

DÁIL ÉIREANN

—
Dé Céadaoin, 22 Márta 2006.
Wednesday, 22 March 2006.
 —

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

—
Paidir.
Prayer.
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Leaders' Questions.

Mr. Kenny: Following our day of double apology I wish to return to the situation in accident and emergency units around the country. After nine years in power with access to unprecedented funding the Government has failed miserably to provide the most basic frontline health services for people.

The Taoiseach is fond of quoting statistics, but he will be disappointed to hear that yesterday 314 people were on trolleys and chairs in accident and emergency units around the country. What is the status of the ten-point plan introduced by the Tánaiste, which was intended to deliver real improvements in accident and emergency units by last November? Last weekend Professor Drumm, chief executive of the Health Service Executive, said it would be at least two years before the problem could be resolved and that the situation now is worse than it was three and four years ago.

The Government has spent almost €60 billion on health services, a tripling of expenditure, but the service in accident and emergency units appears to be going backwards. Given that the same number of people are attending accident and emergency units as in 1998, can the Taoiseach offer any credible explanation for the behaviour in those units?

What is the Taoiseach's response to the shocking findings of a recent survey of accident and emergency units, including that in nine hospitals there were 900 assaults on staff, patients and visitors in these units? These attacks occurred when staff tried to break up fights, and when they were assaulted by patients high on drugs or intoxicated with alcohol. In one case a nurse was held at knife-point, in another a patient was stabbed in a cubicle and in a third a nurse was kicked in the abdomen.

The frontline staff in accident and emergency units must bear the brunt of the failure of the Government's commitment and promises to provide the safety and services that the people should expect. They deserve better than this.

What measures will the Taoiseach take to see that this situation improves? Does he accept Professor Drumm's explanation that nothing will happen to bring about any real improvement for the next two years? Are these appalling and shocking stories to continue day after day, of people sitting in plastic chairs as closely packed as the seats in this Chamber, inaccessible to the comfort of seeing their relations, friends or families? Surely in 2006 we should be able to do better in accident and emergency units.

The Taoiseach: I will make a couple of brief points first. Deputy Kenny is correct in saying we have provided significant resources for the health services.

Mr. J. O'Keeffe: The taxpayer has provided them.

Ms O. Mitchell: That is surprising.

Mr. F. McGrath: We are still short.

The Taoiseach: I managed to complete one sentence without interruption. The Opposition should stop interrupting and let me speak. We have put in the resources and the staff. There have been significant improvements throughout the health service, in the level of cancer care, in paediatric medicine and in most of the difficult specialties there have been major and growing improvements.

I accept the accident and emergency units have not been as successful but in many of these units there has been success. The newly-built units are very good. I will not go into the figures for the number of patients on trolleys.

Mr. Connaughton: Of course the Taoiseach will not go into those.

The Taoiseach: My figure is not the Opposition's figure. I get a different figure.

Mr. F. McGrath: We need 500 new beds.

The Taoiseach: That row goes on every day.

Mr. Connaughton: That's the problem.

The Taoiseach: The figure I received for yesterday was 190. Deputy Kenny asked what we are doing about this.

Mr. McCormack: Nothing.

The Taoiseach: It is important that we make steady and substantial progress for patients. It is not acceptable to, or accepted by, Government that people, particularly older people, must wait a long time on trolleys before admission.

Mr. McCormack: Why are so many beds closed?

The Taoiseach: This affects their dignity and other issues arise. The ten-point plan, which involves a focussed implementation of actions, is under way. We are helping older people move out of hospitals when they are medically fit to leave. The home care package and the enhanced nursing home subventions—

Ms O. Mitchell: There cannot be a home care package.

Mr. McCormack: There is no home care package.

An Ceann Comhairle: Allow the Taoiseach to speak without interruption.

The Taoiseach: A total of 530 people have already received the new supports.

Mr. Stagg: It is only 20 minutes a day.

The Taoiseach: Many more will do so in the months ahead. We are working with the HSE to provide more home support to help people avoid admission to hospital.

Mr. Stagg: Where?

Mr. McCormack: There are no home supports.

The Taoiseach: We are also supporting the HSE's comprehensive flu vaccination campaign. We are providing step-down facilities for immediate care. To date 562 people have moved out of hospitals. The HSE provides 48 high-dependency long-term beds for the more severely ill. We are also putting in place an out-of-hours GP service and as I said previously, we have opened a new accident and emergency unit in St. Vincent's Hospital, the accident and emergency development and extension to St. James's Hospital is almost complete and a new accident and emergency admissions unit opened at the Mater Hospital in December, a 33-bed overflow unit. It closed last week because of the winter vomiting bug but has now re-opened.

I have had lengthy meetings on this issue with HSE personnel. They tell me that in Dublin hospitals, admissions to accident and emergency units have increased by about 20%, admissions of older people have increased substantially and twice as many people presented with influenza in the past six weeks compared to this time last year, because of the colder weather. Winter vomiting has been a feature every year.

Ms Lynch: Why?

The Taoiseach: The HSE has got clearance for another 250 private beds which will take long-term public acute patients. That is in addition to the 250 beds provided in November. The HSE informs me that it gets a benefit of about three months when the patients are removed. Older

people then fill those beds and the difficulty recurs.

Deputy Kenny's last point is valid and the HSE is prioritising it. The HSE is trying to deal with the issue of comfort and dignity and sanitary requirements. Hospitals have made a number of proposals which the HSE is trying to deal with under the capital programme for this year, which should help. Some work has been done in the area but there is work to be done in hospitals in Letterkenny, Wexford, Tallaght, the Mater and Beaumont in terms of increasing bed numbers. I hope this will be helpful over the course of this year. It is not a matter of resources, which are available in all these cases. It is a matter of moving on and completing the plans.

Mr. Kenny: Over the past few months I have visited, as no doubt the Taoiseach has, quite a number of accident and emergency units throughout the country. The Government seems to miss the point that older people filling hospital beds are not there by choice. If the health system was properly planned and was in a position to deal with their requirements it would provide better facilities for them to be at home, where they want to be, so they would be in hospital only for the shortest possible time. I do not know if the Taoiseach and his Ministers appreciate the level of fear people have about going to hospital in the first place — fear of infection, of picking up some ailment other than what they are going to have attended to in hospital. That is a genuine fear among the general population.

