temporary employment agency workers are not paid by employment agencies while such workers are out of work. Accordingly, the position of non-national temporary employment agency workers is exactly the same as for Irish temporary employment agency workers. Such workers can seek other employment.

It is not unreasonable for employment agencies not to pay temporary employment agency workers while they are out of work as the situation would be the same for non-employment agency workers who are unemployed. The Deputy will be reassured to know that employment agencies are, in general, not granted permits to employ non-EU nationals. The question of the payment of social welfare benefits to non-national temporary agency workers while they are out of work is a matter for my colleague, the Minister for Social and Family Affairs.

Departmental Staff.

339. **Mr. Connolly** asked the Minister for Enterprise, Trade and Employment the number of persons with disabilities employed in his Department; the percentage of the total staff that this represents; the human resources policy of his Department with regard to the recruitment of persons with disabilities; the qualification criteria for persons with disabilities; and if he will make a statement on the matter. [8898/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): Currently, 44 people are employed in my Department who are recorded as having a disability, representing 4.5% of the total staff number. My Department therefore exceeds the 3% target for the employment of people with disabilities required of all Departments.

The Public Appointments Service, following approval from the Department of Finance, undertakes the recruitment of staff to all Department posts, including my Department. Provided the qualifying criteria for each particular competition are satisfied, persons with disabilities are eligible to compete in all such competitions. Every effort is made to ensure that the particular needs of staff with disabilities are met throughout the

selection process. Furthermore, my Department is to participate in the willing able mentoring, WAM, project during this summer. The WAM project, which is administered by the Association of Higher Education Access and Disability, aims to provide temporary placements with public and private sector employers to graduates with disabilities.

Hazardous Substances.

340. **Mr. J. O'Keeffe** asked the Minister for Enterprise, Trade and Employment if, in view of the inherent risks posed by the inappropriate use of aerosol cans, legislation will be introduced to oblige manufacturers to indicate clearly these risks in a similar manner to the warnings carried on cigarette packages; his views on restricting the sale of such products to over-18s; and if he will make a statement on the matter. [8924/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): The principal legislative provisions covering warning labels on dangerous substance products are contained in the European Communities (Classification, Packaging, Labelling and Notification of Dangerous Substances) Regulations 2003 and the use of products by the European Communities (Dangerous Substances and Preparations) (Marketing and Use) Regulations 2003. These regulations are enforced by the Health and Safety Authority and implement and transpose into Irish law the latest EU directives in the dangerous substances area. Implementation of the regulations governing the labelling and use of dangerous substances is designed to alert users in the most effective manner as to the potential dangers associated with such products and to heighten the general level of awareness of the public in their use of substances of this nature.

With specific regard to aerosols, I draw the Deputy's attention to the European Communities (Aerosol Dispensers) Regulations 1977 and the European Communities (Aerosol Dispensers) (Amendment) Regulations 1995, which address issues related to the manufacture, filling, marketing and labelling of aerosol dispensers. In addition, the European Communities (General Product Safety) Regulations 2004 place a requirement on producers and distributors to ensure that the products they place on the market do not pose a hazard to consumers. Enforcement of these regulations is the responsibility of the Director of Consumer Affairs. The director is given authority to ensure that products placed on the market are safe and that producers and distributors of such products comply with their obligations under these regulations.

Work Permits.

341. **Mr. Hogan** asked the Minister for

[Mr. Hogan.]

Enterprise, Trade and Employment the reason that approvals for work permits in respect of forestry employees is difficult and slow; the consequent impact on business; and if he will make a statement on the matter. [8949/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): It is Government policy that employers should be able to source their workforce needs from within the European Economic Area, except in cases where high levels of skills and qualifications are required for the job and such skills are not available within this area. Work permit applications in respect of forestry workers would be refused on the grounds that they are not highly skilled and highly paid.

Industrial Development.

342. **Mr. O'Shea** asked the Minister for Enterprise, Trade and Employment the discussions he has had with Enterprise Ireland and IDA Ireland regarding the declining numbers of jobs being created by their client companies in the Waterford constituency; and if he will make a statement on the matter. [9063/06]

343. **Mr. O'Shea** asked the Minister for Enterprise, Trade and Employment the number of jobs lost in the Waterford constituency in IDA and Enterprise Ireland client companies in the years 2002 to 2005; and if he will make a statement on the matter. [9065/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): I propose to take Questions Nos. 342 and 343 together.

Job creation and retention are matters for the development agencies concerned and not ones in which I have a direct function. I am informed that data on job gains and losses are compiled from the annual employment survey carried out by Forfás. The following figures indicate the number of jobs lost by the client companies of Enterprise Ireland and IDA Ireland in the period 2002 to 2005. It should be noted that, as the Forfás employment survey for 2005 is now being completed and is in the process of being analysed, the figures are provisional and subject to change. The number of jobs lost in Waterford by Enterprise Ireland client companies for the years 2002, 2003, 2004 and 2005 were 527, 269, 549 and 583, respectively. The number of jobs lost in Waterford by IDA Ireland client companies for the years 2002, 2003, 2004 and 2005 were 241, 174, 339 and 132, respectively.

The Forfás figures indicate a net gain in jobs in IDA supported companies in County Waterford, increasing from 5,334 in 2002 to 5,800 in 2005. In Enterprise Ireland supported companies, the figures indicate a net loss in jobs over the same

period, decreasing from 5,728 in 2002 to 5,246 in 2005. The major contributor to the job losses in Enterprise Ireland companies was the redundancy programme in Waterford Crystal which involved a total of 485 jobs. This involved the closure of its Dungarvan plant as well as further downsizing in its main plant in Kilbarry, County Waterford.

In terms of job creation, Enterprise Ireland activity is focused on the creation of new jobs through supporting entrepreneurs, setting up new high potential start-up companies, the retention and creation of new jobs in existing companies and enhancing the innovation capability of Ireland at a national and regional level through support of research in companies and third level institutions.

Since the beginning of 2003, Enterprise Ireland approved support of more than €8.4 million and made payments of more than €8 million in County Waterford to support investment in areas such as research and development, capability building and process development. In addition, Enterprise Ireland staff provide supports for companies engaging in a range of international activities.

Enterprise Ireland also assists with the development of infrastructure to support start-up businesses and facilitate job creation and has provided €2.54 million for the construction of an incubation centre at the Waterford Institute of Technology. The centre has now been completed and the first tenants have recently taken up residence. Enterprise Ireland also provided funding for the development of 13 community enterprise centres in the south-east region over the past ten years, four of which are in County Waterford. As the gateway location for the south east, IDA Ireland is seeking to develop Waterford city as a first-class location for overseas investment with the necessary infrastructure, skills availability and support services capable of attracting investment into Waterford and the entire region. The key greenfield sectors being targeted are pharmaceuticals, medical technologies, ICT and international services. IDA Ireland is developing a major greenfield site at Belview, three miles from Waterford city, which will be capable of accommodating large-scale utility intensive industry, most likely in the pharmaceutical and ICT sectors. In addition, IDA Ireland is continuing to actively market its new 70 acre business and technology park on the Cork Road in Waterford city through its network of overseas offices.

In 2005 the US financial services company, Bisys Hedge Fund Services, announced plans to establish a new hedge funds operation in IDA Ireland's business and technology park in Waterford which will create 250 new jobs over five years. Further announcements regarding job creation in IDA Ireland supported companies over the last few years include a new centre in

Waterford for Ubiquis which will create 69 jobs, an expansion by ABB Transformers providing an additional 70 jobs and an expansion by AOL of its contact centre in Waterford providing 125 new jobs.

EU Directives.

344. **Mr. Quinn** asked the Minister for Enterprise, Trade and Employment if he will confirm that EU Directive 2003/10/EC was implemented by 14 February 2006; if the directive was not implemented by that date, the reason Ireland did not meet its obligations to do so; and if he will make a statement on the matter. [9301/06]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): Ireland was required to transpose this directive into national law by 14 February 2006. However this has not been possible owing to the heavy legislative workload being processed by the Health and Safety Authority. A draft statutory instrument setting out regulations to transpose the directive, which concerns the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents — noise — is being finalised by the authority.

I understand from the authority that it will shortly issue the draft regulations for public consultation for a period of 30 days in accordance with the provisions of section 57 of the Safety, Health and Welfare at Work Act 2005. When this process is complete and when due account has

been taken of any representations made, the regulations will be sent for final legal drafting in the Office of the Parliamentary Counsel.

Workplace Fatalities.

345. **Mr. Hogan** asked the Minister for Enterprise, Trade and Employment the names and addresses of the 23 construction workers who suffered fatal injuries on sites during 2004 and 2005; the location of the site in each case; the precise training in respect of each worker; and if he will make a statement on the matter. [9423/06]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): In 2004, there were 16 construction fatalities, as well as two fatalities on construction sites of workers in other sectors, and in 2005 there were 23 construction fatalities. Following is a list of those fatally injured in 2004 and 2005 on construction sites or in construction related workplace activities during that period. The list sets out the names of the deceased, the date of the accident and the site location.

The addresses of the victims and their individual training records are personal to the deceased and, accordingly, this information is not being released. In many of the cases, files have been prepared for the Director of Public Prosecutions and prosecutions are pending. In other cases, files are being prepared for consideration by the Director of Public Prosecutions. In such cases, the training record of the deceased may be used in court as evidence and release of this information could prejudice potential proceedings.

Construction Fatalities from 1 January 2004 to 31 December 2004

Date	Victim	Site Address
6 January 2004	John Byrne	Castlerea Community School, Castlerea, County Roscommon
3 February 2004	Eoin Roe O'Neill	Shannon Bridge Power Station, Shannon Bridge, County Offaly
10 February 2004	John Donnell	Gate Lodge, Church Hill, Ballinasloe, County Galway
19 February 2004	Enda Murphy	Ballinacarrig Bridge, Chapelstown, Tullow Road, County Carlow
20 February 2004	Michael McDonald	Clonfadda, Dunhill, Waterford
19 March 2004	Eric Connellan	Technological Park, Plassey, Limerick
22 April 2004	Patrick Lough	Tullyard Road, Glenties, County Donegal
26 May 2004	David Kearon	IFI site Site, Arklow, County Wicklow
17 June 2004	Martin Conroy	Ballyhane, Cappoquin, County Waterford
17 June 2004	William Cuthbertson	Kinnegad Bypass, County Kildare
10 August 2004	Colm Gibbons	Corradrehid, Strokestown, County Roscommon
11 August 2004	John Murray	Ward Brae, Corlea, Ballyshannon, County Donegal
20 August 2004	Austin Gore	Aikens Village, Lambs Cross, Sandyford, Dublin
13 October 2004	Peter Lynch	Road Works, Kilshane, Tipperary- Bansha Rd, Bansha, County Tipperary
20 October 2004	Peter Cahalan	Benamore Business Park, Roscrea, County Tipperary
10 November 2004	Joe Feehan	N6 Motor Way, Tyrellespass, Kinnegad, County Westmeath
10 November 2004	Mark Lyons	Rear Main Street, Townparks, Ballinasloe, County Galway
22 December 2004	Ashling Gallagher	N59, Murrevagh, Mulranny, County Mayo

[Mr. Killeen.]

Construction Fatalities from 1 January 2005 to 31 December 2005

Date	Victim	Site Address
11 January 2005	Tomasz Kaminski	Cois Bhearu Development, Rathstewart, Monasterevan Road, Athy, County Kildare
19 January 2005	Donal Nodwell	39, Lindville Gardens, Blackrock Road, Cork
22 January 2005	Sean McQuillan	Tullygagan, Glenties, Lifford, County Donegal
27 January 2005	Ciaran McNally	Dundalk Western Bypass, Off M1 Roundabout, Dundalk, County Louth
19 February 2005	William Helm	McDermott Tower, Main Street, Ballymun, Dublin
23 February 2005	Philip McDermot	Trumera, Mountrath, County Laois
15 March 2005	Eddie Merideth	Blocks 2/3 Gallery Quay Development, Off Charlotte Quay, Pearse Street, Dublin
29 April 2005	Joseph Connors	Road Works N62 Roscrea-Templemore Road, Roscrea to Templemore, Templemore, County Tipperary
9 May 2005	Sean Healy	Ballyclough, Mallow, County Cork
24 June 2005	Sylvester Mulvey	8, Kennington Crescent, Templeogue, Dublin
27 June 2005	Peter Fitzgerald	St. Joseph's Hospital-Construction Site, Clonmel, County Tipperary
30 June 2005	Garry Wood	Construction Site, University of Limerick, Village 5, Garraun, Clonlara, County Clare
22 July 2005	Danny Marron	Site of Extension to Baggage Hall, Dublin Airport, Dublin
5 August 2005	Shaun McGowan	Dock Road, County Limerick
9 August 2005	Ion Scurcan	Dun Brinn, Fortbarrington Road, Athy, County Kildare
31 August 2005	Trevor Furlong	Railway Square Development, Millar's Marsh Car Park, Waterford
16 September 2005	Chris Sinclair	Industrial Extension, Little Island, Cork
19 October 2005	Jacques Coetzee	Mullinadarragh, Carrigallen, County Leitrim
21 October 2005	Adrian Dwzil	Cluaininn Site, Portlaoise Road, Mountrath, County Laois
26 October 2005	Michael Burns	Housing Development, Dromneavane, Kenmare, County Kerry
23 November 2005	Padraic Daly	Lough Na Corra, Williamstown, County Galway
25 November 2005	Brendan Brambrick	Fair Green, Mountmellick Road, Portlaoise, County Laois
6 December 2005	Eoin Cahalane	Ballyrobin, Ferrybank, County Kilkenny

Job Creation.

346. **Mr. McGinley** asked the Minister for Enterprise, Trade and Employment the details of all talks engaged in by job creation agencies in his Department a company (details supplied) in County Donegal; if it is the case that the company is now transferring to another jurisdiction; and if he will make a statement on the matter. [9486/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): I understand that Enterprise Ireland met the company concerned to review its business plan to establish a manufacturing facility in County Donegal. Enterprise Ireland considered that the business plan required further development before it could consider investing in the business but confirmed that it would work with the company to develop its business proposition and the relevant application forms were provided to the company.

Enterprise Ireland later made contact with the company, which indicated that it had decided not to go ahead with the project. I understand from the agency that the company is engaged in exploring opportunities to establish a manufacturing

plant in eastern Europe and might consider setting up a related facility in Ireland at a later date. Enterprise Ireland has encouraged the company to remain in contact if it wishes to pursue this opportunity.

Social Welfare Code.

347. **Mr. P. McGrath** asked the Minister for Social and Family Affairs, further to the calculation of rent allowance, if there is a protocol in place whereby the community welfare officer would inspect an entire house, including the contents of every wardrobe in the house; and if he will make a statement on the matter. [8952/06]

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 decisions on individual claims.

To qualify for rent supplement, a person must satisfy a number of conditions. The person must be a bona fide tenant, be habitually resident in this country, have a housing need and satisfy a

means test. The means test is based on the household income. In addition, the executive must be satisfied that the accommodation is suited to the person's accommodation needs and the rent payable is within the prescribed limits. In determining whether the accommodation is suited to the person's accommodation needs, the executive must establish the household composition, the size of the accommodation unit and identify any special needs that the person may have. As part of this process, the executive normally carries out a visit to the residential premises in question. This home visit is also used to confirm the applicant's residence.

To determine ongoing entitlement to a rent supplement payment, the executive carries out regular reviews of claims. These reviews may require the landlord to confirm tenancy details, such as the household composition, the rent payable and whether rent has fallen into arrears. As part of the review process, the tenant may also be interviewed by the executive or a further home visit may be carried out. It is a matter for the executive to carry out whatever checks it considers necessary to establish entitlement to a rent supplement payment.

Social Welfare Benefits.

348. **Mr. G. Mitchell** asked the Minister for Social and Family Affairs if the rent subsidy paid to a person (details supplied) in Dublin 12 is correct; the way in which this is calculated; and if he will make a statement on the matter. [8802/06]

Minister for Social and Family Affairs (Mr. Brennan): The supplementary welfare allowance scheme, SWA, which includes rent supplement, is administered on my behalf by the community welfare division of the Health Service Executive. Neither I nor my Department have any function in relation to decisions on individual claims.

Under standard SWA rules, rent supplements are normally calculated to ensure that a person, after the payment of rent, has an income equal to the rate of SWA appropriate to their family circumstances, less a minimum contribution, currently €13, which recipients are required to pay from their own resources. Many recipients pay more than €13 because recipients are also required, subject to income disregards, to contribute any additional assessable means that they have over and above the appropriate basic SWA rate towards their accommodation costs.

The Dublin and mid-Leinster area of the Health Service Executive has advised that the person concerned was paid a proportionate amount of rent supplement for February because she was not in her accommodation unit for the full month. The person in question will receive a rent supplement of €344.20 per month from her next payment date. The details of calculation of

her rent supplement will be forwarded separately to the Deputy.

349. **Mr. McGuinness** asked the Minister for Social and Family Affairs if rent allowance and payment of a deposit will be approved in the case of a person (details supplied) in County Kilkenny; and if payment on their doctors certificates for the period 2 December 2005 to 16 January 2006 will be expedited. [8874/06]

Minister for Social and Family Affairs (Mr. Brennan):

The supplementary welfare allowance scheme is administered on my behalf by the community welfare division of the Health Service Executive. Neither I nor my Department have any function in decisions on individual claims. The supplementary welfare allowance scheme provides for exceptional needs payments to assist with essential, once-off expenditure which a person could not reasonably be expected to meet out of his or her household income or other resources. The scheme also provides for the payment of a rent supplement. The purpose of the rent supplement scheme is to provide short-term income support to eligible people living in private rented accommodation whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from any other source.

The southern area of the executive has advised that the person concerned was in receipt of rent supplement but that this payment ceased when it came to light that the person concerned was no longer resident in the accommodation. The executive further advised that it has not received any subsequent application for assistance from the person concerned for new accommodation. If the person concerned wishes to apply for rent supplement or an exceptional needs payment in respect of a rent deposit then he should contact the community welfare officer at his local health centre.

The person concerned also had a claim to disability benefit from 8 December 2005 to 21 January 2006. One of the qualifying conditions for payment of disability benefit is that the claimant must have a minimum of 13 paid qualifying contributions in one of the following years: the governing contribution year, which was 2003 in the case of the person concerned; the two contribution years preceding the governing contribution year; or a subsequent contribution year. The records of the Department show that the person concerned has no qualifying paid contributions since the 1999 to 2000 year. Consequently, he was not qualified for disability benefit. However, he does qualify for the award of credited PRSI contributions which could help to qualify him for benefit in the future.

Departmental Staff.

350. **Mr. Connolly** asked the Minister for Social and Family Affairs the number of persons with disabilities employed in his Department; the percentage of the total staff that this represents; the human resources policy of his Department with regard to the recruitment of persons with disabilities; the qualification criteria for persons with disabilities; and if he will make a statement on the matter. [8899/06]

Minister for Social and Family Affairs (Mr. Brennan): The current position in my Department is that 155 or 3.3% of the total staff of my Department are persons with disabilities. The majority of people with disabilities who are employed in my Department were recruited by way of competitions conducted by the Public Appointments Service, PAS. Persons with disabilities can avail of two recruitment processes operated by PAS, standard open competitions and confined competitions held specifically for persons with disabilities. The entry requirements and the standard necessary to pass these confined competitions are identical to those pertaining to the open competitions. My Department works closely with PAS to ensure best practice regarding the recruitment and assignment of staff with disabilities.

My Department is directly responsible for the recruitment of its services grades staff. Recruitment for these grades is conducted through advertisement with PAS. A number of services grade staff in my Department are persons with disabilities. The Department also engages in some direct recruitment of temporary staff outside Dublin to cover short-term absences such as the summer term time period or maternity leave. The Department is committed to ensuring that its human resource practices, including recruitment, are fully in line with Civil Service policy on equality of opportunity. Under that policy, a range of measures have been put in place to ensure equal opportunity and prohibit discrimination on any of the nine grounds covered by equality legislation, including disability.

Social Welfare Code.

351. **Mr. Carey** asked the Minister for Social and Family Affairs his views on extending the right to free travel for Irish pensioners living in the UK when these pensioners visit here; if discussions are under way with his UK counterpart or with the office of the British Chancellor of the Exchequer on the introduction of this measure; and if he will make a statement on the matter. [8911/06]

Minister for Social and Family Affairs (Mr. Brennan): The free travel scheme is available to all people living in the State aged 66 years or

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

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

There have been a number of requests and inquiries with regard to the extension of entitlement to free travel to Irish-born people living outside Ireland or to those in receipt of pensions from my Department, from the UK in particular. The legal advice available to me on this issue is that such proposals would be contrary to the EC treaties which prohibit discrimination on the grounds of nationality. However, I am continuing to examine all aspects of a possible scheme.

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

Social Welfare Benefits.

352. **Mr. McGuinness** asked the Minister for Social and Family Affairs if he will review the application for supplementary welfare allowance for a person (details supplied) in County Kilkenny; if he will grant the assistance applied for to cover the specific timeframe involved while the family settle their extremely difficult separation arrangements in the interests of their spouse and children. [8956/06]

Minister for Social and Family Affairs (Mr. Brennan): The supplementary welfare allowance scheme, which is administered on my behalf by the community welfare division of the Health Service Executive, provides for exceptional needs payments to assist with essential once-off expenditure which a person could not reasonably be expected to meet out of his or her household income or other resources. There is no automatic entitlement to this payment. Each application is determined by the executive based on the particular circumstances of the case. Exceptional needs payments are subject to a means test. Eligible people would normally be in receipt of a social welfare or health service executive payment.

The south-eastern area of the Health Service Executive has advised that an application for an exceptional needs payment was made by the Deputy on behalf of the person concerned on 16 February 2006. The application was refused by the executive on the grounds that the person concerned is in full-time employment and that the household income was deemed sufficient to meet expenditure needs. It is open to the person concerned to appeal this decision to the designated appeals officer of the executive.

Social Welfare Code.

353. **Mr. Kirk** asked the Minister for Social and Family Affairs his views on extending the fuel allowance to a year-round basis; and if he will make a statement on the matter. [9342/06]

Minister for Social and Family Affairs (Mr. Brennan): The aim of the national fuel scheme is to assist householders on long-term social welfare or health service executive payments with meeting the cost of their additional heating needs during the winter season. Fuel allowances are paid for 29 weeks from the end of September to mid-April. The allowance represents a contribution towards a person's normal heating expenses. In addition, many of the households concerned qualify for electricity or gas allowances.

The scheme has been improved in recent budgets. The means test has been eased and the duration of payment increased from 26 weeks to 29 weeks. The budget for 2006 provided for an increase in the rate of fuel allowance of €5 from €9 to €14, €17.90 in designated smokeless areas. Some 264,400 customers, 145,800 with basic fuel allowance and 118,600 with smokeless fuel supplement, will benefit in 2006 at an estimated cost of €125.1 million. In addition to the fuel allowance, more than 320,000 pensioners and other households qualify for electricity or gas allowances through the household benefits package payable towards their heating, light and cooking costs throughout the year at an overall cost of €109 million in 2005. As currently structured, these allowances are linked to unit energy consumption, so that these people are protected against unit price increases in electricity or gas.

There is also a facility available through the supplementary welfare allowance scheme to assist people in certain circumstances with special heating needs. If a person has an exceptional heating cost by virtue of a particular infirmity or medical condition which he or she is unable to meet out of household income, it is open to him or her to apply to the local community welfare officer for a special heating supplement under the supplementary welfare allowance scheme.

Any changes in the means rules or other conditions of the scheme would have significant cost implications and would have to be considered in

the context of the budget and in the light of the resources available to me for improvements in social welfare generally.

354. **Mr. P. McGrath** asked the Minister for Social and Family Affairs if, with regard to maternity benefit, his views on whether time spent caring for a special needs child can be assessed as contributions for the purpose of maternity benefit; if there are allowances for full-time carers of one child with special needs upon the birth of a second child; and if he will make a statement on the matter. [9357/06]

Minister for Social and Family Affairs (Mr. Brennan): Entitlement to maternity benefit is generally contingent in the first instance on entitlement to statutory leave. The right to maternity leave is established under the maternity protection legislation, which is the responsibility of my colleague the Minister for Justice, Equality and Law Reform.

Maternity benefit payments serve as a non-means tested income transfer in lieu of earnings forgone during a period of maternity leave. As with all other social insurance-based payments, the criteria set out for eligibility require a recent link to the labour force as reflected in a minimum number of contributions paid and a number paid or credited in the period prior to claiming the benefit. Women who have accrued the required number of PRSI contributions at class A, E, H or S may establish entitlement to maternity benefit. Only those employees who are entitled to statutory maternity leave or are self-employed can establish eligibility towards maternity benefit. As such, carers who provide care beyond their statutory entitlement to leave are not entitled to receive these payments.

However, my Department operates a number of schemes that cater for the needs of carers. The carer's schemes provide both means-tested and social insurance based payments. Carer's allowance is a means-tested payment directed at carers on low incomes who live with and look after certain people who need full-time care and attention. This includes those needing care due to advanced age, physical or learning disability or chronic illness. Carer's benefit is a weekly social insurance payment that supports those who are entitled to statutory carers leave and leave their job temporarily to care for someone. This payment is based on the social insurance contributions paid by the carer. Payments made under these schemes qualify for credited contributions for the duration of the payment. However, this would not be sufficient to establish entitlement to maternity benefit as there is no certification from an employer as to entitlement to statutory maternity leave.

355. **Mr. Stanton** asked the Minister for Social and Family Affairs if, with regard to the case of a person (details supplied) in County Cork, he intends to issue mandatory instruction to community welfare officers regarding the awarding of rent or mortgage interest supplements to one-parent family payment recipients who become full-time students to further their education, update their qualifications or secure future full-time employment; the way in which assessment of entitlement to rent supplement by community welfare officers can result in rent supplement being awarded in some areas but not in others; and if he will make a statement on the matter. [9428/06]

356. **Mr. Stanton** asked the Minister for Social and Family Affairs the way in which, despite the issuance of departmental circulars on supplementary welfare allowances, community welfare officers in various Health Service Executive areas have reached different conclusions on the payment of rent supplement to a one-parent family payment recipient (details supplied) in County Cork; his views on the denial of rent allowance to a one-parent family payment recipient on the basis that he or she no longer qualifies for payment owing to involvement in full-time third-level education; his further views on whether this practice is in line with his Department's policy of improving access to education and employment for lone parents; and the action he intends to take to rectify this situation. [9429/06]

357. **Mr. Stanton** asked the Minister for Social and Family Affairs the way in which a one-parent family payment recipient (details supplied) in County Cork can be deemed eligible for rent supplement in one area but deemed ineligible by a community welfare office after moving to a different area to return to full-time third level education; and if he intends to alter guidelines or introduce legislation to ensure that this discrepancy does not re-occur. [9430/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 355 to 357, inclusive, together.

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 have any function in determining entitlement in individual cases.

Under section 190(1) of the Social Welfare (Consolidation) Act 2001, people in full-time education are not eligible normally to receive assistance, including rent supplements, under the supplementary welfare allowance scheme. However, there is a special provision for retention of rent supplement by qualifying social wel-

fare scheme recipients, including people on one-parent family payment, in the specific situation where they resume full-time education after a defined period with the assistance of the back to education allowance scheme. People participating in approved courses under this facility receive a standard weekly rate of payment equivalent to the maximum rate of their relevant social welfare payment and may retain any secondary benefits, such as rent supplements, which may have been in payment prior to participating in the scheme.

Section 190(3) of the Social Welfare (Consolidation) Act 2005 provides that, in a case where there are exceptional circumstances, supplementary welfare allowance may be granted to a person who would otherwise qualify but for 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 HSE southern area has advised that it refused a claim for rent supplement from the person concerned on the basis that, as a full-time student, she did not satisfy the eligibility criteria for participation in the back to education allowance scheme and that there were no special circumstances to warrant payment of assistance on an exceptional basis. The decision to refuse rent supplement in this case was not based on the person moving to a new location but on the basis of the person becoming a full-time student. The HSE southern area advised that it is not the case that entitlement to rent supplement is assessed differently in different areas.

This decision was appealed to an appeals officer in the executive who upheld the decision of the community welfare officer. The decision was then appealed to the chief appeals officer in the social welfare appeals office who decided that in the circumstances of this particular case, rent supplement should be paid. The executive has advised that the person concerned moved back into the family home while awaiting the outcome of the appeal from the chief appeals officer.

Every case is decided by the community welfare service on the basis of the individual circumstances of the case in question. In this regard, I am satisfied that the current arrangements actively support social welfare recipients in returning to education and progressing into employment and I do not intend to issue any general instruction to community welfare officers or to introduce amendments to existing legislation in relation to the payment of rent or mortgage interest supplements to full-time students.

358. **Dr. Cowley** asked the Minister for Social and Family Affairs the reason a person (details

supplied) in County Mayo cannot be allowed participate in the back to work scheme; and if he will make a statement on the matter. [9564/06]

Minister for Social and Family Affairs (Mr. Brennan): The back to work enterprise allowance is designed to encourage the long-term unemployed to take up self-employment opportunities by allowing them to retain a reducing proportion of their social welfare payment, plus secondary benefits, over 4 years. From 1 March 2006, I have reduced the qualifying period for the back to work enterprise allowance — self employed — from the previous three years, for unemployment benefit-assistance recipients, to two years.

The person concerned has not made an application for a back to work allowance but has discussed the matter with my Department's local facilitator. He has only been in receipt of unemployment benefit since 24 January 2005 and is, therefore, not eligible for the allowance at present.

Driving Licences.

359. **Ms O. Mitchell** asked the Minister for Transport the legal procedure on the surrender of a driving licence following disqualification from driving; and if he will make a statement on the matter. [8967/06]

Minister for Transport (Mr. Cullen): In the case of a disqualification resulting from the accumulation of 12 penalty points section 5 of the Road Traffic Act 2002 provides for a notification to be sent to the driver specifying that he or she will be disqualified for holding a licence for six months and directing that the licence held by him or her be submitted to the licensing authority that granted the licence not later than 14 days from the date of disqualification.

In the case of a disqualification handed down by the court, Article 45 of the Road Traffic (Licensing of Drivers) Regulations 1999 requires that the licence of the disqualified person be delivered to the court within five days of the coming into operation of the court order. The court endorses the licence and forwards it to the licensing authority. Under Article 52 of said regulations the licensing authority retains the licence until expiration or removal of the disqualification.

Question No. 360 answered with Question No. 151.

361. **Mr. Kenny** asked the Minister for Transport the statistics for the years 2002, 2003, 2004 and 2005 for the number of driving licences issued for class A, B, C, D and E and the number of provisional driving licences for cars only differentiating between first time provisional driving licences and second or subsequent provisional

driving licences; and if he will make a statement on the matter. [9221/06]

Minister for Transport (Mr. Cullen): The information sought by the Deputy has been requested from the Department of the Environment, Heritage and Local Government which holds and administers the national driver file and will be forwarded to the Deputy when it is available.

State Assets.

362. **Ms Shortall** asked the Minister for Transport the proposed method of disposal of the State share in Aer Lingus; and if he will provide the rationale for same. [9519/06]

364. **Mr. Crowe** asked the Minister for Transport if, in view of the ongoing success and prosperity of Aer Lingus and its strategic importance to the State, he will agree to put a halt to his plans to privatise this company. [9567/06]

Minister for Transport (Mr. Cullen): I propose to take Question Nos. 362 and 364 together.

I refer the Deputies to my reply to Questions Nos. 50 and 53 today.

Traffic Management.

363. **Mr. Eamon Ryan** asked the Minister for Transport if he, his department or his Minister of State has made representations to Dublin City Council with regard to the proposed new heavy goods vehicle management strategy which is due to be introduced following the opening of the Dublin Port tunnel; his views on the contention of the consultants hired by Dublin City Council that following the opening of the tunnel there should not be the provision for free access to and from the port from the south side of the river due to the continued problems that such provision would create for the residential areas on any such port access route. [9522/06]

Minister for Transport (Mr. Cullen): Preparation and adoption of the HGV traffic management strategy to ensure optimum use of the Dublin Port tunnel by HGV traffic is a matter in the first instance for Dublin City Council. My Department's formal role will be to put in place the necessary regulatory framework as regards traffic signs, etc. to support the strategy.

