

DÁIL ÉIREANN

TU AIRISC OIFIGIÚIL—*Neamhcheartaithe*
(OFFICIAL REPORT—*Unrevised*)

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DÁIL ÉIREANN

*Dé Céadaoin, 8 Márta 2006.
Wednesday, 8 March 2006.*

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

*Paidir.
Prayer.*

Leaders' Questions.

Mr. O'Dowd: Where are the Ministers?

Mr. Allen: Where are the members of the Government?

Mr. O'Dowd: Only a piece of the Government has been dragged in.

Mr. McGinley: They are in exile.

Mr. Allen: That is true. They are on the "Pat Kenny Show".

Mr. J. O'Keeffe: This is three days in a row.

An Ceann Comhairle: Deputy Kenny without interruption.

Mr. O'Dowd: We have a skeleton Government.

(Interruptions).

An Ceann Comhairle: I ask that members of the Fine Gael Party allow their leader to put his question without interruption.

Mr. Kenny: In the words of Donna Cleary's family, she was not in the wrong place at the wrong time. She was a young mother enjoying herself at a friend's party. She was gunned down by a criminal who should have been in jail. No one has explained why this man was not in jail. He had a conviction, lost his appeal and there was a bench warrant for his arrest. The Government did not supply the resources to the Garda to implement the bench warrant. If it had been implemented, Donna Cleary would be alive. The fundamental point is that this Government is in a shambles while anarchy rules the streets.

On Monday, the Taoiseach said that murderers were getting out of prison after seven years. On Tuesday, he said murderers used to get out of prison after seven years and that a life sentence should mean life. Today, he says it is the fault of the Minister for Justice, Equality and Law

Reform. The Minister is like a modern Pontius Pilate, washing his hands of all responsibility and blaming everyone from the Judiciary to society to the House. Will the Tánaiste explain why the Minister has failed to introduce legislation on gun culture, which he correctly identified last year as being a serious issue? Where are the mandatory sentences for gun crime? Where is the amnesty for guns? Why was this criminal walking the streets when he should have been in jail and there was a bench warrant for his arrest?

I ask the Tánaiste to instruct the Minister to gather the details of the Criminal Justice Bill in so far as gun culture is concerned and present them to the House next week. We will facilitate the Government in putting through real, deterrent emergency legislation dealing with gun culture. We could enact this law in a very short time. It is a reasonable and practical suggestion that will send a clear message to people in this city who can leave a house and, in 20 minutes, have a loaded gun, fire it indiscriminately at a house and murder an innocent woman.

I recall times in the House when, on issues of much less import than this, the Minister for Arts, Sport and Tourism sitting beside the Tánaiste was in apoplexy.

Mr. Ring: That is right.

Mr. Sherlock: Hear, hear.

Mr. Kenny: He blamed everybody for the woes afflicting the world. In this case, the Government is responsible for a situation in which resources were not made available to the Garda Síochána to implement a bench warrant for a convicted criminal who was walking the streets and responsible for the murder of an innocent woman who should be alive.

The Tánaiste: Words fail us all in seeking to describe the tragic and outrageous murder of Donna Cleary last weekend as she attended a private event in Dublin. Responsibility for this dreadful tragedy lies not with the Garda Síochána but with an evil and dangerous man. That is the reality.

Mr. Stanton: He was walking the streets.

Mr. J. O'Keeffe: Why was he not behind bars?

The Tánaiste: He had to take personal responsibility. There was a bench warrant but no committal warrant. There is a significant difference between a bench warrant to arrest somebody and a committal warrant to have somebody put in jail. The reason the woman is dead is not that the Garda failed or does not have enough resources, but that we have too many dangerous and evil people in our midst.

Ms Enright: It is the Government's responsibility to deal with it.

Mr. Stanton: The Government is supposed to protect us from them.

Mr. McGinley: What is the Government doing?

The Tánaiste: No Government has introduced more legislation in this area, as the Deputy knows.

Mr. Allen: We want action.

Mr. Stanton: On law reform.

(Interruptions).

The Tánaiste: We have lots of action.

Mr. McGinley: This should be debated here.

Mr. Stanton: We have lost all law and order.

Mr. Allen: The Minister sticks his nose everywhere but in his own business.

The Tánaiste: Eight years ago——

An Ceann Comhairle: I suggest the Tánaiste should answer Deputy Kenny's question. As leader of the Fine Gael Party, he was entitled to submit the question, not Deputy Allen. I ask that Fine Gael Deputies allow their leader to hear the answer to his question, to which he is entitled during Leaders' Questions.

The Tánaiste: In the next two weeks the Minister for Justice, Equality and Law Reform will bring forward amendments to the Criminal Justice Bill concerning firearms offences and an amnesty, to which Deputy Kenny referred.

Mr. Kenny: The Minister for Justice, Equality and Law Reform has failed on two key performance indicators. Detection rates have decreased under his stewardship and the incidence of headline crimes is rising on an annual basis. If he survives until next year, he will have presided over 500,000 headline crimes during his tenure as Minister for Justice, Equality and Law Reform. This is an appalling shambles of which the Tánaiste is part.

As Deputy Rabbitte pointed out yesterday, only 12 of the 75 murders committed with weapons between 1998 and 2004 resulted in convictions. On 28 February the Minister for Justice, Equality and Law Reform was unable to inform Deputy Jim O'Keeffe of the number of outstanding arrest warrants. I agree with the Tánaiste when she refers to evil and dangerous people but they should not be walking the streets. We do not blame an inadequately resourced police force that cannot implement bench warrants or committal warrants. Donna Cleary lies dead, God rest her soul, but she would be alive if this person had been in jail as he should have been. The Minister for Justice, Equality and Law Reform, who is

absent from the Chamber again today, wishes to wash his hands of all responsibility like some modern day Pontius Pilate.

I have made a practical suggestion. The Opposition has agreed to facilitate the Government if it wishes to deal with elements of gun legislation in the Criminal Justice Bill next week. We should deal with gun amnesties and mandatory jail sentences for gun possession. We should have a reaction that can be implemented rather than the Taoiseach stating one thing on Monday, something different on Tuesday and yesterday's Government spokesperson statement that no proposals exist to address this. Where are the consequences of the watershed to which the Minister for Justice, Equality and Law Reform referred? What will the Government do? It seems the Minister's recent lecture is accurate except the sandwich has gone stale and the meat has gone off.

The Tánaiste: The current Minister for Justice, Equality and Law Reform, his predecessor and the Government have a good record in this area.

Mr. Howlin: Zero tolerance.

Mr. Durkan: That is a laugh.

The Tánaiste: Eight years ago——

Mr. Stanton: Talk about today, not eight years ago. What about now?

The Tánaiste: I wish to speak of the improvements that have taken place in resources and Garda manpower.

Mr. J. O'Keeffe: Where are the extra gardaí?

The Tánaiste: Eight years ago, 20% were released through the revolving door. That figure is now 2%.

Mr. Howlin: Now they do not go to jail.

The Tánaiste: Eight years ago there were 10,000 gardaí, next year there will be 14,000 gardaí.

Mr. Stanton: There is one shooting per day now.

The Tánaiste: Major adjustments have been made to the area of criminal justice and the Minister will be making amendments concerning arms in the next two or three weeks.

Donna Cleary was tragically gunned down because we have evil, dangerous people in our midst——

Mr. Allen: And the Tánaiste will not do anything about it.

The Tánaiste: ——and that is why we are strengthening laws, making more prison spaces

available and greatly enhancing the resources available to the Garda Síochána.

Mr. J. O'Keeffe: Why was the bench warrant not executed?

The Tánaiste: We will continue to do that and I hope to have the support of Members. I acknowledge we have had the support of Fine Gael.

Mr. Rabbitte: I refer to the National Children's Hospital. Responsibility for policy and health matters is retained by the Minister and operational responsibility is with the HSE. Since it came to existence the HSE is taking policy decisions and disputing policy decisions advocated by the Tánaiste, correctly so in some cases.

Concerns exist about the handling of the national children's hospital. A team of international experts, McKinsey and Company, submitted a report before Christmas. They were not required to report, or were explicitly precluded from reporting, on siting. A presentation was made on 31 January and some days later it emerged a joint working group of the Department of Health and Children and the HSE was established to deal with the siting issue. On 17 February a letter was issued inviting bids for the national children's hospital. The deadline for prospective tenders was 2 March. Although there are many public projects I would like to see them make progress at this rate, I know of no other that has progressed at this speed. A new hospital is a complex project, even if in this case it is a co-located one, and may cost €500 million. Professor Drumm is a paediatrician and may be the driving force behind this progress.

When does the Tánaiste expect to receive the report of this working group and when will a decision be made? Will that decision be made by the Tánaiste, the Government or Professor Drumm? Is she aware of the implications presented by a single build national children's hospital for existing hospitals that care for sick children? Many professionals believe the decision has already been made and we are going through a process to give the appearance of consultation on an issue of significant national interest.

The Tánaiste: Although Professor Drumm is a paediatrician he is not involved in making decisions on this matter. Any suspicions to the contrary are incorrect. Four hospitals in Dublin deal with tertiary children's facilities. We planned to build a new hospital for Temple Street Hospital, in conjunction with the new Mater development, and redevelop Crumlin Hospital. It was appropriate to have someone examine the best interests of sick children. McKinsey and Company were asked to do so, considered 25 places in the world and decided that for a population of 4.2 million people we needed one facility with 300 beds instead of the 650 beds planned for

Crumlin and Temple Street at a cost of €750 million.

With a small population we cannot have specialists dealing exclusively with children and many will deal with transplants and surgery in adults. For this reason, and to aid research, a new children's hospital should be co-located with an adult hospital. Physicians could work on adults and children, research could be combined and synergy would result. After the report was received hospitals were briefed on the report and everyone, including Tallaght Hospital, Beaumont Hospital, Crumlin Hospital and Temple Street Hospital, welcomed the report.

Because of the rebuilding of the Mater, I did not wish a long period to pass before we could bring certainty to the decision and I decided a two month period should be allowed for a group comprising the HSE——

Mr. Costello: The report was issued on 29 December, a strange time to issue a report.

The Tánaiste: I received the report on 31 January and we allowed two months, February and March, for a group comprising representatives of the HSE, the Department and the OPW to receive proposals and make a recommendation to me on the most appropriate collocation. Deputy Rabbitte and I have heard suspicions but I assure him this will be a fair, competitive process.

My only concern is for sick children and doing the right thing for them. A total of 40% of the children will come from outside the Dublin area and therefore transport linkages and so on are also important.

I hope to receive the report at the beginning of April and I will make it public so that everybody can see the basis for the recommendation. I do not know what recommendation will be made. I assure the Deputy that it is not a foregone conclusion, notwithstanding the rumours within the medical profession in this city.

Mr. Rabbitte: I thank the Tánaiste for her assurances and I take them at face value. Nobody I know of has criticised the McKinsey report and this is not the issue because the merits of the report are accepted. It may have been a slip of the tongue on the part of the Tánaiste but I think she took the report before Christmas. The presentation to which she referred was held on 31 January 2006.

The Tánaiste: Yes, the Deputy is correct.

Mr. Rabbitte: The re-siting of Temple Street hospital has been worked on for the past five years. It has taken people a little by surprise that a presentation was made on the contents of the McKinsey report on 31 January 2006. A formal letter inviting bids was received on 17 February and a deadline of 2 March was imposed for those

[Mr. Rabbitte.]

tenders. This seems to be a highly unusual way to progress such a large project and there is an inevitable connection with the suspicions to which the Tánaiste referred.

Many people are a little bemused at the policy priority being given to this, welcome though it may be. The accident and emergency figures published this morning are at the lowest point to date. Even allowing for the dispute between the INO and the HSE, the accident and emergency situation is the worst crisis in the health services. Of the 200,000 medical cards which the Tánaiste promised in November 2004, only 10,000 have yet been awarded, 9,984 being the actual number. One would have thought these were the kinds of issues that policy-wise might be driven to the top of the agenda, but instead it is this issue which has emerged over a lightning period. Very little time has been given for submissions. When will the decision be made and who will make it?

The Tánaiste: There are many priorities but the cause of sick children is a major priority. One need only visit Temple Street or Crumlin hospitals. Parents have told me that they do not care where the hospital is located, they just want a new hospital. Virtually every paediatrician I have spoken to has welcomed the fact that services will be brought together to provide a state-of-the-art facility for sick children. The reason it is an urgent priority is that new hospitals were to be built for Temple Street and Crumlin but the Mater Hospital badly needs redevelopment. If Temple Street is not to be co-located with the Mater in a single building I do not want the Mater project delayed for months. The usual criticism of the Government is that it does not make decisions quickly. Co-location can only be achieved in a few places if that is the decision. If this is to happen, a new hospital will need to be designed and planned. The Government is currently considering a co-location with an adult hospital which is the best option.

I will make the decision. I will not give anyone the opportunity to say the Government is afraid to make difficult decisions such as this. I will consider the advice of the group which I have established, otherwise there would have been no point in putting such a group in place. It is composed equally between the Department of Health and Children, the HSE and the OPW.

With regard to accident and emergency units, eleven hospitals have wards closed because of the winter vomiting bug and this is adding to the pressure. The provision of accident and emergency treatment is a priority but the cause of sick children is no less a priority. The facilities for the tertiary-level care of children with serious cancers, heart disease and many other serious illnesses leave a lot to be desired.

Mr. J. Higgins: What is the Tánaiste's position on the latest pandemic of donations amnesia to

afflict her Fianna Fáil partners in Government? Is it convincing that the Chief Whip of her Government could forget to tell the planning tribunal about a £2,000 donation from a wealthy landowner—

An Ceann Comhairle: I advise the House that matters before the tribunal should not be discussed in the House. Under Standing Order 56, the House is debarred from holding parallel tribunals here.

(Interruptions).

Mr. J. Higgins: With respect, I am not holding a parallel tribunal.

An Ceann Comhairle: Standing Order 56 precludes discussion on issues that are properly the business of a tribunal.

Mr. J. Higgins: I am referring to the fact that items have come into the public domain and are admitted and certain. They are in the political domain. It is a nonsense if the Ceann Comhairle says that this Parliament cannot discuss it.

An Ceann Comhairle: I remind the Deputy that Standing Order 56 was laid down by the Members of the House.

Mr. J. Higgins: I ask the Tánaiste if it is of any concern to her that last week she said she discussed suspicions of corruption in Dublin County Council in the 1990s with Deputy Kitt and others. I know these were the most torrid days in the history of Dublin County Council because I was there. Speculators and bag men were crashing into each other as they arrived with donations to politicians. The Chief Whip accepts a donation, other Fianna Fáil TDs accept donations but then their memory fails.

I refer the Tánaiste to an earlier period of Progressive Democrats in Government when the unreliable memory of a Government colleague, the late Minister, Brian Lenihan, caused her to have him sacked from Government. By those standards, Deputy Kitt's memory lapse revealed last Monday would have the Tánaiste on Tuesday at the Taoiseach's door with her carving knife, followed close behind by the Minister for Justice, Equality and Law Reform, Deputy McDowell, with a silver platter to receive the Chief Whip's head. What has changed in the meantime?

I remind the Tánaiste that she is in charge, according to the PD president, Deputy McDowell. It is not the bulky bread which gives the sandwich its taste, it is the PD meat that gives the sandwich its flavour, incidentally reducing the Taoiseach and Fianna Fáil to a soggy lump of batch. In west Dublin many people believe the PDs slipped into the sandwich under a leaf of lettuce and they hope it will be scrubbed better when the next one is being prepared. According to the Minister, Deputy McDowell, the junior

party decides the essential direction of Government. Is it that the PDs are getting from this Government all they want such as privatisation of public assets — Aer Lingus is the next casualty — indulgence of the unbridled greed of speculators, a tax bonanza for the obscene rich and the pioneering of the race to the bottom which the Tánaiste pioneered by bringing Turkish big business to Ireland and so giving us the infamous Gama? In the indulgence of that orgy of greed which is the essence of the neo-liberal capitalism that she espouses, donations alleged, memory lapses and all the rest no longer cause her any problems.

For the possible amusement of the Ceann Comhairle, my research has indicated that the sandwich was invented by John Montague, the fourth earl of Sandwich. Apparently he did not like getting his hands sticky by handling the meat directly. He must have had a premonition of the future of Irish politics.

The Tánaiste: I think Deputy Higgins would make a very tasty meat sandwich. I suggest he talk to his colleagues in the Opposition about the possibilities after the next election.

The Oireachtas has established a tribunal of inquiry into certain matters and it is a matter for that tribunal to reach judgment and decision.

I have total confidence in the Government Chief Whip.

Mr. J. Higgins: Of course the Tánaiste has confidence in the Chief Whip because she herself accepted political donations from speculators.

11 o'clock The Tánaiste cannot evade responsibility for the consequences of the ethos which her Government has inculcated into Irish society. Has it ever occurred to the Tánaiste that the escalating cruelty and sheer callousness towards the fate of others, witnessed on the mean streets of Dublin in recent days and months, is really only a distorted reflection of the greed and callous disregard for social solidarity demonstrated by the very profiteering speculators and developers who have been financing her party and other parties? They are the exploiters of migrant workers and their ethos of greed is not only facilitated but glorified by her Government. When the Government allows speculators to become obscenely rich, for which homebuyers will pay for most of their lives, and Government politicians take substantial donations from those speculators when they illegally or legally accept donations from them, is the message not clear? The Government shrugs its shoulders and turns away. For the tens of thousands stuck with crippling mortgages as a result of the speculators who finance the Government parties we must say the PD sandwich has gone quite stale, in fact somewhat rancid. It is an indictment of the Government that it stands over and fuels this greed.

The Tánaiste: If Deputy Joe Higgins and people who share his policies were in power not many people would be able to afford even the sandwich.

Mr. J. Higgins: Nonsense.

The Tánaiste: We should be proud of the record of this country in recent years. Only by supporting enterprise can one create the kind of environment that has generated unprecedented prosperity, while I acknowledge that there are many challenges and difficulties. Like many Members of this House and other houses around the democratic world, people engage in honest fundraising to support political activity.

Mr. J. Higgins: Taking money from speculators is not honest fundraising.

The Tánaiste: The taxpayers should not have to pay all the bills for political campaigns.

Ceisteanna — Questions.

Census of Population.

1. **Mr. Gilmore** asked the Taoiseach his plans for the census of population due to be taken on 23 April 2006; if a final decision has been taken on the questions to be asked in the census form; the number of census enumerators that will be employed; the expected total cost of the census; if the Central Statistics Office has consulted with local authorities or the Department of the Environment, Heritage and Local Government as to whether the census process could assist in the preparation of more accurate electoral registers; and if he will make a statement on the matter. [9331/06]

Minister of State at the Department of the Taoiseach (Mr. Kitt): The Government decided in July 2003 that a census of population should take place in 2006 in accordance with the long established five year frequency for census taking. Census day will be Sunday, 23 April. The Central Statistics Office began a consultation process in November 2003 to consider topics to be included in the census. Notices were placed in the national press and on the CSO website inviting public submissions on the suggested content of the 2006 census questionnaire.

A broadly based consultative group was set up in December 2003 to assist the CSO in assessing the merits of the various submissions received. The group agreed the content of the test questionnaire which was used in a census pilot survey. The survey was carried out in April 2004 and covered approximately 8,000 households in selected areas throughout the country. The results of the census pilot survey were discussed with the consultative group, following which the Director

[Mr. Kitt.]

General of the CSO submitted a list of proposed topics to Government for its approval. The Government decided on the final content of the census questionnaire in January 2005.

In addition to long-standing questions on demographic and social topics a number of new questions will be asked in the upcoming census. These include a more comprehensive approach to measuring different family types, a question on female fertility, a question on ethnicity or cultural background and a question on participation in voluntary activities. New questions introduced for the 2002 census on Internet access, disability and carers are also being retained. For the first time in this country the responses to the disability questions will be used as the basis for a post-census disability survey to be conducted by the CSO in September-October.

A temporary field force is being recruited to carry out the census field work. This includes six liaison officers, 40 regional supervisors and 400 field supervisors who are already in place, along with 4,400 enumerators who will be taken on later this month to deliver and collect census forms throughout the country. It is estimated that the total cost of the census will be of the order of €50 million.

I would like to stress the importance attached by the Government to the census. The results are crucial for planning at national, regional and local level. The CSO puts major emphasis on ensuring that the census count is comprehensive. A unique strength of the census is its ability to provide accurate information on minorities and small areas and districts. This is particularly important in the context of the rapidly changing demographic environment in Ireland at present.

One of the factors which underpins the public co-operation which CSO enjoys is the guarantee of confidentiality of the information collected. The information collected can be used only for statistical purposes and individual information cannot be made available to any outside body or agency. This guarantee is contained in the Statistics Act 1993. In particular it implies that identifiable data cannot be made available to local authorities to enable them to check the accuracy of their electoral register data for particular individuals or households. However, the census information published at electoral division level, including the population classified by age, should enable local authorities to assess the coverage of their registers at that level of geographic detail. I wish the CSO well as it embarks on a vital national project, namely census 2006.

Mr. Rabbitte: Is the Minister aware of concern about serious inaccuracies in the electoral register? Recent work by the *Sunday Tribune* estimated between 719,000 and 860,000 inaccuracies, which in the context of our voting population is significant. Given that the Government accepts the inadequacy of the maintenance of the elec-

toral register, does the Minister agree that the census provides a unique opportunity to refurbish the electoral register and make it more accurate?

Mr. Kitt: I accept Deputy Rabbitte's remarks. There are serious issues to be addressed on the electoral register. The Minister for the Environment, Heritage and Local Government has been dealing with that and has sent guidance to local authorities. There is talk of connecting it with the PPS number. This census is taken every five years while the electoral register is made every year. The census relates to statistics which are important for national, regional and local planning.

Because the enumerators will operate in a tight schedule and will be fully occupied and focused during the nine weeks of the census campaign, there is no scope for additional duties. The lot of the enumerator is more onerous than before because of a mobile population where making contact has become more difficult.

The census covers everybody in the country on census night at the place where they spend that night. The electoral register deals with a person's usual residence. If both jobs were to be carried out by the census enumerators there is a danger that the coverage and definition of the census might suffer. There must be a clear public perception that the census is not linked to any other operation. Making the connection between census delivery and collection and the register of electors would have a detrimental effect on the census and would jeopardise the success of the operation. It is a fundamental principle of statistics internationally that while the information derived from registers can be used to provide statistics, information collected for statistical purposes only cannot feed into maintaining registers.

While the Deputy has well-founded concerns about the accuracy of the register, the census of population is not the way to improve it. This is a question for the Minister for the Environment, Heritage and Local Government. The Minister has been addressing the issue and his Department assured me this morning that extra resources are being provided and more work is being done. Deputy Rabbitte's colleague, Deputy Gilmore, has raised this. The census is vital for future planning and I would be concerned if we diluted the work of the enumerators.

Mr. Rabbitte: The Minister has accepted that the concerns about inaccuracies in the electoral register are well founded. Is it the Government's view that the figures on inaccuracy advanced by the *Sunday Tribune* are approximately correct? He has referred to the efforts by Deputy Gilmore, who introduced a Private Bill on this matter.

I cannot see what the problem is regarding the census being every five years and the fact that the electoral register is updated every year. There is not much point in updating it if it is inaccurate to

anything like the extent being suggested. Will the Minister of State say more precisely what the problem is in transferring the information garnered in the census for purposes of compilation of an electoral register that obviously would have a high degree of accuracy? I do not know if it is even necessary to put an additional question. The questions on the census form are so comprehensive that it is possible to abstract this information anyway. Even if it is necessary to put an additional question or two on the census form, why could this not be done in the interests of having an electoral register on which we could rely?

Mr. Kitt: I have outlined a number of reasons already for the difference in the work involved regarding the census and the electoral register. I should be concerned if we were to diminish the role of the people involved in conducting the census work. There is a legal issue as well to be considered. The Statistics Act 1993 deals with the whole issue of confidentiality in respect of the information provided. There are restrictions. I refer to one aspect of the legislation which provides that all information furnished by a person, undertaking or public authority under this Act shall be used only for statistical compilation and analysis purposes. There is a very different focus on the work being done by the census people. They are involved in statistics. It is really a one-way street and there are confidentiality issues. It is an independent body involved in planning.

The electoral register, on the other hand, is the responsibility of the local authority and there is an onus on the householder as well to deal with the questions. There are problems and the Deputy has mentioned the figures. There is a voting discrepancy, I believe, of the order of 300,000. I totally accept that there are major issues to be addressed, but the Minister for the Environment, Heritage and Local Government is dealing with these matters specifically. It is a matter of resources.

My view is that in both situations the Internet should be used in both cases. The Internet will obviously be central to the work of the next census. That is being done in places such as Canada and New Zealand. Some local authorities make use of the Internet to allow people to check whether they are on the register. Many issues can be dealt with and there are ways for improving both operations. However, the work of the census is very focused and independent and is vitally important. I am concerned about jelling both processes.

Mr. Sargent: Does the Chief Whip accept that the current situation where the CSO is seen to be quite separate from the issue of the electoral register needs to be addressed? The comparison with the foot and mouth disease when matters were not left to the local Teagasc offices to deal with is apposite. It was very much a matter for the Government to take a lead and lay down not

just guidelines but requirements in terms of standards.

In terms of the proper working of democracy in Ireland, does he accept that the Government must take account of the fact that we have a serious problem with the electoral register, which the CSO needs to be involved in resolving? Is there a role for the CSO, for example, if we are to use PPS numbers, which I favour, in verifying the authenticity of people's existence and their entitlement to vote? Has the Chief Whip a view on the disparity between the population of about 4 million and the fact that we have between 5 million and 9 million PPS numbers? Some people who are dead still have PPS numbers. Married women in some cases use their husbands' PPS numbers while having PPS numbers of their own. Some citizens live outside the State and are precluded from voting on that basis, which is an issue that we might perhaps come back to. Before we think further about PPS numbers, however, we must resolve the disparities that exist in that area.

On that basis, does the Chief Whip agree that an independent franchise section is needed at central Government level — whether in the Department of the Environment Heritage and Local Government or the CSO — rather than simply leaving matters to local authorities, which have so many different standards in place that the type of system we have at the moment is not dependable? We have a central election section but not a central franchise section. Does the Chief Whip agree that we should have that if this matter is to be resolved?

Mr. Kitt: There are two separate questions here. I have no problem——

An Ceann Comhairle: It might be more appropriate if one were to be addressed to the Minister for the Environment, Heritage and Local Government.

Mr. Kitt: I want to make one comment on the whole area of responsibility of my colleague, Deputy Roche, the Minister for the Environment, Heritage and Local Government. There are long-term changes in the system in view and proposals have been made which include linkages with the census. There is a reference to that. He also talks about the use of PPS numbers for electoral registration purposes, the use of postal codes and linkages with public utilities. From the viewpoint of the Department, the Minister in question will use everything at his or her disposal to make matters better.

To come back to my area of responsibility, which is the CSO, all types of new questions are coming in here, as I outlined in my reply. Many of these questions relate to disability, for example. A national survey of disability will be carried out in September as a result of the work being put into this census. Every person in the country on census night will be counted where

[Mr. Kitt.]

they are, regardless of whether the venue is their own residence. Special attention will be paid to enumerating persons in communal establishments such as hostels and guest houses. There is also the matter of new ethnic communities living here to be considered. Disabilities and matters related to where people are working are among some of the new areas that we are pursuing.

Improvements in the electoral register certainly are needed and the Minister is putting new resources into this. Based on the facts he has shared with me, the total general purposes grants from the Department to local authorities in 2006 are up by €57 million. He is clearly very much aware of these issues. However, I am really saying that there are two separate issues to be considered. On the questioning and the work of the CSO, I am satisfied that it is pursuing the right approach. There are major resources going into this.

Mr. Quinn: Will the Minister of State not accept that some common sense is needed here? The people who are permanent full-time civil servants in the Central Statistics Office do not care about the electoral register. They are not facing an election in the next 18 months. All Members of this House and those who want to get into it will be facing an election. We know the electoral register is inaccurate. Nobody is disputing the figures that have been mentioned. What can we do about it practically?

I accept there are legal constraints regarding confidentiality. However, if we are going to spend €15 million to put a group of approximately 4,500 together — based on the Minister of State's first reply — to call to every house in the country, could they not take with them voter registration forms and hand these in at the same time to households? When they come back to collect the completed census forms they can take with them the other forms which the local authorities will have issued. At that point the enumerator can hand over the voter registration form to the relevant authority and it can be processed in the normal way.

I raised this matter last Friday with the Dublin City Manager. It is simply not possible now for many of the council's enumerators to get to many of the households because of the changing nature of work as well as matters pertaining to occupation and residency.

Local authorities, for whom the electoral register is not a top priority, do not have the money to carry out additional work. There is clear evidence of a deliberate stuffing of the register in some parts of Dublin. If the Minister of State wishes, I will refer him to Deputy Gay Mitchell who will quote chapter and verse for his benefit.

There is no point in coming back to the House in 18 months and stating the general election was unfair because of disputed numbers. As someone who once lost his seat by 37 votes, I know

numbers are very tight. Some common sense is needed. Will the Minister of State raise the issue with the Minister for the Environment, Heritage and Local Government to ensure some measure of co-ordination between local authorities is achieved? We should try to get good value for money out of the €50 million we will spend on this census.

Mr. Kitt: I assure Deputy Quinn that I will raise the points made by him with the Minister for the Environment, Heritage and Local Government. If we can achieve a greater focus on improving the electoral register by means of this debate, it would be a good development. I accept there is a considerable need to improve the electoral register process. The legislation has been improved through a variety of recent Acts such as the Electoral Act 1992, the Electoral (Amendment) Act 2002 and the Electoral (Amendment) Act 2004. This legislation has made the process more secure but there are issues remaining which affect the democratic process. I am more than happy to raise the points made by Deputy Quinn with the Minister for the Environment, Heritage and Local Government to see if we can improve both processes.

Caoimhghín Ó Caoláin: Could the Minister of State tell me when a census will next be held in the Six Counties? Is one scheduled to run close to our own proposed for the coming month? I ask because it is important to marry the various statistical information which can be provided by the censuses in order to provide a national and island-wide view of the profile of the nation.

In respect of the electoral register, it is often stated bluntly or implied that the real issue is fraud. However, disenfranchisement is the real issue. If anyone can remember back to their most recent experience of canvassing, they will know how heartbreaking it is to encounter people whose names should appear on the electoral register but do not. This is a very serious matter, which must be addressed. It is not a matter of simply tidying up the register, which is required in any country.

An Ceann Comhairle: Deputy Ó Caoláin has strayed outside the scope of the question. That is a matter for the Minister for the Environment, Heritage and Local Government.

Caoimhghín Ó Caoláin: In taking on board the points already expressed, it is critical that the Minister of State and the Minister for the Environment, Heritage and Local Government reflect the importance of ensuring the name of every entitled citizen is included on the electoral register and that every entitled citizen is able to exercise his or her right to vote. I agree with earlier speakers that this is an exercise which cannot be ignored. The census uptake is a golden opportunity to address the need to overcome the out-

standing difficulties with the register throughout the jurisdiction.

Mr. Kitt: I do not know when the next census in Northern Ireland will take place. Our next census will be held on Sunday, 23 April 2006. The following census will be held in 2011. Very good co-operation exists between Northern Ireland and this country in respect of the CSO, statistics and figures and this will continue, regardless of when the census is carried out in Northern Ireland.

It is planned to publish the principal demographic results within a year of the census and to release all publications from the 2006 census before the end of 2007, with the published tables being provided simultaneously on the CSO's website. A considerable amount of work is taking place, which does not simply happen before the night of the census and afterwards. I understand that three years' work is involved in this census. A follow-up census will take place in 2011. Co-operation with the authorities in Northern Ireland will take place. I will certainly convey Deputies' views to the Minister for the Environment, Heritage and Local Government in respect of this debate.

Mr. Costello: I live in a constituency where there are far more people on the electoral register than are entitled to be. I understand this number will increase with the coming general election. I agree wholeheartedly with Deputy Quinn and believe something practical should be done along the lines he suggested.

The census enumerators will go out on 23 April 2006. As the Minister of State said, they will have nine weeks in which to conduct their business. This means the figures will be in by the end of June. At that stage, the number crunching will presumably begin. After five years, there will undoubtedly be a disparity in population shift and growth, particularly in the greater Dublin area. This raises the question as to when the basic figures will be made available in the context of such matters as the shift and growth in population. Does this mean the Government will have the time and duty to establish a revision of electoral boundaries in the context of the coming general election?

Mr. Kitt: The first results from the census will be published in July 2006. A total of 4,400 enumerators will deliver and collect the census forms. Each enumerator will be responsible for an enumeration area consisting of approximately 350 households. The enumerator will contact the households in the lead up to the day of the census on 23 April 2006, will mark the location of each house or apartment in his or her enumeration area on the map provided and drop off blank forms and an explanatory leaflet to each household with instructions to complete. I understand all Deputies are familiar with the process which

will commence on Monday, 24 April 2006. Enumerators will collect completed census forms from households and heads of institutions. As one Deputy noted, the real work will then begin.

The first results will be published in July 2006 and will consist of population counts at electoral division and county level, based on enumerators' summaries. It will be possible to determine from these results the true extent of net inward migration between April 2002 and April 2006. The work will then begin. It is planned to publish the principal demographic results within a year of the census and to release all publications from the census before the end of 2007.

Mr. Sherlock: I have listened to this debate but am very confused about the matter. The Minister for the Environment, Heritage and Local Government said last week that he had made more resources available to local authorities to look after the electoral register. From experience in my area, I know that up to a few years ago, local authority officials looked after the towns and villages and the register was up to date. Why is this work not being carried out today? It is the only practical way to update the register.

An Ceann Comhairle: That could be a question for the Minister for the Environment, Heritage and Local Government.

Mr. Kitt: That is a question for the Minister for the Environment, Heritage and Local Government. I dealt with this issue earlier. I will revert to him on foot of this debate. The matter is not my responsibility.

Mr. Sargent: In his reply to my last question, the Minister of State mentioned that the CSO is mindful that PPS numbers could be used to authenticate the electoral register.

Mr. Kitt: That is a matter for the Minister for the Environment, Heritage and Local Government.

Mr. Sargent: The CSO has a role to play, which is why I am asking this question. In the forthcoming census, will notice be taken of the need for PPS numbers to accurately reflect the number of people so there is one effective PPS number for each living person? If the Minister for the Environment, Heritage and Local Government is to make use of the information, it is pointless if the existing situation continues whereby PPS numbers are far more plentiful than the number of people entitled to vote. Should this not be a focus of the census if we are to improve the electoral register on the basis of the information collected?

Mr. Kitt: The Deputy may have seen the census form which is on the website. While there is no reference to that aspect, there are issues in regard to the PPS number which have been referred to

[Mr. Kitt.]

by the Minister for the Environment, Heritage and Local Government. I assure the House that I will revert on these issues. However, there is no specific question in that regard on our website.

Mr. Rabbitte: I gather from what the Minister of State said that the instructions given to the enumerators will mean they are effectively operating on a DED basis.

Mr. Kitt: On what basis?

Mr. Rabbitte: On a district electoral division basis. I did not think I would have to explain the abbreviation “DED” to anyone in this House, but there you are. If that is the case, the recommendation of my colleague, Deputy Quinn, is all the more feasible, practicable and capable of implementation and getting value for money. I urge the Minister of State to persuade his colleague to think about the matter and report back to the House.

If it is the case that the first figures are available as early as July 2006, and given the inevitable population shifts that have occurred, is it the Minister of State’s view that there may be a constitutional imperative to set up a new boundaries commission in 2006?

An Ceann Comhairle: It is not the Minister of State’s responsibility.

Mr. Rabbitte: With great respect, it is certainly not the duty of the Chair.

Mr. Kitt: As the Deputy is in a neighbouring constituency to me, this may have implications for both of us in the context of boundary divisions, as Dublin South and Dublin South-West are neighbouring constituencies. While I do not believe a new boundaries commission will be set up, I look forward to these results, the first round of figures for which will be published in July 2006. I assure Deputy Quinn that I will convey the points he made to my colleague, the Minister for the Environment, Heritage and Local Government.

Enumerators will work on average approximately 25 hours a week, mainly at evening time during the week and all day Saturday and Sunday, with a view to making contact with householders. They will earn on average approximately €2,200 for nine weeks part-time work. Even though they will not be paid by the hour, it is estimated that the average hourly payment will be €9.75. I am conscious that this is very important work. I repeat that I will convey the views of Deputies to my colleague, the Minister for the Environment, Heritage and Local Government, who has responsibility for the electoral register.

Mr. O’Dowd: Given that so many people who reside in cities and urban areas live in apartments

and gated apartments, is the Minister of State satisfied that there are sufficient funds available as the enumerators may have to go back five, ten, 15 or 20 times to contact these people? Will he consider contacting An Post to assist in getting the names of people to access households which are impossible to find?

Mr. Kitt: As public representatives, we all know how difficult it is to access many of the new apartment compounds with security gates and so on. There are real issues in this regard. As I said earlier, each enumerator will be responsible for an area consisting of 350 households. They will work mainly at evening time during the week and all day Saturday and Sunday. Their work programme will be designed to deal with these issues. Funding of almost €50 million is being provided to cover the work over a three-year period. Approximately €14.5 million will be spent on headquarters staff. The way it is structured and the resources provided will take account of modern Ireland and the type of households and apartment blocks that exist.

Household Statistics.

2. **Mr. O’Dowd** asked the Taoiseach the number of households here broken down by type of dwelling; and if he will make a statement on the matter. [9494/06]

Mr. Kitt: The most recent information comes from the results of the 2002 census. Based on that source, the information requested by the Deputy is as follows:

Private households by type of accommodation — Census 2002

Detached house	562,818
Semi-detached house	343,301
Terraced house	236,422
Flat or apartment in a purpose-built block	70,474
Flat or apartment in a converted or shared house	29,258
Flat or apartment in a commercial building	10,726
Caravan, mobile or other temporary structure	8,341
Not stated	26,618
Total	1,287,958

Requests to move Adjournment of Dáil under Standing Order 31.

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

Ms Cooper-Flynn: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the delay in securing the roll-out of BreastCheck screening services to the west, the concern that the service will not be

available until the end of 2007, the significant anxiety this is causing to 58,000 women in the planned catchment area, and now that Galway County Council has granted planning permission, the need to shorten the scheduled timeframe for the delivery of this service.

Aengus Ó Snodaigh: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the failure of the Government to address the ongoing inequalities experienced by women in this State, including inequalities of earning, representation and participation in decision-making structures as evidenced by this week's EUROSTAT report and figures, published by the Central Statistics Office at the end of last year, which found that approximately 30% of members of State boards and less than 20% of members of regional and local authorities are women, and that women's income in this State was just two thirds of that of men.

Dr. Cowley: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the disgraceful situation where a 77 year old man who is seriously ill in Mayo General Hospital, Castlebar, has been waiting for the past seven days to be transferred to a bed in the consultant haematology unit of University College Hospital Galway for urgent investigation and treatment of his condition. Even though the consultant in Mayo and the consultant haematologist in Galway are both of the opinion that he needs to be transferred urgently to Galway, they are unable to do so owing to the failure of the Government and the Health Service Executive to provide a hospital bed for him.

Mr. Gogarty: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the need for the Government, and the Tánaiste as head representative today, to take cognisance finally of the risk to tens of thousands of households throughout the country from gas pipes that have not been installed in line with Irish standard IS813 2002, resulting in ongoing user safety notices being issued citing non-conformance with regulations due, for example, the pipes not being protected from corrosion against concrete. This has created a risk whereby the pipe will eventually corrode, leading to gas leaks and, in some cases, potentially fatal explosions. This is an issue I raised on several occasions, which the Government has ignored and needs to deal with today before someone is killed.

Mr. Connolly: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: recognising the many barriers to employment faced by people with disabilities, the challenges and disincentives faced in entering or maintaining their place in the workforce, the fact that unemployment rates for the

disabled are more than twice that for able-bodied persons and the urgent need for resources to be made available for training and upskilling of disabled persons to enable them to contribute on a positive level to society, the need for the Government to make available to prospective employers of disabled persons a range of tax incentives such as disability access credits, workplace modification grants and apprentice wage supports to encourage and provide greater incentives for the employment of disabled persons.

Caoimhghín Ó Caoláin: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the abject failure of the Tánaiste and Minister for Health and Children's so-called ten point plan for accident and emergency services given the record number of 455 people on trolleys in accident and emergency units in hospitals yesterday; and the need for the Government to fulfil its commitment to provide the additional acute hospital beds required, as well as long-term care facilities and the development of improved primary care throughout the State, the absence of which is contributing to the accident and emergency crisis.

Mr. Healy: I seek the adjournment of the Dáil under Standing Order 31 to raise a specific matter of local and national importance requiring urgent consideration, namely, the need for the Minister for the Environment, Heritage and Local Government to introduce a house purchase scheme for tenants of voluntary housing associations similar to the tenant purchase scheme operated by local authorities thereby giving these tenants equal rights with local authority tenants and giving them an opportunity to be home owners in accordance with the legitimate wish and expectation of Irish people generally and to ask the Minister to make a statement on the matter.

Mr. Crowe: I seek the adjournment of the Dáil under Standing Order 31 to discuss the following urgent matter, namely, that the Tánaiste and Minister for Health and Children address the continuing crisis in Tallaght hospital's accident and emergency department, the most overcrowded in the State, where on Monday night a patient with a serious heart complaint, who was identified and marked urgent, waited for more than ten and a half hours and left the hospital in an extremely distressed and unstable condition after no prospect of getting even a trolley bed whereby staff could monitor his deteriorating condition.

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

Mr. Gogarty: Given the seriousness of the issue I raised, I ask the Ceann Comhairle to use his discretion in this instance.

An Ceann Comhairle: The Chair considered the issues carefully and has ruled on the matter.

Mr. Gogarty: I do not know if the Ceann Comhairle heard the Adjournment Debate last Thursday—

An Ceann Comhairle: We are not having a debate on it now.

Mr. Gogarty: —but the answer I got from the Minister was pathetic.

An Ceann Comhairle: If the Deputy is not happy with the Chair's ruling, he is welcome to go to the office of the Ceann Comhairle and I will discuss it with him.

Mr. Gogarty: I refer to corrosive gas pipes which will lead to a leak and an explosion. There is no other mechanism by which I can raise the matter.

An Ceann Comhairle: It is not appropriate to raise the matter in this fashion.

Mr. Gogarty: I am sorry, but the Tánaiste is here and she is the representative of the Government.

An Ceann Comhairle: The Deputy knows there are other ways in which to raise the matter in the House.

Mr. Gogarty: I am sorry, I ask the Ceann Comhairle to take this matter today.

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

Mr. Gogarty: I will not, this is a point of principle.

An Ceann Comhairle: I would not speak to the Chair in that fashion if I was the Deputy.

Mr. Gogarty: Thousands of gas leaks over the years may lead to a situation where they will cause an explosion.

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

Mr. Gogarty: This issue must be dealt with today.

An Ceann Comhairle: The Deputy cannot raise the matter. If he is not happy with the ruling of the Chair—

Mr. Gogarty: I am not happy with the ruling of the Chair.

An Ceann Comhairle: —I will be glad to discuss it with him in the office of the Ceann Comhairle.

Mr. Gogarty: I am sorry but this matter must be dealt with because I have raised it twice on the Adjournment Debate and on a number of occasions under Standing Order 31.

An Ceann Comhairle: It appears to the Chair that Deputy Gogarty wishes to leave the House.

Mr. Gogarty: I do not wish to leave the House.

An Ceann Comhairle: The Deputy will leave the House for being disorderly.

Mr. Gogarty: It is not an issue of order; it is one of public safety.

An Ceann Comhairle: It has nothing to do with the issue, which has been dealt with.

Deputy Gogarty withdrew from the Chamber.

Order of Business.

The Tánaiste: It is proposed to take No. 10a, Air Navigation (Eurocontrol) Bill 2005 [*Seanad*]: instruction to committee; No. 15, statements on report of the Lourdes hospital inquiry; and No. 10b, all-party motion supporting a full inquiry into the murder of Pat Finucane, to be taken at 6.30 p.m. and the order shall not resume thereafter.

It is proposed, notwithstanding anything in Standing Orders, that No. 10a shall be decided without debate; the proceedings on No. 15 shall, if not previously concluded, be brought to a conclusion at 6.30 p.m. and the following arrangements shall apply: the statements of a Minister or Minister of State and of the main spokespersons for Fine Gael, the Labour Party and the Technical Group, who shall be called upon in that order, shall not exceed 20 minutes in each case; the statements of each other Member called upon shall not exceed ten minutes in each case; Members may share time; and a Minister or Minister of State shall be called upon to make a statement in reply which shall not exceed ten minutes.

The proceedings on No. 10b shall, if not previously concluded, be brought to a conclusion at 7 p.m. and the following arrangements shall apply: the speeches shall be confined to the following Members, who shall be called upon in the following sequence, who may share their time, and the speeches in each case shall not exceed the time indicated: Fianna Fáil, five minutes; Fine Gael, five minutes; the Labour Party, five minutes; the Progressive Democrats, five minutes; the Green Party, five minutes; and Sinn Féin, five minutes. Private Members' business

shall be No. 47, motion re Whistleblowers Protection Bill 1999, resumed, to conclude at 8.30 p.m.

An Ceann Comhairle: There are three proposals to put to the House. Is the proposal for dealing with No. 10a without debate agreed?

Mr. Kenny: On this matter, I do not wish to object to the principle of what is involved but I note in the notice given to the Whips that the third amendment proposed by the Minister is to deal with the consequences of an administrative oversight in regard to the commencement of certain provisions of the Aer Lingus Act 2004. The last of these amendments had not been signalled to the House and the Bills Office has advised that it is necessary to table a motion in the House to allow for this amendment to be considered in committee. The point has been made that if this is not done, there might be a legal doubt as to the Aer Lingus employee share ownership trust and the shares therein.

I am not opposed to the principle but I would like to know when this was brought to the attention of the Government. Why was it only brought to the attention of the Opposition parties at 5.30 p.m. yesterday? I make the point strongly that this is not the way to do business.

Mr. Stagg: This is to correct three cock-ups by the Department and it is a bit rich to expect them to be corrected without debate. The Government is pushing its luck a bit far. To land these on us in the middle of the week without prior discussion at a Whips meeting is even richer.

Mr. Boyle: We are also concerned that we are being asked to correct an administrative oversight without debate. It is another occasion on which the Government's legislation has not been drafted correctly in the first instance. The House should have the opportunity to fully discuss why that happened and the consequences of it. The Government should not presume anything other than we will approve the correction of the oversight but we should not be taken for granted in the context of the Government not doing its job properly

Caoimhghín Ó Caoláin: I concur with the earlier contributors. Given the backdrop to this — we are talking about air navigation — in terms of the Government's current consideration in regard to the future of Aer Lingus, it is important that all the issues that need to be addressed are dealt with in open debate and that all the matters that impinge on air navigation in this country are reflected upon.

The Tánaiste: We are talking about three technical amendments, two of which were identified on Second Stage. I accept what has been said that the third amendment was not so identified. It relates to the Aer Lingus share ownership trust.

If the Minister had been aware of it on Second Stage, he would have brought it to the attention of the House, but the committee will have an opportunity to discuss it. I do not know when the Minister became aware of the necessity for this amendment. I will ask the Chief Whip to check that and I will revert to the Deputies.

An Ceann Comhairle: Is the proposal for dealing with No. 10a agreed? Agreed. Are the proposals for dealing with Nos. 15 and 10b agreed? Agreed.

Mr. Kenny: Today is International Women's Day. According to Amnesty International's Irish section, from 1996 to December 2005, 115 women have been murdered in this country. Clear commitments were given by the Government at the Beijing platform nine years ago in regard to introducing a national women's strategy. It is 11 years since that platform and nine years since the publication of the comprehensive and far-reaching 1997 task force report on violence against women. When can we expect the national women's strategy to be published by the Government?

When can we expect the Minister for Justice, Equality and Law Reform to bring forward the elements of the Criminal Justice Bill dealing with gun control and an amnesty in regard to handing in guns before these clear deterrents are announced?

Will the Tánaiste make arrangements for the repayment of fees to those in nursing homes before the legislation is enacted in the same way as she has promised compensation to the victims of Dr. Neary before the redress legislation is enacted?

The Tánaiste: I was happy to attend an event this morning for International Women's Day with the Deputy's party representative, Deputy Olivia Mitchell, at which the Minister for Justice, Equality and Law Reform officiated. Women in Ireland have made enormous strides over many years — certainly since I became a Member of this House — but clearly there are deficiencies and gaps in many respects. In the health area, in particular, there is a focus on many of the issues that affect women, including cervical screening. There are strategies and a council is in place to deal with specific issues of concern to women. The Minister of State, Deputy Fahey, has responsibility for the issue of violence against women. He recently came to see me with a number of representative organisations in regard to funding and we are examining those matters. I do not have an answer specifically on the strategy but perhaps I can revert to the Deputy on this.

The redress scheme does not require new legislation as legislation is in place to provide for the establishment of redress schemes. To pursue insurers we would need separate legislation. The intention is to have the repayments legislation through the House by the end of May and to start

[The Tánaiste.]

the repayments in June. The HSE has much of the data processing completed in regard to those patients who are alive. The sum of €400 million has been provided in 2006 to allow for repayments to be made from the start of June.

Mr. J. O’Keeffe: What about legislation on gun culture?

The Tánaiste: When I spoke with the Minister for Justice, Equality and Law Reform this morning he said he hoped to have the amendments before the Cabinet on Tuesday week and that they would come before the House immediately afterwards.

Mr. Quinn: It would be better if he spent more time on legislation and less on——

Mr. Kenny: The Minister for Justice, Equality and Law Reform wrote to Deputy Jim O’Keeffe in May 2005 saying he would have the amendments shortly.

An Ceann Comhairle: We cannot have a debate on this matter.

Mr. Kenny: I know that, a Cheann Comhairle.

Mr. Rabbitte: Between 1998 and 2004, 75 murders were committed with firearms. Twelve of these cases have been successfully prosecuted leading to convictions. The Taoiseach’s response to this was that we needed a change in sentencing policy. Will the Tánaiste clarify whether the Government intends to bring forward legislation to change sentencing policy?

An Ceann Comhairle: Is legislation promised?

The Tánaiste: No.

Mr. J. O’Keeffe: Why not?

The Tánaiste: We have appropriate legislation. The Taoiseach was talking about a time when, on average, people served seven years for murder.

Mr. Stagg: There was talk of it yesterday and the day before.

The Tánaiste: Since then, average sentences increased to 13 years and the current policy is 15 to 20 years. As the Deputy is aware, we have a parole system whereby somebody can apply after seven years to have his or her sentencing mapped out.

An Ceann Comhairle: We cannot have a debate on the matter.

Mr. Quinn: The Tánaiste is wrong.

The Tánaiste: No legislation is promised in this area.

Mr. Rabbitte: I know well what I was talking about but I am trying to establish what the Taoiseach was talking about. I gather from the Tánaiste there are no proposals——

An Ceann Comhairle: Sorry, Deputy. That answers the question. I call Deputy Sargent.

Mr. Rabbitte: If there are no proposals, what was the Taoiseach talking about then?

Mr. Howlin: What was he spinning?

An Ceann Comhairle: Deputy Rabbitte will have to find another way of raising the matter, it does not arise on the Order of Business.

Mr. Rabbitte: What kind of country is governed by somebody who goes off on a befuddled meander when there is a public crisis, posing as some kind of casual bystander ruminating aloud?

Mr. J. O’Keeffe: One would get more from an amadán.

Mr. Sargent: As the Tánaiste outlined, it is International Women’s Day and it is appropriate that we are dealing with the inquiry into Our Lady of Lourdes Hospital. While she attended the event earlier on, did the Tánaiste get any sense from what was said by the Minister for Justice, Equality and Law Reform that legislation is to be introduced to deal with the issue of gender balance, for example, on State bodies or in terms of discrimination of other kinds——

An Ceann Comhairle: Is legislation promised?

Mr. Sargent: ——such as sectarianism or racism, given that the Minister for Foreign Affairs, Deputy Dermot Ahern, has asked us all to agree to sign a pledge on anti-sectarianism? Would legislation make it possible to sanction somebody in that regard?

An Ceann Comhairle: The Deputy must ask a specific question on promised legislation.

Mr. Sargent: We are getting promises of all sorts, on issues ranging from gun law to——

An Ceann Comhairle: To what legislation does the Deputy refer?

Mr. Sargent: ——other serious legislative matters.

An Ceann Comhairle: If the Chair were to allow Deputies to ask questions on what legislation they would like——

Mr. Sargent: I know the Ceann Comhairle has no control over the Taoiseach and what he might say outside the House.

An Ceann Comhairle: —the Chair would have every Deputy in the House on both sides asking questions on any subject he or she wished.

Mr. Sargent: It is important that we clarify whether there is any substance in matters that are raised outside the House.

An Ceann Comhairle: There are ways and means of doing that but Standing Order 26 is very specific on what is allowed on the Order of Business.

Mr. Sargent: Can we take it that there is no substance in the rambling outside the House that comes from the Taoiseach in regard to legislation, or from the Minister for Foreign Affairs, Deputy Dermot Ahern?

An Ceann Comhairle: That does not arise. Is legislation promised?

The Tánaiste: We have good legislation on equality and as the leader of a party of which 50% of its representatives in this House are female, I feel we all can do much more.

Mr. Sargent: That is the electoral side of it.

The Tánaiste: I would encourage the Green Party to consider trying to have more women elected. It is not just about legislation.

Mr. Sargent: I agree with the Tánaiste.

Mr. Crawford: The Tánaiste may be aware of the recent Teagasc report that showed clearly the effects of the WTO talks on farming. Will she facilitate a debate on this report in the House as a matter of urgency because the future of farming is extremely grim?

In light of the fact that 30 people or more were on trolleys in Cavan Hospital last week, and in view of the lack of leadership in the Cavan-Monaghan area as far as the hospital is concerned, when will the Health Bill come before the House so that we can at least discuss some realistic measures on how to address this problem?

The Tánaiste: The heads of the Bill to establish the Health Information and Quality Authority were cleared by Cabinet yesterday and the Bill will be published in the next couple of days. I hope to bring it through the House before the summer.

Mr. Crawford: What about farming?

The Tánaiste: The Deputy should talk to the Whips about that.

Caoimhghín Ó Caoláin: Two pharmacy Bills are on the legislative programme, each of which carry the tag, "publication expected 2006". Will the Tánaiste advise when these Bills will be brought forward and if they will allow for registration of pharmacists trained outside the EEA, Australia and New Zealand?

In acknowledgement of the day we celebrate today — International Women's Day — I am sure the Tánaiste is aware of the report published last week by the National Cancer Registry, Women and Cancer 1994-2001. Given that the report recommends that breast and cervical cancer screening programmes must be rolled out across—

An Ceann Comhairle: I suggest the Deputy submits a question to the Tánaiste and Minister for Health and Children. That matter does not arise on the Order of Business.

Caoimhghín Ó Caoláin: I have an appropriate question for the Tánaiste if you will allow me to finish the sentence. Cancer screening programmes must be rolled out across the country providing access for all women within the appropriate age groups. Must women have to wait for the eligibility—

An Ceann Comhairle: I would like the Deputy to obey the Chair. I call Deputy O'Sullivan.

Caoimhghín Ó Caoláin: With respect, a Cheann Comhairle, you cannot second guess everything we are going to say.

An Ceann Comhairle: Sorry, the Deputy cannot make a preamble about—

Caoimhghín Ó Caoláin: I hope you are sorry because I am trying to state the name of the Bill—

An Ceann Comhairle: If the Deputy wants to ask a question on legislation he is free to do it.

Caoimhghín Ó Caoláin: —but I have to contend with your bell. I will not call them interruptions as you do not like that term. The eligibility for health and personal—

An Ceann Comhairle: The Chair never interrupts, the Chair intervenes.

Caoimhghín Ó Caoláin: I am sure the Tánaiste would have replied to all of this while the Ceann Comhairle was not interrupting.

Mr. S. Power: For whom the bell tolls.

Caoimhghín Ó Caoláin: To facilitate the Tánaiste, the eligibility for health and personal social services Bill is No. 55 on the legislative programme.

The Tánaiste: I will bring the heads of the first pharmacy Bill which will deal with fitness to practice and other urgent issues to Government very soon. I hope to address the matter of eligibility and entitlement later this year. A great deal of work is under way in the Department to distinguish between eligibility and entitlement. It is important that we do this in order to clarify eligibility and entitlements in the health service. The Bill will appear later this year at the earliest as it is a major work.

The second pharmacy Bill will not come to the House before the summer. It will be dealt with later in the year, if not next year.

Ms O'Sullivan: I raised the third level student support Bill in the House on a few occasions but I read in today's newspaper that instead of the original intention to have the assessment transferred to a central Department, such as that of the Minister for Social and Family Affairs it appears that this assessment may be left with the VECs or the local authorities. The report that came out last week indicated that the PAYE sector, especially those just above the grant level, are suffering in the current situation. Has there been a change in the Government's position in regard to this legislation?

An Ceann Comhairle: On the promised legislation.

The Tánaiste: I am not familiar with what process will be used but I understand the heads of the Bill are due to come before Government shortly.

Ms O'Sullivan: Is there a change in what was promised?

The Tánaiste: I am not aware if there is. I do not know.

Mr. Durkan: In the wake of the publication of the report by the Oireachtas Joint Committee on Communications, Marine and Natural Resources on the lacklustre performance regarding broadband provision, would it be possible to introduce the relevant legislation, the electronic communications Bill, at the earliest possible date in order that the Minister could confess to the House his sins in regard to the extraordinarily poor performance in this area?

More importantly and more seriously, it has come to my notice in recent weeks the number of occasions on which Ministers appear for soft interviews on various media outlets.

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

Mr. Durkan: I am coming to it. Two issues arise. First, it would be in breach of the Broad-

casting Act if the RTE Authority gave special concessions to Government Ministers to facilitate them. If it goes on much longer, Ministers will interview each other on radio programmes.

An Ceann Comhairle: Does the Deputy have a question on legislation? Time is limited and we cannot have a debate or a preamble.

Mr. Durkan: It would be even more serious if the Government was leaning on RTE to facilitate Ministers on programmes like "Today with Pat Kenny", where it is almost mandatory for a Minister to appear every day.

An Ceann Comhairle: I ask Deputy Durkan to resume his seat and allow the Tánaiste to answer the first question.

Mr. Durkan: I have not mentioned the legislation yet.

An Ceann Comhairle: That is why I am asking the Deputy to resume his seat. He cannot make a speech now.

Mr. Durkan: The broadcasting authority Bill is the legislation. When it comes into the House, let it be clear that we cannot accept a situation in the run up to a general election where the Government is facilitated by the public broadcasting authority. Any attempt to do that will be stoutly resisted.

An Ceann Comhairle: We cannot debate the legislation now.

The Tánaiste: The concept of a soft interview is an oxymoron. The Deputy's remarks are a terrible reflection on the media and I disagree with him. Both Bills will be in the House this year.

Mr. Durkan: Of course the Tánaiste does not agree because soft interviews are the order of the day for that side of the House and they are in breach of the Broadcasting Act. If the Government is muzzling RTE, it should not be.

Mr. M. Higgins: Some time ago I raised the legislation that might be necessary to facilitate ratification of the optional protocol to the United Nations Convention Against Torture. The Minister for Justice, Equality and Law Reform was to check with Departments and agencies to see if legislation is necessary. Can the Tánaiste state if the Minister's consultation is finished or if legislation will be necessary to ratify this protocol?

The Tánaiste: I do not have that information but I will ask someone to contact the Deputy about the matter.

Mr. Kehoe: I have asked about the charities regulation Bill on numerous occasions. Will the

Tánaiste give a commitment that it will be brought forward before the end of this session?

The Tánaiste: The matter was discussed at Cabinet yesterday. It is a mammoth Bill.

Mr. McEntee: On the animal health Bill, this is the busiest time of year for the farming community and one of the main benefits for it is the export of live calves to Holland, Spain and Italy to the veal production units. Over the last month shippers have not been getting their slots on the ship to export their calves. Yesterday representations were made to the Minister for Agriculture and Food to seek four extra slots to ensure this build up of calves does not continue. Will the Tánaiste ask the Minister to report on that?

An Ceann Comhairle: The question must relate to promised legislation.

Mr. McEntee: I am asking about the animal health Bill.

An Ceann Comhairle: A question directly to the Minister for Agriculture and Food would be more suitable.

Mr. McEntee: Under animal health legislation, it is wrong——

An Ceann Comhairle: We cannot discuss the implementation of legislation on the Order of Business.

Mr. McEntee: As the Minister is not here, could I ask the Tánaiste, following the Minister's meeting yesterday with the farming community to ensure the four extra places——

An Ceann Comhairle: The Tánaiste, under Standing Order 26, would not be in order if she answered questions that should be directed to a line Minister. The Deputy has made his point and got away with it.

Mr. Boyle: On 12 February, the Minister for Justice, Equality and Law Reform stated in the House that he had received a verbal request from the *Sunday Independent* for a copy of a false passport application.

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

Mr. Boyle: I am asking about correcting the record of the House.

An Ceann Comhairle: That does not arise on the Order of Business. I suggest the Deputy finds another way to raise it.

Mr. Boyle: I have tried two other ways. What means are available to me?

Mr. Stanton: When will the family law Bill, the DNA database Bill and the enforcement of fines Bill be published?

The Tánaiste: The family law Bill and DNA database Bill will be published this year. It is not possible to say when the enforcement of fines Bill will be published.

Ms Cooper-Flynn: Despite the Tánaiste's commitment last year to bring about equality in subvention rates across the country, there is still a difference of €420 between subvention rates in Mayo and those on the east coast. When will promised legislation be brought before the House to deal with this matter?

The Tánaiste: I will be publishing a nursing home Bill in the next few days. I changed the thresholds recently and have discussed the matter with the HSE to ensure consistency across the country. I hope it will happen quickly.

Ms Cooper-Flynn: Will that be in the new legislation?

The Tánaiste: The new nursing home legislation that will be published in the next few days will give me powers to change regulations.

Mr. Kenny: Will the HSE see to it that subventions are equal across the country?

The Tánaiste: In some parts of the country, the enhanced subvention is not paid, that is the issue. The rates for low, medium and high dependency——

An Ceann Comhairle: We cannot debate the contents of the legislation.

The Tánaiste: The market in some places makes it more expensive but there will be consistency.

Mr. Allen: Less than an hour ago, our worst fears were realised. Ryanair announced the withdrawal of some of its services from Cork because of the controversy over the airport's debt and the consequent charges that will be levied on airlines and passengers.

An Ceann Comhairle: Does the Deputy have a question that is appropriate to the Order of Business?

Mr. Allen: It relates to the aviation regulation Bill. The Tánaiste said last week in Cork that Cork Airport should be debt free. The former Minister for Transport, Deputy Séamus Brennan, said in a letter that it would be debt free. The Minister for Transport, Deputy Cullen, however, said this morning that Cork Airport should be expected to bear the burden.

An Ceann Comhairle: The Deputy should raise that issue in the appropriate manner. The Tánaiste must only answer on the legislation.

Mr. Allen: The chickens are coming home to roost, Ryanair is withdrawing services.

The Tánaiste: The legislation is due in 2006. The Minister has appointed consultants to advise him on the deficit around the break up of the three airports.

Air Navigation (Eurocontrol) Bill 2005 [*Seanad*]
— **Instruction to Committee.**

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

That, notwithstanding anything in Standing Orders, it be an Instruction to the Select Committee on Transport that it has power to make provision in the Air Navigation (Eurocontrol) Bill 2005 to:

(a) amend the Aviation Regulation Act 2001 in relation to the recent designation of the Commission of Aviation Regulation as the responsible organisation for administration of the EU regulation on denied boarding and to appeal processes for the determination of Dublin airport charges, and

(b) to amend the Aer Lingus Act 2004 in relation to a technical provision concerning the commencement of certain sections of the Aer Lingus Act 2004.

Question put and agreed to.

Lourdes Hospital Inquiry: Statements.

Tánaiste and Minister for Health and Children (Ms Harney): The Lourdes Hospital inquiry is a body blow to us all. It is painful to read, it is hard to believe and it is shameful and distressing. It is more akin to a novel set in the dark early part of the last century than the story of the enlightened, successful, confident country we live in.

To the women who were the victims, this report is their story. It is the story of how the health system failed them and how it continued to fail them. It is the story of women robbed of their ability to bear children. For 44 women it is the story of a deliberate attempt to compound that failure by denying them justice.

For centuries, the maxim "first, do no harm" has been the very starting point of medical ethics. Yet, over many years at this hospital, this first basic ethical test was violated, with tragic consequences. I want to thank Patient Focus, the group which represents many of the former patients of Dr. Neary, for its co-operation with the inquiry which must have been personally very difficult. Once again I express my sincere regret to these women and their families for the pain and the loss inflicted on them.

Judge Maureen Harding Clark and her team have conveyed this difficult story through this powerful report. Perhaps the greatest compliment to the achievements of the inquiry team is the universal comment that this is a fair report. I thank all of the team for the great service it has done. In the future this report will be seen as a catalyst for reform in the health services, an essential read for every student of medicine. Since the publication of the Our Lady of Lourdes Hospital inquiry report last week, I have met Patient Focus, the medical board and management team of the hospital, the Medical Council and representatives from the National Hospitals Office of the Health Service Executive. It is fair to say that this report has had a profound effect on everyone. There is a sense of hurt, shock, outrage and regret. We need to harness these emotions in a productive and positive way. We will take the findings of the Our Lady of Lourdes hospital inquiry and implement them one by one in a manner that bears testament to the private and public outrage.

To do this we need the support and co-operation of all players in the health system. The facts revealed by the report are stark. An isolated hospital or isolated practitioner breeds ignorance and puts lives at risk. We have seen how these backward practices ruined lives in Drogheda. There must be a process of outcome review by peers. Information must not only be available but must be analysed, questioned, compared and reviewed.

To this end I am pleased to announce the setting up of the national perinatal epidemiology centre in Cork University Hospital which will be up and running in the autumn of this year. The centre will cost €630,000 in a full year to staff. This means that every time a mother gives birth, the important interventions, good outcomes and complications will be recorded and analysed at a national specialist centre. Unusual trends will be easily and quickly observed and, most importantly, acted on. The centre has been designed based on models from Australia and its immediate priorities are to devise a single identical maternity chart for every maternity hospital in the country. This is the first very important step in re-establishing trust and ensuring that services to mothers and their babies born here are based on the best possible research.

One of the issues I discussed last week with Patient Focus was redress for the women involved. As a first step, the Government yesterday agreed that Judge Harding Clark should be asked to advise on an appropriate scheme of redress arising from the findings of her report. We are pleased she has agreed to do so. She will also advise on the cost of such a scheme and a mechanism for ensuring the maximum recoupment of such costs from wrongdoers and indemnifiers. Judge Harding Clark has the highest confidence of everyone involved and is the best person

to advise the Government on this matter. She will commence her work immediately and will bring her proposals to me as soon as possible.

I will not attempt to summarise the report for the House. I am sure Deputies have read it in its entirety, as it fully deserves. I urge everyone concerned with our health services and the wider public to do so also. As Judge Harding Clark states, many aspects of the report that are “truly shocking” while others still seem inexplicable and others are simply outrageous and leave us angry.

Beyond the failings of medical practice and reporting, what was particularly outrageous was the interference with and removal of personal medical files of the women affected. It is chilling to read that the inquiry found that in 44 cases, obstetric hysterectomy records for the period 1974 to 1998 are missing and were intentionally and unlawfully removed from the hospital. In 40 of the 44 cases the birth registers are also missing. This is not explained by medical practice and culture in times past but relates to cases up to eight years ago. It was an appalling theft of the key to the truth from the same women who had been robbed of their fertility. This is unfinished business and I earnestly hope the Garda can bring the perpetrators to justice. I believe Judge Harding Clark’s report will be helpful in that matter.

The report highlighted the urgent need for change and reform in our hospitals and clinical governance. Some of the lessons it captures are that any isolated institution which fails to have in place a process of outcome review by peers and benchmark comparators can produce a similar outcome to that which occurred in Our Lady of Lourdes Hospital; support systems must be in place to conduct regular and obligatory audits; there must be mandatory continuing professional development and skills assessment at all levels of health care; staff need to attend updating of skills and methods programmes and should be able to recognise that procedures change in accordance with evidence-based research; and outmoded and unnecessary practices should be recognised as such and changed as soon as information is available.

The recommendations in the report underline the importance of the policies and actions already being taken in three key areas: the new medical practitioners Bill which I hope, subject to Government approval, to bring to the House later this year; the new contract for hospital consultants which is urgently needed for the recruitment of hundreds more consultants; and changes in management systems and quality assurance within hospitals.

Patient safety in hospitals should be as rigorous as passenger safety in airlines. This must mean a sea-change in culture, as it did in the airline industry. It will mean a culture of openness and preparedness to acknowledge errors and an ability to analyse clinical practice in an environment which does not resort to blame and

recrimination. Blame-free reporting is vital, as is analysis of the full facts of events. Most important of all is implementing the lessons learned to achieve constant improvement in patient safety and outcomes. This involves much more than so-called whistle blowing. It is a systematic, continuous and open approach to error reporting and correction involving everyone in the health care setting. It entails a rigorous process of audit, peer review and external evaluation and is the only way to achieve maximum patient safety.

The culture will change, not simply in the degree of deference to be shown to consultants or the personal attitude of individual consultants. Consultants are no different from anyone else. They respond to the powers and responsibilities, incentives and penalties and the individuality and teamwork of the system in which they work. This is the reason the only adequate response to this report is systemic reform and change.

The cornerstone of legislation on medical practice is the Medical Practitioners Act 1978 which provides for the Medical Council to regulate the medical profession. The Act has been amended at various times in the past 28 years and a complete overhaul and replacement for it is being prepared. Work on the new medical practitioners Bill is well advanced and I intend to make available the heads of Bill to interested stakeholders, including Members, as soon as possible. All stakeholders will have the opportunity to comment to assist in the drafting of the Bill proper, which the Government intends to publish later in the year.

The recommendations of Judge Harding Clark’s report will be addressed in the Bill in a variety of ways. The Bill will underline the Medical Council’s role as the body in this State which acts to protect the public by way of regulation of the medical profession. It will introduce more streamlined and transparent procedures for the processing of complaints and modernise registration processes to allow for flexibility where required. It will integrate registration, education and training, ongoing competence and fitness to practise processes and clearly define the responsibilities of the council in the education and training of medical practitioners. It will also provide, for the first time, a legal framework for the Medical Council’s implementation and administration of a system of competence assurance. It is intended that the new legislation will make continuing professional development and education compulsory for medical practitioners.

The purpose of the Medical Council is not only to provide a registration service for medical practitioners. It must also be seen as the competent authority for dealing with serious allegations of professional misconduct. Patients require assurances that their interests are paramount and override any sectional interest. For this reason, I believe that any self-regulating professional organisation should have a majority of non-

[Ms Harney.]

members on its governing board and I will propose this approach for the Medical Council.