What has happened to the three special injury units which were to be provided in 2005 and to the nine 50-bed convalescent units which were to be provided as step-down facilities? There should surely be some joined-up thinking between the Department of Health and Children and the Department of Justice, Equality and Law Reform. It is intolerable that as a consequence of the new social phenomenon of total abuse of alcohol and drugs, accident and emergency units in almost every hospital are visited at weekends by drunks and their hangers-on, who go there to cause intimidation and assault on front-line staff, who must bear the brunt of the Government's failure in this regard. Is it time that assaulting a member of staff in an accident and emergency unit was classed as a particular offence? Is it time for us to have special rooms, wet rooms as Deputy Twomey calls them, where people can be allowed the privilege of sleeping off their intoxication and be charged handsomely for that privilege? Their friends and hangers-on who cause assault, fear and intimidation of staff and patients must be removed from accident and emergency units. Is it time we realised the current situation is worse than it was nine years ago? How can the Taoiseach say the situation is improving when we know that the number of people attending accident and emergency units is the same as it was years ago, and that people are now attending in

situations of far greater chaos, and with a greater sense of fear and intimidation? I raise this issue because front-line staff in all those units are bearing the brunt of public frustration at the Government's failure to plan properly for health situations and provide facilities and a service for people when they need them most. People deserve better.

The Taoiseach: There are more than 1 million inpatient hospital visits annually and thankfully, every bit of research shows that people in hospital in this country find the services and resources provided very satisfactory. There is a very high regard for all areas of the health services. People fear hospitals as they fear dentists and doctors but they are not fearful in the manner expressed by Deputy Kenny. We have a very good inpatient and day patient service. The accident and emergency area has always been a problem. It is not today or yesterday that drunks began to come to accident and emergency units, though it is only in the past 20 years that we have seen drug users attending them. It is true we now have a violent element, and gardaí are almost permanently based in the city hospital accident and emergency units. Security personnel have been there for many years.

In December 2004 we provided money for the acute medical units at Tallaght, Beaumont and St. Vincent's hospitals. The HSE then set up a mapping report for these rather than building them straight away, but they are building them now. I am sure there were good reasons for the delay, but they were not clear to us at the outset.

With regard to step-down places for immediate care, so far there are facilities for 562 people to move out of hospital into private care. I understand there is plenty of capacity in the private sector. The HSE told me yesterday it is now taking another 250 patients out of the acute public beds and putting them into longer-stay private beds. There is a cost element to that and Deputy Kenny is aware as I am that the old system whereby people came out on subvention, which existed up the Supreme Court decision, has almost ceased. They are not moving, but waiting until they get the private facility. That is a fact of life and we must deal with it.

Mr. J. Higgins: It is all to do with big business.

The Taoiseach: Deputy Kenny also made a point about older people wanting to move out of hospital when they are medically fit and raised the issue of home supports. In the last budget we provided large resources to the HSE in an attempt to help people stay at home and have more comprehensive facilities there.

Mr. J. O'Keeffe: The Government is fooling only itself.

The Taoiseach: We have provided such facilities. The senior official in charge of this process at the HSE has set up a task force which includes accident and emergency consultants, respiratory consultants and geriatricians — front-line staff who know the area well. They are also bringing forward proposals on the dignity issue. It is unacceptable and unnecessary that there are sanitary problems with regard to chairs and trolleys. In the past few years, some of the hospitals put forward proposals which were dealt with. In the hospital I know best, the Mater, a very good new accident and emergency unit opened in December, with 33 beds. There was chaos there last week because of the vomiting bug and the unit closed, so the burden fell back entirely on the old accident and emergency unit, which was designed for a different century. The new hospital at the Mater should have started at Christmas but because of the paediatric issue it has not yet started. Hopefully it will start when it is decided where to locate the paediatric unit. That is not the fault of the Government as we provided the money two or three years ago.

In Letterkenny an 11 bed unit will open this month, later in the year a 30 bed unit will open, in Wexford 19 beds will be opened this year and in Tallaght a 41 bed unit will be opened. In regard to capacity expansion the HSE is looking across the health service where there are other difficulties. I have mentioned the areas where there are problems. In all the other hospitals, for example, in the new unit in Cork, St. Vincent's Hospital, and Blanchardstown, huge progress has been made and there have been few complaints. Obviously that changes when the figures for flu and the vomiting bug increase.

Deputy Kenny asked what is the difference between now and a number of years ago. There is one difference between now and a number of years ago. The number of people of an older generation presenting at accident and emergency units is increasing. Obviously we have to deal with that. It is unsatisfactory that we do not have a general practitioner service after 5.30 p.m. That is forcing people——

Ms McManus: The Government is delaying it.

The Taoiseach: We are not delaying it. The Government is quite prepared to——

An Ceann Comhairle: Deputy McManus, this is a Fine Gael question and not a Labour Party question.

The Taoiseach: ——pay people to work after 6 p.m. and is prepared to pay for the general practitioner service. We have to get people to work. I hope we will get co-operation in the talks that are taking place. It is a fact of life, and I do not say this in a cynical way, that people do not stop getting sick at 5 p.m. or 1 p.m. on a Saturday. What we need in the negotiations is the co-operation of

[The Taoiseach.]

front line people to work those hours. They are not being asked to do that for nothing but for payment.

Mr. Rabbitte: I want to ask the Taoiseach about the implications of the High Court decision on the national aquatic centre. The Taoiseach will recall the Government made a decision in 2000 to build an aquatic centre in preparation, among other things, for the Special Olympics at an estimated cost of €30 million. However, it came in at €62 million. The trio of directors were the Taoiseach, the Minister for Finance and the Minister for Arts, Sport and Tourism, Deputy O'Donoghue, who——

A Deputy: Three wise men.

Mr. Rabbitte: ——decided to award a 30 year lease in the property worth €62 million to Dublin Waterworld Limited. This turned out to be a shelf company with a share capital of €127 and no assets. When the judge was confronted with this he said that to transfer a lease to a company with a share capital of €127 and no assets was truly astonishing. Dublin Waterworld Limited then secretly transferred the lease to a Fianna Fáil businessman, Pat Mulcair, in what was described in court as a “tax driven deal” that allowed him €2.8 million in capital allowances per annum.

According to the judge Dublin Waterworld Limited only assigned its right to the lease of the aquatic centre to Mr. Mulcair on 30 April 2003 but instead of Mr. Mulcair taking up the lease an elaborate set of agreements were put together to protect Mr. Mulcair's claim for capital allowances. When one looks at the National Sports Campus Development Authority Bill 2006 which is before the House one will find the most extraordinary provision in section 38 which provides that the Taoiseach, the Minister for Finance and the Minister for Arts, Sport and Tourism shall have, and be deemed always to have had, power to hold and transfer shares in Campus and Stadium Ireland Development Limited and the establishment of the company shall be, and be deemed always to have been, as valid and effectual as if they had that power at the time of its establishment.