As a major new element in Dublin's road network, the Dublin Port tunnel will have a major beneficial impact on traffic flow in the Dublin area. It will be of particular benefit in facilitating improved access to Dublin Port for HGVs while reducing HGV traffic in the city. My Department's primary objective is to ensure that those benefits are realised. I am very conscious of the need to co-ordinate the commissioning of the completion of the Dublin Port tunnel with the

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upgrade of the M50. My officials and I are consulting all stakeholders, including Dublin City Council, to ensure that a co-ordinated traffic management strategy is developed for the opening of the tunnel. The HGV management strategy is an important part of this process.

It is not for me to give a determination to Dublin City Council on specific issues such as access to the port from the south side of the river. My focus is to bring about a co-ordinated strategy that will balance the needs of all concerned. I will, however, continue to liaise with Dublin City Council so that I may be assured that the primary objective of the Department is achieved in a manner which maximises the overall traffic benefit of the tunnel.

Question No. 364 answered with Question No. 362.

Driving Tests.

365. **Mr. Connolly** asked the Minister for Transport the number on driving test waiting lists in each category in each county; the waiting time for each county; and if he will make a statement on the matter. [8866/06]

Minister for Transport (Mr. Cullen): Statistical information on the waiting list for driving tests is not broken down by vehicle category or county. The number of applicants waiting in each test centre and the waiting times in each centre is set out in the following table.

Driving Test Applicants on waiting list — 27/02/06

Centre	Applications	Average Weeks Waiting
<i>North Leinster</i>		
Finglas	11,510	29
Dundalk	3,795	33
Mullingar	1,814	21
Navan	5,010	41
Raheny	7,887	37
<i>South Leinster</i>		
Churchtown	11,999	33
Gorey	2,413	46
Naas	6,330	34
Tullamore	1,999	40
Wicklow	2,782	41
Tallaght	9,973	35
<i>West</i>		
Athlone	1,211	26
Birr	1,350	33
Castlebar	2,109	25

Centre	Applications	Average Weeks Waiting
Clifden	334	22
Ennis	1,427	27
Galway	3,608	37
Loughrea	1,143	28
Roscommon	1,123	29
Tuam	1,222	32
<i>North West</i>		
Ballina	1,065	29
Buncrana	704	21
Carrick-on-Shannon	935	26
Cavan	1,685	28
Donegal	1,242	41
Letterkenny	2,291	34
Longford	970	26
Monaghan	1,157	23
Sligo	1,742	25
<i>South East</i>		
Carlow	2,387	37
Clonmel	1,963	40
Dungarvan	1,425	47
Kilkenny	1,669	25
Nenagh	776	34
Portlaoise	1,847	25
Thurles	1,026	41
Tipperary	1,108	43
Waterford	2,778	31
Wexford	2,209	29
<i>South West</i>		
Cork	7,519	29
Killarney	1,823	35
Kilrush	533	33
Limerick	4,246	44
Mallow	2,173	36
Newcastle West	1,724	30
Shannon	1,035	44
Skibbereen	1,872	37
Tralee	1,567	21
<i>Region Totals</i>		
North Leinster	30,015	
South Leinster	35,495	
West	13,526	
North West	11,791	
South East	17,187	
South West	22,494	
Total	130,508	

366. **Mr. Connolly** asked the Minister for Transport the number of driving tests carried out in each category in each year since 2002; the success rate in each category yearly; and if he will make a statement on the matter. [8867/06]

Minister for Transport (Mr. Cullen): Information on the number of driving tests carried out

in each category in each year since 2002 is set out in the following table.

Driving Test Results by Vehicle Category

Category Description	Category	2005		2004		2003		2002	
		Totals	% Pass	Totals	% Pass	Totals	% Pass	Totals	% Pass
Motorcycle (exceeding 125cc)	A	2,938	70.5	3,073	72.8	2,616	71.5	2,728	72.8
Motorcycle (51-125cc)	A1	650	42.9	733	45.7	825	46.7	854	49.8
Motorcycle (not exceeding 50cc and/or 45km/h)	M	48	35.4	43	46.5	49	38.8	40	47.5
Car	B	124,271	52.2	141,134	52.7	143,772	53.4	136,772	53.0
Truck (G.V.W. exceeding 7,500 kg)	C	5,558	66.4	5,254	67.0	5,449	66.9	4,934	68.2
Truck (G.V.W. 3,501-7,500 kg)	C1	337	75.7	137	67.2	158	68.4	122	66.4
Bus	D	1,116	66.4	1,046	69.3	1,020	67.5	900	68.4
Minibus (9-16 passenger seats)	D1	752	68.0	696	65.8	758	62.5	809	60.9
Car + Trailer	EB	119	74.8	116	74.1	48	79.2	45	73.3
Truck + Trailer	EC	1,686	70.9	1,730	74.2	1,678	76.6	1,747	75.4
C1 Truck + Trailer	EC1	2	50.0	2	100.0	5	0.0	0	0.0
Bus + Trailer	ED	0	0.0	0	0.0	0	0.0	0	0.0
Minibus + Trailer	ED1	0	0.0	2	50.0	1	0.0	0	0.0
Work vehicle/Tractor	W	23	95.7	17	88.2	36	88.9	32	81.3
Total	14	137,500	53.6	153,983	54.0	156,415	54.5	148,983	54.3

Departmental Staff.

367. **Mr. Connolly** asked the Minister for Transport the number of persons with disabilities employed in his Department; the percentage of the total staff that this represents; the human resources policy of his Department with regard to the recruitment of persons with disabilities; the qualification criteria for persons with disabilities; and if he will make a statement on the matter. [8900/06]

Minister for Transport (Mr. Cullen): There are 22 civil servants with disabilities employed in my Department, representing approximately 3% of the overall staff complement. My Department operates under the code of practice for the employment of people with disabilities in the Civil Service and is involved with the willing able mentoring, WAM, project. The project aims to give between three to six months quality work experience to graduates with disabilities.

Public Transport.

368. **Mr. Penrose** asked the Minister for Transport if his Department has received an application for clearance to operate a local link bus from an organisation (details supplied) for the greater Mullingar area; if same will be processed as it is required in the context of ongoing development and the significant increase in population around Mullingar; and if he will make a statement on the matter. [8917/06]

Minister for Transport (Mr. Cullen): My Department does not have a notification from the operator referred to by the Deputy to operate a local bus service in Mullingar, County Westmeath.

Rail Services.

369. **Mr. Carey** asked the Minister for Transport if, as part of Transport 21, consideration is being given to providing a Luas line or a metro link to the rapidly expanding Finglas area including Finglas village; and if he will make a statement on the matter. [8993/06]

Minister for Transport (Mr. Cullen): The Finglas area has been given consideration in the provision of Luas and metro links contained in Transport 21. The Railway Procurement Agency, RPA, is preparing a detailed implementation plan for the metro north line. This includes the initial public consultation on route options, which was launched on 28 February 2006. The RPA has carried out a feasibility study and a preliminary environmental assessment of possible alignments for metro north. This study identified three broad corridor options, including the west route option through the Finglas area.

The west route starts at St. Stephen's Green, continues through the city centre with possible stops at Tara Street and the Rotunda Hospital, travelling through Broadstone, Liffey Junction, Finglas, Finglas North, turning east to the airport, and on to Swords, Swords Estuary and the terminus at Lissenhall.

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The final route and location of stops will be defined through the public consultation and statutory approval process. However the RPA's evaluation to date indicates that the central route via Ballymun is strongest from a number of points of view, including construction feasibility, fulfilling transport needs and capital cost. Added to this the RPA will also give consideration to an alignment through the Finglas area in the proposed routes for metro west. This project, which is also included for funding under Transport 21, is an orbital line from Tallaght via Liffey Valley, Blanchardstown to Ballymun. The detailed planning work, public consultation and the statutory approval process will determine the precise route that metro west will take.

Transport 21 also contains a Luas line from the city centre via Broadstone to Liffey junction in Cabra. The Dublin Transportation Office's A Platform for Change provides for a continuation of this line via Finglas to Sillogue. Transport 21 has a provision for funding for a feasibility study on extending the Luas line from Liffey Junction via Finglas to Sillogue. However, funding to bring this proposal to construction is not included in Transport 21.

State Assets.

370. **Mr. Bruton** asked the Minister for Transport his plans to publish a policy evaluation on the question of the sale of shares in Aer Lingus; and if the Government has appointed advisors to examine the issues independently of the advice being obtained by the management and board of the company. [8995/06]

Minister for Transport (Mr. Cullen): In my reply to Questions Nos. 50 and 53, I have set out the reasons for the Government's decision to dispose of a majority shareholding in Aer Lingus.

Following a competitive tender process, UBS and AIB Capital Markets were appointed to provide financial advice and assistance to both myself and the Minister for Finance in relation to an Aer Lingus sale or investment transaction. William Fry and Freshfields Bruckhaus Deringer were appointed as legal advisers for the assignment. I can confirm that these advisers are independent of the advisers appointed by the management and board of Aer Lingus.

The first phase of the advisers' work was to recommend the most appropriate transaction mechanism and advise on the size and timing of a transaction. The advisers submitted their report before the end of last year and the key conclusions and recommendations are being considered by myself and the Minister for Finance. No decision has yet been made on the basis on which the investment transaction will be implemented.

Question No. 371 answered with Question No. 151.

Question No. 372 answered with Question No. 91.

EU Directives.

373. **Mr. Quinn** asked the Minister for Transport if he will confirm that EU Directive 2005/12/EC will be implemented before 11 March 2006; if the directive will not be implemented by then, the reason Ireland will not meet its obligations to implement this directive before the deadline; and if he will make a statement on the matter. [9310/06]

Minister for Transport (Mr. Cullen): To transpose EU Directive 2005/12/EC, I signed the European Communities (Merchant Shipping) (Ro-Ro Passenger Ship Survivability) (Amendment) Rules 2006 on 20 February 2006.

374. **Mr. Quinn** asked the Minister for Transport if he will confirm that EU Directive 2005/21/EC will be implemented before 8 March 2006; if the directive will not be implemented by then the reason Ireland will not meet its obligations to implement this directive before the deadline; and if he will make a statement on the matter. [9311/06]

Minister for Transport (Mr. Cullen): Directive 2005/21/EC, adapting to technical progress Council Directive 72/306/EEC relating to emissions of pollutants from diesel engines for use in vehicles, was transposed into Irish law by the European Communities (Motor Vehicles Type Approval) (Amendment) (No. 2) Regulations 2005, SI 783 of 2005. The directive provides for technical amendments to the requirements on manufacturers under EU type approval law with regard to diesel engines for use in vehicles in regard to emissions of pollutants. The new arrangements will apply from 9 March 2006.

Departmental Programmes.

375. **Ms O. Mitchell** asked the Minister for Transport the work programme for 2006 of his Department's road haulage division; the work carried out by this division in 2005; and if he will make a statement on the matter. [9320/06]

Minister for Transport (Mr. Cullen): As part of a reorganisation of the road haulage functions of my Department earlier this year, the operator licensing functions are now in a division which also deals with motor insurance and intelligence transport systems. The control of drivers' hours and rest periods and general enforcement functions are in a division dealing with vehicle standards and their enforcement. It is the intention that these latter functions would transfer to the

Road Safety Authority when the Road Safety Authority Bill is passed into law.

Each functional area has a separate work programme for the year the main elements of which are operator licensing, with the issue of road freight carriers' licences and road passenger transport operators' licences, including the issue of community authorisations, permits, certificates of professional competence and letters of attestation to drivers who are not EU nationals; enforcement, with enforcement of drivers' rule and rest periods and issue of digital smart card to all lorry and bus drivers, operators and workshops; and the general area. Both divisions will continue with preparations for decentralisation to Loughrea in accordance with the Government's decentralisation programme; upgrading the current IT database system; implementation of the recommendations of the strategy for the successful development of the Irish road haulage agreed between the Minister of State and IRHA last Easter; reviewing and, as appropriate, amending existing legislation to improve licensing rules.

In 2005, in addition to licensing and enforcement functions, the road haulage division prepared the necessary legislation for the Minister on implementing EU directives on drivers' hours and rest periods and the working time directive; and placing a requirement on all licensed road haulage and bus operators to have a adequate parking facilities for the vehicles they operate. The technical preparations necessary for the issue of digital smart cards were also completed. A system of discs to be displayed on all lorries and buses operated by licensed operators was also introduced which avoids the need to operators to have vehicles plated by the Garda Síochána.

Road Traffic Offences.

376. **Ms O. Mitchell** asked the Minister for Transport if on-the-spot fines for illegal or non-compliant haulage operators has been implemented; if not, the reason for same; and if he will make a statement on the matter. [9321/06]

Minister for Transport (Mr. Cullen): Section 16 of the Road Transport Act 1999 provides for on the spot fines in lieu of prosecution for offences under the Road Transport Acts and EU drivers hours and working time regulations. The commencement of this section has been the subject of discussions with the Attorney General's Office and the advice now is that an enabling provision in primary legislation will be required to ensure compatibility with current fixed penalty charges legislation before this section can be brought into effect. I propose to include this enabling provision in the new Road Traffic Bill, which is being prepared in my Department.

Driving Tests.

377. **Mr. Perry** asked the Minister for Transport if his attention has been drawn to the fact that a person (details supplied) only received nine days' notification of their driving test, which they had to cancel as the letter was dated 9 January 2006, and they did not have the ten days for notification of cancellation; if a new date will be arranged; and if he will make a statement on the matter. [9372/06]

Minister for Transport (Mr. Cullen): In the case of this application a letter was attached from the employer stating that he needed a test date urgently. A test was organised at short notice, which the applicant cancelled. A further driving test will now be arranged for the person concerned shortly.

Question No. 378 answered with Question No. 135.

Cycle Facilities.

379. **Mr. Durkan** asked the Minister for Transport if he will allow access to cycle lanes for motor cyclists; and if he will make a statement on the matter. [9444/06]

Minister for Transport (Mr. Cullen): The use of cycle lanes is provided for in the Road Traffic (Traffic & Parking) Regulations 1997 and 1998. These lanes are reserved for use by cyclists to facilitate and promote cycling as a mode of transport in urban areas. On the grounds of road safety I have no proposals to amend the current regulations to grant access to motorcyclists to use cycle lanes or cycle tracks.

Road Traffic Offences.

380. **Mr. Durkan** asked the Minister for Transport the number of people who have so far incurred the maximum number of penalty points; if such people have had to take a new driving test or have had their licence suspended or endorsed; and if he will make a statement on the matter. [9446/06]

Minister for Transport (Mr. Cullen): In accordance with the provisions of section 2 of the Road Traffic Act 2002, penalty points are endorsed on the entry in the licence record relating to the person and not on the driving licence. The Department of the Environment, Heritage and Local Government, on receipt of notifications from the Garda Síochána or the Courts Service that a fixed charge has been paid, or a person has been convicted of a penalty point offence, endorses the licence record in the national driver file with the appropriate number of penalty points and issues a notification to the person concerned.

The Department of the Environment, Heritage and Local Government has advised that at 17

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February 2006, 21 licence holders had accumulated 12 points, 16 of whom were disqualified at that date and 5 of whom have been notified that they will be disqualified with effect from 28 days after the date of the notice that they had accumulated 12 points. In addition there are 28 drivers whose disqualification period of six months has expired and who are no longer disqualified.

Any driver who accumulates 12 points is disqualified for a period of six months under section 3 of the Road Traffic Act 2002 and is directed, under section 5 of that Act to surrender his or her licence to the licensing authority that granted the licence. It is not necessary to resit the driving test in these circumstances.

Air Transport Services.

381. **Mr. Durkan** asked the Minister for Transport the extent to which scheduled air transport services linking all the major towns and cities in Ireland is envisaged; and if he will make a statement on the matter. [9448/06]

Minister for Transport (Mr. Cullen): In the EU there is an open skies policy in which airlines are free to operate what routes they choose, including domestic routes, provided they satisfy the necessary requirements.

The provision of scheduled air services between the major towns and cities in Ireland is essentially a matter for airlines, if they consider there would be a demand for a particular service on a particular route. This is not a matter in which I or my Department would normally be involved, except as regards public service obligation, PSO, air services. Member states of the EU are allowed to provide financial compensation for the operation of PSO air services to regional airports where it would not be economically viable for airlines to operate on a commercial basis. In 2005, I announced the award of contracts for the provision of PSO services from 2005 to 2008 on routes linking Dublin with the regional airports in Galway, Kerry, Sligo, Donegal, Knock and City of Derry. There are no plans to expand this programme as the existing network of PSO routes is sufficient for the air access needs of the regions concerned.

Ireland is adequately served by a network of airports, both international and regional. Furthermore, road and rail transport links between major towns and cities have improved significantly in recent years and further major improvements are planned as part of Transport 21.

Road Network.

382. **Mr. Durkan** asked the Minister for Transport if remedial works on the port tunnel have been effective; if any examination has been done as to the reason leaking took place; and if he will make a statement on the matter. [9449/06]

Minister for Transport (Mr. Cullen): The planning, design and implementation of national road improvement projects, including the Dublin Port tunnel, is a matter for the National Roads Authority, NRA, and the local authorities concerned, in this case, Dublin City Council. I understand from the NRA that dealing with water infiltration during the construction phase is part and parcel of the process of building any tunnel that passes below the surrounding ground water level. It is routinely encountered and dealt with on tunnel projects throughout the world and is being similarly dealt with in the Dublin Port tunnel. If remedial measures are called for at any stage, the contractor is required to implement them at its own expense.

The contractor on the project is operating a planned programme of addressing remaining items of work on the project, including carrying out any remedial works identified as necessary. The work is still ongoing and I am informed that all remedial works completed to date have been effective and satisfactory. The contractor on the project carries the obligation to complete the tunnel to the high standards set out in the construction contract and Dublin City Council and its construction supervisors will ensure that that is the case.

Question No. 383 answered with Question No. 117.

Question No. 384 answered with Question No. 98.

Rail Network.

385. **Mr. Durkan** asked the Minister for Transport the full extent of the availability of rolling stock on all rail routes; and if he will make a statement on the matter. [9452/06]

387. **Mr. Durkan** asked the Minister for Transport the extent of the commuter capacity of each of the rail stations throughout north Kildare; the extent to which it is expected to increase passenger numbers; the timescale for such; and if he will make a statement on the matter. [9454/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 385 and 387 together.

I have asked Iarnród Éireann to compile the information requested by the Deputy and forward it to him when completed.

Question No. 386 answered with Question No. 57.

Question No. 387 answered with Question No. 385.

388. **Mr. Durkan** asked the Minister for Transport the programme for increased capacity of the rail line through Sallins, Newbridge and Kildare;

and if he will make a statement on the matter. [9455/06]

Minister for Transport (Mr. Cullen): Significant service improvements are planned for the Kildare commuter route over the coming years. Transport 21 provides the funding for the implementation of the Kildare route project. The project involves the quadrupling of a critical section of the Kildare line between Cherry Orchard and Hazelhatch. The project will allow separation of long distance and commuter services and improve speed, capacity and frequencies for commuter, regional and intercity services.

The public inquiry into the project was held from 24 January 2006 to 2 February 2006. I will make a decision on the granting of the railway order after I receive the inspector's report into the public inquiry. Subject to the completion of the railway order process, construction work on the project will begin toward the end of 2006 and is due for completion at the end of 2010. The company also proposes to expand its suburban rolling stock to meet the demands on all routes into Dublin, including the increased level of service on the Kildare commuter route.

Question No. 389 answered with Question No. 92.

Question No. 390 answered with Question No. 68.

Organisation	Address	Telephone
Slieverue Community Alert	Ballinlaw, Slieverue, County Kilkenny	087 6869568
Callan Community Alert Group	1 Pralogue, Callan, County Kilkenny	056 7725028
Windgap Parish Community Alert	Tullahought, Piltown, County Kilkenny	051 648070
Carers Assoc Kilkenny	Priors Orchard, Johns Quay, Kilkenny	056 7721424
Moneenroe Community Council Ltd	The Enterprise Centre, Massford, Castlecomer	056 4442840
National Association for Deaf People Kilkenny	44 Friary Street, Kilkenny, County Kilkenny	056 7763508
Clogh Family Resource Centre	Clogh, Castlecomer, County Kilkenny	056 4442800
Newmarket Hugginstown Comm Alert	Newmarket, Hugginstown, County Kilkenny	056 7768624
Kilmacow Community Alert	Moinéar, Skeard, Kilmacow	051 885211
Skeoughvosteen Community Alert	Skeoughvosteen via Borris, County Kilkenny	059 9775251
Kilkenny Social Services	Waterford Road, Kilkenny, County Kilkenny	056 7721
CDCD Network	Market Square, Castlecomer, County Kilkenny	056 4441966
Rower Inistioge Community Alert	Ballynunnery, The Rower, Thomastown	051 423674

Recreational Facilities.

392. **Aengus Ó Snodaigh** asked the Minister for Community, Rural and Gaeltacht Affairs his Department's plans to tackle the lack of play facilities in designated areas of disadvantage, such as the CLÁR and RAPID areas; and if he will report on same. [9000/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): The Deputy will be

Security of the Elderly.

391. **Mr. McGuinness** asked the Minister for Community, Rural and Gaeltacht Affairs if a grant to install an alarm in the home of a person (details supplied) in County Kilkenny will be approved. [8877/06]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The community support scheme for older people encourages and assists the community's support for older people by means of a community-based grant scheme to improve the security of its older members.

The scheme is open to people aged 65 and over who have a genuine need for assistance within its provisions and is administered by community and voluntary organisations throughout the country, on an annual basis, with support provided by my Department. A list of such groups in the Kilkenny area that applied for funding under the 2005 scheme follows. The person in question may wish to contact one of the groups listed with a view to making an application to my Department on her behalf under the 2006 scheme, which will be advertised in the coming months.

In 2005 maximum individual grants provided under the scheme were: €300 for the once-off installation cost of socially monitored alarms; €150 for door locks, window locks and door chains; €150 for security lighting and €50 for smoke alarms.

aware that my Department already offers a wide range of schemes which support play facilities in disadvantaged areas. The CLÁR primary school outdoor play facilities enhancement scheme is co-funded equally by CLÁR and the Department of Education and Science at a total cost of €2.4 million, made up of €1.2 million from each. The scheme aims to improve outdoor play facilities in small rural primary schools in CLÁR areas. The type of projects being funded cover grassing and tarmacadam of play areas, the supply of goal-

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posts, nets, basketball hoops, etc. and other recreational facilities for outdoor play areas.

Under the CLÁR village and countryside enhancement scheme and the CLÁR local authority housing estate enhancement scheme funding is available for community playgrounds and the enhancement of play area projects. The CLÁR village and countryside enhancement is co-funded equally between the LEADER groups, a community contribution, CLÁR and the local authorities. The local authority housing estate enhancement scheme is co-funded by CLÁR and the local authorities with a community contribution.

Under the minor health funding measures for 2004-06 CLÁR is providing co-funding with the Health Service Executive, HSE, on the basis of €2 from the HSE for each €1 from CLÁR. Projects selected for funding include small scale capital projects. The measure provides for the construction of outdoor play areas and for the provision of equipment for playgroups.

Under the RAPID leverage playground grants scheme, run in 2004 and 2005, a total of €6 million

has been allocated to the 45 RAPID areas to support the development of new playgrounds or the refurbishment of existing playgrounds. Both these schemes were funded on a 50-50 basis by my Department and the Department of Health and Children through the Health Service Executive. In each area the local authority consulted with the RAPID area implementation team to agree the precise nature and location of the playgrounds to be funded.

In 2004, each strand 1 RAPID area was allocated €72,000 and each strand 2 area was allocated €60,000. In 2005, the areas in strand 1 and 2 were allocated the same amount of €66,000 each. A decision on funding for 2006 for the playground grants scheme will be taken shortly.

The dormant accounts fund disbursements board has approved funding of €1,385,397 for 22 groups to enhance play facilities in disadvantaged areas. The drawdown of funding is subject to the satisfactory completion of legal contracts with individual groups.

Details of the approved projects funded by dormant accounts are as follows.

Group/Organisation	Location	Grant	Proposal Description
		€	
Vista Community Development Project	Donore Avenue, Dublin 8	8,000.00	Expanding the range of play club activities provided
CANDO Ltd	Carlow Town	6,000.00	Providing playground markings in two schools and two communities in Carlow
Leenane Development Association	County Galway	7,040.00	Developing a playground
Drogheda Borough Council	County Louth	18,000.00	Developing a playground
Dublin 15 Playground Action Group	Blanchardstown, Dublin 15	26,800.00	Developing two innovative play areas for children
Ballymoe Development Centre Ltd	County Galway	60,000.00	Developing a community based playground on a green area adjacent to Ballymoe Development Centre
Loughlinstown Playground Development Group	County Dublin	51,250.00	Developing a purpose built play facility
Ballyduff National School	County Waterford	21,000.00	Establishing play area for children with autistic spectrum disorders
Wexford Borough Council	Wexford	160,000.00	Providing three play areas within local estates and a youth shelter
Waterford City Council	Waterford	200,000.00	Improving and enhancing open spaces in the area and providing recreational and play spaces in the Larchfield/Lisduggan area
Ballyowens Meadow School	Stillorgan, Dublin 14	50,000.00	Building an outdoor playground/play area for autistic children who attend Ballyowen Meadows School
Clonmel Borough Council/SEHB	County Tipperary	7,449.38	Providing a marked play space for children and young people
Clonmel Borough Council	County Tipperary	74,431.03	The development of a playground for children and young people
Duneske Leisure Limited	Cahir, County Tipperary	104,491.00	Providing an outdoor playground
Dundalk Town Council	County Louth	40,500.00	Developing a playground facility
Dundalk Town Council	County Louth	41,000.00	Developing a playground facility
Glengariff Playground Development Ltd	County Cork	58,553.00	Establishing a children's playground
Tallaght Centre for the Unemployed Ltd	Dublin 24	125,000.00	Providing a playbus

Group/Organisation	Location	Grant	Proposal Description
Dublin City Council	Dublin 8	€ 72,000.00	Developing a playground
Mahon Childcare Network	Cork City	126,413.00	Providing a developmental outdoor play area
New Ross Town Council	County Wexford	97,470.00	Providing playground facilities
Scoil Chiaran, Our Lady of Consolation	Donnycarney, Dublin 5	30,000.00	providing a play area to benefit autistic children

My Department has received an application from Galway County Council for assistance with the cost of constructing play facilities on Inis Orr, County Galway. This application is being evaluated in the context of the funding available to me for island development and the various demands on that funding.

Community Development.

393. **Mr. Naughten** asked the Minister for Community, Rural and Gaeltacht Affairs the reason he is forcing the amalgamation of leader companies with partnership companies; and if he will make a statement on the matter. [8847/06]

398. **Mr. Kenny** asked the Minister for Community, Rural and Gaeltacht Affairs the future responsibilities of the south-west Mayo development group and the western rural development group; his proposals in respect of the IRD groups, that is, Kiltimagh, Moy Valley, Connacht Gold; and if he will make a statement on the matter. [9316/06]

399. **Mr. Kenny** asked the Minister for Community, Rural and Gaeltacht Affairs his proposals in respect of the future responsibilities of Meitheal Mhaigh Eo; and if he will make a statement on the matter. [9317/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I propose to take Questions Nos. 393, 398 and 399 together.

Arising from the review of local and community development structures which I initiated in conjunction with my colleagues, the Minister for Environment, Heritage and Local Government and the Minister for Justice, Equality and Law Reform, the Government agreed in January 2004 a series of measures designed to improve delivery of services locally and improve arrangements under which community and local development initiatives are delivered, to re-affirm Government's commitment to local and community development programmes, to improve cohesion and focus across various measures and enable communities more readily to access and make maximum use of the funding. In line with that decision, local and community development agencies were requested to advance improvements in linkages, cohesion and sharing resources. City and county development boards

were given the role of co-ordinating the cohesion process. Cohesion funding of €3,248,600 was allocated during 2004 to support specific measures arising from that process.

The core objective of the 2005-06 round of cohesion is the alignment of local, community and rural development organisations to achieve full area coverage. The major advantage of such an approach is that the State will be able to deliver programmes such as the local development social inclusion and rural social scheme through these new unified structures because they will have all-area cover.

My preference is for unified overarching structures based around county boundaries where practicable. However, I am prepared to consider variations across county boundaries on their merits.

The intention is that from 2007, there will be one company providing both local and rural development programmes in any given area and fewer companies overall in the country. The cohesion process continues to be facilitated by county and city development boards and I have been able to support a number of proposals for integration of LEADER and partnership companies. Further proposals are being developed by the relevant agencies. I will be considering these proposals in due course. In addition my Department will be facilitating the process throughout the year.

Departmental Staff.

394. **Mr. Connolly** asked the Minister for Community, Rural and Gaeltacht Affairs the number of persons with disabilities employed in his Department; the percentage of the total staff that this represents; the human resources policy of his Department with regard to the recruitment of persons with disabilities; the qualification criteria for persons with disabilities; and if he will make a statement on the matter. [8901/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): The number of staff with a disability employed in my Department represents 3% of the total number of 234 staff serving at present. My Department's human resources strategy 2005-07 reiterates the commitment to maintaining the Government target of employing a quota of at least 3% of staff with a disability. A designated officer in my Department

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has responsibility for equality issues including disability issues. It is part of the duties of this officer to ensure that the needs of staff with a disability are catered for and that the Civil Service code of practice for the employment of people with disabilities is observed.

Recruitment to my Department takes place through the Public Appointments Service. My Department employs candidates with a disability from that office as the opportunity arises. The selection of candidates is based on the qualification criteria as set out by the Public Appointments Service.

Inland Waterways.

395. **Mr. Penrose** asked the Minister for Community, Rural and Gaeltacht Affairs the level of progress being made in refurbishing and upgrading works to the Royal Canal from Abbeyshrule down to Clondra; the timeframe involved for the completion of such works; if adequate finance has been provided to ensure that same will be completed by the end of 2006 as promised; and if he will make a statement on the matter. [8968/06]

396. **Mr. Penrose** asked the Minister for Community, Rural and Gaeltacht Affairs if Waterways Ireland has received an application for six additional outdoor staff in the general Westmeath area, to enable it to ensure that it meets its deadlines concerning the works necessary to restore the Royal Canal to full navigability; if, in this context, there is only permission to employ one additional person with an indication, that if additional personnel are required or additional works are necessary, private contractors should be considered for same; if this is the position; and if he will make a statement on the matter. [8970/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I propose to take Questions Nos. 395 and 396 together.

The issues raised by the Deputy are the day-to-day responsibility of the North-South body, Waterways Ireland, an implementation body established under the British-Irish Agreement Act 1999 and co-sponsored by my Department and the Department of Culture Arts, and Leisure in the North.

I understand from Waterways Ireland that the third and final phase of the Royal Canal restoration programme is under way. Waterways Ireland expects the Royal Canal to be fully navigable in 2008 and is satisfied that adequate capital funding is available to fully restore the canal. I understand that in the eastern region Royal Canal rural area, which includes County Westmeath, there is one vacancy in the approved staffing structure which will be filled on a full-time basis. The employment of contractors to meet specific needs arising is an operational matter for

Waterways Ireland and my Department is not involved.

Gaeltacht Boundaries.

397. **Mr. Kenny** asked the Minister for Community, Rural and Gaeltacht Affairs his proposals in respect of the existing Gaeltacht boundaries in each county; and if he will make a statement on the matter. [9315/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): As the Deputy will be aware, a major sociolinguistic study of Irish usage in the Gaeltacht is scheduled for completion this September. This important study, which is being conducted on behalf of my Department by Acadamh na hOllscolaíochta Gaeilge, National University of Ireland, Galway, in conjunction with the national institute for regional and spatial analysis, National University of Ireland, Maynooth, is examining Irish language usage in the Gaeltacht as a basis for strengthening the linguistic development of the Gaeltacht as an Irish-speaking area and a review of the official Gaeltacht boundaries.

As I have already outlined to the House, all of the findings and proposals emerging from the study will receive careful and considered examination on its presentation to my Department and any proposals which may emerge on foot of that examination, including the issue of the Gaeltacht boundaries, will be put before Government in due course.