The new medical practitioners legislation will be complemented by the Health and Social Care Professionals Act and other forthcoming legislation governing nurses, midwives, pharmacists and dentists. All this legislation will have a common purpose of ensuring robust governance, clarity of procedures and formal systems of accountability which are aimed at the protection of the patient while at the same time recognising the need for due process when processing allegations against health care professionals.

The Lourdes hospital inquiry report has affirmed the approach being pursued by the Government and Health Service Executive in the negotiation of a new contract for hospital consultants. The necessity for improvements in team working by consultants is clear. The report reinforces our proposals on the contract regarding the need for clear clinical leadership, which will ensure that individual clinical practice is in line with acceptable standards of practice. In addition, the need for a much more rigorous audit of consultant activity is beyond question.

The report also highlights the necessity to have clear responsibility for the training of non-consultant hospital doctors. The Fottrell and Buttimer reports and the new contracts proposed for non-consultant hospital doctors show a clear pathway for the education, training and support of doctors in the Irish health care system throughout their careers.

Clinical governance is about more than clinicians. Effective systems of clinical governance are vital to ensure quality care for patients. These systems need constant review. Previously, we have had very weak clinical governance and oversight in our health system. We need to identify and tackle the weaknesses that exist in every part of the health system, be they regulatory, governance, organisational, managerial or clinical. It is my intention to come to Government presently with proposals to establish a mechanism to ensure that, in particular, clinical governance arrangements are strengthened throughout the health system and not only in the regulation of medical practitioners. In a further step towards quality assurance for patients, the Government yesterday approved the publication for consultation of the heads of the Bill providing for the establishment of the health information and quality authority, HIQA, on a statutory basis. HIQA will set standards and will have powers to investigate most services provided by or on behalf of the HSE.

This report is a call to action. It is a call on everyone involved in health care to embrace change and to take responsibility for a new system that makes patient safety the first and irreducible standard of care. I believe the Medical Council is ready for change, as are many consultants, hospital medical boards, managers and

nurses and midwives in the frontline of care. The Government will not be found wanting in its response to Judge Clark's recommendations on a redress scheme, in legislation on clinical standards and medical practice and in the new hospital consultants' contract. We will also bring forward systematic clinical governance to ensure patient safety and quality care.

I believe that in the Oireachtas, as in the country, there is a palpable determination to do all we can to prevent this ever happening again. In this House, we are aware of our differences but we are also aware of our responsibilities, including the responsibility to legislate effectively on grave matters that affect the safety and well-being of the entire population. We will discharge that responsibility; we owe nothing less to the women referred to in this report.

Dr. Twomey: The Government has been found wanting in terms of the recommendations of this report, many of which have been promised on many occasions but were never implemented. There will be no cultural change in the medical services unless we make it happen. As a doctor, I am disgusted by what I read in the report about the actions of one doctor and the support given to him by other consultants. Doctor Neary's reign of destruction was allowed to continue due to complicity, misplaced loyalty and fears of authority and the possible consequences for anyone who spoke out. Doctors, nurses, administrators and members of the Medical Missionaries of Mary can be implicated in Dr. Neary's actions at Our Lady of Lourdes Hospital. Not all are as guilty as the media alleges, however. Many areas of the Irish health services continue to be extremely stressful environments which inspire loyalty among colleagues. Unfortunately, the isolation and the bunker mentality noted in the report is a consequence of not applying checks and balances to the system. The Government, particularly the Tánaiste, has a role to play in this matter.

The leadership of the hospital, from consultants and nuns to management, was completely inadequate, as is the management systems in many other parts of the health services. Consultants in the Irish health services hold as much power today as they did when Dr. Neary ran the maternity department in Our Lady of Lourdes Hospital.

The victims of this story are the women whose uteri were removed because Dr. Neary went unsupervised for too long. It is only right that the Tánaiste has committed herself to making sure that compensation will be paid promptly. If other issues arise regarding justice for these women, these must also be addressed without delay.

The issue of who was responsible for these events must be discussed. Having worked in eight different hospitals, I do not consider junior doctors as the villains. I was never in a position

to stand up to the all-powerful consultants who dictated career pathways. Nobody questioned them because careers could be finished by doing so. These consultants continue to control the careers of junior doctors, be they Irish or non-national.

However, consultants from outside the hospital and weak management systems exacerbated the problem. Dr. Neary may be discredited as a consultant but the Tánaiste had little to say with regard to the other consultants mentioned in the report. We know that the three consultants who went to Drogheda to investigate Dr. Neary provided the first report on his activities. I want to know what the Tánaiste has to say on the implications of that investigation. The same consultants who accepted restrictions on their terms of reference felt fully qualified to pronounce Dr. Neary safe. They found no grounds to suspend Dr. Neary or to place any restrictions on his public or private practice.

The reference to “public or private” reveals that money was an important aspect of this matter. If Dr. Neary was suspended, his public salary would continue to be paid but his private practice would be affected and legal pressure was applied on the administration of the hospital and the former North Eastern Health Board in that regard. The consultants who came from Dublin were complicit in this, as is evident from the fact that eight of the 17 cases they were asked to review were excluded because Dr. Neary informed them that these were consensual hysterectomies. I do not think the consultants were satisfied that this was the case. Imagine a criminal demanding to see the evidence against him or her and deciding whether it should be presented in court. These terms of reference were nonsensical but were accepted by somebody.

The report of the Lourdes inquiry implies that legal pressure was placed on the then North Eastern Health Board before the review of the Institute of Obstetricians and Gynaecologists. The Tánaiste never clearly stated who was responsible for that review. Did the Medical Defence Union call in the three consultants? It is vital that we know that answer. The consultants involved have expressed regret for allowing compassion and collegiality to come before due process. Was this misplaced loyalty or does it smack of incredible arrogance? Issues of criminal negligence also arise. These consultants could have obviated the need for an inquiry and if the Tánaiste is serious in her claims for self-regulation or on changes to the Medical Practitioners Acts, she must speak to this issue. Self-regulation is important but it must not follow the practice in this case.

Before the three consultants became involved, Dr. Ambrose McLoughlin discovered that the incidence of peripartum hysterectomy in Our Lady of Lourdes Hospital was out of line. He was supported in this by the medical director at the

hospital and the director of nursing, who had examined a number charts and found major problems. To the best of my knowledge, the three consultants from Dublin never consulted Dr. McLoughlin and his colleagues, even though they were in charge of the hospital. We need more clarity on this because I am aware of the power held by some in the health services. The events at Our Lady of Lourdes Hospital could recur elsewhere and fine words will not correct the problems. We need something more robust. Look at what happens when a doctor in the UK, Dr. Michael Maresh, reads the same nine charts that the three consultants read. He believed “Dr. Neary’s clinical judgement to be significantly impaired and that women appeared to be put at risk”. This line should be compared to the other nonsense written by the three other consultants. They were more concerned about image, private practice and not looking bad. This should be highlighted much more.

Other consultants were involved who attempted to hijack the investigation which was going on. I researched this, going back on media reports on the time this came out. Marches and protests were organised, and other consultants were involved, using their power to stop this going ahead. I believe it could happen again.

The only factor which endears me to this issue is the way some of my colleagues carried on. People such as Professor Bonner, Dr. Patricia Crowley in the Coombe Hospital, Dr. Jim Kiely of the Department of Health and Children, and Dr. Finbar Lennon acted in the appropriate manner as doctors protecting their patients. They deserve full respect for that, and they are not the only ones. Surprisingly, politicians across parties do not come out too badly either. These politicians include Deputies O’Dowd, Crawford, Ó Caoláin and even Deputy Noel Dempsey. All emerged quite well when the background scenes are considered.

The real heroes in this were the midwives who were prepared to put their careers on the line and who stood up to incredible pressure. Some midwives and administrators in the hospital genuinely did not know what was going on there, and some had lost control of their lateral thinking. They may have been carried away on what was occurring inside. Individuals in the hospital were prepared to do significant work for patients, be they politicians, doctors or nurses.

We must support these people, and not just with fine words. Every recommendation discussed by the Tánaiste and those put forward by Judge Harding Clarke has been Government policy in some form for the past five years, but without implementation. They have not moved forward. The role of legislators and Government in this has been disgraceful. One can see that many practices such as clinical audit, peer review and risk management have not been implemented. Competence assurance is still in the

[Dr. Twomey.]

planning stage, and no resources have been given to these issues for the past five years. The system is still a complete mess. There is no information dispersal on the health care services.

With regard to legislation, we know about the Medical Council and we have been calling for it for the past seven years. The Tánaiste is telling us it will arise this year. The Minister for Enterprise, Trade and Employment, Deputy Martin, last night spoke on the whistleblowers legislation, stating he would deal with major legislation sector by sector. The Tánaiste has promised both the Health Information and Quality Authority and new medical practitioners legislation, due to come out in the next couple of months, from the Department of Health and Children. Will we see a section covering whistleblowers in the legislation?

Ms Harney: Yes.

Dr. Twomey: Is Deputy Martin and the rest of the Government paying lip service to what is happening?

There is a need for robust management within the health service. People such as Dr. Ambrose McLoughlin and Dr. Finbar Lennon put their necks on the line to get this through. That same robust management does not exist right across the health care service. Management is still intimidated by consultants and other vested interests within the health services, and the Tánaiste knows this. I would like to see her being more proactive in discussing this, and not being wishy-washy about a new consultants' contract or arguing that new management systems will be introduced.

The Tánaiste knows there was a case in this country where a consultant was pushed out of a hospital as other consultants in the hospital were not happy with the amount of work he was doing. He was working too well and fast, eating into the private practice of other consultants. Through management, those other consultants were able to get the doctor pushed out of the hospital. They bullied and intimidated weak and pathetic management into protecting their interest. The Tánaiste is aware of this case and she has done nothing about it.

I could quote other cases where we have seen bad management, and where management has been intimidated into being at the beck and call of individuals, not for the best patient care but for their own interests. The Department of Health and Children and the Government has shown no concern about this. We will be pushing these issues on this side of the House. This report, like the Ferns Report and others which condemn Government policy and which have come out in the past few years, will merely fall to one side. The Government remains apathetic on the issues.

We in the Opposition will not let that happen in this case, as this is far too important.

The Department of Health and Children has a disastrous record on legislation in the past eight years. There has been a poor amount of legislation emanating from the Department in that period. We should be more proactive with regard to employing consultants in the future, and what types of checks and balances are being introduced. We must support good consultants, as there is a significant number of good consultants working every day on behalf of patients. However, people can go bad in this system as there is nothing to hold people back. This needs to change dramatically.

The Tánaiste should propose a proper patient safety authority. This would not be a subsection of a subsection of HIQA or an expectation of the Medical Council or HSE complaints procedure. I would not like to rely on the HSE complaints procedure to sort me out if I was a man on the street with a problem with the health services. We in the Oireachtas, directly responsible to the whole country, have a disastrous flow of information coming to us from the HSE. I believe this to be deliberate.

The Freedom of Information Act, the HSE and many parts of the health services are being treated in a way that aims to stop the flow of information. The Government has been made less accountable to the people, and transparency has been knocked out of the system. It will come as no surprise to me if there are future cock-ups like this. Processes are being developed to cover the Government's inadequacies. The Tánaiste should face up to this truth.

I have asked a question on a number of occasions with regard to Comhairle na nOspidéal. It has been responsible for hiring consultants, but it is being subsumed into the HSE. There is no clear idea of what the body is doing and who is employing consultants. As it is run by consultants, who make decisions on other consultants and where jobs will be, the system behind it has been abused. It has been manipulated in a way to ensure favoured people get favoured jobs in certain hospitals. It is a fact of life which I am sure the Tánaiste knows about.

What has the Tánaiste done with regard to the reform of the HSE to ensure this does not happen in the future, or to prevent the ways and means of stopping it? Nothing has been done, and it is all lip service to the concerns we are all considering in the health care services. Action is not being taken.

Some of the recommendations relating to clinical audit, competence assurance and peer review were included in the Hanly report. That report was a bit of a mess, as it was again written by a small cohort with its own interest at heart. I pointed this out in the past, but the Tánaiste took no notice. All the issues surrounding the vital matters of competence assurance, peer review

and moving forward to genuinely protecting patients have been in every Government strategy since it entered power. However, only lip service has been paid to them. The only time a hospital can put resources into these issues is when something goes wrong. That is no way to treat our health services, and it is absolutely disgraceful.

Ms Harney: That was in the past. I assure the Deputy that is not going on now.

Dr. Twomey: Everything is in the past with this Government and everything else is in the future. When the Cabinet was reshuffled in September 2004 I thought we had a change of Government because people were running around stating that everything was going to change. There have been more pronouncements about what will happen in future than action taken in the past five years. That is playing politics with people's lives.

The Government has not proven its commitment to delivering what it is meant to. This issue concerns patient safety, competence assurance, looking after patients and training staff, be they nurses, physiotherapists, doctors, junior doctors or consultants. We are discussing these matters today, not the delivery of services or their future reorganisation. The Tánaiste has done nothing for these anyway. We are discussing the protection of the patient, and the Tánaiste's record on this has been abysmal. In the next eight or nine months the Government will publish the medical practitioners Bill, the Health Information and Quality Authority legislation and even a pharmacy Bill or a nurses Bill. Given the pace of change, I cannot believe that legislation will be enacted before the next general election. In 2005 the only health legislation brought forward was for the establishment of the HSE and two amendments. One concerned the registration of deeds, the other the illegal nursing home charges which had first to go to the Supreme Court. That is a poor return from the Department of Health and Children in terms of legislation.

Ms Harney: The Deputy is wrong. There was the Health and Social Care Professionals Bill and the Irish Medicines Board legislation, among others.

Dr. Twomey: Some of those were completed this year. How can we expect confidence to be restored?

I hope the Government will take some of these points on board. We need more clarity on the content of the report, although Judge Harding Clark did a very good job. She highlighted many things that happened in the past and made proposals for the future.

Concerns remain over the theft of the charts, which the Garda must pursue, and the authorisation of the consultants to enter the hospital. They seemed to act as if they owned the hospital and they made no contact with management. I

wish to know who sent them in. Was it the Medical Defence Union? On what basis did they operate? It is vital this is cleared up because it shows the power the consultants had to dictate matters.

As with the example I gave to the Tánaiste, which only happened within the past 18 months, and I am sure there are others, these things are happening in the health service because of a lack of robust management. What the Tánaiste regards as reform of the health service is no such thing. There is nothing about the HSE that gives me confidence that the health service has been genuinely reformed from a management point of view. Much more needs to be done. It is interesting that Dr. Ambrose McLoughlin, who is named in the report, no longer works for the health service. He was a brave and committed administrator but he has left the health service.

There are issues around administration and management that need to be examined and the Government must become more proactive. My sympathies lie with the victims and I am disgusted that fellow doctors have been involved in such practices. Just as we rightly condemned individual members of the clergy in light of the Ferns Report so individuals who had a role in this must be exposed and condemned.

Ms McManus: I commend the report and welcome members of Patient Focus to the Visitors Gallery. Judge Harding Clark has done an excellent job in meeting the requirements of a difficult brief. She has made some points about the practical problems she encountered in terms of lack of security and inadequate accommodation for her and her staff. Since investigations of this type are likely to recur, it would be wise to ensure these matters are addressed by the Government for the future. I welcome the role of this judge in formulating a compensation scheme for those who suffered so much and I will be vigilant in ensuring there is no undue delay in processing this scheme.

The terrible and tragic saga of the women who suffered at the hands of Dr. Michael Neary must lead to change in the health services. The first task, however, is to meet the needs of the women themselves. As one woman who had an unnecessary hysterectomy said:

I was so grateful eight years ago to be alive that any questions or doubts I may have had about my treatment went unanswered. I was given a second chance of life. I was unique. Dr. Neary had saved my life. The revelations over the past 18 months have shattered my illusions. I feel we have been living a lie all these years. What I believed and accepted as the truth was a lie. People have totally betrayed me and I now need, and feel I deserve, answers. How could this have gone unnoticed for so long in a hospital involving an entire body of people?

[Ms McManus.]

She has received answers to her questions in this report but she also posed a question of all of us. How can we ensure that something like this cannot happen again?

Last night the Labour Party put forward proposals for a whistleblowers Bill. We argued and will continue to argue that there is a pressing need for protection for whistleblowers, whether in the public or private sphere. If health staff working in Our Lady of Lourdes Hospital over the 24 years of Dr. Neary's practice had been protected in this way, the likelihood is he would have been stopped from injuring women much earlier than he was. It took an exceptional young midwife to stop him and the debt the women owe her, named as Ann in the report, is enormous.

Fidelma Geraghty, a woman who underwent an unnecessary hysterectomy after her baby was stillborn, said:

Everyone owes her a debt. If it were not 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.

Judge Harding Clark states: "If it were in the power of the inquiry to make an award of bravery to any person, it would be to the midwife, whom we shall call Ann, who made the first complaint to the North Eastern Health Board solicitor".

The young midwife took a lonely, difficult route and until today she has maintained her anonymity, a fact that speaks volumes in itself. According to the report there was no forum for expressing her concerns, the implication being that there should be such a forum in every hospital and across the health services.

I was reminded recently that while Dr. Neary was practising at Our Lady of Lourdes Hospital, the health board was concentrating on suspending another consultant in the same area. This was in the early 1990s. Unlike Dr. Michael Neary, no disreputable practice was ever ascribed to Dr. Muldoon. His only crime was that, in the view of the health board, he kept his patients in hospital for too long. According to his colleagues his care of patients was exemplary but the health board was sufficiently exercised to suspend Dr. Muldoon.

Never, however, did it examine the terrible record of unnecessary procedures for which Dr. Neary was responsible. Even when Dr. Neary's work was examined by three fellow hospital consultants, they gave him a clean bill of health. Their recommendations chill the hearts of anyone reading them. One obstetrician goes so far as to state: "It is my view that the mothers of the North Eastern Health Board are fortunate in having the service of such an experienced and caring obstetrician". Later these consultants expressed regret and said that compassion and collegiality had affected their judgment. Their remorse is welcome but the lessons are crystal clear.

Change in how our health services are made accountable is imperative. There is a real danger that what is presented in this report will be seen only as having historical relevance but the report itself points out that there is still inadequate risk management in Our Lady of Lourdes Hospital, stating: "Interviews with professionals involved in clinical governance and risk management abroad lead me to believe that similar problems have occurred and do occur in other hospitals". If ever there was a warning for the future those words contain it. It is remarkable that there is no framework whereby hospitals are inspected, licensed or held to account.

We must take action on two fronts. I said in the Private Members' debate that a whistleblowers Bill had many applications but none more important than in our health services. Too often scandals have arisen because of a fundamental failure to ensure proper accountability and oversight. I instanced the hepatitis C scandal, the deaths of haemophiliacs, the nursing home charges and, most recently, the experience of patients of Dr. Michael Neary as testimony to that failure. The health services have no shortage of examples of systemic failure where it took actions by an individual to make a difference. The Labour Party offered an opportunity to legislate to protect the future midwife, bank official or public servant who sees a wrong and refuses to close their eyes to it. We can act by passing such legislation and should do so. That is the proper way to ensure accountability and it is long overdue.

One striking aspect of the report on Our Lady of Lourdes Hospital is the use on more than 20 occasions of the word "hierarchical" to describe the organisation of medical and nursing services. Judge Harding Clark writes:

Hospitals appear to run in a hierarchical system based on division of tasks. There is hierarchy among the nurses, and correlating medical hierarchy from the medical students to the interns, the SHOs, the registrars and the consultants.

She comments that hierarchy works well in normal life. There is much to recommend hierarchy where escalation of rank is based on degrees of competence and experience. A move up the ladder ought to be commensurate with experience and increased knowledge, with the higher echelons reserved for candidates who show leadership qualities. However, the report states: "If there is little upward movement or if promotion automatically follows tenure, hierarchical structures can create a negative and dangerous environment". There is no doubt that in the maternity unit of Our Lady of Lourdes Hospital, there was a dangerous environment. Largely due to the hierarchical approach and in deference to the judgment of superiors — not because information

was unavailable or suppressed — basic questions went unasked and unanswered for many years.

We must encourage, not discourage, whistleblowing and divert protests into productive channels. I have made it clear that I do not believe it is sufficient to rely on the professionalism of doctors alone to police themselves. It is welcome that doctors increasingly work within teams rather than in isolation. However, the power relationship between consultants and junior staff, other medical professionals and patients is still imbalanced. The medical profession, through the Medical Council, has been pressing for reforms for up to ten years but its pleas have fallen on deaf ears. While allowing for reform of the Medical Council, it is important to recognise the role of whistleblowers. There will always be space for abuse no matter how good is the system of competence assurance.

A second important role is or should be that of an external inspectorate. We have inspectorates for schools, the Garda Síochána, psychiatric institutions, workplaces and prisons but we do not have an independent hospitals inspectorate. If it is to be truly independent, it should not be located in or under the Health Service Executive, rather in the Department of Health and Children or under a statutorily established health quality and information agency. Its remit should extend to State, voluntary and private hospitals and it should report to the Houses of the Oireachtas, reports that should be fully examined by Oireachtas committees.

On behalf of the Labour Party and as a result of what I have read in this report, I will publish this month our proposals for a hospitals inspectorate. What we have in mind is a chief inspector of hospitals and an appropriate number of assistant inspectors, including persons with relevant medical and nursing qualifications and other expertise, such as in administration. The inspectorate's functions would be to visit and carry out an annual review of hospitals and report in writing on the organisation and operations of those hospitals and the quality and effectiveness of services provided therein, including the quality of care and treatment of patients and hospital services generally, with comparisons with relevant international practice and standards. We should remember that it was someone from abroad who determined what was really going on upon examining the records of Dr. Neary's patients.

The inspectorate, as it considers appropriate, should report on the degree and extent of compliance by hospitals with any relevant enactment, directive, code of practice and such other matters relating to hospitals and the needs of hospital patients. The information collected should be disseminated and the inspector should have all powers that are necessary or expedient for the purpose of performing his or her functions. The chief inspector should have special powers to

inquire into a report on the operation and administration of a hospital during a specified period or the care and treatment provided to a specified patient.

If change is to come about, it is vital that we establish a framework wherein hospitals and their work are examined thoroughly, openly and in a transparent way. This goes right across the board whether the issue is one of the maintenance or refurbishment of a hospital, recommendations for temporary or permanent closures, the numbers of patients — we clearly have problems with overcrowding — the staffing of a hospital, the introduction of reviews of specified policies, protocols and procedures and any other matter. Many issues, such as cleaning, maintenance, care and welfare of patients, design and even heating, lighting and ventilation, must be considered. In particular, the issues of records and data collection, which is the responsibility of hospitals, for how long they should be kept and how to make them safe should be considered. We all know that files were robbed from Our Lady of Lourdes Hospital, which is a criminal act. It is incredible that anyone could succeed in stealing such important medical material without somebody seeing what was going on or proper security being in place to ensure such a criminal act did not take place.

The experience of up to 250 women at the hands of Michael Neary has left a terrible legacy of sorrow and suffering. Individual women and men had their lives fundamentally altered and damaged by what one man did with impunity. Some people believed he was saving lives while others suspected what he was doing was deeply wrong but were afraid to act. One young woman called a halt and an administrator in the health board pursued the scandal into the open. Their courage is commendable, as is the dignity and determination of the women who lost so much at the hands of Michael Neary but stood and worked together to ensure that what happened to them will never happen to anybody else.

Our role must be to console and compensate, but it must also be to legislate to ensure that such a scandal does not recur in our health service. This means there is a requirement. It is not enough that the Tánaiste tells the House this or that must happen and everybody should behave better. We must have a plan of action in terms of the roll-out of legislation to deal with the issues raised in the Harding Clark report, which were not in the Tánaiste's report. A certain number of commitments have been given in respect of reform of the Medical Council but they do not go far enough. Beyond this, there have been aspirations but we now know that aspirations will not protect patients. There must be a statutory framework to ensure that patient care is fully protected.

This means we must do our jobs and legislate. Last night, the Labour Party moved a motion on a Bill for the protection of the whistleblower. I

[Ms McManus.]

regret that the Government has shirked its duty and refused to take on board the Bill but we will persist. Protection of the whistleblower is our responsibility, as is reform of the Medical Council, and we will play our part when the Government publishes the documents. However, part of our responsibility must be to establish a full hospitals inspectorate to protect patients and, appropriately, pay tribute to the pain and suffering caused in one of our hospitals to so many innocent women who deserved the very best but did not receive it or get our protection.

Acting Chairman (Deputy Kirk): Deputy Connolly is a member of a group of speakers.

Mr. Connolly: I propose to share time with Deputies Gormley and Ó Caoláin.

Acting Chairman: Is it an equal sharing of time?

Mr. Connolly: Yes.

Acting Chairman: I will remind the Deputy when his time has concluded.

Mr. Connolly: I welcome this opportunity to speak on the Our Lady of Lourdes Hospital inquiry and report into the events that transpired therein. I commend the report which

1 o'clock

is readable and a good job was done.

I pay tribute to the Patient Focus group, which can only be described as excellent — its members are in the Visitors Gallery. Its persistence is beginning to be rewarded. I was concerned when the Tánaiste stated she would need cross-party support but I hope the Government will take on board the suggestions of this report. The report makes for sad reading, revealing that barbaric practices continued for so long with no one shouting “stop”. The report focuses on hysterectomies performed by Mr. Neary. It does not refer to the death of babies, the removal of ovaries and Fallopian tubes, the disfiguring of women as a result of operations, or the lives destroyed because of physiognomies as these issues were outside the scope of the inquiry. The report does not refer to the baby who lived for two days and whose birth and death records are not available. Many issues are not addressed by this report.

However, Judge Maureen Harding Clark did a good job in producing a report of such quality. The report is part of the process and the speed at which events take place is what will determine the value of the report. This will not be known for some months.

The report highlights a number of issues that give rise to grave concerns about professionals investigating their peers, as has been referred to by earlier speakers. Three obstetrician gynaecologists were asked to investigate events in the maternity unit of Our Lady of Lourdes Hospital

in Drogheda. This was an investigation into malpractice rather than a regular inspection and one would have expected it to be taken seriously. Despite being forewarned, these three gynaecologists found nothing wrong. They effectively endorsed practices at the maternity unit in the hospital. Subsequently, Mr. Neary was in a stronger position as he had been endorsed by his peers, the strongest endorsement one could receive. How could three professionals not see the barbaric practices, which were 20 times above national and international norms? Did they not wish to see the practices that were taking place or did they close professional ranks? The latter should not be ruled out.

The fitness of these three individuals to carry out an investigation is flawed and because endorsing malpractice is the ultimate wrongdoing in an investigation. Three statutory bodies should also engage in self-examination. The Royal College of Obstetrics and Gynaecologists has made a number of reports on the hospital. The Royal College of Surgeons approved the unit for undergraduate training and An Bord Altranais inspected the hospital to ensure it was a suitable place to train midwives. The public is reassured when eminent bodies such as these undertake inspections as they provide a degree of quality assurance. Such bodies are acting on behalf of the public and often the Government acts on foot of reports received by such bodies. The experience of hospitals in Monaghan shows the negative aspect of what the Royal College of Surgeons has done and we know the tragic consequences that resulted. What credibility do such bodies hold after what happened in Drogheda?

The issue of compensation must be urgently dealt with to bring closure to this case. The case of Alison Gough, contested in the High Court provides a benchmark in these circumstances. The High Court reduced the amount of money awarded and the Supreme Court has now ruled on the matter. These are the same victims, with the same injuries caused by the same malpractice. I urge the Government to acknowledge the benchmark and do the decent thing rather than putting women from Patient Focus through the court system again and throwing more money to the legal system. This should be dealt with as a matter of urgency. These women should be allowed to unburden themselves as part of the healing process.

Other cases exist at Our Lady of Lourdes Hospital, including those referred to as cases of bad outcome. A number of these cases occurred between 1974 and 1998 and must be examined.

The report's 156 recommendations should be urgently examined. I will return to this matter to review the number of recommendations implemented. The Garda Síochána now has a report, which we are awaiting, and I hope this will prevent something similar happening in other hospitals.

Mr. Gormley: I wish to share time with Deputy Ó Caoláin. I welcome the women of Patient Focus to the Dáil and congratulate them on their courage and tenacity in pursuing this issue. They sought only truth and justice but their struggle is not yet over. We will have no closure, truth or justice until all the women who suffered can tell their story and be properly compensated.

I welcome the fine report from Judge Maureen Harding Clark and the clarity of its presentation, for which I thank her. The Tánaiste is familiar with the Department of Finance and is aware this Department controls the purse strings. I do not wish them to engage in insensitive penny pinching and I want the Tánaiste to bang the table and represent these women to ensure they are adequately compensated.

Although we refer to the victims of Mr. Neary and 129 Caesarean hysterectomies, what about the 42 victims of Dr. Lynch? All these people must be heard. It is incredible that three obstetricians could have examined this in detail and given Mr. Neary and others in the institution a clean bill of health.

The Tánaiste will be familiar with some of the stories not included in the report that have emerged. Stories of women who went in for minor treatment and had their ovaries removed are horrific. Such women have struggled with early onset of the menopause, health difficulties and suppression of their immune system. I will not belabour the point addressed by the previous speaker. These problems are due to the gross arrogance of certain people in the hospital. We cannot forget these victims. The Tánaiste's speech compared the victims' stories to a Gothic novel and I would compare it to a David Cronenberg film.

Let us discuss compensation. The Alison Gough case, in which compensation of €250,000 was reduced to €200,000 in the Supreme Court, remains the benchmark. Both the Government and Opposition believe this should be investigated. These events happened because of extreme arrogance and the abuse of power. It was a closed shop wherein the consultants were the dictators and instilled awe and fear. Like other speakers I salute the courage of the midwife who blew the whistle. These events are evidence that legislation to protect whistleblowers is required to protect those few people who have the courage to come out. The report states that this is a story set in a time of unquestioning submission to authority, whether religious or civil, when nurses and doctors were in abundant supply and permanent jobs were few and treasured. This is the pressure under which they worked.

The report examined the rate of Caesarean hysterectomy in other hospitals. The rate was one per 600 sections in the Coombe Women's Hospital, one per 405 sections in Holles Street, one per 42 sections in Drogheda and Mr. Neary's

rate was one in 20 sections. This should have been sufficient to set off alarm bells.

I refer the Tánaiste to today's *Irish Independent* and ask her to listen because it is important. An article written by a constituent of mine, referred to recent statistics issued by the Irish maternity units. It states that the statistics for accelerated labour rates in first-time mothers are 14.7% in Letterkenny and 55% in the National Maternity Hospital, Holles Street. The epidural rate is 12% in the Midlands Regional Hospital and 80% in Ballinasloe. The episiotomy rate is 46% in Tralee General Hospital and 7.8% in St. Finbarr's Hospital in Cork. These figures show the significant diversity which the writer maintains can only reflect the personal preferences of the obstetricians. They continue to call the shots.

Before other tragedies and difficulties occur I ask the Tánaiste to examine the way different hospitals operate. She should study those statistics and consider the reason that people can dictate in such a way and whether people are now keeping quiet, because there will be more difficulties if they are. It does not end here and solutions must be found. The Tánaiste is making some progress but many people are still in awe of these consultants.

Caoimhghín Ó Caoláin: In addressing the Harding Clark report tribute must be paid first and foremost to the courageous women who with Patient Focus have struggled for justice over many years. To them alone must go the credit for revealing the full horror of what went on in Our Lady of Lourdes Hospital in Drogheda. To these women also we owe a debt of gratitude for highlighting many fundamental flaws in our hospital services which are exposed in this report and from which lessons can and must be learned and implemented.

Ar an lá seo, Lá Idirnáisiúnta na mBan, gabhaimid buíochas leis na mná seo a rinne seirbhís, ní dóibh fhéin amháin ach do mná na tíre agus don bpobal ar fad.

It is vital that the Government moves swiftly now to implement the recommendations of the report and establishes the redress scheme for all the women victims of malpractice in Our Lady of Lourdes Hospital. The Tánaiste and Minister for Health and Children has stated that the redress scheme does not require legislation and that necessary legislation with regard to the pursuit of insurers can proceed in parallel and this is to be welcomed. We await clarity on the timescale as experience with other redress schemes has not been good. In the case of Our Lady of Lourdes Hospital many of the women have been waiting decades for justice. No further delay should be countenanced and everything should be up and running before the summer.

Last evening the members of the Oireachtas support group met the representatives of Patient Focus. We reiterated our call, issued before the

[Caoimhghín Ó Caoláin.]

publication of the Harding Clark report, for the immediate establishment of a redress board. It has been emphasised to us by Patient Focus and we have made clear in a letter to the Tánaiste this morning the need for all of the women concerned to be included under the terms of the redress scheme.

The victims of Mr. Neary and others who practised in the maternity unit at Our Lady of Lourdes Hospital require and deserve a redress scheme that fully accommodates their need to have their experiences outlined and heard. All victims of Mr. Neary and others should be accommodated. The scheme should not be confined to the 129 cases of Caesarean hysterectomies performed by Mr. Neary but should include all those and without exception, who were subjected to this brutal procedure, some 59 further cases. It should also encompass all other bad outcomes, including those who had their ovaries removed and the cases of the babies who died. It is not anticipated that the number of cases involved would exceed 250. These are the priorities so far as the women victims themselves are concerned.

The report raises many other fundamental issues about the operation of our hospital services and its recommendations are wide ranging, with implications far beyond the confines of one hospital in Drogheda. The biggest question it raises is how such gross malpractice could have been allowed to continue for 24 years with no one shouting “stop”. It should not be forgotten that but for the decision of two midwives to raise concerns in 1998 the full truth might never have been told. Why was this the case? The report highlights a system characterised by authoritarianism, elitism, lack of accountability, lack of consultation, inadequate training and bad management. Judge Harding Clark states that the story is “set in a time of unquestioning submission to authority, whether religious or civil”.

It is clear that Mr. Neary operated without being accountable to anyone. A strict hierarchy existed in which all staff were expected to know their place. I was reminded of a statement of a former Minister for Health and Children, Deputy Martin, when he said that hospital consultants were, “kings in their own domain”. This was certainly the case of the consultants who worked in the maternity unit at Our Lady of Lourdes Hospital.

This is not ancient history. The first so-called inquiry into this scandal was carried out by professional colleagues of Mr. Neary. They examined the cases of nine women, cases carefully selected by Mr. Neary himself. This sham exonerated Mr. Neary. Judge Harding Clark is being very generous when she says that those involved in this sham inquiry reached their conclusions on the basis of “compassion and collegiality”. If it was compassion, it was not compassion for the women victims of their colleague. If it was collegiality, it

was a misplaced loyalty within a profession that too often has protected itself and placed the interests of its members as a body and as individuals above the interests of patients.

The Medical Council also has much to answer for. Why did it take the Medical Council from June 2000 to July 2003 to complete its investigation? While this investigation finally led to the striking off the register of Mr. Neary, its long duration was a cause of much distress to the women concerned. With much wider scope and more detailed terms of reference, Judge Harding Clark took far less time to complete her report.

The scandal is that all of this took place in a hospital funded by the Government to treat public patients, yet the State provided no proper system of oversight and accountability for those into whose care it had placed our citizens. I reiterate my concern about the hospital consultants’ common contract. The existing contract reflects the era of lack of accountability and elitism in which the Our Lady of Lourdes Hospital scandal was allowed to continue. The report states that to this day consultants are spending too much time with private patients yet the renegotiation of the contract is long overdue and there seems to be little progress in this regard.

The Tánaiste stated last week that the report confirms the appropriateness of the actions being taken by the Government across a range of health issues. This remains to be seen, given the Government’s record so far. This report should be a clarification call that contradicts another statement by the Tánaiste shortly after her appointment to the Department of Health and Children in December 2004, as follows: “I believe in a minimalist role for the State in all our lives, including health care”. In the Our Lady of Lourdes Hospital scandal the problem was that the State had not only a minimalist role, it had abandoned its responsibilities. If the women are to get justice, their call in all its dimensions must be heeded and acted upon and the State must face up to its responsibilities not from a minimalist disposition, but to be the guardians of the interests of all patients in its jurisdiction.

Mr. Glennon: I join my colleagues in complimenting Judge Harding Clark on her excellent report and the manner in which she conducted her inquiry. I also compliment the brave midwife who stood up and shouted “stop”. I welcome members of Patient Focus to the House and particularly compliment and congratulate them on their resilience, persistence and, above all, dignity in the face of significant personal adversity. I do not intend to go into detail on the report but to briefly examine the culture that brought us here today.

We know the midwife shouted “stop”, but we must examine who knew but did not shout “stop”: the obstetricians who worked in the unit and who knew of the operations; the junior

doctors and the post-membership registrars; the anaesthetists who received the patients, administered the anaesthesia, wrote the operation notes, spoke to each patient in the recovery room and were always present during the operations; the surgical nurses, frequently midwives, who handed the hysterectomy clamps to the surgeons and counted the swabs; the midwives who cared for the women after their operations and who recorded each day, with the honourable exception of the lady who called "stop"; the pathologists and technicians who received the wombs and specimens from the maternity theatre to be analysed; and the Medical Missionaries of Mary, who owned the hospital for most of the period involved.

There are also some people whose silence I find particularly difficult to understand. Not one of the vast range of GPs for the women, each of whom treated the individual patients and was detached from the circle of immediate influence in the hospital environment, raised a question. None of the parties who read the maternity hospital's annual reports shouted "stop". As for the visits to Drogheda from the "gentlemen" of the Royal College, where they had lunch with Dr. Neary in his home and dealt with files selected by Dr. Neary, I wonder what they thought they were doing. Were they acting in their professional capacity or were they there for a day out? I wonder if they took in a round of golf at Baltray. Reading the report it appears that these so-called inspections took place in such an atmosphere. The word "royal" raises questions. Why do we not have our own Irish institute? We do not have to do our own inspections but could get inspectors from outside. A "royal" institute having an input in this country is an anachronism.

The anaesthetists described Dr. Neary as a "safe pair of hands". They thought Dr. Lynch was professional and competent, a quick and clean worker. They thought Dr. Neary might have been a little hasty to resort to hysterectomy. One suggested to the inquiry that obstetricians had gone the other way and were too slow to resort to hysterectomy. Incredibly they were unaware of comparative statistics. Pathologists seemed to know the number of hysterectomies but did not know of any benchmark figure to use as a comparator and had no concerns regarding surgeons. The newest pathologist was concerned about the number of uteri and ovaries he saw in the laboratory. In the final nine months he had resolved to discuss the matter with Dr. Neary but, unsurprisingly, that never took place. These are the fellow consultants of Dr. Neary. One would not expect they could be easily cowed or intimidated. They are of equal rank in the medical hierarchy: anaesthetists, pathologists, obstetricians and gynaecologists.

One aspect of the report staggered me. The medical board, again made up of consultants, was unaware of what went on in the maternity units.

That begs the question what is the function of the medical board of any hospital if it is not to oversee the medical work there. Here we have a board made up of consultants unaware of what went on in the units. I have dealt with the outside obstetricians briefly. It is interesting that nobody to whom any of the annual reports were sent raised queries. Dr. Neary informed the inquiry that no queries were ever put to him arising from the annual report. Amazingly the reports in the 1970s through to 1984 were published openly, including the number of Caesareans and hysterectomies. It was confirmed to the inquiry by the Royal College in London that these reports were archived and not read. What is the point in furnishing the reports to an outside body if they are just to be filed? They could be filed in the hospital, although they could then be easily removed, as many of the files were. Maybe they could be filed in the Drogheda Library for all the good the forwarding to London provided.

On justice for these dignified ladies, I agree with my colleagues who suggest that the Alison Gough case should be the benchmark for compensation and that the same criteria used in that case should be applied in all other cases. I suggest that the role of the MDU not only in Drogheda but in the Irish medical system generally should be examined. It is anachronistic that discretionary cover is provided for all our consultants and the majority of GPs and that no contract of insurance is required for registration with the Medical Council. A hearing is an essential and integral part of the process for the ladies.

It is ironic on International Women's Day that I suggest the role of the husbands and partners, who have also suffered to a significant degree, should be recognised in whatever process is agreed. The Medical Council should immediately reopen an investigation into the 59 cases other than Dr. Neary's, mainly Dr. Lynch's. I recently listened to the chairman of the Medical Council, a man for whom I have high regard, discuss its forthcoming reform. He mentioned that there should be more lay involvement in the Medical Council, with which we all agree, but set the limit at 12. The Medical Council consists of 25 members. Why should there not be a majority of lay people on the Medical Council? Why should the profession which is being policed by the council, as it were, retain a majority on it? I do not know. I am asking the question. I will be interested in the debate on the Medical Council and I look forward to it.

The Director of Public Prosecutions should review all the files again and I understand that moves are afoot in this regard. We have heard much of the phrase "meaningful audit in the future". The important word is "meaningful". As for the storage of records some back-up system must be introduced to obviate the ridiculous situation of missing records. We cannot have the scenario, which is now in prospect, where each

[Mr. Glennon.]

patient seeks his or her records on leaving a doctor's surgery. Unless we come up with an appropriate system, that could well be the situation.

I again compliment and congratulate the midwife who shouted "Stop". I congratulate Patient Focus and wish it well for the future. I also compliment the Tánaiste on the sensitive manner in which she has dealt with this matter so far. We look forward to that continuing into the future.

Sitting suspended at 1.35 p.m. and resumed at 2.30 p.m.

Ceisteanna — Questions (Resumed).

Priority Questions.

Local Authority Funding.

3. **Mr. McCormack** asked the Minister for the Environment, Heritage and Local Government if he intends to instruct local authorities to initiate a review of development charges due to the inconsistency at which they are levied from county to county; and if he will make a statement on the matter. [9783/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Development contributions are levied as a condition of planning permission in accordance with development contribution schemes adopted by the elected members of planning authorities after a public consultation process. This approach was endorsed by the Oireachtas in the context of the Planning and Development Act 2000. It enables local authorities to estimate the cost of infrastructure and community facilities needed locally and to recoup some of that cost from developers.

Due to the fact that development contribution schemes address different local needs and circumstances, contributions associated with these schemes may vary between local authorities. However, a developer can establish in advance the contribution that is likely to be levied on a particular development.

Planning authorities have been advised by my Department that while developers should make an appropriate contribution towards the costs of public infrastructure and facilities, care should be taken to avoid development contributions that are excessively high. They were also advised to be mindful of the policies adopted by other authorities in their immediate area so as to avoid a major divergence in the level of contributions charged. It is manifestly in the interests of all local authorities to protect their local competitiveness.

My Department recently established an inter-departmental committee to look at issues raised

by different interests in respect of development contributions. The committee is examining the existing guidance issued to planning authorities. I will consider the report of the committee in deciding whether additional guidance should be issued to planning authorities before they next review their schemes. I anticipate that the committee will report within the next two months.

Mr. McCormack: I welcome the fact that an interdepartmental committee will be established to examine development levies. Up to €500 million was collected in development levies last year. Where is the transparency regarding how this money is spent? It is all very well for the Minister to say that elected members of local authorities have a say in this but the reality is that they have very little say in how development levies are spent. While development levies are collected in one area, they can be spent in another area.

Does the Minister accept that the introduction of development levies has added to the price of houses, particularly for first-time buyers? It has added greatly to the cost of houses for young people who find it very difficult to acquire houses today. Recent statistics show that the average price of a house for a first-time buyer is €250,000 but a person would not be able to get a house for that price in Dublin or Galway. Does the Minister accept that the imposition of development levies adds greatly to the cost of new houses, particularly for first-time buyers? We do not know where the money from development levies is spent and there is no transparency in the process.

Mr. Roche: I agree with Deputy McCormack that the process for dealing with development levies is not as transparent as it should be. Before the recent local authority estimates were produced, I wrote to all the county managers informing them that I expected them to be open and transparent as to the amount of money they were collecting in levies. It is a matter for local authorities and local councillors to demand a full account of where the levies are spent. Members of local authorities are elected to carry out this specific task.

However, I do not agree that the burden of all development should fall on the general taxpayer. We must remember that the levies are intended to recoup some of the costs of public funds and servicing land and to provide for future developments. Deputy McCormack was correct in stating that the amount of money collected in the form of development levies last year was approximately €500 million. It is very important that local authorities and their members demand that the figures are made available to them. By way of assisting in the local public debate on this matter, I have decided that in future I will publish on my Department's website a full report on all development levies throughout the country. I will do so because I believe that Members of this

House, as well as members of local authorities, frequently do not know the level of levies contributed.

If we believe in local democracy, it is a matter for local councillors to take charge of this issue in their individual councils and require, by way of motion if necessary, that their managers are open and transparent about the way in which the levies are dealt with. Deputy McCormack is aware that the levies are supposed to be hypothecated and ring-fenced for specific purposes. It is very important that councillors ensure that this happens.

Mr. McCormack: The levies are supposed to be ring-fenced but different levies are applied in different counties. The Minister's county of Wicklow had one of the highest levies in the country. Is it fair that I, who live in an estate house in Renmore, can receive services without paying any development levy while a first-time buyer is forced to pay it? First-time buyers are being penalised by the Minister's theory that services should not be free. There should be the same playing pitch for everyone. Everyone has paid for these services several times over due to the stealth taxes introduced by the Government. Does the Minister accept that the only people who are now being penalised in respect of services enjoyed by everyone are first-time buyers? These people must pay a development levy which has added greatly to house prices. The Minister has avoided acknowledging that the imposition of service charges and other measures such as the increase in VAT have added to the cost of buying a house for first-time buyers. How high are development levies in the Minister's county of Wicklow?

Mr. Roche: I am very pleased that Deputy McCormack raised the issue of contribution levies in County Wicklow because, as he is aware, his colleagues on the county council reduced the levies before the local elections and increased them after the elections. This was an extraordinary example of levying a stealth tax. It was extraordinary behaviour on the part of councillors, who made the decisions to both lower and raise the levies. If Deputy McCormack has problems with that, he might like to speak to the leader of the Fine Gael group in Wicklow County Council. I certainly disagreed with the approach that was adopted.

Development levies are not simply levied on individual households. Community facilities and some funding for necessary infrastructure are supposed to be covered by levies. I am not sure if Deputy McCormack is suggesting that he would completely abolish levies were he to enter Government. If so, he would pass the cost on to general taxpayers and be forced to tell them where it came from.

We can all play games with the issue of levies. The most important thing we can do in respect of levies is to ensure that they are transparent. I agree with the general thrust of Deputy McCormack's question, which is that levies should be transparent, that local authority members must have full information and that local communities must see where the money is spent. That is the only way for local councillors and communities to see whether they are getting value for money.

4. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government his views on the conclusions of the Indecon report on the financing of local government that between €16 million and €2 billion per annum additional resources will be required by local authorities between now and 2010 to maintain the existing level of service; the way in which he proposes that such additional funding will be provided; the cost of producing and publishing the Indecon report; and if he will make a statement on the matter. [9610/06]

Mr. Roche: The cost, including publication, of the recently published study in the financing of local government was €291,100. On the basis of different methods of projecting expenditure, the consultants identify that by 2010, local authority expenditure will increase by €1 billion to €2 billion in nominal terms over 2004 levels. Funding this expenditure will be met by a combination of the buoyancy in the existing funding system, some additional funding and the achievement of efficiencies over the period.

As regards the existing funding system, there is significant natural buoyancy in the current revenue sources of local authorities. For example, at local level, the valuation base has grown rapidly as a result of major commercial developments. This produces revenue which is paid directly to local authorities. In addition, revenue from motor taxation, which is paid directly into the local government fund, continues to increase without any increases in the rates of this taxation. In 2006, the fund will amount to some €1.4 billion. I was in a position to announce record levels of general purpose grants to local authorities from the fund amounting to €875 million for 2006. This was an increase of 8% on the 2005 allocation and an increase of 2.5% on the level of the allocation in 1997.

To supplement the existing income sources, a number of initiatives will be pursued. I am considering ways of bringing issues such as planning fees, which are fixed by regulations, into line with the economic cost of dealing with planning applications. I will introduce legislation to make commercial properties liable for rates from the date of valuation as opposed to the beginning of the following year. This simple move will generate an

[Mr. Roche.]

additional €25 million in revenues for local authorities per annum.

Third, in order to boost income to the local government fund, I am tackling tax evasion. A number of issues must be dealt with here. Additional revenues will be complemented by a range of efficiency initiatives. In partnership with local authorities, I propose to examine the scope for greater sharing of services between local authorities. I will develop a standard costing system for the sector to deliver enhanced management information, particularly on unit costs. I intend to develop proposals to enhance arrangements for local audit committees, which councillors will welcome. I will continue to ensure that the value for money unit in my Department undertakes in-depth analyses of local authority activities and identifies best practice.

The availability of good information is a key to good decision-making and I have started a process of publishing key financial data on my Department's website. I am gratified by the fact a number of people have welcomed this initiative.

Additional information not given on the floor of the House.

I have set aside €2 million this year for an innovation fund to identify ways of delivering further efficiencies and to disseminate best practice in this regard to all local authorities. I will be announcing details of this during the year.

Mr. Gilmore: I take it from the Minister's reply that he accepts the conclusion in the Indecon report that between €1 billion and €2 billion extra will be required by local authorities by 2010. I want to explore with him where the money will come from. By how much will Government grants to local authorities increase, or will any of the additional money come from the Government? I understand from his reply that he envisages a combination of increases in motor taxation, commercial rates and service charges which are made by local authorities, and perhaps new service charges by local authorities to bring in the bulk of the €1 billion to €2 billion extra which will be required by local authorities. What is the Minister's estimate of the amount by which grants to local authorities will have to increase to finance this extra expenditure?

Mr. Roche: As the Deputy will recognise, there is a significant variation in the calculations provided by Indecon. It is suggesting that if expenditure is kept to 3% of GNP, one will get the higher estimate of €5.8 billion by 2010. However, if one bases it on population trends, which is probably more realistic because it is what determines the costings of local authorities, the figure would be €3.8 billion.

With regard to the specifics on where the funding will come from, there has been a significant increase in the resources made available by the

Government to local authorities. For example, in 2000——

Mr. Gilmore: I am talking about the future.

Mr. Roche: I am talking about continuing a very good trend which the Government has set.

Mr. Gilmore: I want the Minister to project, not reminisce.

Mr. Roche: In 1994, when the Deputy's party was in Government, it allocated €236 million. I acknowledge that this had increased significantly by 1997 to €339 million and it has increased even more significantly to €875 million in 2006. While one cannot project exactly what the figures will be, if the trend continues, significant amounts of money will be involved.

On a number of the specific issues, there has been significant buoyancy in local authority funding, particularly as a result of the increase in commercial rates to local authorities, even without increasing rates. This year, local authorities achieved wonderful things by coming in at approximately 4% — in fact, rates were cut in Limerick city. This efficiency can drive the agenda much more than has been the case in the past. We must squeeze more value for money out of the funding to local authorities. This year, local authorities will spend in the order of €9 billion. If we can get just 1% efficiency out of it, it will be the equivalent of another €90 million. If we can get 10%, it would meet that whole issue.

There are aspects of the report which I do not intend to pursue. I have been up-front about this because I do not believe one can fund local government by levying a penalty on people who have holiday homes in Galway, Wexford, Wicklow or wherever. I do not think that would be a logical decision, nor do I intend introducing new taxes such as rates or stamp duty. However, if there is more efficiency and if we see the kind of growth that we have had, we will meet the difference projected by Indecon.

Mr. Gilmore: The Minister did not answer my question, which in itself gives me an answer. There is an estimate in the report that up to €2 billion additional moneys will be required by 2010. What is the Minister's estimate of the amount of that €2 billion that will come from Government grants? As he has not answered the question, I will give him another opportunity to do so.

In his main reply, before he began to waffle in his reply to my supplementary question, he identified motor taxation, planning fees, commercial rates and local charges as the areas from which buoyancy will arise. I want to ask him on behalf of the motorist by how much does he estimate motor taxation will increase to meet the €2 billion? By how much will local charges increase? By how much will commercial rates increase,

which will be of interest to the business community throughout the country? They will form their own conclusion when they hear the Minister's answer to the specific question on the estimate. Given that he has had the report since last October, I presume he has estimated the increases that will be necessary to meet the additional funding to local authorities.

Mr. Roche: I am pleased the Deputy has given me an opportunity to be more specific. In the area of motor tax, the Government has been able to grow the motor tax revenue into the fund for local authorities without changing the taxation base. This is also my intention for the foreseeable future.

Mr. Gilmore: Is the Minister saying there will be no increase in motor taxation between now and 2010?

Mr. Roche: I am saying there have been remarkable improvements in this area. I am saying something else in regard to motor tax, with which I am sure the Deputy will assist me, because I will come before the House at some stage to deal with the issue of dodging motor tax. Efficiencies in collecting motor tax—

Mr. Gilmore: The Minister should stick to the question. He is waffling.

Mr. Roche: The Deputy should allow me to answer the question. If we can deal with the issue of dodging motor tax, it will bring in an extra €40 million, which is a huge amount of money.

Mr. Gilmore: Is this in motor taxation?

Mr. Roche: I said what I said.

Mr. Gilmore: What was that?

Mr. Roche: I said that in 2005, for example, we were able to increase—

Mr. Gilmore: Will there be an increase in motor taxation between now and 2010?

Mr. Roche: I am saying that natural growth buoyancy, at which the Deputy sneered, has produced 7% more in 2005.

Mr. Gilmore: I did not sneer at it.

Mr. Roche: It produced 10% more this year and my projection is that it will continue to produce that level of growth. If we deal with the issue of dodging, we will be able to put another significant amount of money into the fund.

Mr. Gilmore: The only dodging is the Minister dodging the question.

Genetically Modified Organisms.

5. **Mr. Connolly** asked the Minister for the Environment, Heritage and Local Government the Government's policy in relation to experimentation in the growth of genetically modified or engineered crops, particularly in view of the five year trial cultivation of genetically modified potatoes in Summerhill, County Meath, commencing in March 2006; and if he will make a statement on the matter. [9609/06]

Mr. Roche: The conclusions of the inter-departmental group on modern biotechnology, which were endorsed by the Government, said we should acknowledge the potential benefits of genetic engineering while maintaining a fundamental commitment to safety and environmental sustainability, based on scientific risk assessment and management. The Government continues to apply this precautionary principle.

The Government's policy must also take account of the EU legislative framework in regard to genetically modified organisms, which is legally binding on all member states. This includes Directive 2001/18/EC on the deliberate release into the environment of genetically modified organisms, Regulation 1829/2003 on genetically modified food and feed, Regulation 1830/2003 on traceability and labelling of genetically modified products and Regulation 1946/2003 on transboundary movement.

The undertaking of field trials of genetically modified crops is subject to Part B of Directive 2001/18/EC which is transposed into Irish law by the Genetically Modified Organisms (Deliberate Release) Regulations 2003. Adjudication of applications for field trials is a function assigned to the independent Environmental Protection Agency, as the Irish competent authority for the purposes of the directive. My Department and I are legally and specifically precluded from exercising any influence on this independent function.

Mr. Connolly: Will the Minister agree that genetically modified crops is another way of tampering with nature? The argument which is advanced regularly is that it is about increasing our ability to grow food for the poor and about food production. That argument is advanced quite regularly but in Brazil, which is the world's fourth largest food supplier why do 46 million people go to bed hungry every night? The issue of genetic engineering of food has more to do with multinationals and the profits they might make. I doubt BASF is coming to County Meath because it has a social conscience.

Does the Minister agree genetic engineering of food and fibre products is dangerous and unpredictable for humans, animals and the environment and for future sustainable and organic agriculture? Is he concerned to learn that in 1989, a genetically modified brand, L-tryptophan, a

[Mr. Connolly.]

dietary supplement, killed 37 Americans and permanently disabled 5,000 others before it was taken off the market? Is that something about which we should be concerned? Is the Minister also concerned to learn that in 1999 in Britain, GM potatoes were poisonous to mammals damaging the vital organs, stomach linings and immune systems of laboratory rats? Laboratory rats are regularly used to test the effects products will have on human beings.

Does the Minister agree the window of opportunity given to people to object to these trials in County Meath was brief and that at least 100 separate objections were made? Does he agree it is a matter of concern that 32,000 farmers nationally object to the growing of and experimentation with GM crops in County Meath?

Does the Minister agree there are other difficulties, such as cross-contamination of crops? Growing GM and non-GM crops side by side cannot happen because of cross pollination caused by animals, birds and insects carrying seeds to other plants. Does he agree this is a serious issue, that we should call a halt and take on board the objections from these groups which are well-founded?

Mr. Roche: I might well agree with several of the statements the Deputy made but I will not be able to go through them all individually. The Deputy illustrated why it is necessary that a precautionary element is adopted. Our policy is that we must comprehend the need to ensure risks are avoided in areas such as field to field tests. That is informed policy.

There has been, and will continue to be, a controversy in this area. I disagree with the Deputy's suggestion about public information. Advertisement of this trial was placed on 26 January and we could differ as to whether that is a sufficient period of time. The trial has also been reported in a number of national newspapers, so there has been quite a degree of discussion. The Deputy asked if I would agree there is much controversy in this area. It would be strange to try to suggest there is not controversy in this area.

Under EU legislation, it is not possible for a member state to inhibit, restrict or impede the placing on the market of certain GMOs. However, the biggest issue here is one of public awareness. The public will make its own decision if it is kept aware.

Mr. Connolly: It is not a matter for us to determine the type of food we grow. It is now a matter for the EU as to whether we grow GM crops. Are the objections of all these groups being taken on board? We talk of a precautionary element but what about nature? We cannot prevent birds transmitting seeds to native crops. The Minister did not respond to the question about the 37 deaths and the 5,000 injuries in the US?

Mr. Roche: I did not because it does not arise in this context.

We have closely followed the line a group, which studied the whole issue of modern biotechnology, proposed to Government. That would be the case of whoever stands on this side. I also made the reasoned point that any policy which any Government operates must be within the context of the EU legislative framework. It is not possible to kick over the traces on those, whatever our personal views in this area.

The precautionary principle is the best way forward in terms of public policy. There is also the other side of the debate, that is, the argument that there are certain advantages too. The most important thing we can do is have an informed debate on this issue so the public can make its own choices when it comes to foodstuffs about which the Deputy asked. It is important the public has pointers.

Mr. Connolly: It is about multinationals and profit.

Departmental Guidelines.

6. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government the measures which can be taken to improve the design and build of apartment blocks; his views on whether there is a need to make apartment living more attractive to families; if his Department will identify higher-density and high quality build as part of a strategy to prevent urban sprawl; and if he will make a statement on the matter. [9784/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): A wide range of policies and measures has been put in place to ensure that the unprecedented rate of housing development in Ireland is planned for in a manner that supports the creation of sustainable communities within a high quality environment.

Guidelines for planning authorities on residential density were published in 1999. These included a specific objective of reducing urban sprawl and promoting greater efficiency in the use of energy, transport and natural resources. The purpose of the guidelines is to assist in achieving high quality residential density of a suitable scale at appropriate locations, in conjunction with improved public transport systems.

My Department is reviewing the guidelines with a view to updating them later this year. The updating of the guidelines will focus on the quality of new developments. It will also take account of the extensive experience built up since the introduction of the guidelines in the design, assessment and development of higher density proposals.

A new Housing Policy Framework: Building Sustainable Communities was approved by the

Government and published in December 2005. This sets out an agenda for an integrated package of housing policy initiatives. These include supporting higher densities and compact urban settlement through quality design in the creation of new homes, new urban spaces and new neighbourhoods. My Department has also commissioned a research study into apartment size and space standards to inform the revised planning guidelines on residential densities. These new guidelines will address the need to make apartment living more attractive for family living. They will also deal with the related issue of effectively linking residential development with the provision of social infrastructure, including playgrounds, amenities, schools, transport and leisure facilities.

Mr. O'Dowd: I thank the Minister of State for his reply and welcome the review of the guidelines. In Dublin city and along the east coast generally, Fine Gael has been inundated with complaints about the poor design and the poor quality of life many people living in apartment complexes experience. Noise insulation is a key issue with many people. Other issues include the fact community areas are badly kept and are of poor quality and the lack of available recreation and amenity areas. We will build more houses in smaller spaces and we will build up rather than out. That is modern life. In many cases, however, the quality of the buildings and the surrounding environment is poor. What will the Minister of State do about that? How will he regulate the management of these apartment complexes which is causing grief around this city? Fine Gael is inundated with complaints about this issue, particularly in Dublin city.

Mr. N. Ahern: There are a number of different aspects. The guidelines and the size of spaces have changed over the years. When we started building apartments 15 or 20 years ago, we were probably glad to see some derelict sites being built on. However, the guideline figures and space requirements have changed and continue to change. There are the 1995 guidelines and 1999 social and affordable housing guidelines. In the Dublin area, we have the Dublin city development plan. Larger space requirements were introduced during those three phases. The Dublin city development plan provides not only for the size of apartments but there are rules that not more than 50% of units in a development can be one bedroom units. It is trying to encourage large family units, which are attractive to the family. Fundamentally, that is what we are trying to achieve.

I accept some of the points made. We all get complaints about noise. That comes down to the self-certification system. People who buy apartments should ensure architects have signed off on the requirements and the certificates.

The issue of management companies is different and was not part of the question as such. We are considering that issue, about which questions have been asked. We are waiting for the report from the Law Reform Commission to guide us on what legislative changes need to be made.

Mr. O'Dowd: Many of these new apartment blocks will become the slums of the future because of the poor quality of design. Legislation is being introduced to retrospectively grant fire certificates to some apartment complexes. This is a most serious issue that is not being addressed by the Government in current legislation.

Many people living in apartment complexes feel they are being ripped off by management companies. Some people are living in buildings that are disintegrating around them. I accept it is not true in the majority of cases but it is happening in a significant number of cases. A fundamental change in Government policy is required to ensure an improvement in people's quality of life. I do not refer to green spaces alone; sports complexes, swimming pools, schools and other amenities are required for people living in new high quality, high density developments. The Minister is charged with changing this situation but he has not done so.

Mr. N. Ahern: I note the Deputy's concerns. We are carrying out a study in advance of updating the guidelines which we expect to be completed reasonably soon. It will examine Irish and UK experience on space standards. Consultations will take place with the various stakeholders. Inspections of some recent projects will also take place. Recommendations will be produced for guidelines on one, two and three-bedroom units. It is also intended to invite submissions from relevant stakeholders, including the local authorities and the professional bodies — the IPI, the RTPI, and the RIAI — that deal with the development of the docklands, and the BRL in regard to Ballymun in regard to amending and progressing with the guidelines.

Management companies are a separate issue. We are aware that problems exist. Management companies, co-operatives or whatever one calls them are supposed to be run by——

Mr. O'Dowd: They are called rip-offs.

Mr. N. Ahern: ——the owners. In some cases the owners have been a bit lax and have not taken control——

Mr. McCormack: They are not run by owners.

Mr. O'Dowd: In many cases it is the builder.

Mr. N. Ahern: ——and not been involved to the extent they should.

Mr. McCormack: They are run by management companies.

Mr. Sargent: They have huge control.

Mr. N. Ahern: In other cases developers have——

Mr. McCormack: The management companies are set up by the builders.

Mr. N. Ahern: Yes, in some cases management companies have been set up by developers who have used different devices to deny proper control and management to the home owners.

Mr. Sargent: It is extortion.

Mr. N. Ahern: We are examining those cases. We await the Law Reform Commission report before progressing the issue further.

Mr. O'Dowd: That report is overdue by at least six months.

Mr. N. Ahern: We cannot speed up the Law Reform Commission.

Mr. McCormack: Local authorities are putting it as part of the planning permission.

Mr. N. Ahern: Sometimes it is necessary to wait and see what problems will emerge. We are now aware of them. Evidence is being documented and it appears that some changes will be necessary but we are waiting for the report before we publish them.

Environmental Policy.

7. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government if he will report on the implementation of the national climate change strategy in view of the comments by the EU Environment Commissioner, Mr. Stavros Dimas, in Dublin on 2 March 2006 that climate change, not terrorism, is the biggest threat facing humanity. [9773/06]

Mr. Roche: I met with Commissioner Dimas last week. I agree that climate change is of major global concern but it is another issue as to whether I would characterise it as he did. In the course of my discussions with him last week, I assured him of Ireland's commitment to meeting its Kyoto Protocol target.

The national climate change strategy was designed to reduce domestic emissions of greenhouse gases in the most efficient and equitable manner. National greenhouse gas emissions have dropped significantly since 2001, notwithstanding the very slight year-on-year increase shown in the provisional outturn for 2004.

The strategy was adopted in 2000. The first progress report was published in 2002 and it is

available in the Oireachtas Library. Since then, there have been a number of significant developments at EU and wider international level, notably the commencement of carbon emissions trading within the EU in January 2005 and the coming into effect of the Kyoto Protocol in February 2005. I expect to see the impact of emissions trading reflected in the outturn figures for 2005.

A variety of measures adopted by the Government on foot of the strategy are contributing to reduced greenhouse gas emissions. These include higher standards of energy conservation provided for in the building regulations, cleaner electricity generation and increased penetration of renewable energy, improvements in public transport, tax incentives for more fuel-efficient cars, and a package of excise relief for biofuels worth €200 million over five years announced in last December's budget.

A review of the strategy has been carried out to provide an updated progress report on implementation and to identify possible additional measures. This review will be finalised in the light of the current consultancy study which updates the projections of emissions for the 2008-12 period, to provide the best possible information on where Ireland stands in regard to its Kyoto target. I intend to publish this review as a consultation document which will inform the preparation of a revised strategy.

Mr. Sargent: Given the Minister's reply, which is more or less the same one we have had previously, can I take it the EU Environment Commissioner did not have any influence at all in pushing on the national climate change strategy? Does the Minister recall the recent climate change conference organised by the Green Party in the Mansion House? The belief among experts working in a number of different university faculties in Ireland and abroad is that the required cut in carbon dioxide emissions must be between 60% and 80% for there to be any chance of avoiding runaway climate change. Does the Minister recognise that the Kyoto Protocol is not even at the races in regard to the commitment required for compliance here and that climate change is not an equal opportunity disaster? Will the Minister take specific action in regard to other Departments, perhaps by way of emulating what is being done in Sweden, where a 15-year target has been set to become the world's first oil-free economy?

Is the Minister able in any way to rise to the challenge being presented by climate change? It is not sufficient to simply talk about Kyoto. Will the Minister even express an opinion on whether the environmental NGOs should be part of the partnership talks in which a ten-year agenda for this country is being drawn up? Does he take on board the arguments being made for a domestic carbon quota, which would at least ensure the

equitable manner which he espouses in regard to the implementation of the required measures? Is a cost available for carbon trading? People would like to know if the Government policy which will cost us dearly will impinge on other areas of public spending.

Mr. Roche: I am sorry I missed the conference. I am sure it was most interesting. I would have attended it if it were possible.

Mr. Sargent: If he likes I can give the Minister a DVD of it.

Mr. Roche: I thank the Deputy. I will watch it with great interest.

Mr. O'Dowd: We can put the Minister's photo on it.

Mr. Roche: The whole idea of the Kyoto Protocol is to deal with a global problem on a global basis.

Mr. Sargent: It is a start.

Mr. Roche: Yes, it is a start. The Deputy is quite right. It is very important that countries which care about the future get involved in the process. It is sad that not every country views the Kyoto Protocol with the same degree of urgency as is apparent in Europe.

I do not agree with the Deputy if it is the general tenor of his comments that there is a single silver bullet that will resolve this issue for any one country.

Mr. Sargent: Certainly not.

Mr. Roche: I do not believe it would be logical or sensible to suggest Ireland should impose restraints greater than in any other country in Europe. The Deputy's general point about the period beyond 2008-12 is correct. The targets will have to be even more ambitious. That is why it is important we take a variety of approaches to the problem. I do not disagree with the Deputy on this point, nor do I disagree with his view on the necessity of inducements. We have introduced a trading sector to proceed with matters. When it realises it will have to meet targets, industry will be very quick to put in more fuel efficient systems. I think savings can be made.

The Deputy referred to the upward trend in 2004 which is disappointing but we must keep this in perspective. The figure in 2004 was 0.1% above what our emissions should have been. Those are provisional figures which will be subject to review and the tendency has been for the review to be downward. The consultants' report on emissions project carbon costs to run at €15 per tonne during the period 2008-15.

Mr. Sargent: They will be much higher than that.

Mr. Roche: That point can be made, business to business trading costs will be higher than that but state to state trading figures are used in calculations. We have been clear on the methodology and the projected figures.

We must create a balance that allows us to achieve our targets in the most cost effective way, not just in the cheapest way in the short term but in the medium and long term. That is why we have targets and why we are encouraging larger energy users to be ambitious. If they are ambitious, not only will they save costs but there will be benefits in terms of credits that come their way. We must make decisions and they will be difficult, with sectors in the economy making a lot of noise in the next few weeks as we move forward.

We must do our bit, as must every other country, and I do not accept the general view that buying credits, one of the options available under Kyoto, is an inefficient way of dealing with the problem. It is a way to deal with the demands facing an economy growing at the rate ours is. In the long term we must adopt a position where a variety of individual approaches will resolve the issue, including energy efficiency in buildings and the introduction of new technology, including biofuels and alternatives. There is not just one single way to achieve this, it is a complex issue. I discussed this with Cabinet colleagues today and we are determined to meet the targets that have been set for us.

Mr. Sargent: This is not about forcing people to make sacrifices, it is about taking advantage of an international opportunity. Sweden's Minister for Sustainable Development has declared that a Sweden free of fossil fuels will present enormous advantages, not least by reducing the impact from fluctuations in oil prices. The report of the Climate Group, Carbon Down, Profits Up, demonstrates that the corporate world is seizing on the invisible frontier of profitability which energy efficiency represents. Will the Minister put it to the Taoiseach and the Cabinet that if we can get the NGOs into the partnership process and put in place a formula that will allow us to take advantage of climate change, there will be business opportunities, not the opposite? Will the NGOs be included in partnership?

Mr. Roche: No one has a monopoly on wisdom in this area, we should avail of all opportunities.

Mr. Sargent: I did not say we have a monopoly on wisdom.

Mr. Roche: I am not saying that, I am making an admission, not an accusation. I do not always disagree with the Deputy and I agree strongly that if business wakes up to the reality, it is a win-

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win situation. Europe will not be penalised by meeting its Kyoto targets, it will be at an advantage because if we are leaner and more energy efficient, we will benefit.

Other Questions.

Proposed Legislation.

8. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government his views on whether there is a necessity to introduce legislation to protect local authority employees who wish to report allegations of corruption; and if he will make a statement on the matter. [9502/06]

47. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government if he will introduce legislation to protect employees of local authorities and elected members of local authorities against reprisal where a bona fide report or complaint was made by an employee or a councillor who believed that they were being required to act in a manner which was illegal, improper, or unethical, was in breach of constitutional convention or a professional code, may involve possible maladministration or was otherwise inconsistent with the relevant code; and if he will make a statement on the matter. [9468/06]

92. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government if, in relation to the codes of practice for both employees of local authorities and councillors, he will introduce a whistleblowers charter as recommended by the Standards in Public Office Commission; and if he will make a statement on the matter. [9467/06]

Mr. Roche: I propose to take Questions Nos. 8, 47 and 92 together.