The only conclusion one can arrive at from that is that there is serious doubt as to the legal capacity of these three members of Government without statutory authority to cause a private company to be formed and to enter contracts relating to the acquisition, holding and transfer of shares. Will the Taoiseach tell the House what is going on? What kind of legislation, six years later, seeks to confer retrospective authority on the Taoiseach to make this kind of deal? How could he and his two fellow directors decide to assign this to a shelf company with a share capital of only €127 and no assets to administer this? The company secretly transferred its right in the lease

to a businessman, well known to attend the Fianna Fáil tent at the Galway races, to facilitate him in €2.7 million capital allowances per annum, a lease that was revoked yesterday or taken back as a result of the judgment of the High Court.

The Taoiseach: Deputy Rabbitte is right on one thing that we did build a first-class aquatic centre for the Special Olympics.

Mr. Durkan: With or without a roof.

The Taoiseach: Thankfully it is still functioning extremely well. Deputy Rabbitte is incorrect as decisions were made by Campus and Stadium Ireland Development Limited, not by the three people he mentioned. The third issue is that he had the wrong party for Mr. Pat Mulcair. The Deputy will have to look elsewhere in the House for his allegiance.

Mr. O'Donoghue: And the wrong tent.

Mr. Durkan: There are two tents.

The Taoiseach: In the High Court yesterday, Mr. Justice Gilligan delivered his judgment in the case of Campus and Stadium Ireland Development Limited *v.* Dublin Waterworld Limited. Dublin Waterworld Limited operates the national aquatic centre under a 30 year lease from Campus and Stadium Ireland Development Limited. Campus and Stadium Ireland Development Limited took legal proceedings against Dublin Waterworld Limited for forfeiting of the lease and failure to comply with obligations under the lease which include the failure to pay rent, insurance and provide audited accounts. When the proceedings commenced it emerged that Dublin Waterworld Limited had transferred the beneficial ownership of the lease to Mr. Pat Mulcair. Deputy Rabbitte is correct in saying that was done secretly, unknown to Campus and Stadium Ireland Development Limited. It was transferred by Dublin Waterworld Limited to Mr. Pat Mulcair. Such a transfer of ownership should only have taken place with the agreement of Campus and Stadium Ireland Development Limited. That was entirely incorrect. Dublin Waterworld Limited sought relief against that forfeiture.

In his judgment, Mr. Justice Gilligan held with Campus and Stadium Ireland Development Limited on all counts. He found that Dublin Waterworld Limited had wilfully declined to honour its obligations pursuant to the lease of 30 April 2003. Accordingly, he declined to grant relief against the forfeiture and the case will come before Mr. Justice Gilligan again next week for finalising of the order. Therefore, I do not wish to make any comment on that.

The defendants will then have 21 days within which they may lodge an appeal to the Supreme Court. Campus and Stadium Ireland Develop-

ment Limited's position is that the national aquatic centre will remain open to the public. Contingency plans to ensure the centre continues to operate as normal have been prepared in the event that the appeal is not taken. Hopefully we can move on. The proceedings had the strong support of the Minister and the entire Government throughout the last difficult period.

Our hope is that the centre will remain open. It will have to find a new way of functioning. My preference is that would be done by Campus and Stadium Ireland Development Limited. That is an option but perhaps other options may have to be looked at. The national aquatic centre is a world class centre as defined by everybody who has used it in European and international competitions and as declared by those who used it during the Special Olympics. It was built in record time to provide a state-of-the-art facility for a state-of-the-art Special Olympics competition of which we should all be proud.

Mr. Rabbitte: How can the Taoiseach say with a straight face that we built a first class water centre? In January, the roof blew off.

Mr. Treacy: There was a wind, Pat.

Mr. Rabbitte: The Taoiseach told the House it was because of the storm. In fact, it was established that it was because of a structural defect. Now it is alleged that the pool is leaking.

Mr. J. O'Keeffe: It is like the tunnel.

Mr. Rabbitte: How can the Taoiseach say this project was a first class achievement? As regards the Taoiseach alleging that Mr. Mulcair has a more ecumenical approach to the purchase of influence than the normal businessman the Members opposite assist, that makes little difference to the decision of the High Court. How was it justified to transfer such an important valuable State asset to a private company that had no assets and a share capital of €127?

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

Mr. Rabbitte: How can the Taoiseach boast about the merits of it to the disabled when the fact is that the pool is not equipped to cope with many people with disabilities? Along with many of my colleagues, I had to make representations on behalf of a special needs school in my constituency. This is another case of gross incompetence, tax avoidance and waste of taxpayers' money. Ever since this project was embarked upon it proved to be haunted by bad judgment, bad decision making, bad building and bad decisions as regards the operation and its administration. Tremendous tax advantages have been conferred on a businessman whose tent he is going into. How can the Taoiseach justify that? The

Taoiseach, the Minister for hanging pictures and the Minister for Finance are now seeking retrospective justification in legislation currently before the House that asks the House to treat them as having the powers as if they had them at the time.

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

Mr. Rabbitte: This is a scandal and, once again, nobody on the Government benches puts up their hands and accepts responsibility for it.

Mr. Durkan: Why would they?

The Taoiseach: Deputy Rabbitte is commenting on the judgment of a case that was brought by the Minister—

Mr. Rabbitte: It was not brought by the Minister.

The Taoiseach: It was brought by Campus and Stadium Ireland Limited and supported by the Minister.

Mr. Rabbitte: Why did the Taoiseach say it was brought by the Minister?

The Taoiseach: Will the Deputy listen to what I am saying?

Mr. Rabbitte: The Minister did nothing.

The Taoiseach: Deputy Rabbitte has had his time.

Mr. N. Dempsey: What the Taoiseach is saying is much more accurate than the accusations Deputy Rabbitte made.

An Ceann Comhairle: Deputy, allow the Taoiseach continue without interruption.

The Taoiseach: The case was brought by Campus and Stadium Ireland Limited, supported strongly by the Minister, to rectify the problems that had arisen with Dublin Waterworld, which broke its lease. The Deputy asked why the company broke its lease and get to this position in the first place.

Mr. Rabbitte: That is the question.

The Taoiseach: It was because the judgment of Campus and Stadium Ireland Development Limited was to give it to that company on a tendered basis. It did that.

Mr. Rabbitte: The three of you would hand in your resignations if you were private directors. If you were private directors you would be removed.

The Taoiseach: Deputy Rabbitte is always wise after the event. If he had rang Campus and Stadium Ireland that day and told them what he knows now, it would not have made that decision. They did not know then.

Mr. Rabbitte: The matter was investigated by the Committee of Public Accounts at the time. The Taoiseach's then Attorney General, now the Minister for Justice, Equality and Law Reform, found that everything was okay in this particular regard.