Questions Nos. 398 and 399 answered with Question No. 393.

Rural Social Scheme.

400. **Mr. Naughten** asked the Minister for Community, Rural and Gaeltacht Affairs further to correspondence (details supplied) if he has completed the review; and if he will make a statement on the matter. [9417/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): The review of the rural social scheme, covering its first year of operation, has been completed. Arising out of this review, the Government has recently approved a number of changes to the scheme. In this regard, my Department is consulting the Department of Social and Family Affairs on how best to implement some of these changes, in particular changes regarding eligibility criteria and pay arrangements.

Grant Payments.

401. **Mr. Ring** asked the Minister for Agriculture and Food when an inheritance application by person (details supplied) in County Mayo will be dealt with; and when their payment will issue on those entitlements. [8796/06]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application requesting consideration in respect of the inheritance measure of the single payment scheme. Following processing of her application, she was notified that her application was successful. Payment had already issued in respect of the applicant's existing single payment entitlements and arrangements are being made to issue payment in respect of the inherited entitlements shortly.

402. **Mr. M. Moynihan** asked the Minister for Agriculture and Food when the forestry premium for 2006 will issue to persons (details supplied) in County Cork. [8871/06]

Minister for Agriculture and Food (Mary Coughlan): I expect to pay the annual forestry premiums in April of this year, as normal.

Job Losses.

403. **Mr. Kenny** asked the Minister for Agriculture and Food the number of jobs lost in companies involved in food production in 2004, 2005 and to date in 2006; and if she will make a statement on the matter. [8907/06]

Minister for Agriculture and Food (Mary Coughlan): Data is not available in the format sought by the Deputy. Information from the quarterly national household survey supplied by the Central Statistics Office to my Department shows that the number of people employed in the food and drinks sector rose by 1,400 to 54,100 in 2004 and decreased by 100 to 54,000 in 2005. Statistics are not yet available for 2006.

Animal Welfare Bodies.

404. **Mr. Timmins** asked the Minister for Agriculture and Food if she has ever received any evidence that dogs have been shipped from ISPCA animal shelters to the UK for sale; and if she will make a statement on the matter. [9415/06]

Minister for Agriculture and Food (Mary Coughlan): I have not received evidence of any such shipments. In recognition of the rabies free status of Ireland and the United Kingdom, there is free movement of dogs and cats between these two jurisdictions.

Grant Payments.

405. **Mr. Kehoe** asked the Minister for Agriculture and Food if a person (details supplied) in County Wexford applied for subsidies or premiums over the past 15 years; if so, what they were granted; the years subsidies on premiums were granted or refused; the reason for refusal; the grants, premiums or subsidies available to this person; and if she will make a statement on the matter. [8814/06]

Minister for Agriculture and Food (Mary Coughlan): There is no record in my Department of an application under the arable aid scheme from the person named. Under the livestock premia schemes, there is no record of any applications being lodged by the person named, other than under the 2003 laughter premium scheme. Under that scheme, three eligible animals were slaughtered under the herd number of the person named. However, payment could not issue as the person named failed to return an appropriately completed producer acknowledgement form. The person named was twice written to by my Department concerning the completion of this form but no response was received.

406. **Mr. Ring** asked the Minister for Agriculture and Food when a person (details supplied) in County Mayo will receive their REP scheme payment. [8823/06]

Minister for Agriculture and Food (Mary Coughlan): The application in this case was received in my Department on 20 January 2006 and is being processed in accordance with the targets in the Charter of Rights for Farmers 2005-07.

Meat Imports.

407. **Mr. P. McGrath** asked the Minister for Agriculture and Food the amount of beef that has been imported from Brazil in 2005; the records tracing the source of this beef; and if she will make a statement on the matter. [8824/06]

408. **Mr. P. McGrath** asked the Minister for Agriculture and Food the quantities of lamb that have been imported from New Zealand in 2005; the records tracing the source of this lamb; and if she will make a statement on the matter. [8825/06]

409. **Mr. P. McGrath** asked the Minister for Agriculture and Food the amount of pork that has been imported from the USA in 2005; the records pertaining to this pork tracing where it originated from; and if she will make a statement on the matter. [8826/06]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 407 to 409, inclusive, together.

The Central Statistics Office is responsible for the collection of statistics in relation to imports of meat and meat products. The table below is compiled from data supplied by that office and the following should be noted — information on imports for 2005 is available for the period up to October 2005, in certain cases the record of import may include the re-import of Irish products that were originally the subject of an export from this country and the information available for imports from EU member states does not differentiate between products originating in the

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EU country and those originating in third countries that may already be in free circulation within the Community.

Imports of	From	Tonnes
Beef	Brazil	6,144
Lamb-Mutton	New Zealand	297
Pigmeat	USA	149

Imported meat and meat products must be sourced from establishments that are approved and must bear a EU approved health mark. Exporting establishments must have standards equivalent to the requirements for EU export establishments, effective control systems and supervision by the competent authorities and traceability-labelling in accordance with the systems approved by the EU's Food and Veterinary Office, FVO, and accepted and notified to the EU member states.

The FVO carries out inspections to ensure that only establishments that meet hygiene and health standards equivalent to those operating within the EU are approved. Where the FVO considers that public health requirements are not being met, an establishment may be removed from the EU approved list. If outbreaks of animal diseases occur in a third country, approval to export to the EU is suspended for the infected regions of the country or the whole country as appropriate until the disease risk has been eliminated. There are safeguard measures in operation suspending export of beef from regions of Brazil and Argentina where outbreaks of foot and mouth disease have occurred. Safeguard measures controlling the import of poultry and poultry products have also been adopted in respect of outbreaks of avian influenza in third countries.

Imported meat and meat products must be accompanied by the appropriate commercial documentation showing country and approval number of the establishment of production and a health certificate conforming to the models set down in EU legislation. While there is free movement for trade within the EU, all consignments from third countries must first be landed at a border inspection post, BIP, approved by the FVO and there must undergo documentary, identity and physical checks. These latter are carried out at frequencies laid down in EU law. In Ireland, BIPs approved for the processing of imports of meat are located at Dublin Port and Shannon Airport. The FVO carries out monitoring and inspection of each member state's BIPs to ensure the conditions for import of animal products into Europe, provided under the harmonized legislation, are being correctly applied.

Once it has been established that imported meat and meat product has met all the required conditions, it is released for free circulation

within the community. Copies of the BIP clearance document and the health certificate must accompany the consignment to its destination. Imports failing to comply with these veterinary control checks may be detained for further examination. If non-compliance is established they are returned to the exporting country or destroyed. Importers of meat must be registered with my Department and are required to give advance notice of importation. Following import, they are required to keep import records available for inspection by the Department for a period of three years.

Grant Payments.

410. **Mr. Stanton** asked the Minister for Agriculture and Food if she will expedite the single farm payment to a person (details supplied) in County Cork; the reason the payment has not been made to date; and if she will make a statement on the matter. [8834/06]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted applications for consideration in respect of both the new entrant and inheritance measures of the single payment scheme. Following processing of his applications, he was notified that both were successful but that the inheritance measure would be applied as it was more beneficial. He also applied to have his entitlements consolidated under the 2005 single payment scheme consolidation measure. The consolidation application has been fully processed and full payment in respect of 32.38 entitlements with a total single payment value of €7,243.46 issued on 3 March 2006 to the person named.

411. **Mr. Ring** asked the Minister for Agriculture and Food when a person (details supplied) in County Mayo will receive a single farm payment. [8839/06]

Minister for Agriculture and Food (Mary Coughlan): The person named has submitted two applications for consideration in respect of the single payment scheme inheritance measure. One application related to lands received by way of gift during the 2000 to 2002 reference period and the other application related to lands received by way of inheritance after the reference period. The person named also submitted a new entrant application for consideration on the basis that he commenced farming during the reference period.

The inheritance and new entrant applications submitted in respect of the lands gifted during the reference period were processed and the applicant has been notified that he was successful in respect of both measures. However, he will benefit under the new entrant measure, as this was the more beneficial. The entitlements have also been transferred to a person named in respect of the lands received by way of inherit-

ance after the reference period — this was also successful — and payment in respect of the amended position will issue to the applicant named shortly.

412. **Mr. Crawford** asked the Minister for Agriculture and Food when a person (details supplied) in County Monaghan can expect to be awarded area aid money; and if she will make a statement on the matter. [8845/06]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted a private contract clause application form under the single payment scheme 2005 for the transfer of 11.95 hectares of land and the respective entitlements by way of sale of lands. This private contract clause was successfully processed in November 2005. As the person named established 21.41 entitlements in accordance with the provisions of the single payment scheme, 9.46 entitlements continue to be held by him following the transfer.

An application under the single payment scheme was received in the Department in which the applicant requested that the entitlements be only activated. No lands were declared on the 2005 application and, therefore, the remaining entitlements were not eligible for payment in accordance with the provisions of the scheme. However, if, on his 2006 single payment application form, the person named declares and farms an eligible hectare in respect of each entitlement he holds, he will be in a position to receive payment under the 2006 scheme on his remaining entitlements.

Departmental Staff.

413. **Mr. Connolly** asked the Minister for Agriculture and Food the number of persons with disabilities employed in her Department; the percentage of the total staff that this represents; the human resources policy of her Department with regard to the recruitment of persons with disabilities; the qualification criteria for persons with disabilities; and if she will make a statement on the matter. [8902/06]

Minister for Agriculture and Food (Mary Coughlan): A total of 122 people or 2.6% of staff working in my Department are known to have a disability. The majority of personnel employed by my Department are recruited from competitions run by the Public Appointments Service, PAS. My Department is committed to the employment of people with disabilities. My Department conducts interviews for the employment of full-time and temporary staff in a small number of grades from time to time. People with disabilities who satisfy the eligibility criteria, which are based on the skills necessary to do the job, are eligible to compete in these competitions.

Grant Payments.

414. **Mr. Penrose** asked the Minister for Agriculture and Food the steps she will take to deal with correspondence (details supplied) furnished to her Department in order to ensure that this person is afforded an opportunity to continue farming; and if she will make a statement on the matter. [8918/06]

Minister for Agriculture and Food (Mary Coughlan): The person named applied to be considered as a new entrant to farming during the reference period 2000-02 governing the single payment scheme. Following processing of his application, he was notified that his application was unsuccessful as he was farming during all of the three reference years 2000, 2001 and 2002. The applicant was advised that if he so wished, he could appeal my Department's decision to the single payment appeals committee. The person named requested that the decision be reviewed by the single payment appeals committee. The recommendation of the committee was to uphold my Department's decision in this case.

The person named submitted an application for an allocation of entitlements from the single payments scheme national reserve under categories A, B and D. Category A caters for farmers who inherited land or received land free of charge or for a nominal sum from a farmer who had retired or died by 16 May 2005 and who had leased out his or her holding to a third party during the reference period 2000-02. Category B caters for farmers who, between 1 January 2000 and 19 October 2003, made an investment in production capacity in a farming sector for which a direct payment under livestock premia and-or arable aid schemes would have been payable during the reference period 2000 to 2002. Investments can include purchase or long-term lease of land, purchase of suckler and-or ewe quota or other investments. Category D caters for farmers who commenced farming after 31 December 2002 or commenced farming in 2002 but who received no direct payments in respect of that scheme year.

It should be noted however that the rules governing the single payment scheme stipulate that an applicant who is found to be eligible under more than one category in the reserve may only receive an allocation of entitlements under whichever category is most beneficial to him. Over 23,000 applications for an allocation of entitlements from the national reserve were received when account is taken of farmers who applied under more than one category. Processing of these applications is continuing and the intention is to make allocations to successful applicants at the earliest opportunity. My Department will be in touch with individual applicants as soon as their applications are fully processed. Formal letters setting out my Department's decision will be issued.

415. **Mr. Hogan** asked the Minister for Agriculture and Food when a single farm payment will be made to a person (details supplied) in County Kilkenny; and if she will make a statement on the matter. [8948/06]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application under the single payment scheme on 27 April 2005 to activate and use his entitlements. He also submitted applications for consideration in respect of the consolidation of entitlements, *force majeure* and inheritance measures of the scheme.

The application to consolidate the applicant's entitlements was initially rejected on 19 October 2005 as there was no indication at that time of a requirement for the person named to consolidate. The person named had declared an eligible hectare for each entitlement held at that stage. Payment in respect of 23.02 entitlements amounting to €7,709.45 was issued to the applicant on 1 December 2005. Following the successful applications for the inheritance and *force majeure* measures, the requirement to consolidate entitlements was reviewed by my Department. This has brought the total established entitlements by the person named to 47.21. A supplementary payment of €15,128.33 in respect of the outstanding entitlements has issued to the person named today.

Genetically Modified Organisms.

416. **Mr. Connolly** asked the Minister for Agriculture and Food if her attention has been drawn to the possible cross-contamination of conventional crops arising from the trials of genetically modified potatoes in Summerhill, County Meath over the next five years; and if she will make a statement on the matter. [8979/06]

Minister for Agriculture and Food (Mary Coughlan): I wish to inform the Deputy that the recent notification made by BASF to trial genetically modified potatoes at Summerhill, County Meath was made to the Environmental Protection Agency. This notification is in accordance with Part B of EU Directive 2001/18/EC on the deliberate release of genetically modified organisms, GMOs, into the environment but not for entry to the food chain. Responsibility for making a decision on the application is a matter for the Environmental Protection Agency as the competent authority designated by the Department of Environment, Heritage and Local Government. Since procedures under legislation are in play, it would be inappropriate for me to comment on this particular application.

Grant Payments.

417. **Mr. Lowry** asked the Minister for Agriculture and Food when the single farm payment

will issue to a person (details supplied) in County Tipperary; the reason for the delay in issuing payment; and if she will make a statement on the matter. [8986/06]

Minister for Agriculture and Food (Mary Coughlan): Under the single payment scheme payment amounting to €9,983.53 issued on 22 December 2005 based on the 26.44 existing entitlements held by the applicant. The person named submitted a new entrant and inheritance application for the transfer of additional entitlements under the single payment scheme. Following processing of his application, the person named was notified that both applications were successful and that the inheritance measure was more financially beneficial. Arrangements have been made to issue the additional amount of the single payment shortly.

418. **Mr. Lowry** asked the Minister for Agriculture and Food when the single farm payment will issue to a person (details supplied) in County Tipperary; the reason for the delay in issuing payment; and if she will make a statement on the matter. [8987/06]

Minister for Agriculture and Food (Mary Coughlan): My Department has no record of receiving a 2005 single payment application from the person named.

419. **Mr. M. Moynihan** asked the Minister for Agriculture and Food the moneys that have been awarded to a person (details supplied) in County Cork under the single payment scheme; if there are outstanding moneys due to them in view of the fact that they believe that their single payment should be substantially more. [9064/06]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application for consideration in respect of *force majeure* exceptional circumstances and consolidation measures of the single payment scheme. Following processing of the *force majeure* exceptional circumstances application, the person named was notified that his circumstances did not fulfil the *force majeure* criteria laid down in Article 40 of Council Regulation (EC) No. 1782/2003 as production was not affected during one or more of the three reference years 2000, 2001, 2002. Subsequently, a provisional statement of entitlements issued to the person named and he was advised if he was dissatisfied with same to request a review. No such request was received by my Department.

The herd owner also applied to have his entitlements consolidated under the 2005 single payment consolidation measure. This application has been processed and full payment in respect of 82.02 entitlements amounting to €34,121.44 issued to the person named on 1 December 2005.

Therefore, the person named is deemed to have been paid in full.

Farm Retirement Scheme.

420. **Mr. Cregan** asked the Minister for Agriculture and Food if she will introduce a new farm retirement scheme; and if so, the date for commencement. [9216/06]

Minister for Agriculture and Food (Mary Coughlan): I have not yet taken a decision on whether to introduce another early retirement scheme. The EU Council regulation covering the current scheme will expire in December 2006. The Council regulation on rural development for the period from 2007 to 2013 includes provision for member states to operate several schemes, including an early retirement scheme. No decisions have yet been taken regarding which schemes will be operated in Ireland under this regulation. The option of an early retirement scheme will be examined in light of the need for structural reform and the need to provide opportunities for young farmers. In framing proposals for the next rural development round, account will be taken of the funding and options available when deciding which schemes should be adopted to achieve the best results.

Departmental Appointments.

421. **Mr. Boyle** asked the Minister for Agriculture and Food further to Parliamentary Question No. 951 of 25 January 2006, the state boards or bodies to that the 121 appointments were made under the aegis of her Department since 1997. [9225/06]

422. **Mr. Boyle** asked the Minister for Agriculture and Food further to Parliamentary Question No. 951 of 25 January 2006, the number of appointments which were made to Horse Racing Ireland, Bord na gCon and the Western Development Commission from 1997 to 2002 prior to their transfer to separate Departments. [9229/06]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 421 and 422 together.

The 121 appointments to which reference was made in Parliamentary Question No. 951 of 25 January 2006 related to the total number of appointments to the following State boards or bodies, namely, An Bord Bia, An Bord Glas, The Irish National Stud, Coillte Teoranta, the Coford Council, the National Milk Agency and Teagasc. All files involving appointments to Horse Racing Ireland and Bord na gCon are in the Department of Arts, Sport and Tourism. Similarly, I understand that all material relating to appointments to the Western Development Commission are

located in the Department of Community, Rural and Gaeltacht Affairs.

Grant Payments.

423. **Mr. Walsh** asked the Minister for Agriculture and Food if full payment of single farm payment will be made to a person (details supplied) in County Cork. [9264/06]

Minister for Agriculture and Food (Mary Coughlan): The person named is deemed to have been paid his single payment entitlements in full. An initial payment of €5,588.22 issued to the person named on 9 December 2005 and a supplementary payment amounting to €1,117.53 issued on 19 January 2006.

424. **Mr. Hayes** asked the Minister for Agriculture and Food if she will confirm that growers who opt not to grow sugar beet in 2006 and then sign a contract waiver for 2006 will not be disadvantaged in any way with regards to subsequent compensation rights. [9287/06]

425. **Mr. Hayes** asked the Minister for Agriculture and Food if she will confirm that 2001, 2002 and 2004 will be the actual reference years to be used to establish a sugar beet grower's contractual base for compensation purposes. [9288/06]

426. **Mr. Hayes** asked the Minister for Agriculture and Food if she will confirm that beet growers who qualify under the base years rules for compensation when Ireland surrenders its EU sugar quota, will not be disadvantaged in any way with regard to the various proposed compensation, if they do not grow beet in 2006. [9289/06]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 424 to 426, inclusive, together.

Under the agreement on reform of the EU sugar regime, compensation will be provided to beet growers for the institutional price reductions. In the event of a decision to cease sugar production in Ireland, a compensation fund of up to €145 million will also be available under the temporary restructuring scheme to cover the social, environmental and economic costs of restructuring, including factory closure and renunciation of quota. In addition, diversification funds of almost €44 million will become available for Irish growers.

The compensation to beet growers for the reduction in the minimum price of sugar beet will be incorporated in the single payment scheme. I recently announced that I have decided to fix the 2001, 2002 and 2004 marketing years as the reference period for establishing entitlements to this compensation. I have also decided that the three-year average of the individual farmers' quantities

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of sugar beet covered by growers' delivery contracts with Irish Sugar Limited will provide the basis for calculating the level of compensation for individual farmers.

With regard to the restructuring scheme, the relevant Council regulation adopted by the Council of Ministers in February provides that at least 10% of the relevant restructuring aid shall be reserved for sugar beet growers and contractors to compensate for losses arising from closures in particular for losses in specialised machinery. The growers and contractors who may be considered for this aid are growers who delivered beet to a factory or contractors who worked under contract for the growers for the production of beet during a period preceding the marketing year in which sugar production ceases and the quota is renounced. Since some traditional growers might not have delivered beet in the year immediately preceding the year of renunciation of quota for one reason or another, the requirement to deliver beet in that year in order to qualify for restructuring aid was removed from the text of the Council regulation at Ireland's request. The Council regulation, as adopted, allows each member state to determine the qualifying period for deliveries of beet to determine grower's eligibility for restructuring aid.

The European Commission has not yet adopted the implementing regulations containing, among other things, the detailed rules for the actual operation of the restructuring scheme by Ireland and other member states. Subject to these detailed rules, it is my intention to determine a qualifying period that will ensure that beet growers who may not have delivered beet in the year preceding quota renunciation are not excluded.

As regards the diversification funds, it is my intention that eligibility should not be confined to growers delivering beet in the year preceding quota renunciation. This too is subject to the requirements of the Commission implementing regulations, which have yet to be published, which will set out the detailed eligibility criteria.

Animal Welfare.

427. **Mr. Gormley** asked the Minister for Agriculture and Food the body which is responsible to ensure circuses are in compliance with current laws, regulations and guidelines relating to animal welfare; the legislative requirements on circuses for the purchase and welfare of exotic animals; and if she is satisfied with current legislation or if there are plans to improve same. [9295/06]

Minister for Agriculture and Food (Mary Coughlan): My Department's responsibility for circuses and circus animals is confined to ensuring animals imported for use in a circus are imported in accordance with animal health certification requirements. Licences are issued in accordance with the Rabies (Importation, Landing and

Movement of Animals) (Amendment) Orders 1972-76.

The Protection of Animals Acts 1911 and 1965 are the principal statutes governing the welfare of animals in this country. The responsibility for pursuing complaints under that legislation rests with An Garda Síochána. On receipt of such a complaint, the Garda Síochána has a statutory basis on which to investigate and bring a prosecution against any person alleged to have committed an act of cruelty against an animal.

Concerning new legislation, Commission Regulation 1739/2005, laying down animal health requirements for the movement of circus animals between member states, will apply from January 2007 and I welcome this as providing a clear framework for the monitoring of circus movement across the EU.

EU Directives.

428. **Mr. Quinn** asked the Minister for Agriculture and Food if she will confirm that EU Directive 2005/6/EC was implemented before 16 February 2006; if the directive was not implemented by that date, the reason Ireland did not meet its obligations to implement this directive before the deadline; and if she will make a statement on the matter. [9305/06]

429. **Mr. Quinn** asked the Minister for Agriculture and Food if she will confirm that EU Directive 2005/7/EC was implemented before 18 February 2006; if the directive was not implemented by that date, the reason Ireland did not meet its obligations to implement this directive before the deadline; and if she will make a statement on the matter. [9306/06]

430. **Mr. Quinn** asked the Minister for Agriculture and Food if she will confirm that EU Directive 2005/8/EC was implemented before 18 February 2006; if the directive was not implemented by that date, the reason Ireland did not meet its obligations to implement this directive before the deadline; and if she will make a statement on the matter. [9307/06]

431. **Mr. Quinn** asked the Minister for Agriculture and Food if she will confirm that EU Directive 2005/48/EC was implemented before 24 February 2006; if the directive was not implemented that date, the reason Ireland did not meet its obligations to implement this directive before the deadline; and if she will make a statement on the matter. [9309/06]

432. **Mr. Quinn** asked the Minister for Agriculture and Food if she will confirm that EU Directive 2005/91/EC will be implemented before 31 March 2006; if the directive will not be implemented by that date, the reason Ireland will not meet its obligations to implement this

directive before the deadline; and if she will make a statement on the matter. [9312/06]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 428 to 432, inclusive together.

My Department has transposed the following directives by their due dates, as set out in the following table:

Directive Number	Legislative Instrument
2005/6/EC	Administrative Note 12
2005/7/EC	Administrative Note 11
2005/8/EC	SI 556 of 2005
2005/48/EC	SIs 106, 107 and 108 of 2006

EU Directive 2005/91/EC will be transposed by its due date.

Farm Retirement Scheme.

433. **Mr. Ferris** asked the Minister for Agriculture and Food if she intends to extend the early retirement scheme beyond the end of 2006. [9314/06]

Minister for Agriculture and Food (Mary Coughlan): The EU Council regulation covering the current scheme will expire in December 2006 and after that my Department will not be able to admit any further applicants to this scheme.

I have not yet taken a decision on whether to introduce another early retirement scheme. The Council regulation on rural development for the period from 2007-13 includes provision for member states to operate several schemes, including an early retirement scheme. No decisions have yet been taken regarding which schemes will be operated in Ireland under this regulation. The option of an early retirement scheme will be examined in light of the need for structural reform and the need to provide opportunities for young farmers. In framing proposals for the next rural development round, account will be taken of the funding and options available when deciding which schemes should be adopted to achieve the best results.

EU Directives.

434. **Mr. Connolly** asked the Minister for Agriculture and Food her views on the issues raised by the Irish Farmers Association concerning the nitrates directive; and if she will make a statement on the matter. [9341/06]

Minister for Agriculture and Food (Mary Coughlan): I am aware of the concerns expressed by the Irish Farmers Association, and by other farming representatives, about the nitrates directive. The Minister for the Environment, Heritage and Local Government made regulations in December giving legal effect to Ireland's national action programme under the

nitrates directive. This followed a lengthy and comprehensive consultation process to which many interested organisations and stakeholders, including the Irish Farmers Association, contributed. The regulations were finalised following difficult negotiations between the European Commission and officials of the Department of the Environment, Heritage and Local Government and my Department. In these discussions, both Departments made use of the advice provided by Teagasc. It was the Commission, however, that determined the final content of the regulations.

The regulations came into force on 1 February but the Minister for the Environment, Heritage and Local Government, after consultation with the European Commission, agreed to a temporary *de facto* deferral of the part of the regulations dealing with fertiliser limits to give Teagasc an opportunity to review the advice it had given on phosphorus limits. Teagasc has now submitted revised advice which covers not only phosphorus but other aspects of the regulations as well. My officials and officials of the Department of the Environment, Heritage and Local Government are currently examining the submission, having regard to the fact that any proposals for revision of the regulations must respect the environmental requirements associated with the nitrates directive and will require the agreement of the Commission.

Rural Environment Protection Scheme.

435. **Mr. Ring** asked the Minister for Agriculture and Food when a decision will be made in the Galway regional office of her Department as to whether an estate (details supplied) in County Mayo can be included for REP scheme or not; and if this matter will be expedited. [9354/06]

Minister for Agriculture and Food (Mary Coughlan): Under a 1998 agreement with the European Commission, eligibility for REPS payments on commonage land or grazing rights can be considered only in respect of owned commonage shares or owned grazing rights. I am aware that there are genuine cases where this condition may be unduly restrictive, and my officials are currently examining it in the context of drawing up proposals for an amended REPS which will form part of Ireland's rural development plan for the period 2007-13.

Animal Welfare.

436. **Mr. Naughten** asked the Minister for Agriculture and Food if she is satisfied with the number of full-time animal welfare inspectors; her plans to provide additional funding to the ISPCA; and if she will make a statement on the matter. [9422/06]

Minister for Agriculture and Food (Mary Coughlan): My Department has certain statutory responsibility for the welfare and protection of

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farmed animals. The legislation governing this is the Protection of Animals Kept for Farming Purposes Act 1984 and the European Community (Protection of Animals Kept for Farming Purposes) Regulations 2000. In addition there is specific legislation on pigs, calves and laying hens.

Cases which come to notice are dealt with, generally, by officers based in my Department's district veterinary offices. These officers deal with the implementation of animal welfare legislation as well as having responsibilities in a wide number of other areas related to animal health and disease control. Funding is available to deal with emergency care, feeding, transport of welfare compromised farm animals. I am satisfied that the resources available within my Department are sufficient to deal with such cases.

In 2004 the Farm Animal Welfare Advisory Council, FAWAC, developed an early warning intervention system, EWS, for animal welfare cases involving my Department, Irish Farmers Association and the Irish Society for the Prevention of Cruelty of Animals. The objective of the system is to provide a framework within which farm animal welfare problems can be identified before they become critical or overwhelming. The new system allows for concerned individuals to approach their local IFA representatives, their local ISPCA or my Department in the knowledge that the matter will thereafter be dealt with in the most effective, timely and sensitive manner.

In addition to the foregoing, my Department makes *ex gratia* payments annually to organisations, including the ISPCA, involved in the direct delivery of animal care and welfare services to assist in their ongoing work. To date we have provided a total of €5.97 million to such bodies, some €1.2 million of which was paid to 86 organisations in December last to assist them during 2006. A provision of €1.1 million for this purpose is included in my Department's Estimates for 2006 and applications will be invited later this year for payment in respect of 2007.

The main statutes governing cruelty to animals in this country are the Protection of Animals Acts 1911 and 1965. Responsibility for pursuing complaints under that legislation rests with An Garda Síochána who may, on receipt of a complaint, investigate and bring a prosecution against any person alleged to have committed an act of cruelty against an animal. Officers of my Department are regularly involved in assisting gardaí in such cases.

Farm Waste Management.

437. **Mr. Naughten** asked the Minister for Agriculture and Food further to Parliamentary Question No. 470 of 14 February 2006 when she intends to introduce the new farm waste management grants; if the building specifications will differ from the previous scheme; if all new specifications have been published; the rates of payment of the new grant; the discussions she has had with

the Minister for the Environment, Heritage and Local Government regarding local authority development charges on such buildings; and if she will make a statement on the matter. [9425/06]

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.

Any changes to my Department's specifications for agricultural buildings will be published prior to the launch of the revised scheme. Local authority development charges are a matter for the Department of the Environment, Heritage and Local Government which has established an interdepartmental committee to look at a number of issues concerning development contributions schemes.

Grant Payments.

438. **Mr. Hayes** asked the Minister for Agriculture and Food the reason for the ongoing delay in final payment under the single payment scheme, issuing to a person (details supplied) in County Tipperary. [9459/06]

Minister for Agriculture and Food (Mary Coughlan): The first person named submitted an application under the single payment scheme on 9 May 2005. The ownership details of the herd number changed on 17 July 2002. A proportion of the entitlements were established in the name of the previous owners. A transfer of entitlements form was received in my Department on 18 January 2006. The entitlements established in the names of the previous owners of the herd number have now been transferred to the first person named. A payment issued on 1 December 2005 amounting to €6,366.20 in respect of the entitlements established by the person named. A supplementary payment of €4,536.17 was issued to the person named on 26 January 2006.

My Department has carried out a review of this case and has now definitively established the final number of entitlements due to the applicant as a result of the transfer. Arrangements have been made to issue a balancing payment in the amount of €10,892.26 as soon as possible

439. **Mr. N. O'Keeffe** asked the Minister for Agriculture and Food the position regarding an application under the national reserve (details supplied). [9560/06]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application for an allocation of entitlements from the single payments scheme national reserve under category B. Category B caters for farmers who, between 1 January 2000 and 19 October 2003, made an investment in production capacity in a farming sector for which a direct payment under livestock premia and/or arable aid schemes would have been payable during the reference period 2000 to 2002. Investments can include purchase or long-term lease of land, purchase of suckler and/or ewe quota or other investments.

Over 23,000 applications for an allocation of entitlements from the national reserve were received when account is taken of farmers who applied under more than one category. Processing of these applications is continuing and the intention is to make allocations to successful applicants at the earliest opportunity. My Department will be in touch with individual applicants as soon as their applications are fully processed. Formal letters setting out my Department's decision will be issued.

Visa Applications.

440. **Mr. Hogan** asked the Minister for Justice, Equality and Law Reform if priority treatment will be given for students applying for visas who wish to study here in order that they can start their course of study when the colleges commence the academic year; and if he will make a statement on the matter. [8945/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The visa section in my Department is committed to providing a high quality service to all our customers and is making every effort to process all visa applications in as timely a manner as possible. Visa processing times have reduced considerably in the past year and once the application is received in the visa section it currently takes less than two weeks to process.

A dedicated study team has been established within the visa section to ensure a speedy and efficient service. However, sufficient time should be allowed by the applicants to ensure that the application can be processed prior to the commencement of the study course.

Secret Service.

441. **Mr. Gilmore** asked the Minister for Justice, Equality and Law Reform if the Government is systematically informed of the activities of foreign secret services on national territory; and if he will make a statement on the matter. [9249/06]

442. **Mr. Gilmore** asked the Minister for Justice, Equality and Law Reform the way in which the Government supervises co-operation between the national secret services and those of

partner countries; and if he will make a statement on the matter. [9272/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 441 and 442 together.