The Local Government Act 2001 sets out a new ethical framework for local government, including provision for the publication of codes of conduct for the guidance of members and of employees of local authorities.

Two codes, one for members and one for employees, were issued in June 2004. The two codes are similar in that they each cover certain common areas such as general conduct and behaviour, conflict of personal and public interest, planning, gifts, hospitality, personal dealings with a local authority, regard for council resources and satisfactory working relationships. The emphasis obviously varies to some extent to fit the respective circumstances of councillors and employees.

The codes of conduct are a relatively new development in the local government sector and I am keeping their operation under close review.

In the light of experience, I have decided to amend the code of conduct for employees, in consultation with the Standards in Public Office Commission and the Department of Finance, on the employment of senior local authority officials following their retirement or resignation.

The Local Government Act 2001 does not contain provisions concerning complaints and protection similar to those in the Standards in Public Office Act 2001. In light of relevant developments in other sectoral codes and having regard to ongoing contacts with SIPO, I am open to the development of suitable provisions within the local government legislative code, subject to detailed consideration of the specific issues arising in a local government context, and to Government approval. I would be disposed to bring such provisions forward at the next appropriate legislative opportunity.

Mr. O'Dowd: I thank the Minister for his reply. The 2004 report of the Standards in Public Office Commission requested that the Minister do something about this but so far he has taken no action. The chairman of the commission asked for legislation to protect employees of local authorities and elected members from reprisal when a bona fide report or complaint was made by an employee or councillor that they were being required to act in a manner which was illegal, improper or unethical, in breach of constitutional convention or professional codes and which could result in maladministration. The Minister could simply introduce a planning code.

A major issue that arises at the Mahon tribunal every day is that people like Frank Dunlop approach councillors outside meetings to secure commitments to support motions on rezoning. I do not doubt that this is still happening throughout the country, and that is a matter of grave public concern.

In England there is a standards board and if someone feels the public good has been brought into disrepute, he reports that fact to the board, which then investigates. County councils in England have a planning standards policy whereby a councillor cannot give a commitment prior to a meeting on a planning decision and meetings cannot be called to discuss votes on controversial motions. There is transparency in the planning process and the due consideration of the quasi-judicial function of the elected member.

Fine Gael would co-operate fully with the introduction of such a standards board and planning code. The Minister could achieve this without legislation through discussions with local authority members and county managers. The public would then know where they, their councillors and their officials stand on the massive rezoning decisions that are being made in areas under pressure for development. That will root out corruption.

Mr. Roche: As ever Deputy O'Dowd is positive and I will consider the points he has made. The Department is in consultation with the Standards in Public Office Commission and the Department of Finance regarding the review of the code for local authority employees. These decisions which address the general issue will produce some changes in the code.

The discussions with the Standards in Public Office Commission and the Department of Finance were not expanded to address the issue of providing immunity, the main point in the question. The discussions, however, will deal with people who in good faith make a complaint.

The general point about the influence of lobbying in the wider sense is interesting. The Deputy is aware a major debate is taking place on this matter, on which a considerable amount of literature has also been published. I am not certain the process he has in mind would provide a balanced outcome.

Mr. O'Dowd: The current system results in forgotten cheques at the planning tribunals.

Mr. Roche: The Deputy, in his wildest dreams, does not believe I would condone such cases. Some of the revelations are horrifying.

Mr. O'Dowd: They are appalling.

Mr. Roche: I agree.

Mr. O'Dowd: The Minister is doing nothing to address the matter.

Mr. Roche: That is not a fair, reasonable or accurate comment. I have outlined the steps I have taken and I am prepared to listen to proposals on what other steps could be taken. The Deputy and I share a common interest in ensuring the taint of the past does not persist in the future.

Mr. McCormack: Would it not be beneficial to protect in law conscientious employees and members of local authorities who wish to expose irregularities or corruption? We cannot continue to bury our heads in the sand and pretend such corruption does not exist. I had the privilege of being a member of a county and city council for many years. Serious lobbying takes place prior to the production of development plans. I adopted the principle of telling anyone who made representations on planning matters that I would not indicate my position until I had listened to the manager's report on the relevant issue. Councillors should be obliged to hear the county manager's report on all submissions related to development plans before making public commitments or adopting a position. As the Minister will be aware, officials must prepare a report on all submissions and councillors must not commit

themselves to any course of action until they have heard the county manager make his or her report.

Council employees have a role to play in this regard, having frequently drawn my attention to various practices. In doing so, they told me they were not in a position to voice their concerns because they would face discrimination as a result or would be liable to face a charge for exposing issues which required investigation in a local authority. Such employees should be offered legal protection. This would improve matters and remove a difficulty members and employees of local authorities encounter in some circumstances, particularly in the area of planning.

Members of local authorities are placed under colossal pressure prior to the adoption of development plans which can increase land values from a couple of hundred thousand euro to several million euro. Those with responsibility for making such decisions are entitled to be protected should they expose irregularities.

Mr. Roche: I agree that members of local authorities face considerable pressures, the reason being that we have vested in local councillors the right to make decisions on these matters in an open, transparent and democratic manner. It is a matter for each individual councillor to make moral and ethical decisions. The Deputy stated that councillors should not be pressurised to give a commitment regarding a forthcoming planning decision. I am not certain it is legally practical to require a councillor not to indicate what is his or her view on a planning decision.

Mr. O'Dowd: Not only is it practical, it is also the current legal position.

Mr. Roche: I am not sure how one could prevent a councillor from forming an opinion on a particular case.

Mr. O'Dowd: Deputy McCormack and I referred to making public commitments, not forming an opinion.

Mr. Roche: I agree it is foolhardy for councillors to give commitments, particularly ones produced by an inducement which is illegal.

Mr. Gilmore: Is this another justification for the Government to accept the Labour Party Bill on whistleblowers which will be taken in Private Members' time tonight with the support of the Fine Gael Party? The Minister referred to the introduction of regulations in respect of employing or engaging the services of senior officials of local authorities following their retirement. When will such regulations be made?

Mr. Roche: I am trying to progress that matter rapidly because, as I have already stated, I am anxious that regulations are introduced sooner rather than later. The local government code

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must be brought into sync with the code applied centrally because it is, in some ways, more urgent given the local and specific nature of local government affairs. The type of cases the Deputy and I discussed illustrate that a person retiring from a particular local government service could exercise significant influence. I am not yet certain how we will address this issue but I am anxious to make rapid progress.

I do not propose to add to the comments the Taoiseach made on whistleblowers on 1 March. To return to my main point, we can make as many laws as we wish but ultimately it is up to each councillor to adopt ethical standards. While this is an interesting debate, I do not know how one would prevent someone from forming an opinion.

Mr. O'Dowd: The Minister should not misunderstand me. My proposal was to preclude members of local authorities from making commitments to vote either one way or another before a matter is debated. That is the problem. Everyone has a right to form an opinion.

In addition, the public interest should be the prime interest in every planning decision. Across the country, on the night before development plans are passed, developers and landowners make numerous telephone calls to councillors with the result that the public interest is the last issue on councillors' minds when they meet to discuss the development plan. It is the Minister's duty to protect the public interest, councillors and officials by immediately introducing a code of conduct. People are fed up with the rank corruption in public life and local government. They are sick to the teeth of tribunals and amnesia and want the Minister to take action now.

Mr. Roche: They can expect action from me. It is wrong to suggest there is still rank corruption in local government. That is not the case.

Mr. O'Dowd: The law has not been changed.

Mr. Roche: Like other Deputies I have some experience of local government. The vast majority of the men and women in local government, of all political parties and none, are honourable people. To be fair to them, the public interest is the main priority for the vast majority of them.

Mr. O'Dowd: The Minister has not provided legal protection for them.

Mr. Roche: In any way that I can possibly protect—

Mr. O'Dowd: He should introduce the planning code of practice.

Mr. Roche: As I stated, I am interested in a code of practice but it would be wrong and silly to rush into the issue without first concluding ongoing discussions with stakeholders.

Mr. Sargent: Does the Minister accept that councillors, in making decisions on rezoning matters under their reserve functions, exercise a quasi-judicial role? As such, they are expected to take into account the arguments made by professionals and technical staff. A judge would not offer an opinion as to the guilt of a defendant before hearing evidence in a case. I ask that this be taken into account as a benchmark for the manner in which councillors will be expected to behave with regard to planning matters, which have serious financial implications and major consequences for communities. Will the Minister consider requiring local authorities to establish an ethical point of reference, for example, by appointing an officer to provide training in the ethical standards and parameters which should apply? It could also be a point of contact for those seeking to report suspicions that ethical standards are not as they should be. Such persons should be given senior positions and provided with appropriate training.

We need to get over a particularly shameful period in our history about which the tribunals continually remind us. Can we address the issue of the Kenny report, for which, according to the all-party committee, we would not need a referendum and can be implemented if the political will exists, and which should remove the enormous temptation that continues to pertain to such decisions? Despite the Minister's belief that all is well in local authorities, the temptation has not gone away. That is a fundamental source of many of the problems raised at the tribunals and the Government needs to address it because it will not go away of its own accord. I concur with Deputy Gilmore that legislation on whistleblowers is long overdue and I ask the Minister to support that.

Mr. Roche: The Deputy asked a number of separate questions. On the issue of behaving in a quasi-judicial manner, local authority members are often cautioned that they have to make decisions with planning specifically in mind. For example, that admonition is frequently given with regard to the operation of section 140 of the Planning Act 2000. Case law exists in which decisions of members have been struck down where they transgressed in that regard. That exists within the current arrangements.

Mr. Sargent: In theory.

Mr. Roche: It exists in practice and strong county management teams certainly make recourse to it. On whether there should be a central point for dealing with ethical issues pertaining to local authorities, my understanding is

that officials have been designated with this responsibility, although the code has only recently been introduced in a number of local authorities. I will find out whether it is a general practice because I concur with the Deputy that there should be a senior official in the local authority who can be consulted in a value free manner.

On the Kenny report, the Deputy will be aware of the differing opinions on the issue of constitutionality but I suggest that we will not discuss these today.

Mr. Sargent: Inertia is the main one.

Mr. Roche: That is not true.

Local Government Modernisation Programme.

9. **Mr. Deenihan** asked the Minister for the Environment, Heritage and Local Government if he is satisfied with the use by local authorities of information technology and the Internet to assist clients; and if he will make a statement on the matter. [9491/06]

Mr. Roche: A key objective of the local government modernisation programme is to enhance the quality of service to customers. Information technologies are an important means of providing easier access to services, supplying information on the wide range of local authority activities and speeding up service delivery.

Substantial investment has been made in e-local government and the use of on-line technology to improve efficiency and effectiveness in service delivery. Local authority websites are updated on a regular basis with news, information, publications and tender and job opportunities. Application forms are generally available on these sites. A total of 27 local authorities have on-line payment systems in place across 79 different payment services, 51 planning authorities have on-line access to planning decisions, updated nightly, and more than 20 authorities have facilities in place to enable citizens to check on-line whether they are on the electoral register. Local authorities make extensive use of the e-tenders procurement portal and were early adopters of this system. The flagship motor tax on-line system is available through every local authority site and on-line access to library services is available throughout the country.

Internally, local authorities make extensive use of information technology in the management of key functions such as finance, housing, water services and roads, with the overall objective of enhancing efficiencies in the delivery of services to their customers. A number of authorities are now using information technology based systems to better manage contacts with customers. Some also have impressive systems for informing local authority members.

While much has been achieved, I am anxious that momentum is maintained and further progress made. In this context, local authorities will continue to expand the use of information technology in the delivery of enhanced customer services in consultation with my Department and the local government computer services board.

I agree with Deputy Deenihan that the intention should be to make local government more client oriented. When I became Minister for the Environment, Heritage and Local Government, one of my primary objectives was to improve access to local authorities and the level of courtesy in client services. That agenda should be informed by best practice and local authorities have done impressive work in this area.

Mr. O'Dowd: I welcome the increasingly efficient use local authorities make of the Internet. When the Minister entered office, his Department's website was advertising grants which had been abolished a year earlier. The Department's services have since improved, however.

In light of longer commute times and the fact that people are less able to visit local authority offices during office hours, I welcome the increasing use of information technology and the Minister's commitment to expand services throughout the country.

Mr. Roche: I thank Deputy O'Dowd for that. I am aware he shares my opinion that we can make local government better and more cost effective. Extraordinary progress has been made in this area by South Dublin County Council under its current county manager. I want to see that standard in place elsewhere, so that, for example, planning files can be interrogated at any time of the day or night, and hope that other local authorities will be similarly proactive. Some of the smaller local authorities have also improved significantly. We now have to find out how the group in the middle is performing.

Ms C. Murphy: The local government computer services board receives a substantial amount of money from local authorities but an overall strategy seems to be lacking. Has the Minister considered the use of e-procurement globally? For example, in Britain, where the local authority budget is £27 billion, savings of 10% have been made through that country's impressive e-procurement system. I urge the Minister to consider that in the context of the efficiencies he mentioned earlier.

With regard to staffing, the website of Kildare County Council's planning system gets approximately 1,000 hits per week. Given that these people might otherwise visit the council's offices, significant savings can be made through the use of information technology. However, an overall strategy should be driven by the Department rather than by individual local authorities. Does

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the Minister have a vision for the future of local government or is this planning left to local authorities?

Mr. Roche: Deputy Murphy made a valid point in that there is nothing more liberating for a local authority than a good website because the potential savings are incredible. For example, millions of euro have been saved through the on-line motor taxation system. Local authorities can benefit by reducing expenditure on staff members and it is in everybody's interest at local level to be more proactive in this area. However, I do not want a gap to develop between those with access to the Internet and those without. Local authorities should spend some of the savings they make from e-technology on better counter services.

Significant savings have been made through e-procurement, although more can probably be done. I would like to see more use made of on-line electoral registers because I share the concerns of many in this House on this issue. I am committed to pressing local authorities to be even more ambitious in this regard because it is of mutual benefit to citizens and local authorities.

Planning Issues.

10. **Ms B. Moynihan-Cronin** asked the Minister for the Environment, Heritage and Local Government his views on setting up a task force within his Department to examine the possible regulation of the planning status of adult entertainment venues and shops; if such regulation can be achieved through the planning code; and if he will make a statement on the matter. [9600/06]

Mr. Roche: I recently received a request from the Association of County and City Councils to introduce legislation to regulate the planning aspects of the adult entertainment industry. Members of the association expressed concern that the recent growth of this sector can have a marked effect on the perception and character of a particular location. I acknowledge that the establishment of adult entertainment venues and shops can raise real public concerns, welcome the interest expressed by the association and believe it is appropriate that local authorities should be involved in regulating this sort of activity at local level. Further consideration is needed of whether planning regulation alone can adequately support a local control regime with regard to these activities. Entertainment venues and shops, adult or otherwise, are already potentially subject to a wide range of different regulatory requirements, a number of which may come within the remit of my colleague, the Minister for Justice, Equality and Law Reform. These include alcohol and dance hall licensing. The importation and sale of pornography are addressed by the criminal and customs codes. The interaction of these codes

with the local regulation regime also needs to be considered. I therefore intend to work with my Government colleagues to ensure the most appropriate form of local regulation in this area.

In advance of any new regulatory powers, local authorities should use powers available to them under the planning code to ensure that late night entertainment venues are not inappropriately located, for example, in quiet residential areas or near schools.

Mr. Gilmore: I am disappointed with the Minister's response. This issue was raised by my colleague, Councillor Emer Costello, following the recent opening of an adult entertainment venue in the Parnell Square area. She drew attention to the fact that if a person wished to open an Internet café, planning permission would have to be obtained. However, this is not required to open a lap dancing club. It would be treated by the planning code in the same manner as a newsagent or hairdressing salon.

Would it not be a simple matter for the Minister to make a regulation under the Planning Acts which would require that operations of this kind would at least have to apply for planning permission? People in the local community could at least express their views on the appropriateness of the location and activity through this mechanism. If he cannot do this through regulation, will the Minister take the opportunity of the Planning and Development (Strategic Infrastructure) Bill 2006, which completed Second Stage in the Seanad today and will come to the Dáil shortly, to strengthen the law in this area? This would ensure that adult entertainment venues would have to apply for a planning permission.

It is a loophole in our planning law that needs to be closed. Much of the public would be surprised that if a person needs to build an extension over a certain size on to a house, planning permission is required, but if a person wants to open one of these clubs, he or she does not have to apply to the local authority for planning permission. A club licence would be required.

Mr. Roche: I see the logic in the Deputy's point. If he recalls, I took a similar decision a while back with regard to off-licences. It was remarkable that planning permission was not required for an off-licence, but if a shop was being converted to a chip shop, for example, it was required. The same logic would apply in this case. I am considering the issue.

I am surprised the planning process does not distinguish between ordinary entertainment and so-called adult entertainment. Neither does it distinguish between bona fide shops and so-called sex shops. A lacuna is evident. I am not saying there is a reluctance to examine the matter, but I wish to consider if the planning code is the only way of dealing with it. It is not as simple as the

off-licence issue. I will be disposed to dealing with it.

Local authorities have certain powers in zoning, but this case in the Parnell Square area of Dublin is indicative of an issue. It is a concern to me to draw these distinctions because the planning code should do this. Planning authorities have powers to zone activities for certain activities, but this episode has indicated a lacuna, as did the off-licence issue. I am concerned with this and will look to address the issue.

Mr. Gilmore: I appreciate the Minister is discussing other forms of control with colleagues, such as the licensing side of things. There is a planning dimension to the matter. Planning control is appropriate for some elements, whether they be location, the change of a normal retail shop to one of these uses, opening hours or whatever. I acknowledge that the Minister acted on off-licences and I compliment him on having done so. I urge him to act in the same way on this issue. There may well be a need for a more comprehensive regulatory regime down the line, which may be worked out in time.

In the short term, the loophole facilitating the lack of planning control, with a local authority having no power over these outlets, needs to be closed. The issue should be brought under planning control and a requirement for planning permission should be included in these cases.

Mr. Roche: The Deputy's points are well made, and his latter point is attractive to me. Even if there is a short-term solution as well as one over the longer term, I will consider the matter. The Deputy may keep in contact with me on the issue. We in the House all agree that action should be taken. I agree that there is a lacuna and where there is one, we should look at existing law and consider how to deal with it. We can then deal with a longer-term issue.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters.

Acting Chairman (Dr. Cowley): 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 Cowley and Deputy Cooper-Flynn — the need to discuss the jobs crisis in County Mayo in the light of the further 40 job losses at the Oasis plant in Ballina; (2) Deputy Costello — that the Minister address the discrepancy in the allowance paid to families who adopt children and those who foster children; (3) Deputy Boyle — that the Minister explain the inequality in treatment and in the quality of care that exists for children with type 1 diabetes in Cork; (4) Deputy Broughan — the urgent need to ensure that the universal service obligation of An Post is maintained throughout urban and

rural areas; (5) Deputy Connolly — to discuss the incorporation of a playgroup into a new school premises (details supplied) in County Monaghan; (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 Carey — the need to address the implications of the decision by PCTel Inc. to cease operations at Finglas, Dublin 11, resulting in a loss of 81 jobs; and (8) Deputy Ned O'Keeffe — that the Minister encourage food processors and food companies to co-operate with Bord Bia to use the recognised Bord Bia food label on all Irish products.

The matters raised by Deputies Cowley and Cooper-Flynn, Carey, Costello and Neville have been selected for discussion.

Lourdes Hospital Inquiry: Statements (Resumed).

Mr. Neville: I appreciate that the Minister of State is not present; I am sure he is on his way. I appreciate the opportunity to discuss this frightening and important report. I congratulate those involved in drawing up the report, including Judge Harding Clark SC, and Patient Focus for its energy and persistence in ensuring that the issue, which was delicate and serious, was exposed. The culture this has exposed of power within the health services almost generating fear is as serious as the damage done to the people involved. It exposes a culture in the Health Service Executive of a lack of involvement by people operating the system.

We have known this for some time. A culture of fear, control and, to some extent, bullying by those on different levels of authority within hospitals is not new. Too often I have seen nurses who have decided to leave their work because of difficulties experienced or attitudes and approaches by those in authority, be they consultants, senior nursing staff or other senior personnel in hospitals. This culture and approach fostered over time this extraordinary and terrible scenario in Our Lady of Lourdes Hospital. Others have pointed out the desperate situation for those involved. I will not repeat that, other than to acknowledge that what happened in this hospital was traumatic beyond words for those who experienced it. Nothing we can say and no compensation the State can give will make up for such an experience, which cannot be rolled back. We must acknowledge that in this debate and try to alleviate the extreme physical, psychological, emotional and social damage that has been visited on people who trusted a health system to protect them and operate in the best interests of their future health. The system did not do that and I do not believe it was an isolated incident. It may not happen to the same extent or in the same field of practice but there is a hidden culture of unquestioning acceptance of authority in the health system which must be recognised and

[Mr. Neville.]

challenged. I have experience of such a culture in the psychiatric services, where there is silence on the treatment of psychiatric patients. There is a barrier to discussing any aspect of the delivery of services, either with patients or their families. Too often people come to me frightened because a family member with suicidal ideation has been discharged from a hospital. We know hospitals are overcrowded and another patient is waiting for every bed but the hospital will not even discuss the patient's aftercare with the family.

I welcome the fact that the report of the expert group on mental health policy, *A Vision for Change*, outlined and challenged that culture of silence, in its chapter 3. The report clearly stated that professionals needed to be willing to accept that patients had a right to be involved in their care and treatment and to be consulted accordingly, and that acceptance should be automatically built in to the operation of the system. It also recommended that imbalances of power between service users and professionals must be acknowledged and addressed. The imbalance of power, between patients and consultant in the case of Mr. Neary, and between nursing staff and consultants in a hospital, was one of the key problems that allowed this situation to develop. The message should be sent that this imbalance of power must be challenged. Those who are aware of wrongdoing or who even feel something should be investigated should be encouraged to ask questions as a positive advantage to the service in its entirety.

There is a culture among all but the most progressive psychiatrists which dictates that under no circumstances will a patient's condition or treatment be discussed with any family member or any future carer after they have been discharged, for reasons of professional confidentiality. That is not accepted best practice anywhere in the world. I have spoken with people who have delivered such services at a very senior level in the US and who said it was more important to save a life if there was a danger of suicide than to stand on one's professional confidentiality. If patients were consulted by their psychiatrists for their permission to speak to their families about their condition, especially with regard to care after discharge, at least 95% would fully welcome it but it does not happen because consultants do not want it to happen. They want the power their silence affords them and which creates an aura of mystery over their profession, making their decisions exclusive to them. As a result the patient, the family or the future carer does not become involved and that is wrong and should be changed.

There have been serious consequences arising from the denial of what happens within the psychiatric services. In June 2004 a report on deaths in the Midwest Regional Hospital in Limerick included an account of the suicide by hanging of a 21 year old girl, who had been in the

hospital for less than 24 hours, because of absolute neglect on the part of the health services. That independent report was sent to the Minister in June 2004 but was never published. Why is it rightly acceptable that reports on the general health services are published but a strong, serious report on deficiencies in the psychiatric services is not? It is because the public and the press demand that the former are published. Because of the stigma and the historical and cultural burying of psychiatric illness the Minister gets away with not publishing a very serious report that would encourage a public discussion to shed light on a problem which I believe is rampant throughout the psychiatric services, because this is not the only case of which I know.

I ask the Minister again to ask his senior, the Tánaiste and Minister for Health and Children, who is responsible for psychiatric services, to publish the review of the care and treatment of Anne O'Rahilly, deceased, in the course of her admission to the acute psychiatric inpatient unit at the Midwestern Regional Hospital in September 2002, which was produced in June 2004.

Dr. Devins: I thank the Chair for allowing me to speak on the Lourdes hospital inquiry report by Judge Maureen Harding Clark. Our thanks go to the author, who has presented her findings in a clear and unambiguous way. The report is a model of how such an inquiry should be carried out. There has been much comment on the report both in the House and the media and, in the limited time available, I do not wish to repeat what has been said already. I will focus on the future and on the recommendations made by the judge. Nobody here wants a repeat of what happened at this hospital. Our thoughts are with the women who had to undergo the trauma of a peripartum hysterectomy without any medical justification for such a radical procedure. These women have endured horrendous consequences and must live with the reality that they will not be able to bear any more children. For any woman to be told she cannot have more children for whatever reason is very difficult, but for it to happen without a medical reason is especially difficult. I urge the Minister of State to establish the redress scheme as quickly as possible and congratulate him on his speedy acceptance of this report.

I refer the House to recommendation No. 4 of term 7 of the report on page 322. The author makes the point that what happened in the hospital in question may have happened elsewhere, particularly in similar size hospitals. I do not know if it is so and sincerely hope it is not the case. In this regard, it is worth pointing out that most maternity units, with the exception of the teaching hospitals and the three Dublin maternity hospitals, have operated, by and large, with two obstetric consultants or, in some cases, only one consultant each for many years.

As we all know, babies have the habit of arriving at any time. As a result, the 40-hour working week that is the norm for most people has no relevance to the consultant staff of smaller maternity units across the State who work on a one-in-two rota. Tiredness is a common feature for most of these consultants and contributes to stressful working conditions. I strongly believe that all maternity units should have a minimum of four consultants. Not only would it allow the staff to have a more normal life, but, more importantly, would allow peer audits and professional interactions.

Judge Harding Clark's report states: "Fresh ideas must circulate; education must continue and review of outcomes must take place on a regular and continuous basis". This can only happen if there are sufficient numbers of medical and nursing staff to allow for robust analyses of case work. If there are too few consultants in the discipline, time to engage in the above process will not be available. Likewise, due to the hierarchical nature of consultant-led services, the necessary detailed questioning and analysis may not be engaged in, as was obviously the case in Our Lady of Lourdes Hospital.

I want to discuss competence assurance in the limited time available. In effect, this means that a doctor or nurse has a sufficient level of competence to carry out the duty or procedure to be embarked upon. It may appear blindingly obvious that nobody, least of all in the practice of medicine, should attempt to advise on or carry out procedures they are not qualified to do. However, once a doctor is qualified in his or her specialty, there is no further requirement to keep up to date on the latest advances.

In recent years, there has been a large explosion in the amount of new medical knowledge available as new drugs and investigative methods are discovered. It is not an exaggeration to state that such is the rate of new knowledge in health matters, medical textbooks can be out of date a year or two after they have been published. Imagine the situation of a doctor or nurse who does not keep up to date, attend conferences or engage in continual medical education. While he or she may be practising conscientiously, the gaps in his or her knowledge will increase so that the patient, who is the single most important person in the health service, will eventually be exposed to less than adequate health care.

It is to prevent this dreadful scenario occurring that the Medical Council is seeking the establishment of a structured competence assurance programme. Under this, doctors will need to not only display their continual medical education skills, but have them regularly undergo audits. In this way, the public can be reassured that the doctors looking after them have the necessary skills and education needed. There is no doubt that there are some within the medical profession who do not look on the assessment of competence as a

positive development. They should not be afraid but should embrace it.

In my previous occupation as a general practitioner, I was involved in GP training for many years. In that capacity, regular audits were carried out on me so that my assigned training doctor could be assured of my competence. On superficial examination, the first audit was potentially threatening but the benefits that accrued to me, the training doctor, and by extension the practice, was such that regular audits and examinations were embraced by all. I urge the Minister of State to progress the competence assurance proposals as formulated by the Medical Council as quickly as possible and look forward to the medical practitioners Bill as a vehicle to drive continuous assessment of doctors' competences.

It is easy to be wise in hindsight. If the obstetrician at the centre of the debacle in Our Lady of Lourdes Hospital had been subjected to regular competence assessments and audits by his peers, perhaps the litany of disasters that occurred could have been prevented. By recognising the mistakes and faults of the past, we can learn for the present and protect and service the future well-being of patients and users of the health service. This report is shocking but timely. Let us adopt its recommendations so that the calamitous occurrences in that Drogheda hospital may never recur.

Mr. English: I welcome this opportunity to say a few words on the Our Lady of Lourdes Hospital inquiry. As a Deputy from County Meath, it would be remiss of me not to speak on the issue of the inquiry report compiled by Judge Maureen Harding Clark. Since the closing of the maternity unit in Trim, County Meath, long before I was born, Our Lady of Lourdes Hospital was and still remains the core maternity unit for the county.

I had not been a Deputy for long when a near neighbour arrived at my office, told me her story and explained what had happened to her as a patient of Dr. Neary. As a young and new politician I wanted to have an open mind in terms of believing that this could happen, but I found it horrific. I am glad I listened to her story and believed her, but it would have been easy to turn someone away and say that such could not have happened. Sadly, it still happens every day of the week that people bring their stories to Deputies, local councillors and others, and we doubt they are true. We often do not follow the matters through to the end. Reports such as this highlight how important it is for all of us to investigate and believe every story we hear.

The Acting Chairman is dealing with a gentleman in County Sligo who, after his daughter was killed on a certain road surface, told as many people as he could for a number of years that the bad road surface was at fault. However, no one wanted to listen. Sadly, they are now listening because five more young girls were killed on the

[Mr. English.]

same road surface in County Meath last year. It often takes many tragedies for people to listen and we all have a responsibility, especially those of us in the House, to listen to people with stories to tell, who want to highlight something that is wrong, tragic and should never have happened.

Recent years have been a rollercoaster and this report is a milestone for the Patient Focus group and the women and families involved. It is a reality check for the health service and the country at large. In recent years there have been illusions of safety and the belief in our health service has been shattered like never before, mainly because of the malpractice of people such as Dr. Neary in Drogheda. In this report, we are confronted with people who through their manner, experience and training, felt they had earned the right to expect — indeed, took on themselves — the mantle of being above question and whose decisions were final. No one is above question and everyone should be accordingly monitored.

Our health is our wealth and we should be able to entrust to doctors our lives and the lives of our families. Sadly, this report highlights and proves that the trust we place in doctors can be and often is abused by the likes of Dr. Neary and others. To give some meaning and add quality to life, we all need something to believe in. For some it is God, for others it is the seasons and for others it is faith in humanity. We have the right to a health system that will serve our best interests and an authority we can trust which should protect nobody but the patient.

The Government must act quickly to restore faith in the health service. Recommendations from this report must be implemented immediately. Merely complimenting and acknowledging the report and then leaving it to gather dust is not enough. Investigations serve no purpose if changes are not made. This report is essential to those who were hurt and also to ensure nothing like this happens again.

I compliment Patient Focus, which worked tirelessly for over eight years. I urge the group, many of whose members were in Leinster House today, to keep up the fight. Without the group's efforts this report would not be before us. Unless someone campaigns for them, necessary inquiries into the health service will not take place.

Members of this House must ensure the doors remain open. Inquiries such as this provide an opportunity and we must give groups such as Patient Focus a better hearing. The Government and the Tánaiste must learn from this and must open doors for other groups with stories to tell and cases to fight. The Parents for Justice group, whose members' lives are also on hold during the quest for answers, needs to know why children's organs were removed without parents' consent.

Another group looking for answers in the north-eastern area is the birth asphyxia group. It seeks answers to how new-born babies suffer

from a lack of oxygen but its questions are not being answered. The Government should learn from this case. Why did it take eight years to reach this stage? Is it because doors were closed and people were in the way? Members do not have an open mind to hear everyone's stories.

Over the years, Governments — I refer to no specific party — have relinquished their duty of care to the citizens. The failure of Government and the State in this case is obvious. It never ensured its duty of care was being exercised. The most important job of Government is to care for the people it is elected to serve. Any breach of this duty of care, whether it affects the old, young, healthy or sick, is one of the greatest crimes of which a Government could be guilty. We must act on inquiries such as this and make changes. We should also listen to parents who have been hurt.

In 1979 the matron of Our Lady of Lourdes Hospital, where I was born, reported to the authorities what she considered unusual activity in the maternity unit. Almost 20 years later, in 1998, these activities resurfaced. Full credit must be given to those in the former North Eastern Health Board who investigated the allegations. A midwife and Dr. Ambrose McLoughlin, as well as parents and concerned families, were instrumental in exposing this scandal. Without the efforts of these people we would not be discussing this report. Rather, we would be meeting such groups in Buswells Hotel or having quiet chats in County Louth or County Meath. We fail when we do not help such groups to fight their cause.

What were the authorities doing for the previous 20 years? How could the three eminent physicians sent to investigate have reported a clean bill of health? Without wishing to sound vindictive, these three physicians and their colleagues should face an inquiry to establish their role in this matter and determine whether it is necessary to investigate other hospitals. Did similar events occur in other hospitals? The Lourdes hospital inquiry report has been acclaimed as fine work from which many lessons can be taken but it raises as many questions as it answers. The report does not bring closure to the cases and we must finish this process.

If Dr. Neary was neither bad nor evil, what was he?

Ms Lynch: A sociopath.

Mr. English: Was he incompetent or did he practise the wrong specialty? Is he sick or evil? For the sake of the women involved this question needs to be answered. This report does not address the reasons Dr. Neary acted in this way. The women and their families have a right to know these reasons. According to some media reports he is Dr. Death with a master plan to sterilise the world. Others hail him as a hero, including one woman I met who would not believe the

reports of what Dr. Neary did. People must realise that doctors such as Dr. Neary can do considerable damage if left unchecked. We need answers. Did this man let himself down? Did he lose the plot, was he let down by the system, or was he allowed to operate in an environment where those who knew better chose to ignore events? Was he simply evil?

All those involved in the Lourdes hospital at the time, like Dr. Neary himself, must now come clean for the sake of the women and the future of the medical profession. We must hear from Dr. Neary and this could open the doors for others to explain events.

Deputy Twomey referred to the fear junior staff have of consultants. It is unacceptable that people in the health services are afraid to tell their story. Deputy Johnny Brady knows about receiving information in late night phone calls. A health system in which people are afraid to speak is one in danger of creating another Dr. Neary.

Mr. J. Brady: Our thoughts are with the women who were patients of the maternity unit at Our Lady of Lourdes Hospital in Drogheda during the period covered by the report. Patient Focus had a constructive meeting with the Tánaiste last week. The group is confident the needs of its members will be met and they deserve this.

I congratulate this group of women. Eight years ago I attended one of its first meetings in the Boyne Valley Hotel, Drogheda. The cases we heard that night were frightening and I compliment the group on its tireless work. Members of this group had to work under severe stress because of what they had endured. These people need a hearing. The level of damages should be similar to those in the Alison Gough case. I congratulate Judge Maureen Harding Clark on her report which has been recognised as incisive and thorough as well as damning and shocking. It is obvious from the findings that many lessons need to be learned and changes made to ensure that what took place in Drogheda can never happen again in any hospital.

What happened in the hospital in Drogheda was horrific and heartbreaking. The report regards it as a story set in a time of unquestioning submission to religious and civil authority when nurses and doctors were in abundant supply and permanent jobs were few and to be treasured. It is clear the hospital operated under a separate and unique set of rules and did not hold itself accountable to objective medical standards. It is necessary to learn from what happened in Our Lady of Lourdes Hospital in order that hospital staff and obstetric communities in all similar units never repeat the same mistakes.

While the report acknowledges that no one died and that it is highly probable that some mothers' lives were saved when hysterectomy was the only procedure to stop haemorrhage, this does not diminish the impact of the report. What

is truly remarkable is the silence; few complained or questioned. Neither the patients, their partners nor their families; neither the obstetricians who worked in the maternity unit nor the junior doctors nor the post-membership registrars; neither the anaesthetists, nor the surgical nurses; neither the midwives nor the pathologists and technicians; neither the matrons nor the Medical Missionaries of Mary sisters and not one of the various GPs whose patients attended the hospital. No one made a formal complaint nor asked questions openly.

No person or institution raised any concerns until October 1998 when two experienced midwives consulting the health board solicitor on an unrelated matter sought his advice about the serious concerns of one of the midwives with regard to Dr. Neary's practice. It seems that what was happening in Drogheda appeared to be normal.

The report states that this is not a simple story of an evil man or a bad doctor nor is it the story of a cover-up because the facts were there for all to see. No attempt was made to disguise the procedures or pretend they were anything other than what they were. The operations were carried out in the presence of consultant anaesthetists, assisted by trainee obstetricians who had all the textbooks available to them and spouses and partners were frequently in attendance. The operations were openly recorded without secrecy. It is clear the situation which existed was one where systemic malpractice went unobserved and the unusual slowly became the norm. It is unbelievable and astonishing that this situation carried on for so long.

Judge Harding Clark's recommendations confirm the appropriate nature of the actions being taken in the preparation of the new medical practitioners Bill, the reform of the current consultants' contract and the changes in hospital management systems. The medical practitioners Bill will allow for compulsory continuing professional development and education and will ensure that competence assurance will be given a statutory basis. In the current talks on the consultants' contract, the management side has put forward proposals to ensure consultants work in teams with designated clinical leaders who will ensure individual clinical practice is in line with best practice. The report confirms the necessity of introducing an exacting clinical assessment of a doctor's performance in all aspects of medical care. Such assessment will be required to be a regular feature of medical life. One of the most significant shortcomings highlighted in the report was the absence of orderly oversight of medical practice in the hospital.

Dr. Neary's colleagues either did not realise there was a problem or appeared unwilling to question a colleague's clinical judgment. Junior doctors had serious qualms about Dr. Neary's practices but were fearful of bringing the matter

[Mr. J. Brady.]

to the attention of others as they were concerned this could have negative consequences for their professional careers.

One of Dr. Neary's patients is of the view that hospitals should be subjected to unannounced clinical inspections, similar to the unannounced health service inspections of child care facilities. I ask the Minister of State to consider this proposal.

The Tánaiste yesterday announced the establishment on a statutory basis of the Health Information and Quality Authority, HIQA. This legislation will deal with the subject of accreditation. I ask the Minister of State to consider implementing some of the report's recommendations by means of this legislation.

The medical profession has been calling for more regulatory powers for many years. I agree with the *Irish Medical News* that Judge Maureen Harding Clark's report shows that critical external and self-assessment of medical practice must become the norm. It states the culture in the past failed the medical profession and failed patients.

One of the most sinister findings in the report is that the obstetric hysterectomy records of 44 patients have gone astray and that they were deliberately, wilfully and illegally removed from the hospital for the purpose of protecting those involved in carrying out the hysterectomies or protecting the reputation of the hospital.

I am pleased the Tánaiste has asked the Garda Síochána to examine the report in order to determine whether further investigation of this systematic misappropriation of documents is warranted.

I welcome the announcement of a redress scheme and the appointment of Judge Harding Clark to advise on an appropriate scheme. Everyone acknowledges that Judge Harding Clark has done an excellent job in making her report and that she is the best person to deal with the question of redress. Such a scheme will be costly and a method must be devised to ensure recoupment of the maximum amount of costs from wrongdoers or indemnifiers.

It is heartening to note that although many of the patients were initially sceptical of the inquiry and its private, non-statutory nature, Judge Harding Clark has earned the respect and confidence of the women. This has been a wretched, heart-rending and traumatic affair and the devastation experienced by the women involved can only be imagined. It is our duty as Members of this House to put in place measures to address the risk of such a level of malpractice ever happening again in the future. It is our duty to recognise and tackle flaws in any part of the health system.

Ms Lynch: It is very appropriate the House is having this debate on International Women's Day. It seems women have always been the victims in cases such as this where groups of people

have been hurt by others. I will not give a litany of those people. This report is not just about a man but also about an ethos, a culture and an organisation that allowed things to happen because there was such deference shown towards a profession and people could not envisage raising their hands and saying, "Hold on a minute, I think you are doing something wrong and we should take a look at this". Deputy English asked what this man was if he was not an evil or bad man. He would be clinically defined as a sociopath, a person who does awful deeds with no conscience. That describes what he did.

I would like to discuss what it feels like to be in the last stages of pregnancy. Despite the glorious aura around pregnancy and childbirth, 97% of women have a great fear of pregnancy and childbirth. It is a worrying time in one's life during which one is most vulnerable because an event is about to happen over which one has no control. Others have complete control.

Acting Chairman: Will Deputy Lynch refrain from referring to Dr. Neary as a sociopath? That has not been proven.

Ms Lynch: I withdraw that. We must seriously examine how pregnancy is managed, and Judge Harding Clark referred to this. Unless one is very determined and makes out a plan before approaching the gynaecologist or hospital, somebody else takes over. That person specifies the date on which one attends hospital regardless of one's delivery date, and induces labour regardless of one's wishes. Due to the fear and vulnerability, one puts one's life and one's baby's life in the hands of the person one considers to be the specialist. Unfortunately the specialist in this case is usually a man. There are few female gynaecologists in this country. Although I am not sexist, that is peculiar and unusual, and it must be changed. More women than men get the leaving certificate points to study medicine and I do not understand why there are more male than female gynaecologists.

We are here to discuss a particular situation. It is easy for people to ask why one of these women did not say "stop". When a woman has given birth to a lovely, healthy baby, her partner and family visit and she is told that she almost died and was lucky to have the specialist she had, how can she complain? What can she say? It is too late and would sound ungrateful to say that the specialist did the wrong thing. It is striking that nobody but the midwife had the courage to say there was something wrong.

There is a frightening chart in the report and the age of the women involved is frightening. Dr. Lynch is widely reported in it but it appears that his patients who had hysterectomies were of a different age group, although it is incredible that so many hysterectomies took place. I still do not understand it. This report is good because it

makes the facts understandable and shows the comparisons in chart format. It deals with other general hospitals in Ireland and overseas, including southern California and Milan. In every comparison Our Lady of Lourdes Hospital had the highest rate of hysterectomies connected to Caesarian sections.

Section 15.1 of the report is pivotal and includes the following:

There are other issues that you can't really put your finger on when you talk about cultures in a hospital and values in a hospital and when you look at the role being played by religious orders in running institutions they were very respectful of authorities and clinical authorities in particular ... a non-questioning — that you find this deference and respect that didn't allow a lot of questioning to happen — and good service — everybody was looked up to but I would say there was a culture there that needs to be appreciated.

I spent a number of years in hospitals 20 years ago and when the consultant did the rounds, cleaners, visitors and junior nurses had to leave and everything stopped. If the consultant was visiting a patient six beds up from me I had to turn off my radio despite the fact that it was not loud. Consultants came through the wards, usually with staff nurses and nuns in tow, like little gods. Many of them were decent people and did not want that to happen, but they were sucked into this culture and were expected to behave in this way. No explanation was given as to what was wrong with one or what they intended to do about it. Much of that deference still exists in hospitals.

We could go on all day talking about this report and the awful events that happened. These women were abused. Women from 19 years up, who may or may not have wanted to have further children, had that choice taken from them without consultation. Consider the implications of 166 men going into Our Lady of Lourdes Hospital and coming out sterile. It is such an appalling vista as to be unimaginable, and then files were altered and stolen.

Other events have happened in Ireland. One case that strikes me is of a man who received a letter from Glasgow University Hospital informing him that there was something other than hepatitis A and B in the blood. He threw the letter in a drawer and never looked at it. He got a golden handshake and still works in a laboratory. These women do not need to be told the contents of the report — they are aware of that — or how much money they will receive, although that is important because in some cases revenge is important. Telling the story does not always give closure. They want to know what will happen next, who will be held to account and the price those responsible will pay for this terrible crime. Many times I have seen people walk away with golden handshakes and drift off into the sun-

set as if in some way they did not know what they were doing. They did, and this report makes it clear that they knew what they were doing. I want to know from the Government what happens next. What sanction, action and charges are going to be brought?

Ms Hctor: I wish to share time with Deputy Keaveney.

Acting Chairman: Is that agreed? Agreed.

Ms Hctor: I am grateful for the opportunity, however brief, to address the House on this appalling issue. This is International Women's Day. It celebrates the glory of womanhood and the beauty of the feminine. It is poignant that this report is being debated today. It is a refreshing initiative by Parliament to redress the issue, once and for all.

I extend my deepest sympathy to the women who suffered along with their families. What happened in Drogheda was an absolute disgrace and has angered many people right across the country. Indeed, it has angered those who never knew the women but who nonetheless share their pain, silently. This terrible case has highlighted the fact that there are inherent deficiencies in how our hospitals monitor their most senior doctors and consultants. The case has seriously undermined the confidence of the people in the health system. The doctors and consultants, on whom we have depended greatly down through the years, have enjoyed tremendous respect and been held in the highest regard. In return we expected from them strict adherence to the medical code of practice at all times. That was not so in this case.

People were trained to the highest level in nursing and medical care at Our Lady of Lourdes Hospital, Drogheda, and many of those who took on the religious life prepared for the missions within the same walls where this carry-on was being perpetrated. Those who were either aware and afraid to say anything, or else totally indifferent to what was going on, must now examine their consciences and look back on those years. Thankfully, two people of great courage decided this could not remain a secret any longer. They came forward and unveiled what is now in the public domain and, most importantly, must be addressed for the future.

There are too few women in medicine, although that is changing. In UCD, for example, more than 60% of medical students are female. This issue has been an absolute indictment to humanity, both male and female. Families were deprived of sons and daughters because of these outrageous acts. I pay tribute to Patient Focus. Although I have not met its representatives I have followed, admired and support their work. It is most important when redress is being considered that all of the cases of the women in question are addressed. By this I mean that all the necessary supports, psychological, psychiatric and

[Ms Hctor.]

of course financial, must be put in place. No figure can quantify the harm and the grief involved. The mutilation that took place can never be sufficiently compensated. However, they are owed at least some measure of compensation at this stage.

I am aware that some women would have lived through those years without being fully aware of the nature of their ailments. They would have incurred enormous hospital bills as well as costly bills from GPs. All of that must be examined in the redress process.

I welcome the Tánaiste's announcement that a national perinatal epidemiological centre is to be set up at Cork University Hospital. Based on the models being proposed, we recognise this is a positive step, and will ensure that atrocious acts such as these can never be repeated. In the brief time remaining I want to emphasise that it is important that a patient charter should be drawn up and furnished to every citizen, male and female, so they are not afraid to ask any question as regards medical practice, whether in the GP's or the consultant's clinic. Sometimes even people who have attained high levels of education are afraid to ask a simple question. The bottom line for the future, however, must be that no question is foolish. The only foolish question is the one not asked.

Cecilia Keaveney: I recall going to London with the former Senator Mary Jackman, to look at the issue of Europa Donna and breast cancer. We visited many different hospitals and got one message, namely, that we, as politicians, should never play politics with people's lives. This case is a classic example where consultants should not play God with people's lives, either. I had the sad, daunting or inspiring experience of being on the Joint Committee on Health and Children in the last Dáil, when Patient Focus attended a meeting to outline its case. I have been moved very few times by a committee presentation as I was on that day. One of the contributions to a committee that came anyway close to it in my experience was the presentation by Women's Aid recently about domestic violence. Its representatives described how women were being subjected to domestic violence and said that at least 71% of such cases were alcohol-related. In a sense we were dealing with the alcohol issue and could agree that this was part of the problem, part of the cause. The question here, ultimately, is what was the cause. What can be remedied and what can we learn?

At least we have to learn that it must never happen again. I accept the importance of the new national perinatal epidemiology centre at Cork University Hospital. It is more important than registering births and outcomes. The most important feature is examining how to re-establish trust and ensuring the services given to

mothers and their babies born are based on the best possible research. Countries such as Australia have wide experience in looking at both pre-natal and post-natal issues. I know from my role as Chairman of the Joint Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs that they put a good deal of effort into music at the pre-natal stage, which helps in child-birth etc.

I have heard, first-hand, the gory details, and indeed the lack of gory details, that is, the lack of the files. I accept that pregnancy is a woman's most vulnerable time. I always thought a woman just got pregnant, had a baby and that was it. However, a close friend recently had a very sad loss. When one is that close to someone and sees the implications of a natural sad loss, it puts in perspective how an unnatural sad loss or the removal of the potential ever to have a child again, through no fault of one's own, must be absolutely awful.

I congratulate Patient Focus. It has been ultra brave. It was at the core of this campaign and was not believed. It was challenging the unchallengeable. I applaud Judge Maureen Harding Clark for what is seen to be a very important piece of literature, her report. People on a professional career path are sometimes loathe to question matters because it might ruin their chances of advancement. There was nothing professional about what happened in these cases. There was nothing to be proud of. This pain must be addressed financially, although money will not heal it.

Speakers have noted that today is International Women's Day but this issue is not a woman's issue. The issue concerns both women and families. We miss the point when we separate issues into those that relate to women or men. This is the most intimate of family issues, involving as it does the creation of another human being.

One speaker asked about what should happen next. We can introduce legislation, examine procedures and establish centres to track and monitor, which is important. The perpetrators must be brought to justice. It is as simple as that. The Medical Practitioners Bill will be very important and put a new focus on the practice of medicine because, ultimately, medical practitioners should not play God or politics but put patients first.

The Tánaiste and Minister for Health and Children stated that this report tells the victims' stories, how the health system continually failed them and how women were robbed of their ability to bear children. This is not a story I would wish see written about me and others would not wish to see it written about them. Therefore, I congratulate those who made the matter public and pursued it. I welcome the report, which should be a beginning, rather than an end.

Dr. Cowley: I wish to share time with Deputies Sargent and Morgan.

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

Dr. Cowley: I congratulate Judge Maureen Harding Clark on her very clear and comprehensive report, which outlined shocking and disgraceful practices. It is unacceptable that such practices were allowed to continue. The report screams for justice for these women. I agree with the Tánaiste and Minister for Health and Children's assertion that safety in hospitals should be as rigorous as passenger safety in airlines. This is the least people can expect from a hospital. They should not expect to emerge from hospital in such terrible condition. Even today, people can go into hospital and become infected with MRSA.

I wonder whether it would be foolish to think that examples of bad and dangerous practice would not be found in other hospitals if they were put under the same spotlight. I understand the report says as much. The team behind the report found it extraordinary how many of the cases, when taken on their own, appeared to be acceptable medical practice and had to remind themselves that the number of such procedures was extraordinary. If it was difficult for Judge Harding Clark's team to comprehend that this behaviour was immediately abnormal, it is understandable how it continued undetected for so long. Where better to hide a tree than a forest? While what happened was completely unacceptable, the lack of a system of peer review meant that it was impossible to detect it. I congratulate Judge Harding Clark and the whistleblowers who were brave enough to bring this issue to the fore.

It is not for me to judge Mr. Neary but I blame the system which allowed him to practise unsupervised even though he was bucking national trends. The line that good hardworking people can unwittingly allow bad practice to occur is both powerful and true. However, Our Lady of Lourdes Hospital still does not possess a computerised data collection system, which is disgraceful. According to the report, the hospital was very busy, with perpetual funding and staffing problems. However, the situation that pertained when Mr. Neary worked at the hospital persists. The report concludes that the hospital is still understaffed, with two consultants absent over extended periods and no sign of replacements for them.

How much of this is due to an ostrich-like attitude in respect of the health service? A considerable number of reports on the health service, including the health strategy and the primary care report, have been produced but not enforced and are gathering dust. I hope this report will not meet a similar fate.

I agree that patient safety in hospitals should be as rigorous as passenger safety in airlines. However, on International Women's Day, I calculate that 260 women will die in the south and

west of the country because they will only be scheduled to be screened under the BreastCheck programme in 2009. These women will have died by then. The Government could use the services of the Galway Clinic to screen these women with the help of the National Treatment Purchase Fund. On 22 February 2003, the clinic told the Tánaiste that it was prepared to offer such a service. If she had accepted its offer, hundreds of women would not have died. Money could be made available to allow the clinic to provide the service. The excuse given for declining the clinic's offer in 2003 was that it used a digital service while BreastCheck was an analogue service. However, BreastCheck has now switched over to a digital service so there is no excuse for not using the service that could be provided by the clinic.

A total of 100 women with hepatitis C were infected by Anti-D product but have not tested positive for the disease despite the fact that every other hepatologist or consultant hepatologist claims he or she can prove they have hepatitis C. These women cannot avail of free medical care.

What took place in Our Lady of Lourdes Hospital was shocking and I feel for every woman affected by it. I am glad they will receive compensation but it can never make up for what they have endured. The prospect of it happening again is unacceptable. There appears to be a major problem with computers in the health system and it is time proper systems were put in place. I welcome the move towards comprehensive insurance. It is easy to blame the doctors but these practices obviously took place in the unit itself. The situation is not straightforward. In the absence of proper systems, these practices will recur, which is unacceptable.

Mr. Sargent: I also thank Judge Harding Clark and all those involved in putting together a very important report. It tells a story of criminal abuse, although it does not tell the entire story. Questions still remain regarding the motivation behind these practices. This is work that remains to be done.

The report also holds up a very important mirror to a culture of unaccountability, power and deference to those in positions of power. When one reads in the report that the nuns thought Mr. Neary walked on water it highlights how flawed our health system has been to allow this type of unquestioning attitude towards people in authority to prevail. During questions to the Taoiseach, I stated that we needed to address this tendency to see consultants as gods. In my constituency of Dublin North, Meath, Drogheda and the rest of Louth, I still meet people who will not hear a bad word said against Mr. Neary. I ask people who have any doubts about Mr. Neary's culpability or an interest in the matter to read the report. Although not every action of consultants named in the report, including Mr. Neary, was wrong, the report uncovered a considerable

[Mr. Sargent.]

amount of very bad judgment and very serious malpractice. This must be dealt with and people must read the report to come to terms with it.

I congratulate Patient Focus, which was forced to face counter-campaigns. It was forced to face the fear within the medical profession, particularly among midwives who initially did not want to become involved but were invaluable to the inquiry once they did. State inertia was crippling at the beginning and people needed to pull the Government up by its bootstraps.

The scandalous theft of medical files must be investigated by the Garda. The report's recommendations, many of which are long overdue, must be put into practice. One of the report's recommendations is that medical practitioners be required to attend training on governance, which is very important. It also recommended that junior doctors be enabled to voice complaints. Whistleblowing legislation must apply to junior doctors. At the moment they believe they will put their career path at risk if they voice complaints. The training of nurses also needs to be reformed.

It is very significant that Dr. Michael Maresh came over from Manchester to take the lid off this scandal and that it was a midwife trained outside this jurisdiction who brought the necessary information into the professional domain. The matter of a redress board must be dealt with expeditiously. I take on board what the Tánaiste said. The Government has, at last, tried to make up ground. However, much ground must be made up because the neglect in this area over 25 years is scandalous.

Mr. Morgan: I welcome Judge Harding Clark's report. I particularly welcome the frankness of the report. It is clear that Judge Harding Clark did not pull any punches in constructing the report and outlined the case elaborately. It unveils a nightmare that will torment families and women, in particular, in the whole north east region for many decades. The report refers to a culture of authoritarianism in Our Lady of Lourdes Hospital, to which all Deputies from the region can attest through representations they have made.

I want to address the issue of symphysiotomy because there are no public representatives from the area who will not have dealt with the issue. This is a process whereby the gynaecologist would have sawn through the pelvis of the patient to widen the birth canal. This practice was introduced around 1920 and was supposed to have ended in 1960. However, in the case of Our Lady of Lourdes Hospital, it was still the practice in 1983. People knew this was going on and turned a blind eye. Others should have known it was going on. We talk about examples of bad practice. This is an example of something close to what went on in Bergen-Belsen Prison, which was

going on just up the road. While the Department of Health and Children knew about the practice and the consequences of it for five or six years, together with successive Ministers for Health, it did absolutely nothing about it. There were one or two token meetings with the survivors of this symphysiotomy procedure, the representative group for the women victims of this brutal process but, unfortunately, nothing practicable has been done to deal with the issue. There has been much hand-wringing at senior level within the Department and at ministerial level over the Neary case, but what about the victims of the people who carried out symphysiotomies on these women? These women will be on morphine for the rest of their lives. They will be barely able to move about or walk. In some instances, people are already wheelchair bound or will be shortly, yet the Department and the Minister are doing nothing to meet the needs of these women.

On 18 June 2003, I received a letter from the chairperson of the competent authority, the Institute of Public Obstetricians and Gynaecologists. It reads as follows:

In view of the considerable disquiet expressed by both the elected representatives and the media, I believe that all the clinical details, or as many as possible, should be sought about these cases, and with this data, the women should be given full explanation by an informed medical practitioner as to what happened to them. They are certainly entitled to that.

This was in 2003 and nothing significant has happened to-date, which is a scandal.

Minister of State at the Department of Agriculture and Food (Ms M. Wallace): Like all the other Deputies representing constituents of the north eastern counties, I was devastated on many occasions when attending meetings with the women involved in this terrible saga. I heard many stressful and harrowing stories of individual women. I very much appreciate the openness of the women involved. I appreciate the Patient Focus support group which provided the environment in which the women could come forward, work together and work with us as representatives in the area to highlight the case. Most Members who contributed to the debate referred to the work of the Patient Focus group. Like other Members, I say they are a wonderful group of people who worked for the families and victims who suffered such trauma. Our hearts went out to them, and today we express our heartfelt thanks to them for what has been achieved because of their bravery.

I am well aware of the courage of the women who were affected by the actions of Mr. Neary, and the inaction of others at the time. The women involved had their future robbed by a system and a culture that was allowed to exist at Our Lady

of Lourdes Hospital in Drogheda. The inquiry carried out by Judge Harding Clark found that a total of 188 peripartum hysterectomies were carried out at Drogheda over a 25 year period from 1974 to 1998. As we look back, we all realise how long this practice went on and how wrong it was. When one examines the 129 cases attributed to Mr. Neary, one must not forget the 42 cases attributed to Dr. Lynch and the 17 cases attributed to registrars and others, and the wider group affected by the action in the unit during that time.

The number of Caesarean hysterectomies has been spoken about by other Members. One in 250 such procedures compared to one in 37 procedures in other hospitals with a similar ethos throughout the country at the time is an extraordinary statistic. It is extraordinary that the scandalous nature of this figure was not highlighted. It is even more upsetting because those involved included teenagers, women in their twenties, women with no other children and some with a small number of children who would have liked to have other children. The trauma experienced by these women is horrendous. Harrowing stories have been told. We must remember today all the tragedies surrounding these horrific events.

The report and the stories of the women clearly indicate that a hierarchical culture was allowed to exist in the hospital with the consultants being treated as gods. It appears that the well-being of patients, which should have been the first priority, was not the priority. Egos and misplaced loyalty or fear of the consultant body appeared to prevail. That should not be allowed to be repeated. What happened at Our Lady of Lourdes Hospital should not happen again. But for the bravery of the midwife who had the courage and confidence to bring to light what was going on in the hospital, the ethos might have continued. This person, and the women about whom we have spoken, have done a tremendous service to patients of the future, for which we thank them.

I welcome the commitment of the Tánaiste to address the need to identify and tackle weaknesses in any part of the health system, regardless of whether they are regulatory, governance, organisational, managerial or clinical. She intends to bring proposals to Government to establish a process to ensure the lessons of what happened are built into stronger clinical governance arrangements throughout the health service. This will be an important outcome for all patients. I thank the women for this ground-breaking change in the entire health system.

It is very important to have confidence in a system on which we must rely when we are most vulnerable. Autonomy without appropriate audits should not be allowed in any aspect of hospital life, including consultants, nurses and those responsible for hygiene. I know from my involve-

ment as chairperson of the Patient Focus all-party Oireachtas support group that the Tánaiste has given considerable time and is taking a personal interest in addressing the difficulties experienced by the patients. I thank the Tánaiste for honouring her commitment to the all-party Oireachtas support group on the timing and mechanics of the publication of the report. The group was anxious to have as much time as possible, a promise which was honoured by the Tánaiste. We would go further than the group in terms of our concerns about the establishment of a package of redress to deal with all claims of medical negligence by the women who were in the care of the consultants and staff of the maternity unit in Our Lady of Lourdes Hospital between 1974 and 1998. Indeed, the cases impacted by lapse of time are of concern to us, as are the cases impacted by the withdrawal of the Medical Defence Union and the case of the missing files.

We welcome the appointment by the Tánaiste and Minister for Health and Children of Judge Harding Clark to advise on the appropriate form of redress for the women concerned. We are reminded of what happened in the case brought before the High Court and appealed to the Supreme Court. It is our hope this will be dealt with as quickly as possible in terms of the appropriateness of the form of redress brought forward. The women who have suffered so much already need to be able to bring closure to this episode of their lives. We are concerned to ensure that their cases are heard and that they receive a satisfactory level of redress. We have great confidence and faith in Judge Harding Clark in this respect.

Many of the women concerned were reluctantly launched into the limelight and were forced to make a stand in respect of the injustices levied against them. In thanking them for coming forward and for all they have done, we want to ensure the appropriate form of redress is put in place.

As other Members said, it is poignant that we are discussing this issue on International Women's Day. We would not have arrived at this stage were it not for the courage of the women who were directly involved. They are the victims in this saga. The midwife was pivotal in highlighting the scandalous situation. Judge Harding Clark has produced a caring and comprehensive report. All the foregoing are to be admired and commended on their bravery. I hope we will never have to deal with a situation such as this again. We have confidence in the Tánaiste and Minister for Health and Children in terms of what needs to be done to address the issues which have arisen in the report.

Mr. O'Dowd: This is an important debate. We are all *ad idem* in this House in respect of the appalling situation which arose whereby these women and their partners who wanted to have more children will never be able to have them

[Mr. O'Dowd.]

given what happened at the hands of Dr. Neary. No sympathies expressed by us are enough. No money could ever compensate for that cruel and awful loss. I congratulate the women involved who had the courage to campaign and to bring this matter to the attention of politicians, particularly in the north-eastern area. The leader of Patient Focus, Sheila O'Connor, brought this matter to the attention of all political parties and ensured we were fully informed at all stages.

Judge Harding Clark's report is an excellent one in all respects and I fully support the findings therein. A person mentioned specifically for praise in the report is the health board official, Dr. Ambrose McLoughlin, a former deputy chief executive officer. Mary Duff, the nursing officer, and Finbarr Lennon, the medical director of the hospital, were also mentioned. In the face of extreme pressure from consultants in the hospital, they undertook to ensure the matter was fully resolved. They pursued that in a determined and committed way and they suffered gravely. As the report states, they suffered much ignominy and distress as a result of what was said about them but they pursued the matter to ensure the Dr. Neary case was brought to a finality. The truth of the situation is now known to us all. Were it not for their determination, the whitewash of the three professional obstetricians who reviewed some of Dr. Neary's cases and who gave him a clean bill of health for his actions would have stood.

At the core of this debate and what happened was the lack of accountability in the medical profession in Our Lady of Lourdes Hospital and within the professional bodies and the fact they did not see fit to tell Dr. Neary that he had erred grievously in his actions. That an English independent consultant examined the facts and found the opposite begs the question as to what will happen in future. How can we trust these professional medical bodies if they can so clearly whitewash the actions of a consultant who is a member of their group?

Also at the heart this issue was the way public and private patients were treated, especially in maternity hospitals. This came out in the report. Often a consultant never visited some of the patients having children but I presume that has changed. It is a practice I find unacceptable. Every patient who delivers a baby in a hospital should be visited by the consultant on duty.

I have three children and live in Drogheda. My wife had an emergency Caesarean section with our first child. When we saw this report, we said how fortunate we were that Dr. Neary was not on duty that night and how unfortunate the women who had the hysterectomies were. No argument or facts support the need for so many Caesarean hysterectomies in Our Lady of Lourdes Hospital during those years. The report states quite clearly that on average, a consultant would perform perhaps ten of these operations in

a lifetime, but at least ten per year were performed in this case, which was shameful and unacceptable. The report points out that people who worked in Our Lady of Lourdes Hospital — it does not name them but mentions the jobs they held — said nothing and this abuse continued.

It is amazing there was no professional review of all the standards operating in the hospital. In her report, Judge Harding Clark makes it clear she is not convinced that this has not happened, or could not happen, elsewhere in the health service. How do we know this has not happened, or is not happening, elsewhere? It is important the Government ensures there is transparency in respect of the bodies which regulate the medical profession. We can no longer assume these professional bodies will act in the best interests of patients when they clearly did not do so when they examined Dr. Neary's nine cases. That is a critical issue. We need to ensure this never happens again.

At the heart of our hospital service must be a transparent and tough regime which reviews how these consultants operate, how they retrain and how we ensure they do so. Every few years, they should be required to undergo an assessment in the hospital and perhaps even a written examination to ensure they are up to date with the best and most progressive knowledge available.

It is an absolute shame that people who knew what was going on did not speak and those reviewing what this man did gave him a clean bill of health. That is the most profound and awful finding of all and which shocks us all. The hospital is, and has always been, a core part of everything which happens in the town of Drogheda. More than 1,800 people work in the hospital which is probably the largest employer in the county. We have a major interest in ensuring the services provided in the hospital are the best.

This day would never have come were it not for the commitment of the midwife who brought this issue to the attention of the health board, its officials and some of the hospital management who insisted on ensuring the truth and all the facts came out, for the campaign of the women involved, and for Patient Focus. I am glad we have had this debate and that there is clarity about what happened.

I am a great admirer of the work the Medical Missionaries of Mary have done for many years in Ireland and abroad. The order is clearly exonerated in this report. The Catholic ethos of the hospital was not found wanting and was shown not to be the reason Dr. Neary carried out the operations. I am happy with that. Views will be expressed about Catholic morality and so on but the report rules out its influence on what happened in the hospital.

We are all agreed that change is required and it is forthcoming. I welcome the report which is a watershed that signals the end of bad medicine,

bad hospitals, and a lack of investigation and vigilance into the medical profession. I am pleased the redress scheme has been introduced but it will never compensate the women and their partners for what they have been through.

Mr. Kirk: I am pleased to have an opportunity to make a short contribution to this debate, one of the most important we have had in the House for some time. There is an underlying consensus in the observations of Members in the range of contributions from both sides of the House.

The starting point for an examination of the issues that arise from the traumatic cases that took place in Drogheda, County Louth, is to consider the plight of the women who have been traumatised and severely affected by the unnecessary hysterectomies carried out over a long period in Our Lady of Lourdes Hospital. Let us consider the trauma of the individuals concerned and their families. The trauma of the wider family network must also be considered. We must also bear in mind the personal loss of the individuals involved. In some cases women may have had one child and have planned to have additional children but they were unable to fulfil their ambitions in this regard due to the unnecessary operations carried out in Our Lady of Lourdes Hospital. A high emotional price was paid by the individuals involved during the protracted 20-year period.

We have an opportunity today to pay tribute to the resilience, tenacity and hard work of those involved in Patient Focus in representing the interests of those directly affected. A number of people co-ordinated the campaign and worked diligently to identify those women who were severely affected. They also worked closely with all the public representatives of all the different parties in the north east. They are to be congratulated on their endeavours.

We also have an opportunity to pay tribute to that most courageous person — the midwife whose conscience told her that the practices in the hospital were unacceptable and who was no longer prepared to allow them to continue. She decided to do what should have been done much earlier and reported what was happening.

I welcome the Tánaiste's announcement on the establishment of a compensation structure for those who have been severely affected. I also welcome her decision to involve Judge Harding Clark who has examined each individual case over the period in question. She is in the best position to make the necessary recommendations on redress.

We must ensure that the unsatisfactory decision making which this inquiry has revealed is never repeated in our health service. Above all else, the case proves that even the most confident, able and highly motivated of individuals is not infallible. Humanity is revealed with all its foibles and weaknesses. This case graphically illustrates

the dangers attached to insufficient cross-checking and scrutiny at every level of decision making in our health service. Some of the Tánaiste's announcements today clearly emerge from the manifestation in the report of the serious errors that were made. Let us hope these announcements will result in a template for a more open, accountable, balanced and trustworthy health service.

Our Lady of Lourdes Hospital has been in a pivotal position in terms of the delivery of health services in County Louth and the north east region in general for many years. Its reputation has taken a severe battering in this case, which may be proven to be unfair in the long run. The hospital is needed by the growing population in County Louth, County Meath and further afield. The HSE and the Department of Health and Children must set in train a process to re-establish public confidence in the hospital's provision of health care. No doubt the HSE will reflect on the recommendations in the Harding Clark report and resolve to restore public trust as quickly as possible.

We all welcome the Tánaiste's decision to set up the national perinatal epidemiology centre in Cork. This is a welcome move that is designed to reassure the public which is punch drunk from what it has read and gleaned from this report. It is the minimum necessary to make a start on rebuilding trust in our health service.

Times have moved on and some of the legislation on the Statute Book requires updating. A revision of the legislation relating to medical practitioners is due. The Ireland of 2006 is different to the Ireland of the 1940s or 1950s and there is an obvious need to update legislation in this area. The Tánaiste has clearly indicated her intention to introduce new legislation or amend existing legislation to consolidate the position and update many of the practices on which the health service is based. We must ensure that the balance of accountability in the health service is restored and that we have the necessary equilibrium within that matrix of decision making.

There is no place for misguided collegiality in situations such as the one under discussion. It emerges from the report that hospital consultants are human and errors can occur in maternity or other hospital units. The report outlines the importance for all cases to be open to examination and where practices are found to be unsatisfactory they must be rooted out as quickly as possible. We require a new safety culture in our health service. A culture of openness is required, in addition to an oversight mechanism for the analysis of clinical practice by the health service.

A heavy price has been paid by the unfortunate women who were caught up in this sorry saga over the 20-year period. As legislators we must learn lessons from this episode. We must ensure it will never happen again and underpin this in

[Mr. Kirk.]

our legislative framework. Today is as good a day as any to make a start on that resolution.

Ms O'Sullivan: I welcome the opportunity to participate in this debate. The members of Patient Focus in the Public Gallery must be hoping all the words they have heard here will lead to results. We should pay tribute to the work they have done, which has been enormously important not just for their cases and for that of the hospital involved but for the health service and society generally. We must learn from this and ensure it never happens again.

Hierarchical structures cannot be so powerful that it takes so long for people to break them down to reach the heart of an injustice. What happened was obvious for many people to see but no one was able to do anything about it. The lessons learned must be implemented in health services structures and in other aspects of our society. We are still very hierarchical, we still doff the cap to those considered to be on a higher professional or social level. This attitude is alive and well in our hospitals still. We must develop a culture that fosters teamwork instead of placing people at the top of the pile in terms of power and decision making.

As others have noted, today is International Women's Day. If there was ever a group of women who were abused and had power exercised over them, it is the members of Patient Focus. The right to bear children is a basic right for all women and to have that right taken away unnecessarily by members of a profession held in high esteem who were abusing their powers is one of the greatest abuses possible. It is fitting, therefore, that we are discussing this topic today of all days. We owe it to those women to address their needs and to make certain that trust and power cannot be abused again in any context.

The hierarchical structure of the medical profession and the health services in Ireland is out of step with other countries where the team work ethos exists. People who have worked in the medical profession abroad know they treat each other as equals, whereas we still have an attitude that consultants are the gods of the system. That attitude is gradually disappearing but it is still necessary to confront the consultants and ensure they cannot exercise such power in the hospitals. It is not good for them, the system or the patients. Deputy Gormley referred to a newspaper article which claimed there is evidence still of discrepancies in obstetric practice in different areas; that shows some individual consultants are still very powerful. Induction of child birth is dependent on the culture brought by a consultant to an obstetric unit. There was a time in the past when this only happened for very good reasons. We must give the power back to those at the centre of this — the women who are giving birth.