An Ceann Comhairle: Deputy Rabbitte—

Mr. N. Dempsey: Deputy Rabbitte should listen to the truth, not the conspiracy theory.

An Ceann Comhairle: Minister Dempsey, the Chair is speaking. Deputy Rabbitte had two minutes to submit a question and one minute to submit a supplementary. He used seven minutes in total to submit his questions.

Mr. Rabbitte: I used half of the time that was allocated to the previous question.

An Ceann Comhairle: I do not dispute that. You are correct in that. The point I am making is that you were allowed make your contribution without interruption from anybody. You cannot now continue to use the remainder of the time to interrupt the Taoiseach.

Mr. McCormack: It is hard to resist.

Mr. Roche: You should try.

An Ceann Comhairle: Whoever is replying to a question is entitled to the same courtesy as every other Member. I ask that the Taoiseach be afforded that courtesy.

Mr. McCormack: He is only waffling.

Mr. O'Dea: The Government Members are now allowed to speak.

The Taoiseach: The point is that Campus and Stadium Ireland Development Limited made a decision based on its best judgment. It was dealing with Dublin Waterworld Limited, a company it ran into difficulty with for all the reasons I have already outlined. There is no need to go back over them. It then took legal action to deal with the situation and won its case on all counts. It does not take from the fact that Rohcon built a fine aquatic centre. During a severe storm the roof blew off because of a structural defect and it had to pay for it with no cost to the taxpayer for the work involved in that.

Mr. McCormack: Except the tax relief.

The Taoiseach: People in this House ranted about leaks because they are against the idea of an aquatic centre. They were against the development at Abbotstown from the very start.

Mr. Allen: With good reason.

Mr. Roche: The Deputy is a former Minister for sport.

The Taoiseach: Let us be honest. They were against everything we did for sport.

Mr. Rabbitte: Has the Taoiseach forgotten it was the Minister for Justice, Equality and Law Reform and the Tánaiste who were opposed to it?

The Taoiseach: I remember it well and when he called me Ceaucescu I did not jump up looking for an apology.

Mr. Durkan: Did the Taoiseach recognise him?

The Taoiseach: In fact, I did not get an apology but that is neither here nor there.

(Interruptions).

Mr. O'Donoghue: He is not so thin-skinned.

A Deputy: The Minister, Deputy O'Donoghue, read Miriam Lord's article this morning.

The Taoiseach: I do not worry about these matters. I do not have sleepless nights or difficulties. I was taught at a very young age that sticks and stones might break my bones but names will never hurt me. I do not worry about any of these matters. I just get on with the job.

Mr. Allen: Perhaps the Taoiseach will tell the truth.

The Taoiseach: I would love to hear Deputy Rabbitte commend the huge progress this Government has made in sport in every way—

Ms O. Mitchell: The Taoiseach will not live that long.

The Taoiseach: —whether it is Croke Park, the grounds throughout the country, the money we put into Irish racing, which gave us the good results last week, rather than running around trying to find leaks and little things in legislation against Irish sport.

Mr. Rabbitte: A little thing like €62 million.

The Taoiseach: I am very proud of everything I have done and continue to do for sport.

Mr. Sargent: Yesterday, Members rightly spent time trying to find the truth behind the murder of the late solicitor, Pat Finucane. In the course

of the exchange the Taoiseach mentioned comparisons, in terms of investigations, with Bloody Sunday in 1972 when 13 civilians were shot dead in Derry. I then read in *The Irish Times* that the military is investigating police allegations that soldiers shot dead a family of 11 in their home last week. The inquiry comes a day after a magazine published allegations that troops killed 15 civilians in another town last year. A criminal inquiry into those deaths was launched last week. The only difference is that the soldiers were not British but American and the families are in Iraq and not Derry or Belfast. *Time* magazine published accounts by townspeople to the effect that troops went on a rampage after a marine was killed by a roadside bomb west of Baghdad in November. The witness rejected an original US account that the 15 also died in the bomb blast. A young child stated: "I watched them shoot my grandfather first in the chest and then in the head, and then they killed my granny". The *Time* article states that accusations that US soldiers often kill civilians, including children, and that little disciplinary action has resulted in the few cases investigated, has aroused Iraqi anger since the invasion. In the light of that, will the Taoiseach agree it is stomach churning to read about the Minister for Transport, Deputy Martin Cullen, doing a nixer for the Minister for Defence by heading off with Irish troops to New York to "welcome back US troops from Iraq"?

Mr. Gormley: Disgraceful.

Mr. Sargent: Does the Taoiseach at least admit that it was ill-judged? Without even blushing, the Minister, Deputy Cullen, said it was an honour to represent the Government. What is the Taoiseach's position on such an obvious double standard? Is this not the clearest indication yet that he fully supports US policy in Iraq? Does he agree that the invasion of Iraq has been entirely counterproductive? It has swelled the ranks of al-Qaeda and it has brought Iraq to the brink of civil war. It is time finally to condemn the killing of innocent children in Iraq and to end the facilitation of the movement of US troops through Shannon Airport, given those atrocities.

Mr. Gormley: Hear, hear.

The Taoiseach: I would kill——

Mr. Gormley: You would kill.

The Taoiseach: I would condemn the killing of anyone anywhere. If any of these atrocities that are being investigated turn out to have happened, then they are outrageous.

Mr. Sargent: What will he do about them?

The Taoiseach: There is no doubt about that.

Mr. Gormley: Why is he assisting the killers?

The Taoiseach: We are not assisting the killers. There are no Irish troops in Iraq.

Mr. Gormley: There are troops in Shannon Airport.

The Taoiseach: The Minister for Transport was invited by the Fighting 69th homecoming celebration committee to attend and speak at a public wreath-laying ceremony on 16 March at the Father Duffy statue in Times Square, which commemorates the tens of thousands of New Yorkers who served with the brigade. The regiment's battle flag was presented to the Irish nation by President Kennedy when he addressed the Houses of the Oireachtas in 1963. This flag is on permanent display here. The regiment is better known as the "Fighting Irish" and is the US army unit with the closest ties to Irish America. It has led the St. Patrick's Day parade up Fifth Avenue in New York every year for more than 150 years, so the Minister did nothing inappropriate.

Mr. Sargent: We know the Taoiseach does not jump to every invitation and the families of the Stardust victims can testify to that. I am not sure why he felt compelled to send the Minister to that ceremony at the drop of a hat. The Prime Minister of Italy, who is very pro-US, has demanded that the US patrol involved — it was the fighting 69th — in the killing of an Italian during the rescue of an Italian journalist, Giuliana Sgrena, be brought to justice. Will the Taoiseach stand back from his blind indifference to the slaughter in Iraq? It is all very well for him to say he condemns the killing of children, but if this country is neutral and condemns killing, how can the Government continue to facilitate the troops involved in such atrocities on their way through Shannon Airport? How can he stand back and not demand that those guilty of war crimes be punished? Does he believe the decision by President Bush to land in Shannon and rally his troops was an abuse of Irish neutrality and of the Taoiseach's sheepish support for his bloody misadventure in Iraq? Can the Taoiseach take a stand and not just speak from both sides of his mouth on the issue?