The Garda Síochána is the organisation responsible for providing national security services for the State. In this context, I am informed by the Garda authorities that the Garda Síochána has established contacts, both multilateral and bilateral, with security services worldwide, touching on areas of mutual responsibility and interest. These contacts are in addition to any information exchanges which may be mandated by law, such as mutual assistance matters governed by the Criminal Justice Act 1994.

Moreover, section 28 of the Garda Síochána Act 2005, which will soon be brought into effect, provides that, with the consent of the Government, the Garda Commissioner may, on behalf of the Garda Síochána, enter into an agreement with a police service or other law enforcement agency outside the State covering the co-operation of the parties involved or the exchange of information or such other matters as the Garda Commissioner thinks fit. The Government and I are appraised of developments relating to national security by the Garda Commissioner on an ongoing basis.

Traffic Fines.

443. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the amount raised on foot of penalty points since its inception; and if he will make a statement on the matter. [9445/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Information on the amount of money accruing on foot of payments from fixed charge notices and court fines in connection with which penalty points were imposed is not readily available and could only be obtained by the expenditure of a disproportionate amount of staff time and resources. All monies received are surrendered to the Exchequer as extra exchequer receipts and are accounted for in the appropriation accounts.

Crime Levels.

444. **Ms McManus** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the increase in crime levels in the Manor Kilbride area of County Wicklow; if he will ensure that Garda levels are increased at Blessington Garda station; and if he will make a statement on the matter. [8795/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that Manor Kilbride is included in the Baltinglass Garda district which forms part of the Carlow Kildare division. Current policing policy in the district of Baltinglass is predicated on the prevention of public order offences; the preven-

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tion of crime, particularly crimes of violence against persons and property; and the maintenance of an environment conducive to the improvement of the quality of life. This strategy is, and will continue to be, central to the delivery of a policing service to the area served by Baltinglass Garda station.

An additional 17 gardaí are due to be allocated to the Carlow Kildare division in conjunction with the allocation of probationer gardaí on 16 March 2006. As part of this allocation an additional five gardaí are due to be allocated to the Baltinglass district. On 16 March 2006 two gardaí will be allocated to the Baltinglass district with a further three gardaí being allocated on 18 April 2006. I am informed that local Garda management are satisfied with the personnel level in the Baltinglass district as a result of this increase.

Garda personnel assigned to the Baltinglass district, together with overall policing arrangements and operational strategy, are continually monitored and reviewed by Garda management. Such monitoring ensures that optimum use is made of Garda resources, and the best possible Garda service is provided to the public.

I am informed by the Garda authorities that the table provides the total number of headline offences recorded and detected in the Garda district of Baltinglass for 2004 and 2005. The number of offences recorded declined between 2004 and 2005.

Headline offences recorded and detected for Garda district of Baltinglass for years 2004 and 2005*

	2005*		2004	
	Rec	Det	Rec	Det
Homicide	1	0	0	0
Assault	25	9	15	10
Sexual Offences	14	6	16	9
Arson	16	8	11	1
Drugs	7	7	2	2
Thefts	325	65	343	60
Burglary	333	30	333	34
Robbery	11	4	9	2
Fraud	10	8	27	21
Other	8	7	9	7
Total	750	144	765	146

*Figures provided are provisional, operational and liable to change.

Road Traffic Accidents.

445. **Ms O. Mitchell** asked the Minister for Justice, Equality and Law Reform the number of road accidents reported on the section of the N7, including fatalities, which encompasses the N7 Naas road widening scheme since the commence-

ment of construction on this scheme; and if he will make a statement on the matter. [8830/06]

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(Mr. McDowell): I am informed by the Garda authorities that since the commencement of the N7 Naas Road widening scheme in November 2004 there have been a total of 124 accidents reported on the N7, encompassing the road widening scheme. This figure includes one fatal accident which occurred on 29 January 2006.

The area receives ongoing Garda attention in the context of road traffic law enforcement and traffic management and is regularly patrolled by local gardaí and gardaí from the divisional traffic units based in the Dublin metropolitan region and at Naas. Liaison is ongoing between the Garda Síochána and both South Dublin and Kildare county councils, *inter alia*, on the road works.

Residency Permits.

446. **Dr. Cowley** asked the Minister for Justice, Equality and Law Reform the reason a person (details supplied) in County Mayo has not had responses to recent inquiries to his Department concerning an application for renewal of residency and application to engage in business as a self employed sculptor and artist; and if he will make a statement on the matter. [8836/06]

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(Mr. McDowell): The person in question was granted permission to engage in business in the State for an initial period of 12 months on 17 November 1999 as a self employed sculptor/artist. It appears that he renewed his registration with the Garda National Immigration Bureau until 16 November 2003 but did not attend for a further renewal of his residency in the State until 28 November 2005.

At that time the local immigration officer granted the person in question a further period of permission to remain in the State of five years duration but advised the person in question to seek renewal of his business permission. The application to renew his permission to engage in business in the State was received in the immigration division of my Department on 11 December 2005. The person in question indicated in that letter that he would be unable to answer questions on his application until after January 06 as he would be out of the State. A request for further documentation was issued recently so that the renewal for permission to engage in business can be further considered. On receipt of the information requested the renewal application will be processed within a short period of time.

Garda Deployment.

447. **Aengus Ó Snodaigh** asked the Minister for

Justice, Equality and Law Reform if he has had discussions with the Garda Commissioner regarding the lack of adequate 24-hour Garda coverage on the Inishowen Peninsula, County Donegal, where there has been an increase in cross border crime, primarily attributed by gardaí to criminals from Derry city; if he will report on the outcome of those discussions; if he has not discussed this issue with the Garda Commissioner, if a meeting will be called as a matter of urgency; and if he will make a statement on the matter. [8844/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): A total of 21 extra gardaí will be appointed to the Donegal division in the next six weeks. Inishowen Peninsula forms part of the Buncrana Garda district. I am informed by the Garda authorities, who are responsible for the detailed allocation of Garda resources, including personnel, that the personnel strength of the Buncrana Garda district as at 28 February 2006 was 78, all ranks.

The first incremental increase of newly attested gardaí under the current programme of accelerated recruitment will take place on 16 March, and I am informed that an additional 21 gardaí are due to be allocated to the Donegal division in conjunction with this incremental increase. A total of 16 of these gardaí will be allocated on 16 March, with the remaining five to be allocated on 18 April. As part of the allocation on 16 March, three gardaí are due to be allocated to the Buncrana district.

It is the responsibility of the divisional officer to allocate personnel within his-her division. The allocation of such resources throughout the division is determined by a number of factors including demographics, administrative functions, crime trends and other operational policing needs. Garda management continues to appraise the policing and administrative strategy employed within each division with a view to ensuring that an effective Garda service is maintained.

Local Garda management state that there are two 24-hour Garda stations in the Inishowen Peninsula based at Burnfoot and Buncrana Garda stations. In addition there are 24-hour mobile patrols provided by the divisional traffic and detective units.

Local Garda management also state that they are focused on tackling crime in the area and are committed to the investigation and detection of local crimes and working in partnership with the Police Service of Northern Ireland to identify perpetrators living outside the jurisdiction. I am informed that, as a result of these close working relationships, a criminal group from Derry who had committed a number of crimes in the Inishowen area have been apprehended and are presently before the courts awaiting trial.

The timescale for achieving the target strength of 14,000 members of the Garda Síochána in line

with the commitment in An Agreed Programme for Government remains as when I announced the Government approval in October 2004 for my proposals to achieve this objective. The phased increase in the strength of the Garda Síochána to 14,000 will lead to a combined strength, of both attested gardaí and recruits in training, of 14,000 by the end of this year. As part of the accelerated recruitment campaign to facilitate this process, 1,125 Garda recruits were inducted to the Garda college during 2005. The college will induct 1,100 recruits this year and a further 1,100 in 2007, by way of intakes to the Garda college of approximately 275 recruits every quarter. This project is fully on target and will be achieved.

Missing Persons.

448. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the reason his Department continued paying funds for the missing persons helpline several months into 2005 despite same having ceased operations in 2004. [8848/06]

449. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the breakdown of the funds paid for the missing persons helpline; and the cost annually for wages, rent publicity and office expenses for the few years of its existence. [8849/06]

450. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if it is a matter for concern that the missing persons helpline did not appear in the telephone directories or the golden pages for the years of its operation; his views on whether this could account for the small number of calls to the helpline as described in the reply to a previous parliamentary question. [8850/06]

451. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of publicity leaflets highlighting the missing persons helpline which were printed; the way in which they were distributed; the other publicity campaigns which were run and financed by his Department to ensure that the public were aware of the helpline and its services; and his views on whether this could also have accounted for the small number of calls to the helpline. [8851/06]

452. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the reason for the delay in the distribution of leaflets for the missing persons helpline from the time they were printed until they eventually appeared in Garda stations, which was said to have been over six months; the further reason they were only available in Garda stations; and his views on whether this would also have accounted for the small

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number of calls recorded to the missing persons helpline. [8852/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 448 to 452, inclusive, together.

The national missing persons helpline was established in October 2002. Initial funding of €65,000, to include set-up costs, was provided by my Department to establish a dedicated national missing persons helpline, to be operated and administered by Victim Support. Further funding of €45,000 was provided to the helpline in 2003. This funding was provided subject to the conditions that no funding beyond the year 2003 should be implied and audited accounts should be provided to my Department. To date, in spite of requests, no audited accounts have been received in my Department. I am not in a position, therefore, to provide a breakdown of expenditure incurred by the missing persons helpline.

In March 2005, I decided that continued funding of the Victim Support organisation could no longer be justified, due to serious concerns in relation to governance, accountability for public funds and poor service levels, after a lengthy period of instability within the organisation. I understand that Victim Support Limited closed down its headquarters operation during 2005 and a number of staff were made redundant, including the person employed to operate the missing persons helpline.

The conditions under which my Department provided funding did not include any requirements concerning operational activities of the helpline. Decisions made in relation to the advertising or publicity of the helpline were made by Victim Support, an independent, non-governmental organisation with charitable status, which managed the operation of the helpline, in conjunction with the helpline itself.

Since March 2005, funding for services providing victim support is provided through the independent Commission for the Support of Victims of Crime. The commission received an application for funding from the Missing in Ireland support service in April 2005. The application was for €71,000 to staff and operate a helpline for missing persons. After careful consideration of the application the commission decided to offer funding of €25,000. However, this offer was rejected by the Missing in Ireland support service. It should be borne in mind in this context that the commission is charged with funding support services for victims of crime, and that while some persons who are missing are crime victims, most are not. It remains open to the Missing In Ireland support service to make an application to my Department for assistance if it wishes. Any such application will be carefully considered on its merits.

Road Traffic Offences.

453. **Mr. Connolly** asked the Minister for Justice, Equality and Law Reform his proposals to address the confusion currently being experienced by the Garda Síochána in the implementation of the penalty points system; and if he will make a statement on the matter. [8860/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The implementation of the penalty points system is progressing satisfactorily.

The fixed charge processing system, FCPS, was rolled out nationwide with effect from 2 February 2006 having been operating effectively in the DMR, parts of Louth and Meath and Cork city since January 2005. From 3 April the FCPS will handle an expanded range of fixed charge offences which attract penalty points, and additionally current fines on the spot offences will be converted to fixed charge offences. Full integration of FCPS with the Garda PULSE system is planned for mid-April. The payment collection service for fixed charges will be provided by An Post and this is currently being rolled out on a phased basis. By 3 April this service will be operational in all 109 Garda districts, removing the need to pay these fines at the relevant Garda district headquarters.

The rollout of the system is being overseen by a project board which ensures that any problems which occur in the implementation of the system are quickly identified and remedied.

Asylum Support Services.

454. **Mr. O'Shea** asked the Minister for Justice, Equality and Law Reform the position regarding the closure of the Ocean View hostel in Tramore, County Waterford; the arrangements which are being made to provide alternative accommodation for the residents; and if he will make a statement on the matter. [8881/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The reception and integration agency, RIA, is in the process of closing accommodation centres nationwide due to excess capacity arising from the sharp decline in the numbers requiring accommodation. This decline is primarily as a result of an outflow of asylum seekers granted leave to remain under the Irish-born child scheme. The agency is also in the process of reclassifying centres to take account of the change over time in the profile of asylum seekers, for example, more single persons as opposed to families. Both the closures and reclassification of accommodation centres are essential if the agency is to make effective use of its accommodation portfolio and obtain value for money.

The ongoing process has already led to the closure in 2005 of 15 accommodation centres with a combined capacity of 833 beds. More extensive

closures are planned in 2006 with the bulk of these to take place before the end of July 2006. However, if the number of asylum seekers continued to decline, further closures might be required beyond July 2006.

In the case of this centre the contract is due to expire on 25 May 2006. The contractor is to be notified no later than 25 March 2006 of RIA's intentions in relation to either closure or a possible new contract. If it is decided not to renew the contract all existing residents at the centre will be offered suitable alternative accommodation within the RIA accommodation portfolio before the expiry date of the contract.

Departmental Staff.

455. **Mr. Connolly** asked the Minister for Justice, Equality and Law Reform the number of persons with disabilities employed in his Department; the percentage of the total staff that this represents; the human resources policy of his Department with regard to the recruitment of persons with disabilities; the qualification criteria for persons with disabilities; and if he will make a statement on the matter. [8903/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): My Department is fully committed to the employment of people with disabilities where possible. Our policy is to ensure that people with disabilities are facilitated with access to employment opportunities and every necessary accommodation is made in this regard. To help achieve this, my Department has a disability liaison officer whose role is to act as a point of contact both within and between Departments for information and advice in relation to disability. The employee assistance service plays a valuable role in this regard as does management and staff alike within the Department. Disability awareness training has also been provided to a number of staff in the personnel area.

The Government's 3% target for the employment of people with disabilities in the Civil Service has a key role to play in creating employment opportunities which might not otherwise be available. The Minister for Finance is responsible for this target which applies across the Civil Service and not just to individual Departments. The percentage of people with a disability in my Department currently stands at 5.08% representing some 148 people. For the purposes of determining this target, the term "people with disabilities" means people with a physical, sensory or psychological impairment which may have a tangible impact on their functional capability to do a particular job; or have an impact on their ability to function in a particular physical environment; or lead to a discrimination in obtaining or keeping employment of a kind for which they would otherwise be suited.

I am anxious to ensure that the Government target is achieved and my Department continues to liaise on an ongoing basis with the Public Appointments Service in an effort to recruit people with disabilities. As a result, during the past year, a number of people with disabilities were recruited through the Public Appointments Service. My Department also employed a number of graduates with disabilities on a work placement programme during the summer giving them valuable work experience relevant to their studies and skills. As this worked out very well, I am pleased to say that we will be offering further such placements this year under the WAM, Willing Able Mentoring project, which is part funded under the EQUAL initiative.

Driving Licences.

456. **Mr. Haughey** asked the Minister for Justice, Equality and Law Reform the position regarding an application by a person (details supplied) in Dublin 9 to the Carriage Office to do the appropriate test in order to obtain a public service vehicle licence; if his attention has been drawn to the fact that this person has no previous driving convictions even though their father who has the same name has such a conviction; and if he will make a statement on the matter. [8929/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have made inquiries with the Garda authorities and I am informed that the situation regarding the application for a public service vehicle, PSV, licence by the person in question is as follows: An application from the person in question for a PSV licence was received on 15 November 2005. The matter concerning the road traffic conviction was investigated at an early stage and discounted. However, there are other issues which need to be resolved before a decision can be made on the application concerned. It is proposed to interview the applicant in relation to these issues in order to assist the authorised officer in making an informed decision as to the suitability of the person in question to hold a small PSV driver's licence.

Residency Permits.

457. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform the position regarding an application for residency by a person (details supplied) in County Roscommon; and if he will expedite this application. [8931/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned lodged a residency application with my Department on the basis that they were the spouse of an EU national.

[Mr. McDowell.]

A decision was issued to the most recent address on record, which differs from the one provided by the Deputy. The person concerned was requested to inform my Department, in writing, of any change of address while their application was being processed. There is no record that such information was provided. The decision has been reissued to the person at the address provided by the Deputy.

Garda Equipment.

458. **Mr. Dennehy** asked the Minister for Justice, Equality and Law Reform if he has had discussions with the Garda authorities regarding the purchase of water cannon; his views on whether this facility should be available to the Garda Síochána; and if he will make a statement on the matter. [8938/06]

468. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform the reason no water cannons were purchased for Garda resources; his plans to purchase water cannons following the riots in Dublin on 25 February 2006; and if he will make a statement on the matter. [9048/06]

469. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform the reason no water cannon was purchased by his Department to help the Garda Síochána in their policing; and if he will make a statement on the matter. [9049/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 458, 468 and 469 together.

I am informed by the Garda authorities that equipment to assist in police operations is kept under continual review. The question of purchasing a water cannon is in the first instance a matter for the Garda authorities. I have received no proposal to date from the Garda authorities to purchase water cannons. Should such a proposal be received in my Department, it would be given careful consideration.

In April, 2004, in considering the range of tactical options available to ensure the safety of the public in dealing with unruly protests, the Garda Commissioner entered into a service level agreement for the loan of two water cannons from the Police Service of Northern Ireland, PSNI. Members of the Garda Síochána have been trained by the PSNI in using the cannons. The PSNI has undertaken to update this training as required or as modifications are made to their equipment. The Commissioner is satisfied with the continuation of this agreement. This is another tangible example of practical ongoing co-operation between the Garda Síochána and the PSNI.

Visa Applications.

459. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform further to previous parliamentary questions and the correspondence of 2005 the progress in relation to the case of a person (details supplied) in County Carlow and the ongoing case made by this person's father; and if he will make a statement on the matter. [8955/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In my reply to Question No. 310 of 9 November 2004, I provided the Deputy with a background to this case, outlining the reason why the visa application had been refused.

No appeal against this decision was received by my office within the specified time.

The applicant may of course lodge a new application at any time, which will be examined fully by my Department.

Garda Operations.

460. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if a safety and security plan will be put in place for an area (details supplied) in Dublin 5 as anti-social problems are emerging; and if he will work with Dublin City Council on the style for the area. [8957/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the area in question is covered by gardaí from Raheny Garda station and is the subject of a policing plan, involving high visibility foot and mobile patrols. These are augmented by patrols from the district detective unit, divisional crime task force and traffic unit.

I understand that as part of the policing plan for the area concerned local gardaí are liaising with Dublin City Council, as is the case in any area where specific problems are being experienced.

I am also informed that a number of juveniles who were involved in incidents of anti-social behaviour in the area referred to are being dealt with under the Garda juvenile diversion programme.

Garda Deployment.

461. **Mr. Carey** asked the Minister for Justice, Equality and Law Reform the number of gardaí allocated to Finglas, Ballymun, Santry and Whitehall Garda stations; and if he will make a statement on the matter. [8991/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength of Finglas,

Ballymun, Santry and Whitehall Garda stations as at 28 February, 2006 was as set out in the following table:

Station	Strength
Finglas	76
Ballymun	61
Santry	120
Whitehall	34

The timescale for achieving the target strength of 14,000 members of the Garda Síochána in line with the commitment in An Agreed Programme for Government remains as when I announced the Government approval in October 2004 for my proposals to achieve this objective. The phased increase in the strength of the Garda Síochána to 14,000 will lead to a combined strength, of both attested gardaí and recruits in training, of 14,000 by the end of this year.

As part of the accelerated recruitment campaign to facilitate this record expansion, 1,125 Garda recruits were inducted to the Garda college during 2005. The college will induct a further 1,100 recruits this year and again in 2007, by way of intakes to the Garda college of approximately 275 recruits every quarter. This project is fully on target and will be achieved. The first incremental increase of newly attested gardaí under the programme of accelerated recruitment will take place on 16 March, 2006.

The Garda Commissioner will now be drawing up plans on how best to distribute and manage these additional resources, and in this context the needs of the Garda stations referred to by the Deputy will be fully considered within the overall context of the needs of Garda stations throughout the country.

Commissions of Investigation.

462. **Mr. Bruton** asked the Minister for Justice, Equality and Law Reform if he has examined the evidence presented in the RTÉ “Prime Time” programme on the likely cause and route of the fire in the Stardust, Artane on 14 February 1981; if he will appoint an independent legal officer to examine this evidence and other evidence assembled by the families of victims; and if he will meet with the families to agree the way in which an independent officer might play a part in addressing their concerns. [8997/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): My Department has forwarded a copy of the recent “Prime Time” programme to the forensic science laboratory for evaluation and will be in touch with the Stardust Victims Committee again as soon as a response is received. As the Deputy will be aware, a previous submission from the committee was evaluated by the forensic science laboratory and the Garda Síochána in

2004 but was found not to warrant a revisiting of the original inquiry. I can also inform the Deputy that I will of course meet with the committee in the event that there is some new information I can provide them with arising out of these developments.

Garda Deployment.

463. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform his views on the number of gardaí and the level of resources available to the Garda Síochána in the Bray, Greystones, Kilcoole and Newtownmountkenedy areas; his further views on whether the current levels are totally inadequate; and the provision which is being made to increase the numbers of gardaí and accompanying resources in those areas. [9014/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities, who are responsible for the detailed allocation of Garda resources, including personnel, that the personnel strengths of Bray, Greystones and Newtownmountkenedy Garda stations as at 28 February 2006 were as follows:

Station	28/02/06
Bray	88
Greystones	34
Newtownmountkenedy	2

Kilcoole is policed by Greystones Garda station. The areas of Bray, Greystones and Kilcoole form part of the Dublin metropolitan region east division and Newtownmountkenedy forms part of the Wexford-Wicklow Garda division. It is the responsibility of the divisional officer to allocate personnel within his-her division. The allocation of resources throughout any division is determined by a number of factors including demographics, administrative functions, crime trends and other operational policing needs. Garda management continue to appraise the policing and administrative strategy employed within each division with a view to ensuring that an effective Garda service is maintained.

In this regard, Garda management in the Dublin metropolitan region east division report that in January 2006 five gardaí were transferred from Bray Garda station to Greystones Garda station to augment the sub-district force and provide a more effective service. Four of these five gardaí have been allocated to community policing duties in Kilcoole and thus patrol the Kilcoole area during their tour of duty. In addition, local garda management report that an additional ten gardaí were allocated to the Bray sub-district from existing divisional resources in January 2006.

Local Garda management in the Dublin metropolitan region east division state that they are

[Mr. McDowell.]

satisfied that the current resources available in the Bray and Greystones sub-districts are adequate to meet the present policing needs of the area.

Local Garda management in the Wexford-Wicklow division state that they are satisfied that the most effective and efficient use is being made of existing available resources in Newtownmountkennedy. The area is also patrolled by the divisional traffic corps and the district detective unit.

I should also mention that the timescale for achieving the target strength of 14,000 members of the Garda Síochána in line with the commitment in An Agreed Programme for Government remains as when I announced the Government approval in October 2004 for my proposals to achieve this objective. The phased increase in the strength of the Garda Síochána to 14,000 will lead to a combined strength, of both attested gardaí and recruits in training, of 14,000 by the end of this year. This project is fully on target and will be achieved.

As part of the accelerated recruitment campaign to facilitate this record expansion, 1,125 Garda recruits were inducted to the Garda college during 2005. The college will induct a further 1,100 recruits this year and again in 2007, by way of intakes to the Garda college of approximately 275 recruits every quarter. I am informed by the Garda authorities that the first incremental increase of newly attested gardaí under the programme of accelerated recruitment into the Garda Síochána will take place on 16 March.

The Garda Commissioner will now be drawing up plans on how best to distribute and manage these additional resources, and, in this context, the needs of the areas referred to by the Deputy will be fully considered within the overall context of the needs of areas throughout the country.

Garda Stations.

464. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the criteria which needs to be met in order to establish a Garda station in the Kilcoole area. [9015/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Any decision to establish a Garda station is made by the Commissioner following consultation with senior management and my Department. Factors relevant in any such decision could include the physical condition, capacity and staffing levels of other Garda stations in the district; crime trends and demographics of the area; and other operational policing needs.

Garda Deployment.

465. **Aengus Ó Snodaigh** asked the Minister for

Justice, Equality and Law Reform his views on Garda levels and resources in west Wicklow; his further views on whether the current levels are totally inadequate; the provision which is being made to increase the number of gardaí and accompanying resources. [9016/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An additional five gardaí are due to be assigned specifically to the Baltinglass district, two on 16 March and a further three on 18 April.

I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the west Wicklow area is policed by gardaí attached to the Baltinglass district, which forms part of the Carlow-Kildare division. The personnel strength of the Baltinglass district as at 28 February, 2006 was 55, all ranks. The personnel strength of the Baltinglass district as at 31 December 1997 was 49, all ranks. This represents an increase of six, or 12.2%, in that time.

The first incremental increase of newly attested gardaí under the current programme of accelerated recruitment will take place on 16 March, and I am informed that an additional 17 gardaí are due to be allocated to the Carlow-Kildare division in conjunction with this incremental increase.

Garda personnel assignments to the Baltinglass district, together with overall policing arrangements and operational strategy, are continually monitored and reviewed. Such monitoring ensures that optimum use is made of Garda resources, and that the best possible Garda service is provided to the general public. Local Garda management state that they are satisfied with manpower levels in the Baltinglass district as a result of the increases referred to above.

The timescale for achieving the target strength of 14,000 members of the Garda Síochána in line with the commitment in An Agreed Programme for Government remains as when I announced the Government approval in October 2004 for my proposals to achieve this objective. The phased increase in the strength of the Garda Síochána to 14,000 will lead to a combined strength, of both attested gardaí and recruits in training, of 14,000 by the end of this year.

As part of the accelerated recruitment campaign to facilitate this record expansion, 1,125 Garda recruits were inducted to the Garda college during 2005. The college will induct a further 1,100 recruits this year and again in 2007, by way of intakes to the Garda college of approximately 275 recruits every quarter. This project is fully on target and will be achieved.

Garda Stations.

466. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform his views on

making the Garda station in Blessington a 24-hour manned station. [9017/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength of Blessington Garda station as at 28 February 2006 was 14, all ranks.

I have been further informed that the opening hours of Blessington Garda station are as set out in the following table:

Days	Hours
Monday to Saturday	10am-1pm and 7pm-10pm
Sunday and Bank Holidays	11am-1pm and 7pm-9pm

Garda management states that when Blessington Garda station is closed, public access call box, PACB, and call diversion systems are in operation to the divisional headquarters at Naas. The Blessington Garda patrol car is operational between the hours of 7 a.m. and 4 a.m. daily and the Naas and Baltinglass Garda patrol cars actively patrol the Blessington sub-district between the hours of 4 a.m. and 7 a.m. daily, the hours when the Blessington Garda patrol car is not operational.

I am further informed that local Garda management do not believe it necessary to extend the opening hours of Blessington Garda station to a 24-hour service and that the extension of the opening hours of Blessington Garda station would require additional personnel being employed on indoor administrative duties who may be more effectively employed on outdoor policing duties.

Garda management further states that Garda personnel assigned to Blessington Garda station, together with overall policing arrangements and operational strategy, are continually monitored and reviewed. Such monitoring ensures that optimum use is made of Garda resources, and the best possible Garda service is provided to the general public.

The timescale for achieving the target strength of 14,000 members of the Garda Síochána in line with the commitment in An Agreed Programme for Government remains as when I announced the Government approval in October 2004 for my proposals to achieve this objective. The phased increase in the strength of the Garda Síochána to 14,000 will lead to a combined strength, of both attested gardaí and recruits in training, of 14,000 by the end of this year.

As part of the accelerated recruitment campaign to facilitate this record expansion, 1,125 Garda recruits were inducted to the Garda college during 2005. The college will induct a further 1,100 recruits this year and again in 2007,

by way of intakes to the Garda college of approximately 275 recruits every quarter. This project is fully on target and will be achieved. The first incremental increase of newly attested gardaí under the programme of accelerated recruitment will take place on 16 March, 2006.

The Garda Commissioner will now be drawing up plans on how best to distribute and manage these additional resources, and in this context the needs of Blessington Garda station will be fully considered within the overall context of the needs of Garda stations throughout the country.

Crime Levels.

467. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the value of property stolen and recovered for each of the years as requested in Parliamentary Question No. 254 of 15 February 2006. [9034/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have made inquiries with the Garda authorities and the following table gives the total value of property stolen and property recovered for each of the years 2000, 2001, 2002, 2003, 2004 and 2005. Comparable statistics are not readily available for years 1998 and 1999 and would require a disproportionate expenditure of Garda time and resources to retrieve the information sought.

Value of Property Stolen and Recovered in the State for years 2000 to 2005

Year	Stolen	Recovered
	€	€
2000	76,858,796	4,272,094
2001	73,148,033	5,519,696
2002	96,991,673	25,779,116
2003	73,285,702	4,303,853
2004	78,175,034	5,658,757
2005*	78,660,352	3,003,533

*Figures provided for 2005 are provisional, operational and liable to change.

I am informed by the Garda authorities that the value of property contained in the above table relates to property stolen and recovered for the crimes of robbery, theft and burglary. Other property which may be retained in Garda custody such as property lost, found or seized is not included. The value of property stolen or recovered is obtained through various methods depending on the level of investigation required. The source of a value ranges from reports by injured parties in cases where no proceedings are to commence, to a value requiring proof as is provided in evidence to a court, for example with jewellery, where the valuation will be provided by receipts or a valuation by an expert.

[Mr. McDowell.]

In addition the Criminal Assets Bureau takes actions under the Proceeds of Crime Act 1996, as amended, to seize property which is shown in the High Court to be the proceeds of crime. Since its inception in 1996, the Criminal Assets Bureau has been granted interim and final restraint orders to the value of over €52 million and €23 million respectively and in addition in excess of €81 million has been the subject of tax demands.

Questions Nos. 468 and 469 answered with Question No. 458.

Garda Stations.

470. **Ms Lynch** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that the number of Garda personnel stationed at the Watercourse Road Garda station in Blackpool, Cork, has increased from 30 gardaí to 60 gardaí since the McCurtain Street Garda station closed in 2002; his views on whether this has led to a very cramped work environment for the personnel involved; his plans to upgrade or build a new Garda station in this quickly expanding area of Cork city; and if he will make a statement on the matter. [9135/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): There are ongoing discussions between the Garda authorities and my Department on the Garda accommodation requirements for Watercourse Road, Mallow Road and McCurtain Street stations.

Garda Deployment.

471. **Mr. Cregan** asked the Minister for Justice, Equality and Law Reform if he will confirm that additional gardaí will be posted to Newcastle West Garda station, County Limerick; when same will happen, in view of the fact that the present number attached to this section is 25, despite the fact that the population has doubled from ten years ago, when the number of gardaí attached to the station was 24; and if he will make a statement on the matter. [9215/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources including personnel, that the personnel strength, all ranks, of Newcastle West Garda station, County Limerick on 28 February 2006 was 27. It is the responsibility of each divisional officer to allocate personnel within his or her division at levels on a priority basis in accordance with the requirements of different areas in the division. The personnel strength, all ranks, of the Limerick division has grown from 423 on 31 December 1997 to 481 on 28 February 2006. This represents an

increase of 58, or 13.7%, in that time. The allocation of such resources throughout the division is determined by a number of factors including demographics, administrative functions, crime trends and other operational policing needs.

Garda personnel assignments to the Newcastle West district, together with overall policing arrangements and operational strategy, are continually monitored and reviewed. Such monitoring ensures that optimum use is made of Garda resources and that the best possible Garda service is provided to the public. The first incremental increase of newly attested gardaí under the current programme of accelerated recruitment will take place on 16 March 2006, and I am informed that an additional ten gardaí are to be allocated to the Limerick division in conjunction with this incremental increase, five on 16 March and a further five on 18 April.

The timescale for achieving the target strength of 14,000 members of the Garda Síochána in line with the commitment in An Agreed Programme for Government remains as when I announced the Government approval in October 2004 for my proposals to achieve this objective. The phased increase in the strength of the Garda Síochána to 14,000 will lead to a combined strength of both attested gardaí and recruits in training of 14,000 by the end of this year. As part of the accelerated recruitment campaign to facilitate this record expansion 1,125 Garda recruits were inducted to the Garda College during 2005. The college will induct a further 1,100 recruits this year and again in 2007 by way of intakes to the Garda College of approximately 275 recruits every quarter. This project is fully on target and will be achieved.