Self-regulation does not work, not just in the medical field but in the legal and other areas, something those directly involved strenuously deny. The medical, legal and teaching professions, however, should not regulate themselves. We saw this clearly in the behaviour of the Royal College of Obstetricians and Gynaecologists, which exonerated Dr. Neary. He was allowed to select the nine cases to go before it. I am still unclear how that happened. It was never going to produce a fair examination of the practice and should never have happened.

I agree with the comments made this morning by Deputy McManus when she called for a health service inspectorate. There should be a regular monitoring and inspection system for all aspects of the health service. It is clear from this report that there was an appalling lack of regulation. Even when the hospital did not submit reports for years, no one asked why. The college in London admitted it received the reports, placed them in an archive and never read them. Even when reports were published, there was no proper monitoring of the situation.

Whistle blowing is an important issue. The Labour Party has published a Bill on whistleblower protection that is currently being debated in Private Members' business but it will be voted down by the Government, which will continue with its piecemeal approach. What if there is no legislation in this area for ten years? Will whistleblowers be covered? I cannot imagine any major legislation to cover whistleblowers in education because a recent Education Act covers the general system. We need all embracing whistleblower legislation that people can use for protection when they have concerns.

The report details how the midwives became concerned. One of them decided to have her child outside the hospital because she was worried about the number of Caesarean hysterectomies. A midwife who had the procedure carried out on her asked what was going on and it was shortly afterwards that another midwife blew the whistle. Those people are still powerless in the face of the system. The obstetricians call the shots and it would still be difficult for a midwife to decide to go to the authorities to say something like this was going on. That is the structure in operation.

There must be a cultural change in our hospitals and a teamwork strategy put in place. There are areas where teams work together and all members are treated equally no matter what their specialty. They all enjoy parity of esteem, something we need across the health system.

The "deliberate and malicious removal of information" detailed in the report is extremely serious. I hope it will be addressed rather than swept aside. It is incredible that so many charts, reports and files were deliberately removed to prevent a proper investigation.

I hope the many serious questions arising from Judge Harding Clark's inquiry will be addressed.

What action will be taken with regard to the missing files? One cannot give back to the women affected by malpractice that which they have lost but what will be done to address their needs? What will happen to Dr. Neary and the system in which he operated?

Mr. Nolan: I wish to share time with Deputy Fiona O'Malley. It is important that the House debate this important report on which I commend and congratulate Judge Maureen Harding Clark. The report highlights serious shortcomings in Our Lady of Lourdes Hospital in Drogheda and I suspect the issues it addresses may not be once-off difficulties. This is a tragic case and the report's contents must be heart-breaking, painful and distressing for the women who were subject to the practice into which Judge Harding Clark inquired.

The Lourdes hospital inquiry has shown that our health system has shortcomings. While criticisms may have been voiced in certain quarters about the manner in which the issue was highlighted — some described it as sensationalist — it is vital the Government has the power to investigate reports or evidence of failures in the health system. I commend the individual who took it upon herself to express concerns about practices in Our Lady of Lourdes Hospital, Drogheda. It is possible the problem was known to other individuals or groups in the hospital but they failed to raise their concerns or specific shortcomings. Procedures need to be established to allow individuals who have concerns about practices in certain institutions — not necessarily hospitals — to raise their misgivings with the relevant authorities.

The Minister did not need to be persuaded to provide a means of redress for the women affected by malpractice. The Government has agreed that Judge Harding Clark should be asked to advise on the appropriate scheme for redress, following the findings in her report, and I am pleased she has agreed to this proposal.

The report highlights shortcomings in the system for securing records in hospitals, a problem which undoubtedly extends beyond Our Lady of Lourdes Hospital. On a recent visit to a patient in a busy Dublin hospital, I was amazed at the amount of record-keeping undertaken in hospitals. While I understand how genuine mistakes can occur and files can be mislaid, the loss of 44 files related to a controversial issue is too much of a coincidence and rules out the possibility that they were mislaid. I hope the Garda investigation into this matter will have a successful outcome.

The pain and distress suffered by the women involved in this case can only be imagined. They are the victims of an imperfect health system and administration. I hope lessons will be learned from the report. The Minister indicated that any isolated institution which does not have in place a process of outcome review by peers and bench-

mark comparators could produce a similar outcome to that which occurred in Our Lady of Lourdes Hospital. This must not be allowed to happen. She also stated that support systems must be in place to conduct regular and obligatory audits. These systems must be established immediately. We cannot wait for another problem to occur.

A further lesson, according to the Minister, is that "there must be mandatory continuing professional development and skills assessment at all levels of health care". This must apply across the board, from top management down to nurses. She also stated that staff need to attend updating of skills and methods programmes and should be able to recognise that procedures change in accordance with evidence-based research. National and international best practice must apply in all our hospitals.

As I stated, this is an important debate. I hope lessons will be learned from this report and acted upon immediately.

Ms F. O'Malley: It is poignant that the House is discussing the Lourdes Hospital inquiry on International Women's Day, given that so many women, the victims and focus of this inquiry, were deprived of the essence of what it is to be a woman. As the Tánaiste noted, anyone who reads the Lourdes hospital inquiry report will be deeply moved. Patient Focus deserves much credit and we could all learn lessons from its tenacity, resilience and sensitivity.

Judge Maureen Harding Clark has produced an outstanding report which has met with universal approval. Despite having been published for just a short period, the Tánaiste has already taken action. We must learn from this case to ensure the events which took place in Our Lady of Lourdes Hospital in Drogheda cannot recur.

It is also important that the question of redress has been quickly addressed. While the victims are not necessarily concerned about money, they need to have the hurt and deprivation visited on them recognised in some way. The Government has responded in a responsible manner and it is appropriate that it should seek to obtain moneys from insurers as the financial burden arising from such cases should not always be placed on taxpayers. It is important that the women affected are looked after and compensated quickly and sensitively.

As the report indicates, an isolated hospital and practitioner breeds ignorance and puts patients' lives at risk. In this case a consultant was able to operate in isolation. It is alarming that the practices referred to in the report continued until very recently. I hope the culture change in hospitals will result in people being prepared to question procedures and practices.

We need to learn from best international practice and the announcement by the Tánaiste and Minister for Health and Children that a national

[Ms F. O'Malley.]

perinatal epidemiology centre will be established in Cork University Hospital is an important step. The new centre will hold records on all births and operate a database or information bank which will ensure there is no repetition of this case. This is evidence of the Tánaiste's style of dealing immediately with problems and it represents the appropriate response.

It is worrying that files were stolen because there will now be no opportunity for 44 women to establish the facts in a court of law. Given the theft was known about for some time, I am sorry the Garda did not move sooner. It is incumbent on the Garda to investigate the matter and people will watch its reaction closely. It is a serious matter that people colluded in a cover up and the perpetrators must face the rigours of the law.

Mr. McHugh: I wish to share time with Deputies Boyle and Ó Snodaigh, by agreement.

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

Mr. McHugh: The Lourdes inquiry is a frightening indictment of the blinkered treatment of the patients of Dr. Michael Neary in the maternity unit of Our Lady of Lourdes Hospital. I am sure this is not the only hospital and he is not the only consultant to have engaged in dubious practices. The women who suffered unnecessary procedures have gone to hell and back. Not only have women from County Louth been affected but women from my constituency of Galway East have also been involved.

I cannot help but draw the conclusion that the main reason for this devastation was, as Judge Harding Clark noted, an unquestioning respect for consultants. Some consultants are walking gods in our hospitals, with opinions that cannot be questioned. They act as if they believe they are superior to ordinary citizens. While I am aware many consultants are decent, professional and kind people, some have such a high self-regard they find it a chore to talk to ordinary folk. The report relates how some midwives were filled with fear and dread by a certain consultant who did not tolerate conversation. His patients had to sit up in their beds, with tables tidied and bed linen turned down in advance of his ward rounds. Such pomposity is revolting. This being's superiority was further underlined by the use of titles such as "mister" or "doctor", titles which are used as weapons of domination and devices of self-promotion. Even in the Dáil, the archaic and domineering titles of "Deputy" or "Doctor Dum Dum" are used. We come here as servants of the people, elected by the people on the basis of equality and nobody should bring titles which are not relevant to membership of this House.

Irrespective of how one wishes to artificially inflate his or her social importance, checks and controls must be in place. Regulatory authorities

should take full blame for the fact that these were missing in this case. The Government also deserves blame for its refusal to accept or introduce whistleblower legislation. The report states the "consequences for his patients and for Dr. Neary himself make it poignantly obvious to the Inquiry that it is vital to have an objective review system in place in every hospital where outcomes are measured against accepted norms, and serious deviations are examined dispassionately for explanations". This is a powerful statement and the immediate implementation of such controls is vital for the future wellbeing of patients and the integrity of the health service.

If continuing professional development was made obligatory for consultants, this diabolic situation could have been avoided. It is unacceptable that after qualification, a consultant can operate for 30 years without any obligation to remain well versed in the most up-to-date methods of treating conditions. Medical bodies are to blame for this.

A number of factors converged to allow these appalling events to take place. The awe in which consultants were held, the absence of protection for whistleblowers, the lack of obligations on consultants to continue their professional development and the absence of an objective review system in hospitals all contributed to this situation.

Mr. Boyle: When the social history of this country comes to be written by future generations, it will ignore the incessant roar of the Celtic tiger to reveal that we are living through a tragic period with a number health crises that have especially affected women, of which the report by Judge Harding Clark is the latest manifestation. That is something for which the political system and, in particular, the apparatus of Government bear collective responsibility. We are living through a time in which we have failed to deal with the power hierarchies of our medical systems. The division of that power among different classes of medical practitioners has percolated down through the system with the result that patients are treated as statistics and are not involved in real consultation on the natures of their conditions or understanding, as in this case, of what has been done to them.

Judge Harding Clark's comprehensive report answers some of our questions on the tragedies arising from Our Lady of Lourdes Hospital. It tells us how, what and when but it does not and probably cannot tell us why. The report's introduction describes Dr. Neary as a Dr. Jekyll and Mr. Hyde character and suggests reasons for his actions in terms of his personal history and a possible dislike of women, while also pointing out that he may have held his hospital unit together over a long period. While we may never find out the ultimate reason for these events, we can cer-

tainly learn from them and ensure they are never repeated.

The Government seems to have learned from previous health crises the need to properly provide for redress. This House needs to see that redress is dealt with promptly and without complications. The women whose files were stolen should be treated sympathetically and the State should not put up barriers to their redress. Ultimately, if we are to be of service to the women concerned and their families, we should accept our collective responsibility in ensuring such incidents are not repeated.

Aengus Ó Snodaigh: Tá mo chomhghleacaithe, na Teachtaí Ó Caoláin agus Morgan, tar éis déileáil le ceist ospidéal Lourdes cheana féin. Tá

an fiosrúchán ar imeachtaí san ospidéal tar éis aird a dhíriú chomh maith ar theip an Stáit maidir le réimse chúrsaí sláinte eile. Ina measc, tá diúltú do chearta ban atá bainteach le cinntí a bhaineann lena sláinte. Tá an cheist seo fite fuaite chomh maith le diúltú rannpháirtíocht na mban i gcúrsaí pholasaí sláinte a bhuanú ina iomláine agus a chothú.

Tá sé de dhualgas ag an Stát de réir ailt 11 de Chairt Shóisialta na hEorpa áiseanna comhairleacha agus oideachasúla a chur ar fáil ar mhaithe le sláinte a chur chun cinn agus gríosú a thabhairt i dtaobh fhreagracht aonaraigh i gceisteanna sláinte. Is éard atá i gceist le freagracht aonaraigh i gceisteanna sláinte ná go dtugtar an chumhacht do mhná trí eolas, fios agus tacaíocht le cinntí go mbeadh ionchur ceart acu i leith cinntí a dhéantar maidir lena sláinte.

Ciallaíonn sé seo ná go gcaithfear tacaíocht a thabhairt do mhná a bhfuil sé de dhánaíocht acu dúshlán a thabhairt don chleachtas seanghlactha go mbíonn an ceart ag an dochtúir i gcónaí. Ciallaíonn sé seo dúshlán a thabhairt do mhúnlá leigheas foirne i leith breithe agus tacaíocht a thabhairt do mhúnlá ina mbíonn mná lárnach, ina measc, cearta cúraim atá bunaithe ar chnáimhséachas agus an ceart breith baile a bheith acu, más rud é go bhfuil an cinneadh sin déanta ag an bhean féin agus é bunaithe ar an eolas.

Ceann de na rudaí is measa faoin scannal seo ar fad ná gadaíocht chomhaid sláinte na mban agus chlár bhreithe san ospidéal, le cinntiú nach mbeimis in ann teacht ar an fhírinne iomlán sa scéal seo. Tá sé rithabhachtach go dtéann na gardaí sa tóir orthu siúd a rinne é sin go bríomhar. Tugann an scannal seo léiriú ar an ghá othair a chur ar an eolas maidir leis an cheart atá acu teacht ar a gcomhad nó a dtaifead sláinte féin. Ní bhaineann daoine úsáid as an cheart sin. Caithfidh sé sin athrú go radacach, agus ba chóir go mbeadh sé mar ghnáthchleachtas go mbíonn fáil ag othair ar a gcomhaid féin.

Níl dabht ar bith ach gur cuid mhór den fhadhb i dtaobh an oirdéil ghránna ar cuireadh mná tríd

san ospidéal seo ná an ethos Caitliceach a bhí agus atá in ospidéal Lourdes. Maidir le bainistíocht an ospidéil agus cleachtais chliniciúla, chungaigh sé seo na roghanna a bhí ar fáil do na mná. De réir nádúr na gcléireach agus an élite san ethos Caitliceach, rinne siad iarracht mná a chomeád dall ar na nithe seo, agus bhíodar in ainm i gcónaí bheith ullamh dóibh siúd ar glacadh leis a bheith eolach ar na ceisteanna seo, fíor den chuid is mó. Níor chóir go dtarlódh a leithéid seo aríst sa tír seo nó in aon tír ar domhan. Tá sé ceart agus cóir go bhfuil an díospóireacht seo ar siúl againn ar lá idirnáisiunta na mban. Beannaím do chrógacht na mban a bhí gafa agus a cuireadh tríd oirdéal san ospidéal seo. Tá súil agam, mar a dúirt mé, nach dtarlódh a leithéid arís.

Mr. O'Connor: I wish to share time with Deputy Cooper-Flynn.

I join colleagues, to whose contributions I have been listening, in commenting on this important matter. Of the many debates we have had in the Dáil since I was first elected three and a half years ago, this is one of the more profound. Many contributions have reflected that fact. Some colleagues may need to make political points, which is fair.

I listened carefully to Deputy Boyle's contribution regarding the social history of Ireland. The Deputy made a valid point. However, it is reasonable to suggest there was a time in Irish history, in the last century, when many of these issues would not have been revealed or expressed. They certainly would not have been the subject of a major debate in the national Parliament. We should engage in such debates and not be afraid to do so. There was a time, however, when we did not engage in debates of this nature. Issues have come into the public eye over a period that had previously remained hidden for a long time. Each day we pass by the front gate of Leinster House we see proof of this. We live, as should be the case, in a different and more enlightened Ireland. The Minister of State, Deputy Tim O'Malley, will understand the sentiments I express in this regard.

I wish to pay tribute to the Tánaiste and Minister for Health and Children, Deputy Harney, for facilitating this debate. I listened carefully to her contribution. People are entitled to make political points, which will always be the case, but this is a serious issue. Speaking as a man, we should show solidarity on International Women's Day, not only with the women who suffered or were involved in this terrible sequence of events but also with the many women throughout Ireland and further afield who are seriously upset and concerned about this issue. They are watching this debate. I was dealing with some other matter with a US Congressman earlier and he had heard about this issue. In these times of technology, with websites and e-mail, that is probably not sur-

[Mr. O'Connor.]

prising. It is an important debate, however, and people will see it in that regard.

I support the Tánaiste in what she is seeking to achieve. I am glad the Government, through her proposal, has agreed that Judge Harding Clark will advise on the appropriate redress scheme following the inquiry. All eyes will be on what is achieved. Our Lady of Lourdes Hospital will enter a folklore that contains many episodes. It is important to indicate to the Tánaiste that she will have much support throughout the country in having Judge Harding Clark advise on the cost of such a scheme and a mechanism for ensuring the maximum recoupment of such costs from wrongdoers and indemnifiers.

There was a time when we all felt quite safe going to our doctors and hospitals, thinking they were the safest place to be. I hope this has not changed. This inquiry is indicative of challenges and difficulties and should stand as a lesson everyone.

Ms Cooper-Flynn: Like previous speakers, I welcome the opportunity to speak on this shocking report. It is a shame that we are obliged to discuss a report of this nature on International Women's Day. All we can hope is that lessons will be learned from the horrific experiences outlined in the report.

Before discussing the detail of the report, I compliment Patient Focus, which represents the patients involved who outlined their personal experiences, and Judge Maureen Harding Clark who produced the report. It must have been a difficult experience for the women involved and what they endured should not be underestimated. I compliment the Government on having moved quickly to establish a redress mechanism for the victims in this report. It is important that the issue be dealt with swiftly and that adequate compensation be paid to all the victims involved in a sensitive manner. I welcome the fact that Judge Harding Clark will ensure that this happens.

One need not delve deeply into the report to be quite shocked at the history and background to the events. The historical part of the report points out that 15 complaints were made to the Medical Council between 1986 and 1998. However, it took until June 2000 before an inquiry began. Considering the length of time involved and the fact that complaints were being made in respect of a matter of such a serious nature, that delay is shocking. It took three more years, until July 2003, for the fitness to practice committee to find the case against Dr. Neary proven and to find him guilty of professional misconduct. The delay covers almost 17 years from the first complaint. A number of hysterectomies carried out in the years afterwards may have been avoided if action had been taken sooner.

In this regard, I welcome the fact that a new medical practitioners Bill will be introduced. I

welcome the Tánaiste's indication that she will make the heads of this Bill available to all interested stakeholders as soon as possible in order that a complete overhaul of the Medical Practitioners Act can be carried out and the new Bill can come before the House. The new legislation will introduce more streamlined and transparent procedures for the processing of complaints. Given the length of time it took to investigate in this particular case, that is necessary. Another scandal is the missing charts, which are referred to in the report and give cause for concern. The last page the report states the removal of old maternity theatre registers, the selective removal of master cards and birth registers, which contained details of 40 Caesarean hysterectomies, and the culling of corresponding charts are attributable to a deliberate removal of information on those hysterectomies. The sad result of that is there are over 40 women looking for details on their own cases who may never know the truth about their personal situation. It is an absolute scandal that, as is clear from the report, this was a deliberate act to misrepresent the situation and blot out the truth. Fortunately the judge has revealed it and the truth will not be obliterated. Hopefully a Garda criminal investigation will get to the bottom of it.

The table of clusters of procedures on page 62 of the report shows a shocking number of hysterectomies. For example, on 3 October there were two on one day. This happened on three separate occasions, the others being 3 December 1983 and in October 1980. Obstetricians might only carry out between two and ten hysterectomies of this type during their entire career. In this case, on three separate occasions from 1976 to 1998 there were two on one day.

The report also highlights the complete lack of communication between the anaesthetist and the pathologist and among the various categories of consultants that allowed the situation to develop. A doctor might carry out a Caesarean hysterectomy but not communicate with the pathology department to ascertain the reasons for it. We know from an analysis of the various files that many of these hysterectomies could have been avoided. It is nothing short of an absolute scandal that consultants with God complexes made it virtually impossible, certainly for a lower ranking member of staff, to even question their activities. Let nobody be under any illusion, God complexes still exist in hospitals today. That is why I also welcome the announcement this morning by the Tánaiste of the setting up of the perinatal epidemiology centre in Cork, which will bring together statistical information from all the different units throughout the country to identify unusual trends so this can never happen again. The devising of a single maternity chart for all maternity hospitals is also critically important.

When something like this comes into the public domain people start asking questions. Gone are

the days when they take the word of a doctor on anything. Now people have the right to question, which is as it should be. In my local hospital the obstetricians meet on a weekly basis to discuss the various outcomes in their cases and an independent audit is critically important.

Mr. Crawford: I welcome the opportunity to speak on this but I wish we did not have to. There have been some comments about political issues but there were no political issues for the Deputies and Senators of the north east and we worked very closely together. The committee was chaired by Deputy Mary Wallace, now Minister of State at the Department of Agriculture and Food, with Deputy Ó Caoláin as secretary. There was total unanimity in our efforts to work with Patient Focus and all the women affected.

I will never forget the first night I went to the Ardboyne Hotel in Drogheda and listened to the individual accounts of those who suffered under Mr. Neary and others. It was clear from their life situation what they and their families had suffered. Whatever money is paid to them will never recompense them for what they have endured. I give my sincere thanks to Patient Focus and all the women who brought their case into the open, which was not easy.

The inquiry is extremely important and Judge Harding Clark must be congratulated and thanked for her work. The inquiry concentrated on the practices of Mr. Neary but there may be not enough on Dr. Lynch's practices, which cannot be ignored and must also be dealt with. This is the biggest medical scandal in the history of the State after hepatitis C and the report goes a long way to explain how the appalling practices went on over a 25-year period. Some 188 hysterectomies were carried out over that period of which 129 were by Mr. Neary. There are no details in the report of the numbers of ovaries or Fallopian tubes removed, babies that died or the scars that women will take with them to their grave. The obstetricians, junior doctors, anaesthetists, surgical nurses, midwives, pathologists and technicians all failed to bring this to somebody's notice. If it had not been for a midwife trained at the Royal Victoria Hospital, God knows if it would ever have come out. She, like Patient Focus and others, must be thanked for what she did.

The Royal College of Obstetricians and Gynaecologists inspected the unit twice in those years and found it suitable for training registrars. The Royal College of Surgeons approved the unit for undergraduate training and An Bord Altranais carried out periodic assessments of the midwifery school at the hospital. Those names ring very hollow with those of us who represent Cavan and Monaghan. Those are the bodies which decided that, notwithstanding the good service given in Monaghan Hospital, the maternity unit there should be closed. They

decided for whatever reason that they would shut it down as if they were God almighty. Now we learn that they inspected the unit twice in those years and found nothing wrong. The management said there was no problem with the maternity unit and Mr. Neary was obviously regarded as the dominant figure. We only have to compare the figures for hysterectomies in the Lourdes hospital to national deliveries to see the extraordinary difference. The ratio is one to every 166 in Lourdes hospital but one to 1,669 elsewhere.

The record keeping was another problem. Birth registers were missing, as were 38 charts. Reports connected with the maternity unit were not included in the Lourdes hospital annual report. This doctor was famous for saying "He saved your life", which sums up the situation. The nurse that exposed the scandal was appalled by many practices that have long since been abandoned. There was no forum in which to express those concerns. Her colleagues told her that nothing could be done until a patient complained but she did a good job. I was born in the Lourdes hospital so I have nothing against the hospital, though many others might, for that reason.

I pay tribute to Dr. Ambrose McLoughlin. He was the first person to give me details of this and I recognise the fact his work is recorded in the report. He highlighted the difficulties at a time others were trying to get us to back Mr. Neary and ensure no action was taken against him.

I appreciate that many mothers would tell us that they have much for which to thank Dr. Neary. I welcome that Judge Harding Clark has published this report and agreed to advise the Government in respect of compensation. It is vital that she be given the wherewithal to deal with this matter properly. We do not want a situation in which she is curtailed in terms of how she can deal with the matter or in respect of the finances available to her. This issue must be dealt with quickly and openly.

It is vital that people be allowed to put their cases forward in an open forum and that they be given the opportunity to be heard because of what they endured. It is also vital that cases such as that of Dr. Lynch and others be addressed and that there be complete closure in respect of this dreadful ordeal for the people concerned and for Patient Focus.

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I thank Members on all sides for their contributions.

Judge Harding Clark has produced a comprehensive and fair assessment of the events at Drogheda. The challenge before us is to ensure that the various lessons are quickly taken on board by the health system as a whole and not just in respect of maternity services.

I express my deepest regret and apologise to those women and their families for what happened. I particularly wish to welcome the

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members of Patient Focus who attended the House today. I wish to assure the women involved that many lessons will be learned from this report and that the Government will respond fully to its findings, which indicate that any isolated institution that fails to have in place a process of outcome review can produce a similar outcome to that at Our Lady of Lourdes Hospital. They also indicate that support systems to conduct regular and obligatory audits and mandatory continuing professional development and skills assessment at all levels of health care must be in place.

As the Tánaiste stated, action is being taken to learn the lessons and implement the recommendations of the report in order to ensure the safety of every patient and prevent a recurrence of such events. The Tánaiste announced the establishment of a new national perinatal epidemiology centre at Cork University Hospital, with annual funding of €630,000, which will be up and running in the autumn. Every time a mother gives birth, the important interventions, good outcomes and complications will be recorded and analysed at a national specialist centre. Unusual trends will be easily and quickly observed and, most importantly, acted upon.

Several Deputies asked about the peer review of a number of Dr. Neary's cases, which was carried out by three consultant obstetricians and which concluded that his practices presented no danger to patients. This part of the report is particularly disturbing and asks serious questions about the methodology employed in undertaking the review. My Department understands that the three consultants were asked, on Dr. Neary's behalf, to review a number of his cases, as selected by him, on a confidential basis. At that time, Dr. Neary had taken leave at the request of the management of the North Eastern Health Board. Judge Harding Clark concluded that it may have been the intention of Dr. Neary's union advisers and three colleagues to prepare their subsequent report to enable Dr. Neary to continue working, pending the outcome of a review of his practice by the Institute of Obstetricians and Gynaecologists.

The position of those most affected by the report, that is, the women involved and their families, remains uppermost in our minds in light of the report. The House is aware that the Government has agreed to ask Judge Harding Clark to advise on an appropriate scheme of redress arising from her report's findings. She will also advise on the cost of such a scheme and on a mechanism for ensuring the maximum recoupment of such costs from wrongdoers and indemnifiers. Judge Harding Clark is well placed in light of her work to advise the Government on the issue of an appropriate redress scheme. Her work and the report have been widely acknowledged and I am confident that she will bring a valuable

and unique perspective to bear on the issue of redress. She has won the respect and confidence of the women affected and other parties involved. She will commence her work immediately and bring her proposals to the Tánaiste as soon as possible.

The report has heightened the determination of the Government that patients and the general public must be the primary focus of all decisions relating to health policy. The report will act as a significant catalyst in the reform agenda, in the strengthening of clinical audits, in the preparation of the medical practitioners Bill, in the reform of the current consultant contract and in improving management systems within our hospitals. The Tánaiste will bring proposals to Government to establish a mechanism to ensure that clinical governance arrangements throughout the health system will be strengthened. This will entail the fostering of a continuing culture of openness, preparedness to acknowledge errors and an ability to analyse clinical practice in an environment that does not always resort to blame and recrimination.

The Tánaiste has announced her plans in respect of the medical practitioners Bill. It is clear that systems and procedures relating to the supervision of the medical profession must be modernised to allow for increased transparency, efficiency and flexibility and to ensure that all doctors are competent to continue in practice.

The report has affirmed the approach pursued by the Government in the context of negotiations for a new contract for hospital consultants. The days of consultants working in splendid isolation, without effective clinical leadership, are at an end.

Mr. O'Dowd: We hope so.

Mr. T. O'Malley: Yesterday, the Government approved the publication of the general scheme of the Bill providing for the establishment of the Health Information and Quality Authority on a statutory basis. Deputies are aware of the Tánaiste's opinion that there should be a licensing system in place for all hospitals. The Department will consider the mechanisms required to put it and, at a later stage, an associated enforcement regime in place.

The inquiry found that the possibility of the maternity unit in Drogheda falling behind current practice was remote. However, we cannot be complacent in respect of this finding and the national hospitals office of the Health Service Executive is working to ensure that all necessary measures are taken on foot of the report's findings. The report acknowledges that significant changes in practice in the maternity unit were made to minimise or entirely remove the climate of isolation referred to in the Medical Council's report. The incidence of peripartum hysterectomy

ies has fallen precipitously and now accords with national rates.

Members will agree that this is a most comprehensive and fair report but it is also clear that many lessons must be learned and changes made to ensure that such events do not recur in any Irish hospital. The findings and recommendations are being examined in detail by the Department in consultation with the Health Service Executive, the Medical Council and other professional regulatory bodies. Actions are being taken and there is a clear determination on the Government's part that we must prevent anything of this nature happening again.

Message from Select Committee.

An Ceann Comhairle: The Select Committee on Transport has completed its consideration of the Air Navigation (Eurocontrol) Bill 2005 [*Seanad*] and has made amendments thereto.

Inquiry into the murder of Mr. Patrick Finucane: Motion.

Minister for Foreign Affairs (Mr. D. Ahern):
I move:

“That Dáil Éireann,

- recalling the brutal murder of solicitor, Patrick Finucane, at his home in Belfast on 12 February 1989;
- noting the on-going allegations of collusion between loyalist paramilitaries and British security forces in the murder of Mr. Finucane;
- recalling the commitments made at the Weston Park talks in July 2001 by the British Government to hold a public inquiry into the Finucane case, if so recommended by the Honourable Judge Peter Cory, it being clearly understood that such an inquiry would be held under the UK Tribunals of Inquiry (Evidence) Act 1921;
- noting that Judge Cory found sufficient evidence of collusion to warrant a public inquiry into the case and recommended that such an inquiry take place without delay;
- recalling that in his conclusions, Judge Cory set out the necessity and importance of a public inquiry into this case and that the failure to hold a public inquiry as quickly as reasonably possible could be seen as a denial of the agreement at Weston Park;
- noting that the limited form of inquiry under the UK Inquiries Act 2005, proposed by the British Government has been rejected as inadequate by Judge

Cory, the Finucane family, the Government and human rights groups;

- commends the Finucane family for their courageous campaign to seek the truth in this case of collusion;
- deeply regrets the British Government's failure to honour its commitment to implement Judge Cory's recommendation in full;
- welcomes the sustained support of successive Governments and all parties for the Finucane family over the past decade in their efforts to find the truth behind the murder;
- acknowledges the work of the sub-Committee on Human Rights in highlighting this case;
- welcomes the Taoiseach's commitment and efforts in pursuing the case with the British Prime Minister Tony Blair;
- endorses the Government's international efforts at highlighting the case in at the United Nations and at the Council of Europe in Strasbourg;
- calls on the British Government to reconsider its position on the Finucane case to take full account of the family's objections and amend the UK Inquiries Act 2005; and
- calls for the immediate establishment of a full, independent, public judicial inquiry into the murder of Pat Finucane, as recommended by Judge Cory, which would enjoy the full co-operation of the family and the wider community throughout Ireland and abroad.”

I welcome the opportunity to introduce this all-party motion calling for an independent public inquiry into the murder of Belfast solicitor Patrick Finucane. On behalf of the Government, I welcome Mrs. Geraldine Finucane and members of the family, who are in the Public Gallery.

The House is aware of the consistent, strong support the Government has given the Finucane family in its quest for an independent inquiry into this murder. The Government continues to meet regularly with the family and the Taoiseach met Mrs. Finucane most recently on 27 February and will meet her again next week in Washington.

The Finucane family has been campaigning for over 17 years to obtain the full truth behind the brutal murder that took place in their home. Many of the facts surrounding the murder are well known because of the three investigations undertaken by the former head of the metropolitan police, Lord John Stevens. He was asked by the British Government to look at allegations of

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collusion on three separate occasions, and his reports have led to one prosecution, that of Ken Barrett, and over 20 recommendations that are being considered by the public prosecution service of Northern Ireland.

The Government has consistently supported the Finucane family in their efforts to ascertain the full extent of the collusion behind Mr. Finucane's murder, to learn who was behind the perpetrators, and to reveal the involvement of the British security forces in this case. Judge Peter Cory was appointed by both Governments following intensive negotiations at Weston Park in the summer of 2001 to examine six cases where collusion was suspected. Although heavily redacted, the Cory collusion inquiry report on the Pat Finucane case was published by the British Government on 1 April 2004. I remind the House of Judge Cory's concluding paragraph:

Some of the acts summarized above are, in and of themselves, capable of constituting acts of collusion. Further, the documents and statements I have referred to in this review have a cumulative effect. Considered together, they clearly indicate to me that there is strong evidence that collusive acts were committed by the Army (FRU), the RUC SB and the Security Service. I am satisfied that there is a need for a public inquiry.

Judge Cory found sufficient evidence of collusion to warrant a public inquiry into Pat Finucane's murder. He further recommended that a public inquiry should take place without delay. He also set out the type of public inquiry required, namely, that provided for in the Tribunal of Inquiries Act 1921.

The British Government has failed to set up the type of public inquiry recommended by Judge Cory. Instead the UK Inquiries Act 2005 was passed by the British Parliament last April. The British Government insists that the Finucane inquiry will be held under this Act and is preparing arrangements accordingly. This is not acceptable to the family, to this Government, to the Committee of Ministers in Strasbourg, nor to the many international human rights groups which support the Finucane case. Rarely has a case received such widespread domestic and international support. Mrs. Finucane will appear again next week before US congressional hearings in Washington, and my Department is privileged to be able to assist her in arranging meetings on Capitol Hill.

The UK Inquiries Act does not meet the standard set by Judge Cory, nor the understanding reached at Weston Park. Many difficulties exist with the new legislation. An inquiry held under it will not be regarded as sufficiently independent or transparent, given the potential use of restriction notices and the potential degree of ministerial control. Judge Cory repeated these con-

cerns two weeks ago in Belfast. In the sole case in this jurisdiction where Judge Cory recommended a public inquiry, it is being held under the 1921 Act. This case is the Breen and Buchanan inquiry chaired by Mr. Justice Peter Smithwick.

The Government has made clear our opposition to the British proposals, both bilaterally and through international fora. We will continue to do so in London, Washington, Belfast and elsewhere. I have consistently raised this case with the Secretary of State for Northern Ireland, Mr. Peter Hain, who met with the Finucane family last month. I regret to say that in his recent reply to the family the Secretary of State failed to address the family's fundamental concerns.

The Government wishes the British Government to establish a full, independent and public judicial inquiry into the murder of Mr. Finucane, and nothing less. I commend this motion to the House.

Mr. Kenny: I met Mrs. Geraldine Finucane and members of her family some weeks ago. I agreed to pursue an all-party motion in favour of a full public inquiry into Mr. Finucane's brutal murder. I am pleased all party leaders have approved this initiative because it is vital the elected representatives of the Irish people send a clear message to the British Government on the issue of a murder that shocked Northern Ireland.

While Mr. Finucane's clients lost an exemplary defender of legal and human rights and Belfast lost one of its most high profile practitioners, I remind Members that the family in the Public Gallery lost a loving husband and adoring father in the most savage circumstances. I welcome Mrs. Finucane to the House and pay tribute to the Finucane family for its stellar efforts in highlighting the murder in this country, Britain and numerous political and human rights fora. Mr. Finucane's name has become synonymous with standing up for victims and defending and upholding human rights. It is also a stark reminder of what can happen when one does so.

Clear evidence exists that the British security forces colluded with the loyalist death squad that assassinated Mr. Finucane. Despite this evidence, the passing of 17 years, British Government commitments at Weston Park and the Cory report, we have yet to see a public inquiry into the brutal murder of Mr. Finucane in controversial and disturbing circumstances.

At the time of his investigation Judge Cory was told his recommendations would be implemented by the British and Irish Governments. The Irish Government has honoured its commitment in this regard and the inquiry into murdered RUC officers Breen and Buchanan has already begun. In the investigation into the Finucane case, Judge Cory found sufficient evidence of collusion to warrant a public inquiry and also noted that failure to establish such an inquiry as soon as pos-

sible could constitute a denial of the agreement reached at Weston Park in 2001.

I share the Finucane family's deep regret and reservations at the repeated failure of the British Government to honour its commitment and implement Judge Cory's recommendations. The limited form of inquiry proposed under the UK Inquiries Act 2005 is flawed. It contradicts the clear understanding that any inquiry recommended by Judge Cory would take place under the aegis of the UK Tribunals of Inquiry (Evidence) Act 1921. Its seriously limited provisions favour optics over substance, a case of being seen to do something rather than doing what is right.

We support this motion for an immediate inquiry that would have the support of the Finucane family, the wider community and of those wherever democracy is practised. We call upon the British Government to reconsider its flawed, untenable position on the Finucane case. We urge the British Government to take full account of the Finucane family's objections and to amend the UK Inquiries Act 2005. I urge the Prime Minister, Mr. Blair, David Cameron MP and Sir Menzies Campbell, to support this motion and to deal with the full public inquiry. I commend the Taoiseach and the Government for their highlighting of this case in the US, at the United Nations and at the Council of Europe in Strasbourg. The Taoiseach in particular has made considerable efforts to pursue this case with the British Prime Minister and he has been able to rely on the support of all parties in the House in his bid to find out the truth about this heinous crime. Allegations and evidence of collusion between loyalism and the security forces in the North are viler aspects of an already vile era in the history of all the peoples of this island. At this time of new and fragile peace, it behoves the British Government to confront unequivocally what is a major disquiet for people North and South. The inquiry into the murder of Pat Finucane must be forensic, independent and public, in terms of both justice and human decency. It is long overdue and is needed now. The very least the Finucane family requires is the truth, the whole truth and nothing but the truth, in order to bring closure to this long-standing and tragic incident and the murder of a decent man.

Mr. M. Higgins: On behalf of the Labour Party I welcome this all-party motion. I join with other speakers in welcoming members of the Finucane family who are in the Visitors Gallery. It is important that all parties are joining in support of the family in their long campaign for an independent, open, public inquiry. I emphasise the importance of the words, independent, open and public. The case for such an inquiry hardly needs to be restated. Suffice it to say that the agreement at Weston Park in 2001 between the British and Irish Governments and political parties in

Northern Ireland, the recommendations of Judge Peter Cory in 2003, the raising of the matter at the United Nations General Assembly and the repeated calls of human rights groups, have together made the need for an open inquiry as possible absolutely compelling.

It is unfortunate that the ongoing demeanour of the British Government suggests that the Finucane family will not be given the open inquiry they deserve. As recently as this February the British Secretary of State for Northern Ireland, Peter Hain, repeated his government's intention to hold the inquiry under the new Inquiries Act which is a serious mitigation of the human rights guarantees of the previous legislation upon which the inquiry was recommended to have been held.

This legislation completely waters down the type of open inquiry the Finucane family deserves. It would see vital evidence and testimony blocked and prevented from being made public in the interests of what is termed national security. One can only conclude that the British want to indulge in a major cover-up in order to prevent the true nature of the collusion between the Royal Ulster Constabulary and the loyalist paramilitaries who murdered Pat Finucane ever being made public. It suggests that a strategic decision has been taken by Downing Street to withhold the truth about the circumstances surrounding Pat Finucane's murder and the consequences of the murder of the human rights defender are not lost on any of us.

Today in London, the Taoiseach has had an ideal opportunity to press the British Prime Minister, Tony Blair, on the case for a full public independent inquiry. I suspect the Taoiseach may not have done so but I hope he has. In the recent past he has merely expressed his belief that the British Government will not back down. I suggest we must get beyond this attitude. I do not understand how the British Government can commit to a public inquiry in Weston Park in 2001 and yet fail to deliver for the Finucane family when the time comes to establish the investigation promised. It is a necessary function of our Government to ensure that its British counterparts comply with their commitments under an international agreement between both states.

I refer to the British Government's behaviour since Weston Park regarding this inquiry. Initially the British delayed Judge Cory's investigation and the placing in the public domain of their input to his reports. This was followed by an effective order of the High Court in Belfast that British authorities set a date for publication of outstanding chapters of the Cory report dealing with the Finucane murder. This led to an extraordinary situation whereby a judge of international standing felt compelled to go public and speak of his frustration regarding inaction on his report. It led to the unlikely alliance of the families of Pat Finucane and Billy Wright apply-

[Mr. M. Higgins.]

ing to the High Court in Belfast to quash the British Government's delay in publishing Judge Cory's findings. The British Government subsequently reneged on its commitment for a full public inquiry and insisted on dealing with it under the new inquiries legislation referred to by previous speakers.

The case for a public inquiry has been established at European level with the Court of Human Rights ruling that the British Government had failed adequately to investigate the collusion allegations surrounding the murder. When the court made this ruling it certainly did not have in mind the type of government-appointed, controlled and spangled inquiry that would conduct most of its work in private that the British are offering. As Judge Peter Cory said in his report in 2003, without public scrutiny, doubts based solely on myth and suspicion will linger long, fester and spread their malignant infection throughout the Republic and the Northern Ireland community.

I welcome the fact this House is uniting to make the case on behalf of the Finucane family. I welcome the fact that together we are joining with Judge Cory, republican and Nationalist parties in the North, senior members of the British Judiciary, international human rights groups, the Bush Administration and senior American politicians, in calling for a proper inquiry. The British Government must rethink its position and live up to the commitments it made at Weston Park.

Ms O'Donnell: On behalf of the Progressive Democrats I welcome the Finucane family this evening. As other Members have said, it is deeply regrettable that 17 years after the murder of Mr. Finucane, the Dáil is calling for the long overdue public and independent inquiry into his case. This motion reminds me of a meeting with Mrs. Finucane on the occasion of the tenth anniversary of her husband's death, in my capacity as the then Minister of State at the Department of Foreign Affairs. That meeting made a lasting impression on me as did the reading of the confidential report which was given to the Government by the non-governmental organisation, British Irish Rights Watch, into the allegations of collusion in the murder of Pat Finucane. The report, entitled, *Deadly Intelligence — State Involvement in Loyalist Murder in Northern Ireland*, was based on a body of material from confidential contacts and sources. It examined collusion allegations concerning the Finucane murder. That report concluded there was a case for an inquiry which was of urgent public interest. The report asserted that machinery within the British system targeted people for murder. It raised issues of the most fundamental concern to all who uphold human rights and the rule of law. One month later at the United Nations Human Rights Commission in Geneva, as Minister of State I urged that the Brit-

ish Government give a full response to the British Irish Rights Watch report. Sadly by that time I also had to urge it to have a full and transparent investigation into the murder of Rosemary Nelson, another murdered lawyer.

Shortly following that UN visit in April 1999, I wrote to the Secretary of State for Northern Ireland, the late Mo Mowlam, enclosing the Government's assessment of the British Irish Rights Watch report:

As the assessment argues, the Finucane case and the associated allegations of collusion fulfil the fundamental requirement of a public inquiry, i.e. that the matter under consideration is of urgent public interest.

My letter continued:

While it is invidious to select one victim as more deserving than another, I believe that the murder of a lawyer is different in symbolic terms. To blur the lines between client and lawyer by targeting the lawyer is a fundamental attack on the rule of law and the concept of equality before the law.

One year later in February 2000, Mrs. Finucane urged the Taoiseach to support the family's bid for an independent public inquiry which has continued to this day. In the interim, the family has had to wait until the Weston Park negotiations to agree the appointment of Judge Peter Cory and for his report to be finally published by the British Government in April 2004. Judge Cory's excellent report reaffirmed that collusion had taken place and also set out clearly the type of public inquiry needed in the case. Lord John Stevens completed three lengthy investigations into this matter but only 17 pages of the third Stevens report were published. He concluded that the British security services were complicit in the murder. As part of the Government we approach the Finucane case as a reckoning with the past to signal that the new dispensation of the Good Friday Agreement represented a new reality and the promise of a new future. My letter to Ms Mo Mowlam was written during a period of increased co-operation and collegiality in relations between the two countries. That relationship has deepened over time with a common approach on many issues between the Governments of Britain and Ireland. It is all the more imperative in light of that understanding and ongoing good relationship between the two Governments that the British Government responds to this motion. The British Government's delay in establishing a public inquiry has become a critical issue. As time passes the credibility of the British position has been eroded. Since the British Irish Rights Watch report was written, two of the key suspects in the case, Mr. William Stobie and Mr. Brian Nelson, have died.

It is difficult for any modern state to face up to the appalling vista of past state collusion in mur-

der. However, these allegations can be answered only by a full public inquiry that is independent and has the support of the Finucane family and the Irish Government. With the recent passing into law of the UK Inquiries Act the goalposts have been moved, as Judge Cory has described it. In 1999 the Irish Government concluded that there was a compelling case for a public inquiry into this matter and that case is no less compelling today.

Mr. Sargent: Tá áthas orm go bhfuil an rún uile-pháirtí seo os ár gcomhair. Like other Deputies, my colleague Deputy Boyle and I have met Mrs. Geraldine Finucane and her family and sought such a cross-party motion. As we have reached this point it is important that we move on. Judge Cory has been clear that he is becoming more and more disillusioned. As a respected international judge that must send worrying signals to the British Government and anybody concerned with justice, not least justice in this case and others such as those of Mr. Billy Wright and Ms Rosemary Nelson with which Judge Cory has dealt. It is important we recognise and state the British Government undertook an international agreement at Weston Park and that the Secretary of State and the UK Government have, by their actions, decided to set aside that agreement. The Inquiries Act 2003 introduced an element of vetting evidence, which is a recipe for a sham inquiry. As the family has said, the British Government stands alone worldwide in upholding its position.

This House debated the Lourdes hospital report a few minutes ago. What happened when the consultants were asked to examine a fellow consultant is analogous to what is happening with the British Government. We hear about the difficulties of the internal inquiry in Fianna Fáil. An inquiry that involves people close to those giving evidence will inevitably be flawed. The basic principles of justice require a full, independent, public inquiry. The Green Party, like every other party here, regards the Weston Park agreement as an international agreement, the setting aside of which does an injustice to the Finucane family and insults the Irish Government and people. I ask that the Minister take that message to the British Government and make it clear that we do not accept this. We must ensure, by dealing with the British Government and every government worldwide, that every influence is brought to bear on the British Government to uphold the agreement into which it entered. The message should go out that all of us are determined and unrelenting, as the Finucane family is, to ensure justice is done and that we will not rest until it is.

Caoimhghín Ó Caoláin: Before this debate commenced the Northern Ireland Office issued a statement dismissing it. Before I entered the House I was handed a copy of its press release

headlined: "Dáil inquiry debate flawed and misleading". They did not even have the courtesy to wait to hear what we had to say and we should respond by feeling spurred on in our attempt.

All-party motions of any kind are a rarity in the Oireachtas and today's motion is significant. It shows the strength of the support for the family of murdered human rights lawyer Mr. Finucane in its demand for a full, independent public inquiry. As such this is a welcome motion and a positive development. By refusing to hold the inquiry as recommended by Judge Cory the British Government is in flagrant breach of its commitments given at the Weston Park talks. It stands indicted before the international community.

The main obstacle to an inquiry into the murder of Mr. Finucane is the British Government's insistence that it be held under the odious Inquiries Act, which would give a British Minister the power of veto over the evidence given, the duration of the inquiry and the final report. Pressure must be brought to bear on the British Government to repeal that draconian Act. The Irish Government must make plain to people in Ireland, Britain and the international community why an inquiry under this legislation would be entirely unacceptable. The Inquiries Act gives sweeping powers to British Ministers. It would be like the Irish Minister for Justice, Equality and Law Reform having the power to decide what evidence could and could not be heard at the current tribunals of inquiry at Dublin Castle, stopping the tribunals when he wanted to and editing their final reports as he saw fit. This is exactly what the British Government wants to do on the more serious issue of collusion. This is not about beef, political donations or planning corruption but the lives of hundreds of people killed because of collusion between British state forces and loyalist paramilitaries. It is about their bereaved families and loved ones and their demand for justice and truth.

The Taoiseach should use this all-party motion as part of an international effort to bring attention to this anti-human rights British legislation and to press the case for an inquiry. The Finucane case and the issue of collusion in general should be raised in a systematic manner by the Irish Government at both EU and UN level. As a follow-on to this motion the Taoiseach should call a special meeting with Mr. Blair devoted exclusively to the single issue of collusion between British state forces and loyalist gangs, which led to many deaths throughout this island. Over 1,300 people were killed in Ireland by British state forces and their loyalist paramilitary surrogates since 1969. Nearly 50 of those deaths were in the 26 counties, 33 of them in the Dublin and Monaghan bombings of May 1974.

The word collusion is inadequate to describe what happened. Loyalist paramilitary groups in their various guises were used as counterinsur-

[Caoimhghín Ó Caoláin.]

gency gangs by the British state. Key British strategist Brigadier Frank Kitson admitted this point openly. He applied to the conflict in Ireland methods used in other British colonies. The methods refined here have been used in other conflicts. At all levels the hand of the British state was evident. In some cases, such as that of the UDA, it was involved in the establishment of the paramilitary groups. In other cases it controlled key players and operations directly or indirectly. In all cases it heavily infiltrated these groups with its agents and protected them at all costs, even if it meant allowing murders to be carried out. British intelligence pointed killers in the direction of their targets in the case of Mr. Finucane through its agent Mr. Nelson. It also imported tonnes of weapons into Ireland, most of which remain unaccounted for and none of which have been put beyond use under the auspices of the Independent International Commission on Decommissioning. At the height of the use of collusion as a weapon of terror against the entire nationalist population it was dismissed by many as republican propaganda. Although time has lifted the mists of censorship and misinformation, the full truth has yet to be told. The cases of Mr. Finucane, Ms Rosemary Nelson, the Dublin and Monaghan bombings and many others show how powerful forces within the British state will move heaven and earth to prevent the facts from being revealed. They have already treated with contempt the call from the Dáil for an inquiry into the Dublin and Monaghan bombings. So long as the British Prime Minister fails to confront these forces in his own system, he is, all too sadly, complicit with them. Tá guth na Dála le cloisteáil go soiléir sa rún seo. Cuirim comhbhrón mo chroí le clann Finucane atá anseo linn agus ar son Teachtaí Sinn Féin, glacaim go hiomlán leis an rún.

Private Members' Business.

Whistleblowers Protection Bill 1999: Motion (Resumed).

The following motion was moved by Deputy Rabbitte on Tuesday, 7 March 2006:

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: *'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 consul-*

tations 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.

Debate resumed on amendment No. 1:

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.
—(Minister for Enterprise, Trade and Employment).

Mr. P. Power: I wish to share time with Deputies Fiona O’Malley, Carey and Fleming.

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

Mr. P. Power: All Members of the House share a common objective in principle as regards the whole issue of whistleblowers. There is legitimate difference of opinion as to how we should achieve the ideal method of their protection, but there is no doubt that we share a common overall objective. For this reason I welcome the tabling of this motion by the Labour Party to provide, at the very least, some clarity for everybody as regards where we are going, not least the employees of State bodies, civil servants and private companies throughout the country. There is a shared commitment among all Members of the House that legal protection should be afforded to persons who legitimately and in good faith convey sensitive, sometimes damning and sometimes criminal information to appropriate authorities that has been obtained during the course of employment. It is worthwhile quoting from the original Bill as initiated by Deputy Rabbitte in 1999:

The purpose of this Bill is to provide protection from civil liability to employees who make

[Mr. P. Power.]

certain disclosures “reasonably and in good faith” in relation to the conduct of the business and affairs of their employers. The Bill also prohibits penalisation of employees by their employers in such circumstances. It sets out the persons to whom disclosure may be made and the categories of matters in relation to which such disclosure is permissible.

The initial Bill as initiated by Deputy Rabbitte sought to give effect to this laudable intention, with an over-arching one-size-fits-all approach. It is one thing to set out a laudable objective in draft legislation, which meets with the universal agreement of this House, but it is an entirely different matter to provide an effective legislative framework that works in the real world and achieves the objectives intended at the outset. I am trying to think of a suitable analogy outside the whistleblowing draft legislation.

One could possibly introduce legislation with the over-arching objective to eliminate greenhouse gases, and that would meet with general approval — certainly, the Green Party would welcome such legislation — but the question is whether that legislation could achieve the objectives for which it is intended, or could this be done by the introduction of numerous measures, in different various legislation. For example, the budget and the Finance Bill this year began a definite process towards incentivising the increased use of biofuels. The appropriate place for this legislation was in the Finance Bill, not in a greenhouses gases Bill. In the same way, it would be a laudable objective to have a clean environment Bill. However, the practical method of achieving this might involve legislation to deal with plastic bags or a regulation to reduce nitrates or phosphates in ground water. It might involve separate legislation to introduce an environmental protection agency. All this legislation has been enacted in separate laws, but the difference is that they contribute in a very effective manner towards providing for a clear environment.

These are but two examples of how common objectives can be achieved in different ways. The old adage says there is more than one way to skin a cat. The Minister set out extensively last night how the Government and the relevant Departments, including the Department of Enterprise, Trade and Employment, made a bona fide genuine effort to give practical effect to the general scheme of the Bill as initiated by Deputy Rabbitte. The reality is that in endeavouring to bring forward full and comprehensive legislation, it did not work. That is nobody's fault, not even the Government's. Other countries have tried and had a similar experience. Another adage says do not shoot the messenger if you do not like the message.

The question now is how the objective may be achieved speedily and as effectively as possible. I believe there is only one alternative, to adopt what is now known as the sectoral or case by case

approach rather than the one-size-fits-all approach. No doubt some Members of the Opposition, particularly in the Labour Party, will not be satisfied that this can be achieved speedily enough or in the manner in which they would like. However, I would much prefer to have an overall legislative framework that works than one item of legislation that does not. I commend the amended motion to the House.

Ms F. O'Malley: I want to focus on one particular element and how the protection measures should apply to the health sector. I agree with the Opposition on two points. One is that the debate is timely, particularly in the light of the disturbing revelations on some of the practices at Our Lady of Lourdes Hospital, which have been addressed in the House. I also agree that protection measures should be put in place.

I disagree with the Opposition, however, on the appropriate method of dealing with the problem. I support the Government in its explicit commitment to the protection of whistleblowers, people who legitimately bring to light worrying and sensitive information gained in the course of their work. Today's statements on the Drogheda hospital inquiry illustrate the importance of that support. However, I take issue with the Labour Party statement last night that, “The Labour Party offers us action in this area”. Unfortunately, it is the wrong action. Last night's contribution from the Labour Party's spokesperson on health presented this as a one-Bill solution to the problem, something of a panacea, which it is not. It was also implied that the absence of such a Bill had facilitated the ongoing scandalous behaviour. That is dangerous and simplistic.

Judge Harding Clark's report makes it clear that we need a sea-change in the culture within the health service. If we are to believe the Labour Party, had this Bill been in place, any individual would have felt free to make a complaint against a superior or a consultant and no negative repercussions would have ensued because of its provisions.

From sexual harassment cases, we know that although legislation may be in place, a person may still feel unable or be unwilling to make a complaint, particularly against a person occupying the dominant position in the power relationship. Sexual harassment cases also show us that the culture of the workplace is the most important factor and often must change to bring about progress.

The Tánaiste stated plainly that, rather than depend on the measures proposed by the Labour Party, we must bring about a culture of openness and preparedness. Such a culture would be prepared to acknowledge errors and be able to analyse clinical practice in an environment which does not resort to blame and recrimination. Therefore, blame-free reporting is vital. The Tánaiste is correct in saying that this issue is about more than whistleblowing. It is a system-

atic, continuous and open approach to error reporting and correction involving everyone in the health care setting. It involves a rigorous process of audit, peer review and external evaluation.

I appreciate the Opposition's intention but the action is insufficient. The Government's amendment sets out how the sectoral approach will supersede the all-encompassing approach of the Whistleblowers Protection Bill. In light of significant legal and drafting issues which accompany single legislative proposals on whistleblowing, the Government correctly decided to proceed case by case with appropriate whistleblowing provisions. Deputies must ensure that it happens where appropriate, be it in the Medical Practitioners (Amendment) Act 2002, legislation relating to the Health Information and Quality Authority or any legislation which comes before this House. If a section on whistleblowing is appropriate for a piece of legislation, it must be included.

Legislators can play a role in ensuring that statutory provision is made for those who are brave and conscientious enough to raise the alarm when they see bad, dangerous, illegal or, as was the case in Our Lady of Lourdes Hospital, evil practices. Whistleblowing is predicated on someone acting wrongly in the first place. The system should, in the first instance, be able to prevent a person from acting wrongly and stop wrongdoing once it is uncovered. We should not rely on whistleblowers because to do so would be an admission of failure and an admission that the system cannot be designed in such a way as to protect those who encounter it.

Dependence on whistleblowers could also heighten fears of vexatious claims against innocent individuals. We must protect against such a development. We have also learned from sexual harassment cases that when charges are levelled against innocent people, their lives do not revert to how they were before the claims were made. A crude or blunt instrument is insufficient to deal with this complex area. Whistleblowers undoubtedly need protection but these measures should be nuanced and tailored. Most of all, the culture of the workplace must allow openness, an acknowledgment of errors and an ability to examine the work environment in a way that does not resort to blame and recrimination.

Mr. Carey: Like previous speakers, I welcome the opportunity to comment on this Bill. Without wishing to be condescending to Deputy Rabbitte as he is the last person in this House to which I would wish to be condescending, he has provided us with an opportunity to address a very important issue. I might pay for any condescension shown to Deputy Rabbitte at a future Question Time.

This issue is very important. Despite the good intentions of Deputy Rabbitte and his party in 1999 and in view of the admitted legal complexities of this issue which were discovered by the

Parliamentary Counsel and the Attorney General, it is important that we move along on a sectoral basis. I do not say this simply because I sit on the Government side of the House.

I took the trouble to research provisions for whistleblowers in other jurisdictions. If time permits, I will draw people's attention to a recent case in Australia, which has the best whistleblowing legislation I am aware of and yet still experienced problems with reporting. If the current approach to the protection of persons reporting child abuse had not been taken, would people prepared to blow the whistle on those who abuse children still lack protection? I understand that a facility for whistleblowers was inserted into section 50 of the Competition Act. Deputy Hogan and other Deputies will be more familiar with the matter than I am. Here we have an example of what is important.

We must ensure that there are fewer get-out clauses than are preferable in a single Bill. The approach taken by the Government, which involves inserting a clause into each appropriate piece of legislation, is more likely to ensure a speedy implementation of measures to combat faults which emerge from time to time in public life. The ethics in public office legislation is a good example of this approach. It affords protection for those who blow the whistle on wrongdoing and affords an opportunity for serious investigation. The provision of immunity from civil liability to persons who, for example, report abuses covered by the Protections for Persons Reporting Child Abuse Act 1998, is very important. As a result of this Act, people who report allegations of child abuse in good faith know they will be protected. The Ethics in Public Office Act 1995 is another example of such legislation.

If it were not for the provisions in section 27 of the Safety, Health and Welfare at Work Act 2005, which provide for protection against dismissal and penalisation of employees who in good faith take steps to protect themselves or others in a workplace situation, there would be much more abuse of workers. Last year, a number of people in my constituency reported very obvious breaches of health and safety legislation on construction sites. Were it not for the protection afforded to them by the Safety, Health and Welfare at Work Act, it is highly unlikely that they would have been prepared to come forward with the information they provided to me, among others.

As parliamentarians, we must address an issue which arose in a case involving Senator Jim Higgins and Deputy Howlin. The issue concerned the integrity of the communications system in respect of Members of this House. How do we ensure confidentiality and ensure that those who come to us with information are adequately protected? We must examine how we can encourage people to come to us with information.

[Mr. Carey.]

I was struck by a recent case in Queensland in Australia involving an overseas-trained doctor called Dr. Jayant Patel. A nurse named Toni Hoffman told her MP, Robert Messenger, about the doctor's disastrous surgical exploits, which led to him being dubbed "Dr. Death" by his colleagues. An inquiry was subsequently held and a report was produced, some extracts of which I have before me. Even in a country with the best whistleblowing legislation in the world, the report concluded that Ms Hoffman's disclosure to Mr. Messenger was not protected by the Whistleblower Protection Act 1994. It concluded that the fact that she was forced to reveal her concerns to Mr. Messenger to ensure they were dealt with and the fact that her disclosure was not protected by whistleblowing legislation revealed the failure of the current system to protect whistleblowers. The report drew this conclusion in respect of an area where there is already a significant amount of legislation.

The report by the electoral and administrative review commission, which was set up to inquire into the need for various legal, administrative and parliamentary reforms in Queensland, contains a number of instructive recommendations. The EARC report summarised the countervailing interests that deserve appropriate recognition and protection in the design of a balanced system for encouraging and protecting whistleblowing that is in the public interest in the following way: (a) the interests of the public in the exposure, investigation or correction of illegal conduct, and dangers to public health and safety; (b) the interests of the whistleblower are being protected from retaliation, and in seeing action is taken on the whistleblowing disclosure; (c) the interests of persons against whom allegations are made in good faith which are inaccurate or, worse still, against whom false or misleading allegations are made; and (d) the interests of an organisation affected by a whistleblowing disclosure in not having its operations unduly disrupted, causing unwarranted interference with its pursuit of its business or administrative goals.

There are recommendations for reform. It suggests that the laws should be structured in such a way as to ensure the system works. This is probably appropriate to what we are debating. It should provide for a proper investigation of problems and contain mechanisms to guarantee that these are detected and corrected. The system did not work in the Patel case because the health department was part of the problem. Its culture was such that Ms Hoffman was wasting her time raising her concerns with her superiors, yet the whistleblowers' protection Act 1994 makes it clear that the only body to which Ms Hoffman could have complained was Queensland Health.

There are several other recommendations which ought to be borne in mind in the framing of legislation. In the interest of the speedy imple-

mentation of legislation, it is better to take the approach adopted by the Government until mechanisms are in place which are proved to be robust enough to deal with the complaints that emerge rather than to go down the present route and wait some time before introducing legislation similar to what is proposed in the Labour Party-Fine Gael motion whereby there is a stand alone Bill.

Mr. Fleming: I welcome the opportunity to contribute to the debate. It is interesting that the Whistleblowers Protection Bill, which was introduced in 1999, is being debated here after such a long absence. Recent events will have encouraged people to debate the issue.

In 1999, when the Bill was first debated, most Members of the House agreed with the principle and the underlying objectives of what was contained in it. Over time, Members have examined it in more detail and realised that there is more to the issue than just one piece of legislation. The Oireachtas could do nothing worse than to pass legislation which is unenforceable in practice and which would not be able to deal with the issues for which it was intended. I would not like to see legislation going through this House which would not stand up to a rigorous test in the courts when challenged.

Given that the public bodies intended to be covered under the legislation are so diverse, it would not be remotely possible for one piece of legislation to cover all these bodies. In accepting the principle that we must protect people who blow the whistle on their colleagues' shoddy, wrong or systematic abuse within an organisation, the Government has recently been moved to include the protection intended in the Bill on a sector by sector basis. Examples include section 4 of the Protections for Persons Reporting Child Abuse Act 1988. It provides immunity from civil liability to a person who reports child abuse reasonably and in good faith. It is important that the provision "reasonably and in good faith" is included because some people could be mischievous and deliberately cause difficulty for people. Under the Ethics in Public Office Act 2001, the Standards in Public Office Commission is empowered to investigate complaints about alleged contraventions of the Act. If complaints are made by civil servants against other civil servants, where a person makes a complaint in good faith, no cause of action shall lie against that person and no disciplinary action shall be taken against him or her as a result of reporting their concerns to the commission. I understand that in future these provisions will go right down the line to local authorities and other bodies. This will encompass many activities at both local and national level where there are complaints against senior people referred to in the Ethics in Public Office Act.

The Competition Act 2002 provides that a person shall not be liable for damages in respect of a communication when writing to the Competition Authority. The theme which runs through all the legislation is that any complaint must be made in good faith. If one could make a vexatious complaint, it would be damaging to the whole process.

Section 27 of the Safety, Health and Welfare at Work Act 2005 provides for protection against dismissal and penalisation of employees who in good faith take steps to protect themselves or others in the workplace. The Garda Act 2005 provides for regulations providing for the establishment of a charter containing guidelines and a mechanism to enable members of the Garda Síochána or other persons to report in confidence allegations of corruption and malpractice within the Garda Síochána. In recent years, a number of provisions have been introduced to protect people who make legitimate complaints in good faith. These are important areas that had to be dealt with, and much more needs to be done in the future. I look forward to the Government dealing promptly with all legislation currently before the House so it can be proofed from the whistleblowers' charter point of view.

I draw a parallel between the whistleblowers Bill and the Freedom of Information Act. While there is one Freedom of Information Act, the bodies governed by the Act come under the Act on an organisation by organisation basis. No one could contemplate that one regulation, statutory instrument or section of an Act could possibly cover all the different organisations. When the Freedom of Information Act was introduced, it was done on an incremental basis. All parties in the House were involved in bringing bodies under the scope of the Freedom of Information Act. Several hundred organisations come under the Act and several more must be included, including the VEC and the Garda Síochána. When I refer to the Garda Síochána, I am referring to the administrative aspects of its work and not criminal investigations. It would be unreasonable for people to expect that the details of Garda files involved in a criminal investigation should be subject to release under the FOI.

When we consider these aspects, regardless of whether it relates to more information or protection for people who want to highlight issues under the Freedom of Information Act or a whistleblowers' charter, none of them is a substitute for good governance within an organisation. No organisation should have to rely on someone making an FOI request or blowing the whistle on wrongdoing to highlight malpractice within it. It behoves people who are paid handsome salaries in most State organisations, whether a Department or other State body, who deliver a service to people on the ground to ensure proper internal reporting systems are in place. If such a system is not in place in organisations, there will be a need for much whistleblowing and openness.

If organisations were open in how they deal with business, if they conducted reviews, if procedures were audited by people not directly involved in the area concerned and if there was peer review where people could assess what was being done by colleagues at their own level or within different sections of the organisation, it would be good for everybody concerned. That is the lesson Members of the Oireachtas must learn. We must ensure good practices in regard to the 300,000 people working in the public service, whether in the Departments of Health and Children or Education and Science, in the security services or in front-line services providing facilities. If issues need to be examined, they can be addressed internally.

People can make complaints directly to the Ombudsman if they feel aggrieved by a particular operation. Going to the Ombudsman is not confined to members of the public in that members of an organisation can take their complaints to the Ombudsman or access information under the freedom of information legislation. I appreciate the sentiments behind the motion but it is too simplistic to have one Bill covering the 300,000 people working in the public service. I support a sector by sector approach to this issue.

Mr. Gregory: Tacaím leis an rún. I support the motion and the Whistleblowers Protection Bill it proposes. It is essential if we are to achieve genuine openness, transparency and accountability in this State. Indeed, it is ironic and timely that this motion is being debated in the aftermath of the publication of the report on Our Lady of Lourdes Hospital in Drogheda regarding the cruel and bizarre activities of Michael Neary. It seems self-evident from the Neary case that this was a dreadful situation where many people must have known of the horror that was going on for a long time and the appalling treatment of the rights of the women concerned, not to mention the callous and deliberate mutilation of their bodies. Clearly many people knew but, through fear of the power of Neary, the regime in the hospital and presumably through a sense of their own helplessness, not only did nothing, they participated in what can only be described as atrocities condemning many women to a nightmare experience.

The incredible truth about the Neary case is that it could still be going on today but for the courage and determination of a whistleblower, a midwife who we only know as Ann. The Bill supported in this motion would provide a ready mechanism for a person such as that midwife to expose the abuse of people's rights and the terrible injustice perpetrated against those women. The courageous and lonely stand taken by the midwife and later by the health board official who supported her must be classic examples of the whistleblower. What they did is what we might expect of anyone but the reality is that everyone

[Mr. Gregory.]

else involved was cowed into silence. It is extraordinary that the Government should now reject the legislation which would empower people to speak out and expose such injustice.

Mr. F. McGrath: I am grateful for the opportunity to speak in this important debate on the Whistleblowers Protection Bill and the need for comprehensive statutory protection for employees and others who blow the whistle on significant, illegal and unacceptable practices. Before I go into the details of the legislation, I will say that perhaps we should have a debate on the brass neck Bill for all the politicians in this House and elsewhere. Some of them have forgotten they received €3,000 from big developers. Others received a visit from a lobbyist in the middle of the night with €2,000 or €3,000 in a bundle of cash notes. They did not even check it but held on to it for three weeks and then sent some, or all, of it — I do not know for sure — back to the developer. People like Deputy Ned O’Keeffe must wonder what is going on in this House.

We have other problems here like those who do not even turn up for the Dáil. They drop in a couple of times per year to collect their cheques. Do these people think the people are fools? Are they all suffering from selective amnesia disorder? I am blowing the whistle on these people who are damaging politics. They insult the intelligence of the people and damage the reputation of all politicians. It is a disgrace and a scandal and, as far as I am concerned, such people should not be involved in politics.

Most people can remember their confirmation money yet two senior politicians have either forgotten or decided not to tell the gardaí about certain moneys received. That is unacceptable. I am also concerned about the deafening silence around here in recent days from Fianna Fáil, Fine Gael, the Labour Party and the Progressive Democrats in respect of these revelations. The silence from the large parties is deafening. They have a brass neck to talk about whistleblowers in this debate.

The Minister for Justice, Equality and Law Reform, Deputy McDowell, should have been drummed out of politics for his disgraceful behaviour in the Frank Connolly and the Centre for Public Inquiry affair. The legal eagles of this State have let the people down by not defending the right to justice and to a fair trial. I even witnessed this in my area when I blew the whistle on the 240 damaged homes around the Dublin Port tunnel, the leaking and cracked walls, the flooding and the pollution issues. As soon as I highlighted these issues, I was attacked by the city manager, Ministers and other politicians. I was only protecting the interests of the local residents and the safety of the staff in the tunnel. I welcome the opportunity to speak out on sleaze and whistle-

blowing. I commend the staff of the Standards in Public Office Commission for their excellent work.

Ms C. Murphy: I welcome the opportunity to debate this important issue. I wish to focus on the Government amendment and draw attention to a major problem with the approach, and I will do so by way of an example. The point made by the Chairman of the Oireachtas Joint Committee on Finance and the Public Service on the Freedom of Information Act was interesting but I take the opposing view. The Information Commissioner, in her report to that committee last December, recommended that the Freedom of Information Act be strengthened by the enactment of a new non-disclosure Bill. She did so because she found out by accident last October that the Freedom of Information Act had been amended by the Safety, Health and Welfare at Work Act. The effect of the amendment is that for all practical purposes, the Health and Safety Authority is no longer subject to the Freedom of Information Act.

The Information Commissioner argued that such a centralised approach would be transparent across the board, would help standardise the approach across Departments, would provide a single repository for reference purposes, would be reliable and comprehensive and would facilitate amendment. There are similarities between this and the Protection of Whistleblowers Bill. If a piecemeal approach is taken, it will take a significant amount of time to introduce this into every sector requiring a whistleblowers’ charter. One piece of legislation would be preferable. Clearly, there is a value in ease of access to information. That is part of the reason there is amending legislation.

If such legislation is enacted, it would promote benefits across sectors rather than digging through various legislation to find the appropriate section. A piecemeal approach is the wrong way to go and that is why I support the proposed legislation.

Mr. Connolly: It is important to remember that the primary purpose of this legislation is to protect people who seek to protect the public. Legislation is needed to ensure such people who speak up are not unjustly punished. It is also important they are not ridiculed or seen as trouble makers and that their job prospects are not affected, because that is what happened. Life for anybody who tried to point out wrongdoing by somebody senior was made unliveable. Protective legislation would make it easier for people to come forward.