When he was in America, what did the Taoiseach say to President Bush on the conflict in Iraq? Did he tell the President that he would have to look at the issue of facilitating the passage of US troops through Shannon? Did he give any timeframe for it?

The Taoiseach: I remind the Deputy that there is a multinational force in Iraq and not just US forces.

Mr. Boyle: Ninety per cent of the force is American.

The Taoiseach: I condemn absolutely the slaughter inflicted on the people of Iraq under the regime of Saddam Hussein, as well as the current atrocities. The international force currently in Iraq was requested by the UN on 8 November 2005 to reconstruct and organise Iraq. The Deputy is asking me to break a UN resolution and I will not do so.

Mr. Boyle: The resolution does not encourage rendition.

Mr. D. Ahern: The Deputy should check the resolution. He should check the facts.

An Ceann Comhairle: Allow the Taoiseach, without interruption.

The Taoiseach: It was appropriate that the Minister for Transport, Deputy Cullen, spend some time with the Fighting Irish as part of his trip. I am surprised that the Deputy feels that it was inappropriate.

Mr. Gormley: What about Shannon Airport? Will he answer the question?

The Taoiseach: I did answer the question.

Mr. Sargent: The Taoiseach has blood on his hands.

Ceisteanna — Questions.

Northern Ireland Issues.

1. **Mr. Sargent** asked the Taoiseach if he will report on contacts he has had with the UK Government or with the Northern Ireland political parties following the 25 February 2006 riots in Dublin; and if he will make a statement on the matter. [8962/06]

2. **Mr. Rabbitte** asked the Taoiseach the outcome of his meeting on 1 March 2006 with a delegation from Sinn Féin; and if he will make a statement on the matter. [9067/06]

3. **Mr. Rabbitte** asked the Taoiseach if he will report on his most recent contacts with the British Government and the political parties in Northern Ireland on efforts to restart the political process there; and if he will make a statement on the matter. [9068/06]

4. **Mr. Rabbitte** asked the Taoiseach his views on whether or not the violent scenes in Dublin on 25 February 2006 when the Love Ulster march had to be abandoned will have any impact on the Government's relations with parties in Northern Ireland and efforts to restart the political process there; and if he will make a statement on the matter. [9069/06]

5. **Mr. Kenny** asked the Taoiseach if he will report on his recent contacts with the British Government; and if he will make a statement on the matter. [9148/06]

6. **Mr. Kenny** asked the Taoiseach if he will report on his meeting with Sinn Féin on 1 March 2006; and if he will make a statement on the matter. [9150/06]

7. **Mr. Kenny** asked the Taoiseach if he will report on his meeting with the leadership of the SDLP on 2 March 2006; and if he will make a statement on the matter. [9151/06]

8. **Mr. Sargent** asked the Taoiseach if he will report on his meeting with the Sinn Féin Party on 1 March 2006; and if he will make a statement on the matter. [9153/06]

9. **Mr. Sargent** asked the Taoiseach if he will report on his meeting with the SDLP in early March 2006; and if he will make a statement on the matter. [9154/06]

10. **Mr. Sargent** asked the Taoiseach if he will report on his meeting with the UK Prime Minister, Mr Tony Blair, in early March 2006 in London on the future of the Northern Ireland peace process; and if he will make a statement on the matter. [9155/06]

11. **Mr. Sargent** asked the Taoiseach if he will report on contacts he has had with the UK Government or with the Northern Ireland political parties following the 25 February 2006 riots in Dublin; and if he will make a statement on the matter. [9160/06]

12. **Caomhghín Ó Caoláin** asked the Taoiseach the contacts he has had with the British Prime Minister, Mr. Tony Blair, regarding the peace process since 1 March 2006; and if he will make a statement on the matter. [9198/06]

13. **Caomhghín Ó Caoláin** asked the Taoiseach if he is due to visit the United States around St. Patrick's Day; his engagements there; and if he will make a statement on the matter. [9267/06]

14. **Mr. J. Higgins** asked the Taoiseach the issues he intends to discuss with the US President Mr. George W. Bush during his visit to the White House on St. Patrick's weekend 2006; and if he will make a statement on the matter. [9373/06]

15. **Mr. J. Higgins** asked the Taoiseach if he will report on his recent contacts with the parties in Northern Ireland. [9375/06]

16. **Mr. J. Higgins** asked the Taoiseach when he next expects to meet with the British Prime Minister Mr. Tony Blair. [9376/06]

17. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of his meeting with a delegation from the SDLP on 2 March 2006. [9517/06]

18. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of his visit to the United States over the St. Patrick's Day period. [10193/06]

19. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on his contacts with political leaders during his visit to the United States over the St. Patrick's Day period. [10194/06]

20. **Mr. Rabbitte** asked the Taoiseach the matters discussed and conclusions reached at his meeting with President Bush during his visit to the United States over the St. Patrick's Day period. [10195/06]

21. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of his meeting with the British Prime Minister, Mr. Tony Blair, in London on 8 March 2006; if new initiatives are expected following the meeting in regard to the political situation in Northern Ireland; and if he will make a statement on the matter. [10223/06]

22. **Caoimhghín Ó Caoláin** asked the Taoiseach if he will report on his meeting with the US President Mr. George Bush; and if he will make a statement on the matter. [10224/06]

23. **Caoimhghín Ó Caoláin** asked the Taoiseach if he will report on his meeting with the British Prime Minister, Mr. Tony Blair, on 8 March 2006; and if he will make a statement on the matter. [10567/06]

24. **Mr. Kenny** asked the Taoiseach if he will report on his recent visit to the United States; and if he will make a statement on the matter. [10790/06]

25. **Mr. Kenny** asked the Taoiseach if he will report on his recent meeting with the President of the United States; and if he will make a statement on the matter. [10791/06]

The Taoiseach: I propose to take Questions Nos. 1 to 25, inclusive, together.

When the British Prime Minister and I met in Dublin in January, we made clear that 2006 will be a decisive year. Since then, there has been a round of meetings with the political parties in Northern Ireland, jointly chaired by the Minister for Foreign Affairs and the Secretary of State for Northern Ireland. I met with the Prime Minister again on 8 March in London to discuss the way forward and I will see him again at the European Council in Brussels later this week. I anticipate a further substantive meeting with him in the near future. Both Governments are working very

closely together at the moment. We believe that it is important to have an agreed strategy to bring about the restoration of the devolved institutions and to assure the full implementation of the Good Friday Agreement. We have made it clear that if difficult decisions need to be taken, we will do so.