Garda management will draw up plans on how best to distribute and manage these additional resources and in this context the needs of Newcastle West Garda station will be fully considered within the overall context of the needs of Garda stations throughout the Limerick division.

Outdoor Events.

472. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if he will ensure the maximum safety and security for football fans and local residents at the next Shelbourne v. Linfield match in the Setanta Cup at Tolka Park, Richmond Road, Dublin; and if he will be vigilant on potential sectarian clashes. [9263/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The control and direction of the Garda Síochána, including the allocation of resources, is vested with the Garda Commissioner. However, I am informed by the Garda authorities that a comprehensive policing and security plan is in place for the football match mentioned in the Deputy's question, which will

include high-visibility patrolling on all adjacent roads and streets. Local Garda management is satisfied with the policing plan for events such as these. The plan remains under constant review to ensure that it meets requirements.

Visa Applications.

473. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform when visa applications will be approved for persons (details supplied). [9291/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The applications referred to by the Deputy were received in our New Delhi visa office on 24 February 2006. Visa applications are processed as speedily as possible having regard to the numbers on hand and the resources available to process them. The applications referred to by the Deputy are currently pending examination by a visa officer and a decision is expected in the very near future.

Garda Stations.

474. **Ms Fox** asked the Minister for Justice, Equality and Law Reform his plans to provide Greystones with an adequate Garda station in the near future; and if he will make a statement on the matter. [9322/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am advised by the Garda authorities that they will shortly be submitting proposals to my Department regarding Greystones Garda station. When received, discussions will take place with the Office of Public Works to progress the project as quickly as possible.

Visiting Dignitaries.

475. **Mr. J. Higgins** asked the Minister for Justice, Equality and Law Reform the cost of security arrangements for the visit of US President, Mr. George W. Bush, to Shannon Airport on 1 March 2006. [9344/06]

476. **Mr. J. Higgins** asked the Minister for Justice, Equality and Law Reform the number of gardaí deployed as part of the security arrangements for the visit of US President, Mr. George W. Bush, to Shannon Airport on 1 March 2006. [9345/06]

477. **Mr. J. Higgins** asked the Minister for Justice, Equality and Law Reform if he had prior knowledge of the visit of US President, Mr. George W. Bush, to Shannon Airport on 1 March 2006. [9346/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 475 to 477, inclusive, together.

As the Deputies will be aware, it is standard practice for visiting Heads of State to make the Government and the Garda Síochána aware of any intention to visit this State, and this practice was adhered to with regard to President Bush's recent stopover. It is not policy to discuss specific matters of security for the protection of visiting Heads of State to Ireland. The costs associated with implementing the security operation for this visit are still being collated.

Residency Permits.

478. **Mr. Curran** asked the Minister for Justice, Equality and Law Reform the number of people who applied for leave to remain here under the Immigration Act 1999 for the years 2003, 2004 and 2005; and the length of time it is currently taking to process such an application. [9353/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I presume that the Deputy is referring to applications for leave to remain made pursuant to section 3 of the Immigration Act 1999 as amended. Leave to remain in these circumstances arises where a non-national is served with a notice of intent to deport under section 3(3)(a) of the Immigration Act 1999. Persons served with such a notice of intent, including persons refused refugee status and those otherwise illegally resident in the State, are afforded three options, namely to leave the State voluntarily, to consent to the making of the deportation order or to make representations in writing within 15 working days setting out reasons why a deportation order should not be made and why temporary leave to remain in the State should be granted instead.

Under section 3(6) of the Act the Minister, in determining whether or not to make a deportation order, shall have regard to 11 specified considerations, one of which is any representation made by or on behalf of the person. The determination as to whether a deportation order is made or whether leave to remain is granted is not dependent on whether the person has made representations for leave to remain. Thus, statistics are not maintained to distinguish between cases where representations have been made for leave to remain from those where no such representations were made.

It is not possible to state an average period of time taken to process a case to the point where a person is either granted leave to remain or has a deportation order issued against him or her. In the first place, priority is given to accelerated processing arrangements for nationals of those States which are subject to ministerial prioritisation directions, namely Nigeria, Romania, Bulgaria, Croatia and South Africa. Under these arrangements applications are processed at the initial stage in ORAC in an average of 16 working days,

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and for appeal determinations in RAT in an average of 14 working days. These five nationalities currently account for almost 40% of all asylum applications. Many persons leave the State or, as explained below, are granted leave to remain aris-

Year	2003	2004	2005
Temporary leave to remain granted under the Immigration Act 1999	86	207	137

The figures in the preceding table do not include persons who have been granted permission to remain in the State on the basis of parentage of an Irish-born child either under the revised scheme announced in January 2005 or under the earlier arrangements, or those granted residency on the basis of marriage to Irish or EU nationals. Many of these persons would otherwise have been considered for leave to remain in the context of the deportation system described above. For example, in the case of the Irish-born child scheme initiated in January of last year a total of 17,917 applications for leave to remain were received, of which 16,693 were granted.

Crime Levels.

479. **Mr. Hogan** asked the Minister for Justice, Equality and Law Reform the number of crimes detected across all headings in Carlow Garda division during 1997, 2000, 2001, 2002, 2003, 2004 and 2005; and if he will make a statement on the matter. [9360/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The introduction of the PULSE

	2005* Detected	2004 Detected	2003 Detected	2002 Detected	2001 Detected	2000 Detected
Homicide	2	0	0	1	4	6
Assault	144	149	157	228	98	64
Sexual offences	37	53	109	70	61	30
Arson	18	13	10	10	17	18
Drugs	113	85	90	84	82	77
Theft	775	691	737	548	525	488
Burglary	192	211	201	212	209	219
Robbery	29	29	15	31	31	25
Fraud	123	120	166	130	174	189
Other headline offences	44	40	43	75	34	9
Total	1,477	1,391	1,528	1,389	1,235	1,125

*Figures provided are provisional, operational and liable to change.

480. **Mr. O'Dowd** asked the Minister for Justice, Equality and Law Reform the number of crimes detected across all headings in Dundalk Garda division during 1997, 2000, 2001, 2002, 2003, 2004 and 2005; and if he will make a statement on the matter. [9361/06]

ing from a change in their circumstances without having their cases determined in the context of the deportation process described above.

Details of those granted leave to remain in the three years in question, in the context of the deportation process, are as follows.

computer system by the Garda Síochána in 1999 has led to more complete and comprehensive recording of crimes reported than was previously the case. Consequently, the statistics provided for 1997 are not comparable to statistics provided for 2000 and subsequent years. I am informed by the Garda authorities that the following table shows the totals for offences detected by the ten headline groups for the Carlow-Kildare Garda division for the years 2000 to 2005, inclusive.

It should be borne in mind that any interpretation of the crime figures should factor in the increase in our population in the past ten years. In 1995, with a population of almost 3.6 million people, there were 29 crimes per 1,000 of the population. In 2005, with a population of over 4.1 million, there were 24.6 crimes per 1,000 of the population, a reduction of 4.4 crimes per 1,000 of the population. A certain proportion of the increase in the figures for recorded headline crime is due to the increases in recording rates resulting from the phasing in of the Garda PULSE IT system from 1999 to 2002.

The following table shows headline crimes detected for the Garda division of Carlow-Kildare for the years 2000 to 2005*.

Minister for Justice, Equality and Law Reform (Mr. McDowell): I regret that it has not been possible in the time available to obtain the information requested by the Deputy. I will be in contact with the Deputy about this matter when it becomes available.

Garda Deployment.

481. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform the number of gardaí stationed in Ennis division during 1997, 2000, 2002, 2003, 2004 and 2005; and if he will make a statement on the matter. [9362/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I presume that the Deputy is referring to the Ennis district in the Clare division. I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength, all ranks, of Ennis Garda district as at 31 December 1997, 2000 and 2002 to 2005, inclusive, was as set out in the following table:

Date	Strength
31/12/97	122
31/12/00	133
31/12/02	131
31/12/03	146
31/12/04	157
31/12/05	155

Hence the total Garda strength of the Ennis district on 31 December 2005 represented an increase of 33, or 27%, over the corresponding figure for 31 December 1997. The timescale for achieving the target strength of 14,000 members of the Garda Síochána in line with the commitment in An Agreed Programme for Government remains as when I announced the Government approval in October 2004 for my proposals to achieve this objective. The phased increase in the strength of the Garda Síochána to 14,000 will lead to a combined strength of both attested gardaí and recruits in training of 14,000 by the end of this year.

As part of the accelerated recruitment campaign to facilitate this record expansion 1,125 Garda recruits were inducted to the Garda College during 2005. The college will induct a further 1,100 recruits this year and again in 2007 by way of intakes to the Garda College of approximately 275 recruits every quarter. This project is fully on target and will be achieved. The first incremental increase of newly attested gardaí under the programme of accelerated recruitment will take place on 16 March 2006.

The Garda Commissioner will draw up plans on how best to distribute and manage these additional resources, and in this context the needs of Ennis Garda district will be fully considered within the overall context of the needs of Garda districts throughout the country.

Residency Permits.

482. **Mr. G. Murphy** asked the Minister for Justice, Equality and Law Reform if a person

(details supplied) withdraws their application as requested by his Department from the MIN section to allow their application to be considered under EU section that in the event of it being necessary to re-enter the MIN application the date of application will be deemed to be that date shown in the original application. [9381/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question was not requested by the immigration division of my Department to withdraw their application for residency based solely on marriage to an Irish national in favour of their application made under EU regulations. Legal representatives of the person in question were contacted by phone by an officer of my Department and advised of the timeframes involved in processing the different applications. Applications for residency based solely on marriage to an Irish national take 16 months to process while under EU legislation such residency applications by dependents of an EU national must be completed within six months.

The legal representative of the person in question opted for the scheme with the shorter timeframe and he was asked to confirm the chosen option in writing. The legal representative of the person in question was given a verbal undertaking that if his client was unsuccessful in his application for residency under EU regulations then the application based solely on marriage to an Irish national would be reactivated with effect from the original date of receipt which was February 2006.

483. **Mr. Gilmore** asked the Minister for Justice, Equality and Law Reform the progress which has been made on the application for naturalisation made by a person (details supplied) in County Dublin; and if he will make a statement on the matter. [9431/06]

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 30 March 2005 and, in the normal course, it would fall to be finalised in or around March 2007. However, the person concerned entered the State in January 2001 and was resident here for less the statutory five year period at the time of his application. Since it was not evident that he belonged to a category of applicant to which a lesser residency requirement would apply, such as spouse of an Irish citizen, refugee or stateless person, he was not eligible to apply for naturalisation when he did.

The person concerned has had uninterrupted permission to remain in the State since January 2001 and now meets the statutory residency criteria. It is open to him to submit a new application at any time. Any such application will be

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examined against the other statutory criteria for naturalisation prior to being referred to me for a decision. My officials will be writing to the person concerned in the next few days setting out the position. A new application form will be forwarded to him at that stage.

Garda Operations.

484. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform his views on co-operation agreements with police forces from other jurisdictions in an effort to solve crimes committed by people from those jurisdictions; the plans or agreements he has made; and if he will make a statement on the matter. [9545/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that international co-operation between law enforcement agencies is achieved in a number of ways, including the exchange of strategic and operational intelligence on the activities and *modus operandi* of criminal networks and organisations.

The Garda Síochána has an excellent level of co-operation with police forces from other jurisdictions through formal agreements and on a one-to-one basis. A network of formal and informal contacts has been developed with EU and non-EU countries. In order to facilitate co-operation between law enforcement agencies in the investigation of criminal activity, the Garda Síochána has a number of liaison officers posted in EU member states. In addition, Ireland is a member of Europol and has access through liaison officers based at the Hague to police forces throughout the European Union. Ireland has direct access to all Interpol National Bureaux, which enhances and facilitates police co-operation even further. Currently 184 countries are members of Europol.

International co-operation is also achieved through investigations conducted by the Garda Síochána within the State at the request of foreign law enforcement agencies and by the Garda Síochána requesting the assistance of other law enforcement agencies in conducting investigations on behalf of the Irish State in other jurisdictions. These requests are governed by the relevant legislation concerning mutual assistance in criminal matters.

A number of co-operation agreements are in place with governments and police forces in other jurisdictions including Hungary, the Russian Federation, Poland, Cyprus and Bulgaria. These cover a range of criminal justice matters, including co-operation in combating drug trafficking, money laundering, organised crime, trafficking in persons, terrorism and other serious crime. Negotiations are ongoing on proposals for agreements with other jurisdictions. In addition, the Garda Síochána has put in place memoranda of understanding between the money laundering investi-

gation unit of the Garda Síochána and financial intelligence units in other jurisdictions. These relate to co-operation in the exchange of financial intelligence relating to money laundering.

Road Traffic Offences.

485. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the measures he has put in place to deal with the issue of dangerous driving or other driving behaviour in the context of bilateral relations with other States; and if he will make a statement on the matter. [9546/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Road safety in the context of bilateral relations is the responsibility of my colleague the Minister for Transport, Deputy Cullen. He has informed me that following the ministerial meeting of the transport sectoral group of the British-Irish Council on 9 February 2006 he exchanged letters with the UK Minister of State for Transport in which they agreed to enter into bilateral arrangements on the mutual recognition of driving disqualifications as envisaged in the EU Convention on Driving Disqualifications, 98/C216/01, in advance of the convention fully coming into force. Officials are working towards introducing a bilateral agreement between the UK and Ireland later this year. The proposed agreement will allow the both administrations to recognise and take action on driving disqualifications arising in the other jurisdiction. The convention relates to disqualifications arising from a range of specified traffic offences including drink driving, speeding and dangerous driving.

Road Traffic Accidents.

486. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the action he has taken on foot of the recent spike in the number of road deaths, specifically the tragic loss of five foreign nationals in Donegal; and if he will make a statement on the matter. [9547/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): All Government Departments and agencies which are responsible for dealing with road safety related issues are extremely aware of the urgent necessity of bringing about a steady reduction in the numbers killed and seriously injured on our roads. Government policy in this area is set out in the Government’s document, Road Safety Strategy 2004-2006. The strategy sets out an ambitious range of targets and actions and measures to be achieved. These cover a broad range of measures in road traffic legislation and law enforcement, road engineering, road safety awareness and education, community and local road safety work, ensuring safer vehicles and a road safety research programme.

Work is under way on many initiatives in these areas, including the extension of the penalty points system, the expansion of the Garda traffic corps, the outsourcing of the provision and operation of speed cameras under the superintendence of the Garda Síochána, the establishment of the Road Safety Authority and the strengthening of legislative provisions. An important element of the strategy is the detection of speeding, drink driving and other offences and the sanctioning of drivers for these offences.

In response to the disturbing number of road fatalities in Buncrana district a Garda traffic corps unit was established in the district on a pilot basis with effect from 20 October 2005. The unit was in addition to the traffic corps personnel already operating in the Donegal division. An evaluation of this pilot has been concluded and it has been decided that a dedicated traffic corp unit with increased personnel will be based in the Inishowen area. This unit will comprise one sergeant and eight gardaí.

A number of other initiatives have also taken place in the Donegal division. These include targeted co-ordinated patrolling of priority roads and junctions at prime times, high-visibility checkpoints, which have resulted in a 25% increase in the detection of drivers under the influence of an intoxicant in 2006 to date, and reconstitution of the Donegal road safety working group comprising representatives of the Garda Síochána, Donegal County Council, the Health Service Executive and the National Roads Authority.

Proposals have been made by the Garda Síochána to Donegal County Council in response to the fatal collision at Lisfannon on 18 February. Targeted education is an integral part of road traffic policing and in this regard a number of initiatives have been undertaken, including a local media campaign on traffic safety issues, a road safety programme in all primary and secondary schools in the Inishowen area, a driver improvement course in conjunction with the courts and ongoing liaison with driving instructors and the Institute of Advanced Motorists, IAM. The Garda Síochána is, in co-operation with Inishowen Rural Development Limited, assessing the training needs of drivers in the area.

Crime Prevention.

487. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the steps he has taken to deal with the unacceptable number of firearms being brought into the State and being held and sold illegally here; and if he will make a statement on the matter. [9548/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): There is a particular overriding necessity, in view of the recent increase in violent crime involving firearms, to ensure that public safety and security are given priority in any

review of policy and legislation on firearms. With this in mind I propose to bring forward a wide range of amendments to the Firearms Acts 1925-2000 in the context of the Criminal Justice Bill 2004, which is before the Dáil. Included in these new proposals are measures which will: create mandatory minimum sentences of between five and ten years for certain firearms offences, including possession of a firearm in suspicious circumstances, possession of a firearm with criminal intent, possession of a firearm with intent to endanger life or cause serious injury to property, possession of a firearm while hijacking a vehicle and use or production of a firearm to resist arrest; require all persons wishing to legally hold a firearm to satisfy the Garda that they have provided secure accommodation for the firearm; allow the Minister to deem certain firearms “restricted” by reference to specific criteria, including the calibre, action type and muzzle energy of the firearm, and to require that any person wishing to obtain a certificate for such a firearm must apply directly to the Garda Commissioner; introduce new offences concerning the modification of firearms such as “sawing off” a shotgun; and increase fines and penalties generally for offences under the Firearms Acts.

I also intend to introduce a statutory basis for an amnesty during which firearms may be surrendered to the Garda Síochána before new penalties, and minimum mandatory sentences, are introduced. This will enable those in possession of firearms, who are not in compliance with the legal requirements, to regularise their position, and thus enable the Garda Síochána to concentrate on more serious offenders.

Every effort is made by the Garda Síochána to combat the illegal importation, sale and possession of firearms through intelligence-led operations and activities. Operation anvil, launched in May last year and aimed at those involved in gun crime of any kind, is one of the most intensive special policing operations ever undertaken in the State. It is intelligence-driven and has significant levels of Garda resources. The Garda Síochána is receiving resources this year to continue operation anvil and I have asked the Commissioner to extend it to Garda divisions outside Dublin. Operation anvil contributed to the increase of 16% in the detection of possession of firearms in 2005. Up to 19 February 2006 Operation Anvil resulted in over 1,600 arrests, including 23 for murder, over 13,200 searches, including 360 searches for firearms that resulted in 359 firearms seized or recovered, and the recovery of property with a value of €5.7 million.

Legislative Programme.

488. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform his plans to introduce legislation to deal with firearms here; and if he will make a statement on the matter. [9549/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In the context of the Criminal Justice Bill 2004, which is awaiting Committee Stage in the House, I propose to bring forward a wide range of amendments which will strengthen the law governing the control of firearms. Included in these proposals are measure which will include the introduction of new offences concerning the modification of firearms such as “sawing off” a shotgun; increases in the fines and penalties generally for offences under the Firearms Acts; and the creation of mandatory minimum sentences of between five and ten years for certain firearms offences, including possession of a firearm in suspicious circumstances, possession of firearm with criminal intent, possession of a firearm with intent to endanger life or cause serious injury to property, possession of a firearm while hijacking a vehicle and use or production of firearm to resist arrest.

In this context I also propose to introduce a statutory basis for an amnesty during which firearms may be surrendered to the Garda Síochána before the proposed new penalties and minimum mandatory sentences are introduced. This will enable those in possession of firearms, who are not in compliance with the legal requirements, to regularise their position, and thus enable the Garda Síochána to concentrate on more serious offenders.

Every effort is made by the Garda Síochána to combat the illegal importation, sale and possession of firearms through intelligence-led operations and activities. Operation Anvil, launched in May last year and aimed at those involved in gun crime of any kind, is one of the most intensive special policing operations ever undertaken in the State. It is intelligence-driven and has significant levels of Garda resources. The Garda Síochána is receiving resources this year to continue Operation Anvil and I have asked the Commissioner to extend it to Garda divisions outside Dublin. Operation Anvil contributed to the increase of 16% in the detection of possession of firearms in 2005. Up to 19 February 2006, Operation Anvil resulted in over 1,600 arrests, including 23 for murder, over 13,200 searches, including 360 searches for firearms that resulted in 359 firearms seized or recovered, and the recovery of property with a value of €5.7 million.

Crime Prevention.

489. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the action he has taken on foot of the appalling scenes of civil disturbance that were witnessed in Dublin on 25 February 2006; the further measures he intends to take to ensure that such scenes are never again seen here; and if he will make a statement on the matter. [9550/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my com-

prehensive statements to both Dáil and Seanad Éireann on 28 February and 2 March 2006, respectively.

490. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform his views on the extent of usage of heroin, ecstasy MDMA, methamphetamine, cannabis and LSD by people here; his efforts to counteract the use of these drugs; and if he will make a statement on the matter. [9551/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): A number of data sources are used to determine the extent of drug usage within society. These include drug treatment and law enforcement data as well as official survey data at national level. The joint prevalence survey undertaken in partnership between the National Advisory Committee on Drugs, NACD, and the Drugs and Alcohol Information and Research Unit, DAIRU, in Northern Ireland is generally regarded as providing the most reliable baseline data on drug prevalence in Ireland. This study surveyed 8,434 people aged 15 to 64 throughout the island of Ireland between October 2002 and April 2003 and reported that cannabis was the most commonly used illegal drug with a lifetime prevalence rate of 17%. Lifetime prevalence rates for other drugs were substantially lower, for example heroin had a rate of 0.5%, ecstasy 4%, amphetamines 3% and LSD 3%.

The National Drugs Strategy 2001-2008 addresses the problem of drug misuse across a number of pillars including supply reduction, prevention, treatment, rehabilitation and research. Implementation of the strategy across a range of Government Departments and agencies is co-ordinated by the Department of Community, Rural and Gaeltacht Affairs. It is a key objective of the national drugs strategy to reduce access to all drugs, particularly those drugs that cause most harm, to young people especially in those areas where misuse is most prevalent. The strategy specifies a number of supply reduction targets for the Garda Síochána in terms of all drug seizures and the Garda has achieved considerable success on these targets to date.

I am informed by the Garda authorities that their strategies for dealing with drug offences are designed to undermine the activities of organised criminal networks involved in the trafficking and distribution of illicit drugs. These strategies include gathering intelligence on individuals and organisations involved in the distribution of drugs, including the support structures underpinning this activity, conducting targeted operations on criminal networks based on intelligence gathered and working in collaboration with other law enforcement agencies both within and outside the jurisdiction to address the national as well as international aspects of drug trafficking and distribution.

The Garda authorities further inform me that these strategies continue to result in operational successes. The trafficking and distribution of all illicit drugs at local, national and international levels is constantly monitored by the Garda. Finally, the Criminal Justice Bill, which is before the Houses of the Oireachtas, provides a comprehensive package of anti-crime measures which will enhance the powers of the Garda in the investigation and prosecution of offences, including drug offences. It includes provisions relating to search warrant powers for the Garda.

In November last year I obtained Government approval to draft a range of amendments to the Bill, which I intend to bring forward during its passage through the Oireachtas. Proposed amendments include the creation of new criminal offences for participation in organised crime and the strengthening of existing provisions for the ten-year mandatory minimum sentence for drug trafficking.

491. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the number of convictions which have been handed down in respect of the use, possession and trafficking of each of heroin, ecstasy MDMA, methamphetamine, cannabis, and LSD here; the penalty applied in each case; and if he will make a statement on the matter. [9552/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Under the Courts Service Act 1998, the provision of information on the courts system is a matter for the Courts Service. The latest published statistics on the operation of the courts are to be found in the Courts Service Annual Report for 2004, a copy of which may be found in the Oireachtas Library and on the website of the Courts Service, www.courts.ie.

Garda Recruitment.

492. **Mr. Rabbitte** asked the Minister for Justice, Equality and Law Reform the reasons for having an upper age limit for application to become a Garda; and if he will make a statement on the matter. [9554/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As part of the preparation for Garda recruitment campaign in 2004, I asked the Garda Commissioner to review the eligibility criteria for entry to the Garda Síochána in so far as it related to the maximum age of entry. This arose from the need to implement Directive 2000/78/EC, which, *inter alia*, prohibits discrimination in employment on the grounds of age.

In November 2004, on foot of recommendations from the Commissioner on the matter, I increased the upper age limit for entry to the Garda Síochána from 26 to 35. This important change has extended the opportunity to many more people of a career in the Garda

Síochána, and increases the pool of talent available to the Force on an on-going basis. Indeed, that change has already had a beneficial effect, with a significant percentage of recent recruits coming within the extended age range. There are no plans to make any further amendments to the age limit at this time.

Asylum Applications.

493. **Mr. Gilmore** asked the Minister for Justice, Equality and Law Reform if he has received an application for permission to remain here from a person (details supplied) who arrived here as an unaccompanied minor in 2003; and if he will make a statement on the matter. [9555/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on 27 October, 2003 and applied for asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Office of the Refugee Appeals Tribunal.

The person concerned was informed by letter dated 10 August, 2005, that the Minister proposed to make a deportation order in respect of him and afforded him three options in accordance with section 3(3)(b)(ii) of the Immigration Act 1999, as amended, namely to leave the State voluntarily, to consent to the making of a deportation order or to submit, within 15 working days, representations to the Minister, in writing, setting out the reasons why he should be allowed to remain temporarily.

His case was examined under section 3(6) of the Immigration Act 1999 as amended, and section 5 of the Refugee Act 1996, prohibition of *refoulement*. Consideration was given to representations received on his behalf from his legal representative for temporary leave to remain in the State.

On 14 December, 2005 I refused temporary leave to remain and instead signed a deportation order in respect of him. Notice of this order was served by registered post requiring him to present himself to the Garda National Immigration Bureau, GNIB., 13/14 Burgh Quay, Dublin 2, on 2 February 2006, in order to make travel arrangements for his deportation from the State. The person concerned presented as required and was given a further presentation date of 28 February, 2006. He presented on that date and is required to present again on 14 March, 2006. The person concerned is awaiting deportation following a comprehensive examination of his asylum claim and of his application to remain temporarily in the State. All representations made regarding his good character were considered pursuant to section 3(6)(g) of the Immigration Act 1999, as amended. These were deemed not to constitute

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sufficient grounds for revoking the deportation order and granting leave to remain instead.

Further representations setting out the reasons why this person should not be deported were received in my Department. I expect the case file in this matter to be re-submitted to me shortly for my consideration. The person concerned will be notified of my decision shortly.

Educational Projects.

494. **Mr. Haughey** asked the Minister for Education and Science her plans to introduce safe driving courses in secondary schools here; and if she will make a statement on the matter. [8928/06]

510. **Mr. Haughey** asked the Minister for Education and Science her plans to introduce safe driving courses in secondary schools here; and if she will make a statement on the matter. [8927/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 494 and 510 together.

The question of introducing a road safety and driver education syllabus into schools has been examined by the National Council for Curriculum and Assessment, NCCA, on foot of a report from a task group set up in 2000 and which included representatives of the Department of Education and Science, the Department of the Environment, Heritage and Local Government, the National Safety Council, the Garda Síochána, the Irish Insurance Federation, the Society of the Irish Motor Industry, Rosary College Crumlin, the CCEA Northern Ireland and the NCCA. The NCCA also commissioned a study on driver education in post primary schools from Dr. Ray Fuller of Trinity College Dublin.

The NCCA, whose role is to advise the Minister for Education and Science on curriculum and assessment issues, recommended that road safety be addressed within the context of social, personal and health education, SPHE, and that driver education, and specifically learning to drive for pupils aged 17, should not become part of the school curriculum. The NCCA noted that this concurred with the practice in other jurisdictions. At the start of the 2001-02 school year the National Safety Council, with assistance from my Department, distributed copies of *Staying Alive* — a road safety resource for transition year and the senior cycle — to all second level schools. This pack contained a wide range of learning opportunities and activities on topics such as personal responsibility and decision-making, environmental issues and risks and rules for road users. A CD-ROM with additional material downloaded from the Internet was included in the pack along with copies of the Rules of the Road. In the preparation of the *Staying Alive*

resources material, views were sought from a range of organisations with interests in the promotion of road safety. Prior to its issue to second level schools, the material was piloted in 20 schools and the response from teachers in those schools was very positive.

A new high level Government road safety group of which I am a member has met and the role of education in addressing road safety will be discussed in this forum.

Physical Education Facilities.

495. **Aengus Ó Snodaigh** asked the Minister for Education and Science if she will provide a detailed report on the roll-out of the physical education curriculum programme for national primary and secondary schools here. [9005/06]

524. **Aengus Ó Snodaigh** asked the Minister for Education and Science if she will provide a detailed report of the physical education curriculum programme for national primary and secondary schools here. [9008/06]

525. **Aengus Ó Snodaigh** asked the Minister for Education and Science the steps which are being taken by her Department to promote more sports in the school curriculum. [9009/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 495, 524, 525 together.

Physical education and sport, although closely linked, are not synonymous. Sport begins with play and develops through games, competition and challenges. The focus in the physical education curriculum in our schools is on the learner's holistic development, with an emphasis on personal and social development, physical growth, and motor development. Goal-setting, within the curriculum, focuses on individual improvement rather than on winning or being the best. The creation of a positive attitude to sport and physical activity, with the overall aim of promoting long term involvement, is of paramount importance.

Competition in sport contributes to the holistic development of the student, provided that the opportunities presented are such that he or she is progressing towards the achievement of his or her potential. It is government policy to encourage and promote sport for all in schools. The policy of my Department is to facilitate this by means of a broad and balanced physical education curriculum for schools at primary and post-primary levels.

The primary school curriculum was revised in 1999 and is being implemented on a phased basis. Physical education is one of the seven curriculum areas and it will be implemented in all schools from September 2006. Games, which is one of the six strands of the curriculum, encompasses

elements of sport. In addition to implementing the prescribed curriculum, schools are also encouraged to devote one day every year to Sport for All, whereby an entire day is given over to sporting activities that emphasise participation and co-operation, rather than winning or losing.

To promote sport, many primary schools provide further opportunities for pupils through extracurricular programmes. These may include organising and preparing for inter-school competitions. Often schools are in a position to avail of the services of coaching personnel offered to schools by sporting organisations such as Cumann Lúthchleas Gael, the Football Association of Ireland and the Irish Rugby Football Union. Teachers and parents make an extremely valuable contribution to children's social and physical development through their contribution of time and expertise to extracurricular sporting activities, a fact acknowledged by the ESRI report, *School Children and Sport in Ireland*, published last year.

At second level, the physical education syllabuses cover all of the main areas of activity regarded as essential to the physical, emotional and social development of the student. Each contains games as a core area of activity. As sports are an integral part of physical education they are dealt with comprehensively in the syllabuses. The phasing in of a revised syllabus at junior cycle level for physical education commenced in September 2003.

All second level schools should offer a physical education programme based on an approved syllabus with teaching hours registered on the school timetable. By participating in these programmes, students can engage in a range of sports and, by doing so, gain an understanding of, and develop technical skill in, these sports. As at primary level, the majority of second level schools have strong extra-curricular programmes for sport. The skills, understandings and attitudes developed within the formal programmes in physical education provide a foundation for these sporting activities.

I believe that initiatives such as the Active School Awards are very effective in promoting sports in our schools. The awards, which are currently taking place both at primary and post primary level, aim to acknowledge schools that are achieving to a particularly high standard in the provision of opportunities for students to engage in sport and physical activity, both in terms of curricular and extra-curricular provision. The emphasis of these awards is on inclusion and participation by as many students as possible as well as the provision of a quality, balanced programme of physical education.

Vocational Training Opportunities Scheme.

496. **Mr. Ring** asked the Minister for Education and Science the exact guidelines for eligibility for a VTOS course. [9134/06]

Minister of State at the Department of Education and Science (Miss de Valera): The vocational training opportunities scheme, VTOS, provides full-time second-chance education and training opportunities for unemployed adults who are in receipt of specified social welfare payments for at least six months. The scheme is funded by my Department and operated through the 33 vocational education committees, VECs.

In order to be eligible for a VTOS course, a person must be at least 21 years of age. He or she also must be in receipt of one of the following payments from the Department of Social and Family Affairs for at least six months — 156 days — directly prior to the course commencement date; unemployment assistance; unemployment benefit; one-parent family payment; invalidity pension; disability allowance; disability benefit or be signing for credits for at least six months; or be a dependent spouse of an eligible person.