There is a perception that this is only relevant to the health service but it is also relevant to business, all public service departments and Departments. They must obey the laws and regulations of the land. If the whistleblowers legislation was in place, there would be an obligation on people

who see wrongdoing to report it and to report malpractice where it occurs. In the past we have seen cases in banking circles, in the health service and in a number of areas where people came forward as whistleblowers but they were cast aside afterwards. This would leave them without any form of excuse in that regard. One of the main difficulties is that whistle-blowing usually involves an employee blowing the whistle on somebody in a more senior position. It is important that we are seen to support this proposed legislation.

Dr. Cowley: One might well ask why we need whistle-blower legislation. The scandal in Our Lady of Lourdes Hospital is a case in point. When it becomes evident that things have gone wrong, the State cries crocodile tears and pays lip-service to justice, equality and all the rest of it.

The Tánaiste referred earlier to isolated practitioners. Rural practitioners are put out in the wide blue yonder in remote areas or on islands. They work 168 hours a week — which is all the hours that are in a week — yet they are left to their own devices until such time as something happens and then the Government becomes interested and people say how terrible it is, ask why it is happening and so on. The Government has been covering up for its inadequacies by ignoring what is going on but when a crisis occurs, everybody says it is terrible and asks why it was not detected before now.

We need whistle-blowers legislation and it is necessary right across the board. In the United States the dangers of smoking were not disclosed and cigarette companies with the powers of big business managed to keep the lid on the harmful and detrimental effects of cigarette smoking for a long time. Thanks to whistle-blowers this information was eventually revealed. Whistle-blowers have also made an impact in many other areas. For instance, 100 women are suffering from hepatitis C as a result of being given infected anti-D but until a scandal arises those people will be ignored by Government, as is the case at present.

Many other issues also arise where whistle-blowers have made a difference. Thanks to a whistle-blower, Charlie Bird brought to light what was happening in banking institutions. Such legislation is necessary for our democracy, to fight against big business and to keep tabs on Government. One could well ask how many of the scandals that have been exposed would have come to light without whistle-blowers.

Mr. Eamon Ryan: The Green Party is happy to support this Bill proposed by the Labour Party and other parties. I heard an interesting interview on RTE Radio One last night with Mr. Joel Bakan who has written a book called *The Corporation* that has also been made into a film of the same name. He set out how, in a sense, in our modern legal system a corporation is a selfish institution given huge powers and authority with

few checks, if any, to bring a moral bearing to how it operates for the common good. One of the few checks is that there is a possibility that somebody within the corporation will realise that the activity in which he or she may have engaged is wrong and will blow the whistle. This is what the Bill provides for and we should introduce this welcome and significant power.

It is interesting to hear the Government's position on this matter. One key phrase came from the leader of the Labour Party, Deputy Rabbitte, who quoted from the Official Report what had been said by the Tánaiste who was responsible for the Bill at the time. She was not just a bystander giving idle comment on it. In June 2005 she said it was not the Attorney General's advice but official advice that difficulties would arise if the whistle-blowing legislation applied to companies outside Ireland with a subsidiary in the country. It is quite clear that this Bill was killed because the Tánaiste's friends in large multinational companies did not like it. The Progressive Democrats Party is practically the public affairs department for those companies. I welcome them to this country and I want to see them continue here and flourish but I do not want them to have *carte blanche* as to how they operate.

Not surprisingly, and not for the first time, we had a different line from the Minister, Deputy Martin. There was no talk about those foreign subsidiaries having a problem. He said the problem lay with the Central Bank in terms of official secrets legislation. To be honest, of the two contradictory statements of the Tánaiste and the Minister, Deputy Martin, I do not believe what Deputy Martin said. I will never find out the truth because the Government shut down freedom of information access to correspondence between Ministers, such is its dislike for openness and transparency in Government. I do not believe a word of what the Minister, Deputy Martin, said. The Tánaiste's line is probably accurate and correct.

I do not believe the Government's piecemeal sectoral approach will work. A fisheries Bill is in the process of going through the Seanad. This is an area where there is huge concern and a possible need for whistle-blowing, yet no provision has been made in this Bill for somebody in a processing factory, for example, who might want to blow the whistle on possible corruption. Neither was any reference made to sea fisheries officers who might want to blow the whistle on corruption in the industry. I do not believe the Government when it states it wants to adopt a sectoral approach and I do not believe it will work.

The Government has not provided a level of whistle-blowing protection adequate to allow for the exposure of scandals such as in AIB and other institutions over the years. The Government is dishonest, disingenuous and wrong when it states that the way to approach this is a piecemeal one. I do not believe that the corporations would

[Mr. Eamon Ryan.]

object to a strong approach, whatever the Tánaiste's views on the matter. What happened in companies like Enron and Arthur Andersen show that it is in the long-term interest of companies to have a proper environment wherein people can blow the whistle because if capitalism and corporations operate in a system that is not based on trust, where controls operate and proper activity is carried out, it will not work in the long run. The Government's approach is a disgraceful retreat in the face of sectoral interests against the common interest.

Caoimhghín Ó Caoláin: Sinn Féin fully supports this motion from the Labour Party. There are many cases where information which is in the public interest is not revealed because individual workers justifiably fear penalisation by their employer in the absence of measures to protect them if they make such disclosures. Those workers who come forward despite the lack of protection must be commended.

The enactment of legislation to protect employees and others who blow the whistle on illegal or other unacceptable practices is long overdue. We have seen enough cases where the absence of such legislation allowed illegal and unacceptable practices to continue unchecked. Corruption and overcharging in the banking sector and the activities of Michael Neary and others at Our Lady of Lourdes Hospital in Drogheda are among the most notorious examples.

All parties in the House at least have been agreed on this matter. As has been pointed out, the Government accepted a Labour Party Bill during the previous Dáil and Committee Stage of the Bill was due to be discussed by the Select Committee on Enterprise and Small Business. Since then no progress has been made on the legislation. This is unacceptable and no credible explanation for the unwarranted delay has been given. Excuses from the Government that the delay in bringing forward this Bill is due to difficulties of applying such legislation to multinationals simply does not wash. Multinationals are subject to such legislation in many other jurisdictions.

In other states whistle-blowers have played a vital role in ensuring the public interest is upheld. I am thinking, for example of the case of whistle-blowers in the tobacco industry such as Jeffrey Wigand, the tobacco executive who revealed that his former employer knew exactly how addictive and lethal cigarettes were. His revelations eventually led to the tobacco industry's \$246 billion litigation settlement.

Whistle-blower protection legislation is a key tool in the protection of public health and safety and in the protection of the environment. Its importance is magnified by the fact that at present we have an under-resourced Health and Safety Authority. The example of the whistle-

blower in the tobacco industry is important. The enactment of such legislation would ensure that employees of companies in the food and drug sectors come forward where they have evidence that there is a threat to public health.

There is no doubt that in the case of the tobacco industry those in charge made a deliberate calculation not to face the financial implications of properly informing the public on the dangers of tobacco. Who is to say that this is not being repeated in the pharmaceutical sector or in the processed food sector where there is increased evidence that additives being used pose a danger to human health? We must facilitate workers in these and other sectors, including the public sector, to come forward where they have information which is in the public interest.

It was mentioned during last night's debate that the Irish Nurses Organisation, the Irish Bank Officials Association and the Irish Airline Pilots Association, among others, have called for comprehensive statutory protection for employees who blow the whistle on significant illegal and unacceptable practices. The fact that the Irish Airline Pilots Association has made such a call is worth noting. Ryanair, a so-called low cost airline, which refuses to recognise trade unions, was recently the subject of a television documentary which revealed dangerous practices and poor treatment of workers. The workers at such airlines, particularly where they are denied the right to be represented by a trade union, have genuine fears about coming forward to report unacceptable practices that pose a serious danger to members of the public travelling with that airline.

Sinn Féin fully supports the demand in the motion that the select committee begin consideration of this Bill as its next immediate item of business.

Ms Lynch: On 3 March 2006, proceedings against a Cork doctor alleging 212 cases of serious sexual assault were stopped by the Cork Circuit Court. These charges related to a period from 1966 to 1995 and affected in one way or another hundreds of women in Cork. A total of 600 complaints were received from former patients of this doctor and 145 patients made formal statements to the Garda. People do not realise how difficult it is to make a formal statement about a sexual assault, particularly against someone who has been trusted for a lifetime.

The case was removed from the criminal list because the European Court of Human Rights ruled in December 2005 that this doctor's rights to a speedy trial had been violated. In other words, the case was delayed and this violated the accused man's human rights. It is not our job to second-guess the courts and it is not my intention to do so today — everyone is entitled to due process. Here, however, we have a situation where if a decision of the European Court is not chal-

lenced by 15 March 2006 there will be no closure for the hundreds of Cork women who have been directly or indirectly affected by this case.

The delay that led to the collapse of this trial was not exclusive to any one side but the European Court found that there were several periods of excessive delay which are partially or completely attributable to the authorities. From November 1997 to February 2000 the case was mostly taken up by disputes as to discovery and the protracted nature of the discovery process was partially the State's responsibility. It did not allow the applicant to see what it had and he did not allow the State to see what he had in evidence; privilege was claimed by both sides. From February 2000 until January 2002 the case was further delayed by the State filing affidavits just before the date originally fixed for the hearing.

From January 2002 until March 2003 the case, which began in 1995, was further delayed because it took 13 months for the High Court to deliver its reserved judgment. The court was deciding whether the accused had a case in respect of delay and it sat on the decision for 13 months. In this instance, the European Court said this delay was solely attributed to the State and the Government did not attempt to explain this delay to the court.

Hearing was finally listed for September 2003 but there was a further unacceptable delay of 12 months while the prosecution contacted the complainants to see if they wanted to proceed. People do not make complaints if they do not want to proceed and if a person does not want to proceed, he or she would contact the Director of Public Prosecutions. The court stated:

The prohibition on prosecution was lifted in September 2003. Even if it was reasonable for the authorities to await the outcome of the appeal to the Supreme Court, they could, in the meantime, have contacted all the complainants to verify that they were still willing to proceed. In any event, while there were numerous complainants, it is not persuasively explained why a year was required for this verification process. Given the delay until then, there is no justification found for the authorities delay of one year in reopening the proceedings following the judgment of the Supreme Court.

The final date for the Government to appeal this decision to the European Court is next Wednesday, 15 March. If this decision is not appealed, and at this late juncture it seems unlikely, then this case will not go any further. This is not a satisfactory situation and many questions will go unanswered.

I do not know how effective a whistleblowers charter would be in addressing this situation but this boiled down to one woman going into a Garda station and making a complaint. That woman, who has never been publicly identified, must have been very brave. If there is negligence

or worse, however, I would like to think that the person who brought this to the public attention would be protected against litigation or victimisation. There is every possibility that this will happen. Too frequently people are feeling left down by officialdom, and more often than not those people are women.

Whistleblowers are not just people who expose wrongdoing in the medical field. I was looking at a case in England where a company supplying water had deliberately built into its calculation an increase that would make it additional millions. One man stood up against the company and said it was wrong.

I do not normally do this but I thought Deputy Eamon Ryan's contribution tonight was excellent and Deputy Catherine Murphy was, as usual, incisive. I am sorry that Deputy Finian McGrath left directly after speaking but he was so full of vainglorious pomposity as to be not worth listening to. I have never heard him make a contribution in this House where he did not talk about "I, I, I". It is "I did this, I did that, I totally opposed". His job is to represent the people, not to feed his own ego.

Mr. O'Shea: Tá áthas orm páirt a ghlacadh sa díospóireacht tábhachtach seo ar an mBille um Chosaint Sceithirí 1999. Cúis bhróin í go raibh ar cheannaire Pháirtí an Lucht Oibre, an Teachta Rabbitte, an Bille seo a thabhairt os comhair na Dála don dara huair. Tá achtú an Bille seo chomh tábhachtach anois, nó níos tábhachtaí, agus a bhí nuair a aontaíodh an Dara Céim den Bhille sa Dáil ar 16 Meitheamh 1999. Is beag dul chun cinn éifeachtach a tharla ó shin le cosaint dhlí a chur in áit do dhaoine a dhéanann nochtann eachtraí áirithe i ndáil le gnóthaí a bhfostóirí. Leag an tAire agus é ag caint sa díospóireacht aréir an-bhéim ar chur chuige earnáileach agus go raibh sé chun treoir a thabhairt don Phríomh Aire dul i mbun oibre le Bille um Chosaint Sceithirí 1999 a bhaint de Riar na hOibre sa Dáil. Céim mhór siar atá i gceist a léiríonn nach bhfuil an Rialtas i ndáiríre ar chor ar bith ó thaobh cosaint a thabhairt d'fhostaithe atá cróga agus macánta gnóthaí mídhleathacha a nochtadh ar mhaithe le leas an phobail.

In last night's debate the Minister for Enterprise, Trade and Employment, Deputy Martin, laid great store by the sectoral approach to dealing with the issue of whistleblowing. This could be more accurately described as an incremental approach. He outlined four main areas which eventually led the Government to embrace the sectoral approach and the proposal of the Minister to instruct the Chief Whip to seek to remove the Whistleblowers Protection Bill 1999 from the Dáil Order Paper. These areas were trade secret type industrial processes where they overlap with intellectual property rights, protections under the Unfair Dismissals Acts 1997 to 1993, the Official Secrets Act 1963 and

[Mr. O'Shea.]

obligations on designated bodies and the Central Bank of Ireland to report certain suspected money-laundering activities to the Revenue Commissioners.

The problem with the drawn-out nature of the incremental, sectoral approach is that it will take forever to fully implement. No one knows this better than the Progressive Democrats-Fianna Fáil Government which, thankfully, will soon leave office. What the sectoral approach will achieve in terms of whistleblower protection in the interim will be restricted, to say the least.

If we accept that the four major areas outlined by the Minister require more considered attention, why not amend the Bill on Committee Stage and insert enabling provisions to deal with more complex areas by way of statutory instruments or other primary legislation? The Whistleblowers Protection Bill 1999, as amended, would have provided protection to the vast majority of whistleblowers.

For a whistleblower strategy to achieve maximum success in an economy in which money laundering is a significant feature, whether carried out by criminal gangs or subversive criminals, greater protection than can be provided in this Bill would be required. When such proceeds of crime are either invested in or laundered through legitimate business, whistleblowers in these areas are open to intimidation, threats of violence and even death. How can the State protect such whistleblowers in an area that is, unfortunately, a growing feature of the Irish and other European Union economies? The onus falls on the Government, in particular the Minister for Justice, Equality and Law Reform, Deputy McDowell, to urgently develop effective measures to protect whistleblowers where crime and business interface. While this is probably the area in which whistleblowing would be of most benefit to society, it is also the one in which it is least likely to occur.

Another aspect of whistleblowing is the possibility that the civil rights of whistleblowers would be infringed when, for instance, a known whistleblower becomes redundant or wishes to leave his or her employment to seek alternative employment. The trade union movement is well aware that it is exceedingly difficult to prove the existence of blacklists. Although the purpose of the Employment Appeals Tribunal is to deal with unfair dismissals, it is much more difficult to determine the extent to which equality legislation can be used to protect whistleblowers from unfair but well concealed recruitment practices.

Difficulties undoubtedly arise in fine-tuning this legislation. The Oireachtas frequently seeks to address issues which must be omitted from legislation due to insurmountable constitutional or legal reasons. The Government has come full circle on the Whistleblowers Protection Bill,

which it initially embraced but now proposes to remove from the Order Paper. Last night the Minister stated that the important public issues which gave rise to Deputy Rabbitte's original proposal have not diminished in relevance and added that while "appropriate provisions to address these issues have been included in a number of statutes, there can be no sense of complacency". What nonsense and hypocrisy. What a phoney salute to the cause of accountability and transparency. The decision of the Government, through a vote tonight, to substantially put back the cause of accountability and transparency will not surprise Deputies on this side.

It has been seven years since the Bill was accepted by the House and all sorts of prevarication has occurred in the interim. For example, a number of cases to emerge have demonstrated that if whistleblowing legislation had been on the Statute Book, wrongdoing would probably have been identified and addressed much quicker. A number of such instances were outlined during this debate. Earlier, the House debated the Lourdes hospital inquiry report into the Dr. Neary affair. The background to that case clearly illustrates that if people, particularly those in what are described as junior positions, had been able to raise, without fear of repercussions or losing their jobs, their concerns about practices they had witnessed, some of the unfortunate women affected by malpractice might have been saved the horrors they were put through. It is awful to have to make this point.

If people had been in a position to speak out in several cases and reveal what they knew about wrongdoing or denial of justice, the State would be in a much better position. The Government parties, particularly the Progressive Democrats, made an enormous play of the need for accountability and transparency both in Government and Opposition. They have shown their commitment to these concepts by significantly emasculating the freedom of information legislation introduced by the rainbow coalition.

Mr. Durkan: It was the first thing the Government did.

Mr. O'Shea: They are now playing ducks and drakes with this issue in raising spurious reasons, such as the four I outlined, for not proceeding with the Bill. The substance of the position is that if the legislation presented in the House on two occasions by Deputy Rabbitte was passed into law, perhaps incorporating the more than 40 amendments the Government originally produced, all reasonable people would conclude that the possibility of individuals coming forward to report wrongdoing to the appropriate authorities would have been enhanced and we would have avoided a great deal of wrongdoing.

To return to the issue of money laundering, some of the material I have read recently on what

is taking place in Britain, other European Union countries and, to an increasing extent, Ireland, indicates that it is increasingly difficult to persuade people to blow the whistle on this cancer which is damaging the fabric of society.

The Minister for Justice, Equality and Law Reform has failed to deal with the major problems we face. Instead, he has apportioned blame in all directions, pointing to a lack of intelligence preceding the riots in Dublin and arguing that sentences imposed by courts should be much stiffer. These excuses do not cut ice because problems are not being faced.

The phenomenon of crack cocaine is rearing its ugly head in this city, notably in parts of the north inner city. This is a most awful drug and if it takes hold here, as it has in other places such as parts of Britain, crime will increase as addicts seek money to pay for their habit. In ducking this issue, the Government has demonstrated that, despite its rhetoric, it has no real commitment to transparency and accountability.

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): Deputy Rabbitte's Bill addressed an area of major importance to the public. However, as my colleague, the Minister for Enterprise, Trade and Employment, Deputy Martin, noted last night, a number of difficulties have arisen with regard to the original proposal. While extensive work was done on redrafting the original Bill, attempts to protect whistleblowers on the basis of a single comprehensive statute have proven exceptionally difficult. This is hardly surprising, given that similarly comprehensive legislation introduced elsewhere has had to be revisited.

In this regard, a number of complex legal issues arose in the following areas: the need to have regard for the Central Bank's confidentiality regime and EU legislation in this area; the Official Secrets Act 1963 and its implications for civil servants; the protection of trade secret type industrial processes, as well as interaction with intellectual property rights; and the nature of the protections afforded to whistleblowers under the Unfair Dismissals Acts 1977 to 1993. In light of these issues, the Government believes the provision of statutory protection for whistleblowers on a sectoral basis provides a better and more focused approach to enabling proper and protected disclosure on information.

Important legislation has already been enacted in this area. Section 4 of the Protections for Persons Reporting Child Abuse Act 1998 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 1995 to 2001 regarding disclosure of interests and compliance with tax clearance

requirements. Section 50 of the Competition Act 2002 provides that a person shall not be liable for damages in respect of the communication, whether in writing or otherwise, by him or her to the Competition Authority of his or her opinion that an offence under section 6 or 7 of the Act has been or is being committed or any other provision of the Act that prohibits an undertaking from a particular action has not been or is not being complied with, unless it is proved that he or she has not acted reasonably and in good faith in forming that opinion and communicating it to the 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.

Other more recent legislative initiatives in this regard include section 27 of the Safety, Health and Welfare at Work Act 2005, which came into effect from 1 September 2005 and which provides for protection against dismissal and penalisation of employees who in good faith take steps to protect themselves or others in a workplace situation. I brought this legislation through the Houses last summer because I was anxious to ensure protection for workers who brought attention to health and safety issues in their workplaces. Section 124 of the Garda Síochána Act 2005 provides for regulations on the reporting of corruption and malpractice in the Garda Síochána. In addition, the Minister tabled a Government amendment to provide for a whistleblower section in the Employment Permits Bill which is currently on Committee Stage.

It should be acknowledged that Deputy Rabbitte's Bill attempts to address an issue of public concern. At issue is how best to achieve his Bill's aims and whether it is better to provide for them through one comprehensive Bill or by means of a sectoral approach.

Mr. Stagg: It took the Government seven years to consider it.

Mr. Killeen: Throughout this debate and in earlier airings of this issue, the Government has attempted to give the House a flavour of the exceptional legal difficulties it encountered in seeking to give legislative effect to the provisions in the original Bill.

Mr. Stagg: The Minister of State should get rid of that script.

Mr. Killeen: I have no reason to believe these problems can be satisfactorily resolved in the near future on the basis of a single, comprehensive and overly complicated legislative initiative, despite the goodwill and hard work of all sides. We need to ensure that all legislative initiatives

[Mr. Killeen.]

are apposite to the problems being addressed and that they will lead to an appropriate change in response. This is best done on a sectoral basis, so that reporting mechanisms can be tailored within existing structures.

The Government has agreed with the proposal to formalise the sectoral approach as part of its policies. I assure Members there will be ample opportunity to address these issues and that the Government will welcome their input.

Mr. Howlin: I seek the House's permission to share time with Deputy Kenny.

An Ceann Comhairle: Is that agreed? Agreed.

Mr. Howlin: As a former Minister for the Environment, I am in favour of recycling. However, the Department of the Environment, Heritage and Local Government could at least have done the Minister of State the service of providing him with a fresh script rather than recycling the Minister's material from last night.

Mr. Killeen: It is not exactly the same.

Mr. Howlin: The Minister of State's rehearsal of the so-called sectoral provisions which have been enacted is indicative of the Government's attitude to this fundamental legislation. The Whistleblowers Protection Bill was introduced in 1999, seven years ago. Few Bills of such importance have been in limbo for so long. When the Bill was originally introduced, it was endorsed by all sections of the House and regarded as strategic legislation which would dovetail with the Freedom of Information Act 1997, the Ethics in Public Offices Act 1995 and the Electoral Acts to create a corpus of law that would reform the conduct of business in this country, end some of the awful practices in various sectors and enshrine in legislation the principles of transparency and accountable administration. The Government accepted the Bill or, at least, pretended to do so. However, we have not advanced one iota on this issue since 1999.

The issues at stake are fundamental to one of the most important duties of each Member of this House, namely holding public administration to account. Part of that duty, which we do not always take seriously, is ensuring that private business is conducted in compliance with the laws set down by the Oireachtas.

After seven wasted years, we received a response from the Minister last night. It was not as much an explanation as an apologia for inaction. Apparently, it was decided that 45 amendments would be required. So what? In 2001, the Government approved a replacement Bill which would incorporate these amendments. In 2002, however, the Government decided that further consultation was necessary but that never took place. The Bill fell with the dissolution of the Dáil

in April 2002 and was restored to the Order Paper in June 2002. Obviously, the principle could not be abandoned by the Government because it felt it had to pay public lip-service to the idea of enshrining a clear whistleblowers' charter in legislation. The Minister of State has now explained that a new sectoral approach is needed. This was aptly described by my colleague, Deputy O'Shea, as an incremental approach. Instead of putting an overarching Bill before the House so that whistleblowers in all spheres of public and private activity would be protected in reaching out to a proper authority in an appropriate way, the Government will take whatever Bill happens to be in the legislative queue and, if it is suitable, a whistleblowers amendment will be grafted on to it.

I will say two things in this regard. I took the Civil Service Regulation (Amendment) Bill 2004 for my colleague, Deputy Burton. I tabled a whistleblowers amendment to it and it was voted down by the Government. That was only last year. The Minister of State spoke of enshrined public policy to deal with whistleblowers in every legislation that is introduced and he had the temerity to instance the Employment Permits Bill 2005 that is currently on Committee Stage. It was published only a few short weeks ago and it had no such provision in it. That was introduced today by way of amendment, no doubt to cover the nakedness of the approach and the pretence that this was settled Government policy, when it is no such thing.

When will all areas of public and private policy be covered by this so-called sectoral approach? It will never be done. In accordance with Murphy's law, it will always be that area of operation not covered that will be the focus of the next crisis. We have seen it often in the recent past, in such examples as the Neary case and the beef tribunal. It has been relevant to some areas of which I have personal experience, and in the minute or so I have remaining I will comment on this.

As the recipient of information from a whistleblower, I have stated publicly that my informant — I do not like using that word as it has negative connotations — came to me with deeply unsettling but verifiable information on unsavoury practices by certain gardaí in Donegal. That sent a shiver down my spine. Most citizens who wish to bring such information into the public domain would be terrified of taking on a major institution, be it the Garda Síochána or any other large State institution which has endless pockets and might. We have a moral obligation to give such people all the protection we can. The measures in this legislative provision are meagre enough in letting brave people reach out to a proper public authority to blow the whistle on perceived wrongdoing.

There are enough obstacles to an era of transparency that all of us have pretended to want. The proof of the pudding is in the eating. We on

this side of the House brought in the Freedom of Information Act, which the Government emasculated as soon as it took office. We brought in transparency regulation with regard to the Electoral Acts, and these were also watered down. When the Government has finally been asked to put its money where its mouth is and remove this obstacle to openness and allow some measure of support for people to reach out and report wrongdoing, it refuses to do so. It is shameful and characteristic of a frame of mind that is the antithesis of open and transparent administration.

Mr. Kenny: Fine Gael is happy to support the Labour Party Bill on the whistleblowers issue. If the outrageous scandals exposed in the great bastions of Irish society over the past few years have proved anything, it is that Ireland needs whistleblowers and plenty of them. It is said that all it takes for evil to thrive is for good people to do nothing. I firmly believe that when good people act for the good of our country and society, against the received wisdom, we in here should make it our business to protect them, and that is what this Bill would do.

In the case of child abuse, for example, the local industrial school or reformatory kept the wider community in business, be it as cleaners, butchers, doctors, housekeepers, gardeners, inspectors, grocers or bakers. If there had been a charter to protect any one of them brave enough to blow the whistle on what they saw, would that guilty minority of our State-appointed, church-appointed “betters” have gone on inflicting terror on small boys and girls for as long as they did?

Times are certainly changing in this country. As a nation, we are overcoming our colonial past and breaking the taboos about our traditional “betters”. Confident and well educated, we are leaving behind our culture of deference to those in authority, be they church, banks or politics. With the Neary case, we are leaving behind our deference to medicine, one of the last bastions of the *status quo*.

As people often remind me, patients in our hospitals have had a surreal experience in their thousands. A sister rings the bell and right on cue, a doctor sweeps into the ward with a gaggle of students in tow. He peers at you over his half glasses from the papal balcony — the end of the bed — and then proceeds to recount your entire private medical history to his captive trainee audience, and everyone else within earshot behind the curtains. The nurses and students dance attendance and from the disadvantage of the depths of the bed, you mumble your thanks to the doctor. You might be reminded that it is “Mister” as they turn and sweep out, as one, on to their next appointment. The subtext always being that the privilege is all yours. Anyway, has everyone not heard the line “trust me, I’m a doctor”?

It was exactly that culture of deference that led to the Neary case and perhaps more like it, but

that will be no more. I believe the many excellent practitioners in the medical profession, and others, will welcome this legislation and the more democratic, collegial and accountable approach to their work which it will bring.

I very much regret that in an age when people have lost touch with what passes for politics, the Government, by being so timid around the issue of this whistleblower legislation proposed by the Labour Party, is missing the chance to restore politics in the public heart as capable of making a real difference to their lives, by changing things for the better. Normally so rankly expedient, the kid gloves are around this legislation, where the Government is obsessing over the legal niceties and fussing over the letter as opposed to the spirit of the legislation. The approach is not just odd, it is disappointing and infuriating.

The Government could proceed, instigate the protection, make things safer for the person, the patient, the consumer, and deal with potential difficulties later, but it will not do so. While it is obsessing over sectoral interests, who knows what scandals will continue undetected and unpublicised? When one considers that this Government, which strangled the Freedom of Information Act, is the most secretive since the Haughey era, one can see its strangely cautious approach as a serious case of nerves, or “be careful for what you wish for”.

The debate over the past two nights highlights a sharp distinction between the approach of the Fine Gael and Labour parties and the approach of the Government. While both sides support the protection of genuine whistleblowers, there is a fundamental difference in how we each would implement that commitment. The Labour and Fine Gael parties believe that a broad cross-cutting protection of whistleblowers is necessary. On the other hand, the Government takes the view that a sectoral approach on a case by case basis is better.

I believe there is a fundamental flaw in the Government’s approach. We should look back at some of the scandals referred to by Deputy Howlin which have afflicted Irish society in recent years, such as the DIRT inquiry, a scandal involving financial institutions and offshore activities, nursing homes and, most recently, the Neary case. It is only after the damage has been done that we begin to get an understanding of what happened and why. In almost all these scandals, if an effective whistleblower protection was in place, it is certainly possible that someone might have come forward at a much earlier stage and prevented damage to patients or financial loss to consumers. The Government’s approach has been to close the stable door after every horse has bolted. By definition, that means that for scandals about which we may yet have to hear, no protection will be in place for whistleblowers. A broad, cross-cutting measure which provides a broad level of protection for whistle-

[Mr. Kenny.]

blowers should be put in place at least until the various sectoral measures have been enacted. For example, if the Government suggested that this Bill should be the subject of a sunset clause to come into effect in five years' time when sectoral protections have been put in place, it would be a move in the right direction.

Deputies of all parties come across whistleblowers in various guises. Last year I was approached by somebody who said they had a conscience and wanted to tell me something about the computer system in the Health Service Executive and the health boards, and so the PPARS issue came to light. That person had no protection. Their identity is still unknown but they had great courage and wanted to tell the nation about the issue.

The Government's approach is unnecessarily divisive. If there are legal difficulties with cross-cutting whistleblower legislation, let them be teased out on Committee Stage of the Bill. The process would certainly be quicker than waiting for the Government to legislate sectorally case by case. I make the plea to the Minister to accept the referral of the Bill to Committee Stage. Let us work out any legal issues that need to be worked out afterwards. Let us put in place a support for genuine whistleblowers who act in the public interest, in the interest of patients and in the interests of consumers. We strongly support the Bill proposed by the Labour Party.

Amendment put.

The Dáil divided: Tá, 67; Níl, 55.

Tá

Ahern, Dermot.
Ahern, Michael.
Ahern, Noel.
Andrews, Barry.
Ardagh, Seán.
Brady, Johnny.
Brady, Martin.
Brennan, Seamus.
Browne, John.
Callanan, Joe.
Callely, Ivor.
Carey, Pat.
Carty, John.
Cassidy, Donie.
Cooper-Flynn, Beverley.
Coughlan, Mary.
Cowen, Brian.
Cregan, John.
Cullen, Martin.
Curran, John.
Davern, Noel.
de Valera, Síle.
Dempsey, Tony.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Fahey, Frank.
Finneran, Michael.
Fitzpatrick, Dermot.
Fleming, Seán.
Gallagher, Pat The Cope.
Glennon, Jim.
Grealish, Noel.
Haughey, Seán.

Hector, Máire.
Jacob, Joe.
Kelly, Peter.
Killeen, Tony.
Kirk, Seamus.
Kitt, Tom.
Lenihan, Brian.
Lenihan, Conor.
Martin, Micheál.
McEllistrim, Thomas.
McGuinness, John.
Moloney, John.
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'Keeffe, Ned.
O'Malley, Fiona.
O'Malley, Tim.
Parlon, Tom.
Power, Peter.
Smith, Brendan.
Smith, Michael.
Treacy, Noel.
Wallace, Mary.
Wilkinson, Ollie.
Woods, Michael.

Níl

Allen, Bernard.
Boyle, Dan.
Breen, James.
Broughan, Thomas P.
Bruton, Richard.
Burton, Joan.
Connaughton, Paul.
Costello, Joe.
Cowley, Jerry.
Crawford, Seymour.
Deasy, John.
Deenihan, Jimmy.

Durkan, Bernard J.
Gillmore, Eamon.
Gormley, John.
Gregory, Tony.
Hayes, Tom.
Higgins, Joe.
Higgins, Michael D.
Hogan, Phil.
Howlin, Brendan.
Kenny, Enda.
Lynch, Kathleen.
McCormack, Pádraic.

Níl—*continued*

McGinley, Dinny.
McGrath, Finian.
McHugh, Paddy.
McManus, Liz.
Mitchell, Olivia.
Moynihan-Cronin, Breeda.
Murphy, Catherine.
Neville, Dan.
Noonan, Michael.
Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
O'Dowd, Fergus.
O'Keeffe, Jim.
O'Shea, Brian.
O'Sullivan, Jan.
Pattison, Seamus.

Penrose, Willie.
Perry, John.
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 Curran; Níl, Deputies Stagg and Neville.

Amendment declared carried.

Question put: "That the motion, as amended,
be agreed to."

The Dáil divided: Tá, 66; Níl, 56.

Tá

Ahern, Michael.
Ahern, Noel.
Andrews, Barry.
Ardagh, Seán.
Brady, Johnny.
Brady, Martin.
Brennan, Seamus.
Browne, John.
Callanan, Joe.
Callely, Ivor.
Carey, Pat.
Carty, John.
Cassidy, Donie.
Cooper-Flynn, Beverley.
Coughlan, Mary.
Cowen, Brian.
Cregan, John.
Cullen, Martin.
Curran, John.
Davern, Noel.
de Valera, Síle.
Dempsey, Tony.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Fahey, Frank.
Finneran, Michael.
Fitzpatrick, Dermot.
Fleming, Seán.
Gallagher, Pat The Cope.
Glennon, Jim.
Grealish, Noel.
Haughey, Seán.

Hector, Máire.
Jacob, Joe.
Kelly, Peter.
Killeen, Tony.
Kirk, Seamus.
Kitt, Tom.
Lenihan, Brian.
Lenihan, Conor.
Martin, Micheál.
McEllistram, Thomas.
McGuinness, John.
Moloney, John.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M. J.
Ó Fearghail, Seán.
O'Connor, Charlie.
O'Donnell, Liz.
O'Donoghue, John.
O'Donovan, Denis.
O'Flynn, Noel.
O'Keeffe, Batt.
O'Keeffe, Ned.
O'Malley, Fiona.
O'Malley, Tim.
Parlon, Tom.
Power, Peter.
Smith, Brendan.
Smith, Michael.
Treacy, Noel.
Wallace, Mary.
Wilkinson, Ollie.
Woods, Michael.

Níl

Allen, Bernard.
Boyle, Dan.
Breen, James.
Broughan, Thomas P.
Bruton, Richard.
Burton, Joan.
Connaughton, Paul.

Costello, Joe.
Cowley, Jerry.
Crawford, Seymour.
Deasy, John.
Deenihan, Jimmy.
Durkan, Bernard J.
Gillmore, Eamon.

Níl—*continued*

Gormley, John.
 Gregory, Tony.
 Hayes, Tom.
 Higgins, Joe.
 Higgins, Michael D.
 Hogan, Phil.
 Howlin, Brendan.
 Kenny, Enda.
 Lynch, Kathleen.
 McCormack, Pádraic.
 McEntee, Shane.
 McGinley, Dinny.
 McGrath, Finian.
 McHugh, Paddy.
 McManus, Liz.
 Mitchell, Olivia.
 Moynihan-Cronin, Breeda.
 Murphy, Catherine.
 Neville, Dan.
 Noonan, Michael.
 Ó Caoláin, Caoimhghín.

Ó Snodaigh, Aengus.
 O'Dowd, Fergus.
 O'Keeffe, Jim.
 O'Shea, Brian.
 O'Sullivan, Jan.
 Pattison, Seamus.
 Penrose, Willie.
 Perry, John.
 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 Curran; Níl, Deputies Stagg and Neville.

Question declared carried.

Adjournment Debate.

Job Losses.

Dr. Cowley: I am grateful for the opportunity to raise the matter of 40 job losses in Ballina, County Mayo. The north Mayo area is in crisis and the fault lies with a Government that has failed to address the unemployment problem. How can Ballina survive when the unemployment rate is twice the national average? Ballina has lost 1,000 manufacturing jobs, net, in north Mayo with the closure of Asahi, Heneghans, Oasis and other factories in the past nine years as well as the loss of spin off industries. The area has been dealt a mortal blow and IDA Ireland seems incapable of delivering what is needed. It is unacceptable that IDA Ireland has no location for industry in Ballina.

The town lost 1,340 jobs and gained 400 replacement jobs, giving a net loss of 1,000 jobs. The number of people on the live register in Ballina exceeds the number for the entire county of Roscommon. The Ballina Chamber of Commerce is doing its best but does not have facilities to address the problem.

I urge the Minister of State to intervene. IDA Ireland and Enterprise Ireland must work harder for the area. IDA Ireland states it has great difficulty securing jobs for the area because manufacturing companies prefer to locate in Dublin and larger centres with the scale, infrastructure and services capable of sustaining the investment.

The area needs balanced regional development and, specifically, roads, rail, broadband and technology parks. The area is not competitive as it

does not have the infrastructure needed. I urge the Minister of State to consult his colleagues in Government on this serious situation. Replies from the Minister for Enterprise, Trade and Employment, Deputy Martin, and IDA Ireland suggest the lack of balanced regional development is the core of our problem. I ask the Minister to galvanise IDA Ireland and Enterprise Ireland into action.

Ms Cooper-Flynn: Thursday, 2 March was a black day for Ballina and the people of Mayo. Some 40 full-time jobs were lost at the Oasis factory. This company has been a manufacturer of bottle and pressure water coolers in the town since 1992. It has decided to relocate to Poland as the costs of manufacturing jobs in Ballina are not competitive, even though it will retain its European headquarters in the town. Over the past nine years 1,340 jobs have been lost and IDA Ireland has created only 400 jobs in that time. The net loss is almost 1,000 jobs.

Exactly one year ago I sought a debate on the underspend in the BMW region. The Minister of State responded on behalf of the Government. At that time there was a €2 billion underspend in the region and today that figure is €3.7 billion, despite the commitment given by the Minister of State that the Government would do everything it could to redress the imbalance by the time the national development plan concluded. Although I recognise funds can be allocated until 2008, the plan finishes at the end of 2006 and this is a poor reflection of the Government's investment in the BMW region and the town of Castlebar. I met representatives of IDA Ireland last year and was told the main reason jobs could not be located in Mayo was the inadequate infrastructure, particularly the N5.

Work on the section of the N5 between Castlebar and Westport had been shelved as has work on phase two of the N26. The Minister for Transport, Deputy Cullen, stated the latter would be done on a continuous basis, explaining that he liked to finish a job when he started one. The NRA has no intention of reversing the current situation although progress is being made on the Charlestown by-pass.

Some 1,000 jobs have been lost in Bolex, Castlebar, some 120 in the Cedar Group, 50 in APC, 220 in Heneghans of Ballina, 20 in Hats of Ireland and now these jobs in Oasis, which once employed 400 people. I ask the Minister of State to honour the commitment given last year and respond to this crisis.

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): I was concerned to hear that Oasis in Ballina has announced that it will reduce its workforce to approximately 12 people over the next two months. The rationalisation of its operation in Ballina has been sought by its parent company and will end all manufacturing activities at the plant. The remaining staff will be engaged mainly in customer support and marketing activities.

The company has been experiencing increased competition in its market, particularly from Chinese manufacturers, and employment has steadily declined in recent years. Oasis established a manufacturing site in Poland in 2001 and I understand the remaining production in Ballina will now transfer to Poland. The company's difficulties are not unique to Ireland as I understand it is experiencing similar difficulties in the US market where major rationalisation is expected at its plant in Ohio.

I am very conscious of the effect these job losses will have on the workers involved and their families as well as the community in the surrounding area. This is very distressing news for those who will lose their jobs as a result of the announcement. I assure the people concerned that the State agencies will provide every support they can.

The priority will be to find alternative employment for those involved at the earliest possible opportunity. The role of FÁS, the State training agency, will be particularly important in assisting those who are about to lose their jobs. FÁS has already made contact with the company and the full range of its services will be made available to employees concerned if they wish to avail of them.

The industrial development agencies will make every effort to secure alternative investment and employment for Ballina and north Mayo. A central goal for the agencies is the achievement of balanced regional development. The national spatial strategy provides a framework for achievement of this goal through the prioritiz-

ation of development and investment in the gateway and hub locations. IDA Ireland seeks to attract foreign direct investment into the linked hub of Ballina and Castlebar, as well as a small number of additional locations throughout County Mayo.

The agency is promoting Ballina for new foreign investment as well as working with the existing base of overseas companies in Ballina to encourage them to expand. Since January 2003 there have been five first time site visits to Ballina. IDA Ireland's sectoral emphasis is on attracting new knowledge intensive projects in the medical technologies, life sciences, information communications and technology and international services sectors.

The agency is investing significantly in the provision of planned and focussed property solutions. Specifically, IDA Ireland is developing world class business and technology parks at a number of towns. The goal is to ensure that these locations have the appropriate property solutions, tailored to specific key sectoral targets, to attract inward investments. IDA Ireland has been in discussions with Mayo County Council regarding the acquisition of a site in local authority ownership in Ballina.

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 in enhancing the innovation capability of Irish companies at a national and regional level. Enterprise Ireland provides preferential funding for companies with detailed export plans who are expanding or establishing a business in County Mayo. Enterprise Ireland has approved funding support of almost €1 million to client companies in the Ballina-Killala area in the period 2003 to 2005.

A new Enterprise Ireland-supported high potential start-up company, Heatsolve Limited, commenced operations in Ballina last year. Enterprise Ireland has committed funding of more than €700,000 to IRD North Mayo-West Sligo Limited, for the development of enterprise space in Ballina. The Minister for Enterprise, Trade and Employment officially opened this centre during his visit to Ballina in January 2006.

According to provisional figures from the Forfás employment survey 2005, the total number of people employed in Enterprise Ireland client companies in County Mayo in 2005 was 3,054, an increase of 468 people on the number of people employed ten years earlier. In addition, in the past 12 months, a number of new businesses have been set up in the Castlebar area, all in the retail sector, creating approximately 150 to 200 jobs.

I am confident that the State development agencies will strengthen their marketing and promotion efforts in Ballina and north Mayo and will make every effort to secure alternative employ-

[Mr. Killeen.]

ment for the area. This will be done in partnership with other key players to maximise the flow of potential investors for the area and to convert these into investment and job opportunities for both Ballina and County Mayo in general.

Mr. Carey: I thank the Ceann Comhairle for selecting this matter for discussion. Last week's announcement that 81 jobs are to go at the PCTel factory in Finglas is a major blow for the area. The parent company, based in Chicago, has stated that PCTel's financial losses are now at an unacceptable level and that plans are under way to transfer the technology operation to eastern Europe. The loss of these 81 well paid and high level manufacturing jobs should not be allowed to happen without significant discussion of the implications for these workers and without discussion of what these losses represent in broader economic terms.

Redundancy negotiations will begin tomorrow morning. To comprehend fully the workers' disappointment and disillusionment with this closure, it is important to point out a number of factors. PCTel is involved in the design, manufacturing and marketing of specialised antennae for mobile operators. It is recognised as a technology innovator within the emerging mobile markets such as TETRA and 3G. It has a long established history within the Finglas area and has operated there and employed people from the area since 1956.

Long before the boom began, Sigma was among the first high-tech companies to be established in Ireland and achieve international success. The company has a highly skilled and committed workforce. It is a successful company and is trading well. Many of the workers have worked there for more than 20 years and the average length of service is 25 years. This week I spoke to a man who has worked at the company for 43 years. In the general election campaign of 1992, the then Taoiseach, Albert Reynolds, opened the factory on a rather wet and dreary morning and a great future was heralded at that time.

PCTel purchased this company, which was previously known as Sigma Wireless Technologies, less than a year ago in July 2005. In 2002 along with Motorola it designed and developed the real time signage which is used on Luas trams. Like like many other firms in this sector, it had experienced losses during 2001 and 2002, but at the time, Sigma was doing very well. It had a projected turnover of €15 million 2005 and employed more than 100 people at the Finglas plant.

On 22 February, the company notified the office of the Minister for Enterprise, Trade and Employment that 22 jobs were to be made redundant. This was further amended by letter on 1 March, just a few days ago, when a further 65 redundancies are being sought. It is uncertain whether this is a total of 65 redundancies or 65

plus 22. As one would expect, the sale in July 2005 caused the workers some concern. However, the previous owner stated at the time that this represented very good news for the Dublin plant. Given Sigma's customer base throughout Europe, the Middle East and Asia, it was assumed that this Chicago-based company wanted to expand into these markets and therefore that business would continue as normal from Finglas.

PCTel bought the company for €19.5 million in cash and assumed €2.5 million in pension liabilities. The pension deficit should have been corrected by the previous owners. It is also worth noting that PCTel did not buy the land on which the plant stands. This remains in the hands of the previous owners, who will, I have no doubt, profit from its future sale or redevelopment. These previous owners should examine their obligations to the present staff who have been their loyal workforce for many years. I have no doubt that these workers will find other employment in the same or in another sector. The Forfás expert group on future skills needs recently estimated a demand in the electronics and micro-electronics sector of up to 2,500 professional engineers and 900 technologists a year.

None of this will ease the fact that losing one's job can be a thoroughly unpleasant and dispiriting experience for the person concerned and for his or her family. Economic growth does not benefit everyone all the time. There are losers, even if they are mostly losers only in the short term. Even in the best days of the Celtic tiger, substantial job losses occurred. In 1999, for example, a year that saw gross domestic product rise by an unprecedented 11%, more than 9,000 jobs or 8% of the total were lost in IDA Ireland-supported companies alone. It is a fair bet that most of the people affected have long since been re-employed and at higher wages. However, that does that mean that we should shrug off these losses so easily.

These job losses are in Finglas where many cannot afford to go through the uncertainty of short-term unemployment. It is for this reason that efforts must begin immediately to find a replacement industry. I ask the Minister of State to ensure that Finglas is listed as a priority area for the State's job creation and training agencies. Finglas has many advantages for an employer, including ease of access to major markets and a talented, educated workforce to fill high tech jobs. It is now important that agencies such as IDA Ireland, FÁS and Enterprise Ireland highlight these advantages to future employers.

Mr. Killeen: I thank the Deputy for raising this matter. I was disappointed to hear that Sigma Wireless Technologies Limited has decided to make so many employees redundant from its facility at Finglas, Dublin 11. I understand that following a review of the company's financial position by its owner, PCTel Inc., in preparation

for the consultation process with trade union representatives, it was confirmed that the company was in a precarious financial position and was continuing to lose money at an unacceptable rate.

I understand that PCTel Inc. has determined that it may be necessary to move all product lines from the company to manufacturing bases elsewhere to keep part of the Finglas plant in operation. Unfortunately, it seems that this revised proposal by the company will result in more redundancies than originally anticipated at the outset of the consultation process with only a small number of jobs remaining at its Finglas operation.

I am very conscious of the impact these job losses will have, not only on the employees concerned and their families but also on the community in the surrounding area. I assure the people concerned that the State agencies will provide every support they can. The priority will be to find alternative employment opportunities as soon as possible for those involved.

In this regard, I know that FÁS has been in contact with the company's human resources manager setting out the full range of services available from FÁS to the employees concerned. These will include interviews with the employees, preparation of a skills analysis report by FÁS based on the needs of the workers, details of opportunities available locally and customised training where appropriate.

In June 2005, Enterprise Ireland agreed to the acquisition of Sigma Wireless Technologies Limited by PCTel Inc. This acquisition was on the basis of a cash free, debt free sale only and the amount paid by PCTel was in the region of €20 million. Enterprise Ireland viewed the acquisition as an opportunity for Sigma Wireless Technologies to achieve scale. Consolidation in this industry was inevitable and the support and backing of a large parent company was viewed positively. While there was no guarantee to Enterprise Ireland that the Dublin operation would be developed as desired, the views from PCTel at that time were that the acquisition was a good strategic move for the company into Europe.

The industrial development agencies will make every effort to secure alternative employment for the area. Since the beginning of 2005, Enterprise Ireland has approved more than €33 million and made payments of more than €27 million in support of development projects for indigenous companies throughout the Dublin region. According to the information available, at the end of 2005, approximately 4,033 people were employed in 196 Enterprise Ireland companies in Fingal county and 23,508 people in 1,048 companies in Dublin city. This compares with 3,465 and 21,877 people employed respectively in 1996.

Enterprise Ireland has also invested significantly in community enterprise centres in the north of Dublin city to support the establishment

and expansion of micro-enterprises through local community participation. Enterprise Ireland has also funded enterprise centres on the north side of the city at Ballymun, North King Street, Oxmantown Lane as well as the Bolton Trust Centre at East Wall Road, now managed by the Dublin Institute of Technology.

IDA Ireland, through its network of overseas offices, promotes north Dublin as an attractive location for foreign direct investment. IDA Ireland's strategy for Dublin is to progress the development of a knowledge economy so the region can compete nationally and internationally for foreign direct investment; work with the existing client base in Dublin to encourage them to expand and diversify into higher value added goods and services; act as a broker with the higher education authorities, key client companies and Science Foundation Ireland to encourage further research and development; provide modern property solutions with supporting infrastructure; and work with local authorities and other relevant agencies to influence the delivery of the necessary infrastructure.

Significant job announcements for the north Dublin area over the past 12 months include 100 jobs at Qlogic's EMEA headquarters locating in Blanchardstown Corporate Park and 400 jobs at Yahoo's European headquarters established in East Point Business Park. The proximity to Dublin Airport combined with access to the new port tunnel, both located in Fingal, is likely to generate a logistics base in this general area in the coming years. The completion of major infrastructural projects in the Blanchardstown-Finglas area will increase its attractiveness and suitability as a location for both indigenous and overseas business in coming years.

The State development agencies, under the aegis of my Department, will continue to market Dublin, including north Dublin for employment and investment opportunities and will make every effort to find alternative employment for the employees of Sigma Wireless who are now facing redundancy.

Social Welfare Code.

Mr. Costello: The issue I am raising is peculiar to Dublin inner city communities. It relates to that scourge of disadvantaged areas, heroin, a killer in every sense of the word that has caused devastation. Death, sometimes by suicide, is the by-product of overdosing or overuse of the drug and many young children are orphaned as a result of the drug's heavy toll on the lives of young people. Many of those children are taken in by their grandparents, aunts and uncles. The generosity of inner city communities knows no bounds and the extended families immediately step in and raise the children as their own. Effectively the children are adopted, though not formally.

[Mr. Costello.]

The Department of Social and Family Affairs pays an allowance to such families. Families such as these receive €121 per week for the child from the Department of Social and Family Affairs. If, instead of taking the child in immediately, a family waited for the HSE to take the child into care, the child would then be the responsibility of the Department of Health and Children. If the family then fostered the child from the Department of Health and Children, even if the child was in the care of that Department for only one night, the family would be entitled to the Department of Health and Children allowance, which is €320 per week, almost three times the amount received from the Department of Social and Family Affairs. By immediately taking care of the orphan rather than allowing the State service to intervene in the first instance the extended family is penalised by the State.

Children become orphans in other tragic circumstances, such as road accidents, but this issue particularly relates to disadvantaged inner city communities, especially in Dublin, because 85% of heroin use is in the Dublin area. Many of these cases relate to heroin orphans. A relatively small number of people are involved, approximately 2,000, and it is time the two Departments came together and synchronised the payments they are making to these families for the same response and contribution. The families support, raise and nurture these children in the same way, yet the State's contribution is lopsided.

Mr. Killeen: I welcome Deputy Costello's outlining of the differences in the rate payable under the adoptive benefit scheme and payments made to foster carers. Adoptive benefit is a social insurance payment paid by the Department of Social and Family Affairs to workers who would otherwise be without income during a period of entitlement to statutory leave in respect of the adoption. Entitlement to adoptive benefit is contingent in the first instance on entitlement to adoptive leave. The payment is funded from social insurance contributions paid by workers and their employers.

The right to adoptive leave is established under the adoptive leave legislation, which is the responsibility of my colleague, the Minister for Justice, Equality and Law Reform. That legislation requires that the adopting parent's employer certifies entitlement to adoptive leave and the parent becomes an adopting parent for the purpose of the payment. Eligibility for adoptive benefit is confined to an "adopting parent", as defined under social welfare legislation, which is in turn tied into the provisions of adoptive leave legislation. An adopting parent can be an employed adopting mother, an employed sole male adopter or, where an adopting mother has died, an employed adopting father. Provision is also made for self-employed workers to avail of

adoptive benefit. Adoptive benefit is payable at 80% of reckonable earnings in the relevant tax year subject to an earnings ceiling. Following the 2006 budget the maximum rate of benefit payable is €265.60 per week with the minimum rate equivalent to the rate of disability benefit, which is €182.60 per week.

Adoptive benefit payments serve as a non-means-tested income transfer in lieu of earnings foregone during a period of adoptive 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 credits in the period prior to claiming the benefit. The contribution criteria for adoptive benefit required to establish eligibility are less onerous than most other benefit payments, requiring 39 contributions paid in the 12 months immediately before the date the child is placed, or 39 weeks paid since first starting work and 39 weeks paid or credited in the relevant tax years on the subsequent tax year, or at least 26 paid in the relevant tax year and 26 paid in the subsequent year.

Foster care payments serve a different function from adoptive benefit and payment is contingent on adherence to specified standards rather than having an entitlement to statutory leave. Funding for foster care payments comes from general taxation rather than the social insurance fund and the payments are administered by the Health Services Executive. The Health Services Executive is responsible for children in need of care and protection, as provided for under the Child Care Act 1991.

Studies have shown that the development of a child is best achieved in a family environment but unfortunately it is not always possible for a child to remain in his or her own family for a variety of reasons. Child care policy is grounded on the principle that children who cannot, for whatever reason, live with their own family, and for whom the State has responsibility, should be provided with an appropriate alternative. Fostering is the main form of alternative care services for these children. Foster care is a critically important part of the child protection and welfare service. Children placed in foster care remain in the care of the State and a weekly foster care allowance is paid to the foster carers in recognition of their responsibilities and costs associated with looking after the children. The current foster care allowance rates are €305 per week for a child under 12 years and €332 per week for a child over 12 years.

Foster parents are not, *a priori*, excluded from entitlement to adoptive leave and in turn adoptive benefit, but the eligibility criteria prescribed in both adoptive leave and adoptive benefit legislation must be fulfilled to establish their entitlement to adoptive benefit. A foster parent who was employed or self-employed prior to adoption,

even in part-time employment, may qualify for adoptive leave and in turn adoptive benefit.

Payment rates made in respect of adoptive benefit and foster care activity are not directly comparable.

Mr. Costello: That is not true.

Mr. Killeen: They both serve different functions. The former is an income transfer in lieu of earnings forgone on foot of entitlement to statutory leave, whereas the foster care allowance is paid in recognition of the obligations placed on foster carers to meet the needs set out in the child's statutory care plan and in accordance with the standards set out in the national foster care standards.

Youth Services.

Mr. Neville: I am grateful for the opportunity to raise this issue on inequalities for young people, who believe they are seen in a negative light by adults. They see their treatment at the hands of adults as being unequal and unfair, according to a report published on 22 February, *Inequality and the Stereotyping of Young People*, by the Equality Authority and the National Youth Council of Ireland. Among young people, the research found, there was strong agreement that they were being stereotyped and treated unfairly by adults in general. It found the media were regarded as particularly prone to stereotyping young people in very negative ways by constantly associating youth with crime, deviance, delinquency, drug and alcohol problems, sexual promiscuity and general disorderliness. The predominant view of young people was that politicians dismissed them as being unimportant. There was a view that politicians were both responding to media stereotyping and helping to fuel it. The views of young people as to how their teachers perceived and treated them were mixed. The young people in general felt most strongly about not being listened to and not having a say in how schools were run. They perceived that there was a poor relationship with the Garda and that gardaí had a poor opinion of young people.

There is a need to consult young people on the issues that relate to them and to involve them in decisions. It does not come as a surprise to me that this attitude exists. I have always argued that young people now face pressures that previous generations never knew of. They are coping with many forms of stress and are many are in difficulty because of those pressures. We must examine why young people sometimes feel so alienated from society, from the political system and official religion — even though most young people are very spiritual. Many turn to binge drinking or worse as a response to their feelings of alienation and the spiritual vacuum often present in modern life. This demands a political and a media response. In seeking to find solutions to the prob-

lems facing young people, however, we must be sensitive to the possibility of negative stereotyping and seek to avoid it.

Suicide is the chief cause of death in people under 25, and more people die by suicide than in road accidents. We must seriously examine why so many young people in times of unprecedented prosperity are so disenchanted by life that thousands present in accident and emergency departments each year, having attempted to commit suicide. Social change has brought with it many serious challenges. There is the fragmentation of the family allied to an increase in marriage breakdown. Young people believe they have nowhere to turn. Clearly, those who fall out of education are most vulnerable. At the same time many of the cultural icons and authority figures of the past are no longer inspirational in the eyes of the young, such as the church and the political establishment. The report, which the House discussed tonight, makes this clear, too. It is worrying that young people should feel so separated from adults when the role of each generation should be to lead and protect the one that comes after it. It is also of great concern that young people feel demonised by society. As a society, we should seek to understand why. Politically we must demonstrate the will to recognise the equal rights of young people to develop a greater sensitivity to their particular needs.

The report recommends investment in new improved resources for young people at local level. It calls for improved working of school councils and an improved focus on stereotyping of young people on training programmes for the Garda, journalists, teachers and security staff in shopping centres. The report also recommends the establishment and monitoring of standards by the proposed press council and the Broadcasting Commission of Ireland, as regards media coverage of young people.

Mr. Killeen: I thank Deputy Neville for raising this important matter and for drawing the attention of the House to this report.

On behalf of the Minister for Justice Equality and Law Reform I welcome the publication of the report which provides an important insight into the inequality and the stereotyping of young people today as perceived by the young people themselves. This research involved a large number of children and young people who took part in the focus groups which formed one of the two main strands upon which the report was based — the other strand being the content analysis of media sources as they related to young people.

The Minister is of the view that this report will be of interest to all groups who engage with young people. One of the recommendations was addressed to the Department of Justice, Equality and Law Reform. It asked the Department to review the provisions of the Equal Status Acts

[Mr. Killeen.]

2000 to 2004 whereby the age ground applies only to people over 18. The Minister does not, however, agree that there is an urgent need to extend the provisions of the Equal Status Acts on the age ground to people under 18. The reason for excluding under-18s from claiming discrimination on the age ground is that 18 is a standard cut-off age for access to many services. It is the age of majority, the age at which contractual commitments are fully enforceable, the age for sale of drink, the age for access to certain films etc. It would be impractical to extend the age ground to under-18s as this would necessitate the provision of an extraordinary number of exemptions within the legislation and entail the revisiting of virtually every area of the Equal Status Act. It would also mean that, in principle, it would no longer be permissible to give any preference, such as reduced prices, to young people.

Under section 3(3) of the Equal Status Act 2000, a person who is less than 18 cannot bring a claim of discrimination on the age ground. Equally, a person who is 18 or over cannot bring a claim of discrimination on the age ground which is based on a comparison with a person aged less than 18, for example, an adult cannot seek children's fare on a bus. The Minister is emphatic however, that the Act applies to discrimination against under-18s based on the other eight grounds. It is, therefore, possible for a young person to bring a claim of discrimination or harassment based on the grounds of race, gender, sexual orientation, membership of the Traveller community etc. It is not correct to say that the Act excludes young people.

The Government has already amended the Equal Status Act twice to make changes in the way it impacts on young people. It clarified the law as regards the regulation of access to licensed premises by persons under 18 years of age and the conditions under which it is permissible to set an age limit higher than 18 years for the purchase of liquor. The Government also amended the Equal Status Act to apply it to discrimination on the age ground in the provision of motor vehicle

insurance to drivers under 18 years of age. It has shown that it is prepared to consider well founded proposals for changes to equality legislation. However, a general application of the age ground to persons under 18 would not be practical.

The role of protection of the rights and interests of children and young people under eighteen resides with the Ombudsman for Children established under the Ombudsman for Children Act 2002 and not with the Equal Status Acts. The role of the Ombudsman for Children covers three main areas, the first being the promotion of children's rights, the second dealing with complaints and investigations and the third the carrying out of research and inquiries.

The Minister for Justice, Equality and Law Reform is of the opinion that a better approach would be the one already identified in the report, which is a focus on the role the media have to play in creating negative stereotyping and its recommendations in this regard to the National Union of Journalists and the Broadcasting Commission of Ireland. The Minister imagines that any code of practice for the press could also usefully address this point.

The report makes the case that the media has a particular responsibility to take care in its portrayal of groups, such as young people, that have limited influence and power in society. However, stereotyping is not something created by legislation and neither would legislation against it have any success in stopping it.

A key Government strategy is the recent bringing together of the key personnel of the relevant sections in the Departments of Health and Children, Education and Science and Justice, Equality and Law Reform under the new Office of the Minister for Children. The aim is to focus on the harmonisation of policy issues as they affect children and young people. The Minister of State specifically represents young people's interests. This demonstrates the Government's commitment to understanding the importance of children and young people's contribution.

The Dáil adjourned at 9.30 p.m. until 10.30 a.m. on Thursday, 9 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.

Planning Issues.

11. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government his views on whether the wording of the Planning and Development (Strategic Infrastructure) Bill 2006 will make it possible for profit driven projects to receive critical infrastructure status and so bypass the normal planning process; and the steps he intends to take to ensure that projects such as shopping centres or office blocks will not fall within the remit of the fast-track process; and if he will make a statement on the matter. [9570/06]

18. **Dr. Upton** asked the Minister for the Environment, Heritage and Local Government the new procedures which he envisages being introduced to the High Court to speed up planning cases; if such procedures will result in restrictions to public participation and scrutiny of planning proposals; and if he will make a statement on the matter. [9578/06]

36. **Mr. Broughan** asked the Minister for the Environment, Heritage and Local Government the way in which he reconciles the restrictions placed on public participation in the planning process in the Planning and Development (Strategic Infrastructure) Bill 2006, particularly in relation to environmental issues, with the letter and spirit of the Aarhus Convention. [9572/06]

46. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government the effect of the Planning and Development (Strategic Infrastructure) Bill 2006 on An Bord Pleanála and whether it has implications for its independence; the steps he intends to take to ensure that public confidence in An Bord Pleanála is not affected by its changed role; and if he intends to formulate a new planning appeals process if the Bill becomes law. [9571/06]

56. **Mr. McCormack** asked the Minister for the Environment, Heritage and Local Government the steps he will take to speed up the planning application process; and if he will make a statement on the matter. [9490/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to

take Questions Nos. 11, 18, 36, 46 and 56 together.

The Planning and Development (Strategic Infrastructure) Bill 2006 which was debated at Second Stage in Seanad Éireann yesterday and today, 7 and 8 March, provides for the introduction of a streamlined consent process for specified classes of infrastructure development. In parallel, An Bord Pleanála will be restructured to establish a new strategic infrastructure division that will handle all the major infrastructure projects that come before it.

At present, the board's existing responsibilities include motorway and major road proposals and other large-scale local authority projects that require environmental impact assessment. The Bill proposes that the new strategic infrastructure division will also handle the strategic consent process for certain types of environmental, energy and transport infrastructure. The types of infrastructure involved are listed in a new Seventh Schedule to the Planning and Development Act 2000. These types of infrastructure bring major public benefit to the State or the region in which they are located, regardless of whether they are provided by a State, semi-State or a private infrastructure provider. The Bill's proposals are confined to major environmental, transport and energy infrastructure and it is not planned to extend them to cover developments such as shopping centres or office blocks.

The Bill provides for a full public consultation process before the strategic infrastructure division of the board makes its decision on a project. The division will be required to consult with the relevant local authorities. Elected members will be given a specific opportunity to make their views known on a proposed infrastructure development. In addition I propose to widen the right of access to apply for leave for judicial review of major infrastructure decisions to include environmental non-governmental organisations. I am happy therefore that this legislation fully meets Ireland's obligations under the Aarhus Convention and related EU legislation on public participation.

The Bill represents a major evolution of the planning code to meet the demands of our rapidly expanding economy and society. It places reliance on the experience and competence of An Bord Pleanála, which already deals with many major types of infrastructure including motorways. The board will apply the same independent and rigorous approach to its consideration of these projects, as it does for decisions coming before it at present. The Bill does not affect the existing appeals process for other types of development. I understand that, in addition to the provisions of the Bill, a new initiative is being introduced by the courts in relation to managing their procedures for processing legal challenges to infrastructure cases.

Private Rented Accommodation.

12. **Mr. Rabbitte** asked the Minister for the Environment, Heritage and Local Government if he intends to provide stronger incentives financial or otherwise to local authorities in order to enforce the dwelling standard criteria and to allow a meaningful number of inspections to be carried out on dwellings being considered or in use for rent supplement tenants. [9595/06]

61. **Mr. Quinn** asked the Minister for the Environment, Heritage and Local Government if he intends to update the Housing (Standards for Rented Houses) 1993 to reflect modern living standards; and when he proposes to make such updates. [9592/06]

63. **Mr. Eamon Ryan** asked the Minister for the Environment, Heritage and Local Government if he will adopt a co-ordinated approach to ensuring that all private rental accommodation has fire safety certificates, planning permission and adequate heating, cooking and lighting provision. [9531/06]

103. **Mr. Crowe** asked the Minister for the Environment, Heritage and Local Government his views on the standard of accommodation in the private rented sector. [9432/06]

104. **Mr. Sherlock** asked the Minister for the Environment, Heritage and Local Government if he intends to initiate a more proactive system of enforcement in respect of the Housing (Standards for Rented Houses) 1993, as the current system normally only operates on the basis of complaints received; and his views on including a provision within such a proactive system to allow his Department to request a higher rate of inspections in areas which required them, for instance, in areas where the properties are older. [9594/06]

114. **Mr. Sherlock** asked the Minister for the Environment, Heritage and Local Government the number of dwellings currently being used as accommodation for rent supplement tenants; the percentage of these which have been inspected at least once; the percentage of those inspected which have been deemed unsuitable; and the percentage of those deemed unsuitable which have been the subject of legal action. [9593/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 12, 61, 63, 103, 104 and 114 together.

The very high level of investment in new accommodation in recent years has improved the quality of accommodation generally. However, there is still a proportion of sub-standard rented properties. All landlords have a legal obligation to ensure that their rented properties comply with

the Housing (Standards for Rented Houses) Regulations 1993, which specify the minimum standards applying to rented accommodation. Local authorities have statutory responsibility for enforcing the regulations in relation to private rented accommodation and other statutory requirements coming within their remit.

The regulations and enforcement powers apply to rented accommodation generally; local authority statistical returns do not provide specific data on enforcement in relation to rent supplement accommodation. Regulation of the SWA rent supplement scheme is the responsibility of the Department of Social and Family Affairs. I understand that entitlement to rent supplement is conditional on the community welfare officer being satisfied that the accommodation is reasonably suited to the claimant's needs. Data is not available regarding the number of dwellings being used to accommodate rent supplement tenants. There are currently in the region of 60,000 rent supplement claimants but the number of dwellings is likely to be lower due to accommodation sharing in some cases.

An objective of the new rental accommodation scheme, RAS, is to help bring about improvement in the quality and standards of private rented accommodation. Accommodation must meet all statutory requirements as determined by the local authority before the authority will enter into contract with landlords. Guidance has issued to authorities on the minimum standards to be met and also encouraging them to adopt higher standards where possible so as to promote improvement in the stock of private rented accommodation.

A range of measures is being applied to improve the level of compliance and enforcement in relation to rented accommodation standards generally. A scheme of tax relief for refurbishment of private rented accommodation, which has been in operation since 2001, is being continued in full throughout 2006 and on a reducing basis up to the end of July 2008. I would strongly encourage landlords to avail of this continuing relief to rectify deficiencies in standards. The cost of repairs to private rented accommodation will continue to be tax deductible.

Funding of €1.6 million was provided to local authorities in 2005 from the proceeds of tenancy registration fees to fund enforcement of the regulations. I hope to be able to increase this funding further in 2006. Furthermore, from this year onwards, funding will be related to each authority's performance in enforcing the regulations, which will provide an incentive to maximise performance. I also envisage issuing good practice guidelines in this area to help increase effectiveness, including more strategic and proactive approaches. The very substantial increase that has been achieved in the level of tenancy registration will also help in enforcing the standards regulations. Accommodation that fully complies

with the existing regulations will be of an acceptable standard. However, in view of the time since the regulations were introduced, I intend to have them reviewed as soon as the demands involved in bedding down the new tenancy legislative regime permit.

Nuclear Plants.

13. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government if he intends to raise the possible siting of a nuclear power station here, under the UK Energy Review, at EU level; and if he will make a statement on the matter. [9409/06]

79. **Mr. S. Ryan** asked the Minister for the Environment, Heritage and Local Government if he has discussed the UK Energy Review, and its nuclear power implications, with any other fellow EU members; and if he will make a statement on the matter. [9411/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 13 and 79 together.

Following the recent announcement regarding a review of the United Kingdom's progress under the medium and long-term Energy White Paper — 2003 — goals, a consultation document entitled *Our Energy Challenge: Securing clean, affordable energy for the long term* was launched on 23 January by the UK Secretary of State and the Minister for Energy. While the UK Energy White Paper in 2003 concluded that replacement nuclear build was an unattractive alternative, the current consultation document states that the forthcoming review will examine whether recent changes in energy prices have changed that assessment. It will also examine other issues in relation to nuclear including the important issue of waste.

My Department, in conjunction with the Radiological Protection Institute of Ireland, will fully engage in this consultation process on all relevant issues including the potential siting of new nuclear reactors should the decision be made by the UK to proceed with building additional nuclear capacity. At a recent meeting in London with the Northern Secretary, the Minister for Foreign Affairs stressed that the Irish Government would be strongly opposed to the building of any new nuclear plants on the island of Ireland.

Ireland remains firmly opposed to the nuclear industry on the grounds of the many risks it poses to human health, the environment and the economy, as well as risks associated with waste and transport. Environmental consequences have arisen for Ireland from historic and ongoing discharges to the sea from Sellafield and the potential risk for a serious accident or incident at nuclear plants including Sellafield. Any proposals by the UK to develop new nuclear capacity must be addressed in this context.

The sourcing and nature of energy supplies is a matter for decision by each individual member state within the EU including the UK. The views in relation to nuclear energy among member states are divided. For example, France sources almost 80% of its energy requirements from nuclear while Belgium, Germany and Sweden have nuclear phase out policies. Member states such as Ireland, Austria and Denmark have stated policies against nuclear power and Ireland co-operates in the EU on a regular basis with like-minded countries on the nuclear issue. While I have not, as yet, had an opportunity to discuss the UK Energy Review and associated issues with my fellow EU Ministers, I met EU Commissioners Andris Piebalgs — Energy — and Franco Frattini — Security — in Brussels in January. While these meetings primarily concentrated on issues relating to Sellafield, I took the opportunity to convey Ireland's views on nuclear energy generally in a forthright manner.