I met with representatives of Sinn Féin in Dublin on 1 March and with representatives of the SDLP the following day. Both meetings offered a timely opportunity to assess the current situation and how matters might move forward. We discussed the possibilities for moving the process forward and our common objective of securing the earliest possible restoration of the devolved institutions. I also had an opportunity to meet informally with some of the Northern political leaders in Washington last week.

On the occasion of the St. Patrick's Day celebrations, I fulfilled a number of engagements in San José, California and in Washington last week. I focused on three key themes, namely, the progress made in the peace process in the past year and our clear determination to resolve the outstanding issues this year, the plight of the undocumented Irish and the positive story of the success of modern Ireland. I spoke about what we believe is the Irish advantage, a theme which was also articulated by Ministers in many other engagements throughout the world during the St. Patrick's Day period. I addressed the Spirit of Ireland dinner in San José to celebrate 20 years of the sister-city relationship between San José and Dublin. I also attended a number of business-related meetings and engagements with Silicon Valley businesses, including with the CEO of Hewlett Packard at its headquarters in Palo Alto. In Washington, I attended the Speaker's lunch with President Bush and also had a number of meetings on Capitol Hill with key members of the Senate and House of Representatives. I also attended the American-Ireland Fund national gala.

On St. Patrick's Day, I presented President Bush with the traditional bowl of shamrock in the White House and then met with him in the Oval Office for discussions on Northern Ireland, immigration reform and a range of current international issues. I am particularly grateful for the continuing support of the President for the peace process. He made it very clear that the US will support the efforts of the two Governments as we seek to make definitive progress in the peace process this year.

The rioting in Dublin on the day of the Love Ulster parade was in no way representative of the views of the vast majority of the people here. I do not believe it will have any lasting impact on the peace process or on relations generally. The rioting was organised by a small group of agitators and has been rightly condemned on all sides.

Mr. Sargent: I read in the newspapers that the Taoiseach and the Prime Minister are ready to announce a plan within the next month so that we can all move forward. Does the Taoiseach have any intention of seeking as wide a consensus as possible for that move forward? I believe he needs to do so under the terms of the Good Friday Agreement. Will the consensus include seeking formal soundings from the Opposition parties in this House? Does the Taoiseach recognise that the solemn self-determination of the Irish people, North and South, regarding the Good Friday Agreement requires that one cannot simply move the process on by Government *diktat*? Does he agree that direct rule vetted by a toothless Assembly does not meet the terms of the Good Friday Agreement and that a ten-member shadow executive appointed by the two Governments and broadly reflecting the parties' electoral strength might be a better idea? I hope it can be discussed in more detail through those more formal soundings.

Does the Taoiseach accept the Good Friday Agreement belongs to the people, North and South, and that unilateral moves by the two Governments would have very serious constitutional implications? Perhaps he might consider that, bearing in mind that fewer than 50% of voters in this jurisdiction gave the Government that he heads a mandate. Taking the Good Friday Agreement from which all this stems into account, the Taoiseach must consult more widely than at present. Does he intend to do so? From reading the report, it seems that he does not, but perhaps it was not complete.

The Taoiseach: The Deputy's point is that we do not wish to go outside the Good Friday Agreement, but the two Governments wish to stick to it absolutely. If we are forced from that, we intend to stick to it as closely as possible.

As the Deputy says, there have been alternative proposals from the parties. At this stage, every party has proposals on the way forward. The Assembly cannot meet in shadow fashion, since that is totally opposed by the SDLP and Sinn Féin, and if other parties wish it in that interim form, we must find a bridge between their viewpoints. Governments enforcing a solution and losing the confidence of one side is no use, so we must find a bridge with which they can all live. However, we believe it would be helpful if the Assembly were up and running. Obviously, we would like it to be up and running and to lead very quickly to form an executive. If that were a difficulty in the short-term, we believe the Assembly should operate so the parties, which have not met in over three years, will at least have the opportunity to discuss the way forward based on the Good Friday Agreement. If they have other solutions — the Deputy has referred to one of several — they could discuss those too. If they agreed, as is my hope, and the resolution were outside the Good Friday Agreement, we could all

consult on whether it was acceptable. Some of those proposals deserve to be aired by the political parties in the North.

Mr. Sargent: What about the South?

The Taoiseach: Our position is that we want to see the Good Friday Agreement implemented. People in the South voted for it by 95% to 5%. Unless someone——

Mr. Sargent: What about members of all parties?

The Taoiseach: Yes, the entire population.

Unless someone produces a proposal, it does not follow that we are moving outside the Agreement. Hitherto, there has been none. Quite frankly, I hope there will be none, other than the review that was successfully carried out but not implemented. The review, which concluded on 7 December 2004, covered the Good Friday Agreement, and represented an entitlement of the parties in the Assembly. There is nothing outside that, but if there were, we would consult. However, we will not consult in advance on something totally hypothetical at this stage. It would be useful if the Assembly discussed those proposals in properly constituted session.

It could discuss other issues too. A great many reforms are being implemented in Northern Ireland in the absence of a political process. It is not a matter of one party in the Assembly being signed up, since none is. Yesterday, there was a large-scale reform of many agencies in the North. They have had issues regarding education, health and everything else without any involvement from elected politicians in Northern Ireland.

I have been urging them all that it is in no one's interest. I know the parties' views, but we should get the Assembly up and running, even if it does not automatically move to the executive, which I believe it should. Even if the executive met tomorrow, not all the parties are ready to move to an executive. It is only stating the obvious and the facts, but at least if we had some dialogue and movement, we could do so. The Minister for Foreign Affairs, Deputy Dermot Ahern, has been involved in multi-party talks. As the Deputy is aware, they have worked in various formations this year, and there has been very little engagement between the two Governments and all the parties. One might ask whether that is the alternative. It is a helpful process as long as people are talking, but it is not as good as having the Assembly meet.

The British Prime Minister and I will meet on Friday in Brussels, where we hope to work on the matter further. We aim to be able to present our position in early April, and certainly before Easter.

Mr. Rabbitte: Is the Taoiseach saying he is opposed to the whole idea of a shadow Assembly

or simply to one not premised on the basis that the executive would be up and running by a set date? I presume the Taoiseach agrees that, as we approach the eighth anniversary of the Good Friday Agreement, a great deal of the goodwill created by it is in danger of dissipating. After his meeting with the British Prime Minister in Brussels on Friday, will he be able to state how soon the two Governments might produce proposals?