The following categories of people who are in receipt of one of the following payments are also eligible provided they are at least 21 years of age and can satisfy the Department of Social and Family Affairs that they have not been engaged in paid work for at least six months: deserted wife's allowance; deserted wife's benefit; widow or widower's contributory pension; widow or widower's non-contributory pension; and prisoner's wife allowance.

Periods spent on FÁS training courses, community employment schemes, job initiative or Youthreach programmes or time spent in prison can count towards the six month qualifying period, but one must be in receipt of one of the relevant social welfare payments immediately before starting the programme.

School Accommodation.

497. **Mr. O'Dowd** asked the Minister for Education and Science the expected date for publication of the Murray report regarding primary and secondary education in Counties Louth and Meath; and if she will make a statement on the matter. [8797/06]

Minister for Education and Science (Ms Hanafin): The draft area development plan for the north Dublin-east Meath-south Louth area is close to completion in the school planning section of my Department and I hope to be in a position to publish it shortly.

Following this, a public consultation process will be carried out by the Commission on School Accommodation. The commission will produce a final area development plan shortly thereafter. This plan will provide a blueprint for educational provision in the area for the next decade against which all capital funding decisions will be made.

School Transport.

498. **Mr. G. Mitchell** asked the Minister for

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Education and Science the action she will take regarding the concerns of a person (details supplied) in Dublin 6W; and if she will make a statement on the matter. [8803/06]

Minister of State at the Department of Education and Science (Miss de Valera): Bus Éireann, which organises the school transport scheme on behalf of my Department has been requested to provide a report on the case referred to by the Deputy in the details supplied. When the report has been received, my Department will be in a position to consider the matter further.

Higher Education Grants.

499. **Mr. F. McGrath** asked the Minister for Education and Science the position in relation to the Marino Institute of Education; if public funding is being paid into a private organisation which cannot be subject to Freedom of Information; if so, the position regarding same; if her Department's annual capitation funding for primary teacher training is being used for that purpose alone; the checks and balances system which are in place to ensure that taxpayer's money is used for its intended purpose; if, in view of shortcomings which were identified in the PwC report, there are now separate bank accounts for Coláiste Mhuire and the other sections of Marino Institute of Education in order that funding intended for primary teacher training is clearly ring-fenced for that purpose; the way in which site overhead and costs are shared between all users on the Marino Institute of Education campus; if the full publication of Farrell Grant Sparks' report will be published; the reason same has not been published; if statements (details supplied) are true when a substantial settlement was awarded to a person; the reason that high quality staff members have left Coláiste Mhuire over the recent months citing an unhealthy and unacceptable work environment as the reason for their departure; the nature of the direct involvement between her Department and the trustees; the interim arrangement referred to; if the direct involvement of the DES will continue; if Farrell Grant Sparks and the trustees will dictate the future role of the DES in relation to Marino Institute of Education in view of the injection of €5/6 million from the DES on an annual basis; her views on same; and if she will make a statement on the matter. [8832/06]

531. **Mr. F. McGrath** asked the Minister for Education and Science where the funds came from in the settlement with the former President at Coláiste Mhuire, Marino; and the details of same. [9091/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 499, 531 together.

Coláiste Mhuire Marino, which is one of five privately-owned denominational colleges of education recognised by my Department for the purpose of training primary teachers, is part of the overall Marino Institute of Education, MIE. MIE is registered as a charitable trust and it is a privately owned institution.

MIE is governed by a governing body on behalf of the institute's Christian brother trustees. The MIE also operates conferencing facilities and continuing professional development programmes. The Deputy will be aware that, following allegations of financial impropriety at MIE, I asked the accountancy firm, PricewaterhouseCoopers, PwC, to examine the use of moneys paid by my Department to MIE for the purposes of training primary teachers and associated activities. The main findings of this examination, which I published in August last year, revealed that there has been no misuse of the public monies paid by my Department to MIE for the purpose of training primary teachers. In my press release welcoming the PwC report, I stated: "although my Department did not have any concerns regarding the funding provided for the purpose of training teachers, it was, nevertheless, important to clearly demonstrate that Department funding was correctly allocated for teacher training". That remains my view on this matter.

Coláiste Mhuire Marino is covered by the Freedom of Information Act. As the Deputy is aware, the PwC commissioned by my Department states clearly that the funds supplied by my Department for teacher training were used for the intended purpose of teacher training. In line with recommendations in the PwC examination, my Department has requested that MIE submit annual accounts to the Department in relation to teacher training and related activities at Coláiste Mhuire Marino. The Department has been assured by the Institute that the annual accounts for the current academic and financial year will be submitted as soon as possible after year-end.

In addition, the Department has been assured that MIE will implement all of the recommendations made by PwC, including the setting up of a separate bank account in respect teacher training activities at Coláiste Mhuire Marino.

The question of devising a system which better reflects and takes into account site overhead costs in MIE and impacting upon Coláiste Mhuire Marino will, I understand, be the subject of discussions, which are due to take place shortly between my officials and the interim director, interim president and chief financial officer at MIE. My Department have been assured by management authorities at the institute that they will implement all of the recommendations of the PwC examination.

The Farrell Grant Sparks, FGS, report, referred to by the Deputy was commissioned by the trustees of the institute to carry out a review of management structures. I understand that the

report has been provided to staff and that it will be published on MIE's website shortly.

With regard to the resignation of the former head of Coláiste Mhuire Marino, it is understood that this decision was as a result of ongoing difficulties with her employer. However, the Department does not have any direct role in matters covered by employee-employer relations. Although the internal governance arrangements and management structures at the institute are the direct responsibility of the trustees, in light of the highly-publicised and well-documented difficulties at the institute, officials from my Department assisted in putting in place interim governance arrangements there. This was done because of the public interest in a college of education and the need to assure students of the continued provision of high quality teacher training. I should also say that my officials received the full co-operation of the trustees, governing body, management and staff at the Institute. While these arrangements are interim and, by definition, not long term, I understand, nevertheless, that they have been working relatively well given the very difficult context in which they are operating at present.

Under the terms of the interim arrangements, the trustees of MIE appointed an interim director and interim president until a more lasting solution could be found. In addition, a senior official from my Department has recently joined the governing body of the institute for the interim period. The aim of the process was, among other things, to arrive at an interim arrangement which would guarantee the continuation of high quality teacher training for both existing and the new incoming cohort of students for the next academic year.

I would like to assure the Deputy that, in the interest of the students attending Coláiste Mhuire Marino, my officials will continue to be available to engage in a process with the trustees, governing body, management and staff pertaining to the teacher training college element of MIE.

I am not aware of the source of funding for the settlement referred to by the Deputy. I have, however, been assured by the trustees of Marino Institute of Education that funding for the settlement did not come from funds provided by my Department for the purposes of teacher education and related activities.

Departmental Investigations.

500. **Mr. Hogan** asked the Minister for Education and Science if she has authorised an inquiry into the operation of a school (details supplied) in County Kilkenny; when this process will be completed in the interest of the school; and if she will make a statement on the matter. [8842/06]

Minister for Education and Science (Ms Hanafin): I have decided to establish an inquiry,

under the provisions of section 105 of the Vocational Education Act 1930 into Kilkenny City Vocational School. The terms of reference of the inquiry will be forwarded to the Deputy for his information.

The inquiry will be conducted by Mr. Torlach O'Connor, a retired assistant chief inspector of my Department. I have asked the inquiry officer to conduct the inquiry and present his report to me as speedily as possible.

Special Educational Needs.

501. **Mr. O'Shea** asked the Minister for Education and Science her proposals to provide a school place for an autistic child (details supplied) in County Waterford; and if she will make a statement on the matter. [8868/06]

Minister for Education and Science (Ms Hanafin): I understand from my officials that the child in question is on the waiting list for placement in a stand alone unit utilising the applied behavioural analysis, ABA, methodology for children on the autistic spectrum. Approval on a pilot basis was given to this facility in a letter issued by my Department on 31 May 2005. Enrolment is a matter for the board of management of the facility. A technical inspection of the proposed premises was recently carried out to assess its suitability and officials in the school planning section of my Department will be in further contact with the management authority of the school regarding the issue.

As the Deputy is aware the National Council for Special Education, NCSE, is now operational. A specific function of the NCSE, through its network of local special educational needs organisers, SENOs, is to identify appropriate educational placements for all children with special educational needs, including children with autism. The SENO is a focal point of contact for parents and schools. Contact with the relevant SENO can be made by contacting the NCSE at 046-9486400 or alternatively by accessing the NCSE website at www.ncse.ie. The Department is continuing to fund a home tuition grant to the family concerned pending the provision of an educational placement.

502. **Mr. Gregory** asked the Minister for Education and Science the resource teachers available to colleges of further education or PLCs which have significant numbers of non-English speaking non-national students; and if she will make a statement on the matter. [8869/06]

Minister for Education and Science (Ms Hanafin): The Government has put in place a number of measures at all levels to help non-English speaking students to make the most of the educational opportunities available to them.

These include the provision of language support teachers and non-pay resources for primary

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and post-primary schools to cater for the needs of pupils for whom English is not the mother tongue; the provision of funding to Integrate Ireland Language and Training, IILT, on a pilot basis, to co-ordinate the provision of English language support for adult refugees admitted to Ireland; to develop English language proficiency benchmarks for the adult education sector and for the school sector; to design and deliver English language courses appropriate to the needs of adult refugees; the publication of the White Paper on Adult Education, Learning for Life, which recommends that the principles of equality and interculturalism should underpin all educational provision; the issuing of an information booklet on asylum seekers by the Department to schools and the publication of guidelines for schools on intercultural education; and the development of modules in interculturalism for use across the further education sector. The modules have now been approved at foundation level and levels 1 and 2 by the Further Education and Training Awards Council.

While language support teachers are only provided in primary and post-primary schools, within adult literacy services funds may be expended to cater for the literacy and language needs of adults for whom English is not the mother tongue and many VECs do this.

503. **Mr. McGuinness** asked the Minister for Education and Science her views on the fact that the issues relating to persons (details supplied) in County Kilkenny have not been resolved by her Department; if the educational placement and supports for their children will be provided by her Department in full; and if she will make a statement on the matter. [8878/06]

Minister for Education and Science (Ms Hanafin): I understand from my officials that the local special educational needs organiser is liaising with the family in question in the context of arranging an early meeting to discuss the issues in question. My Department is continuing to fund a home tuition grant to the family concerned pending the provision of an appropriate educational placement.

Education Schemes.

504. **Mr. Wall** asked the Minister for Education and Science if a school (details supplied) in County Kildare is being invited to participate in the new school support programme under the DEIS action plan. [8882/06]

Minister for Education and Science (Ms Hanafin): The process of identifying primary schools for participation in the new school support programme under the DEIS, delivering equality of opportunity in school, programme,

has now been completed, and schools are being notified of the results.

Youth Services.

505. **Mr. O'Shea** asked the Minister for Education and Science her proposals to provide funding to mid-Waterford action for youth committee through County Waterford Vocational Education Committee to employ a full-time youth worker; and if she will make a statement on the matter. [8884/06]

Minister for Education and Science (Ms Hanafin): The youth affairs section of my Department received an application for funding under the special projects for youth scheme on behalf of the Mid-Waterford Action for Youth Development Project. This application was submitted through County Waterford VEC.

While it was not possible to accede to this request for mainstreaming the project in 2005, due to the large number of applications received, a once-off grant of €25,000 was made available late in 2005 to assist the project in its work.

Applications for funding under the 2006 round of grants are being examined and consideration will be given to a renewed application from the project, having regard to the overall financial provision for the youth sector and to the number of other applications received. A decision in this matter will be given as soon as possible.

Departmental Staff.

506. **Mr. Connolly** asked the Minister for Education and Science the number of persons with disabilities employed in her Department; the percentage of the total staff that this represents; the human resources policy of her Department with regard to the recruitment of persons with disabilities; the qualification criteria for persons with disabilities; and if she will make a statement on the matter. [8904/06]

Minister for Education and Science (Ms Hanafin): The most recent data available on staff in my Department who have a disability indicate that there are 37 such officers, which equates to 3.03% of staff. The guidelines followed for the collection of this information are set out in the Code of Practice for the Civil Service 1994.

Following the cessation of special competitions for the recruitment of persons with disabilities, due to the Equal Status Act 2000, it is very difficult for Departments to positively discriminate in favour of persons with disabilities. Consultants have been engaged centrally within the public service to review the current position and make recommendations to improve the situation. The human resource strategy which was developed through partnership and published in 2005, states that the Department will consider the recommendations in the forthcoming consultants'

report, with a view to improving the proportion of staff employed with a disability. It is also stated in the HR strategy that the Department is committed to facilitating the appointment of persons with disabilities, through the provision of assistive technology and ensuring physical access.

The Public Appointments Service recruits the majority of staff for the Department of Education and Science. For certain posts — for example, service support staff, temporary and contract posts — my Department conducts its own recruitment. The Civil Service is an equal opportunities employer. Recruitment to posts within my Department is on the basis of qualifications, where applicable, and the ability to carry out the responsibilities of the grade or post. There are no special qualification criteria for persons with disabilities seeking employment in the Civil Service. Persons with disabilities are entitled to apply for all competitions for which they are eligible and no special application procedures are required. During the selection process and in any subsequent placement in a post, any special needs requirements of an individual will be provided where possible.

My Department has agreed to participate in the willing able mentoring, WAM, project in 2006. This project aims to give between three and six months quality work experience to graduates with disabilities. It is recognised that a disproportionate number of graduates with disabilities encounter difficulties at the transitional stage between graduation and employment since many have not had the opportunity of a summer work placement, despite qualifying in a broad range of disciplines such as business, economics and social science, law, engineering, commerce, education and science. Offering placements to third level students has already proved to be a good way of highlighting the benefits of the Civil Service as an employer to prospective graduates. The WAM project will help promote the Civil Service as an employer of choice, as well as giving practical effect to Government and Civil Service policy on improving employment prospects for people with disabilities.

Schools Building Projects.

507. **Mr. Deenihan** asked the Minister for Education and Science the position regarding the provision of a new national school at Blennerville, Tralee, County Kerry; and if she will make a statement on the matter. [8914/06]

Minister for Education and Science (Ms Hanafin): I am pleased to inform the Deputy that a suitable site has been identified for the provision of a new school in Blennerville. Contract documents have been signed and returned to the Office of Public Works for signing by the vendor. The provision of a new school will be considered further when the acquisition of the site is completed.

Freedom of Information.

508. **Mr. Ring** asked the Minister for Education and Science the reason a freedom of information request (details supplied) which was sent to her Department was never responded to. [8919/06]

Minister for Education and Science (Ms Hanafin): My Department has no record of receiving a freedom of information request from the person in question. The Department did, however, receive a letter from the person requesting information on their performance at an interview for a teaching position.

My officials spoke with the person concerned and explained that the information would need to be sourced from the chairperson of the interview board — and offered to forward a copy of any request to the chairperson for direct reply to the candidate. The letter was forwarded to the chairperson and I understand that a response will issue to the candidate within the coming days.

Special Educational Needs.

509. **Ms McManus** asked the Minister for Education and Science if, in view of the need to fund the ABA pre-school at a school (details supplied) in County Wicklow, she will ensure that funding is provided as requested by the parents and staff; and if she will make a statement on the matter. [8922/06]

541. **Ms McManus** asked the Minister for Education and Science the reason applications for funding for a school (details supplied) in County Wicklow were left unacknowledged by her Department for nine months. [9293/06]

542. **Ms McManus** asked the Minister for Education and Science the reason the recommendations of the national educational psychology services, which were communicated to her Department in July-August 2005, were never forwarded to a school (details supplied) in County Wicklow. [9294/06]

543. **Ms McManus** asked the Minister for Education and Science if the procedures for receiving sanction had changed the reason a school (details supplied) in County Wicklow was not advised of the changes until 1 February 2006. [9296/06]

544. **Ms McManus** asked the Minister for Education and Science the reason the establishment of the board of management was not an issue for her Department when a school (details supplied) in County Wicklow was contacted and asked to establish a post-primary ABA class in August 2005 or when students were enrolled into the special school in September 2005. [9297/06]

545. **Ms McManus** asked the Minister for Education and Science the reason her Department

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fund other ABA schools and not a school (details supplied) in County Wicklow. [9298/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 509, and 541 to 545, inclusive, together.

The Deputy will be aware that my Department has recently been engaged in extensive correspondence with the school in question relating to a range of issues, including those referred to by the Deputy. My Department has sanctioned three special classes for children with autism in this school. However, the issue relates to an unapproved class established by the school authorities themselves.

The Department, in the first instance, is most anxious that all children, including children with autistic spectrum disorders, receive an education appropriate to their needs. In this regard the preferred approach to the provision of appropriate education for all children, including children with autism, is through the primary and post primary school network, whether through placement in mainstream classes, in special classes or in special schools. The Department also supports an eclectic approach in regard to the education of children with autism where a range of teaching methods are available, for example, treatment and education of autistic and related communication handicapped Children, TEACH, applied behavioural analysis, ABA, and picture exchange communication system, PECS.

My officials and the NCSE met with representatives of the school referred to by the Deputy on Wednesday 1 February to discuss a range of issues. The school is now aware of what it needs to do to progress matters to the next stage. It will be a matter for the NCSE to process the application and in doing so to seek whatever additional information it requires from the school in order to enable it to make an informed decision. The NCSE can seek advice if required from my Department in relation to the application. Factors such as the needs of the individual children, levels of existing provision in the area and geographical location of the proposed attendees are matters that the NCSE will need to consider in processing the application.

As I am sure the Deputy is aware, the NCSE became operational in 2005 and circulars Sp. Ed. 01/05 and NCSE 01/05 issued to all schools, including special schools, outlining the revised procedures when applying for additional resources for special needs pupils. There was ongoing contact between the school authorities, my Department, the National Educational Psychological Service, NEPS, and the NCSE regarding issues relating to the school.

In accordance with Section 14 of the Education Act 1998, the patron of a school has a statutory duty to appoint a board of management, BOM. Similarly a BOM has statutory duties under the

Education Act which must be fulfilled. Since early 2004 officials from my Department have been engaged in regular correspondence with the patron body of this school advising it of the requirement for a BOM to be established. My Department has been advised that a BOM will be in place by 27 March, 2006.

I will continue to prioritise the issue of special needs education for children with autism and, in co-operation with the NCSE, ensure that all children with special needs are adequately resourced to enable them to meet their full potential.

Question No. 510 answered with Question No. 494.

Languages Programme.

511. D'fhiafraigh **Mr. O'Shea** den Aire Oideachais agus Eolaíochta cén fáth ar cuireadh an Institiúid Teangeolaíochta ar ceal, cén t-eagrais stáit atá ag déanamh na hoibre a bhíodh ar siúl ag an Institiúid anois; agus an ndéanfaidh sí ráiteas ina thaobh. [8933/06]

Minister for Education and Science (Ms Hanafin): Ag cruinniú ginearálta urghnách ITE, a tionóladh i mí Iúil 2003, d'aontaigh an cuideachta go mba cheart tús a chur le próiseas maidir le leachtú deonach na cuideachta. Rinneadh an cinneadh sin i gcomhréir lena Meamram agus Airteagail Chomhlachais chomh maith le dlí cuideachtaí cuí. Tuigtear dom, ar an 5ú Nollag 2003, d'aontaigh Coiste Feidhmiúcháin ITE clár-ama do cheapachán an leachtaitheora, agus ceapadh é ar an 9 Eanáir 2004.

Tá gealltanais tugtha ag an Roinn gach cabhair a thabhairt don chomhlacht an próiseas sin a chur i gcrích, i gcomhpháirtíocht le foireann na hInstitiúide, agus tá an Roinn ag obair go dlúth leis an leachtaitheoir maidir leis seo ó cheapadh é. Mar pháirt den obair sin, táthar ag féachaint ar na féidearthachtaí atá ann maidir le leanúint ar aghaidh le gníomhachtaí taighde áirithe a bhíodh á ndéanamh ag an Institiúid agus chomh maith leis sin tá socruithe á ndéanamh maidir le h-athleagan amach foirne nó socruithe eile cuí dóibh, i gcomhréir le polasaí ginearálta na seirbhíse poiblí agus faoi réir chomhaontú na Roinne Airgeadais, chun próiseas leachtaithe dea-riartha a chur i gcrích.

Tá an chuid is mó den fhoireann athleagtha amach cheana féin agus tá an Roinn fós ag féachaint ar na féidearthachtaí atá ann do na baill foirne atá fágtha. Cinnfidh na coinníollacha ina gconarthaí, teidlíochtaí na mbaill foirne nach ndéanfar socruithe cuí dóibh maidir le h-athleagan amach foirne. Nuair a chuirfear an próiseas leachtaitheora i gcrích ina iomlán tiocfaidh deireadh leis an ITE go foirmiúil. Is féidir leis an Roinn taighde a mheastar riachtanach, ó thaobh cheapadh beartais maidir le múineadh agus foghlaim teangan de, a fháil ó chuid mhaith áiteanna, cosúil leis na hinstiúidí

trú leibhéil agus institiúidí taighde eile cosúil leis an bhForas Taighde Oideachais, ERC. Tugann foireann ITE a saineolas leo agus tá cuid acu fós ag obair ar thionscadail coimisiúnaithe ag an Roinn.

Tá mo Roinn lán-sásta go bhfuil an inniúlacht fós ann chun taighde den chéad scoth a dhéanamh ar gach gné den oideachas agus forbairt teangeolaíochta.

Teachers' Remuneration.

512. **Mr. O'Shea** asked the Minister for Education and Science her proposals to resolve the problem regarding the payment of allowance of an ICT adviser in County Waterford (details supplied); and if she will make a statement on the matter. [8944/06]

Minister for Education and Science (Ms Hanafin): The allowance being sought by the person concerned is the category 2 allowance payable to teachers who are seconded to a range of positions under the various national education initiatives, in accordance with the findings of the Teachers Arbitration Board in July 2003.

The person concerned is not a seconded teacher. My Department is reviewing the arrangements applying under the various national education initiatives following the implementation of the seconded teachers arbitration award and I will advise the Deputy as to the outcome when the review is completed.

School Transport.

513. **Mr. Timmins** asked the Minister for Education and Science the position in respect of a person, details supplied, in County Carlow who is anxious to be allocated a bus ticket for the Gaelscoil primary school in Carlow; if they can be allocated a ticket as a matter of urgency; and if she will make a statement on the matter. [8950/06]

Minister of State at the Department of Education and Science (Miss de Valera): Bus Éireann, which organises the school transport scheme on behalf of my Department, has been requested to provide a report on the case referred to by the Deputy in the details supplied. When this report has been received and considered, my Department will be in a position to advise the Deputy of the position.

514. **Mr. Timmins** asked the Minister for Education and Science the position in respect of the school bus from Boley, Shillelagh, to a school, details supplied; if, in view of the numbers who need this service, the bus can be re-routed in order that it goes to Boley to pick up and let down students; and if she will make a statement on the matter. [8951/06]

Minister of State at the Department of Education and Science (Miss de Valera): The parents of the children in question should apply for school transport to the transport liaison Officer for County Wicklow at the offices of the local vocational educational committee. A decision can then be conveyed to those involved.

Schools Building Projects.

515. **Dr. Cowley** asked the Minister for Education and Science her views on whether a college, details supplied, in County Mayo is well within the accordance with the published prioritisation criteria and that this project should be a priority considering the length of time the application has been submitted; when exactly this school can expect an announcement in the context of the school building and modernisation programme 2006-2010; and if she will make a statement on the matter. [8959/06]

Minister for Education and Science (Ms Hanafin): My Department is committed to funding the provision of physical education, general purpose and outdoor play areas in schools as part of the school building and modernisation programme. This is being addressed in the context of available resources and the published criteria for prioritising school building projects.

The provision of physical education halls at post-primary level is considered an integral part of the design stage for any major refurbishment programme of existing school buildings, providing always that the site is of sufficient size, or where a new school on a greenfield site is being built.

All applications received in the Department are banded in accordance with the prioritisation criteria put in place following consultation with the education partners. Progression of projects within the school building and modernisation programme 2006-2010 is based on priority.

School Accommodation.

516. **Mr. Penrose** asked the Minister for Education and Science if she has received a report from a special group established to consider school accommodation needs along the N4 and N6; if, in this context a final decision has been taken in respect thereof in view of the significant increased populations in Kinnegad, Rochfortbridge, Tyrellspass and other areas in this geographical area; and if she will make a statement on the matter. [8969/06]

Minister for Education and Science (Ms Hanafin): The report to which the Deputy refers is entitled area development plan for the N4-M4 area. This plan, which was published last year by the commission on school accommodation, outlines my Department's long-term educational

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strategy at both primary and post-primary level for the area concerned, which includes Kinnegad, Rochfortbridge and Tyrrellspass. The recommendations in the plan are being considered in the context of the school building and modernisation programme from 2006 onwards, subject to the prioritisation criteria for large-scale building projects.

Early Childhood Education.

517. **Mr. Connolly** asked the Minister for Education and Science if it is proposed to expand the early start programme in 2006; and if she will make a statement on the matter. [8974/06]

Minister for Education and Science (Ms Hanafin): A total of 640 primary schools — 320 urban-town and 320 rural — and 200 second level schools have been selected to participate in the school support programme under the new action plan for educational inclusion entitled DEIS, delivering equality of opportunity in schools, and letters of invitation issued to these schools on 24 February 2006.

Early childhood education provision is a key element of DEIS and the objective of which is to concentrate actions on those children aged from three up to school enrolment, who will subsequently attend the 180 urban-town primary schools serving the most disadvantaged communities on a phased basis over the next five years. Expansion of early childhood education provision will be considered to other SSP urban-town schools when this objective has been achieved.

In December 2005, the office of the Minister for Children was established to maximise the co-ordination of policies for children and young persons and will have a range of functions previously under the Departments of Health and Children; Justice Equality and Law Reform; and Education and Science. A new early years education policy unit has been established in my Department and it will be co-located in the Office of the Minister for Children. Decisions of a policy nature relating to early childhood education, including the new action plan for educational inclusion, DEIS, will now be pursued as part of the overall strategic policy framework developed by the Office of the Minister for Children.

Pupil-Teacher Ratio.

518. **Mr. Connolly** asked the Minister for Education and Science if she proposes to improve the pupil-teacher ratio in primary schools and in disadvantaged schools; and if she will make a statement on the matter. [8975/06]

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 DEIS, delivering equality of opportunity in schools, the action plan for education inclusion which I launched in May 2005, there will be a reduction in class sizes to 24:1 at senior level and 20:1 at junior level in the 180 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 — but the general rule is that there is at least one classroom teacher for every 29 children in the school. Next year, this is being reduced to 28 children per classroom teacher and in 2007-08, it will be reduced to 27 children per classroom teacher. Officials of my Department have drawn up the revised staffing schedule necessary to achieve this. 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. The revised staffing schedule is available on my Department's website and hard copies will issue to schools as soon as possible.

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 and now, in line with

the Government commitment, mainstream class sizes are also being reduced.

School Curriculum.

519. **Mr. Connolly** asked the Minister for Education and Science her plans to address the diminishing number of students taking science as an examination subject; and if she will make a statement on the matter. [8976/06]

Minister for Education and Science (Ms Hanafin): I am very much aware of the important role played by the sciences in a modern educational system. As the Deputy's question suggests, there has been a concern regarding participation rates in the sciences in recent years. This concern is not unique to Ireland but is one commonly found in developed economies throughout the world.

While science is optional in the junior cycle, approximately 89% of students study the subject. This figure has not changed significantly in the past decade and a half. Science is also optional in the senior cycle where there are five separate science subjects available — biology, chemistry, physics, agricultural science, and physics and chemistry combined. The introduction of revised syllabi in physics and in chemistry in 2000 saw a renewed interest in these subjects, with chemistry showing a sustained increase in participation rates since then.

Participation rates in biology have also increased since the introduction of a revised syllabus in 2002 and almost half of the student cohort were studying this subject in the senior cycle in the 2004-05 school year. It is worth noting that participation rates in agricultural science, though still quite low, have increased steadily over the past 20 years.

Significant progress is being made in regard to curricular reform and in-service support for science at both primary and post-primary levels. Science was introduced as a key component in the revised primary school curriculum in 1999 and a revised syllabus has been implemented in all schools since September 2003. A revised syllabus for the junior certificate was introduced in September 2003 for first examination in June 2006. I believe that this syllabus, with its hands-on investigative approach and its new emphasis on scientific process skills, will be instrumental in encouraging more pupils to continue their study of science in senior cycle. A particularly interesting innovation in the revised syllabus is the introduction of the assessment of pupils' practical work. This assessment will account for 35% of the marks in the junior certificate examination and will be based on the completion of 30 mandatory experiments carried out during the three-year course and on projects undertaken by the students in the final year.

The introduction of curricular change in the sciences has been supported by comprehensive in-career development programmes for teachers. Significant funding has also been allocated to provide additional grants for equipment and resources. My Department is fully committed to strengthening the quality of science teaching and learning, promoting increased scientific literacy and encouraging more students to choose science subjects. Progress in these areas is a vitally important part of our national strategy to support competitiveness and employment. My Department's work in supporting and promoting science will continue to be progressed and enhanced, as resources permit, in collaboration and consultation with the Department of Enterprise, Trade and Employment, and industry.

Post Leaving Certificate Courses.

520. **Mr. Connolly** asked the Minister for Education and Science if she proposes to remove the cap on enrolments on post leaving certificate courses; and if she will make a statement on the matter. [8977/06]

Minister of State at the Department of Education and Science (Miss de Valera): The number of post leaving certificate places approved for the 2005-06 academic year is up by more than 1,600 on the 2004-05 level. The number of approved places in the sector now stands at 30,188. All second level schools have again been invited to make application to the Department for approval of PLC courses and places for next year, that is, 2006-07. The application process has not been finalised. Decisions on approval of places and courses will be communicated to vocational educational committees and schools in the normal way.

School Management.

521. **Mr. Connolly** asked the Minister for Education and Science her views on the cost of insurance in primary schools; her proposals to ease the considerable burden on annual board of management budgets; and if she will make a statement on the matter. [8978/06]

Minister for Education and Science (Ms Hanafin): Funding is provided to primary schools by way of *per capita* grants, which affords schools considerable flexibility in the use of these resources to cater for the needs of their pupils. This is, in my view, a preferable approach to putting in place grants for specific cost items such as insurance.

There have been significant improvements in the level of funding provided to 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

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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. These significant increases in the funding of primary schools are a clear demonstration of my commitment to prioritise available resources to address the needs of schools.

Schools Building Projects.

522. **Mr. Lowry** asked the Minister for Education and Science the reason for lack of progression through the building process of a school, details supplied, in County Tipperary; if she will expedite and provide immediate approval for tendering and construction stages; and if she will make a statement on the matter. [8988/06]

Minister for Education and Science (Ms Hanafin): An application for capital funding towards the provision of an extension to provide ancillary accommodation has been received from the school referred to by the Deputy. The project is being considered in the context of the school building and modernisation programme 2006-10.

Special Educational Needs.

523. **Mr. Lowry** asked the Minister for Education and Science the number of special needs assistants allocated to a school, details supplied, in County Tipperary; if an additional special needs assistants will be allocated to the school; the reason for the delay in allocating same; and if she will make a statement on the matter. [8989/06]

Minister for Education and Science (Ms Hanafin): The Deputy will be aware that the National Council for Special Education, NCSE, has been operational since 1 January 2005 and is responsible for processing applications for special educational needs supports. There is one special needs assistant, SNA, on my Department's payroll for the school in question. I am advised that the local special educational needs organiser, an official of the NCSE, has not received an application for additional SNA support for the school at this time.

Questions Nos. 524 and 525 answered with Question No. 495.

Physical Education Facilities.

526. **Aengus Ó Snodaigh** asked the Minister for Education and Science her views on the statement that physical education is not mandatory in national schools here due to the fact that physical education teachers are not available; if this is the

case, the steps which are being taken to address this shortfall. [9010/06]

Minister for Education and Science (Ms Hanafin): At primary level, physical education is one of the seven curriculum areas and is an intrinsic element of the primary school curriculum which was revised in 1999. A minimum of one hour of physical education per week is recommended for all primary school pupils. All qualified primary teachers are qualified to teach the full spectrum of the primary curriculum, including physical education.