Social Housing.

14. **Mr. Coveney** asked the Minister for the Environment, Heritage and Local Government the work and objectives of the new Centre for Housing Research; its annual budget and membership of the board of management; and if he will make a statement on the matter. [9475/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The new Centre for Housing Research replaces the housing unit which was set up as a joint initiative between my Department and the local authorities in 1998. The overall purpose of the centre is to facilitate the improved management of the public and social housing sector and, in this regard the centre will continue to undertake tasks previously done by the housing unit. These tasks include the publication of guidelines for housing practitioners on best practice for the management of social housing; working with local authorities and other social housing sectors to identify training needs for both local authority staff and tenants and, devising programmes and strategies to meet those needs. In addition, the new centre will now be enabled to expand its research role and conduct and commission relevant research as appropriate.

Funding of up to €300,000 will be provided this year for the centre. Its board of management consists of the following: Eddie Lewis, principal officer, Department of Environment, Heritage and Local Government; Peter Humphreys, executive director, Institute of Public Administration; a representative of the County and City Managers' Association who has not yet been nominated; Donal McManus, executive director, Irish Council for Social Housing; and David Silke, director, Centre for Housing Research.

Waste Management.

15. **Mr. Howlin** asked the Minister for the Environment, Heritage and Local Government if he intends to initiate a campaign to promote and encourage parents of babies and small children to use alternatives to disposable nappies, such as nappy laundering services, biodegradable or compostable nappies; and his views on including schemes to make such alternatives accessible and cost-effective, in addition to communication campaigns in such an initiative. [9580/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Race Against Waste campaign, funded by my Department, in advising the public on easy ways to reduce waste at home, suggests using a nappy laundry service and saving disposable nappies for holidays or long journeys. This advice is intended to encourage people to reduce the amount of waste being sent to landfill. It also encourages people to consider the environmental impact of their lifestyle choices and to adopt more sustainable habits and actions. The current campaign is nearing completion and my Department will be reviewing the issues to be considered for future campaigns directed towards waste reduction.

In considering what advice might be given in relation to nappies in the future, careful consideration will be given to a study published by the UK Environment Agency in June 2005 on the Life Cycle Assessment of Disposable and Reusable Nappies. This found no significant difference between the overall environmental impacts of the

different systems studied in the UK. Disposable nappies take a long time to decay when disposed of to landfill. Reusable nappies reduce demand on landfill but impact on the environment in other ways through the water, detergents and energy used in washing and drying them. The published study is available on-line at www.environment-agency.gov.uk. The effects of the study will hopefully be to encourage those manufacturing nappies of all types to develop more sustainable products and thus reduce the overall impact of their products on the environment.

Recycling Facilities.

16. **Mr. English** asked the Minister for the Environment, Heritage and Local Government the level of recycling facilities broken down by county; and if he will make a statement on the matter. [9506/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The following tabular statement sets out the information requested. These latest figures collated by my Department show that there were 68 local authority civic amenity sites and 1,891 bring banks in operation throughout the country at the end of June 2005. This represents a very significant increase since 1998, when there were only 837 bring sites and 30 civic amenity facilities nationally. In the same period, municipal waste recovery has increased from only 9% to the current level of 34%. Tabular Statement The number of civic amenity facilities and bring banks, broken down by county, is as follows:

Local Authority	No. of Bring Banks	No. of Civic Amenity Sites
Carlow	45 Bring Banks	3 Civic Amenity Sites
Cavan	28 Bring Banks	2 Civic Amenity Sites
Clare	57 Bring Banks	4 Civic Amenity Sites
Cork	176 Bring Banks	8 Civic Amenity Sites
Dún Laoghaire Rathdown	69 Bring Banks	2 Civic Amenity Sites
Donegal	55 Bring Banks	1 Civic Amenity Site
Fingal	84 Bring Banks	3 Civic Amenity Sites
Galway	92 Bring Banks	4 Civic Amenity Sites
Kerry	90 Bring Banks	5 Civic Amenity Sites
Kildare	38 Bring Banks	1 Civic Amenity Site
Kilkenny	42 Bring Banks	1 Civic Amenity Site
Laois	38 Bring Banks	1 Civic Amenity Site
Leitrim	38 Bring Banks	No Civic Amenity Sites
Limerick	46 Bring Banks	3 Civic Amenity Sites
Longford	31 Bring Banks	No Civic Amenity Sites
Louth	40 Bring Banks	1 Civic Amenity Site
Mayo	87 Bring Banks	2 Civic Amenity Sites
Meath	23 Bring Banks	2 Civic Amenity Sites
Monaghan	22 Bring Banks	1 Civic Amenity Site
North Tipperary	39 Bring Banks	2 Civic Amenity Sites
Offaly	46 Bring Banks	1 Civic Amenity Site
Roscommon	36 Bring Banks	2 Civic Amenity Sites

Local Authority	No. of Bring Banks	No. of Civic Amenity Sites
Sligo	39 Bring Banks	No Civic Amenity Sites
South Dublin	51 Bring Banks	1 Civic Amenity Site
South Tipperary	73 Bring Banks	2 Civic Amenity Sites
Waterford	47 Bring Banks	3 Civic Amenity Sites
Westmeath	41 Bring Banks	3 Civic Amenity Sites
Wexford	140 Bring Banks	2 Civic Amenity Sites
Wicklow	75 Bring Banks	3 Civic Amenity Sites
Cork City	38 Bring Banks	1 Civic Amenity Site
Dublin City	106 Bring Banks	2 Civic Amenity Site
Galway City	16 Bring Banks	No Civic Amenity Sites
Limerick City	18 Bring Banks	1 Civic Amenity Site
Waterford City	25 Bring Banks	1 Civic Amenity Site
Total	1,891 Bring Banks	68 Civic Amenity Sites

Biological Records Centre.

17. **Mr. M. Higgins** asked the Minister for the Environment, Heritage and Local Government the actions which have been taken towards the establishment of a biological records centre, which has been identified as being essential for the effective management and protection of Ireland's biodiversity. [9577/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O'Keeffe): The establishment of an Irish biological records centre was pledged in the national biodiversity plan. The Heritage Council is now undertaking this project.

The council has entered into an agreement with Waterford Institute of Technology to locate the centre on campus and a premises is being fitted out there for the purpose. The Heritage Council will, before the summer, be tendering for the provision of services in the centre to run a biological records centre that will meet Ireland's requirements as determined by the scientific community who will use it.

A management group, on which my Department is represented, was established last year by the Heritage Council to bring the project forward. This management group is carrying out extensive consultations with the scientific community, including both professional and voluntary biological recording experts, and has made substantial progress in identifying existing databases of recent and historical biological records. My Department is grant assisting the council in relation to the capital and current resources required for the establishment and operation of the centre.

Question No. 18 answered with Question No. 11.

Recycling Policy.

19. **Mr. Rabbitte** asked the Minister for the Environment, Heritage and Local Government

the projected amount of funds to be collected in environmental management charges by the two collective schemes set up with respect to the regulations under the WEEE directive in the first year of the scheme; and when he expects the review of the environmental management charges with respect to the WEEE directive to be complete. [9596/06]

23. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government the operation of the WEEE directive to date; if he intends to reduce any of the existing charges to consumers; and if he will make a statement on the matter. [9471/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 19 and 23 together.

The WEEE scheme has now been operating for almost six months and the real benefits of this new system for consumers and the environment are becoming apparent. WEEE is now being collected from over 180 collection points nationwide. Early indications are that significant quantities of this waste type are being returned for recycling. In the first 12 weeks alone 4,800 tonnes, equivalent to an annual rate of almost 20,000 tonnes, of household WEEE was collected. This points to a fourfold increase in the recycling of household WEEE as 5,510 tonnes of this waste type was recovered in 2004; and indicates widespread public support for the implementation of the directive.

The implementation of the directive has not had any negative impact on the consumer price index. This is confirmed by the CSO which recently reported that prices of major household appliances have decreased by 1.3% in the last 12 months and prices of small electrical household appliances have decreased by 0.5% over the same period.

The WEEE directive allows producers to show the cost of recovering and recycling "historic" waste, that is, waste arising from electric and elec-

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tronic products put on the market before 13 August 2005. These costs are referred to as environmental management costs or EMCs. They are not imposed by, or remitted to, the Government, but are paid by producers to the two collective compliance schemes operating in Ireland, WEEE Ireland and the European Recycling Platform which are operating a producer responsibility initiative. Consequently, information on the revenue collected to date or on future projections is not available in my Department.

The EMCs currently applied show the costs of recycling based on data submitted by producers to the WEEE Register Society Limited, the industry-based national WEEE registration body, which has an independent committee of management. The WEEE register assessed and approved the EMCs. The EMCs are currently under review and while my Department has no function in the matter, I am advised that the WEEE register hopes to complete the review in April. It will be a matter for the WEEE register to validate any revisions.

Site Maintenance.

20. **Mr. Crawford** asked the Minister for the Environment, Heritage and Local Government the cost to date of implementing the rehabilitation of the Irish Steel Company site; the initial budgeted cost; the expected total cost; and if he will make a statement on the matter. [9465/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): As indicated in reply to Question No. 204 of 14 February 2006, my Department's mandate has been to secure and make safe the former Irish ISPAT site, and to have an appropriate site investigation carried out. The report of this site investigation is now being finalised and is expected to be presented in the coming weeks, following which I will be reporting to Government.

Certain demolition works are continuing and some of the buildings have had to be decontaminated as part of that contract to allow demolition proceed without causing severe dust nuisance. The costs to the State of securing and managing the site and of the site investigation up to the end of 2005 total approximately €2 million. I do not wish to pre-empt the findings of the site investigation interpretative report but it is my understanding that its estimate is not likely to diverge significantly from that provided in the 2002 Enviro report which suggested that costs of remediation could be in the region of €30 million.

Decentralisation Programme.

21. **Ms O'Sullivan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that just 81 people have applied for the 805 decentralised

positions with his Department; his views on the reason for the poor response. [9588/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Under the Government's decentralisation programme all Dublin based operations of my Department are being decentralised, with the exception of Met Éireann, ENFO, the Private Rented Tenancies Board and a small co-ordination section which it is proposed to retain in Dublin to assist with the Department's Dáil and other business. The programme involves the relocation of my Department's operations to four locations in the south east, namely, Wexford, Waterford, New Ross and Kilkenny.

At this stage a total of 195 staff, in respect of 661 posts to be decentralised and which are fillable through the CAF, have confirmed their availability to decentralise to the south east. Some 70 of these are now in the Department and the process of agreeing arrangements for the early transfer of the others to the Department has commenced. My Department is continuing the process of contacting other staff who applied for one of the four locations as a second or subsequent choice or who applied after 7 September 2004, the date for receipt of priority applications.

My Department is co-operating with the Department of Finance, the decentralisation implementation group, and the Office of Public Works to ensure the Government's decentralisation programme is implemented efficiently and effectively. A decentralisation implementation team has been established to oversee the arrangements for the transfer of the Department's Dublin based staff to the four locations.

Implementation plans, setting out the issues to be addressed in implementing the decentralisation programme for this Department, have been submitted to the decentralisation implementation group. These plans are also published on my Department's website at www.environ.ie.

In relation to property requirements I have recently announced that my Department has reached agreement with OPW on the site for its headquarters in Wexford, which will be acquired from Wexford Borough Council. As regards the remaining three locations the Office of Public Works is evaluating site options at present.

Planning Issues.

22. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government his plans to introduce legislation to make the planning process more user friendly; and if he will make a statement on the matter. [9419/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department has completed a comprehensive review of the part of the Planning and Development Regulations 2001 which set out the detailed rules,

requirements and procedures for the planning application process. I intend to publish new regulations shortly.

The purpose of the new regulations is to remove unnecessarily bureaucratic and administrative obstacles to people using the system, to minimise any problems with the planning system and to produce a more uniform planning application procedure throughout the country. In particular, the regulations will introduce a standardised application form to be used by all planning authorities to bring greater clarity to the system.

My Department also published draft Development Management Guidelines for Planning Authorities in November 2005. The guidelines are intended to assist planning authorities and other stakeholders in dealing with the planning application process. The guidelines are a step by step guide to all stages of the process from pre-application consultation through validating a planning application, processing a planning application, to deciding a planning application, formulating planning conditions, and enforcing planning decisions and conditions. The guidelines are intended to promote best practice in the processing of planning applications and have a strong customer service focus. The consultation period for the guidelines will end shortly, and I intend to publish finalised guidelines before the end of the year.

I would also add that planning authorities are committed to improving the planning service on an ongoing basis and that many have made great strides, for instance, in the use of their websites to provide information about the planning service. I consider that the new Planning and Development Regulations and the development management guidelines will assist the planning authorities in providing an improved and more user-friendly planning service.

Question No. 23 answered with Question No. 19.

Strategy on Homelessness.

24. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government the number of families housed in emergency bed and breakfast accommodation; and if he will make a statement on the matter. [9512/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Local authorities are responsible for meeting the accommodation needs of homeless persons. It is consequently a matter for individual authorities to determine the level of bed and breakfast accommodation to be provided, having regard to the need for such accommodation within their areas. My Department does not have detailed information on the number of families housed in bed and breakfast accommodation by local authorities.

The further development and reorientation of services for families will be taken forward in the context of a revised Government strategy on homelessness, to be prepared by my Department having regard to the Independent Review of the Implementation of Homeless Strategies, which I published recently.

The need for particular focus on the development of long-term accommodation, as opposed to emergency accommodation such as bed and breakfast, is one of the main recommendations of the independent review. While the use of bed and breakfast accommodation is seen, at present, as essential for the provision of emergency accommodation, it is recognised that it is not suitable as a long-term solution to homeless accommodation and that its use should be phased out, particularly for families. I am concerned to ensure that high standards prevail in the operation of the sector and that it is used only as a short-term response to homelessness.

At the request of my Department, Dublin City Council, which is a major user of bed and breakfast accommodation, and the Homeless Agency are conducting an ongoing review of this type of accommodation. This has led to increased monitoring, improved co-ordination and better management practice within the Dublin area. The research report Planning for Children published recently by the Homeless Agency, recommended the establishment and monitoring by the agency of length of stay targets for children in such accommodation.

Register of Electors.

25. **Mr. Hogan** asked the Minister for the Environment, Heritage and Local Government the action he intends to take to improve the accuracy of the electoral register; if he will implement a proper integrated system using voters PPS numbers; and if he will make a statement on the matter. [9463/06]

34. **Mr. Quinn** asked the Minister for the Environment, Heritage and Local Government the steps he is taking to ensure the integrity of the next general election in view of the fact that there are now 20% more names on the electoral register than people in the State; if he intends to provide resources and funding to local authorities to carry out their responsibilities in respect of the electoral register; and his views on using the census, due in April 2006 to compile an accurate and reliable register for the next general election. [9591/06]

41. **Mr. McGinley** asked the Minister for the Environment, Heritage and Local Government if, in view of the significant inaccuracies in the register of electors he will contract An Post to assist in the updating of the register of electors; and if he will make a statement on the matter. [9478/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 25, 34 and 41 together.

In law, preparation of the Register of Electors is a matter for each local registration authority. It is their duty to ensure, as far as possible and with the cooperation of the public, the accuracy and comprehensiveness of the Register.

I share the concerns that have been expressed on the quality of the register. My Department wrote to registration authorities on 14 July 2005 and requested them to take all necessary steps to secure significant improvement in the quality of the register. A national awareness campaign was conducted in November 2005 associated with the work on preparation of the register under way at that stage. Also in November 2005, my Department completed work on new and updated Guidance for Registration Authorities on Preparing and Maintaining the Register. The aim of the guidance is to secure significant improvement in the accuracy and comprehensiveness of the register by setting out clearly the legal requirements in this complex area, and identifying best practice for registration authorities in their work on the register.

The draft guidance was circulated for comment to all registration authorities and returning officers and to the Joint Committee on the Environment and Local Government which, in December 2005, discussed the guidance. Following this consultation process, my Department is now finalising the guidance. However, in view of the importance of securing improvements in the register, registration authorities have also been asked to proceed to implement the draft guidance with immediate effect.

As regards funding, local authorities meet their general expenditure — including in relation to the register — from a variety of sources such as commercial rates, rents, fees, charges for services, and general purpose grants from the local government fund. In 2006, I allocated general purpose grants to local authorities totalling €875 million, an increase of €57 million or 7% over the amount provided last year. I will continue to keep these important issues, including proposals along the lines referred to in the questions, under close review.

Litter Pollution.

26. **Ms Enright** asked the Minister for the Environment, Heritage and Local Government the number of litter fines issued in 2005; and if he will make a statement on the matter. [9496/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Statistics on local authority enforcement action, including the number of litter fines issued, are submitted by local authorities to my Department every six months; these figures are also available in the Oireachtas Library. The number of litter fines

issued for the first six months of 2005 — the most recent information available — is 13,787. There were 22,397 litter fines issued in the 12 months ending 31 December 2004.

Local Government Ethics.

27. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government if he will introduce a standards board for local government elected members and officials here; and if he will make a statement on the matter. [9470/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Local Government Act 2001 provided for a new and comprehensive ethics framework for those involved in local government. This is now in operation. Details of the regime were set out in the reply to Question No. 102 of 14 February 2006.

The effectiveness of the local government ethics regime is being kept under close and active review in the light of experience since its introduction. I will continue to monitor developments in this regard and will bring forward proposals for amendment of the regime, if necessary. However, I have no proposals along the lines suggested in the question.

Greenhouse Gas Emissions.

28. **Mr. Broughan** asked the Minister for the Environment, Heritage and Local Government the steps he intends to take in view of the fact that CO₂ emissions attributable to the concrete industry increased in 2004 by almost 20% and since the building trend continues to rise to ensure that this trend does not continue in 2006; the actions he will take to promote energy efficient modern methods of construction; and the way in which he intends to ensure that there is an actual reduction of emissions. [9573/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The 20% increase in cement emissions in 2004, as contained in the EPA's provisional report on greenhouse gas emissions, relates to increased emissions from cement manufacturing installations. Since 2005, these cement installations have been participating in the EU emissions trading scheme, which will contribute to control of emissions from this sector, as the cost of purchasing carbon allowances will act as an incentive for industry to invest in new technologies and processes that will reduce CO₂ emissions.

As regards energy efficiency in the construction sector generally, my Department has progressed a number of important measures which will reduce CO₂ emissions from construction activity. For instance, higher thermal performance standards apply to new dwellings commencing on or after 1 January 2003 under amended

Part L — conservation of fuel and energy — of the Building Regulations 2002 and the related 2002 edition of Technical Guidance Document L published by my Department.

It is currently estimated that the amendment to the Part L regime in 2002 will reduce CO₂ emissions by at least 250,000 tonnes per annum by end 2012 in line with the estimate contained in the national climate change strategy, NCCS. This estimate is based on the assumption that some 420,000 new houses will be completed to the amended Part L standards by the end of 2012.

In addition, I brought in regulations in December 2005 which amended Part L of the building regulations to set higher thermal performance and insulation standards for new non-domestic buildings commencing on or after 1 July 2006, which it is estimated will result in a further reduction in CO₂ emissions of 45,000 tonnes per annum by the end of 2012. The thermal performance standards for new dwellings are due for review and further upward adjustment by 2008. I am advised that these prospective developments should enable CO₂ emission reduction targets from new construction, as contained in the NCCS, to be exceeded by 2012.

Carbon Fund.

29. **Mr. Boyle** asked the Minister for the Environment, Heritage and Local Government if the 2006 allocation for the proposed carbon fund, as promised in his budget 2006 speech, is contingent on when and if a carbon fund Bill is passed. [7933/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): An allocation of €20 million is already available in my Department's Vote for 2006 to finance the purchase of carbon credits for Ireland by the National Treasury Management Agency. I intend later this year to bring forward legislative proposals to support the operation of carbon credit purchasing through a multi-annual fund.

Local Authority Funding.

30. **Ms C. Murphy** asked the Minister for the Environment, Heritage and Local Government if, in accordance with the recommendations of the Indecon report released by his office on 1 March 2006, he intends to move the focus of local government funding away from central government and towards local sources, in effect imposing a system of local taxation on private citizens and industry; if so, his views on the implications of flat taxes on lower income households considering that such charges do not take cognisance of the ability to pay as PAYE does; and if he will make a statement on the matter. [9523/06]

64. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government his plans to address the predicted local authority funding shortfall identified by the Indecon report. [9524/06]

70. **Caoimhghín Ó Caoláin** asked the Minister for the Environment, Heritage and Local Government his position in respect of recommendations contained in the Indecon report on local government financing, published on 1 March 2006. [9436/06]

71. **Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government the reforms he will be introducing in respect of local government funding following the publication of Indecon report on local government financing, published on 1 March 2006. [9433/06]

83. **Mr. Crowe** asked the Minister for the Environment, Heritage and Local Government the recommendations contained in the Indecon report on local government financing, published on 1 March 2006, which he intends to implement. [9437/06]

87. **Mr. McEntee** asked the Minister for the Environment, Heritage and Local Government his views on the latest report on local government finance from Indecon Consultants; and if he will make a statement on the matter. [9513/06]

94. **Mr. McEntee** asked the Minister for the Environment, Heritage and Local Government the steps he intends to take to increase funding of local authorities in view of the recent Indecon report on local government finance; and if he will make a statement on the matter. [9514/06]

96. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government his views on the connection made in the Indecon report between local authority accountability and locally raised funds; and if he will make a statement on the matter. [9525/06]

208. **Ms C. Murphy** asked the Minister for the Environment, Heritage and Local Government if he intends to introduce, either fully or partially, the recommendations of the Indecon report on local government funding; and if he will make a statement on the matter. [9919/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 30, 64, 70, 71, 83, 87, 94, 96 and 208 together.

I refer to the reply to Priority Question No. 4 on today's Order Paper. While I will be pursuing a number of initiatives in line with recommendations made in the Indecon report on local government financing, I do not intend to

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implement the recommendations regarding the introduction of domestic water charges and new taxes on non-principal private residences which would run counter to current Government policy.

Waste Management.

31. **Mr. Hogan** asked the Minister for the Environment, Heritage and Local Government the extent of his review of the overall regulation of the waste management sector with particular reference to identifying public sector obligations appropriate to service providers; and if he will make a statement on the matter. [9462/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): As I have already indicated, I have been examining the various options as to how best the rapidly evolving waste market might be regulated in future. This has entailed giving careful consideration to a wide range of issues, including how any regulatory regime could include elements of public service. I will shortly be in a position to present proposals to Government in regard to regulation in this sector.

Nuclear Plants.

32. **Mr. S. Ryan** asked the Minister for the Environment, Heritage and Local Government the action the European Commission has taken over THORP and the B30 storage pond following his meeting with Andris Piebalgs and Franco Frattini on 31 January 2006; and the extent to which the Commission was misled over the THORP Plant. [9412/06]

112. **Mr. Bruton** asked the Minister for the Environment, Heritage and Local Government his views on the recent formal warning issued by the European Commission to British Nuclear Group Sellafield, formerly known as BNFL, that its accounting and reporting procedures in place at Sellafield do not meet EURATOM standards; and if he will make a statement on the matter. [9480/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 32 and 112 together.

On 31 January, I met with the EU Commissioner for Energy with responsibility for nuclear energy and protection, Andris Piebalgs, to impress upon the European Commission the strength of Irish Government concerns in relation to the continued operation of the Sellafield nuclear plant. In support of Irish Government concerns, I again drew the attention of the Commissioner to the leak at the THORP plant in 2005, and to the B30 storage pond which is the subject of a directive issued by the Commission to the UK. In response the Commission indicated

it had been misled in regard to the THORP plant but did not elaborate further on the issue. The Commission also indicated further legal action was expected in relation to the B30 pond but I am not aware of any further developments to date.

On 15 February 2006 the EU Commission issued a warning to the operators of Sellafield, British Nuclear Group Sellafield Limited, BNG SL, under Article 83(1) (a) of the EURATOM Treaty. That decision resulted from a series of inspections carried out by Commission inspectors at the Sellafield plant. The Commission also requested BNG SL to implement the appropriate remedies within the periods specified in the decision and to ensure the adequate quality of its systems for accounting for nuclear material. I believe this warning was linked to the THORP incident arising out of safeguards issues raised by the leak of the radioactive material.

The purpose of my meeting with Commissioner Piebalgs was to articulate clearly the Irish Government's view that we expect the Commission to exercise its competence robustly in respect of the continued operations at Sellafield, a situation we believe has not been the case heretofore. In that context, I believe the Commission's recent actions are a step forward and, in that these actions signal a more proactive approach by the Commission to the serious issues raised by me in relation to Sellafield, I certainly welcome them.

End-of-Life Vehicles.

33. **Mr. J. O'Keeffe** asked the Minister for the Environment, Heritage and Local Government the proposed operation of the draft regulations on end-of-life vehicles for cars and vans; and if he will make a statement on the matter. [9476/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Necessary enabling provisions to facilitate implementation of Directive 2000/53/EC on end-of-life vehicles, ELVs, were incorporated in the Protection of the Environment Act 2003. Part VA of the Waste Management Act 1996, as inserted by section 44 of the Protection of the Environment Act 2003, explicitly provides for producer responsibility for the free deposit of ELVs at authorised treatment facilities by their last owners; the appropriate treatment and recovery of ELVs deposited at authorised treatment facilities in line with the directive's requirements; the mandatory deposit of ELVs by their registered owners at authorised treatment facilities for appropriate treatment and recovery; and the issuing of certificates of destruction in respect of ELVs deposited at authorised treatment facilities for scrapping.

Last month I published the draft Waste Management (End-of-Life Vehicles) Regulations 2006 for a period of public consultation that will conclude on 24 March. These draft regulations will, when finalised, fully transpose and provide the

framework for the implementation of the ELV directive in Ireland.

In general terms, the principal responsibility for putting in place a national network of authorised treatment facilities providing take-back of end-of-life vehicles of any particular brand rests with the producer of that brand. Each producer's national collection system will comprise at least one authorised treatment facility in the functional area of each local authority and must have sufficient capacity to treat the number of end-of-life vehicles of that producer's brand, or for which that producer is responsible, that arise in any given year. Where a vehicle is accepted for appropriate treatment and recovery, no charge shall be imposed on the registered owner of that vehicle except in cases where the vehicle's essential components are missing or where waste has been added to that vehicle. Local authorities will have responsibility for the registration of producers, the processing and approval of producers' implementation arrangements and will take the lead in enforcing the new regulatory regime.

Obligations are imposed on authorised treatment facilities to ensure that such facilities operate under a waste licence or, as appropriate, a waste permit and meet the minimum technical requirements for the (i) storage, including temporary storage, of end-of-life vehicles prior to their being the subject of appropriate treatment and recovery; (ii) appropriate treatment and recovery of end-of-life vehicles; and (iii) storage of components containing fluids, recoverable components and spare parts.

On the deposit of an end-of-life vehicle at an authorised treatment facility for appropriate treatment and recovery, the owner or operator of that facility shall issue a certificate of destruction to the registered owner, authorised person of a local authority or member of the Garda Síochána and all relevant information relating to that certificate of destruction shall be noted on the national vehicle records. No charge may be imposed by the authorised treatment facility on the registered owner of the end-of-life vehicle in respect of the certificate of destruction. Both producers and authorised treatment facilities will be subject to reporting requirements. The regulations also include provisions to minimise the use of specified hazardous substances in vehicles. The draft regulations are available on the Department's website at www.environ.ie. I will examine the submissions made in the consultation process and then proceed to finalise the regulations to allow for the commencement of the free take back of end of life vehicles from 1 January 2007.

Question No. 34 answered with Question No. 25.

Social and Affordable Housing.

35. **Mr. Connaughton** asked the Minister for the Environment, Heritage and Local Govern-

ment the housing initiatives he intends to take to help people in view of the increase recorded in the last census in the number of people over 30 who remain living with their parents; and if he will make a statement on the matter. [9488/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):

The Government has been actively addressing the issue of housing affordability. Our policy has been to make housing supply more responsive to demand in order to improve affordability and access to housing, particularly for first-time buyers. There is clear evidence that this policy is having an effect — 2005 was the eleventh year of record overall house completions nearly 81,000 completions. Increased investment has resulted in some 100,000 households benefiting from the range of targeted social and affordable housing measures since 1997.

In addition to planning, taxation and other measures such as mortgage interest relief, the Government has placed a particular emphasis on targeted affordable housing measures which are designed to assist those who cannot access affordable housing without assistance. These include the shared ownership scheme, the 1999 affordable housing scheme, affordable housing through Part V of the Planning and Development Acts 2000 to 2004 and the affordable housing initiative in Sustaining Progress. We will be streamlining these schemes to make them simpler to implement and understand but in the meantime eligibility and subsidy levels under the various schemes were increased in January this year. About 15,000 households will benefit under these measures in the next three years.

In addition, the Affordable Homes Partnership, which we established last year, is already making good progress in its efforts to accelerate the delivery of affordable housing in the greater Dublin area where the problem is most acute. The recently launched Housing Policy Framework — Building Sustainable Communities will ensure that we build on our achievements to date, continue to create the conditions where housing output will meet demand and provide targeted support for those with affordability problems.

Question No. 36 answered with Question No. 11.

37. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government the steps he is taking to make more affordable houses available in order that vulnerable people will not have to revert to potentially exploitative home reversion schemes to help their children onto the property ladder. [9586/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Consumer protection and infor-

[Mr. N. Ahern.]

mation in relation to financial products is a matter for the Irish Financial Services Regulatory Authority, under the aegis of the Minister for Finance, which has responsibility for the regulation of financial institutions generally.

The Government has been actively addressing the issue of housing affordability. Our policy has been to make housing supply more responsive to demand in order to improve affordability and access to housing, particularly for first-time buyers. There is clear evidence that this policy is having an effect; 2005 was the eleventh year of record overall house completions with nearly 81,000 completions. Increased investment has resulted in some 100,000 households benefiting from the range of targeted social and affordable housing measures since 1997.

In addition to planning, taxation and other measures such as mortgage interest relief, the Government has placed a particular emphasis on targeted affordable housing measures which are designed to assist those who cannot access affordable housing without assistance. These include the shared ownership scheme, the 1999 affordable housing scheme, affordable housing through Part V of the Planning and Development Acts 2000 to 2004 and the affordable housing initiative in Sustaining Progress. We will be streamlining these schemes to make them simpler to implement and understand but in the meantime eligibility and subsidy levels under the various schemes were increased in January this year. About 15,000 households will benefit under these measures in the next three years.

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Departmental Agencies.

38. **Caoimhghín Ó Caoláin** asked the Minister for the Environment, Heritage and Local Government if he is satisfied that the Private Residential Tenancies Board has the staff and resources required to properly carry out its work in line with the provisions of the Residential Tenancies Act 2004. [9435/06]

100. **Mr. G. Mitchell** asked the Minister for the Environment, Heritage and Local Government if he intends to provide the Private Residential Tenancies Board with additional funding in the future; and if he will make a statement on the matter. [9485/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 38 and 100 together.

Substantial resources are being provided to the Private Residential Tenancies Board, PRTB, to meet the high level of demands on its services. There is currently a total of 35 staff working in the PRTB, which also receives ongoing support from my Department. The PRTB has also engaged a panel of 175 mediators and adjudicators to assist with its dispute resolution functions. An increased provision of €3.707 million is available to fund the PRTB's administration and services in 2006, compared with an outturn of €1.737 million in 2005.

Planning Issues.

39. **Mr. Boyle** asked the Minister for the Environment, Heritage and Local Government the discussions which are taking place between his Department and the European Commission on the level of retrospective planning permission and EC Directive 85/337/EEC. [9526/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): A reasoned opinion was received from the European Commission on 5 January 2005 regarding planning enforcement procedures in relation to unauthorised developments for which Environmental Impact Assessments, EIA, are required. A formal response issued to the Commission on 8 March 2005. My Department has not received any further formal communication from the Commission or from the European Court of Justice.

Environment Commissioner Dimas visited Ireland last week and I had very useful and informal discussions with him on a wide range of issues; including that referred to in the question. It would not be appropriate for me to disclose the detail of these discussions, which were without prejudice to any legal proceedings which may continue between Ireland the European Commission.

Water and Sewerage Schemes.

40. **Ms O. Mitchell** asked the Minister for the Environment, Heritage and Local Government the action which can be taken to speed up the construction of water and sewerage schemes; if his Department can take a greater leading role on the issue; and if he will make a statement on the matter. [9482/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Questions Nos. 198, 216 and 621 of 14 February 2006.

Question No. 41 answered with Question No. 25.

42. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government if the grant aid available for group sewerage schemes will be reviewed; and if he will make a statement on the matter. [9286/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Question No. 630 of 14 February 2006.

Litter Wardens.

43. **Ms Enright** asked the Minister for the Environment, Heritage and Local Government the number of litter wardens employed here; and if he will make a statement on the matter. [9495/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Returns from local authorities indicate that, as at the end of June 2005, 399 litter wardens were employed. A total of 126 wardens were employed on a full-time basis.

Noise Pollution.

44. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government his views on whether the powers of local authorities and law enforcement agencies are adequate to deal with the issue of loud noise coming from houses and apartments; and if he will make a statement on the matter. [9504/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Question No. 216 of 2 February 2006.

The adequacy of the powers available to the Garda Síochána would be a matter for my colleague the Minister for Justice, Equality and Law Reform.

House Prices.

45. **Mr. McCormack** asked the Minister for the Environment, Heritage and Local Government his views on the recent ESRI-Permanent TSB house price index which showed the average house price for a first-time buyer had exceeded €250,000 for the first time; and if he will make a statement on the matter. [9489/06]

91. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if he has examined the contributory factors to the continuous increase in house prices; his plans to address the issue; and if he will make a statement on the matter. [9516/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 45 and 91 together.

I am aware that the Permanent TSB-ESRI index of house prices showed an overall average figure of €281,197 in January 2006, with an average first-time buyer figure €30,000 lower. It would not be appropriate for me to comment on the Permanent TSB index, which is based on its own lending data. The very large increase in housing output that has been achieved including a new record of almost 81,000 completions in 2005 — almost two and a half times the 1996 level — has had a restraining effect on house price increases in the face of very strong demand pressures and increased mortgage lending.

Our strong economic performance has impacted significantly on housing demand in 2005 and 2006, particularly through substantial increase in employment of around 90,000 and immigration at around 70,000 in 2005. Demand can, potentially, be further fuelled by additional factors such as excessive lending. There are indications that the extent of demand pressures has had an adverse effect on the trend of house price moderation, particularly in the later part of 2005.

My Department will continue to liaise with relevant agencies such as the Department of Finance and the Central Bank in relation to housing market developments generally. The Government will continue to promote moderation in house prices through effective policies, including measures to ensure adequate overall housing supply in keeping with demand in the context of balanced and sustainable growth of the housing market and to maximise availability of affordable housing.

Question No. 46 answered with Question No. 11.

Question No. 47 answered with Question No. 8.

Planning Issues.

48. **Mr. Gogarty** asked the Minister for the Environment, Heritage and Local Government his views on waiving or reducing the fee for making planning submissions for those groups who may find the fee prohibitive. [9528/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I am satisfied that the €20 fee for third party submissions or objections to planning applications does not represent a major barrier to any person who wishes to participate in the planning process. In this regard, it should be noted that the Indecon report on the Review of Local Government Financing calls for a move towards a planning system which operates at full economic cost recovery. I intend to undertake a study of the cost of the planning service later this year with a view to reviewing the fees regulations thereafter.

Recycling Policy.

49. **Mr. G. Murphy** asked the Minister for the Environment, Heritage and Local Government the results of the promised thorough evaluation of the current levels of environmental management charges; and if he will make a statement on the matter. [9473/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I assume that the question refers to environmental management costs or EMCs that retailers display when selling electrical and electronic equipment.

The EMCs currently applied show the costs of recycling based on data submitted by producers to the WEEE Register Society Limited, the industry-based national WEEE registration body, which has an independent committee of management. The WEEE register assessed and approved the EMCs. The EMCs are currently under review and it will be for the WEEE register to validate any revisions. My Department has no function in this regard.

The WEEE scheme has now been operating for six months and the real benefits of this new system for consumers and the environment are becoming apparent. WEEE is now being collected from over 180 collection points nationwide. Early indications are that significant quantities of this waste type are being returned for recycling. In the first 12 weeks alone 4,800 tonnes, equivalent to an annual rate of almost 20,000 tonnes, of household WEEE was collected. This points to

a fourfold increase in the recycling of household WEEE as 5,510 tonnes of this waste type was recovered in 2004, and indicates widespread public support for the implementation of the directive.

The implementation of the directive has not had any negative impact on the consumer price index. This is confirmed by the CSO which recently reported that prices of major household appliances have decreased by 1.3% in the last 12 months and prices of small electrical household appliances have decreased by 0.5% over the same period.

EU Directives.

50. **Mr. Noonan** asked the Minister for the Environment, Heritage and Local Government the number of EU Directives for which his Department has responsibility which remain to be transposed into Irish law; when he plans to transpose them; and if he will make a statement on the matter. [9498/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I am aware of the importance of timely transposition of EU environmental legislation, some 200 items of which, including more than 140 directives, have by now been transposed in this country. There are nine directives in my Department's area of responsibility which are outstanding for transposition, details of which are set out in the following table.

Directive Number and Title	Date Due for Transposition	Current Position on Transposition
Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles	21 April 2002	My Department has published draft Regulations for public consultation to give effect to this Directive. It is anticipated that the legislation fully transposing the Directive will be finalised in the second quarter of 2006.
Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise	18 July 2004	It is intended that the Regulations to transpose this Directive will be signed shortly.
Directive 2002/88/EC of the European Parliament and of the Council of 9 December 2002 amending Directive 97/68/EC on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery	11 August 2004	The drafting of Regulations to transpose these is ongoing and will be completed as quickly as possible.
Directive 2004/26/EC of the European Parliament and of the Council of 21 April 2004 amending Directive 97/68/EC on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery	20 May 2005	
Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC	14 February 2005	Regulations for the transposition of this Directive are in drafting and it is intended that it will be transposed at the earliest possible date.

Directive Number and Title	Date Due for Transposition	Current Position on Transposition
Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC	25 June 2005	Work is continuing on the various instruments with a view to completing transposition at the earliest possible date.
Directive 2004/12/EC of the European Parliament and of the Council of 11 February 2004 amending Directive 94/62/EC on packaging and packaging waste	18 August 2005	My Department has prepared draft Regulations to transpose this Directive. These have been submitted to the EU Commission.
Directive 2004/42/CE of the European Parliament and of the Council of 21 April 2004 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC	31 October 2005	The drafting of Regulations to transpose this Directive is ongoing and will be completed as quickly as possible.
Directive 2002/91/EC of the European Parliament and of the Council of 16 December 2002 on the energy performance of buildings	04 January 2006	Elements of this Directive have already been transposed and this was notified to the Commission on 20th January 2006. Work is continuing, in co-operation with the Department of Communications Marine and Natural Resources, with a view to the submission of the outstanding transposing material by the second quarter of 2006.

51. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government the progress to date on the nitrates directive; and if he will make a statement on the matter. [9466/06]

76. **Mr. Stanton** asked the Minister for the Environment, Heritage and Local Government his progress to date on the implementation of the nitrates directive; and if he will make a statement on the matter. [9543/06]

86. **Mr. Stanton** asked the Minister for the Environment, Heritage and Local Government further to the implementation of the nitrates directive, if he is satisfied that this legislation has taken into account all the advice he has received from different bodies; and if he will make a statement on the matter. [9544/06]

93. **Ms McManus** asked the Minister for the Environment, Heritage and Local Government the advice he has received from Teagasc in relation to recommendations for phosphate limits to be included in the implementation of the nitrates directive; and if no advice has been received thus far, when he expects to receive advice on the matter from Teagasc. [9585/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 51, 76, 86 and 93 together.

Ireland's national action programme under the nitrates directive was formally submitted to the European Commission on 29 July 2005 and I made the European Communities (Good Agri-

cultural Practice for the Protection of Waters) Regulations 2005 on 11 December 2005. These regulations give legal effect to the action programme and respond to the judgment of the European Court of Justice in 2004 which held that Ireland did not comply with the nitrates directive mainly by reason of failing to make an action programme under the directive. The action programme and regulations were prepared jointly by my Department and the Department of Agriculture and Food, in consultation with Teagasc, and involved an extensive consultation process with interested parties. The regulations generally came into effect on 1 February 2006 with specific provisions to be phased in over a three-year period.

The fertilisation standards for nitrogen and phosphorus specified in the regulations are in line with good agricultural practice and the agronomic requirements of crops and are based on the fertilisation guidelines published by Teagasc. They are also consistent with the environmental standards set out in the directive and were subject to detailed scrutiny by EU scientific experts.

Subsequent to the making of the regulations in December 2005, Teagasc indicated that it may be possible to review part of its advice on crop nutrient requirements in a way which could improve the effectiveness of the regulations. My Department secured agreement with the European Commission that there was merit in allowing time for this advice to be elaborated. To this end, I announced a brief *de facto* deferral of Part 3 of the regulations. I received a copy of the Teagasc advice on phosphorus and nitrogen limits on Friday 3 March 2006 and this advice is now being

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considered carefully by my Department and the Department of Agriculture and Food.

In accordance with the Government's commitment under Sustaining Progress, Ireland is pursuing with the European Commission, and other member states, its case for a derogation from 170 kg to 250 kg organic nitrogen per hectare. The scientific case in support of the derogation was prepared by the Department of Agriculture and Food in consultation with Teagasc and my Department. At the EU nitrates committee meeting on 12 December 2005, officials from my Department and the Department of Agriculture and Food made their initial presentation in seeking to secure Ireland's derogation. The objective had been to secure agreement on a derogation by mid-2006. Discussions with the European Commission on the derogation are at present in abeyance pending finalisation of issues in relation to nutrient management in the context of the regulations.

Fire Services.

52. **Ms Lynch** asked the Minister for the Environment, Heritage and Local Government the progress that has been made to date on implementing the recommendations of the report Review of Fire Safety and Fire Services in Ireland, 2002; the progress which has been made to date towards modernising the fire service under Government strategy; and if he intends to review his decision to shelve plans for a national fire authority, as recommended in the review. [9583/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department has implemented a number of the important recommendations of the report Review of Fire Safety and Fire Services in Ireland. These include in particular the enactment of the Licensing of Indoor Events Act 2003, which addressed several legislative changes called for in the review. In addition, the high level of capital investment in the fire service has been continued and now stands at almost €20 million per annum. The interdepartmental committee on major emergency planning, which is chaired by my Department, has just completed a review of the major emergency planning framework on which local authority, Health Service Executive and Garda major emergency plans are based and I will be taking proposals to Government shortly for the implementation of an updated framework.

In February 2005, I announced a fire services change programme to implement the key fire services and fire safety recommendations of the review of fire safety and fire services. This programme sets out the strategy for the future development of the fire service and includes measures addressing the development of community fire safety programmes, the development

of a risk-based approach to the determination of fire cover standards, the introduction of a competency-based approach to recruitment, retention and career progression in the fire service and the enhancement of health, safety and welfare programmes within the fire service. Work on the change programme is being carried out by a dedicated project team and is progressing satisfactorily. My priority under the fire services change programme is not to pursue further institutional change at this time but to use the available resources to bring about direct improvements in these key areas

Greenhouse Gas Emissions.

53. **Mr. McGinley** asked the Minister for the Environment, Heritage and Local Government the further initiatives he intends to take to reduce greenhouse gas emissions; and if he will make a statement on the matter. [9479/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Question No. 7 on today's Order Paper.

Strategy on Homelessness.

54. **Mr. G. Mitchell** asked the Minister for the Environment, Heritage and Local Government his views on whether homelessness will ever be eradicated here; if so, when; the measures he will take to achieve same; and if he will make a statement on the matter. [9484/06]

77. **Ms Shortall** asked the Minister for the Environment, Heritage and Local Government if he intends to provide for the establishment of emergency accommodation in suburban areas following the recent review of the Government's homelessness strategy which pinpointed the lack of such facilities for young homeless people as being of particular concern. [9598/06]

110. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government the actions he will be taking on foot of the publication of the independent review of the implementation of the Government's integrated and preventative homeless strategies; and the timetable for the implementation of the recommendations contained in this report in view of the fact that he has indicated that he accepts the broad thrust of the recommendations. [9438/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 54, 77 and 110 together.

The Independent Review of the Implementation of Homeless Strategies, which I published recently, copies of which are available in the Oireachtas Library, examined the implementation of the Government's integrated and pre-

ventative homeless strategies and concluded that the two strategies should be amalgamated and revised.

The review specifically recommended that the resultant revised strategy should have an overarching goal to eliminate long-term homelessness in Ireland by a defined date in the future and should include clearly defined objectives, actions, projected outcomes, timescales for delivery and an appropriate monitoring mechanism to track progress. In Dublin the Homeless Agency has already defined as its overarching goal the elimination of long-term homelessness and the need to sleep rough in Dublin by 2010. The Government has accepted the broad thrust of the recommendations of the review and work has commenced on the preparation of a revised and updated strategy on homelessness, having regard to the recommendations of the independent review.

The review acknowledges that, while emergency accommodation is largely sufficient in the major urban centres, it should continue to be provided to address outstanding requirements in other areas. The planning and provision of accommodation and care for homeless persons services at local level are matters for the local authority concerned and the Health Service Executive to be progressed in the local homeless action plans. My Department will take the foregoing issues into account as it develops a revised Government strategy on homelessness, under the aegis of the cross-Department team on homelessness.

Nuclear Plants.

55. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government the legal avenues the Government is examining internationally in the State's campaign to close Sellafield, given the preliminary judgment on the UNCLOS case. [9410/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Government's international legal proceedings against the United Kingdom under the United Nations Convention on the Law of the Sea in respect of the Sellafield MOX plant were suspended in 2003 pending resolution of jurisdictional issues in the dispute raised by the European Commission.

These issues were the subject of proceedings by the European Commission against Ireland before the European Court of Justice, ECJ. The advocate general's opinion, issued in the case on 18 January last, considers that the ECJ has jurisdiction in the dispute between Ireland and the UK. While this opinion favours the case made by the Commission, it will be a matter for the court to issue the final judgment which is expected later in the year. The final outcome should clarify international and community law on the protection of the marine environment and other issues

raised by the continued operation of the Sellafield reprocessing plant.

The Government, in consultation with the Attorney General, will decide future legal strategy based on the final judgment of the ECJ case; it would be premature at this point to speculate on the legal options or avenues open to the Government arising from this process.

Question No. 56 answered with Question No. 11.

Fire Services.

57. **Mr. J. O'Keeffe** asked the Minister for the Environment, Heritage and Local Government when responsibility for fire safety, previously the function of the National Safety Council, will be transferred to his Department; and if he will make a statement on the matter. [9477/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): As indicated in reply to Question No. 662 of 21 February 2006, arrangements for the transfer of the fire safety remit of the National Safety Council to my Department are being discussed with the Department of Transport. An exact date for the transfer has not been agreed but I expect that it will take place in the second quarter of this year.

Waste Management.

58. **Mr. G. Murphy** asked the Minister for the Environment, Heritage and Local Government the actions he has instructed local authorities to take to address the recent slippage in the application of the plastic bag levy; and if he will make a statement on the matter. [9472/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The 15 cent levy on plastic bags, as provided for in the Waste Management (Environmental Levy) (Plastic Bag) Regulations 2001 — which took effect on 4 March 2002 — applies to all plastic bags supplied to customers at the point of sale for the conveyance of goods or products.

Prior to the introduction of this levy, an estimated 1.2 billion plastic bags were given away free by retailers. The levy has led to a dramatic reduction in use of plastic bags with a consequent positive environmental benefit. Plastic shopping bags accounted for 5% of litter arising prior to the introduction of the levy, but for just 0.22% of litter arising in 2004.

I am anxious that the plastic bag regulations are rigorously enforced. From representations I have received there appears to be some anecdotal evidence of slippage in application of the levy. I recognise the need to ensure that the efforts and commitment of the vast majority of retailers are not undermined by the non-compliance of a few. Therefore, I have asked my Department to write to local authorities asking them to carry out

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inspections of retail outlets with a view to improving current practices in inspection of the Plastic Bag Levy Regulations. An enforcement network of local authority officers has been established to monitor and co-ordinate the enforcement drive.

The relevant enforcement officers have extensive powers to enter any retail premises, to conduct any searches or investigations considered necessary, and to inspect or remove any records, books and documents for the purposes of any proceedings regarding the levy.

All complaints received in my Department concerning non-compliance are forwarded to the relevant local authority and the Revenue Commissioners. The operation of the levy is also subject to the normal Revenue Commissioners auditing arrangements.

Electronic Voting.

59. **Mr. Connaughton** asked the Minister for the Environment, Heritage and Local Government the cost to date of the electronic voting project, including storage; and if he will make a statement on the matter. [9487/06]

60. **Ms O'Sullivan** asked the Minister for the Environment, Heritage and Local Government the cost to date with respect to the electronic voting system including capital expenditure, testing of the electronic voting machines, storage of the electronic voting machines, training of staff, reviews and reports on the system and all other associated costs; the specific costs to date for capital expenditure, testing of the electronic voting machines, storage of the electronic voting machines and training of staff; and if he will make a statement on the matter. [9601/06]

67. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government his plans to liquidate the e-voting system; and if he will make a statement on the matter. [9515/06]

220. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the number of centres here at which electronic voting equipment is stored; the cost per annum in each case; and if he will make a statement on the matter. [9735/06]

221. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if he can quantify the saving to the Exchequer in terms of storage and security costs in the event of the liquidation of the electronic voting equipment; and if he will make a statement on the matter. [9736/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to

take Questions Nos. 59, 60, 67, 220 and 221 together.

The total cost incurred to date in the development and rollout of the electronic voting and counting system is some €51.3 million, which includes €46 million in respect of capital investment in voting machines and ancillary equipment. My Department has spent €731,000 to date on assessment and testing and €273,000 on training returning officer and local authority staff. In addition, information provided by returning officers to my Department indicates that the total annual storage cost for the electronic voting machines and ancillary equipment — including rental, insurance and security costs — is some €696,000. The following table sets out annual storage costs for each of the 25 locations.

The timing of the further use of the system depends on the progress made with the work being undertaken by my Department and by the Commission on Electronic Voting, the associated decisions arising, and the dates on which future polls may be held.

Constituency	Annual Storage Costs (incl. VAT)
	€
Carlow-Kilkenny	29,595.00
Cavan-Monaghan	25,828.00
Clare	3,600.00
Cork City	42,499.50
Cork County	37,609.30
Donegal	15,714.00
Dublin City	72,350.00
Dublin County	62,938.66
Galway	5,253.00
Kerry	26,125.00
Kildare	27,125.86
Laois-Offaly	28,178.00
Limerick	57,675.86
Longford	15,095.16
Roscommon	10,374.98
Louth	298.00
Mayo	34,930.00
Meath	20,366.00
Sligo	—
Leitrim	3,000.00
Tipperary (N&S)	42,700.00
Waterford	52,888.48
Westmeath	22,805.34
Wexford	16,876.00
Wicklow	42,455.80
Total	696,281.94

Question No. 61 answered with Question No. 12.

Waste Management.

62. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government if he intends to conduct research into the reason 21% of the population do not avail of a waste collection service; if he will examine this problem to ascertain the way in which many of these people cannot access a waste collection service due to genuine difficulties with the cost of the scheme; and his views on setting up a national waiver scheme to help with this difficulty. [9587/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In accordance with section 33 of the Waste Management Acts 1996-2005, local authorities are obliged to collect, or provide for the collection of, household waste. Section 33(3) provides exemptions whereby a local authority need not provide a collection in cases where an adequate waste collection service is available; the cost of providing a waste collection service by the local authority would be unreasonably high; or the local authority is satisfied that adequate alternative arrangements can reasonably be made by the householder.

Following publication of the Environmental Protection Agency's, EPA, National Waste Report 2004 which calculates that 23% of households are not availing of, or not provided with, a waste collection service, my Department wrote to all local authorities on 10 January 2006 to request that they take active steps to establish if any of the exemptions of section 33(3) apply in the case of these households. In addition, local authorities were asked to outline the actions taken, or intended to be taken, to establish where this uncollected waste is being directed. This is considered to be an appropriate mechanism to address further the implications of the EPA finding.

Based on replies received to date it is clear that a variety of factors influence whether householders avail of a waste collection service. While illegal burning of waste or fly-tipping is certainly occurring other factors are also reported to be

contributing to a distortion of the picture. These factors include deposition of household waste at recycling centres and landfills by householders themselves; the sharing of bins by some households; the recording of waste collected from some apartment complexes as one household; difficulty in quantifying the number of pay-by-tag customers; the numbers of vacant dwellings and holiday homes that do not require a regular waste collection service. It is also the case that collection services are absent from certain routes due to their remote location or where the road is too narrow and is not suitable for large trucks.

I am considering what might be appropriate regulatory arrangements for the rapidly evolving waste management sector, including any public service obligation which might reasonably be imposed in respect of low income households or in areas where service provision is not economically viable.

Question No. 63 answered with Question No. 12.

Question No. 64 answered with Question No. 30.

Local Authority Funding.

65. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government the amount of funding collected by local authorities in their areas of responsibility for the years 1996, 2000 and 2005; the breakdown of this funding; and if he will make a statement on the matter. [9418/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The following tables show the income for local authorities from commercial rates, charges for goods and services, and development contributions for the years 1996, 2000 and 2005. Inter-authority transfers are not included. In the case of rates and charges, the data for 1996 and 2000 are based on out-turns and data for 2005 are based on published local authority budgets. Information on development contributions is based on estimates provided by the local authorities.

County Council	Development Levies	Commercial Rates	Goods and Services
	€	€	€
Carlow*	113,882	1,900,508	4,477,406
Cavan*	58,544	2,744,842	5,432,827
Clare*	423,227	14,133,353	9,796,649
Cork *	2,744,498	29,562,740	39,775,840
Donegal*	605,515	7,587,626	17,810,404
Dún Laoghaire	3,228,941	26,557,936	19,646,995
Fingal	5,229,046	19,617,696	25,215,548
Galway*	454,679	4,834,703	10,841,336
Kerry*	830,791	7,265,031	17,327,808
Kildare*	8,875,524	7,976,968	15,836,649

[Mr. Roche.]

County Council	Development Levies	Commercial Rates	Goods and Services
	€	€	€
Kilkenny*	248,316	3,542,784	13,048,750
Laois	171,002	2,683,282	6,268,872
Leitrim	87,232	989,539	3,152,921
Limerick	456,048	8,619,401	13,752,256
Longford*	78,065	1,346,633	3,895,033
Louth*	1,238,194	2,080,054	4,484,434
Mayo*	224,958	4,673,130	12,577,261
Meath*	2,150,759	4,810,789	12,071,801
Monaghan*	605,094	1,867,941	4,430,925
North Tipperary*	195,848	2,274,079	6,156,014
Offaly*	230,297	2,452,517	7,150,597
Roscommon	119,876	2,856,676	5,989,417
Sligo*	187,763	1,470,914	24,643,499
South Dublin	6,094,743	28,348,431	5,281,498
South Tipperary*	633,189	2,509,613	9,644,090
Waterford*	171,812	2,296,058	7,199,580
Westmeath*	457,715	2,764,916	9,380,984
Wexford*	639,396	5,374,212	12,065,541
Wicklow*	1,886,892	4,466,182	9,608,954
Total Counties	38,441,845	207,608,555	336,963,892

City Council	Development Levies	Commercial Rates	Goods and Services
	€	€	€
Cork	705,679	25,490,408	26,055,114
Dublin	3,878,684	117,884,964	100,073,729
Galway	1,451,420	8,097,946	9,114,447
Limerick	650,908	10,945,427	9,740,702
Waterford	810,586	6,989,215	7,530,927
Total Cities	7,497,276	169,407,960	152,514,918

* County Council Figures For Development Levies Include Amounts Relating To Relevant Town Councils.

1996 Funding and Source

Town Council	Development Levies	Commercial Rates	Goods and Services
	€	€	€
Arklow		995,778	1,043,292
Athlone		1,038,035	3,025,091
Athy		835,932	617,616
Ballina		924,768	1,048,835
Ballinasloe		661,528	1,094,947
Birr		427,206	435,024
Bray		2,338,291	3,085,499
Buncrana		529,455	515,790
Bundoran		388,743	257,208
Carlow		1,793,188	1,720,156
Carrickmacross		443,175	449,847

Town Council	Development Levies	Commercial Rates	Goods and Services
	€	€	€
Carrick-on-suir		360,416	955,249
Cashel		177,473	558,935
Castlebar		860,058	1,176,760
Castleblayney		287,837	230,107
Cavan		743,004	648,374
Clonakilty		382,186	406,705
Clones		184,845	245,680
Clonmel		1,856,794	3,611,366
Cobh		291,245	691,116
Drogheda		3,982,085	4,945,215
Dundalk		4,976,613	5,591,416
Dungarvan		1,023,387	1,369,273
Ennis		1,507,003	2,117,625
Enniscorthy		601,960	935,382
Fermoy		435,394	898,768
Kells		250,020	503,356
Kilkenny		1,485,059	2,534,273
Killarney		2,035,112	1,909,191
Kilrush		251,449	357,440
Kinsale		379,567	362,421
Letterkenny		1,023,509	1,151,258
Listowel		807,946	541,419
Longford		832,490	860,692
Macroom		291,821	421,139
Mallow		1,043,717	811,590
Midleton		541,880	422,127
Monaghan		1,220,901	1,385,128
Naas		1,749,239	1,517,916
Navan		761,600	915,213
Nenagh		918,845	757,114
New Ross		524,691	844,303
Skibbereen		380,396	326,880
Sligo		2,304,463	3,596,584
Templemore		131,617	301,934
Thurles		678,372	922,597
Tipperary		619,914	887,285
Tralee		2,964,960	4,156,763
Trim		266,352	325,356
Tullamore		1,423,252	1,150,552
Westport		751,516	906,453
Wexford		1,305,366	3,193,935
Wicklow		515,890	751,102
Youghal		529,374	781,443
Total Towns	0	54,035,718	70,270,740
Overall Total	45,939,121	431,052,233	559,749,551

[Mr. Roche.]

2000 Funding and Source

County Council	Development Levies	Commercial Rates	Goods and Services
	€	€	€
Carlow	364,096	3,215,443	6,259,482
Cavan	974,913	4,558,694	7,279,031
Clare	679,136	20,801,897	14,228,786
Cork	9,388,408	52,186,795	61,511,304
Donegal	1,691,664	12,393,976	21,387,029
Dunlaoire	5,978,273	48,144,963	31,023,547
Fingal	13,612,512	49,257,624	45,503,668
Galway	2,735,311	8,596,472	14,166,892
Kerry	980,369	13,141,338	26,084,892
Kildare	5,586,197	18,050,876	20,609,037
Kilkenny	874,960	5,639,439	13,626,820
Laois	1,732,248	4,574,944	9,071,824
Leitrim	643,846	2,166,549	5,192,566
Limerick	1,632,093	15,776,023	23,931,390
Longford	300,128	2,295,010	5,463,449
Louth	2,864,286	3,688,109	6,647,634
Mayo	1,560,257	7,809,524	16,225,857
Meath	5,825,477	8,925,449	16,102,940
Monaghan	3,047	3,196,531	6,750,644
North Tipperary	426,425	4,418,855	7,296,596
Offaly	795,233	3,408,471	8,594,397
Roscommon	1,173,977	4,993,088	9,577,359
Sligo	166,336	2,586,469	6,651,566
Sth Dublin	10,901,971	53,152,776	57,359,724
South Tipperary	599,958	4,657,415	13,132,537
Waterford	1,734,937	3,612,162	9,042,473
Westmeath	1,826,890	4,340,975	12,873,951
Wexford	4,101,779	9,778,803	16,914,557
Wicklow	2,133,846	7,015,837	12,756,101
Total Counties	81,288,573	382,384,506	505,266,055

City Council	Development Levies	Commercial Rates	Goods and Services
	€	€	€
Cork	1,924,379	41,560,273	44,475,921
Dublin	10,563,548	187,266,438	178,644,786
Galway	3,523,296	14,561,064	16,088,706
Limerick	1,255,951	18,240,725	13,433,307
Waterford	1,801,140	11,228,986	12,367,462
Total Cities	19,068,314	272,857,486	265,010,182

2000 Funding and Source

Town Council	Development Levies	Commercial Rates	Goods and Services
	€	€	€
Arklow	288,021	1,558,541	1,152,042
Athlone	115,927	1,579,301	2,446,821
Athy	105,257	1,284,332	976,964
Ballina	80,722	1,560,756	2,347,833
Ballinasloe	119,056	1,054,067	3,341,231

Town Council	Development Levies	Commercial Rates	Goods and Services
	€	€	€
Birr	99,587	706,612	457,535
Bray	550,109	3,949,264	3,332,195
Buncrana	48,377	880,948	613,595
Bundoran	125,454	740,746	181,028
Carlow	502,426	3,006,586	2,432,181
Carrickmacross	64,418	543,805	1,151,430
Carrick-on-suir	2,222	830,079	592,201
Cashel	39,375	319,574	754,585
Castlebar	85,263	1,569,973	2,175,225
Castleblayney	N/S	520,941	219,045
Cavan	5,409	1,183,096	895,135
Clonakilty	N/S	717,650	736,758
Clones	N/S	309,341	336,886
Clonmel	619,608	3,213,986	4,527,496
Cobh	146,477	467,890	875,559
Drogheda	985,329	5,279,966	6,287,933
Dundalk	421,240	7,804,910	7,637,103
Dungarvan	284,055	1,774,563	2,217,182
Ennis	609,637	2,497,433	3,567,419
Enniscorthy	72,173	929,239	1,092,505
Fermoy	24,252	717,652	1,248,508
Kells	69,328	423,205	386,734
Kilkenny	77,443	2,861,706	4,602,117
Killarney	256,290	3,821,013	2,900,497
Kilrush	49,075	407,510	470,534
Kinsale	101,643	682,291	423,185
Letterkenny	138,313	1,788,523	1,597,282
Listowel	85,034	1,259,599	740,717
Longford	369,879	1,263,285	1,221,529
Macroom	N/S	523,606	606,741
Mallow	162,619	1,656,221	1,796,568
Midleton	180,366	960,048	625,408
Monaghan	23,490	1,863,024	1,429,964
Naas	737,229	3,100,698	1,778,382
Navan	132,554	1,379,433	1,375,867
Nenagh	N/S	1,792,554	1,591,382
New Ross	40,816	803,973	1,484,363
Skibbereen	97,770	594,686	596,252
Sligo	377,385	3,876,226	5,002,621
Templemore	21,947	224,469	435,372
Thurles	195,266	1,220,228	1,159,659
Tipperary	23,405	929,742	1,077,632
Tralee	337,576	5,198,857	6,469,088
Trim	1,282	401,985	300,137
Tullamore	516,606	2,237,817	1,178,859
Westport	207,507	1,637,650	1,937,119
Wexford	302,886	1,917,237	3,749,064
Wicklow	123,165	770,977	708,452
Youghal	N/S	805,364	1,198,317
Total Towns	10,023,268	89,403,177	98,440,237
Overall Total	110,380,155	744,645,169	868,716,474

N/S: Not Supplied.

[Mr. Roche.]

2005 Funding and Source

County Council	Development Levies	Commercial Rates	Goods and Services
	€	€	€
Carlow	3,826,306	3,971,318	11,101,300
Cavan	2,571,730	6,137,500	12,463,677
Clare	6,064,000	26,758,658	21,148,341
Cork	38,739,433	67,964,000	84,542,040
Donegal	4,998,423	16,484,600	30,911,118
Dunlaoire	50,780,348	65,072,500	56,426,500
Fingal	23,000,000	80,106,155	66,875,300
Galway	12,354,285	13,969,550	18,970,812
Kerry	7,100,000	14,181,348	29,394,000
Kildare	18,000,000	26,519,938	36,617,781
Kilkenny	10,900,000	7,989,230	13,653,100
Laois	12,907,000	6,916,657	18,439,234
Leitrim	217,495	3,150,070	5,114,224
Limerick	12,675,000	21,498,969	26,468,568
Longford	2,845,302	2,800,400	8,316,000
Louth	19,500,000	5,284,300	22,711,000
Mayo	13,531,000	10,441,604	31,693,213
Meath	38,000,000	14,344,694	22,445,291
Monaghan	2,608,157	4,371,298	13,920,746
North Tipperary	3,653,190	5,374,346	15,091,154
Offaly	3,786,399	4,557,663	12,874,863
Roscommon	6,389,417	6,388,300	10,887,600
Sligo	2,391,151	3,519,742	7,019,986
South Dublin	31,566,815	86,457,410	89,278,000
South Tipperary	3,045,000	5,651,216	22,215,848
Waterford	3,322,730	4,360,700	17,872,300
Westmeath	6,150,000	5,776,433	15,232,276
Wexford	30,000,000	13,207,038	28,067,473
Wicklow	31,413,167	8,917,112	18,283,091
Total Counties	402,336,348	542,172,749	768,034,836

City Council	Development Levies	Commercial Rates	Goods and Services
	€	€	€
Cork	11,043,400	48,576,900	61,357,500
Dublin	58,403,217	229,456,190	303,896,592
Galway	5,400,000	21,786,738	27,550,900
Limerick	7,687,886	24,270,497	22,620,686
Waterford	6,450,605	15,916,744	16,066,207
Total Cities	88,985,108	340,007,069	431,491,885

2005 Funding and Source

Town Council	Development Levies	Commercial Rates	Goods and Services
	€	€	€
Arklow	95,000	1,659,517	844,062
Athlone	2,188,049	2,549,912	3,629,051
Athy	1,620,462	1,580,225	1,419,284
Ballina	1,674,223	2,399,925	2,744,895

Town Council	Development Levies	Commercial Rates	Goods and Services
	€	€	€
Ballinasloe	299,475	1,095,270	5,597,895
Birr	275,817	937,847	566,624
Bray	1,389,753	4,497,319	4,139,895
Buncrana	N/S	1,134,662	377,880
Bundoran	116,227	722,114	789,018
Carlow	1,152,920	4,310,612	2,440,085
Carrickmacross	300,000	1,121,828	357,506
Carrick-on-suir	1,299,670	653,482	1,999,365
Cashel	385,000	449,274	1,019,878
Castlebar	3,465,781	2,265,061	2,939,200
Castleblayney	1,414,838	606,653	311,375
Cavan	334,240	1,389,083	1,440,500
Clonakilty	N/S	950,946	392,699
Clones	251,921	402,779	219,816
Clonmel	117,700	3,976,091	6,141,830
Cobh	N/S	661,653	875,563
Drogheda	280,295	5,284,300	10,297,500
Dundalk	5,807,387	10,154,542	10,114,960
Dungarvan	1,721,571	2,219,000	1,952,100
Ennis	2,380,659	3,485,480	6,497,000
Enniscorthy	155,448	1,147,091	1,005,128
Fermoy	N/S	836,573	1,415,073
Kells	98,346	511,462	980,536
Kilkenny	264,127	3,960,500	4,644,586
Killarney	3,309,191	5,742,481	3,766,000
Kilrush	194,428	538,303	608,588
Kinsale	N/S	852,562	283,900
Letterkenny	306,000	3,679,722	1,996,500
Listowel	262,605	1,301,278	998,400
Longford	729,010	1,878,948	1,508,868
Macroom	N/S	577,801	364,000
Mallow	N/S	1,811,153	2,471,480
Middleton	N/S	1,236,707	393,400
Monaghan	3,151,319	2,553,590	1,637,694
Naas	600,000	4,637,162	2,300,109
Navan	1,708,331	1,790,717	2,501,957
Nenagh	2,323,889	2,622,723	1,570,967
New Ross	1,500,000	999,188	2,145,812
Skibbereen	N/S	787,002	290,297
Sligo	208,795	5,367,982	3,949,561
Templemore	106,066	358,000	407,500
Thurles	830,129	1,907,500	1,352,000
Tipperary	320,000	1,071,268	1,688,467
Tralee	1,433,427	6,680,174	6,056,100
Trim	323,511	545,968	675,750
Tullamore	1,135,377	3,057,217	1,547,157
Westport	372,045	2,223,393	2,288,773
Wexford	469,063	2,695,129	4,679,606
Wicklow	482,256	1,012,184	1,402,600
Youghal	N/S	1,135,815	1,318,650
Total Towns	54,692,623	118,027,168	123,357,440
Overall Total	546,014,079	1,000,206,986	1,322,884,161

N/S: Not Supplied.

Water and Sewerage Schemes.

66. **Ms Burton** asked the Minister for the Environment, Heritage and Local Government if he intends to use the proposed Water Services Bill to reintroduce domestic water charges; and if he will make a statement on the matter. [9589/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Government's national water services pricing policy framework requires local authorities to recover the cost of providing water services from the users of these services, with the exception of households using the services for domestic purposes. There is no intention to reintroduce domestic water charges through the Water Services Bill or on any other basis.

Question No. 67 answered with Question No. 59.

Planning Issues.

68. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government his views on using his power under section 19(3) of the Planning and Development Act 2001 to draft regulations which would ensure that all major developments in a designated area of a local area plan be subjected to environmental impact assessments in accordance with Strategic Environmental Assessment Regulations 2004 including those developments that had been considered in previous local area plans which predated the strategic environmental assessment regulations 2004 and therefore were not subjected to environmental impact assessments. [9534/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): There is a distinction between environment impact assessment, EIA, which applies to individual projects, and strategic environmental assessment, SEA, which applies to plans and programmes forming the framework for development consent for projects liable to EIA.

Under part X of the Planning and Development Act 2000, major developments falling within project categories specified in Schedule 5 to the Planning and Development Regulations 2001 must be subjected to EIA, as part of the planning consent process. This applies to all scheduled projects, whether or not they are covered by the provisions of local area plans.

The Planning and Development (Strategic Environmental Assessment) Regulations 2004, apply to the preparation of development plans, local area plans and planning schemes in strategic development zones, or any variation thereof. In accordance with the Strategic Environmental Assessment Directive 2001/42/EC, the 2004 regulations apply only to relevant plans, planning

schemes and variations for which the first formal preparatory action is taken on or after 21 July 2004.

Section 19(3) of the Planning and Development Act 2000 provides for the prescribing, by regulations, of classes of area in respect of which local area plans should be prepared. I have no proposals to make such regulations.

Waste Disposal.

69. **Mr. Crawford** asked the Minister for the Environment, Heritage and Local Government further to Question No. 188 of 14 February 2006, if he will make a statement on the meetings his officials and predecessor had with a company (details supplied); the dates of such meetings; the agenda of such meetings; and the topics discussed and actions taken subsequently by his Department. [9464/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department's files indicate that officials of the Department met two representatives of Indaver Ireland on 21 July 2003; that my predecessor, accompanied by officials, met representatives of Indaver Ireland on 28 January 2004 and that officials met representatives of Indaver Ireland on 8 June 2004.