If the Taoiseach's answer to my first question is that the two Governments might be prepared to consider the notion of an Assembly provided there were a commitment to reviving the executive within a short period, what would the implications be for the North-South bodies?

I would like to ask the Taoiseach about something on the Order Paper yesterday relating to whether he believes the decommissioning announced last year and supervised by the de Chastelain commission was actually completed. I ask because yesterday's regulations made provision for the immunity from prosecution granted to people involved in the process to continue for another year. Why was that decision made, and does the Government have information suggesting that it is necessary to extend the order?

The Taoiseach: The word "shadow" creates major difficulties for some parties, mainly the SDLP and Sinn Féin. I do not like the concept either, since it is not a full Assembly. I see no need to have it in shadow form. Deputy Rabbitte correctly interpreted me. We would like to drop the word "shadow" and have the Assembly meet for a set period. If the executive had not been formed by that date, we would have to re-examine matters.

That is my thinking at present. We will attempt to set up and operate the Assembly, in which many matters could be dealt with. The words "shadow" and "interim" create difficulties. A fixed period must be set as there would be no point in trying to set up an ineffective shadow Executive that would just go on and on. Agreement to do so would not be reached and neither the British nor the Irish Government wishes to do that.

We must have a meaningful period in which we can ascertain whether it is likely that an Executive can be formed. Obviously, I hope that it is. However, I do not believe that this would happen, as it should, on the first day, whereby one would trigger the D'Hondt mechanism and move on. It will be possible to construct such an arrangement, because many political decisions have been made without recourse to the Assembly and it is important that it is set up. While the Secretary of State, Mr. Hain, has certainly been performing his function, much has taken place without the participation of the political parties. He would also like to see the Assembly in operation. I agree with his com-

ments on Monday that things cannot remain as they are. He wants to see progress, as do I.

As for decommissioning, I was not aware of the regulations referred to by the Deputy, but I will check it. As far as we are concerned, the matter is dealt with unless the regulations are to make provision for other groups to decommission. As far as the issue of the Provisional IRA decommissioning and the de Chastelain report is concerned, our position has not changed.

Mr. Rabbitte: The Taoiseach might return to this issue as it is an important point.

The Taoiseach: I will. I will check the Order Paper and if the regulations are not to facilitate other parties, I will certainly return to it. I presume the regulation was under the aegis of the Department of Justice, Equality and Law Reform, but I will check it.

Mr. Kenny: I want to ask the Taoiseach a different set of questions. In respect of the violence on the streets of Dublin on 25 February, the Taoiseach commented that the word in his constituency on the previous night was that this would happen. What did the Taoiseach mean by that? Did he communicate that fear and concern to the Minister for Justice, Equality and Law Reform or to any of the Garda authorities, on the basis that there might be an expected increase in the level of potential violence and that they should be ready to deal with it?

With regard to the meeting at the White House, will the Taoiseach confirm whether the Irish Ambassador beat a path to his counterparts in the White House to facilitate the invitation of the president of Sinn Féin to the function? I understand the American authorities were reluctant to do so. Were Irish officials engaged in diplomatic contacts with the White House to facilitate this?

What was the impact of the Taoiseach's discussions with President Bush with regard to the murder of Joseph Rafferty and the facilitation of his family's journey to the United States? Was the question of international terrorism discussed at the Taoiseach's private meeting with President Bush? Last night, the Minister for Justice, Equality and Law Reform reaffirmed that the IRA was to sell its expertise in bomb-making to FARC for between €20 million and €30 million. The Minister stated that it would be used for electioneering purposes in the next election. The Government made consular assistance available to the people known as the Colombia Three, sent a representative to their trial and posted bail. Did the President raise with the Taoiseach this apparent contradiction on the part of the Government? In other words, while the Minister for Justice, Equality and Law Reform has stated that the IRA was in the business of raising €20 million to €30 million for electioneering purposes in this State, the Government seemed to state implicitly

[Mr. Kenny.]

that nothing was wrong. Did President Bush raise this issue at his private meeting with the Taoiseach in respect of international terrorism?

The Taoiseach: Invitations to the White House are handled solely by the White House. Certainly, no tracks were beaten to its door. However, in so far as discussions took place, I gave my view to the President's representative, Mitchell Reiss, when he visited earlier, namely, that it would be best if all parties were invited. A path was not beaten to the White House door. It was best that all parties were invited. While the DUP did not turn up, it was invited.

On the issues discussed with President Bush, obviously, the President and I were not alone. He was accompanied by several members of his Administration and I was accompanied by the Minister for Foreign Affairs, Deputy Dermot Ahern, the Ambassador, and other officials. International terrorism was discussed and the President, as is normal on the occasion of St. Patrick's Day, referred to the current issues. Obviously, he spoke about Iraq, Iran and India. He spoke at some length on Darfur — the Minister for Foreign Affairs will travel there shortly — and he is anxious to make progress. We spoke about United Nations reform and human rights issues, as well as issues I raised concerning extraordinary rendition and CIA flights. While we went through a range of issues, we did not discuss the Colombia Three, nor was the case raised.

Efforts were made for the Colombia Three. I made efforts on a consular basis in that they were Irish people who should receive proper facilities and protection during their trial. We dealt with the issue on that basis. I do not have details of the exact circumstances as to what they were doing in Colombia. I never believed they were on holidays. However, I do not have hard facts in that respect. As the Deputy is aware, the Americans hold strong views on that issue, as do the Colombians. They believe there was a link between FARC and the Provisional IRA representatives.

Mr. Kenny: What is the status of the request for extradition received from Colombia?

The Taoiseach: We sent a reply to Colombia before Christmas. While issues are still being processed, ultimately, it will be a matter for the courts. As for the legal basis, it is difficult to see progress on it. Given all the circumstances, I cannot envisage any early resolution of an extradition case. Ultimately, however, it is a matter for the courts. We sent our position to the Colombians before Christmas and to the best of my knowledge, they are still pursuing the matter. It is still a live issue.

Caoimhghín Ó Caoláin: Let Deputy Kenny note that the so-called Colombia Three are cer-

tainly not raising money for Sinn Féin's electoral effort.

Is this a bridge too far or a bridge we can all live with? I noted the Taoiseach's responses earlier. Does he agree that if the Good Friday Agreement is to be implemented, the following steps must be taken — I emphasis, they must be taken now — first, the British Government must lift the suspension of the Assembly; second, the Assembly must reconvene; third, there must be the election of the First Minister, the Deputy First Minister and the Executive in place; and, fourth, all the outstanding bodies, including the All-Ireland Ministerial Council, must be fully restored.