527. **Aengus Ó Snodaigh** asked the Minister for Education and Science her views on the statement that physical education is not mandatory in national schools here due to the fact that schools do not have adequate sports facilities; and if she will report on the action which is being taken to address this shortfall. [9011/06]

529. **Aengus Ó Snodaigh** asked the Minister for Education and Science if an inventory and assessment has been carried out on school gymnasium halls to determine if they are up to European standards for physical education in national schools here. [9013/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 527 and 529 together.

The position in respect of physical education facilities in primary schools generally is that the physical education curriculum has been designed on the basis that facilities in schools may vary. Many primary schools have a general purpose room and practically all schools have outdoor play areas which are used for teaching different aspects of the physical education programme. In addition, many schools use adjacent local facilities, including public parks, playing fields and swimming pools.

My Department fully recognises the key role of physical exercise within the school environment and continues to respond to the need to improve physical education facilities. The provision of such facilities is an integral part of the design process for new school buildings or where an existing school building is undergoing major refurbishment. New physical education equipment, such as balancing benches and gym mats, are funded as part of any major building programme.

In addition to this, the school planning section of my Department is working proactively with some local authorities to explore the possibility of the development of school provision in tandem with the development of community facilities. This enhanced co-operation has the effect of minimising my Department's land requirements and thus reducing site costs, while at the same time providing local communities with new schools

with enhanced facilities such as sports facilities, playing pitches etc. The Deputy may also be aware that the Department of Arts, Sport and Tourism is undertaking a national audit of sports facilities in communities around the country, which will also provide useful information on facilities available to schools.

The Government has never underestimated the scale of the task and the level of capital funding and other resources required to rectify decades of under investment in school infrastructure. In this regard, since taking office, it has invested in the largest school building programme in the history of the State. Between 1998 and the end of 2004, almost €2 billion was invested in school buildings and in the region of 7,500 large and small projects were completed in schools, including 130 brand new schools and 510 large-scale refurbishments-extensions. Indeed, funding for school building and renovation projects has increased fivefold since 1997. In 2006, €491 million will be spent on school building projects, compared to just €92 million in 1997. This, in its own right, is an increase of over 9% in real terms on the 2005 allocation.

As the Deputy will be aware, at the end of last year, I outlined my spending plans for plans for primary and post-primary schools for 2006. With €491 million to be spent on schools buildings, there will be over 1,300 projects active in schools all over the country. This significant investment will allow me to continue to progress our major programme of school building and modernisation.

The Government is fully committed to continuing its work to consolidate the substantial progress that has already been made so that the accommodation needs of all our schools are met as both expeditiously as possible and to the highest standard possible.

528. **Aengus Ó Snodaigh** asked the Minister for Education and Science if an inventory has been done of the sports equipment available for physical education in national schools here; if an assessment has been done as to age and quality of equipment and appropriateness to the needs of primary schools; and the funding which is required to bring the equipment up to acceptable standards. [9012/06]

Minister for Education and Science (Ms Hanafin): My Department fully recognises the key role of physical exercise within the school environment and continues to respond to the need to improve physical education facilities for all pupils attending primary and post-primary schools. The provision of such facilities is an integral part of the design process for new school buildings or where an existing school building is undergoing major refurbishment. In primary schools, new physical education equipment, such

as balancing benches and gym mats, are funded as part of any major building programme.

Regarding specific sports equipment grants, my Department has provided in excess of €5.5 million in grant aid to primary schools specifically for this purpose to enable them to provide coaching or mentoring in connection with physical education or to purchase resource materials associated with the provision of physical education.

Schools may use their general capitation funding to support the implementation of curricula, including physical education. In addition, all primary schools with permanent recognition receive an annual minor works grant from my Department. Each school gets a standard rate of €3,809 together with a per pupil rate of €12.70. Special schools and schools with special classes receive an enhanced per pupil rate of €50.80. It is open to school management authorities to use this devolved grant for the purchase of equipment, including physical education equipment, provided it is not required for more urgent works. Primary schools that establish a class for special needs pupils receive a once-off grant of €6,500 per class to purchase equipment, including physical education equipment, that they feel best meets the needs of the pupils attending the class. My Department also considers applications for additional grant aid for such equipment where schools can demonstrate that the minor works grant funding is insufficient for this purpose.

Question No. 529 answered with Question No. 527.

Schools Building Projects.

530. **Mr. J. O’Keeffe** asked the Minister for Education and Science, further to Parliamentary Question No. 269 of 16 February 2006 in respect of the long promised extension to a school, details supplied, in County Cork, when the current review of the school’s long-term accommodation needs began; the person by whom the review is being conducted; the contact which has been made with the school authorities in connection with the review; and when it is expected that the said review will be completed. [9035/06]

Minister for Education and Science (Ms Hanafin): The review, which has been under way for a number of months, is being conducted by officials of the school planning section. The review will involve a visit to the school and contact will be made with the school to arrange the visit as soon as it is feasible.

Question No. 531 answered with Question No. 499.

532. **Mr. N. O’Keeffe** asked the Minister for Education and Science when the building of a new school, details supplied, in County Cork will

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commence in view of the recent acquisition of a suitable site. [9129/06]

Minister for Education and Science (Ms Hanafin): An application for capital funding towards the provision of a new school has been received from the school referred to by the Deputy. This application has been assessed in accordance with the published prioritisation criteria. The property management section of the Office of Public Works is in the process of acquiring a site to facilitate the provision of the new school building. Progression of the building project is dependent on the finalisation of the acquisition of this site and is being considered in the context of the school building and modernisation Programme 2006-2010.

533. D'fhiafraigh **Mr. Kenny** den Aire Oideachais agus Eolaíochta cathain a bheidh scoil Ghaelach, sonraí tugtha, in ann dul ar aghaidh go scéim tógála agus an ndéanfaidh sí ráiteas ina leith. [9138/06]

An Aire Oideachais agus Eolaíochta (Ms Hanafin): Tá iarratas faighte ag an Roinn cóiríocht sa bhreis a sholáthar don scoil atá luaite ag an Teachta. Tá an t-iarratas sin faoi chaibidil faoi láthair agus déanfaidh an Roinn teagmháil ar an toirt leis na húdaráis scoile tráth an cinneadh a bheith déanta.

Education Schemes.

534. **Mr. Hayes** asked the Minister for Education and Science if funding will be provided for a group, details supplied, in County Tipperary which has applied for urgent funding for the back to education programme. [9168/06]

Minister of State at the Department of Education and Science (Miss de Valera): The group in question was notified by my Department by

letter on 27 January that it had been approved for funding under the back to education initiative. Payment in respect of the budget allocation will issue shortly.

Schools Building Projects.

535. **Ms Enright** asked the Minister for Education and Science the position regarding the building programme of a school (details supplied) in County Dublin; and if she will make a statement on the matter. [9220/06]

Minister for Education and Science (Ms Hanafin): The school referred to by the Deputy opened in September 2002. It is currently accommodated in temporary prefabricated accommodation on a site owned by Fingal County Council. My Department is grant aiding the rental of a number of the classrooms in use by the school. It purchased the remainder outright.

The provision of a permanent building for the school is currently under consideration in the school planning section of my Department in the context of the school building and modernisation programme from 2006 onwards.

Departmental Appointments.

536. **Mr. Boyle** asked the Minister for Education and Science further to Parliamentary Question No. 1264 of 25 January 2006, the state boards or bodies to which the 672 appointments were made under the aegis of her Department since 2002. [9227/06]

Minister for Education and Science (Ms Hanafin): : The majority of appointments to boards are of people nominated by various bodies and then formally appointed by the Minister.

The 672 appointments in question relate to the period since 1997. The information requested by the Deputy is provided in the following tabular statement.

DES Public Appointments June 1997-January 2006.

Board/College	No. of Appointments
National Qualifications Authority of Ireland	14
Further Education and Training Awards Council	18
Higher Education and Training Awards Council	15
School Transport Appeals Board	6
Registration Council	1
National Centre for Technology in Education	17
Teaching Council	37
National Council for Curriculum and Assessment	25
Chomhairle um Oideachais Gaeltachta agus Gaelscolaíochta	23
State Examinations Commission	5
National Education Welfare Board	18
Education Disadvantage Committee	21
Advisory Council for English Language Schools	8

Board/College	No. of Appointments
Gaisce	50
Leargás	20
Commission to Inquire into Child Abuse	12
Residential Institutions Redress Board	12
Residential Institutions Redress Review Committee	4
Education(former residents of institutions for children)Finance Board	9
National Council for Special Education	13
New Schools Advisory Committee	6
Appeals Board on the Recognition of New Primary Schools	3
Appeals Committee on Incremental Credit	4
Athlone IT	2
Blanchardstown IT	2
Carlow IT	2
Cork IT	2
Dundalk IT	2
DLIADT	2
Galway-Mayo It	2
Letterkenny It	1
Limerick IT	2
Sligo IT	2
Tallaght IT	2
Tralee IT	2
Waterford It	2
DIT	2
Tipperary Rural & Business Development Institute	6
Lusk Schools for Young Offenders	18
Finglas Child and Adolescent Centre	19
St. Joseph's Special School	16
Higher Education Authority	46
National University of Ireland	8
University College Dublin	10
University College Cork	12
NUI Galway	10
NUI Maynooth	6
Dublin City University	8
University of Limerick	8
Trinity College Dublin	2
National College of Art and Design	22
Dublin Institute for Advanced Studies Council	2
School of Celtic Studies	15
School of Theoretical Physics	12
School of Cosmic Physics	13
Institiúid Teangeolaíochta Éireann	2
Irish Research	21
Irish Research Council for Science, Engineering and Technology	26
National Council for Educational Awards	9
Irish Academy for Performing Arts	13

537. **Mr. Boyle** asked the Minister for Education and Science further to Parliamentary Question No. 1264 of 25 January 2006, the state boards or bodies on which there are currently 53 vacancies. [9228/06]

Minister for Education and Science (Ms Hanafin): The 53 vacancies referred to in Parliamentary Question No. 1264 of 25 January 2006 are listed in the attached table.

[Ms Hanafin.]

Department of Education and Science: Current Vacancies on Boards-Colleges 25/1/06

Board/College	Number of Vacancies
National Council For Special Education	2
Educational Disadvantage Committee	no determined no. of places on committee (21 on previous committee)
Residential Institutions Redress Board	1
Board of Management of Finglas Child and Adolescent Centre	2
Blanchardstown IT	2
Dundalk IT	1
Letterkenny IT	2
Sligo IT	1
NCCA	1
Irish Research Council for Science, Engineering and Technology	1
Irish Research Council for Humanities and Social Science	5
Dublin Institute for Advanced Studies	14

Special Educational Needs.

538. **Ms Enright** asked the Minister for Education and Science the progress made following Parliamentary Question No. 1277 of 25 January 2006; and if she will make a statement on the matter. [9248/06]

Minister for Education and Science (Ms Hanafin): I understand a meeting scheduled for early February 2006 had to be postponed but it is hoped to hold that meeting shortly. I understand the National Educational Psychological Service, NEPS, has contacted the National Council for Special Education, NCSE, about the case and has kept the school principal informed of developments. I understand that NEPS also plans to arrange consultation meetings with regard to the educational needs of pupils and to provide advice to the school staff on general organisation. The review of needs will be at a general level rather than focusing on individual children initially. Following this initial review, NEPS hopes to offer support to the school in relation to the concerns prioritized by the school.

As part of its approach, NEPS plans to identify what support is in place from the relevant health and education services, and to work towards effective collaboration between services.

Higher Education Grants.

539. **Ms Enright** asked the Minister for Education and Science the reason having a degree, then an MA followed by a H.Dip is not considered for the purposes of a higher education grant; the further reason this is not considered to be progression when a H.Dip is a requirement to qualify as a teacher; and if she will make a statement on the matter. [9251/06]

Minister for Education and Science (Ms Hanafin): Under the terms of the third level

student support schemes, administered by the local authorities and vocational education committees on behalf of the Department of Education and Science, a student is not eligible for grant assistance in respect of a second period of study at the same level, irrespective of whether a grant was paid previously. The schemes also provide that grants may not be paid to candidates who already hold a postgraduate qualification and are pursuing a second postgraduate qualification. Notwithstanding this condition, candidates who already hold a postgraduate qualification and are progressing to a further postgraduate course which represents progression from the level at which the previous postgraduate qualification(s) was attained, may be deemed eligible for grant aid.

For the purposes of the maintenance grant schemes a masters qualification is deemed to represent progression from the higher diploma in education. While the higher diploma is accepted as progression from the honours bachelor degree, an undergraduate qualification, it is not accepted as progression from any post-graduate qualification.

Schools Building Projects.

540. **Ms Enright** asked the Minister for Education and Science if funding will be granted to a school (details supplied) in County Laois to build a physical education hall which has planning permission and which has been costed at €120,000; and if she will make a statement on the matter. [9252/06]

Minister for Education and Science (Ms Hanafin): My Department is not in receipt of a formal application from the school to which she refers for capital funding for PE facilities. The school has, however, been issued with the requisite documentation in this regard. When it is

returned to the school planning section of my Department, the application will be assessed in accordance with the published prioritisation criteria for large scale building projects.

Progress on the application will then be considered in the context of the school building and modernisation programme from 2006 onwards.

Questions Nos. 541 to 545, inclusive, answered with Question No. 509.

Special Educational Needs.

546. **Ms McManus** asked the Minister for Education and Science the reason a school (details supplied) in County Wicklow has been advised by her Department to apply for training grants only to be refused on two occasions; and if she will make a statement on the matter. [9300/06]

Minister for Education and Science (Ms Hanafin): The position is that my Department supports the training and professional development of staff working with children with special education needs through the Special Education Support Service, SESS. This service, as appropriate, consolidates, co-ordinates, develops and delivers a range of professional development initiatives and support structures for school personnel working with students with special educational needs in a variety of educational settings. These settings include mainstream primary and post-primary schools, special schools and special classes. Generally this support is provided by direct training input or sanction for school staff to attend courses recognised and funded through the SESS.

I understand that the school in question has developed a behaviour management unit and has applied to the SESS to fund the salary costs of two people working in this unit. I should point out, however, that it is not within the remit of the SESS to fund salary costs nor would it be considered appropriate to accede to a request to fund private training undertaken by a school, which had not in the first instance sought either assistance or approval from the SESS or the Department of Education and Science for this course of action.

My Department has, however, discussed with the SESS the training needs of the school in question and the SESS will be in contact with the school to examine further its requirements within the operating framework developed by the support service.

School Staffing.

547. **Ms O'Sullivan** asked the Minister for Education and Science if she will provide the resources to employ laboratory assistants in schools to facilitate the teaching of science; and if she will make a statement on the matter. [9324/06]

Minister for Education and Science (Ms Hanafin): It is my understanding that the availability of laboratory technicians has not been a universal feature of support for science teaching in second level schools and that in some countries that provide this type of resource it is confined to certain types of schools. I am aware that the provision of technical assistants was one of some 39 recommendations in the report of the task force on the physical sciences. However, the cost of the task force proposals is a total of some €244 million, of which €66.3 million would be a recurring annual cost. The proposal for the provision of technical assistants is close to 30% of this recurring annual cost. Progress has been made on implementing 25 of the task force recommendations and my Department continues to progress the recommendations as resources permit in collaboration and consultation with the Department of Enterprise, Trade and Employment, FORFAS and industry.

I am very much aware of the important role played by the sciences in a modern educational system and my Department has been very active in implementing initiatives to develop and support the teaching of the science subjects. Significant progress is being made in regard to curricular reform and in-service support for science at both primary and post-primary levels. Science was introduced as a key component in the revised primary school curriculum in 1999 and a revised syllabus has been implemented in all schools since September 2003. A revised syllabus for the junior certificate was introduced in September 2003, for first examination in June 2006.

For the leaving certificate, revised syllabi have already been fully implemented in biology, physics and chemistry. To complete the cycle of revision, the National Council for Curriculum and Assessment has almost completed work on the development of a new leaving certificate chemical and physical sciences syllabus to replace the current physics and chemistry (combined) syllabus and a revision of the agricultural science syllabus is also very well advanced.

The introduction of curricular change in the sciences has been supported by comprehensive in-career development programmes for teachers. Significant funding has also been allocated to provide additional grants for equipment and resources.

548. **Mr. Connolly** asked the Minister for Education and Science the rates of pay available to special needs assistants in primary schools; if it is intended to revise this pay rate; and if she will make a statement on the matter. [9332/06]

Minister for Education and Science (Ms Hanafin): Following is a copy of the current special need assistant pay scales for the Deputy's information. These details are also available on my Department's website. The current rates of

[Ms Hanafin.]

salary have been introduced as a result of the implementation of section 14.2 of the mid-term review of part two of Sustaining Progress. In accordance with section 14.2 of the mid-term review of part two of Sustaining Progress an increase of 1.5% was paid with effect from 1 December 2005.

Future payments under Sustaining Progress are dependent, in the case of each organisation and grade, on verification of continued co-operation with flexibility and ongoing change, maintenance of stable industrial relations and absence of industrial action in respect of any matters covered by Sustaining Progress.

Special Needs Assistants

Grade	1/6/05	1/12/05
	€	€
Special Needs (Child Care) Assistant	21,255	21,574
	22,253	22,587
	23,248	23,597
	24,246	24,610
	25,246	25,625
	26,243	26,637
	27,238	27,647
	28,232	28,655
	29,232	29,670
	30,226	30,679
	31,226	31,694
	33,109	33,606
Long service increment w.e.f 1/4/2000	34,446	34,963
	1/6/05	1/12/05
Special Needs Assistants	12.73	12.92
Part Time hourly rates	13.33	13.53
	13.92	14.13
	14.52	14.74
	15.12	15.35
	15.72	15.95
	16.31	16.56
	16.91	17.16
	17.51	17.77
	18.10	18.37
	18.70	18.98
	19.83	20.13
	20.63	20.94

Psychological Service.

549. **Mr. Connolly** asked the Minister for Education and Science her plans to address the shortage of psychologists in the National Educational Psychological Service; and if she will make a statement on the matter. [9333/06]

Minister for Education and Science (Ms Hanafin): The number of NEPS psychologists at present, including three NDA psychologists serving with NEPS and one psychologist currently serving with another section of the Department stands at 122. This number takes account of a number of resignations in recent months.

All schools that do not have NEPS psychologists assigned to them may avail of the scheme for commissioning psychological assessments, SCPA, whereby they can commission assessments from a member of a panel of private psychologists approved by NEPS, and NEPS will pay the fees directly to the psychologists concerned. Details of this scheme, including the conditions that apply to it, are available on my Department's website.

NEPS also provides assistance to all schools and school communities that experience critical incidents, regardless of whether they have a NEPS psychologist assigned to them. In regard to all schools, NEPS processes applications for reasonable accommodations in certificate examinations. The Public Appointments Service recently concluded a new recruitment competition for the appointment of educational psychologists to NEPS. Two new psychologists have been appointed and my Department is currently in the process of recruiting a further nine. Regional panels have been established to allow my Department give greater priority in filling vacancies to areas with the greatest need.

School Transport.

550. **Mr. Connolly** asked the Minister for Education and Science the numbers of pupils availing of school transport in each year since 2000; the expenditure in each year since 2000 on school transport; and if she will make a statement on the matter. [9334/06]

Minister of State at the Department of Education and Science (Miss de Valera): The number of children availing of school transport services in a school year varies from time to time. Accordingly, the following figures are averages of pupils availing of the service within the years mentioned. Between 8,000 and 9,000 children with special needs are currently availing of the transport service and these are included in the overall figures.

Year	Expenditure	Pupils carried on school transport
	'000	
2001	77.058	140,000
2002	95.986	136,000
2003	101.734	138,000
2004	109.846	138,000
2005	122.157	134,500

In addition, Bus Éireann also issue almost 10,000 tickets to school children for travel on public and privately licensed scheduled local and national bus and rail services.

School Discipline.

551. **Mr. Connolly** asked the Minister for Education and Science her plans to address the increasing problem of indiscipline in schools; if her attention has been drawn to the increasing incidence of teacher's indiscipline-induced stress and consequent retirements; and if she will make a statement on the matter. [9335/06]

Minister for Education and Science (Ms Hanafin): The Deputy will be aware that last year I established a task force on student behaviour in second level schools. This task force produced an interim report in mid-year and has very recently completed its final report as scheduled. I am very grateful to the task force, and its Chair, Ms Maeve Martin, for the very detailed consideration they gave to this broad area in a relatively short amount of time.

The task force held 19 plenary sessions in 2005. All of the 'Partners in Education', including parents, students and teachers, were invited to make oral submissions to the task force. A plenary session with all of the partners was held on 12 October 2005. Ten consultative fora were held around the country at a number of second level schools as well as centres of alternative provision, e.g., youthreach centres and youth encounter programmes.

The task force invited, by public advertisement, submissions from interested individuals and groups and more than 150 submissions were received. I received a copy of the task force's final report in January and am considering it at present. I will arrange for its publication shortly. I have indicated my clear intention of acting on this issue in a measured and effective manner. To this end, provision of €2 million has been provided in this year's estimates to enable the implementation of the task force report to commence this year. I expect to be in a position to make further announcements on the detail of this implementation at the point of publication of the report.

Opportunities for professional development and the availability of support on a personal level are important in every profession in enabling staff to work to the best of their abilities and to deal with stress. The priority that I attach to providing quality professional development for teachers is evident from the fact that this year's in-service budget is nearly €27 million.

Enhanced opportunities for professional development will help teachers to stay at the top of their profession. However, I recognise that just like employees in every other line of work, there will be times during a teacher's career when he or she might need support on a personal, rather

than on a professional level. There is a need to develop an occupational health strategy as a supportive resource for teachers. The aim of such a strategy will be to promote the health of teachers in their workplace, with a focus primarily on prevention rather than cure. In this context I have asked my officials to look at possible models for the development of both an occupational health service and an employee assistance service. Exploratory talks have already commenced with the teachers unions and management groups on the possibilities involved. I will maintain a strong interest in developments.

In-Career Development.

552. **Mr. Connolly** asked the Minister for Education and Science the levels of teachers in-career development funding in each year since 2000; the reason for the significant decrease in funding; her views on whether it will impact adversely on teacher development; and if she will make a statement on the matter. [9336/06]

Minister for Education and Science (Ms Hanafin): Funding for in-career development for teachers and other school support programmes has increased by just over €10 million since 2000. The total amounts provided for each year since 2000 are as follows: Year Expenditure € (Millions) 2000: €24.79 2001: €26.99 2002: €28.93 2003: €28.68 2004: €28.76 2005: €34.05 2006: €35.05 Over the past ten years, more than €200 million has been invested by my Department in the area of continuous professional development for teachers and other school personnel. During this time my Department has developed teacher education as a continuum, running from pre-service training, induction through to programmes of continuous professional development. Among other things, this investment has seen very significant increases in the provision of special needs training and training aimed specifically at educational disadvantage. In addition, my Department is continuing to build capacity within the education centre network in order to continue to develop a comprehensive and coherent provision of professional development opportunities for local school communities.

I will continue to ensure that there is a continuation of this upward trend of investment in the very important area of continuous professional development for the teaching profession.

School Staffing.

553. **Mr. Connolly** asked the Minister for Education and Science her plans to reverse the growing feminisation of the teaching profession; if she proposes to alter the entrance requirements to facilitate a greater number of male applicants; and if she will make a statement on the matter. [9337/06]

Minister for Education and Science (Ms Hanafin): Recently I launched a promotional campaign aimed at encouraging more men to consider primary teaching as a career choice. Studies have shown that decreasing numbers of men are applying to become primary school teachers, both in Ireland and across the developed world. The first phase of the Men As Teachers and Educators campaign has seen newspaper and radio advertisements highlighting the key attributes and strengths of primary school teachers. The campaign is seeking to remind parents, students, teachers, guidance counsellors and all those thinking about career options about the valuable and rewarding work undertaken each day in our primary schools.

I hope this campaign will make young men take a look at the valuable contribution they can make through a career as a primary school teacher. The report of the primary education committee “Males into Primary Teaching” contains a number of recommendations all of which are under active consideration in my Department.

554. **Mr. Connolly** asked the Minister for Education and Science the number of schools where teaching posts were suppressed in each year since 2000; the number of teaching posts involved; the number of disadvantaged schools where teaching posts were suppressed in each year since 2000; and if she will make a statement on the matter. [9338/06]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy is not readily available in my Department. If the Deputy would like information on the staffing of a particular school, my officials would be happy to provide it.

Special Educational Needs.

555. **Mr. Gregory** asked the Minister for Education and Science if her Department received a request for funding from Acorn ABA to set up a unit on Dublin’s northside for 12 autistic children to provide one to one tuition using applied behavioural analysis; her response to this request; and if she will make a statement on the matter. [9363/06]

Minister for Education and Science (Ms Hanafin): My Department is currently considering a report from the National Council for Special Education, NCSE, in regard to the application in question. My officials will notify all relevant parties when a decision on the application has been made.

School Staffing.

556. **Mr. Deasy** asked the Minister for Education and Science the number of the 13 seconded teachers at primary level and the 24 seconded

teachers at post primary level who have been assigned to a notional school for payment purposes, had a permanent teaching position in a school here at the time of their secondment; the number of those 37 seconded teachers who never had a permanent teaching position in a school here; and if she will make a statement on the matter. [9366/06]

Minister for Education and Science (Ms Hanafin): Of the teachers who, for salary payment purposes, have been assigned to a notional school, 25 are employed in a temporary capacity. As insufficient suitable applicants from the ranks of serving teachers presented for selection to these posts, other suitable and qualified teachers were recruited to meet the Department’s obligation under a European cultural agreement to the European schools project and to participate in various programmes, such as the reading recovery initiative, operating under the auspices of the Department.

School Accommodation and Staffing.

557. **Mr. Perry** asked the Minister for Education and Science when authorisation will be approved for a school (details supplied) for additional facilities, including a classroom; if her attention has been drawn to the fact that the school is facing a crisis with 12 pupils leaving in June 2006 and 39 requests for enrolment; if her attention has been drawn to the fact that the school is reluctantly prepared to undertake the work involved under the devolved system to have the accommodation ready in time to cope with the increased numbers; and if she will make a statement on the matter. [9368/06]

558. **Mr. Perry** asked the Minister for Education and Science if the school authorities will refuse all enrolments having reached the maximum class average total of 230 pupils with regard to a school (details supplied) in County Leitrim; the way in which the school should advise parents whose children are refused; if the school accepts all enrolments and receives the new classroom teacher under developing school status; the way in which this school will cater for September numbers in view of the impossibility of a job completion at this stage; if the school authorities will initiate the planning process immediately in anticipation of a positive response; the reason that a decision has not been made as this school is designated disadvantaged and runs many programmes. [9369/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 557 and 558 together.

The staffing of a primary school is determined by reference to the enrolment of the school on 30 September of the previous school year. This is in accordance with guidelines agreed between this

Department and the education partners. The enrolment of the school referred to by the Deputy on 30 September 2005 was 190 pupils. This enrolment will entitle the school to a staffing of principal and seven mainstream class teachers for the 2006-07 school year.

The agreement referred to can only be deviated from when a school experiences rapid growth in its enrolment. Rapid growth is defined as an increase in its enrolment in one year relative to the previous year of 25 pupils plus a stipulated excess of five pupils on the appointment figure. For this school to be considered for developing school status the school would require a minimum enrolment of 215 pupils on the 30 September 2006.

If the board of management of the school believes the enrolment of the school will increase to a minimum of 215 pupils by 30 September 2006, it may apply for a post under the developing school criteria as outlined in Department circular 23/06 which is available on my Department's website. My officials are in receipt of an application for additional accommodation at the school and further information as been sought from the school authority with a view to determining the long-term accommodation needs of the school.

Factors which will be considered in this assessment include the current and projected enrolment, demographic trends in the area and the likely impact of recent and planned housing developments. When the long-term accommodation needs are determined a decision will then be made on how best to provide an accommodation solution. The building project required will be considered in the context of the school building and modernisation programme 2006-10.

My officials will be in contact with the school authority regarding its application under the additional accommodation scheme 2006 with a view to addressing its need for an additional classroom should the school make a successful application for a developing post.

Traveller Education Strategy.

559. **Mr. Perry** asked the Minister for Education and Science when she will give authorisation on the draft education strategy completed in October 2005 and adopted by the advisory committee for Travellers education; the reason for the delay and if she will urgently publish the strategy and adopt the recommendations which will impact positively for all Travellers in the education system. [9370/06]

560. **Mr. Perry** asked the Minister for Education and Science further to the draft education strategy by the advisory committee for Travellers education if her attention has drawn to the fact that the publication and implementation of the recommendations of the strategy should happen in such a time period that new measures will posi-

tively impact on the start of the next school year, as further delays in the publication and implementation of the strategy would undoubtedly mean that it would fail to do so; and if she will make a statement on the matter. [9371/06]

563. **Mr. Cregan** asked the Minister for Education and Science when the Traveller education strategy will be published; and her views on the perceived lack of Traveller representation on the education disadvantage committee. [9565/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 559, 560, 563 together.

I expect to receive shortly a report on the recommendations for a five year Traveller education strategy. This report spans the full spectrum of lifelong learning from pre-school to adult and further education. It also emphasises the important role that Traveller parents have in their own education and that of their children. The report is in the final stages of preparation. Inclusion is a core principle which has guided the development of this report.

The report will provide me with advice and guidance on how best to continue to cater for and improve the education provision for the Traveller community. The education needs of the Traveller community are a high priority for me and my Department and I look forward to examining the report.

With regard to representation on the educational disadvantage committee, my Department has written to the education partners seeking their views on the composition and future work of the committee. When all of these have been received and considered I will appoint members to the new committee as provided for under section 32 of the Education Act 1998.

Teacher Training.

561. **Mr. Kenny** asked the Minister for Education and Science the funding allocated to each of the teacher training colleges for the most recent year for which figures are available; the number of teachers trained in each of the teacher training colleges for the most recent year for which figures are available; and if she will make a statement on the matter. [9387/06]

Minister for Education and Science (Ms Hanafin): I presume the Deputy is referring to the primary teacher training colleges funded by my Department. In that context, there are three different methods of providing funding to the five colleges of education, reflecting the historical context within which the colleges were established and developed over time. Coláiste Mhuire Marino and the Froebel College of Education are funded on a capitation basis with funding linked to a payment per student registered at each college.

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The Church of Ireland College, Rathmines is funded on a budget basis. This involves that college submitting annual returns and financial projections for agreement by my Department. As a result of formal links with universities, both St.

Patrick's College, Drumcondra and Mary Immaculate College, Limerick are funded through the Higher Education Authority, HEA. The details requested by the Deputy refer to the 2005 year and are set out as follows.

B. Ed and Post-Graduate Students who Graduated at end academic year 2004/2005 and Funding Allocated to Teacher Training Colleges Year 2005.

Colleges of Education	B.Ed Graduates	Post-Graduate Graduates	Funding 2005
Froebel	61	30	€2,500,958
Coláiste Mhuire, Marino	103	49	€3,865,640
Mary Immaculate	382	104	€16.00m
St. Pat's, Drumcondra	398	94	€16.5m
Church of Ireland	28	—	€2,084,934

(No. of graduates confirmed with Colleges 6/3/06).

Departmental Property.

562. **Mr. O'Connor** asked the Minister for Education and Science her plans to provide a security fence at her Department's lands (details supplied) in Dublin 24; her views on the concern of residents and the wider community that this issue be progressed; and if she will make a statement on the matter. [9458/06]

Minister for Education and Science (Ms Hanafin): My Department appointed a consultant to progress this project and planning permission was applied for. The consultant has informed the school building section of my Department that he has received notification of decision to grant planning permission as issued by South Dublin County Council dated 27 February 2006. The consultant has been instructed to seek tenders for the works involved.

Question No. 563 answered with Question No. 559.

Extension of Service.