I understand a range of issues to have been discussed at these meetings, including inter-regional movement of waste, the regional approach to waste management, and the availability of grant assistance for hazardous waste management infrastructure under the regional operational programmes.

My Department and I hold regular consultations with stakeholders in the context of the ongoing implementation of Government policy on waste management. It should not, however, be concluded that either my officials or I undertake any course of action on the basis of discussions with a single stakeholder. Consulting widely, with a range of stakeholders, is designed to ensure that my Department and I have as full as possible an understanding of the issues and concerns of stakeholders and are therefore in a position to address them, where it is possible and appropriate to do so.

There can be no question of any such meetings comprehending matters proper to the physical planning or environmental licensing processes from involvement with which I, and my officials, are precluded.

Questions Nos. 70 and 71 answered with Question No. 30.

Social and Affordable Housing.

72. **Mr. Deasy** asked the Minister for the Environment, Heritage and Local Government the steps he will take to assist the voluntary housing

sector increase its output; and if he will make a statement on the matter. [9511/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The voluntary and co-operative housing sector has an important contribution to make in the provision of social housing. By working in close partnership with local authorities, it plays a significant role in supplementing their efforts in providing social housing in areas where particular housing needs have been identified. It is supported by my Department through two separate funding schemes, the capital assistance scheme and the capital loan and subsidy scheme.

The Government is fully committed to developing and expanding the voluntary and co-operative housing sector by supplying the necessary financial resources and support to enable it become an important and significant provider and force in the housing area. To this end, provision of funding for the schemes has been increased significantly from €56 million in 1999 to €243 million in 2006.

In conjunction with this increased funding, my Department has also initiated the development by local authorities of five-year action plans, commencing in 2004, for the delivery of social and affordable housing, including the voluntary programme, to ensure a systematic and integrated approach to the effective use of these resources. In addition, and in order to further develop and assist the sector in achieving its full potential, the funding limits available have recently been significantly increased.

EU Directives.

73. **Ms B. Moynihan-Cronin** asked the Minister for the Environment, Heritage and Local Government when he expects the instrument of ratification of the Aarhus Convention to come before Dáil Éireann; and if he will make a statement on the matter. [9599/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Ireland signed the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters on 25 June 1998. Progress towards ratification of the convention is closely aligned with work at EU level. To date, the European Union has adopted two directives as part of the ratification process for the convention. These deal with public access to environmental information, 2003/4/EC, and public participation in certain environmental decision-making procedures, 2003/35/EC. Ratification of the convention will take place after these directives have been transposed into Irish law. Work is continuing in my Department on the transposition of the two directives and will be completed as soon as possible.

Anti-Social Behaviour.

74. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the action he intends to take regarding anti-social behaviour in both public and private housing developments; and if he will make a statement on the matter. [9503/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The Minister for Justice, Equality and Law Reform announced proposals late last year for the introduction of anti-social behaviour orders that will give the Garda additional powers to combat anti-social behaviour generally. As regards public housing estates, local authorities and approved housing bodies have extensive powers under the Housing (Miscellaneous Provisions) Act 1997 to deal with anti-social behaviour. I am reviewing the provisions of this Act with a view to strengthening their powers.

Genetically Modified Organisms.

75. **Mr. Gormley** asked the Minister for the Environment, Heritage and Local Government his views on the motions on non-genetically modified produce passed by county councils and town councils (details supplied). [9529/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Government favours a positive but precautionary approach to applications of modern biotechnology. This is based on the work of the inter-departmental group on modern biotechnology whose report in October 2000 was endorsed by the Government. The report concluded that we should acknowledge the potential benefits of genetic engineering while maintaining a fundamental commitment to safety and environmental sustainability, based on scientific risk assessment and management.

I understand the motions in question advocate GM-free status for the areas concerned. Taking account of the EU regulatory framework in respect of genetically modified organisms, I am not aware of any basis on which a region might implement a blanket ban on the cultivation of approved GM varieties and/or the sale or use of approved GM ingredients in foods or animal feeds, other than by voluntary agreements between all farmers and consumers in that region.

Question No. 76 answered with Question No. 51.

Question No. 77 answered with Question No. 54.

Planning Issues.

78. **Mr. P. McGrath** asked the Minister for the

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Environment, Heritage and Local Government if he will introduce an elected members planning code of good practice in local authorities; and if he will make a statement on the matter. [9469/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department published draft development management guidelines for planning authorities in November 2005, which are intended to assist planning authorities in dealing with the planning application process. They aim to promote best practice in the processing of planning applications and have a strong customer service focus. Although primarily aimed at the management of the planning process, they recognise that councillors will have an interest in how the development plan they are responsible for adopting is applied. The guidelines also note that individual councillors, in their representative capacity, are entitled to make submissions and should be kept informed on particular applications. They further note that the use of information technology systems can provide councillors with a range of relevant information, thus saving time in responding to routine queries.

A code of conduct for councillors was issued in June 2004 under the Local Government Act 2001. The code represents a standard against which the conduct of elected members in the performance of their duties can be judged. The code is also intended to inform the public of the standards of behaviour it has a right to expect and so help to maintain and enhance public trust and confidence. It covers areas such as general conduct and behaviour, conflict of personal and public interest, planning, gifts, hospitality, personal dealings with local authority, regard for council resources and satisfactory working relationships. It is not proposed to introduce a separate code of good practice in planning matters for elected members.

Question No. 79 answered with Question No. 13.

Local Authority Housing.

80. **Mr. Neville** asked the Minister for the Environment, Heritage and Local Government his plans to increase the frequency at which housing needs assessment is conducted; and if he will make a statement on the matter. [9500/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): An objective and comprehensive assessment of a person's or family's need is an essential first step in establishing a modern system of housing supports. The document Housing Policy Framework Building Sustainable Communities contains a commitment to develop new means of assessing housing need. Further details

on the new arrangements will be announced later in the year.

Special Areas of Conservation.

81. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government the reason for a three-year delay in dealing with appeals on the proposed designation of lands as a special area of conservation; and if he will make a statement on the matter. [9285/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Any landowner or person with a legal interest in land proposed for designation as part of a special area of conservation, SAC, may lodge an objection to my Department on scientific grounds and have the proposed designation reviewed. Three months are allowed to lodge such appeals.

The first stage of the appeals process is an internal review within the national parks and wildlife service, NPWS, of my Department. To initiate this process an appellant must contact an official of NPWS either locally, usually through the local conservation ranger, or at headquarters. Each appeal must be accompanied by a map indicating a clear outline of the area under appeal. Local staff then visit the site to re-examine the scientific grounds for including the specific area under appeal in the SAC, and submit a recommendation for decision at a more senior level. A decision will be made to grant the appeal in full or for part of the land or to reject it. The appellant is then informed of the outcome.

The second stage of the appeals process is only invoked when an appellant is dissatisfied with the outcome of the first stage. He or she is given the option to have the appeal referred for consideration by the Nature Conservation Designation Appeals Advisory Board. This is a non-statutory board, independently chaired and with equal representation of land owners or users and conservationists. It provides independent advice to the Minister on appeals. A sample analysis of appeals dealt with since January 2005 indicates that the first stage took on average 14 weeks from the date of the appellant's letter to the issue of the letter advising the appellant of the outcome.

Appeals referred to the Nature Conservation Designation Appeals Advisory Board take longer to complete. The process includes the preparation of a scientific case on the specific lands under appeal by each side, an opportunity for each side to comment in writing on the opposing scientific case, the scheduling of an appeals board hearing which always includes a visit to the site, and the provision of a recommendation for decision by me.

The process from lodging an appeal to a final decision has taken up to three years in some cases, but these are exceptional and due to a variety of causes. Seasonal factors applying to the assessment of particular habitats and species can

be a significant cause of delay. In some cases, appellants have chosen not to proceed with the presentation of their cases, sometimes for considerable periods of time. Other cases involve ongoing discussions between the Department and appellants with a view to resolving issues underlying the appeal. Substantial progress was made by the appeals board in 2005 in clearing outstanding appeals awaiting consideration by the board.

Dog Breeding Establishments.

82. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government the action he intends to take on the working group recommendations on regulating breeding establishments; and if he will make a statement on the matter. [9533/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The report of the working group, which was established to review the management of dog breeding establishments, 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. 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 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 and as soon as this exercise is completed, I will consider further the recommendations of the report of the working group and determine an appropriate response.

Question No. 83 answered with Question No. 30.

Social and Affordable Housing.

84. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government whether he will seek to have the NESC report recommendations for a net increase of 73,000 units of social housing included in the new National Development Plan 2007-13, which is being prepared. [9439/06]

99. **Mr. Ferris** asked the Minister for the Environment, Heritage and Local Government the targets in respect of social housing he will seek to include in the new National Development Plan 2007-13, which is being prepared. [9442/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 84 and 99 together.

The preparation of the National Development Plan 2007-13, NDP, is co-ordinated by the Department of Finance. A high-level steering

group, chaired by that Department and comprising senior officials of other relevant Departments, has been established to oversee drafting. The housing material of the NDP will be drafted by my Department and, while the final content and focus of the overall plan will be a matter for decision by Government, priorities for investment in housing will take account of a number of factors, including the key policy challenges highlighted by the NESC report, the results of the 2005 housing needs assessment and the policy framework set out in the document Housing Policy Framework Building Sustainable Communities, which was launched in December 2005.

Recycling Policy.

85. **Mr. Coveney** asked the Minister for the Environment, Heritage and Local Government his Department's new targets for the recovery and recycling of packaging waste; the progress made to date; and if he will make a statement on the matter. [9474/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In recent years, Ireland has achieved considerable success in meeting targets for the recovery and recycling of packaging waste. Data from the Environmental Protection Agency show that the 25% target for 2001 set under Directive 94/62/EC on packaging and packaging waste was achieved. It also shows that with 56% recovery of packaging waste in 2004, Ireland exceeded the 2005 recovery target of 50% set under the directive. The comparable figure for 1998 was 14%.

Directive 2004/12/EC of the European Parliament and the Council, amending the original Directive 94/62/EC on packaging and packaging waste, introduces a new increased packaging waste recovery target of 60%. Of this 60%, 55% must be by way of recycling. The directive includes the material specific recycling targets of 60% for glass, paper and board; 50% for metals, 22.5% for plastics and 15% for wood. Ireland must achieve these targets by 2011.

Building on our success in the area of packaging waste recycling, I established the national strategy group on packaging waste recycling in October 2004, involving key public and private stakeholders such as Repak, IBEC, producers, waste collectors, reproducers, local authorities and my Department. The group is mandated to develop a strategy for achieving the 2011 targets.

Draft Waste Management (Packaging) (Amendment) Regulations 2006, which will transpose the amending directive, have been notified to the European Commission as required by the packaging directive. Consultations with stakeholders on further proposed changes to the packaging waste regulatory regime continue to take place. I will bring forward draft consolidated packaging regulations later this year, after those consultations have concluded.

Question No. 86 answered with Question No. 51.

Question No. 87 answered with Question No. 30.

Waste Management.

88. **Ms Shortall** asked the Minister for the Environment, Heritage and Local Government when he expects the baseline studies of the national waste prevention programme to be produced by the core prevention team; and his rationale for waiting until now to initiate the national waste prevention programme, in view of the fact that waste prevention is the top priority in waste management. [9597/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Government is committed to an integrated approach to waste management based on the internationally recognised hierarchy of prevention-minimisation, significantly increased levels of recycling, energy recovery and, finally, utilising landfill as the last resort for residual waste that cannot otherwise be recovered. The policy document, delivering change, published in 2002 contained a commitment to establish a core prevention unit in the Environmental Protection Agency to develop and drive a national waste prevention programme.

This unit was subsequently established by the Environmental Protection Agency which also produced a draft national waste prevention programme which was published in 2004. In 2004, I also established a national waste prevention committee made up of representatives of the key public and private sector stakeholders to oversee and guide the programme.

While the implementation of the programme is a matter for the EPA, I understand that the core prevention team has produced an outline work plan for the period 2004-08, which describes the focus of the programme and provides an outline of the projects to be undertaken. A certified training programme in waste prevention and minimisation has been developed in consultation with IBEC and the clean technology centre. A grant aid programme for waste prevention by local authorities is also being undertaken.

Where regulatory provisions are required as the programme is implemented, these will be given consideration by my Department. Further information on the programme can be obtained at the agency's website at www.epa.ie.

89. **Mr. Howlin** asked the Minister for the Environment, Heritage and Local Government the steps he intends to take to tackle the problem of unauthorised waste collection and fly-tipping which according to the Environmental Protection Agency annual report is a problem for over 50 local authorities nationwide. [9581/06]

95. **Mr. Noonan** asked the Minister for the Environment, Heritage and Local Government the volume of fly-tipping detected here in 2005; and if he will make a statement on the matter. [9497/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 89 and 95 together.

My Department does not compile detailed information on the incidence of fly-tipping. The recently published report of the Office of Environmental Enforcement, entitled *The Nature and Extent of Unauthorised Waste Activity in Ireland*, identifies the unauthorised collection and fly-tipping of waste as one of the problem areas in regard to waste management which needs to be tackled further. The report draws attention to the measures already being taken, including the appointment of over 100 additional enforcement officers across local authorities, funded by my Department, and the stepped up enforcement activity generally being led by the office and local authorities. The report also identifies additional actions which would further bolster the effort to stamp out this socially and environmentally unacceptable practice.

Enforcement of environmental legislation is a matter for local authorities and the Office of Environmental Enforcement. I understand that the office, through the enforcement network it has established, arranged a meeting of regional co-ordinators on 17 January 2006 to finalise the overall content of the work plans for enforcement activities for 2006, which includes initiatives planned to deal with fly-tipping in each of the regions. The implementation of these measures, or other local initiatives to address issues of litter or waste, are essentially a matter for the local authority concerned.

My Department will continue to liaise with the Office of Environmental Enforcement and other enforcement authorities to ensure that the momentum to tackle such activities is maintained.

Housing Statistics.

90. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government the number of apartments here, broken down by number of bedrooms; and if he will make a statement on the matter. [9493/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Details of dwellings by number of rooms is available from the Central Statistics Office as part of the housing volume of the census of population, copies of which are available in the Oireachtas Library. My Department publishes data on the number of new dwellings completed by type of dwelling and the latest data indicate that apartments made up 22.4% of the 80,957 houses built in 2005, 53% of which are in Dublin.

Details are also available on the Department's website at www.environ.ie. My Department does not have details of the number of bedrooms comprised in apartments.

I refer also to the reply to Question No. 6 of Wednesday, 8 March 2006.

Question No. 91 answered with Question No. 45.

Question No. 92 answered with Question No. 8.

Question No. 93 answered with Question No. 51.

Question No. 94 answered with Question No. 30.

Question No. 95 answered with Question No. 89.

Question No. 96 answered with Question No. 30.

National Biodiversity Plan.

97. **Mr. M. Higgins** asked the Minister for the Environment, Heritage and Local Government the progress which has been made to date on each of the 13 initiatives announced in November concerning the national biodiversity plan. [9576/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Significant progress has been achieved on the 13 initiatives, which I announced in November, to support the ongoing implementation of the national biodiversity plan. This progress is indicated as follows. A dedicated biodiversity unit has been put in place in my Department. A biodiversity fund of €1 million, spread over the years 2006-07, has also been put in place and has been advertised nationally by the Heritage Council which is administering the fund. I understand from the council that over 100 applications were received for the current year and that these applications are currently being evaluated.

The membership of the biodiversity forum, established as a standing committee of Comhar, the national sustainable development partnership, is being finalised. It is envisaged that the forum will hold its first meeting in April 2006. Agreement has been reached with the Waterford Institute of Technology concerning the location of the biological records centre on its campus. The centre will operate under the aegis of the Heritage Council, which will be issuing a tender shortly for the provision of services.

The national platform for biodiversity research has finalised its proposals for a biodiversity knowledge programme for Ireland. I understand that the programme is in final draft stage. When com-

pleted, I will be asking the interdepartmental steering group, which oversees implementation of the plan, to explore means by which this knowledge programme can be implemented from the existing science budgets within the State.

The biodiversity unit of my Department will be developing terms of reference for research on the social and economic benefits of biodiversity and a request for tenders for this research will issue in the first half of 2006. The development of species action plans for the Irish hare, the pollan, the corncrake and the Irish lady's tresses orchid has commenced.

The text of a biodiversity undertaking, covering the biodiversity-friendly management of buildings and lands, has been agreed by the interdepartmental group and is being issued to all Departments. Guidelines on the production of local biodiversity action plans have been prepared for issue to local authorities. The biodiversity unit of my Department is developing proposals for a public awareness campaign to be launched this year.

The EU recently completed a consultation process on their forthcoming communication and road map on the EU biodiversity strategy. At the Council of Environment Ministers later this week, I will be pressing my colleagues to ensure that the forthcoming communication will take account of the Malahide message.

My Department is developing a strategy for the phased conversion of its 160-strong fleet of vehicles to biofuel consumption over the next two years. The engineering division of the Office of Public Works is advising my Department on this project.

Local Authority Services.

98. **Ms C. Murphy** asked the Minister for the Environment, Heritage and Local Government if he will introduce legislation that explicitly sets out the responsibilities which are held by local authorities with regard to the provision of communal facilities such as sewerage, roads, water services and the maintenance of public spaces in order that the public will have a degree of certainty and consistency in this regard; and if he will make a statement on the matter. [9542/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Section 34(4) of the Planning and Development Act 2000 enables a planning authority to attach conditions requiring a developer to provide roads, open spaces, sewers, watermains or drains and the giving of adequate security for satisfactory completion of the proposed development. Once the developer has completed the development in accordance with the terms of the planning permission, section 180 of the 2000 Act makes provision for the estate — that is, the roads and any sewers, water-

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mains or drains within the grounds of the development — to be taken in charge.

I am satisfied that the legislation is clear on the respective responsibilities of housing developers and local authorities with regard to infrastructure provision. In that regard, 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 to begin the procedures to take in charge the public services of housing estates once these are completed to a satisfactory standard, where they are requested to do so by the developer or a majority of the residents of the housing development. The circular letter also clearly states that the existence of a management company to maintain elements of common buildings, carry out landscaping, etc., must not impact upon the decision by the authority to take in charge roads and related infrastructure where a request to do so is made.

Question No. 99 answered with Question No. 84.

Question No. 100 answered with Question No. 38.

Planning Issues.

101. **Mr. Gogarty** asked the Minister for the Environment, Heritage and Local Government the figures indicating the proportion of planning permissions granted that were for planning retention. [9527/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department does not compile information from planning authorities on the number of decisions relating to retention planning applications.

Housing Statistics.

102. **Mr. Deenihan** asked the Minister for the Environment, Heritage and Local Government his views on whether more needs to be done to ensure a greater number of larger apartments are built to accommodate families in the future; and if he will make a statement on the matter. [9492/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Priority Question No. 6 on today's Order Paper.

Questions Nos. 103 and 104 answered with Question No. 12.

Litter Pollution.

105. **Mr. Bruton** asked the Minister for the Environment, Heritage and Local Government the number of people or companies who lobbied

him in relation to the course of action he took on chewing gum litter; and if he will make a statement on the matter. [9481/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): On foot of the success of the plastic bag levy, An Agreed Programme for Government contained a commitment to consider the extension of environmental levies to other materials which may be problematic from a waste management or litter perspective. A consultancy study was commissioned to carry out a comprehensive and objective analysis on the application of economic instruments, including environmental levies, on chewing gum, fast food packaging and ATM receipts as a means of minimising the litter problems caused by such items and to make appropriate recommendations. Following a competitive tendering process, the consultancy study was undertaken by McIvor Consulting in association with Patel Tonra Environmental Solutions.

Following detailed analysis and consultations with the relevant stakeholders, the consultants considered a number of options for tackling chewing gum litter. Their report proposed the options of a mandatory 10% levy or a negotiated agreement between the Department and the industry, involving the putting in place of a comprehensive action plan incorporating intensive education and awareness campaigns, and including agreed funding levels with agreed tangible targets and timeframes, aimed at changing consumer behaviour in relation to chewing gum disposal and reducing gum litter.

My predecessor announced a four-week period to allow the public to comment on the consultancy study and report in 2004. The purpose of the consultation process was to obtain the views of relevant stakeholders and other interested parties on the report's recommendations. The deadline for the receipt of comments and submissions under the public consultations phase was 29 October 2004. During this period, 19 submissions relating to chewing gum were received. My Department has to date also received some 50 representations on the matter from interested members of the public. Additionally, in March of last year, I met the US Ambassador at his request. The ambassador relayed the views of the Wrigley Company Ltd., which wished to co-operate in the development of a realistic and practical initiative to tackle chewing gum litter.

My Department undertook a series of meetings with a number of companies in the chewing gum sector represented under the auspices of the Food and Drink Industry Ireland division of IBEC with a view to negotiating an agreement with the sector. I participated directly in the final two meetings that culminated with the negotiated agreement launched recently.

Fire Services.

106. **Ms Lynch** asked the Minister for the Environment, Heritage and Local Government if he intends to establish and fund a proper and consistent fire policing regime to ensure that fire chiefs have the resources to carry out spot checks on entertainment venues and to inform owners of such premises of their responsibilities, following recent revelations by the Chief Fire Officers' Association that the current funds shortfall could result in a tragedy on the same scale as the Stardust. [9582/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The provision of a fire service, including the carrying out of inspections of buildings and taking enforcement proceedings, is a statutory function of the individual fire authorities and my Department has no direct role in this matter.

My Department supports local fire authorities through the setting of general policy, the provision of capital funding, the issue of guidance to fire authorities in relation to fire prevention and operational matters, and other such initiatives. The local government fund general purpose grants paid to local authorities by my Department have been significantly increased in recent years and it is a matter for individual local authorities, in the context of their budgetary process, to set their own expenditure priorities and determine how the resources available from grants and other income should be spent.

Land Development.

107. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government his views on whether zoned land is being hoarded and drip fed onto the market in order to keep prices high, especially around urban centres; and if he will make a statement on the matter. [9508/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In 2003, consultants engaged by my Department carried out a study that among other things considered factors affecting the supply of land to the housing market, including the possible hoarding of building land. The study considered previous analyses of the housing and land markets, and sought possible evidence of hoarding, based on case studies of three areas, including Fingal and Dún Laoghaire-Rathdown. The consultants concluded there was no evidence that hoarding of land was a widespread problem or that there were excessive levels of land banking.

There were over 80,000 housing completions in 2005, and planning permission was granted for over 137,000 housing units in the first three quarters of the year. These figures do not suggest that hoarding of land zoned for housing development is at present a significant contributory factor to

house prices. House price inflation reflects a range of factors driving demand, including strong economic growth, full employment, low interest rates, dynamic demographics and net immigration.

Recycling Policy.

108. **Mr. Eamon Ryan** asked the Minister for the Environment, Heritage and Local Government his plans to provide incentives for the provision and use of reverse-vending machines for can, bottle and plastic recycling; and if he has met or intends meeting the providers of such machines. [9532/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Directive 94/62/EC of the European Parliament and of the Council on packaging and packaging waste is based on the concept of producer responsibility, which effectively requires producers to contribute to the waste management costs of products which they have placed on the market at end-of-life. Under the directive, Ireland was required to achieve a 25% recovery rate of packaging waste by 1 July 2001, increasing to a 50% recovery rate by 31 December 2005. Practical implementation of the directive in Ireland is organised mainly through a collective industry-based compliance scheme operated by Repak Limited which is working successfully and in 2001 met the target of 25% packaging waste recycling required by the directive.

The EPA has reported in its National Waste Report 2004, published in January 2006, that packaging waste recovery increased to 56.4% in that year, indicating that Ireland exceeded its 50% end 2005 target one year ahead of schedule. This compares with a recovery rate of 14.8% in 1998. Work is already under way by the national strategy group on packaging waste recycling, which is co-chaired by my Department and Repak and involves key public and private sector stakeholders, to develop a strategy to achieve the 2011 packaging waste recovery and recycling targets required under the new Directive 2004/12/EC which amends the original Directive 94/62/EC on packaging and packaging waste.

Successful deposit and refund schemes operating internationally are generally located in those countries where there has been no break in the continuity and cultural tradition of deposit and refund arrangements. This is not the case in Ireland and there would now quite likely be significant costs involved in re-establishing deposit and refund arrangements here. The cost of storage for returned items either by retail outlets or in automated reverse vending machines — which redeem refunds to consumers based on the type and number or weight of containers deposited in the receptacles concerned — the additional transport movements and the costs associated with collecting returned items from the substantial

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number of authorised collection points that would be required, together with other ancillary costs and demands associated with operating deposit and refund systems, are issues that would have to be taken into account in assessing the adoption of such an approach in Ireland.

Deposit and refund schemes increasingly involve the provision of adequate national coverage of automated reverse vending machines. It is envisaged that the start-up costs associated with putting in place comprehensive and convenient automated deposit and refund mechanisms would be considerable. Account would also have to be taken of the possible impact on existing compliance arrangements. Given that these arrangements are rapidly achieving the desired result in relation to meeting the recycling targets, the introduction of deposit and refund schemes is not under consideration.

Social and Affordable Housing.

109. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government the number of completions in 2005 under the Part V scheme; and if he will make a statement on the matter. [9507/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Provisional figures supplied by local authorities to my Department indicate that some 1,370 social and affordable housing units had been acquired under Part V in 2005.

Question No. 110 answered with Question No. 54.

Recycling Policy.

111. **Mr. English** asked the Minister for the Environment, Heritage and Local Government the level of household recycling broken down by county; and if he will make a statement on the matter. [9505/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The detailed information sought is not available in my Department. National waste statistics for all waste streams are published at three-yearly intervals by the Environmental Protection Agency with the most recent national waste report being in respect of 2004. Between 2001 and 2004, two interim database reports have been published to provide data on municipal waste, specifically household and commercial waste, for the years 2002 and 2003 respectively. While the database reports do not provide recycling rates for individual local authorities, an overall recycling figure for Ireland is provided for in respect of a number of waste streams.

The recent National Waste Report 2004 shows that 33.6% of municipal or household and com-

mercial waste generated in that year was recovered. This continues a very positive trend, with equivalent rates 28.4% for 2003, 20.7% for 2002 and only 9% in 1998, and shows that we have almost reached the 35% national recycling target set for 2013. The national recovery rate for the household component of municipal waste in 2004 was 19.5%. This represents an improvement over the 13.1% household waste recovery reported for 2003, and the 9.3% achieved in 2002, and demonstrates further progress towards the achievement of the 50% household waste landfill diversion rate by 2013. For the third consecutive year, the reported quantity of household waste sent to landfill has decreased, indicating that the trend is moving in the right direction.

The local government management services board published its Service Indicators in Local Authorities 2004 in July 2005. A copy of the 2004 services indicators may be obtained from the Oireachtas Library. The report provides information on services provided to the public by local authorities such as kerbside collections and bring facilities.

Question No. 112 answered with Question No. 32.

Greenhouse Gas Emissions.

113. **Dr. Upton** asked the Minister for the Environment, Heritage and Local Government if, in view of the rise in green house emissions from vehicles by 6% according to recent Environmental Protection Agency figures, he intends to seek an integrated strategy between his Department and the Department of Transport to tackle this trend. [9579/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the replies to Questions Nos. 506 and 513 of 28 February 2006 and to Question No. 7 on today's Order Paper. My Department works closely with the Department of Transport, within the framework provided by the national climate change strategy, to ensure implementation of an optimum mix of policies and measures to control and reduce greenhouse gas emissions.

Question No. 114 answered with Question No. 12.

Cancer Screening Programme.

115. **Dr. McDaid** asked the Tánaiste and Minister for Health and Children the status of the breast cancer unit in Letterkenny General Hospital; and the action her Department will take in view of the recent article in a magazine (details supplied) whereby the breast cancer unit is threatening to withdraw services from 1 September 2006. [9625/06]

116. **Dr. McDaid** asked the Tánaiste and Minister for Health and Children further to her statement on 2 February 2006, the stage of the sanctioning of a permanent breast surgeon based at Letterkenny General Hospital and providing full surgical services therein. [9631/06]

117. **Dr. McDaid** asked the Tánaiste and Minister for Health and Children the state of discussions between clinicians north and south of the Border to serve breast cancer services in Letterkenny General Hospital. [9632/06]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 115 to 117, inclusive, together.

The Deputy's questions relate to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

118. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children if additional funding has been allocated for home care help to the Health Service Executive; and if she will make a statement on the matter. [9642/06]

Minister of State at the Department of Health and Children (Mr. S. Power): As the Deputy is aware, additional funding of €150 million was allocated to services for older people-palliative care in the 2006 budget. This is a full year cost, €110 million of which is for 2006 with the remaining €40 million for 2007. This is the largest ever increase in funding for services for older people and the package has a strong focus on community based supports. Of this investment, an extra €33 million — full year cost — was allocated to the home help service. Of this total, a sum of €30 million is provided for 2006 and will deliver approximately 1.75 million home help hours.

	Roscommon	Leitrim
No. of persons with a GP visit card	113	114
No. of persons with a medical card	20,186	11,098

In 2005, I made significant improvements to the way in which people's eligibility for medical cards and GP visit cards is assessed. The income guidelines used in assessing applications are now 29% higher than they were at the end of 2004. The assessment is now based on an applicant and spouse's incomes after tax and PRSI and takes account of reasonable expenses incurred in respect of rent or mortgage payments, child care

Hospital Accommodation.

119. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children the steps she will take to provide emergency funding and resources to alleviate the current chronic overcrowding at Ennis General Hospital; and if she will make a statement on the matter. [9646/06]

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.

Medical Cards.

120. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children the number of general practitioners only medical cards issued to date; the number of full medical cards issued during the same period; the number of people in receipt of medical cards; the corresponding figures for counties Roscommon and Leitrim respectively; and if she will make a statement on the matter. [9704/06]

Tánaiste and Minister for Health and Children (Ms Harney): Information supplied to my Department by the Health Service Executive's, HSE's, primary care reimbursement service indicates that as of February 2006, there were 1,159,794 persons covered for services under the general medical services scheme, representing approximately 28% of the estimated current national population. This is 14,711 higher than the HSE's figure for January 2005, which represents December 2004 activity. As of 6 March 2006, a further 10,523 people hold general practitioner, GP, visit cards.

The number of persons in receipt of a GP visit card and a medical card in counties Roscommon and Leitrim respectively on 1 February 2006 are set out in tabular form.

and travel to work, which is much fairer to applicants. The income assessment guidelines bases for GP visit cards are 25% higher than those used for medical cards. The HSE has publicised these changes through a number of measures, including a national advertising campaign, and has made the application process as simple as possible.

In December 2005, my Department asked the HSE to take account of the welfare, taxation and

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other changes announced in the budget on the operation of the income guidelines and to identify any changes that may be required in order to ensure that medical cards and GP visit cards continue to be available to those who need them. The HSE has recently responded and its report is under consideration. My Department and the HSE will continue to monitor the number of cards issued and will examine any further changes to ensure the targets of an additional 30,000 medical cards and the provision of 200,000 GP visit cards are met.

Services for People with Disabilities.

121. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children the position regarding practical proposals to assist a person (details supplied) in Dublin 9 with a disability; and if she will work with the family in relation to finding them a job. [9717/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the employment of people with disabilities, which is the responsibility of the Department of Enterprise, Trade and Employment. Accordingly, the Deputy may wish to contact the Department of Enterprise, Trade and Employment in this regard.

Irish Blood Transfusion Service.

122. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to an application for research funding submitted by the Irish Blood Transfusion Service to the Health Research Board for a screening programme on haemochromatosis; and if she will make a statement on the matter. [9755/06]

123. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children if she will request the Irish Blood Transfusion Service to review its decision not to accept blood donations from people with haemochromatosis; and if she will make a statement on the matter. [9797/06]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 122 and 123 together.

My Department has been informed by the Irish Haemochromatosis Association that a proposal for a screening programme was developed by St. James's Hospital in conjunction with the Irish Blood Transfusion Service, IBTS, in 2005, but was not successful in obtaining research funding from the Health Research Board. I am not aware that another application has been made for funding in 2006.

The IBTS does not currently accept blood donations from people with haemochromatosis.

Blood donors must donate on a voluntary basis and a significant reason donations are not taken from people with haemochromatosis is that blood is taken from them as part of the treatment for their condition rather than for the specific purpose of donating. The IBTS is working with the Irish Haemochromatosis Association to identify practicable solutions that would address the concerns of people with haemochromatosis in this regard.

I have set up a working group comprising key experts with representation from my Department and chaired by Dr. Maurice Manning, president of the Irish Human Rights Commission, which will meet for the first time next Monday to examine the issues above and others relating to haemochromatosis. The analysis by this group and its recommendations should help to progress matters for the Irish Haemochromatosis Association and persons with this condition.

Alternative Energy Projects.

124. **Mr. Penrose** asked the Minister for Finance the level of financial incentives and aids available to people who are producing biofuel, in particular biodiesel, and with reference to correspondence (details supplied); if comprehensive details will be furnished; and if he will make a statement on the matter. [9617/06]

Minister for Finance (Mr. Cowen): Policy in respect of the promotion or development of biofuels, including biodiesel, is primarily a matter for my colleague, the Minister for Communications, Marine and Natural Resources.

However, acknowledging that tax can play a role in the promotion of biofuels, a duty exemption scheme for pilot projects in biofuels was introduced by section 50 of the Finance Act 2004. The purpose of the provision was to allow qualified and conditional relief from excise for biofuel used in approved pilot projects for either the production of biofuel or the testing of the technical viability of biofuel for use as a motor fuel. It was necessary to obtain approval from the European Commission as the proposed scheme represented a State aid. Approval was granted in March 2005 and the scheme was subsequently advertised by the Department of Communications, Marine and Natural Resources. Excise relief was granted to eight successful applicants to the scheme from August 2005 for a total of 16 million litres of fuel.

The number of applications made for relief from excise duty under the pilot scheme clearly indicated the strong interest in developing a biofuels industry in Ireland and, consequently, I am making a provision in the Finance Bill 2006 for a significantly expanded five-year scheme of mineral oil tax relief to commence in 2006 and end in 2010. The scope of the relief will be extended to projects that are not just of a pilot nature.

Based on the biofuel market penetration targets of the Department of Communications,

Marine and Natural Resources, the measure is estimated to cost €20 million in 2006, €35 million in 2007 and €50 million in each of the following three years. This relief scheme, when fully operational, is expected to support the use and production in Ireland of some 163 million litres of biofuels per year. Further details on how this scheme will operate will be produced by the Department of Communications, Marine and Natural Resources in the coming months once the necessary EU State aid approval has been obtained.

Financial Services Regulation.

125. **Mr. Deasy** asked the Minister for Finance if he will reconsider the proposal by the Irish Financial Services Regulatory Authority on the restriction of investment options available to credit unions; his views on whether the proposed investment restrictions will reduce investment yields and returns resulting in lower investment income, result in a declining surplus and a corresponding reduction in dividend rates, put huge pressure on the ability of credit unions to maintain the required level of reserves, reduce funds available for community projects, reduce funds available to fund social finance initiatives; his further views on whether the large majority of credit unions follow responsible investment policies and are being unfairly penalised under the proposals; his further views on whether the small number of individual credit unions that carry out reckless and high risk investment policies can be adequately dealt with under the existing powers available to Irish Financial Services Regulatory Authority; and if he will make a statement on the matter. [9666/06]

Minister for Finance (Mr. Cowen): In light of the high proportion of credit union assets now invested, the Registrar of Credit Unions has highlighted that under the current investment rules, credit unions are not precluded from taking on inappropriate levels of risk. The registrar made proposals in November 2005 for a new investment framework to protect and safeguard the risk profile for credit unions and ensure that members' savings continue to be safeguarded.

The current position is that the registrar is consulting with the representative bodies for credit unions with a view to securing an agreed approach to the measures and to the implementation of the proposed new investment framework. The Deputy may wish to note that notwithstanding the continuing discussions regarding certain details of the proposed investment framework, there is a broad consensus that a tightening up of investment rules is required, taking into account the need for credit unions to generate a reasonable return on their investments.

My intention is to submit the registrar's proposals for the new investment framework to the Credit Union Advisory Committee, the statutory

advisory body for credit unions under the Credit Union Act 1997, at an early date for its views in order to inform my decision on the next steps required. I understand that an element of the registrar's proposal is to establish minimum investment standards and then authorise credit unions on a case by case basis taking account of their capacity to manage more sophisticated investments.

In addressing these matters, I can assure the Deputy that among my priorities will be the need to ensure that the interests of credit unions are protected and that the regulatory system operates effectively to safeguard the deposits of credit union members. In this respect, it is essential that an investment framework strikes the correct balance in reining-in inappropriate investment activities while at the same time ensuring the continued stability, financial sustainability and development of the credit union movement.

National Monuments.

126. **Mr. Durkan** asked the Minister for Finance his proposals to upgrade, repair and restore the obelisk at Maynooth, County Kildare; and if he will make a statement on the matter. [9725/06]

Minister of State at the Department of Finance (Mr. Parlon): The position remains unchanged as outlined in my response of 14 February last, and 13 December 2005 to the Deputy's most recent question on this issue.

Energy Resources.

127. **Mr. Morgan** asked the Minister for Communications, Marine and Natural Resources the consultation which has taken place in respect of the proposed grant aid package on renewable energy; the number of groups-companies which were involved; the name of each; and when he expects to publish the package of grant aid. [9620/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The announcement on budget day of a five-year renewables package of €65 million underlines this Government's commitment to developing renewable energy potential. Under this package I intend to launch a range of innovative grant schemes relating to biofuels, combined heat and power, biomass commercial heaters and domestic heat grants. My Department in consultation with SEI, is currently developing a suite of programmes to rollout these initiatives. I intend to launch the domestic grants programme and biomass commercial heat programme in the coming weeks.

In developing the range of programmes, SEI commissioned a study by Tipperary Institute, which was completed by the end of January 2006

[Mr. N. Dempsey.]

and included consultation with industry. In February SEI held a consultation workshop with industry exploring a range of issues relating to the roll-out of domestic grants. The workshop was attended by 71 people representing almost 60 different companies-organisations involved in the area, as detailed in the following table:

1.	Cork County Energy Agency
2.	Sweco Ltd.
3.	Master Heat
4.	Environmental Installations
5.	GLAS Energy
6.	Renewable Heating
7.	Construct Ireland
8.	Climate Control
9.	Eco Stove
10.	Heatlink
11.	Natural Power Supply
12.	Powertech Ireland
13.	Precision Heating
14.	Kingspan
15.	Keenaghan Engineering
16.	Eco Heat
17.	Liffey Mills
18.	Energy Master
19.	Heatright
20.	SmartHeat
21.	Dimplex
22.	Mid West Mantle & Design
23.	Ollie McPhillips Limited
24.	Eco NRG Ltd
25.	Kovara Ireland
26.	About EnergyTech 365
27.	Indigo
28.	Elementary Energy
29.	IGNEUS
30.	Absol
31.	Young Field Workshop Ltd
32.	NuTech Consultants
33.	Solaris
34.	AJT Heating Services
35.	Stemark Ltd
36.	Dunstar
37.	Solar Energy Ireland
38.	Eurotech
39.	OCAE
40.	Geothermal Solar
41.	AHAS
42.	Shamrock Solar Energy
43.	Newheat
44.	Solar Heat Ire
45.	Green Heat
46.	Heat Surv

47.	Swiftbrook
48.	Quest Utility
49.	Carlow/Kilkenny Energy Agency
50.	Eskimo
51.	Hearth & Home
52.	Teagasc
53.	Ger Cross Heating
54.	Pure Energy
55.	Natural Energy
56.	AHES
57.	Pro Air System
58.	Genysis Systems
59.	Danwood

Grant Payments.

128. **Mr. McGinley** asked the Minister for Communications, Marine and Natural Resources the number of complacency grants for safety and life belts which are still outstanding; when the grant will be awarded to a person (details supplied) in County Donegal; and if he will make a statement on the matter. [9629/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): An Bord Iascaigh Mhara is the authority responsible for the implementation of safety grant schemes for fishing boats under the National Development Plan 2000-06. BIM has advised that, to date under the current NDP, applications for safety grants for 266 vessels have been approved and €601,267 in grant aid has been paid. A further 186 applications being licensed under the scheme for traditional pot licensing boats are currently being processed.

Regarding the vessel referred to in the question, an application has been approved by BIM and is scheduled for payment in the next two weeks.

Harbours and Piers.

129. **Mr. McGinley** asked the Minister for Communications, Marine and Natural Resources if there are plans or funding available to improve the condition of a pier (details supplied) in County Donegal; and if he will make a statement on the matter. [9630/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): Ballywhoriskey Pier is owned by Donegal County Council and responsibility for its repair and maintenance rests with the local authority in the first instance.

In 2002 the Department made a contribution of €63,486.90 to Donegal County Council towards harbour development works at Ballywhoriskey. The harbour development was also funded by the

then Department of Arts, Heritage, Gaeltacht and the Islands. This Department has no application from Donegal County Council for funding for Ballywhoriskey Pier.

Energy Resources.

130. **Mr. Bruton** asked the Minister for Communications, Marine and Natural Resources the basis of the levies which are placed on ESB bills; the precise purpose of the money raised; the aggregate amount raised per annum over the past twelve months and projected over the next five years; and if the VAT collected on this levy is also diverted to the specified obligation or if it is a source of double taxation. [9703/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I understand that the Deputy is referring to the public service obligation levy which is payable by all final customers of electricity. The imposition on the ESB of public service obligations is provided for by section 39 of the Electricity Regulation Act 1999. The section provides that the Minister shall by order direct the Commission for Energy Regulation to impose on the ESB, or other persons referred to in the section, public service obligations which may include obligations in relation

to: security of supply; regularity, quality and price of supplies; environmental protection, including energy efficiency and climate protection, and use of indigenous energy sources.

In accordance with the Electricity Regulation Act 1999 (Public Service Obligations) Orders, public service obligations have been placed on the ESB concerning the availability of electricity produced using indigenous peat, electricity produced using renewable, sustainable or alternative forms of energy and electricity produced using peaking generation units.

In accordance with the provisions of section 39, the orders provide for the recovery, by way of a levy on final customers, of the additional costs including a reasonable rate of return on the capital represented by such costs, where appropriate, incurred by the ESB in complying with the orders. The levy is estimated, calculated, adjusted, collected, monitored, certified, accounted for and paid in accordance with the provisions of the orders. The commission is responsible for the computation of the basis of the amount of levy payable in each year and for the approval of the procedures for the collection and payment of the levy amounts. The commission has provided the following information in relation to the charges in respect of each customer category in 2005 and 2006 and the total amount of the levy for each year since 2003.

Table 1: The Monthly domestic and commercial PSO charges for the year 2005

Customer Category	Monthly Charge
Domestic customers	€1.99 / customer
Small commercial customers (maximum import capacity of less than 30 kilovolt amperes (kVA))	€6.18 / customer
Medium and large customers (maximum import capacity of equal to or greater than 30 kVA)	€1.12 / kVA

Table 2: The Monthly domestic and commercial PSO charges for the year 2006

Customer Category	Monthly Charge
Domestic customers	€0.81 / customer
Small commercial customers (maximum import capacity of less than 30 kVA)	€2.55 / customer
Medium and large customers (maximum import capacity of equal to or greater than 30 kVA)	€0.44 / kVA

Table 3: The PSO levy for each year since its implementation

Year	PSO Levy
2003	€46.6 million
2004	€74.8 million
2005	€103.3 million
2006	€44.2 million, projected

Concerning the levy amounts projected over the next five years, the commission states that the levy amount is highly dependent on the wholesale market price of electricity, and consequently on world fuel prices. Accordingly, the commission

is of the view that it would be extremely difficult to predict the amounts to be recovered through the levy for the years in question.

The application and collection of VAT is a matter for the Revenue Commissioners. The information provided by the commission set out in Tables 1, 2 and 3 above does not include VAT.

Prisoner Transfers.

131. **Mr. F. McGrath** asked the Minister for Foreign Affairs if the health issues of a person (details supplied) will be raised with the British authorities; and if their repatriation will be sought in order to assist their family. [9718/06]

Minister for Foreign Affairs (Mr. D. Ahern):

This case continues to be monitored by my Department through the Irish Embassy in London, which remains in contact with the prison authorities. In particular, the embassy has made representations to the prison authorities in relation to the medical condition of both persons.

As regards possible repatriation, I am informed by the Minister for Justice, Equality and Law Reform that the persons concerned have applied to return to Ireland and that his Department is awaiting one specific document before the Minister will be in a position to make a decision on their applications.

Sports Capital Programme.

132. **Ms Burton** asked the Minister for Arts, Sport and Tourism if he will confirm the capital allocation of €9.5 million to the Abbotstown campus; if he has identified what this money will be utilised for. [9709/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): As I have previously informed the House a sum of €9.5 million has been provided in my Department's budget for 2006 for the commencement of phase one of the development of the sports campus at Abbotstown, by CSID, the company charged with developing the project.

Phase one of the development control plan will provide: a national field sports training centre, catering for rugby, soccer, Gaelic games and hockey; a national indoor training centre which will provide world class training facilities for over 30 governing bodies of sport; accommodation for sports men and women; sports science and medical facilities; all-weather synthetic pitches for community use; and renovation of existing buildings to cater for needs identified by sports bodies.

Job Losses.

133. **Mr. P. Breen** asked the Minister for Enterprise, Trade and Employment the action he proposes to take to fulfil the national spatial strategy requirements of bringing foreign direct investment to the hub location of Ennis; if he will establish a task force to stem and reverse the factory closures and downsizing occurring in the mid-west, such as companies (details supplied) in Shannon and the fact that 24 companies were lost to the region in the past three years while only five new projects were attracted to the region; and if he will make a statement on the matter. [9650/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): My Department and the development agencies under its remit, Enterprise Ireland, IDA Ireland, Shannon Development and the city and county enterprise boards, are com-

mitted to the economic and industrial development of Clare, including Ennis, in line with national enterprise policy goals, and the achievement of balanced regional development, within the framework of the national spatial strategy.

IDA is actively promoting County Clare for foreign direct investment, as part of an integrated mid-west region and recognises the need to provide high value employment opportunities that provide sustainable long-term jobs. IDA's strategies have proved successful to date despite the competitive and ever changing global economy.

Clare has a strong base of foreign direct investment jobs. Total State supported FDI employment represents approximately 15% of total persons in the labour force, based on 2002 CSO figures, in County Clare as compared to about 7% nationally. This includes Shannon free zone FDI employment of approximately 6,000 jobs and about 1,000 jobs in IDA backed employment.

IDA has nine supported companies in Clare, employing 1,024, a provisional figure, in December 2005, 67% of which are in Ennis. Employment in IDA supported companies demonstrated strong growth during 2005, growing by about 11 % in County Clare. In moving Clare to a more knowledge based economy, IDA Ireland is partnering with the educational institutions in the region, in developing the skill sets necessary to attract high value added employment in activities, such as research and development corporate services, shared services, supply chain management and treasury management.

IDA is working closely with Shannon Development in the provision of suitable property solutions for potential investors to the county. The development of Ennis information age park has become an integral part of IDA's international marketing programme and will be pivotal to attracting new investors.

Employment in Shannon Development's portfolio of companies was 19,868 at the end of 2005, with 1,795 new jobs created — 450 at Shannon free zone and 1,345 by Irish owned companies. When job losses are factored in, the net increase in employment was 50, continuing the positive outcome of 2004. The indigenous sector in the Shannon region performed particularly well despite difficult trading conditions in some sectors. Overall employment levels increased for the first time since 2000, a net increase of 339; exports increased by 8% with a similar increase in spend on research and development. There is an emerging picture of a vibrant and innovative indigenous industry sector in the region; it is clearly evident that increased export activity is converting into job gains.

Tyco Electronics' Shannon-based energy division operation recently announced that it is actively moving from manufacturing low tech-

nology, commodity products to higher technology, engineered products. This transition forms part of a multi-year strategy begun several years ago, driven by research and development activity in Shannon. In recent years the company has committed very significant capital investment in the higher technology engineered products sector.

In order to progress this transition to higher technology products, the company needs to continue to refocus operations in Shannon. As a result the company announced a limited voluntary redundancy programme, which will result in the loss of up to 40 jobs. The company will enter a period of assessment and consultation over the next thirty days and assistance will be made available to all affected employees in their search for alternative employment. The 40 jobs to go over the next couple of months in Tyco reflect a necessary change of product mix away from older, poor margin, high labour content product to new, higher technology better margin product using automated cellular manufacturing process technologies.

John Crane Sealol's decision to shed jobs comes as part of a restructuring programme due to the transfer of the production of one product line to Mexico. The product line had not been doing well for some time. A maximum of 14 people will be affected on a once off basis. The company are actively looking at other higher value added product lines at Shannon free zone.

I do not propose to establish a task force as I am confident that the strategies and policies being pursued by the development agencies, together with the ongoing commitment of Government to regional development will bear fruit in terms of additional sustainable investment and jobs for the people of Clare, including those living in Ennis.

Health and Safety Regulations.

134. **Mr. Morgan** asked the Minister for Enterprise, Trade and Employment the number of inspections which were carried out in each of the past five years to assess compliance of employers with the provisions of the Protection of Young Persons (Employment) Act 1996; and the number of prosecutions in each of those years for non-compliance with the provisions of this Act. [9668/06]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): The number of workplace inspections-visits undertaken by the labour inspectorate under the Protection of Young Persons (Employment) Act 1996 for the past five years and prosecutions initiated in respect of each of the years is set out in the following tabular statement.

Year	Inspections/Visits	Prosecutions Initiated
2001	1,062	18
2002	1,464	12
2003	1,593	19
2004	1,836	10
2005	2,007	24

Job Protection.

135. **Mr. Gregory** asked the Minister for Enterprise, Trade and Employment further to Question No. 147 of 1 March 2006 if his Department is satisfied that a bona fide lay-off situation exists at a hotel (details supplied) that is that there is no work available for the staff on lay-off; if his Department's inspectors will investigate this matter and liaise with the union representing the staff; and if he will make a statement on the matter. [9713/06]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): My reply to Question No. 147 of 1 March 2006 sets out the situation in relation to lay-off in accordance with the provisions of the Redundancy Payments Acts 1967 to 2003. With regard to the further issue raised concerning the labour inspectorate I am advised that there is no role for the inspectors in the matter of the lay-off of these workers.

An employer decides whether a lay-off situation exists in an employment. An employee, already on lay-off, may, if he so wishes, seek to terminate his employment by requesting a statutory redundancy lump sum from his employer in the manner detailed to you in my reply to the question of 1 March 2006. An employee, on lay-off, may take up other employment if he so wishes. However, he must return to his/her original employer when offered further work, in order to preserve his/her continuity of service with the original employer. If an employer refuses to pay a statutory redundancy lump sum, it is open to the employee to seek a determination from the Employment Appeals Tribunal regarding the employer's obligation to pay statutory redundancy.

Job Losses.

136. **Mr. Kenny** asked the Minister for Enterprise, Trade and Employment his views at the job losses announced by a company (details supplied) in County Mayo; his further views on whether these 40 jobs have been lost as a consequence of too high operating costs; if he proposes to visit the location; his proposals to provide alternative employment; and if he will make a statement on the matter. [9720/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): The company in question has announced that a further rationalisation of its operation in Ballina has been sought by its parent company and this will lead to a reduction in the number of staff over the next two months. This reduction will, in effect, end all manufacturing activities at the plant and the remaining staff will be engaged mainly in customer support and marketing activities. FÁS has made contact with the company and the full range of its services will be made available to the employees who wish to avail of these services.

The company has experienced increasing competition in the market, particularly from Chinese manufacturers, and employment has steadily declined over the past number of years. The company has a manufacturing site in Poland and the remaining production in Ballina will transfer to Poland. The company is also experiencing similar difficulties in the US market where major rationalisation is expected at their plant in Ohio.

While maintaining Ireland's attractiveness as a competitive location from which to do business is a key priority of the Government, we must acknowledge that our country is currently undergoing a fundamental transition to a higher value-added, knowledge economy. It is inevitable that the investment decisions of some companies will be influenced by the low cost competitive attractions of some alternative geographical locations. The focus of my Department and its agencies is concentrated on managing this transition of our economy through the use of the best blend of policies designed to strengthen competitiveness both at national and firm level. While the National Competitiveness Council has expressed concern about increasing labour costs, individual companies can counteract these costs by putting a new emphasis on driving productivity.

Since January 2003, there have been five first-time site visits to Ballina. IDA Ireland is actively promoting Ballina for new foreign investment as well as working with the existing local base of overseas companies to encourage them to expand. The agency's emphasis is on attracting projects in the medical technologies, life sciences, information communications and technology and international services sectors.

Enterprise Ireland is following a twin-pronged approach to the creation of new jobs by supporting entrepreneurs setting up new high potential start-up companies and the creation of new jobs in existing companies. A new Enterprise Ireland supported high potential start-up company, Heat-solve Limited, commenced operations in Ballina last year. Enterprise Ireland provides preferential funding for companies with detailed export plans who are expanding or establishing a business in County Mayo. Enterprise Ireland supports community enterprise centres and has committed funding of over €0.7 million to IRD North Mayo-West Sligo Limited for the development of

enterprise space in Ballina. I officially opened this centre during my visit to Ballina, in January 2006.

Following my earlier visit this year I have no immediate plans to visit Ballina. However, the State development agencies will continue to promote Ballina and the surrounding area for investment and job creation.

Industrial Development.

137. **Mr. Kenny** asked the Minister for Enterprise, Trade and Employment the position regarding the development of an industrial business park for Ballina, County Mayo which has been ongoing for some time; and if he will make a statement on the matter. [9722/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): The management of IDA Ireland's industrial property portfolio, including the purchase of land and the creation of business parks are day-to-day operational matters for the agency and not matters in which I have a function.

I have been informed by IDA that it has been in discussions with Mayo County Council regarding the purchase of a site of circa 27 acres owned by the local authority on the Sligo Road, Ballina, County Mayo. As part of an exercise to ensure that the lands are suitable for industrial purposes the agency has completed site investigation works and obtained planning permission for site development works. At present, IDA is awaiting contract documentation and copy of unburdened title from Mayo County Council.

138. **Mr. Kenny** asked the Minister for Enterprise, Trade and Employment the number of visits to Ballina for potential industrial developers and many returning personnel in the past three years organised by the IDA; if the town continues to be recognised for investment purposes as a priority; and if he will make a statement on the matter. [9723/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): IDA Ireland is the agency with statutory responsibility for the attraction of foreign direct investment to Ireland and its regions. The marketing of individual areas, including Ballina, for new or expansion FDI investments and jobs is a day-to-day operational matter for the agency. While I may give general policy directives to the agency, I am precluded under the Acts from giving directives regarding individual undertakings or from giving preference to one area over others.

I have been informed by the agency that, since January 2003, there have been five site visits to Ballina. IDA Ireland has specifically assured me that it is committed to the development of Ballina and is actively promoting the linked hub towns of Ballina, Castlebar and Westport for new green-field investment. In addition, IDA Ireland is

actively working with the existing base of overseas companies in Ballina and in County Mayo to encourage them to grow and expand.

However, the decision regarding where to locate is ultimately up to the individual investor and clients looking at Ireland are often only willing to consider larger centres that have the scale, infrastructure and services capable of sustaining their investment. I am confident that the strategies and policies being pursued by IDA Ireland in Ballina and in County Mayo in general, together with the ongoing commitment by Government to regional development, will bear fruit in terms of overseas investment and jobs for the people of Ballina and the county of Mayo as a whole.

Social Welfare Benefits.

139. **Mr. Durkan** asked the Minister for Social and Family Affairs when a cheque will issue to a person (details supplied) in County Kildare in respect of clothing allowance; and if he will make a statement on the matter. [9728/06]

Minister for Social and Family Affairs (Mr. Brennan): Under the terms of the supplementary welfare allowance scheme, which is administered on my behalf by the community welfare division of the Health Service Executive, an exceptional needs payment may be made to help meet an essential, once-off cost which the applicant is unable to meet out of his-her own resources. There is no automatic entitlement to this payment. Each application is determined by the executive based on the particular circumstances of the case.

The Dublin-mid-Leinster area of the executive has advised that the person concerned applied for an exceptional needs payment in December 2005. He was requested to provide additional information in relation to his claim, outlining the exceptional needs and circumstances. When he supplies the necessary information, the executive will determine his entitlement and notify him accordingly.

Social Welfare Payments.

140. **Mr. Bruton** asked the Minister for Social and Family Affairs the way in which money is credited to the swipe card of social welfare recipients; if there is a time limit on encashing the money; and if he will make a statement on the matter. [9627/06]

Minister for Social and Family Affairs (Mr. Brennan): My Department's policy is to ensure that a range of payment options is available to customers and that service is continually improved by providing access to the wide range of payment options and new services and facilities now available. At present, some 175,000 customers of my Department, mostly those on

unemployment and other short term payments, receive their payment by means of electronic information transfer, EIT, at post offices. My Department issues an electronic payments file to An Post, on a daily basis, with payment details for each customer. The customer accesses their payment by using their social services card at their nominated post office.

The timeframe in which payments must be collected before they expire depends on the control measures associated with that payment and the capacity of the computer systems in my Department and in An Post. Unemployment payments, payable on Tuesday and Wednesday each week, must be collected by the following Tuesday. Customers using this system to collect longer-term payments, which are due for collection on Thursdays and Fridays each week, have an extra week that is up to the following Tuesday week, to collect their payments.

Recently some 43,000 one-parent family payment customers of my Department changed from personalised payable order books, PPO, to payment by EIT using their social services card at their local post office. At present, the payments for these customers are due to be collected on a Thursday and if uncollected the payment expires on the following Tuesday. My Department has reviewed the position regarding these customers and as a result the period within which their payment must be collected is being extended by one week. The new arrangements will be put in place during April.

If a customer is unable to collect his or her payment at the post office in time, for instance because of illness, an absence from home or work commitments, arrangements are made by my Department to reissue the payment. Customers may also notify the local office of my Department if they plan to take a holiday so that their payments can be reinstated promptly on their return. Some customers may find it more convenient to have the payment made directly to their bank account and my Department will facilitate this where the customer requests this arrangement.

Social Welfare Benefits.

141. **Mr. McGinley** asked the Minister for Social and Family Affairs if there is anything under Irish legislation which permits compensation to be paid to the children of a non-national killed in a motor accident who has working here since 2002 and was the principal breadwinner; and if he will make a statement on the matter. [9628/06]

Minister for Social and Family Affairs (Mr. Brennan): Under Irish social welfare legislation provision is made for the payment of a bereavement grant which is payable on the death of an insured person or of a child under age 18, or under age 22 if in full-time education. The payment is based on PRSI contributions and is a

[Mr. Brennan.]

once-off payment of €635 payable to the person responsible for paying the funeral bill.

Entitlement to the grant can be based on the deceased person's own insurance or on the insurance record of the spouse. Contributions paid in any other member state may be combined with the person's Irish record to meet the PRSI conditions.

In addition to bereavement grant, the deceased person's spouse may be entitled to a survivor's contributory pension from Ireland in proportion to the period of insurance completed in Ireland and, to a widowed parent grant, which is designed to help with the income support needs of widowed persons with qualified children.

I understand that some further information is required by the child benefit office of my Department in order to determine entitlement to child benefit for the person concerned. In order to ensure that the surviving spouse and-or family members receive their full entitlements from my Department it will be necessary to have relevant application forms completed and returned to this Department. An official from my Department has been in touch with the embassy concerned in this regard. Officials from my Department will be happy to assist the Deputy in any way possible to ensure that the surviving family members receive any payments due from my Department.

Social Insurance.

142. **Mr. O'Shea** asked the Minister for Social and Family Affairs his proposals to introduce credited contributions for class S contributors who become disabled and unable to continue in self-employment; and if he will make a statement on the matter. [9652/06]

Minister for Social and Family Affairs (Mr. Brennan): The social insurance system in Ireland is generally based on compulsory paid PRSI contributions on which entitlement to a range of contingency-based payments are established. Workers are insured under the Social Welfare Acts as either employed or self-employed contributors. Employees and their employers generally pay contributions at PRSI class A, whereas self-employed workers generally pay class S contributions. The class and number of contributions paid by a worker will determine the range of benefits and pensions towards which contributors can build up entitlement. The class at which a contributor paid his or her last PRSI contribution determines entitlement to credited contributions.

Self-employed individuals pay class S contributions at a rate of 3% and are potentially eligible to a narrower range of benefits than employees who, together with their employers, are potentially liable for a total contribution of 14.05% under PRSI class A. Class S contributors are entitled to the following payments: widow's-widower's contributory pension; orphan's con-

tributory allowance; old age contributory pension; maternity benefit; adoptive benefit; and bereavement grant.

PRSI credited contributions are an integral part of the social insurance system and are for the most part linked with having an underlying entitlement to a social welfare payment while being temporarily detached from the labour force or having an entitlement to statutory leave. The primary purpose of PRSI credits is to secure social welfare benefits and pensions of insured workers by covering gaps in insurance where workers are not in a position to pay PRSI, such as during periods of unemployment, illness or caring. The rules applying to credited contributions in general stipulate that the award of credits is limited to employed contributors, as opposed to self-employed contributors, reflecting differences between the nature of employment and self-employment. Rather than receiving credits that are not linked with a benefit, self-employed people who are no longer compulsorily insured are eligible to pay voluntary contributions. This enables contributors to maintain their contribution record in respect of the period they are not liable for paid contributions.

There are no immediate plans to extend short-term income support benefits or credited contributions to self-employed persons. Such an extension could have considerable cost implications in terms of creating entitlements to benefits in the future, necessitating a significant increase in the rate of class S contribution to fund it and would also require considerable changes to existing administration and control procedures. Self-employed workers who do not qualify for an insurance-based benefit may claim supplementary welfare allowance, which is subject to a means test.

Social Welfare Code.

143. **Ms Shortall** asked the Minister for Social and Family Affairs when a formal review of child dependent rates last took place; the outcome of same; the research upon which he bases his current policy of not increasing child dependent allowance rates; and if he will make a statement on the matter. [9653/06]

Minister for Social and Family Affairs (Mr. Brennan): Since 1994, successive Governments have followed the policy of holding the rate of child dependant allowances constant while concentrating additional resources for child income support on the child benefit scheme. Child benefit is neutral *vis-à-vis* the employment status of the child's parents and does not contribute to poverty traps, whereas the loss of child dependant allowances by social welfare recipients on taking up employment can act as a disincentive to availing of work opportunities. As a universal payment, which is not taxable and is not assessed as means for other secondary benefits, child benefit is therefore more effective than child dependant

allowances as a child income support mechanism when account is taken of these incentive issues.

While the appropriate mix between universal and targeted child income support instruments has been regularly reviewed since the introduction of the children's allowance in the 1940s, the most recent and comprehensive research which underlies the current approach is found in the report of the expert working group on the integration of the tax and social welfare systems which reported to the then Minister for Social Welfare in 1996. While the focus of the report extended considerably beyond child income support policy, the report concluded in section 12.4(b), page 133 that: "reform of income support for children, with the aim of making it more neutral between work and unemployment, must be a major part of any reform package".

These policy conclusions were also supported by the report to the then Minister for Social Welfare of the child benefit review committee in January 1995 which on page six concluded that: "the committee accepted that moves away from CDAs and towards child benefit can improve work incentives; [the committee] recommended that, in view of the severe level of unemployment in this country, some reduction in disincentives must be given serious consideration by adjusting CDAs even though there are other arguments — based on redistribution, poverty and a subsidy towards the costs of children, for not making this adjustment". The Government's commitment to this policy is reflected in the substantial resources invested in the child benefit scheme since entering office. Since 1997, expenditure on child benefit has increased from €505.8 million to an estimated €2,044.6 million in 2006.

While circumstances have changed dramatically since these reports were completed, the need to provide support to low income families with children without worsening incentives to take up employment is still highly relevant. The ESRI report, *Reforming Child Income Support*, in Callan, T. *et al*, *Reforming tax and Welfare*, ESRI research series No. 42 October 2001, page 72, concluded that: "child dependent additions to regular weekly social welfare payments do reach many of those on low incomes, but can contribute to serious unemployment traps".

The broad approach over the last ten years in relation to child income support policy was recently commended in the document, *NESC Strategy 2006: People, Productivity and Purpose*, December 2005, page 154, which said that: "in many respects this approach was a success, as shown in the now relatively small number of children whose parents-guardians are in unemployment and on whose behalf CDAs are added to UB or UA adult payments". However the NESC has also raised the question of a new instrument which would target low-income families across the welfare-work divide and is, I understand, cur-

rently working on a more detailed report on this approach.

While leaving many of the detailed parameters to be addressed by Government, I expect that the NESC's finalised report will be of significant assistance in informing the future direction policy in this area. On receipt of the report I will consider how this approach can be brought to address the problem of poverty in families with children in a practical and effective way.

Anti-Poverty Strategy.

144. **Mr. Carey** asked the Minister for Social and Family Affairs the measures which are taken by his Department on an annual basis to monitor the achievement of the objectives of the national anti-poverty strategy; and if he will make a statement on the matter. [9660/06]

Minister for Social and Family Affairs (Mr. Brennan): The causes of poverty and its effects are multifaceted and require an integrated, multi-policy response at national, regional and local levels. The Government's strategic approach to tackling poverty was initially provided through the national anti-poverty strategy, NAPS, which was introduced in 1997. This strategy has now been subsumed into the national action plan against poverty and social exclusion, NAP-inclusion. The Deputy will be aware that Ireland has produced two NAPs-inclusion covering the periods 2001-2003 and 2003-2005, respectively, as part of the EU open method of co-ordination aimed at making "a decisive impact on poverty" by 2010.

As Minister for Social and Family Affairs, I have lead responsibility for driving this process, working closely with my ministerial colleagues through the Cabinet committee on social inclusion. Strong institutional structures are in place to underpin the process. The Office for Social Inclusion, OSI, in my Department co-ordinates the process at official level and has responsibility for monitoring, developing and driving implementation of the NAP-inclusion on an ongoing basis.

A key priority for the office during 2005 was the production and publication of a report to the EU on the implementation of the NAP-inclusion 2003-2005. This report was prepared by the office following an in-depth monitoring and evaluation process which involved senior officials and policy owners from relevant Departments, representatives of the social partners and the voluntary and community sector. The report outlined progress achieved in relation to the social inclusion targets and commitments contained in Ireland's second NAP-inclusion, which cover a wide range of policy areas. It found that some 51 of its 58 targets and commitments had either been met or were in the process of being met, but that progress was still needed in some areas.

EU member states are due to submit the next round of NAPs-inclusion, covering the two year

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period from 2006 to 2008, to the EU in September 2006. The experts on the nature, causes and reality of poverty and social exclusion in Ireland are the people actually experiencing poverty and those who work with and support them. Therefore, as part of our preparation for the next NAP-inclusion, OSI late last year embarked on an extensive consultation process with stakeholders, including people who are experiencing poverty and social exclusion and those who work to support them either directly or indirectly, in an effort to capture first hand their knowledge, experience and expertise.

During the course of this consultation we obtained valuable information, much of it positive in relation to many aspects of the current NAP-inclusion. This information will inform us in evaluating the programmes and policies that are working well, the areas which need more attention and what the priorities should be for the next plan. Much more remains to be done to tackle the problems of poverty and exclusion experienced by persons in the most vulnerable groups and areas. Our work in this area must continue. I want the next national action plan to be focused and to sharply reflect the experience, views and priorities of Irish society in meeting one of our greatest challenges, that of building not just a prosperous, but a fair society, which values and supports all of its people, and particularly its most vulnerable. I am determined, therefore, through vigorous monitoring, implementation and development of the strategic process, in full consultation with all the stakeholders at national, regional and local levels, to continue to build and improve on our achievements so far.

Social Welfare Benefits.

145. **Mr. Stanton** asked the Minister for Social

and Family Affairs the number of claims for the carer's allowance received in each of the past three years; the percentage in each case of persons who transferred to the carer's allowance from other social welfare payment; the approximate proportion for each year of such cases that transferred from carer's benefit, an unemployment payment, sickness benefit or other social welfare payment; and if he will make a statement on the matter. [9700/06]

146. **Mr. Stanton** asked the Minister for Social and Family Affairs the percentage of claimants for carer's allowance who receive 100% of their potential entitlement and the percentage receiving less than 50%, less than 75% and less than 90% of their potential entitlement at present; the equivalent figures for 2003; and if he will make a statement on the matter. [9701/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 145 and 146 together.

Support of carers has been a priority of Government since 1997. Payments to carers have been greatly improved over that period and qualifying conditions for carer's allowance have been significantly eased, coverage of the scheme has been extended and new schemes such as carer's benefit and the respite care payment have been introduced. The further development of support for carers continues to be a priority for me and for Government. There are now 25,318 persons in receipt of carer's allowance, end of February 2006. The number of persons in receipt of carer's allowance has increased by almost 4,000 since December 2003.

The information requested by the Deputy has been prepared in tabular format as follows:

1. Total number awarded and numbers transferring from other Social Welfare Payment

	2003	2004	2005
Total claims awarded	3,984	4,739	5,066
From Invalidity	1	5	10
From Disability Benefit	49	62	100
From Disability Allowance	55	56	57
From Unemployment Assistance	70	399	502
From Unemployment Benefit	107	162	179
From Widows Pension	15	21	28
From Retirement Pension	1	9	8
From Old Age Pension	25	41	82
From Carers Benefit	77	119	173
From One Parent Family Payment	94	201	233
From Qualified Adult on SW payment	523	625	780
From Supplementary Welfare Allowance	183	217	295
Other	9	10	21
Total transfers from SW payment	1,209	1,927	2,468
Transfers as % of all awards	30%	41%	49%

2. Total number in receipt of Carer's Allowance in 2003 and 2006

	2003	%	2006	%
Total in receipt of carer's allowance	21,326		25,318	
In receipt of maximum rate of carer's allowance	19,099	89.50	22,904	90.50
In receipt of less than 90% of maximum rate	2,227	10.40	1,726	6.80
In receipt of less than 75% of maximum rate	1,180	5.50	999	3.90
In receipt of less than 50% of maximum rate	578	2.7	374	1.50

Social Welfare Appeals.

147. **Mr. Durkan** asked the Minister for Social and Family Affairs the reason rent allowance has been reduced in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [9727/06]

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 has 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 his or her 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 they 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/mid-Leinster area of the executive has advised that the person concerned, who has earnings from part-time employment, had been awarded a rent supplement of €377.80 per month. However on re-examination, the executive now advises that this rate of supplement is incorrect and that the correct rate of rent supplement payable in this case is €402.20 per month. The executive advises that this will be payable from the next payment date and any arrears due, if any, will issue as soon as possible.

Industrial Relations.

148. **Mr. Naughten** asked the Minister for Social and Family Affairs further to Question No. 87 of 26 January 2006, the discussions which have taken place with staff; and if he will make a statement on the matter. [9742/06]

Minister for Social and Family Affairs (Mr. Brennan): There have been no developments on this matter and the position remains as outlined in my reply to a question, reference number 2677/06, of 26 January 2006. There have been no

discussions between staff representatives and the company contracted by the OPW to oversee the installation.

Decentralisation Programme.

149. **Mr. Stanton** asked the Minister for Social and Family Affairs the number of staff currently working in the maintenance recovery unit of his Department; the number of these who have chosen to relocate under his planned decentralisation programme; the way in which he intends to fill the posts that will be vacated by staff who opt not to decentralise; the date by which he expects the full decentralisation of the MRU to be completed; and if he will make a statement on the matter. [9775/06]

Minister for Social and Family Affairs (Mr. Brennan): Under the Government programme of decentralisation, it is proposed that all head-quarter sections of the Department will relocate to six provincial locations: Drogheda, Carrick-on-Shannon, Sligo, Donegal town, Buncrana and Carrickmacross.

As part of the Department's decentralisation implementation plan, the maintenance recovery unit, MRU, which comprises some 14 employees and is currently located in Finglas, has been included in those sections of the Department designated to decentralise to Carrick-on-Shannon. None of the employees currently serving in MRU has applied through the central application facility to relocate with the section to Carrick-on-Shannon.

Posts in the MRU will be filled by applicants on the decentralisation central applications facility who have expressed an interest in relocating to Carrick-on-Shannon. Accommodation in Carrick-on-Shannon is being provided in a new building that is currently under construction and is scheduled for completion at the end of 2006. It is anticipated that the relocation of staff and sections of the Department to Carrick-on-Shannon will begin in early 2007 and be completed later that year.

Rural Transport Services.

150. **Mr. Kenny** asked the Minister for Transport if he has received an application for funding for an extension of the rural transport scheme for north Mayo covering 13 services per week from

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six rural transport providers; if he has examined this application; if his attention has been drawn to the fact that the area involved is 87% rural and has a population of 26,000 persons; and if he will make a statement on the matter regarding approval of the scheme. [9721/06]

Minister for Transport (Mr. Cullen): The rural transport initiative, RTI, to which I understand the Deputy refers, is a pilot scheme, under which funding is at present made available to 34 community-based organisations across the country to address the transport needs of their rural areas through the provision of local transport services. The RTI is administered on behalf of my Department by Pobal — formerly Area Development Management Ltd. — which, together with the RTI groups concerned, is responsible for all the operational aspects of the initiative, including the areas to be served. Any applications for extensions to existing schemes are a matter for Pobal, and my Department has no role in these matters.

The pilot period for the RTI comes to a close at the end of 2006, and I announced last year that I intend to put the RTI on a permanent footing from 2007 onwards. Proposals for the rollout of the RTI from 2007 onwards are currently in preparation and, in due course, will form the basis for a public consultation process. In developing proposals for the post-2006 period, I will pay particular attention to the needs of rural communities that do not currently have access to public transport.

Driving Tests.

151. **Mr. G. Mitchell** asked the Minister for Transport if he will make a statement on his plans to make drivers of many years re-sit their driving test. [9640/06]

Minister for Transport (Mr. Cullen): I am keeping potential revision of licensing regulations generally under review. However, my priority is the elimination of the present backlog. In relation to existing qualified drivers re-sitting the test, my primary focus will be on the position as regards drivers who have been disqualified, particularly as a result of drink driving.

Road Network.

152. **Mr. Aylward** asked the Minister for Transport if his attention has been drawn to the huge number of people who are excluded from using the motorways here due to the lack of service stops; his plans to provide such facilities on all motorways here; and if he will make a statement on the matter. [9654/06]

Minister for Transport (Mr. Cullen): The provision of service stops on or near motorways and national roads is a matter for the National Roads

Authority, NRA, under section 54 of the Roads Act 1993.

I recently asked the NRA, which has responsibility in the area, to review its policy on the placement of service and rest areas on the major inter-urban routes. The authority has undertaken a detailed review and has produced a policy statement. The statement envisages the provision, where feasible, of service areas at regular intervals of approximately 50 km to 60 km along both motorways and high quality dual carriageways. The strategy for the provision of service areas will entail a combination of facilities located on-line and at or close to interchanges along motorway-high quality dual carriageway routes.

In the case of all future motorway and dual carriageway projects, consideration will be given in the proposed scheme design to the inclusion, where appropriate, of suitable sites for the development of service areas as part of the overall road scheme.

Driving Tests.

153. **Mr. Hogan** asked the Minister for Transport when a drivers licence application will be available for a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [9669/06]

Minister for Transport (Mr. Cullen): The reference number refers to a driving test application received from the person concerned on the 2 March 2006. A driving test appointment will be issued shortly.

Road Safety.

154. **Ms Shortall** asked the Minister for Transport if fixed penalties in respect of traffic offences are applied to non-resident foreign licensed drivers here; if not, the other ways in which drivers are penalised; the statistics available to him on the number of such fixed penalties in any given time period in respect of this driver category; and if he will make a statement on the matter. [9694/06]

Minister for Transport (Mr. Cullen): Fixed penalty offences do not distinguish between vehicles being used by non-resident foreign licensed drivers and other drivers.

The enforcement and issue of notices in respect of the range of offences that come within the fine-on-the-spot system at present and in relation to the fixed charge system that applies in respect of speeding offences and seat belt offences is a matter for the Garda Síochána.

The enforcement and affixing of notices to parked vehicles in respect of the range of fine-on-the-spot offences that are prescribed for the purposes of section 3 of the Local Authorities (Traffic Wardens) Act 1975 are matters for traffic

wardens or persons authorised by local authorities.

Driving Tests.

155. **Mr. Naughten** asked the Minister for Transport the pass rate, waiting time, number of applicants, number of testers in each driving test centre; and if he will make a statement on the matter. [9702/06]

Minister for Transport (Mr. Cullen): The information sought by the Deputy is set out in the following table. The table shows the number of driver testers assigned to headquarter centres within each region. Driver testers are in turn assigned from headquarter centres to meet the

demand in other test centres. In addition, a chief tester, and ten supervisory testers are employed by my Department.

I have brought forward firm proposals to reduce the backlog for driving tests. This includes a bonus scheme for existing testers and temporary outsourcing of a set number of tests for a set period. Our proposal will see the average waiting time for tests reduced to six weeks. The matter is currently being considered at arbitration with a final binding decision expected shortly.

If the backlog question is resolved, we will get an improved customer service for test applicants, improved road safety and reduced insurance premiums, particularly for younger drivers. Furthermore, it will enable me to bring forward further licensing reforms.

Driving Test Applicants on waiting list at 27/02/06 — Pass rate and Driver Testers at 31 December 2005

Centre	Applications on hands	Average Weeks Waiting	Pass Rate %	No. of Testers
<i>North Leinster</i>				
Finglas	11,510	29	45.9	17
Dundalk	3,795	33	51.1	—
Mullingar	1,814	21	58.7	—
Navan	5,010	41	54.3	1
Raheny	7,887	37	52.9	8
<i>South Leinster</i>				
Churchtown /Rathgar	11,999	33	48.4	16
Gorey	2,413	46	48.5	—
Naas	6,330	34	51.7	2
Tullamore	1,999	40	52.1	—
Wicklow	2,782	41	45.5	—
Tallaght	9,973	35	47.1	10
<i>West</i>				
Athlone	1,211	26	58.7	2
Birr	1,350	33	65.2	—
Castlebar	2,109	25	62.4	3.5
Clifden	334	22	63.3	—
Ennis	1,427	27	64.9	3
Galway	3,608	37	63.0	6
Loughrea	1,143	28	63.1	2
Roscommon	1,123	29	61.3	—
Tuam	1,222	32	65.5	—
<i>North West</i>				
Ballina	1,065	29	56.6	—
Buncrana	704	21	65.2	—
Ck-on-Shannon	935	26	59.7	2
Cavan	1,685	28	45.9	2
Donegal	1,242	41	57.5	—
Letterkenny	2,291	34	59.4	3
Longford	970	26	55.6	—
Monaghan	1,157	23	49.9	1
Sligo	1,742	25	60.3	2

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Centre	Applications on hands	Average Weeks Waiting	Pass Rate %	No. of Testers
<i>South East</i>				
Carlow	2,387	37	46.2	1
Clonmel	1,963	40	51.1	2
Dungarvan	1,425	47	59.4	—
Kilkenny	1,669	25	51.6	2
Nenagh	776	34	50.4	—
Portlaoise	1,847	25	54.3	1
Thurles	1,026	41	53.3	—
Tipperary	1,108	43	43.4	—
Waterford	2,778	31	53.8	4
Wexford	2,209	29	52.7	4
<i>South West</i>				
Cork	7,519	29	53.6	12.5
Killarney	1,823	35	59.0	2
Kilrush	533	33	60.9	—
Limerick	4,246	44	60.3	4
Mallow	2,173	36	57.6	—
Newcastle West	1,724	30	60.2	—
Shannon	1,035	44	68.2	—
Skibbereen	1,872	37	59.8	—
Tralee	1,567	21	55.8	2
Total	130,508	32.06	53.6	115

Dublin Port Tunnel.

156. **Mr. Gregory** asked the Minister for Transport his policy regarding so-called super-trucks that are too large for the port tunnel; if it is his intention to introduce a ban or alternatively to divert same from ports in major cities for example Dublin Port; and if he will make a statement on the matter. [9714/06]

Minister for Transport (Mr. Cullen): 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 Technical Standards and Regulations 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.

Harbours and Piers.

157. **Mr. Walsh** asked the Minister for Transport if he has ministerial responsibility for Baltimore Harbour, County Cork; if so, his plans for its development; and if he will make a statement on the matter. [9750/06]

Minister for Transport (Mr. Cullen): Responsibility for Baltimore and Skibbereen Harbour transferred from the Department of Communications, Marine and Natural Resources to my Department with effect from 1 January 2006.

The Government's ports policy statement, which was launched in January 2005, states that

the continued operation of many of the regional harbours under the outdated provisions of the Harbours Act 1946 is unsustainable on the grounds of good governance. The policy statement reiterated the view that these harbours would best achieve their potential through their transfer to local authority ownership or, where this is not possible, sale to the private sector will be considered. In harbours where significant commercial traffic exists consideration will be given to bringing them under the control of a port company.

My Department is working with the Department of the Environment, Heritage and Local Government to advance the implementation of the ports policy statement with regard to the transfer of the designated regional harbours to their respective local authorities, where appropriate, and to proceed individually in conjunction with the relevant local authorities and harbour authorities, having regard to local requirements in each case.

Baltimore and Skibbereen Harbour is a candidate for transfer to local authority control. As the harbour is situated in the functional area of Cork County Council, the Department of the Environment, Heritage and Local Government requested the council to undertake an overall assessment of the potential of the harbour for transfer. This report has been received and is currently being assessed.

Afforestation Programme.

158. **Mr. Durkan** asked the Minister for Agriculture and Food her plans for the planting of trees with a high carbon trapping potential with a view to enhancing Ireland's compliance with Kyoto; and if she will make a statement on the matter. [9732/06]

Minister for Agriculture and Food (Mary Coughlan): All new forests established under grant aid by my Department since 1990 qualify as areas that will contribute to Ireland meeting its emission reduction targets under the Kyoto protocol. Current indications are that forests planted since 1990 will absorb, on average, over 2 million tonnes of carbon dioxide per year over the period 2008-2012. Almost all of this contribution will come from trees that are already in the ground, established following Government grant aid.

Regarding the potential of different tree species to sequester or trap carbon dioxide from the atmosphere, this depends mainly on their rate of growth. Some conifer species, for example, rapidly establish and over the first ten years will begin to sequester considerable amounts of carbon. Others, including some broadleaves, are slower to establish and do not make the same positive contribution over the first ten years or so. After that time, however, they will also begin to trap similar amounts of carbon dioxide and over a period of several decades, as crops reach

maturity, there is little difference in the total amounts of carbon dioxide sequestered, when all species are compared. All these amounts of verified carbon dioxide sequestration can be used, under the current international agreements, to offset emissions of greenhouse gases, and contribute to compliance with the Kyoto Protocol to UN Convention on Climate Change.

Government policy is to increase forest cover for economic, environmental and social reasons. The contribution to climate change mitigation through carbon sequestration is one aspect that is balanced with the need to provide other environmental services, as well as wood raw material for economic development. At present, we have put together the most attractive package ever in terms of planting incentives, including 100% planting grants and generous annual tax-free premiums, as well as the possibility for farmers to stack entitlements and plant up to 50% of their land while still drawing the full single farm payment. I would urge all landowners to strongly consider the package that has been assembled and to plant land now.

Rural Environmental Protection Scheme.

159. **Mr. Perry** asked the Minister for Agriculture and Food if her attention has been drawn to the circumstances outlined in correspondence, details supplied; the steps she will take; if a decision will be made; and if she will make a statement on the matter. [9607/06]

Minister for Agriculture and Food (Mary Coughlan): The person named is a participant in the rural environment protection scheme. He was late in applying for his second annual payment and was penalised. It is a condition of the scheme that participants have to apply for each annual payment. My Department, as a service to participants, sends out payment application forms in advance of the date but the onus is on the participant to ensure that he or she applies for the payment within the specified time. This is stated in the terms and conditions of the scheme, in the REPS farmer's handbook and in the initial application form which the applicant signs. The decision to impose a penalty has been reviewed and a letter has issued to the applicant stating that, as there were no grounds to overturn it, the penalty was correctly applied. He was also informed that he had the option of bringing the matter to the agriculture appeals office.

Grant Payments.

160. **Mr. Perry** asked the Minister for Agriculture and Food if she will ensure that decision will be made on the single payment scheme for an application of entitlements from the 2005 national reserve for a person, details supplied; when a decision will be made; and if she will make a statement on the matter. [9616/06]

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.

The position is that over 23,000 applications for an allocation of entitlements from the national reserve were received when account is taken of farmers who applied under more than one category. Processing of these applications is continuing and the intention is to make allocations to successful applicants at the earliest opportunity. My Department will be in touch with individual applicants as soon as their applications are fully processed. Formal letters setting out my Department's decision will be issued.

161. **Mr. Hayes** asked the Minister for Agriculture and Food when payment will issue to a person, details supplied, in County Tipperary under the single payment scheme. [9621/06]

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 C. Category C caters for farmers who, between 1 January 2000 and 19 October 2003, sold the milk quota into the milk quota restructuring scheme and converted their enterprise to a farming sector for which a direct payment under livestock premia or arable aid schemes would have been payable during the reference period 2000 to 2002.

The position is that over 23,000 applications for an allocation of entitlements from the national reserve were received when account is taken of farmers who applied under more than one category. Processing of these applications is continuing and the intention is to make allocations to successful applicants at the earliest opportunity. My Department will be in touch with individual applicants as soon as their applications are fully processed. Formal letters setting out my Department's decision will be issued.

The person named also applied to have his entitlements consolidated under the 2005 single payment scheme consolidation measure. This application has been fully processed and payment in the amount of €990.87 in respect of the entitlements established under the scheme issued to the person named on 24 January 2006.

162. **Mr. Perry** asked the Minister for Agriculture and Food when balance of payment for

the single payment will be issued to a person, details supplied; and if she will make a statement on the matter. [9633/06]

Minister for Agriculture and Food (Mary Coughlan): My Department has no record of receiving an application form from the person named for the single farm payment in 2005. The person named submitted an application requesting consideration under the inheritance provisions of the single payment scheme. Following processing of her application, she was notified that her request was successful. The person named subsequently applied for consideration to transfer all her inherited entitlements by way of private contract clause and this application was also successful. All entitlements have been transferred from the person named and there is no payment outstanding.

Milk Quota.

163. **Mr. Deasy** asked the Minister for Agriculture and Food if her attention has been drawn to the statement by the chief executive officer of the Glanbia Group that he expects 2000 of Glanbia's 5000 dairy milk suppliers to quit milk production within the next three years because they cannot stay competitive due to the restrictions imposed by the quota regime; the measures she plans to introduce to ensure that such farmers remain competitive and can remain in dairy farming; her views on the fact that failure to take action may result in up to 40% of dairy farmers quitting milk production in the next three years; and if she will make a statement on the matter. [9667/06]

Minister for Agriculture and Food (Mary Coughlan): The milk quota system was introduced in 1984 to control the over supply of milk in the EU and the mid-term reform of the CAP has ensured its continuation until 2014-2015. Under the quota regime, Ireland has a national quota of 5.2 billion litres, representing about 3.5% of the EU total. This limited quota regime places production constraints on the dairy sector.

My role, as Minister for Agriculture and Food, is to ensure that the areas within my scope of influence are implemented in a manner which enables the dairy sector remains competitive and, thereby, continue to develop and support farmers' incomes. It is clear, in the light of the Prospectus report and the mid-term review of CAP reform decisions, that increased scale at producer level is needed to achieve competitiveness in the dairy sector and to maintain producer incomes. The current milk quota restructuring scheme model, which has helped producers gain access to available quota at a reasonable price, has been successful in helping to increase the average quota size by about 25% since 2000.

I will continue to review all aspects of the quota regime with a view to maximising the com-

petitiveness of Irish producers and encouraging the dairy sector to make the necessary changes, both at producer and processor level, to strengthen and improve its position in the increasingly competitive markets in which it operates.

Grant Payments.

164. **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. [9695/06]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application under the single payment scheme on 13 May 2005. Payment amounting to €18,868.28 issued to the applicant on 1 December 2005. The person named subsequently applied to have his entitlements consolidated under the 2005 single payment scheme. This application has been fully processed and the entitlements have now been consolidated. A supplementary payment amounting to €5,339.37 will issue to the person named shortly.

165. **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. [9696/06]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application under the single payment scheme on 11 May 2005. Payment amounting to €8,597.90 issued to the applicant on 1 December 2005. However, the person named subsequently applied to have his entitlements consolidated under the 2005 single payment scheme. This application has been fully processed and the entitlements have now been consolidated. A supplementary payment amounting to €1,417.12 will issue to the person named shortly.

166. **Mr. Penrose** asked the Minister for Agriculture and Food the steps she will take to ensure the entitlements of a person (details supplied) which have been transferred to another person are immediately recognised by her Department and the signed transfer of such entitlements be acknowledged forthwith; and if she will make a statement on the matter. [9708/06]

Minister for Agriculture and Food (Mary Coughlan): Applications under the single payment scheme were submitted by both persons named on 12 May 2005. The herd number changed ownership in November 2004 from the first person named to the second person. However, all 61.78 single payment entitlements with a total value of €10,534.11 were established under the previous ownership.

To date, my Department has not received any request in respect of the transfer of the entitlements from the previous to the current herd owner. Entitlements may be transferred by means of inheritance, private contract clause or administrative transfer form depending on the circumstances of the change of ownership of the lands and-or herd number. My Department is endeavouring to contact the named persons to establish which measure of the single payment scheme represents the most appropriate method to complete the transfer of these entitlements. Payment cannot issue until such time as the transfer of the entitlements is completed.

167. **Mr. M. Moynihan** asked the Minister for Agriculture and Food the moneys which have been awarded to a person (details supplied) under the single payment scheme; and if there are outstanding moneys due to them. [9716/06]

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 fulfill 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 2000-02. 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.

168. **Mr. Deasy** asked the Minister for Agriculture and Food her views on providing grant aid to farmers who in the interests of public safety wish to provide a cattle underpass where their farm is divided by a non-national roadway; the discussions she has had with the IFA and the Department of Transport in this regard; and if she will make a statement on the matter. [9752/06]

Minister for Agriculture and Food (Mary Coughlan): This is not a matter for my Department. It is my understanding that applications for such works are made to an individual's own county council.

EU Directives.

169. **Mr. Bruton** asked the Minister for Justice, Equality and Law Reform the status of the EU Employment Directive 2000/78/EC; when it was due to be transposed into Irish law; and if he will make a statement on the matter. [9626/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Equality Act 2004, which was enacted on 18 July 2004, amended both the Employment Equality Act 1998 and the Equal Status Act 2000 to give effect to EU Equality Directives 2000/43/EC (Race Directive), 2000/78/EC (Framework Employment Directive) and 2002/73/EC (Gender Equal Treatment in Employment Directive). With this enactment, Irish national law is now fully compliant with the framework employment directive.

Legislative Programme.

170. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if primary legislation on both parental leave and term time will be amended to allow parents and carers to be able to spend more time with their children when they are needed; and if he will work with all relevant Departments on this matter. [9719/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In accordance with section 28 of the Parental Leave Act 1998 and a Government commitment in the Programme for Prosperity and Fairness, a working group chaired by my Department and comprising representatives from relevant Departments and the social partners was established in 2001 to review the operation of the Act. The report of the working group on the review of the Parental Leave Act 1998 was published in April 2002 and is available on my Department's website www.justice.ie and in the Oireachtas Library. The Government is committed, as part of the Sustaining Progress partnership agreement, to strengthen the parental leave scheme in line with the agreed recommendations of the social partners arising from the working group.

As a result of the Review of the Parental Leave Act 1998, the Government introduced the Parental Leave (Amendment) Bill 2004 which provides for a range of improvements to the existing parental leave legislation which will offer greater flexibility to working parents. The Bill, which implements the range of improvements agreed by the social partners was published on 16 December 2004. The main provisions of the Bill which is scheduled for Committee Stage consideration in the House on 22 March 2006 include raising the maximum age of the eligible child from five to eight years; an increase in the maximum age of the eligible child to 16 years in the case of children with disabilities; extension of parental leave entitlements to persons acting in *loco parentis* in respect of an eligible child; a statutory

entitlement to take the 14 weeks' parental leave in separate blocks of a minimum of six continuous weeks, or more favourable terms with the agreement of the employer; that an employee who falls ill while on parental leave and as a result is unable to care for the child may suspend the parental leave for the duration of the illness following which period the parental leave recommences.

I should mention that term time is a non-statutory initiative and responsibility for the promotion of work-life balance initiatives, including term time, at the level of the enterprise is a matter for my colleague, the Minister for Enterprise, Trade and Employment. It is equally important to ensure that the measures put in place whether statutory or otherwise are accessible in the workplace. In this regard, the Government established the national framework committee for work-life balance policies under the Sustaining Progress social partnership agreement. The committee has continued to build on the work of the former national framework committee for family friendly policies which was set up under the Programme for Prosperity and Fairness.

The framework committee supports and facilitates the development of work-life balance policies at the level of enterprise through the development of a package of practical measures that can be applied. One of its key tasks is to examine how best to improve access to family friendly working arrangements so that the potential benefits that these arrangements offer in regard to equality and competitiveness can be fully realised.

Registration of Title.

171. **Mr. Perry** asked the Minister for Justice, Equality and Law Reform the steps he will take with the Land Registry Office on an application (details supplied); if same will be expedited; and if he will make a statement on the matter. [9603/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I wish to inform the Deputy that I have requested the Land Registry to contact him directly concerning the current position of the application in question.

I understand that, in circumstances where the completion of an application in a particular case is urgent, the Land Registry will make every reasonable effort to facilitate such requests on receipt of a written explanation as to the reason underlying the urgency.

Citizenship Applications.

172. **Mr. Perry** asked the Minister for Justice, Equality and Law Reform when an application for citizenship-approval of stamp four will be granted to a person (details supplied) in County

Sligo; and if he will make a statement on the matter. [9604/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Officials in the citizenship section of my Department have informed me that there is no record of an application for Irish citizenship having been received from the person referred to by the Deputy.

The Irish Nationality and Citizenship Act 1956, as amended, provides that the Minister may, in his absolute discretion, grant an application for a certificate of naturalisation provided certain statutory conditions are fulfilled, including where the applicant has had a period of one year's continuous residency in the State immediately before the date of the application and, during the eight years immediately preceding that period, has had a total residence in the State amounting to four years.

The person concerned was granted permission to remain in the State in November 2001 on the basis of having a work permit. His current permission expires in January 2007 and, if he renews this permission in February 2007, he will meet the statutory residency criteria to apply for a certificate of naturalisation at that time. Any such application will be examined in accordance with the statutory provisions in place at the time.

Officials in the immigration division of my Department have informed me that there is no record of the person concerned applying to have his existing permission amended or to obtain further permission to remain in the State.

Residency Permits.

173. **Mr. Perry** asked the Minister for Justice, Equality and Law Reform the avenues open to a person (details supplied) to pursue residency here; and if he will make a statement on the matter. [9605/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned currently has permission to remain as the holder of a work authorisation until 22 July 2006. It is open to her to seek to renew her permission to remain on this basis by attending her local immigration office with supporting documentation.

Visa Applications.

174. **Mr. Perry** asked the Minister for Justice, Equality and Law Reform when a decision will be made on an application for family reunification for a person (details supplied) in County Sligo; if the necessary documentation will be issued directly to them; and if he will make a statement on the matter. [9606/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): There is no provision for the granting of family reunification to adult family members of naturalised Irish citizens. The person

concerned has permission to remain in the State until 9 January 2007 on a self-sufficiency basis. It is a condition of this permission to remain that an individual cannot have access to state funds, services or benefits.

Registration of Title.

175. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform the steps he will take to have an application for registration for a person (details supplied) expedited as same is in being since 2004; and if he will make a statement on the matter. [9618/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I wish to inform the Deputy that I have requested the Land Registry to contact him directly concerning the current position of the application in question. I understand that, in circumstances where the completion of an application in a particular case is urgent, the Land Registry will make every reasonable effort to facilitate such requests on receipt of a written explanation as to the reason underlying the urgency.

Human Rights Issues.

176. **Dr. Cowley** asked the Minister for Justice, Equality and Law Reform his views on whether the Irish Human Rights Commission is in need of reform in view of the fact that the decisions made by it on applications for assistance in human rights matters are taken by one person, the chief executive officer, in private and with no process of appeal; if he intends to amend same; and if he will make a statement on the matter. [9622/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Human Rights Commission was established under the Human Rights Commission Acts 2000 and 2001 in line with the terms of the 1998 Good Friday Agreement on Northern Ireland. Under those Acts, the commission is a fully independent national human rights institution and as such, it is not accountable or answerable to me in relation to its procedures or the conduct of its operations.

Proposed Legislation.

177. **Mr. Carey** asked the Minister for Justice, Equality and Law Reform his plans to amend the laws in relation to the production, display, sale and distribution of pornographic material; if he is satisfied as to the adequacy of existing laws; and if he will make a statement on the matter. [9661/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have no plans at present to amend legislation in relation to the production, display, sale and distribution of pornographic material. However, I can inform the Deputy that

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my Department is currently reviewing certain aspects of the Censorship of Films Act 1923 and the Video Recordings Act 1989.

Crime Levels.

178. **Mr. Carey** asked the Minister for Justice, Equality and Law Reform the measures which are being taken by the gardaí to deal with the crime in the Whitehall and Santry areas of Dublin; the level of reported crime to Garda stations in the areas mentioned for each year since 2002 to date; and if he will make a statement on the matter. [9662/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the following table shows the number of headline offences by group, recorded and detected in the Garda district of Santry, which includes Whitehall, for the years 2002 to 2005, inclusive. I am pleased to note that the figures show a decrease of 9% in the headline crime rate for 2005 in the Santry district, when compared with 2004.

I am also informed that the current policing plans in the area are designed, *inter alia*, to

address the following issues, burglaries; the prevention of anti-social and public order offences; the prevention of crime including crimes of violence against persons and property and the maintenance of an environment conducive to the improvement of quality of life of the residents. This strategy is, and will continue to be, central to the delivery of a policing service to the area in question.

In addition to regular patrolling by uniform and plain-clothes gardaí there are community police assigned to these areas, who have an excellent rapport with the local community and offer advice, support and assistance. The district units are supplemented by the divisional task force and traffic units.

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.

Headline Offences Recorded and Detected for Garda District of Santry for Years 2002 and 2005*

	2005*		2004		2003		2002	
	Rec	Det	Rec	Det	Rec	Det	Rec	Det
Homicide	28	26	17	14	4	4	3	3
Assault	151	119	180	149	138	109	158	121
Sexual Offences	60	44	33	16	46	32	52	23
Arson	33	7	21	4	28	8	40	7
Drugs	116	116	64	64	91	91	134	134
Thefts	1,042	388	1,049	327	992	451	1,044	409
Burglary	436	101	665	160	519	94	539	155
Robbery	63	19	103	37	71	26	88	48
Fraud	192	133	215	126	475	132	123	94
Other	92	58	73	58	65	54	83	64
Total	2,213	1,011	2,420	955	2,429	1,001	2,264	1,058

* Figures provided for 2005 are provisional, operational and liable to change.

Garda Deployment.

179. **Mr. Ó Fearghail** asked the Minister for Justice, Equality and Law Reform the number of gardaí in Kildare Garda station assigned to purely administrative duties; if this work could be carried out by civilian personnel; his plans to increase the number of civilian personnel supporting the primary work of the Garda Síochána; and if he will make a statement on the matter. [9698/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the

Garda authorities, which are responsible for the detailed allocation of resources, including personnel, that the personnel strength — all ranks — of Kildare Garda station as on 28 February 2006 was 25. I have been further informed that there is currently one Garda and three civilian staff employed purely on administrative duties at Kildare Garda station.

Garda management state that the figure of one Garda is based on those personnel who are in receipt of designated post and *ex gratia* allowance and as such are employed on administrative

duties. The incumbent in this case is the holder of a designated post.

The civilianisation programme approved by Government in 2001 is to be implemented on a phased basis over a number of years. I am pleased to say that significant progress has been made with the appointment of 113 civilian finance officers who are doing the district finance officer duties which were hitherto performed by gardaí. Moreover, the recent establishment of the Garda information service centre, GISC, in Castlebar, and the pending transfer of civilian staff from the Department of Justice, Equality and Law Reform to the Garda Síochána as civil servants of the State are significant developments in the context of greater Garda civilianisation.

The establishment of the GISC alone will, when fully operational, allow for the equivalent of up to 300 gardaí to be freed up for frontline outdoor policing duties. While the immediate focus is on providing the necessary staffing, training and resources so that the GISC will be fully operational during 2006, it is also the case that my Department, on an ongoing basis, reviews the possibility of civilianising other posts where possible, and progress is being made in this regard. However, the civilianisation programme has to be implemented within the confines of the Government decision of 4 December 2002 which placed a cap on numbers across the civil and public service.

Having said that, I can assure the Deputy that I am committed to the ongoing implementation of the civilianisation programme. I am also determined that the additional gardaí being recruited under the current historic expansion of the force will be deployed to frontline, visible and effective policing duties.

In this regard I should add 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.

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. In this regard, I am informed by the Garda authorities that the first incremental increase of newly attested gardaí under the programme of accelerated recruitment will take place on 16 March.

180. **Mr. Naughten** asked the Minister for Justice, Equality and Law Reform the number of gardaí stationed in each Garda district in the Roscommon-east Galway division and the Sligo-Leitrim division; the corresponding figure for 1997; the numbers in each district which are on leave other than annual leave; and if he will make a statement on the matter. [9710/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, which are responsible for the detailed allocation of resources, including personnel, that the personnel strength — all ranks — of each Garda district in the Roscommon-Galway east division and the Sligo-Leitrim division, as at 31 December 1997 and 28 February 2006, was as set out in the following tables.

Roscommon-Galway east division.

District	31/12/97	28/02/06
Roscommon	65	63
Ballinasloe	50	52
Boyle	32	37
Castlereagh	36	42
Tuam	48	53

Sligo-Leitrim division.

District	31/12/97	28/02/06
Sligo	113	136
Ballymote	33	33
Carrick-On-Shannon	41	49
Manorhamilton	70	55

The Deputy will be pleased to note that in respect of the Roscommon-Galway east division, there has been an increase of 6.9% in the number of gardaí attached to the division since 1997. In relation to the Sligo-Leitrim division, there has been an increase of 6.2% in the number of gardaí attached to the division since 1997.

The decrease shown in Garda personnel assigned to the Manorhamilton district reflects the fact that the necessity for the large Garda presence in the Border counties has significantly diminished since the Good Friday Agreement.

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 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.

I am further informed that currently one member of the Garda Síochána in the Roscommon-Galway east division and one

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member in the Sligo-Leitrim division are availing of parental leave. I am also informed that one member in the Roscommon-Galway east division is on a career break and that no members in the Sligo-Leitrim division are on a career break. Garda management states that there are no members in either divisions on paid or unpaid maternity leave at present. Statistics in relation to members on certified-uncertified sick leave are not available at present.

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. 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 districts referred to by the Deputy will be fully considered within the overall context of the needs of Garda districts throughout the country.

Garda Strength.

181. **Mr. Naughten** asked the Minister for Justice, Equality and Law Reform the number of Garda members who are on maternity leave and their grades; the average number of members who are on maternity leave at any one time; the steps taken to ensure unit manpower is not reduced during such leave; and if he will make a statement on the matter. [9711/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Where vacancies and absences arise on foot of maternity leave, the Assistant Commissioner — human resource management — in consultation with divisional officers, arranges for the allocation of Garda personnel throughout the State. The Assistant Commissioner is assisted in this regard by a model known as the Garda establishment redistribution model, GERM, which is a scientific, rational and pragmatic model and is the most effective means of distributing Garda personnel.

With regard to the specific figures requested by the Deputy, I understand that this information is currently being collated by the Garda authorities. I will revert to the Deputy when this information is to hand.

Garda Deployment.

182. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform when the vacancy will be filled at Mountjoy Garda station where there has been no sergeant in the community Garda section for some time. [9712/06]

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 post of community policing sergeant at Mountjoy Garda station became vacant on 1 November, 2005.

I have been further informed that local Garda management are in the process of advertising the position and once a suitable candidate has been identified, he or she will be deployed as the community policing sergeant for Mountjoy Garda station.

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.

In this regard, I am informed by the Garda authorities that the first incremental increase of newly attested gardaí due to the programme of accelerated recruitment into the Garda Síochána will take place on 16 March 2006. Garda management states that during the allocation of the newly attested personnel, the needs of the Mountjoy Garda station will be fully considered within the overall context of the needs of Garda stations throughout the country.

Disability Act 2005.

183. **Mr. Stanton** asked the Minister for Justice, Equality and Law Reform further to Question No. 414 of 13 December 2005, if he has received the draft codes of practice for the implementation of sections 26 to 28 of the Disability Act 2005 which cover the accessibility of public services, accessibility of goods and services supplied to a

public body and accessibility of information provided by a public body from the National Disability Authority; if so, when he expects these to be approved and be implemented; if not, when he expects to receive them and when he expects them to be implemented; and if he will make a statement on the matter. [9747/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The National Disability Authority has prepared a code of practice, at my request, in regard to section 26, on accessibility to services provided by public bodies, section 27, on accessibility of services supplied to public bodies, and section 28, on access to information through communication formats. I have arranged with the Attorney General for formal drafting of an order for my signature to give effect to the code.

Sections 26, 27 and 28 of the Act are operational and public bodies are implementing these provisions. The code will be circulated to public bodies when the order has been finalised.

Travel Documents.

184. **Mr. G. Mitchell** asked the Minister for Justice, Equality and Law Reform if a replacement travel document will be supplied to a person (details supplied) in Dublin 8. [9749/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question has not made an application for a replacement travel document to my Department. However, her original travel document was recently returned to the immigration division of my Department by the Irish embassy in Addis Ababa for investigation in regard to possible misuse of this travel document.

An investigation into the circumstances of the suspected misuse of this document is ongoing. Any request for a replacement travel document can only be considered when the investigations have been completed.

Garda Retirements.

185. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform his views on offering retired members of the Garda Síochána a back-to-work scheme on a part-time basis; his further views on a general scheme for those members who may be considering retirement; and if he will make a statement on the matter. [9751/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The position on Garda retirements is that members of the force who joined before April 2004 can retire on full pension after 30 years service, provided they are aged 50 or over. Members at the rank of Garda, sergeant and inspector must retire by the age of 57, while members at superintendent rank and higher can remain in the force up to the age of 60. Members who joined after April 2004, following the enact-

ment of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 may not retire on full pension until age 55 and must retire by age 60.

Naturally, it is a disappointment to me that some members choose to leave at a time when they have perhaps further energy and expertise to contribute to the force. I would encourage every member to stay for as long as that member feels he or she has a positive contribution to make. However, it is a matter for each individual member to make his or her own decision, taking account of all relevant considerations, as to when he or she wants to retire from the Garda Síochána, as in any profession.

I believe, however, that the Garda reserve, which will be established this year, will offer an opportunity to retired members of the force to continue to make a contribution to the community and to enhance the capacity of the Garda Síochána to serve the public.

Asylum Applications.

186. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of people from Somalia here currently. [9777/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): There are 528 Somalian nationals recorded on the register of non-nationals who have permission to be in the State, maintained by the Garda Síochána in accordance with the provisions of section 9 of the Immigration Act 2004.

I refer the Deputy to my replies to Question Nos. 187 to 189, inclusive, today which deal with Somalians in the asylum process.

187. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if he will provide a report listing the number of Somalians currently seeking asylum here; of that number, the number who are waiting for decision on their applications at first instance; the number who are at appeal stage; the number who have applied for and are still awaiting a decision for leave to remain on humanitarian grounds; and the number awaiting a judicial review decision. [9778/06]

188. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of asylum seekers from Somalia who have been given refugee status; the number who have been given leave to remain; and the number who have been refused refugee status or leave to remain; and if he will make a statement on the matter. [9779/06]

189. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if he will make a statement regarding the inordinately long time that Somalians are having to wait for a final decision on their applications; and if efforts will

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be made to speed up or facilitate decisions on those applications on humanitarian grounds.
[9780/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 187 to 189, inclusive, together.

Applications for refugee status in the State are determined by an independent process comprising the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal which make recommendations to the Minister for Justice, Equality and Law Reform on whether such status should be granted.

As at 28 February 2006, 205 Somalian nationals were in the asylum determination process of which 78 were awaiting a recommendation at first instance from the Office of the Refugee Applications Commissioner and 127 were awaiting a decision on their appeal to the Refugee Appeals Tribunal. In regard to the Refugee Appeals Tribunal, I am advised that some 35% of cases are on hold pending the outcome of a particular judicial review and a large proportion of the remainder are at an advanced stage of processing.

In so far as statistics are readily available, as at 28 February 2006, 380 Somalian nationals had been granted refugee status since 2001; during the same period 302 had been refused refugee status. The following table shows a breakdown of these figures per year since 2001.

Year	No. of Somalian Nationals Granted Refugee Status	No. of Somalian Nationals Refused Refugee Status
2001	55	79
2002	48	41
2003	50	16
2004	81	52
2005	123	84
2006 (to end February)	23	30

At present, there are a total of 22 judicial review applications from Somalian nationals outstanding in respect of the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal.

In addition to those granted refugee status, a further nine Somalians were granted leave to remain since 2000 with some 53 deportation orders signed since that date of which 44 resulted in evasions.

In the case of the asylum determination process, I do not agree with the Deputy's view that at the present time applications for asylum from nationals of Somalia take an inordinately long time to process.

Throughout 2005, the Office of the Refugee Applications Commissioner has achieved significant progress in the processing of applications

generally and with the virtual elimination of backlogs. As of 28 February 2006 there were 78 Somalian cases, including children, awaiting a recommendation at first instance. Of the 78 cases, 28 are awaiting a determination under the EU Dublin II regulation regarding their possible transfer to another EU state to have their asylum application processed there. The remaining 50 have already been interviewed or will be shortly. During 2006, increased emphasis will be placed on the use of the EU Dublin II regulation as there is evidence to suggest that large numbers of Somali nationals are entering the State via other EU states. The number of transfer orders made in 2005 under the EU Dublin II regulation in respect of nationals of Somalia amounted to nearly 30% of total asylum applications received that year from that nationality. Overall, 135 transfer orders under the Dublin II regulations have been made in respect of Somalian asylum seekers, of which 88 have been effected. It should also be noted that 15 Somalians were granted leave to remain under the IBC, 2005, scheme.

In the case of the Refugee Appeals Tribunal, as I mentioned previously, there are 127 appeals outstanding from nationals of Somalia some 35% of which are on hold pending the outcome of a particular judicial review and a large proportion of the remainder are at an advanced stage of processing.

In the case of the Office of the Refugee Applications Commissioner, from 1 November, 2005 all applicants for asylum are allocated an interview date on the day that they apply for refugee status, except where this is not possible for medical or other compelling reasons. For applicants such as Somalian nationals, an interview date is usually scheduled approximately four or five weeks from the date of application. Their applications are generally finalised within a further four weeks giving a total processing time of approximately eight or nine weeks from the date of application. The average length of time taken to complete appeals from Somalian nationals in the Refugee Appeals Tribunal is, on average, between six and 20 weeks depending on the type of appeal involved.

Considerable progress continues to be made in the Office of the Refugee Applications Commissioner and in the Refugee Appeals Tribunal in regard to dealing with outstanding asylum applications. For example, the number of cases on hands in each organisation for over six months has declined from 6,500 at the end of September 2001 to some 401 at the end of January 2006. This is a considerable achievement and the staff of both organisations are to be congratulated on their hard work in this regard.

190. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if he will report on the status of an asylum application by

a person (details supplied) who had been refused refugee status. [9781/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on 8 September 2003 and applied for asylum. She arrived with her daughter and her nephew. Her application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

Subsequently, in accordance with section 3 of the Immigration Act 1999, as amended, she was informed by letter dated 15 June 2005 that the Minister proposed to make deportation orders in respect of her, her daughter and her nephew. She was given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons she should be allowed to remain temporarily in the State; leaving the State before an order is made; or consenting to the making of a deportation order.

Her case file, including all representations submitted, will be considered under section 3(6) of the Immigration Act 1999, as amended, and section 5 of the Refugee Act 1996 — prohibition of *refoulement*. I expect the file to be passed to me for decision in due course.

Schools Building Projects.

191. **Ms O'Sullivan** asked the Minister for Education and Science when she will purchase a site for a new school building for a school (details supplied) in County Meath; and if she will make a statement on the matter. [9619/06]

Minister for Education and Science (Ms Hanafin): The school to which the Deputy refers opened with provisional recognition from the Department in September 2005. During the period of provisional recognition, it is the responsibility of the school patron to provide interim accommodation. This accommodation must be capable of fully meeting the needs of the developing school until permanent recognition has been secured and the Department is in a position to acquire a site and provide a permanent school building.

However, in this particular case, the patron has indicated that it is his intention to provide the site for the permanent school building. When the site has been acquired, progress on the building project will be considered in the context of the school building and modernisation programme from 2006 onwards.

192. **Mr. Hayes** asked the Minister for Education and Science the position regarding the case of a school (details supplied) in south Tipperary for which an application has been made for upgrading or the provision of a new school building. [9623/06]

Minister for Education and Science (Ms Hanafin): On Monday 6 March 2005, a list of 75 schools which will receive funding this year under the Department's permanent accommodation scheme was published. The school to which the Deputy refers is included among these schools. The school building unit of the Department will be issuing instructions to the schools concerned as to how to proceed under this devolved scheme shortly.

Special Educational Needs.

193. **Mr. N. O'Keeffe** asked the Minister for Education and Science if she will examine the delay in having a person (details supplied) in a school in County Cork; if her attention has been drawn to the fact that he remains in mainstream primary school which does not have the necessary educational facilities to suit his needs and that his behaviour has deteriorated significantly; and if her attention has further been drawn to the fact that his siblings are receiving counselling owing to their serious disruption in the home and that the school they should be attending will provide all the facilities which will help control their problems. [9636/06]

Minister for Education and Science (Ms Hanafin): The Deputy that the school planning section of the Department has recently approved the rental of two resource rooms under the additional accommodation scheme to facilitate the child's placement in a special school. School management is currently making arrangements to procure this accommodation.

Meanwhile, the National Council for Special Education, through the local special educational needs organiser, is exploring how the child's special educational needs can be met pending the provision of this accommodation. The SENO is liaising with the family and schools concerned as part of this process.

Schools Building Projects.

194. **Mr. N. O'Keeffe** asked the Minister for Education and Science the position regarding a post-primary school building project (details supplied) in County Cork. [9641/06]

Minister for Education and Science (Ms Hanafin): An application for capital funding towards the provision of an extension has been received from the school referred to by the Deputy. The school planning section of the Department is currently re-examining the schedules of accommodation that were agreed with the school authorities to ensure that level of accommodation being proposed will meet the long-term needs of the school. The project is being considered in the context of the school building and modernisation programme 2006-10.

Traveller Education Strategy.

195. **Mr. Neville** asked the Minister for Education and Science when the traveller education strategy will be published. [9643/06]

Minister of State at the Department of Education and Science (Miss de Valera): 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 and improve the education provision for the Traveller community. The education needs of the Traveller community are a high priority for the Department and I look forward to examining the report.

Vocational Education Committees.

196. **Ms McManus** asked the Minister for Education and Science if she will ensure that her Department gives recognition to the Bray Music Centre in Bray, County Wicklow as it does with other vocational educational committee music schools such as Donegal, Limerick, Dublin and Cork, in view of the fact that the Bray Music Centre will be forced to raise the fees for students in September 2006 in order to bring teachers' salaries up to the national level; and if she will make a statement on the matter. [9644/06]

Minister for Education and Science (Ms Hanafin): The Department has recently received an application from County Wicklow Vocational Education Committee for an additional allocation of tuition hours for the purpose of supporting music in its area of responsibility. This application is under consideration at present and a decision will be notified to the committee in due course.

Educational Disadvantage.

197. **Mr. Neville** asked the Minister for Education and Science the reason there is no representative on the educational disadvantage committee; and if this situation will be rectified when the new educational disadvantage committee is formed. [9645/06]

Minister for Education and Science (Ms Hanafin): The role of the educational disadvantage committee is to advise on policies and strategies to be adopted to identify and correct educational disadvantage. The Department has written to the education and social partners seeking their views on the composition and future

work of the committee. When all of these have been received and considered, members will be appointed to the new committee as provided for under section 32 of the Education Act 1998. Under section 32(3) of the Act, up to half of the membership of the committee shall be appointed from nominees of such voluntary and other bodies which have objects that are considered relevant to the work of the committee.

Psychological Service.

198. **Mr. P. Breen** asked the Minister for Education and Science her plans to extend the National Educational Psychological Service to all of County Clare's primary schools; the proportion of County Clare primary schools which are currently without the service; and if she will make a statement on the matter. [9647/06]

Minister for Education and Science (Ms Hanafin): All schools in County Clare have access to psychological assessments either directly through the National Educational Psychological Service, NEPS, or the scheme for commissioning psychological assessments, SCPA, full details of which are available on my Department's website. The latest figures indicate that 50% of primary schools — 65% of pupils — and all post-primary schools in County Clare have access to a dedicated NEPS service at present.

In addition, NEPS provides a service to every school and school community in the event of a critical incident regardless of whether the school already has a dedicated service from a NEPS psychologist. Also in relation to all schools, NEPS processes applications for reasonable accommodations in certificate examinations and responds to queries concerning individual children from other sections of my Department and from the specialist agencies.

The number of NEPS psychologists has increased from 43 on establishment to 122 at present. The Public Appointments Service recently concluded a new recruitment competition for the appointment of educational psychologists to NEPS. Regional panels have been established to allow my Department give greater priority in filling vacancies to areas with the greatest need. My Department has recruited two new psychologists and is currently in the process of recruiting a further nine, four of whom are to be assigned to the mid-western region. This is expected to lead to a significant increase in the number of schools in the region, including primary schools in County Clare, enjoying a dedicated NEPS service. Any increase in the overall numbers of psychologists in NEPS must take account of Government policy on public sector numbers.

199. **Mr. P. Breen** asked the Minister for Education and Science her plans to provide mental health services, where appropriate, to County

Clare's secondary schools; the proportion of schools which are currently with such a service; and if she will make a statement on the matter. [9648/06]

Minister for Education and Science (Ms Hanafin): All post-primary schools in County Clare have access to a dedicated service from the National Educational Psychological Service, NEPS. The promotion of mental health in schools is one of the main objectives of NEPS. The NEPS psychologists working in County Clare work closely with the guidance counsellors and co-ordinators of social personal health education — SPHE — in the schools regarding mental health issues. The NEPS psychologists also liaise with the Health Service Executive and have contributed, on a collaborative basis, to the training of teachers in student support in the context of mental health issues in County Clare post-primary schools.

School Completion Programme.

200. **Mr. Carey** asked the Minister for Education and Science the measures which are being taken by her Department to improve the level of transfer from primary to post-primary education; and if she will make a statement on the matter. [9656/06]

Minister for Education and Science (Ms Hanafin): The Government is determined to do all that is possible to ensure that every child gets all the opportunities and support they need to enable them to complete his or her education. To this end, we are providing increased resources for schools in disadvantaged areas by offering extra educational supports and services. Measures designed to improve school completion include the establishment of the National Educational Welfare Board in 2002 with a remit to monitor school attendance, help parents to get a school place for their child and run promotional campaigns on the importance of finishing school.

Working with parents to promote school attendance is an important part of the work of the home school community liaison scheme and, in addition to this, a key component of the school completion programme is developing strong links between primary and post-primary schools in disadvantaged areas. Under the new action plan for educational inclusion, DEIS, additional supports are being targeted at children in the most disadvantaged schools to encourage them to stay in school. The key principle of early intervention, to identify and help children at risk of leaving school early, is a major component of the plan.

Under DEIS, a continuing emphasis will be placed on the development of effective transfer programmes for pupils making the transition to second level, by building on the existing work of HSCL scheme and the school completion programme in this area. Initiatives such as familiaris-

ation days and week long transfer programmes for new entrants to second level have been shown to have very positive results in helping children to make a smooth transaction to their new school and I am anxious that a strengthening of such programmes be prioritised under the new action plan.

Third Level Education.

201. **Mr. Carey** asked the Minister for Education and Science the measures which are taken by her Department to increase the level of participation in third level education; and if she will make a statement on the matter. [9657/06]

Minister for Education and Science (Ms Hanafin): Broadening access to further and higher education is one of the Government's major policy priorities. As the Deputy will be aware the Government made a €42 million package available in 2003 which involved substantial increases in grant levels while extending the income thresholds and linking the amount of the top-up grant to the maximum personal rate of unemployment assistance. The impact of the scheme resulted in an increase in the number of grant-holders from 51,000 in 2002-03 to more than 56,000 and an increase in the number of top-up grant-holders to more than 12,500.

In addition to the initiatives within the mainstream grant schemes, the national officer for equity of access to higher education, the national office, manages for my Department a number of funding programmes to widen access and support the participation of certain target groups including the socio-economically disadvantaged groups. These include the student assistance fund which provides financial support to benefit from their third level studies; the fund for students with disabilities which has contributed to an increase in participation by students with a disability, with 1,696 students in receipt of funding under the 2004-05 scheme, an increase of almost 1,200 since 2000 when 511 were in receipt of funding under the scheme; and the millennium partnership fund for disadvantaged through which 57 partnerships and community groups received funding.

A number of practical steps are being taken to address increased participation rates. This includes the establishment in August 2003 of the national office within the HEA as a co-ordinating unit to lead work nationally on achieving equity of access to higher education, co-ordinate funding and resources and monitor and report on progress. In December 2004 the national office published a three year action plan — 2005-07 — which sets out a range of practical steps which need to occur so that more opportunities are created for groups who have to date been under-represented in the sector, such as socio-economically disadvantaged school leavers. This will include arrangements so that all disadvantaged regions, schools and communities, in particular

[Ms Hanafin.]

those with low levels of representation, are linked to access activities and programmes in at least one higher education institution in their region.

An integrated and coherent strategy is required if we are to further increase the participation rates among persons from lower socioeconomic backgrounds. Incentivised funding at the level of the institutions and the individual as advocated in the action plan from the national office for equity of access to higher education will be an important element of funding policies in the future. I also attach considerable importance to the recommendations in the action plan in relation to awareness issues and the need for user friendly and accessible processes and procedures for the allocation of funding.

A priority area for action is evaluation of access programmes which have been established in higher education institutions to ascertain what strategies and partnerships work best in achieving equity of access to higher education for all under-represented groups. Building upon this work, the national office will develop and support the implementation of a national framework of access policies and initiatives for each target group, including young people from socio-economically disadvantaged areas. The national office will monitor and report on progress in implementing the action plan and reaching national and institutional targets on equity of access to higher education.

State Examinations.

202. **Ms O'Sullivan** asked the Minister for Education and Science if a school (details supplied) is still the central co-ordinating and managing authority for the Scrúdú le hAghaidh Cáilíochta sa Ghaeilge; if not, the areas in which this information is available to teachers trained outside Ireland who wish to pursue the course; and if she will make a statement on the matter. [9658/06]

Minister for Education and Science (Ms Hanafin): Coláiste Mhuire Marino is responsible for holding the SCG examination in 2006. The examination will be held in a number of centres throughout the country in the week beginning 17 April. Full details are available from Coláiste Mhuire. Regarding course provision, I am pleased to inform the Deputy that a number of education centres throughout the country, which are directly funded by my Department, are providing preparation courses for the SCG examination at a reasonable cost that has been set by my Department. These courses are based upon a training programme, also funded by my Department, which was developed by the Irish department in Coláiste Mhuire Marino.

203. **Ms O'Sullivan** asked the Minister for Education and Science her views on replacing the Scrúdú le hAghaidh Cáilíochta sa Ghaeilge with

an examination and syllabus more in tune with changes that have taken place in teaching and learning in recent years and with more emphasis on the spoken language; if she will also ensure that preparation courses for the examination are more accessible to students in different parts of the country; and if she will make a statement on the matter. [9659/06]

Minister for Education and Science (Ms Hanafin): As recently as 2001, I established a working group to review all aspects of the syllabus and examination for the Scrúdú le hAghaidh Cáilíochta sa Ghaeilge (SCG). The review group drafted an interim examination syllabus which was circulated to all schools in December 2002. The SCG examinations held in October 2003 were the first series of SCG examinations to be based on this revised syllabus.

A language syllabus and an examination handbook with sample questions and answers were published during 2004. The literature textbook containing the revised literature syllabus for 2007 onwards was published in January 2006. From April 2004, more time was made available for candidates in the aural test. A new literature syllabus will be introduced for the examination in 2007. In addition, it is intended that, from 2007 onwards, the written examination will be complemented by assessments of classroom practice. The oral and aural modules which comprise 50% of the total examination place a sufficient overall emphasis on the oralcy element of the SCG.

Passes in the examination are recognised at two levels. The overall pass mark in the examination with effect from the April 2004 examinations was decreased to 40% from the previous 50%. With effect from the April 2004 examinations, candidates who achieved pass — 40% — are eligible to teach in Galltacht — English medium — schools. Teachers who achieve 70% or more are eligible to teach in any primary school, including Gaeltacht and all-Irish schools.

Regarding course provision, I am pleased to inform the Deputy that a number of education centres throughout the country, which are directly funded by my Department, are providing preparation courses for the SCG examination at a reasonable cost that has been set by my Department. These courses are based on a training programme, also funded by my Department, which was developed by the Irish department in Coláiste Mhuire Marino.

Schools Building Projects.

204. **Mr. Naughten** asked the Minister for Education and Science, further to Question No. 322 of 15 December 2005, if the assessment has been completed by the school planning section of her Department; the progress on obtaining a site for the school; and if she will make a statement on the matter. [9743/06]

Minister for Education and Science (Ms Hanafin): The application has been assessed in accordance with the published prioritisation criteria which was revised last year following consultation with the education partners. The proposed project, including the acquisition of a site, is being considered for progression in the context of the school building and modernisation programme 2006-10.

205. **Mr. Sherlock** asked the Minister for Education and Science the position on the proposed new school for Rathcormac, County Cork, especially in view of the overcrowding. [9756/06]

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 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 2006-10.

Motor Vehicle Registration.

206. **Mr. Deasy** asked the Minister for the Environment, Heritage and Local Government the number of vehicles licensed in each of the past ten years. [9754/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The information requested for the years 1995 to 2004, inclusive, is published in table 1 of the annual Bulletin of Vehicle and Driver Statistics 2004, available in the Oireachtas Library. The figure for the year 2005 is 2,138,680 vehicles.

Planning Issues.

207. **Mr. Eamon Ryan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the phenomenon of recent property inflation of up to 20% in areas located on proposed public transport routes, such as Cherrywood, south County Dublin and Dunboyne, County Meath; if the Government will be introducing amendments to legislation to ensure that local authorities can request that developers make higher contributions for public transport in proportion to the property inflation profits within the new transport corridor areas; and if he will make a statement on the matter. [9212/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Under the Planning and Development Act 2000, planning auth-

orities have been enabled to adopt supplementary development contributions schemes in order to help pay for particular public infrastructure services or projects, including the provision of particular rail, light rail or other public transport infrastructure.

A number of local authorities have adopted these schemes, including Dún Laoghaire-Rathdown County Council in respect of the proposed extension of the Luas line to Cherrywood. It is appropriate that supplementary development contributions should help to ensure that developers in certain areas which are benefiting from major public investment in public transport and other infrastructure are contributing to the cost of that infrastructure. It is not proposed to amend the legislation in this regard.

Question No. 208 answered with Question No. 30.

Local Authority Funding.

209. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government the way in which he envisages local Government being properly resourced and funded to carry out all their responsibilities following the recommendations of the Indecon report. [9611/06]

210. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government his plans to address the predicted local authority funding shortfall identified by the Indecon report. [9774/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 209 and 210 together.

On the basis of different methods of projecting expenditure, the consultants identify that by 2010, local authority expenditure will increase by €1 billion to €2 billion in nominal terms over 2004 levels. Funding for this expenditure will be met by a combination of the buoyancy in the existing funding system, some additional funding and the achievement of efficiencies and accountability over the period.

As regards the existing funding system, there is significant natural buoyancy in the current revenue sources of local authorities. For example, at local level, the valuation base is growing rapidly as a result of our continued economic growth. In addition, revenue from motor taxation, which is paid directly into the local government fund, continues to increase without any increases in the rates of this taxation. In 2006, the fund will amount to some €1.4 billion. I was in a position to announce record levels of general purpose grants to local authorities from the fund amounting to some €875 million for 2006. This was an increase of some 8% on the 2005 allocation and 160% of the 1997 level.

[Mr. Roche.]

To supplement the existing income sources, a number of initiatives will be pursued. I am considering ways of bringing planning fees, which are fixed by regulation, into line with the economic cost of dealing with planning applications. I will introduce legislation to make commercial properties liable for rates from the date of valuation as opposed to the beginning of the following year. This will generate over €25 million extra per year. To boost income to the local government fund, I am tackling motor tax evasion and will be examining a system of continuous registration of vehicles. Additional revenues will be complemented by a range of efficiency initiatives. In partnership with local authorities, I propose to: examine the scope for greater sharing of services between authorities; develop a standard costing system for the sector to deliver enhanced management information, particularly with regard to unit costs; and develop proposals to enhance arrangements for local audit committees in line with best practice.

I am committed to ensuring that the value for money unit in my Department undertakes in-depth analyses of local authority activities and identifies best practice. The availability of good information is a key to good decision making and I have started a process of publishing key financial data on my Department's website. I have set aside €2 million this year for an innovation fund to identify ways of delivering further efficiencies and to disseminate best practice in this regard to local authorities. I will be announcing details of this during the year.

211. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government his views on whether the current infrastructural budget allocation guidelines are flawed due to the fact that they favour densely populated areas and fail to take account of the potential of low density zoned areas; whether this results in the collapse of thinly populated areas and discriminates against rural and remote areas such as many parts of County Clare; and if he will make a statement on the matter. [9649/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The current national development plan has seen a wide range of infrastructural investment throughout the country in roads, public transport, housing and environmental services, as well as health, child care and other services. The national spatial strategy published in 2002 aims to achieve more balanced regional development across the country in both urban and rural areas. The national spatial strategy envisages opportunities for all areas of the country to develop to their potential and will support a better balance of activity and development between areas experiencing congestion and areas that are economically under-util-

ised. The Government has already agreed that the regional dimension of the next national development plan for 2007 to 2013, which will consolidate and expand on investment under the current plan, will be broadly based on the national spatial strategy.

Planning Issues.

212. **Mr. Carey** asked the Minister for the Environment, Heritage and Local Government if changes are required in planning legislation to control the operation of lap dancing clubs and the change of use of premises for the sale of pornographic material; and if he will make a statement on the matter. [9664/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Question No. 10 on today's Order Paper.

Legislative Programme.

213. **Mr. Noonan** asked the Minister for the Environment, Heritage and Local Government if he intends bringing into force all sections of the Local Government Act 2001; and if he will make a statement on the matter. [9665/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Local Government Act 2001 modernises the legislative framework, supports community involvement with local authorities in a more participative local democracy and underpins the programme of local government renewal. The Act is being brought into operation on a phased basis and in excess of 80% of its sections have been commenced. I am currently considering the steps necessary to commence the remaining provisions, a number of which are enabling provisions to replace legislation currently in force.

Wildlife Protection.

214. **Mr. Gregory** asked the Minister for the Environment, Heritage and Local Government the number of hares captured from the wild for the 2005 to 2006 coursing season which had previously been caught, marked and released by coursing clubs. [9706/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The information sought is not available in my Department.

215. **Mr. Gregory** asked the Minister for the Environment, Heritage and Local Government the action being taken by the National Parks and Wildlife Service to end the sale of unlawful glue traps from retail outlets here. [9707/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Sale or possession of glue traps, other than in accordance

with a licence issued by my Department, is prohibited under the Wildlife Act 1976 (Approved Traps, Snares and Nets) Regulations 2003. No licences are currently in force to permit the sale or possession of such traps.

My Department has, over the past 18 months, been involved in two court cases involving the unlawful possession of rodent glue traps. Recently a substantial quantity of mouse glue was seized at Dublin Port and a prosecution is being prepared. My Department is in contact with a major importer and distributor of these traps with a view to arranging the recall and destruction of all such traps.

Water and Sewerage Schemes.

216. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if methane gas seepage from the sewerage system at Leixlip, County Kildare has been satisfactorily resolved; and if he will make a statement on the matter. [9730/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The lower Liffey Valley sewerage scheme has been approved for construction in my Department's water services investment programme for 2005 to 2007 at an estimated cost of €31 million. The scheme, under which the waste water collection systems in Leixlip, Kilcock, Straffan, Celbridge and Maynooth will be upgraded and improved, also includes measures to eliminate odours from the existing collection system in Leixlip. I understand that work on an advance section of the scheme at Straffan is nearing completion.

Kildare County Council's contract documents for the major elements of the scheme are under examination in my Department and a decision will issue shortly. Approval of the contract documents will enable the council to seek tenders for the scheme.

Drainage Schemes.

217. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if he or his Department have had discussions with Kildare County Council in regard to the completion of drainage and cleaning works at the Slate River, Allenwood, County Kildare; when it is intended the works will resume; and if he will make a statement on the matter. [9731/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I understand that drainage works were carried out in Allenwood, County Kildare, in 2003 by the Office of Public Works as agents for Kildare County Council. My Department had no function in these works nor is it in any discussions with the council about them.

Alternative Energy Projects.

218. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government his plans for waste to energy conversion; and if he will make a statement on the matter. [9733/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Thermal treatment with energy recovery forms an important part of a modern, integrated and sustainable approach to waste management consistent with the internationally accepted waste hierarchy. Its role is fully recognised within the EU environmental framework which moreover regulates waste incineration in accordance with strict environmental standards.

This type of incineration forms a key part of an integrated approach to waste management here in Ireland, as has been affirmed in a variety of policy documents from 1998 onwards. Supporting and developing this policy framework is the extent of my Department's involvement in planning for waste to energy in Ireland. The detailed implementation of waste policy is a matter for local authorities, consistent with their waste management plans, and private sector initiatives, regulated by the independent statutory waste licensing and physical planning processes.

I hope to see further progress on the provision of waste to energy facilities in Ireland over the coming years and the development of an approach to waste management similar to that of the Scandinavian countries, Germany and the Netherlands. These countries, which are often cited as adhering to the highest environmental standards and providing a model of best practice, use incineration with energy recovery as a key part of their approach to solid waste treatment. They combine this with extremely high levels of waste recycling to minimise the amount of residual waste landfilled. Ireland should also move towards such a model, attaining the highest possible levels of recycling, incinerating non-recyclable waste, with energy recovery in the form of electricity or district heating, and landfilling only a small proportion of inert waste.

Ireland has significantly increased its recycling levels in recent years. Municipal waste recycling has grown from only 9% in 1998 to a current level of 34%. This alone, because of the increase in waste generation, is not leading to a significant drop in landfilling rates. It is evident that if we are to make further progress in diverting waste away from landfills, we must focus more both on waste minimisation and reduction as well as incineration.

Waste to energy plants will of course at a minimum be subject to the very stringent emission limits provided for in the EU incineration directive and must satisfy our independent physical planning and environmental licensing pro-

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cesses, which can rightly be regarded as among the most rigorous and transparent in Europe.

Water Supply.

219. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the total domestic water storage capacity, the estimated daily domestic and industrial use; if he has satisfied himself that adequate storage facilities are available; and if he will make a statement on the matter. [9734/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Some €3.7 billion will be spent under the National Development Plan 2000-2006 on the provision of water services infrastructure. Substantial increases in water treatment and storage capacity, both for domestic and industrial use, are being achieved as a result of this investment. Schemes completed since 1997 have produced additional drinking water treatment capacity equivalent to the needs of a population of 1,073,000. The increase in storage capacity over the same period was sufficient to meet the requirements of a population of 1,583,000.

Management of public drinking water supplies is the responsibility of the local authorities, who have a range of instruments and measures available to them to conserve sufficient stocks to meet anticipated needs and ensure quality standards. In addition, my Department co-ordinates and finances a major programme of investment in improved infrastructure, active leakage control, telemetry and rehabilitation of watermains. Details of such projects that have been approved for funding by my Department are set out in the water services investment programme for 2005 to 2007, which is available in the Oireachtas Library. The schemes included in the programme are derived mainly from regular assessments of needs undertaken by local authorities, at my Department's request, as an input to the overall strategy for meeting necessary water supply and treatment requirements.

I am satisfied that the planning and resources are in place to ensure that the national water supply infrastructure can cater adequately for current and anticipated requirements.

Questions Nos. 220 and 221 answered with Question No. 59.

Local Authority Housing.

222. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the number of houses built and allocated by the various local authorities in the past 12 months; the number of one, two, three or more bedroom

houses involved; and if he will make a statement on the matter. [9737/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Information on the number of houses constructed and acquired by local authorities to the end of September 2005 is available on my Department's website at www.environ.ie. Similar information for the full year 2005 will be published in due course in my Department's annual bulletin of housing statistics and on the Department's website.

A breakdown of dwellings constructed or acquired by local authorities by the number of bedrooms is not available in my Department. In recent years local authorities have provided a wider range of house types, including an increasing number of one and two bedroom dwellings, which are more suitable to single people and lone parents. My Department continues to advise local authorities of the need to provide a reasonable mix of dwellings suited to the different types of households already on waiting lists and to plan their future programmes taking account of the estimated size and type of households likely to be seeking local authority and voluntary housing in the future.

Water and Sewerage Schemes.

223. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the number of locations in respect of which he has been alerted to the existence of methane gas emanating from the sewerage treatment systems; his proposals to address the issue; and if he will make a statement on the matter. [9738/06]

224. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government his proposals to utilise methane gas from sewerage treatment plants or main sewers with a view to conversion to energy; and if he will make a statement on the matter. [9739/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 223 and 224 together.

I refer the Deputy to the reply to Question No. 656 of 14 February 2006.

Local Authority Information.

225. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if he is satisfied that Members of the Oireachtas have the required access to local authorities in accordance with commitments given to Dáil Éireann under the passage of the legislation to abolish the dual mandate; his views on whether the general public is being best served in the

intervening period; and if he will make a statement on the matter. [9741/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Local Government Act, 2001 (Section 237A) Regulations 2003 provide, *inter alia*, for the supply of specified documentation to Oireachtas Members by a local authority such as a local authority budget or draft development plan. Equivalent systems, procedures and timeframes to those used for correspondence from local authority members apply also to Oireachtas Members. Managers are required to meet at least annually with local Oireachtas Members and thus provide an opportunity for an update on developments and for any difficulties encountered to be raised and addressed. This is additional to normal and regular contacts between public representatives and local authority officials regarding particular problems or issues.

As indicated in earlier replies to questions on this topic, I am concerned that local authorities should at all times facilitate parliamentary representatives, in both the spirit and the letter of the regulations, on the timely provision of local authority documentation to Members of the Oireachtas carrying out their work on behalf of local communities.

My officials are engaged at present in gathering information from local authorities on the practical application of the scheme to date and, arising from this, I will, if necessary, issue supplementary guidance to local authorities taking account of the responses on the matter.

Heritage Sites.

226. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government, further to Question No. 775 of 8 November 2005, the steps which are being taken by his Department to provide public access to sites at Rathcroghan, County Roscommon; and if he will make a statement on the matter. [9744/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department is finalising the tender documentation for the preparation of a conservation plan for archaeological sites at Rathcroghan, which will include matters such as public access. It is hoped to go to tender by the end of this month.

Waste Management.

227. **Mr. Gormley** asked the Minister for the Environment, Heritage and Local Government the discussions he has had with the management of Dublin City Council concerning the Strategic Infrastructure Bill 2006 and the possibility that the Ringsend incinerator project might be delayed to take advantage of the proposed new

planning process; the powers he has to prevent the city council management from delaying the project in this way; the assurances he may have received from the city manager in this regard; and if he will make a statement on the matter. [9776/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): As I have previously stated, my Department's role in the approval process for this proposed waste to energy plant is limited to validating compliance with public policy on procurement by way of public-private partnership, as laid down in guidelines issued by the Department of Finance. Having reviewed the detailed proposals of Dublin City Council, and consulted with the National Development Finance Agency, my Department is satisfied that the project is designed to provide value for money within the parameters of the above guidelines and certified its compliance accordingly in September 2005.

It is now a matter for Dublin City Council to finalise contractual arrangements with the private partner and advance the project through the statutory physical planning and environmental licensing process. My Department is precluded from involvement in these processes and has neither sought nor received assurances from Dublin City Council in their regard.

The regulatory processes to be applied to the project will be those in force at the time the approvals are sought. I expect that approval will have been sought for the facility before the Bill becomes law.

Airport Safety.

228. **Mr. S. Ryan** asked the Minister for the Environment, Heritage and Local Government the status and stage of the draft public safety zone guidelines for Irish airports; and if and when there is to be a public consultation on the guidelines. [9798/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department is currently preparing draft guidelines for planning authorities on public safety zones at State airports. The draft guidelines will be published shortly for public consultation.

Construction Industry.

229. **Mr. Cregan** asked the Minister for the Environment, Heritage and Local Government his plans to give protection by way of regulation or legislation to sub-contractors who, in some instances, are not paid by the main contractor, despite the fact that the main contractor has been paid public moneys by local authorities for public contracts, such as road building, sewerage

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schemes etc.; and if he will make a statement on the matter. [9800/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department is not responsible for regulating contractual relationships or for the sponsorship of new legislation in this area. I understand, however, that the European Communities (Late Payments in Com-

mercial Transactions) Regulations, 2002 already provide contractors, including sub-contractors, with legal protection against late payments and unfair contract terms. In addition, organisations representing small and medium-sized enterprises may take representative actions in the Circuit Court seeking a declaration that particular contract terms are grossly unfair and may not be used. Any review of these regulations would be a matter for my colleague, the Minister for Enterprise, Trade and Employment.