564. **Mr. P. Breen** asked the Minister for Defence further to Parliamentary Question Nos. 525 of 7 February 2006 and 650 of 14 February 2006, if a person (details supplied) in County Clare was before a medical board on 5 July 2005 as previously stated. [8817/06]

Minister for Defence (Mr. O'Dea): As previously mentioned in earlier replies, this case has been the subject of lengthy consideration by the military authorities. I am advised that the board which reviewed the case of this individual on 5 July, 2005 was in fact an extension of service board and not a medical board as previously indicated. The error in this regard is regretted.

The procedure in relation to assessing applications for extension of service requires that an extension of service board must assess each application on a case by case basis. The board's func-

tion is to determine whether an applicant meets all the necessary criteria for extension of service, as prescribed in the relevant "A" administrative instruction made pursuant to Defence Forces Regulation A10. These mandatory criteria include *inter alia* a requirement to meet a minimum medical classification code for extension of service. The board then makes a recommendation as to whether an application for extension of service should be recommended.

The individual in this case had an extension of service medical assessment on 24 March 2004. This medical was carried out by a military medical officer of the medical corps to assess his military medical classification code in the context of his application for extension of service. His military medical classification code as assessed by the military medical officer was below the minimum required for extension of service. The member in question underwent a further medical examination on 24 August 2004. The military medical officer who carried out that examination indicated that it was not possible to upgrade the person in question to a higher medical classification due to his medical condition. The medical condition in question is permanent and is due to surgery required for injuries sustained by the person in question in a road traffic accident in 2002. The condition now regrettably renders him permanently below the minimum military medical classification standard for extension of service.

As the individual did not meet the medical classification criteria for extension of service, the board did not recommend his application for extension of service. As previously outlined, the case was referred to the deputy chief of staff — support — for consideration on 12 September 2005, who having considered the matter directed that the individual's discharge should proceed as he did not meet the required criteria for extension of service.

The individual was informed on 18 October 2005 that his application for extension of service had not been approved and he was given seven

days within which to submit representations in regard to his proposed discharge. The application for discharge, together with representations from the person in question enclosing a consultant's report, were submitted to the General Officer Commanding 1 Southern Brigade on 14 November 2005. The General Officer Commanding having considered these representations and enclosures and having consulted again with the military medical authorities was unable to recommend extension of service as the person in question did not meet the medical criteria for extension of service.

The case together with the individual's representations was again submitted to the deputy chief of staff — support — on 19 December 2005 who considered it further and directed that discharge should now proceed. The date of discharge has been set at 9 March 2006 having regard to all outstanding leave entitlements in the case.

All personnel are required to meet the required medical criteria for extension of service, which are of general application and exceptions cannot be made in individual cases.

Terrorist Attacks.

565. **Mr. Connolly** asked the Minister for Defence if he has satisfied himself that adequate equipment, contingency plans and arrangements are in place to deal with a terrorist attack in any part of the country; and if he will make a statement on the matter. [8857/06]

Minister for Defence (Mr. O'Dea): The Garda Síochána has primary responsibility for law and order, including the protection of the internal security of the State. The potential threats to the State arising from terrorism are continuously monitored by the Garda in co-operation with the Defence Forces. It is important that all prudent precautions are taken and that matters are kept under continuous review. The objective of the Government is to ensure that all State bodies can react quickly and efficiently to any large-scale emergency irrespective of whether it arises from an act of terrorism or from a man-made or natural disaster. The key issue in responding to any terrorist attack is to have in place appropriate and effective plans to respond to the impact of that attack and to protect the civilian population.

The Government task force on emergency planning has worked, since it was set up in 2001, to co-ordinate emergency planning and response arrangements across those Departments that lead and support the State's response in an emergency. The focus for this work continues to be on making the necessary arrangements to, at best, prevent or, at least, minimise the risks from terrorist activities, ensuring that the protection available to the Irish people is maximised, putting mechanisms in place to support the response

agencies and providing coordination for maximum efficiency and effectiveness.

The Defence Forces makes contingency plans for a range of scenarios where the security of the State may be at risk. In addition, the Defence Forces have contingency plans in place in relation to the provision of aid to the civil power, meaning in practice to assist, when requested, the Garda Síochána, and the provision of assistance to the civil authorities for a range of emergency situations.

As chairperson of the Government task force, my approach continues to be that such responses should be characterised by effective management of all aspects of emergency planning and by a high level of public confidence in all the response arrangements. I will continue this work and I will report regularly to Government and to this House on these matters.

Departmental Staff.

566. **Mr. Connolly** asked the Minister for Defence the number of persons with disabilities employed in his Department; the percentage of the total staff that this represents; the human resources policy of his Department with regard to the recruitment of persons with disabilities; the qualification criteria for persons with disabilities; and if he will make a statement on the matter. [8905/06]

Minister for Defence (Mr. O'Dea): There are currently 14 persons with disabilities employed in my Department which represents 3.29% of the total Civil Service staff in my Department. The guidelines for the employment of people with disabilities as set out in the code of practice for the Civil Service 1994 is followed by my Department which has consistently exceeded the target of 3% for the employment of people with physical, sensory or psychological impairment. In my Department, staff with these three categories of disability are employed at clerical and services levels.

My Department strongly subscribes to the objective of employing persons with disabilities whenever possible. People with disabilities are entitled to apply for any post for which they are qualified and to have their applications considered on the basis of their abilities, qualifications and suitability for the work in question.

My Department expects to participate in the WAM, willing able mentoring, project during the summer of 2006. The project aims to give between three to six months quality work experience to graduates with disabilities. The project is part funded under the EQUAL initiative and has partners from the public, private and voluntary-community sectors.

The definition of a person with a disability for the purposes of the 3% target is the positive action definition set out in the code of practice for the Civil Service 1994. In this context, the

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term “people with disabilities” means people with a physical, sensory or psychological impairment which may: “have a tangible impact on their functional capability to do a particular job; or have an impact on their ability to function in a particular physical environment; or lead to a discrimination in obtaining or keeping employment of a kind for which they would otherwise be suited.”

Presidential Visit.

567. **Mr. J. Higgins** asked the Minister for Defence the cost of security arrangements for the visit of US President Mr. George W. Bush to Shannon Airport on 1 March 2006. [9328/06]

568. **Mr. J. Higgins** asked the Minister for Defence the number of Army personnel deployed as part of the security arrangements for the visit of US President Mr. George W. Bush to Shannon Airport on 1 March 2006. [9329/06]

569. **Mr. J. Higgins** asked the Minister for Defence if he had prior knowledge of the visit of US President Mr. George W Bush to Shannon Airport on 1 March 2006. [9330/06]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 567 to 569 inclusive, together.

As the Deputy will appreciate, it would not be appropriate for me for reasons of security to comment on the exact nature of the deployment to Shannon Airport on 1 March 2006. The estimated additional cost to the Defence Forces was approximately €32,000 in respect of security duty allowance and of fuel. I was aware of visit of the US President prior to the event.

Departmental Documents.

570. **Mr. J. Higgins** asked the Minister for Defence if, in view of the fact that the High Court order made on 27 July 2005 quashed the report of the Judge Advocate General from the inquiry into the documentation held by the Department of the Defence and by the Defence Forces into the retirement of a person (details supplied) in 1969 and in further view of the fact that Mr. Justice Quirke of the High Court in his judgment noted that in the absence of an explanation concerning documentation the injustice to this person remains apparent, he will remove from the website and published documentation of his Department's statements and press release documentation announcing and lauding the findings of the Judge Advocate General's report. [9343/06]

Minister for Defence (Mr. O'Dea): The press statement and an accompanying explanatory note on the historical background to the case to which the Deputy refers was issued from the Department of Defence on 2 October 2002. It referred

to the publication by the Minister of the report arising from an examination and review of the files and records held by the Department of Defence and by the Defence Forces in relation to the circumstances that led to the retirement in 1969 by the President of the individual concerned from the Permanent Defence Force. The report was prepared by the civilian Judge Advocate General.

The press statement gave a brief synopsis of the key contents of the report of the Judge Advocate General. The explanatory background note, as stated, gave a brief historical background. There were no further subsequent press releases. As the Deputy points out, the report was subsequently quashed by the High Court in July 2005 arising from judicial review proceedings taken by the individual concerned.

An electronic copy of that press statement and the explanatory note are to be found in the press release archive — 2002 — on the Department of Defence Internet website. As is standard practice, this electronic archive is in effect an historical archival repository, in e-format, of press releases issued by the Department's press office over the years, which have been compiled and assembled in a chronological basis by year of issue, for the convenience of those who may wish to access this historical body of material. In addition, much of the factual information in the background note is also on record in the Oireachtas in the form of replies to Dáil questions on the case. The contents of the website are the subject of regular periodic review, particularly as material becomes progressively outdated and no longer holds any contemporary interest.

It is not, therefore, considered appropriate to remove this electronic record from the website at this time. It remains an historical fact that the report itself was published and that the press release and explanatory note to the background of the case were issued at the time of that publication.

It should be emphasised that the High Court judgment in the matter of the report of the Judge Advocate General specifically and only related to the actual procedures utilized in the course of the review. The High Court pointed out that the quashing of the Judge Advocate General's report had no implications whatever for the status of the original 1969 decision to retire the individual concerned from the Permanent Defence Force.

Departmental Property.

571. **Mr. N. O'Keefe** asked the Minister for Defence his views on making a site available to a group (details supplied) in County Cork. [9558/06]

Minister for Defence (Mr. O'Dea): The site in question forms part of lands under lease to a company which is now in dissolution. The legal position in that regard is under consideration in

consultation with the Office of the Chief State Solicitor. Until advice in relation to the legal position is to hand, it is not possible to consider any requests for use of this property.

Local Authority Housing.

572. **Dr. Upton** asked the Minister for the Environment, Heritage and Local Government if he will review the contents of correspondence (details supplied) and offer advice to the person concerned; his views on whether the schemes available militate against people joining the workforce and becoming self-sufficient; his further views on whether the system prevents the person concerned from availing of an option to own her own home; and if he will make a statement on the matter. [8835/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):

In relation to the correspondence referred to in the question, I am advised that the housing authority has directly been in contact with the individual concerned to inform her of her housing options and of her eligibility for the relevant scheme. Being a tenant under RAS does not affect eligibility for other forms of housing support, including local authority housing and shared ownership, and does not inhibit access to employment.

Building Regulations.

573. **Ms Shortall** asked the Minister for the Environment, Heritage and Local Government the building regulations governing where a gas flue can and cannot be placed on a residential building; and if he will make a statement on the matter. [8793/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche):

Part J of the building regulations requires that a heat producing appliance shall have adequate provision for the discharge of the products of combustion to the outside air; and that any heat producing appliance, flue pipe, or chimney shall be designed and constructed so as to reduce to a reasonable level the risk of the building catching fire as a consequence of its use.

Technical guidance document J published by my Department gives guidance on how to comply with Part J. In particular, guidance is given covering the appropriate location of flue terminals for both natural draught and balanced flue appliances, shielding of flue pipes from combustible materials, encasement of flues where passing through compartment walls and floors and the need for provision for flue cleaning.

For additional guidance, reference is made to an Irish Standard IS 813 — domestic gas installations — adopted by the National Standards

Authority of Ireland, which deals with the installation of domestic gas appliances generally, including the location of flues and flue terminals.

Noxious Weeds.

574. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government the measures being taken to tackle the growing problem of an invasive species, in rural areas of County Clare and other parts of the country; the budget available for eradication measures; if his Department is liaising with local authorities on eradication measures; his views on the issue in view of the fact that the weed is listed on the global invasive species database as one of the world's 100 worst invasive alien species and is also listed on the UK Wildlife and Countryside Act; and if he will make a statement on the matter. [8794/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche):

My Department's policy, set out as action 28 in the national biodiversity plan, is to prepare strategies, in consultation with the environmental authorities in Northern Ireland, to control introduced species and to prevent, or minimise, future — accidental or deliberate — introductions of alien species which might threaten biodiversity.

My Department, jointly with the Environment and Heritage Service in Northern Ireland, commissioned a scoping report on the challenges posed in the island of Ireland by invasive non-native species. This report, which refers *inter alia* to Japanese knotweed, made recommendations *inter alia* in relation to further risk assessments, cross-Border institutional co-operation, public awareness, linkage with agri-environment schemes and promoting greater use of native species. It has recently been published and is available on my Department's website.

To progress this work to the next stage, the Environment and Heritage Service in Northern Ireland, with the support of my Department, is now inviting tenders to take forward these recommendations on an all-Ireland basis. A key area of work to be addressed will be the production of management plans and codes of good practice to help control and manage new and established problem species and to engage the stakeholders in addressing the problem. This contract will be jointly funded by the Environment and Heritage Service and by my Department. My Department has allocated €70,000 for this all-Ireland project in 2006.

The national parks and wildlife service of my Department is available to offer support and advice to private and public stakeholder groups, including local authorities, that are concerned about the impact of particular invasive species.

Greenhouse Gas Emissions.

575. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the sequestration levels in relation to carbon emissions resulting from the current amount of sugar beet grown here; and if he will make a statement on the matter. [8833/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The contribution of agricultural soils to greenhouse gas emissions arises from emissions of nitrous oxide from the use of nitrogenous fertilizers, animal manures and from crop residues. Crop residue emissions are calculated using known values for the nitrogen content of individual crop varieties. The cultivation of crops does not, in general, lead to the sequestration, but rather to emissions of greenhouse gases. The annual inventory of greenhouse gas emissions, prepared by the Environmental Projection Agency, does not record data from emissions arising from individual crops as this is not required for reporting purposes under the United Nations Framework Convention on Climate Change.

Election Management System.

576. **Mr. Connolly** asked the Minister for the Environment, Heritage and Local Government if it is proposed to use the electronic voting equipment currently in storage; if he has noted the Nedap-Powervote machines similar to those being stored here are being supplied to American states complete with the facility for paper records of votes cast; if he proposes to modify the machines purchased by Ireland with this facility; and if he will make a statement on the matter. [8858/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I am aware that the Nedap electronic voting machines have secured federal certification in the US to enable them to be used at elections in that jurisdiction. To comply with statutory electoral requirements in some parts of the US, the Nedap voting machine has a facility to connect to a separate printer, which is not supplied by Nedap, to enable paper records of votes to be printed, if required. Governments in different jurisdictions, including the US, adopt varying approaches to electoral requirements according to their own circumstances and priorities. In worldwide terms, electronic voting and counting systems equipped with a paper record of each vote cast are the exception, not the norm.

The timing of the further use of the electronic voting and counting system is dependent on the progress made with the work being undertaken by my Department and by the Commission on Electronic Voting in relation to it, the associated

decisions arising in this regard and on the dates at which future polls may be held.

Planning Issues.

577. **Mr. Gregory** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 648 of 14 February 2006 the timescale for the next amending of the planning exemption regulations. [8859/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): At present my Department is finalising planning and development regulations to make changes to the planning permission regulations which set out the detailed rules, requirements and procedures for the planning application process. I expect that I will be in a position to begin a review of certain other aspects of the regulations, including certain provisions of the exemption regulations, later this year.

Departmental Staff.

578. **Mr. Connolly** asked the Minister for the Environment, Heritage and Local Government the number of persons with disabilities employed in his Department; the percentage of the total staff that this represents; the human resources policy of his Department with regard to the recruitment of persons with disabilities; the qualification criteria for persons with disabilities; and if he will make a statement on the matter. [8906/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department employs 50 people with disabilities, which represents 3.4% of staff. The Department adheres to the guidelines contained in the Code of Practice for the Employment of People with Disabilities in the Civil Service. Recruitment of civil servants, including the recruitment of persons with disabilities, is managed by the Public Appointments Service. In addition my Department has agreed to take part in the WAM, willing able mentoring, project. This project aims to give between three and six months quality work experience to graduates with disabilities.

Irish Language.

579. **Mr. Gogarty** asked the Minister for the Environment, Heritage and Local Government the guidelines which currently exist regarding bilingual signage at entrances to housing estates and on directional signage; if there are plans to make an equal-size Irish language version mandatory; and if he will make a statement on the matter. [8908/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): An Coimisiún Logainmneacha, the Placenames Commission, which is under the aegis of the Minister for Community, Rural and Gaeltacht Affairs, has produced guidelines on the naming of roads, streets and housing estates in Irish. The guidelines set out the appropriate conventions for the Irish versions of the names of roads, streets and housing estates. My Department provided local authorities with copies of the guidelines and requested they be complied with by authorities in naming roads, streets and housing estates and in the provision of nameplates.

I understand that the Minister for Community, Rural and Gaeltacht Affairs intends to make regulations under section 9(1) of the Official Languages Act 2003, which enables him to regulate, *inter alia*, the use of the Irish language only, or the Irish and English languages together, on signage placed by public bodies. The giving of statutory directions to road authorities regarding the display of Irish and English text on traffic signs, including directional signs, on the public road network, is a function of the Minister for Transport.

Water and Sewerage Schemes.

580. **Mr. Hayes** asked the Minister for the Environment, Heritage and Local Government if an application by South Tipperary County Council for funding for improvements under the Fethard regional water supply scheme will be approved. [8921/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Burncourt water supply scheme and stage two of the Fethard water supply scheme are being advanced as a grouped project and have been approved for funding in my Department's water services investment programme 2005 -2007 under the rural towns and villages initiative at a combined cost of €14.05 million. My Department approved South Tipperary County Council's brief for the appointment of consultants to prepare preliminary reports for both schemes in January 2005. The submission of those reports for Departmental approval is now awaited.

Property Management Companies.

581. **Mr. Carey** asked the Minister for the Environment, Heritage and Local Government the measures he proposes to take to curb the proliferation of the practice of some local authorities allowing, or insisting on, maintenance companies being set up in housing developments; if he proposes to take action to regulate the levying of annual charges on residents by these maintenance companies; and if he will make a statement on the matter. [8992/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): A Law Reform Commission working group is currently examining legal aspects generally regarding management of multi-unit structures. The Government will consider the recommendations in its final report, including the need for any new legislation in this area. A recent report by an auctioneering and estate agency review group to the Minister for Justice, Equality and Law Reform recommended that property management service providers, which are commercial entities engaged by management companies or developers to carry out day-to-day management and maintenance, should be regulated by the new National Property Service Regulatory Authority.

With regard to the attachment of conditions concerning the establishment of management companies to planning permissions, my Department asked planning authorities for a report on their policies on this matter in November 2005. Most planning authorities have now responded and it appears the majority of planning authorities do not attach conditions to planning permissions requiring management companies to be set up in the case of housing estates. A number do so in specified circumstances, for example, where there is a shared waste water treatment plant between a number of houses.

My Department issued a circular letter on 25 January 2006 reminding local authorities of their obligations under section 180 of the Planning and Development Act 2000 regarding taking in charge of estates. The circular letter also clearly states that the existence of a management company to maintain elements of common buildings, carry out landscaping and so on must not impact upon the decision by the authority to take in charge roads and related infrastructure where a request to do so is made. I am also considering whether any further guidance should issue to planning authorities regarding planning conditions in relation to management companies.

Playground Funding.

582. **Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government the funding which was provided by his Department to each local government authority for community gain under sports and play facilities grants in 2005 and 2006; the breakdown by local authority as to the way in which the funding was allocated; and the projects it was allocated to. [8998/06]

583. **Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government if an inventory of the State's local authority controlled public parks, with and without playground facilities, has been carried out; if so, if he

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will supply a copy of the inventory; and if not, if he will initiate such a study. [8999/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 582 and 583 together

Section 67 of the Local Government Act 2001 empowers local authorities to promote the interests of the local community in relation to amenity, recreation and other functions. This includes the provision of sports, games and similar activities and general recreational and leisure facilities such as playgrounds. It is a matter for each local authority to determine the extent to which these facilities should be provided and to allocate resources accordingly.

To assist local authorities in this regard, my Department provided funding of over €2 million to local authorities for the development of playground facilities in 2005. A fixed grant of €60,000 was allocated to each city and county council to meet the cost of purchase and delivery of playground equipment. Funding for some 21 skateboard facilities to be provided by local authorities was also approved in 2005. Details of these grants are set out in the following table. No grants for playgrounds or skateboard parks have been allocated in 2006. Grants for sports facilities are not provided by my Department. Apart from direct grants, my Department also provides significant financial support to local authorities through the Local Government Fund which is usable at the discretion of the authority.

Grants for Skateboard Parks in 2005

Local Authority	Location	Grant
		€
Clare County Council	Lees Road Sports & Amenity Pk, Drumcliffe, Ennis	90,000
Cork County Council	Great Island, Ballincollig	100,000
Donegal County Council	Ballymacool, Letterkenny	60,000
Dún Laoghaire/Rathdown County Council	Monkstown Pool & Fitness Centre, Monkstown Avenue	100,000
Fingal County Council	Millennium Park, Blanchardstown	100,000
Galway County Council*	{The Palace Grounds, Tuam, Dublin Road Housing Estate, Tuam}	100,000
Kerry County Council	Tralee Sports & Leisure Centre, Tralee	150,000
Laois County Council	Proposal for mobile facility	35,000
Louth County Council	Ashling Park, Dundalk	40,000
Meath County Council	Dunboyne Park, Dunboyne	45,000
Monaghan County Council	Mullaghmat, Monaghan Town	42,000
Offaly County Council	Tullamore Town Park, Tullamore	72,000
South Dublin County Council	Lucan Sports & Leisure Centre, Griffeen Valley Regional Park, Lucan	100,000
Waterford County Council	Tramore Town	140,000
Westmeath County Council	Adjacent to Athlone Regional Sports Centre	150,000
Wexford County Council	Gorey Town Park, Gorey	110,000
Wicklow County Council	Greystones	150,000
Dublin City Council	John Paul 11 Park, Cabra	100,000
Galway City Council	Westside Sports Park, Westside	100,000
Limerick City Council	O'Brien Park, Clare Street	125,000
Waterford City Council	People's Park, Park Road	140,000

Information regarding local authority controlled public parks, with and without playground facilities, is not available in my Department. However, the publication Service Indicators in Local Authorities 2004 by the local government management services board reported on performance across 42 indicators covering the broad range of local authority activities. These indicators were drawn up by the local government customer service group following extensive consultation with local authorities. The customer service group is representative of my Department, local authorities and the Institute of Public Administration. Two of the

indicators relate to playgrounds and these enable comparisons to be made across local authorities on their performance in this area. Specifically, the indicators show the number of children's playgrounds per 1,000 population provided directly by the local authority, and facilitated by the local authority. Copies of this publication are available in the Oireachtas Library.

Fire Services.

584. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government further to Question No. 511 of 28 February 2006,

the criteria which will be applied to prioritise applications under the 2006 fire services capital programme; and if he will make a statement on the matter. [9062/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Over the past 25 years, almost €240 million has been provided under the fire services capital programme for the provision of new and refurbished fire stations and the purchase of fire appliances and other equipment. At this stage, more than two-thirds of our fire stations, including almost all of the busiest stations, have been replaced, we have a modern fleet of front-line fire appliances and a modern emergency response communications system. Against this background, requests submitted by fire authorities for funding for the building or refurbishment of fire stations are considered on a case-by-case basis having regard to the existing facilities, the level of activity, the proximity of other fire stations, the fire authority's priorities and the competing demands of other fire authorities for the available funding. A balance is also maintained between funding for fire station projects and for new fire appliances and other equipment.

Motor Taxation.

585. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the total yield for motor tax for each of the years 2002, 2003, 2004 and 2005 for motor vehicles and goods vehicles; and if he will make a statement on the matter. [9219/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The information requested is being compiled and will be forwarded to the Deputy shortly.

Goods Vehicles Licences.

586. **Ms O. Mitchell** asked the Minister for the Environment, Heritage and Local Government the number of goods vehicles licensed for use on roads here in 2005; and if he will make a statement on the matter. [9253/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The total number of goods vehicles licensed for motor tax at 31 December 2005 is 286,548.

EU Directives.

587. **Mr. Fleming** asked the Minister for the Environment, Heritage and Local Government the implications of the nitrates directive on applying fertiliser in the vicinity of abstraction points of water for human consumption. [9254/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The nitrates directive aims to protect all waters against pollution from agricultural sources, which includes enhancing the protection of waters being abstracted for human consumption. The European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2005 implement the directive in Ireland and provide statutory support for good agricultural practice to protect waters against pollution from agricultural sources, particularly in the context of implementation of a national nitrates action programme. The regulations include measures such as set periods when land application of fertilisers is prohibited, limits on the land application of fertilisers, storage requirements for livestock manure and monitoring of the effectiveness of the measures in terms of agricultural practice and impact on water quality. In addition to the above, Article 17(2) of the regulations prohibits the application to land of chemical or organic fertilisers within specified distances from drinking water abstraction points. In general the specified distance for larger distribution points is 200 metres and for smaller water supplies is 100 metres. A copy of the regulations is available in the Oireachtas Library.

Local Authority Funding.

588. **Mr. Ó Fearghail** asked the Minister for the Environment, Heritage and Local Government if Kildare County Council has sought grant aid from his Department towards the ongoing running costs of the additional beds provided at a hostel (details supplied); when funding will be provided; and if he will make a statement on the matter. [9379/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Local authorities and the Health Service Executive are responsible for meeting the accommodation and health care needs of homeless persons. While the level of accommodation related funding applicable to this type of project is, in the first instance, a matter for decision by the local authority in whose area the project is situated, my Department recoups to the authority 90% of such funding. In this context, my Department is engaged in ongoing consultation with Kildare County Council in order to clarify certain aspects of a proposal to increase the authority's funding for the project in question. My Department has sought a meeting with council officials to discuss this matter and it is anticipated it will be arranged shortly.

Litter Pollution.

589. **Mr. Haughey** asked the Minister for the Environment, Heritage and Local Government

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his views on the amount of litter on roads and in particular on the M50 and M1 in Dublin; the measures he is taking to deal with this problem; and if he will make a statement on the matter. [9382/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Under section 7 of the Litter Pollution Act 1997 it is a matter for each local authority to ensure that public roads, including motorways in its functional area, are, so far as practicable, kept free of litter.

Animal Welfare.

590. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government the role he has in the operation of the ISPCA; and if he will make a statement on the matter. [9414/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department has no role in the operation of the ISPCA. The ISPCA maintains and operates a guard dog register in accordance with the Control of Dogs Act 1986 (Guard Dogs) Regulations 1988. My Department makes an annual payment to the society in respect of the costs incurred on this task. In 2005, the payment amounted to €40,000. In addition, under the Control of Dogs Act 1986 each local authority is obliged to employ one or more persons as dog wardens for the purposes of the Act. Under section 15 of the Act, a local authority may enter into arrangements with other bodies, including the ISPCA, to discharge these functions. I understand that a number of local authorities have entered into such arrangements.

Waste Management.

591. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government if he will introduce appropriate regulatory framework to ensure that where local authority services are contracted to the private sector, the interests of consumers and not private monopolies are served, as recommended by the Indecon report. [9535/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In line with the recommendations of the Indecon report on the financing of local government, which I published last week, I have been considering appropriate regulatory arrangements which could apply in respect of the emerging waste management sector where key roles are played by both the public and private sectors. I shall develop proposals in this regard for presentation to Government. I have no similar proposals in regard to other sectors where quite different circumstances obtain.

Local Government Funding.

592. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government the Government policy to which the revenue generating options identified by the Indecon report ran counter. [9536/06]

594. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government the research commissioned or carried out by his Department into the use of site or land value tax. [9538/06]

595. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government the research commissioned or carried out by his Department into replacing or supplementing the system of commercial rates. [9539/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 592, 594 and 595 together.

My Department has not commissioned specific research on the use of a site or land value tax or into means of replacing the commercial rates system. In 2004, my predecessor commissioned Indecon International Economic Consultants, in conjunction with the institute of local government studies at the University of Birmingham, to carry out a wide-ranging study on the financing of local government. The terms of reference for the study required that the consultants consider, *inter alia*, alternatives and options in relation to both income and expenditure focusing on their potential to ensure a sustainable financing system for local authorities over the medium to long term. While I will be engaging with a wide range of recommendations in the consultants' report, I do not propose to implement its recommendations to introduce water charges and a tax on non-principal private residences as these options run counter to current Government policy.

Local Authority Staff.

593. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government his plans to introduce legislation allowing for directly elected mayors for local authorities and town councils. [9537/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I have no plans to introduce legislation allowing for directly elected mayors of local authorities. The provision for the direct election of mayors was repealed by section 7 of the Local Government (No. 2) Act 2003.

Questions Nos. 594 and 595 answered with Question No. 592.

EU Directives.

596. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government if he will make a statement concerning reports that the EU Commission is threatening legal proceedings against the Government for failing to comply with environmental directives regarding the forestry programme. [9540/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department is not aware of any prospective legal proceedings by the EU Commission in the matter referred to.

Planning Issues.

597. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government the research conducted on the costs and expected future costs of a flood defence works for the draft guidelines for planning authorities on the preparation of development plans to be published shortly on dealing with risk from flooding (details supplied). [9541/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): As indicated in reply to Questions No. 114 and 161 of 14 February 2006, the forthcoming draft guidelines for planning authorities on the preparation of development plans, will indicate that in addressing the issue of flooding, development plans should identify areas that experience or are at risk from flooding, drawing as appropriate from a process of flood risk mapping currently being undertaken by the Office of Public Works. Development plan policies should also outline the considerations that will arise in relation to development within or near such areas from the point of view of managing or alleviating existing flood risks and avoiding the generation of new flood risks.

The guidelines will also suggest that development plans should include policies indicating that developers will be required to support the funding of flood defences needed for particular developments, either partially or fully, depending on the circumstances involved. Under sub-section 4 (b) of section 34 of the Planning and Development Act 2000 a planning authority may attach conditions to a decision to grant permission for a development requiring the carrying out of works which the planning authority considers are required for the purposes of the development authorised by the permission. Given the diversity of conditions around the county and of responses that may be appropriate in terms of flood prevention and defence, detailed research was not commissioned in relation to potential costs in preparing the draft action plan guidelines.

Water and Sewerage Schemes.

598. **Mr. N. O’Keeffe** asked the Minister for the Environment, Heritage and Local Government the position regarding the inclusion of the upgrade of a specific water supply (details supplied) in the 2006-2008 water services investment programme. [9556/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Cork County Council recently submitted a proposal to my Department to upgrade the trunk mains between Boola water treatment plant and the storage reservoirs in Youghal under the serviced land initiative measure of my Department’s water services investment programme 2005-2007, at an estimated cost of €2.3 million. This proposal is being examined in my Department and is being dealt with as quickly as possible.

599. **Mr. N. O’Keeffe** asked the Minister for the Environment, Heritage and Local Government the position regarding the commencement of works under a project (details supplied) in County Cork. [9559/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Cobh/Middleton/Carrigtwohill water supply scheme is included in my Department’s water services investment programme 2005-2007 as a scheme to commence construction this year at a cost of €9.84 million. My Department is awaiting submission by Cork County Council of revised contract documents for the scheme that incorporate necessary amendments identified by the Department to the council last month. Following submission and approval of the revised contract documents, the council will then be in position to invite tenders for the scheme.

Animal Welfare.

600. **Dr. Upton** asked the Minister for the Environment, Heritage and Local Government the arrangements in place to monitor so-called puppy farming; and if he will make a statement on the matter. [9615/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The principal statutes governing animal welfare are the protection of animals Acts 1911 and 1965. Responsibility for that legislation, including any proposals for amendment, is a matter for my colleague the Minister for Agriculture and Food.

A working group to review the management of dog breeding establishments nationally was appointed in September 2004. The group was established in response to a number of cases of mistreatment of dogs on so called puppy farms. The terms of reference of the group were “to

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examine the current position regarding management of kennels and to make recommendations for such improvements, including better regulation, as it considers necessary in this area”.

The report of the working group was submitted to me on 7 September 2005. On 20 October 2005, I announced a public consultation process on foot of the working group’s report indicating that in view of the many divergent views on the issue,

I wanted to canvass public opinion more widely before taking final decisions on the matter. An advertisement inviting submissions was placed in the national newspapers on Monday, 24 October 2005. The closing date for receipt of submissions was Friday, 16 December 2005. The responses received are being examined in my Department at present and as soon as this exercise is completed I will consider further the recommendations in the report of the working group and determine an appropriate response.