Does the Taoiseach agree that the process I have outlined should be set in train now, with the British Government lifting the suspension of the Assembly? If, in the period between the lifting of the suspension and the date set for the election of the executive, the DUP continues to refuse to share power, does the Taoiseach agree the only option remaining to both Governments at that time would be to close the Assembly? Does he agree that a sham Assembly with no executive and no all-Ireland structures would be nothing more than an unacceptable failure? Is it not the case that the British Government should now proceed to take the relevant and important steps to set the process back on track, to test the democratic commitment of the DUP and to put it to the democratic test? Is that not what is now required to move us out of the current situation? If that cannot succeed, if the DUP will not be a party to that arrangement, is it not time then to write plan B?

On the allied questions about the Taoiseach's recent visit to the United States and his contact with President Bush, I wish to ask about the CIA flights and rendition and the use of Shannon Airport. In his opportunities with President Bush, did the Taoiseach not put it to him that if, as they assert and the Taoiseach appears to accept readily, they are innocent of any of the claims or suggestions made of rendition taking place and Shannon being used to accommodate and facilitate the transfer of persons who have been taken, abducted, imprisoned or whatever description the Taoiseach chooses, there should be no difficulty in having the planes inspected as a matter of course and routine?

The Taoiseach: All I want to say about plan B is I hope we never get there.

Caoimhghín Ó Caoláin: We both agree on that.

The Taoiseach: If we do, I do not disagree that we must then find a new way forward. We have given that some thought, but not much because we do not want to have to. If we get to a situation where we cannot get a working executive going, then obviously we must look again. It is not something on which I want to speculate or comment,

but we could get to that position this year because we will not let this drift.

I replied to Deputy Rabbitte about the shadow Assembly. It is best that the Assembly meets in the form that we understand as the Assembly. It would be useful, because it has not met for more than three years, to have a time zone to try to deal with some issues. It may not prove productive and it may not prove possible, but in our thoughts at least we are looking at that possibility. That time zone will obviously be nothing other than a fixed period where we would try to build confidence.

Significant progress has been made in Northern Ireland to date. We have seen the latest reports on all fronts last week and they are positive, but it is crucial to have the political representatives meeting in a way that they can do their business. That is the challenge now, when some of the other aspects are working effectively.

It is possible to get back to the December 2004 position. I still believe now, even though it is a long time since that period, that the DUP was very close and ready to make a move on that occasion. I really believe that and I think most other people do too. I will not go back over all the events that scared that all off but we came to a position where we had to start developing trust and confidence to build that up again. We have not reached that point yet and I do not know if we can reach it in a relatively short time, but we must try. To abandon the Good Friday Agreement and move on to a plan B without trying to do that would be reckless. I have argued since the beginning of the year — I need not argue too much with most people — is that it is right that we give it a period. To get the Assembly to meet on a Tuesday, move the d'Hondt mechanism on Wednesday and break up on Thursday is not a bright idea. I hope nobody asks me to do that because there would be not much point in doing so. We must find a more useful and productive mechanism of trying to restore the Assembly. Other than that, I think we can do it.

I discussed the issue of rendition and the use of Shannon Airport with the President. We recently received assurances and nothing was said other than a clear position that this country has not been used in that regard. I have not stated, as the Deputy implied, that somewhere else was not used. I never said that. We sought assurances about Ireland and Shannon.

I also raised the issue that we would like to see more transparency associated with the transit of any CIA aircraft through Shannon in the future with a view to alleviating the concerns. We have left it for officials to discuss how that is done. While the President did not seem to be opposed to it, he did not agree either. It is something we should pursue at official level. We did not get to the stage of agreeing or disagreeing on it. I explained to him the problem, the difficulty and the perceptions and he understands that.

Mr. Rabbitte: What is the view of the two Governments on the alternative SDLP proposals that the commissioner is drawn proportionately from the parties? It might be an alternative to the formula that the Taoiseach seems to be contemplating with Mr. Blair.

The Taoiseach: I discussed this with the leader of the SDLP, Mark Durkan, and colleagues on a number of occasions. As I stated, I would like to see their proposals and other proposals examined and discussed within the Assembly. If we cannot get things up and running exactly as we would like, all the parties have different proposals and they should get an airing. The reason for that is if they are to be workable, they must get cross-community support between, or at least among enough of, them. For it to work on the basis of the Good Friday Agreement it needs everybody.

There are merits in many proposals. Some of the proposals are not that far away from each other, although unfortunately they are portrayed as being very different to each other. In the normal political thrust of politicians and political parties being able to debate the proposals, they perhaps would see some aspects of them that they could successfully take forward.

Our opening position is that it must be strictly as per the Good Friday Agreement. On their examining proposals, the review did so and came up with many different positions. The SDLP's proposals have been well thought out. I am not sure whether they would carry support from other parties. Whatever chance one would have, they need to be heard in the bigger picture of the Assembly.

Requests to move Adjournment of Dáil under Standing Order 31.

Mr. Sherlock: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the need for the Minister for Agriculture and Food to clarify the exact negotiating stance she adopted during last November's EU Agriculture Council during negotiations to overhaul the sugar regime given the subsequent closure of the Irish Sugar plant at Mallow and to state the efforts she made to save the industry in recent months.

Ms Harkin: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the fact that we do not have a comprehensive national women's strategy that will address the issues of violence against women in all its forms and, in particular, that, in my constituency of Sligo-Leitrim, there is no safe crisis accommodation for women and their children experiencing domestic violence and there is no ongoing support for people whose homes are no longer a safe refuge.

Mr. Deenihan: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter

[Mr. Deenihan.]

of national importance, namely, the need to postpone the implementation of the Taxi Regulations Commission Action Plan 2006-2007 for at least six months to enable more independent consultation with the taxi industry nationwide.

Mr. Boyle: I wish to seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, that the Minister for the Environment, Heritage and Local Government make a statement in the House on the findings of the just published report that one third of this country's waterways are seriously polluted.

Mr. Cuffe: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the emissions from the Tyrone Brick works in Castlecomer, County Kilkenny, and the EPA's actions in regard to the recent fire in the plant.

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

Order of Business.

The Taoiseach: It is proposed to take No. 13, Employees (Provision of Information and Consultation) Bill 2005 [*Seanad*] — Order for Report, Report and Final Stages and No. 12, National Sports Campus Development Authority Bill 2006 — Second Stage, resumed. Private Members' business shall be No. 47, motion re political donations and planning, resumed.

An Ceann Comhairle: There are no proposals to put to the House.

Mr. Kenny: When is it proposed to publish the report on the safety of the Corrib gas field, which the Minister for Communications, Marine and Natural Resources has been considering for some time?

The Taoiseach: I was talking to the Minister earlier. He had meetings this morning on some ongoing issues. I will try to get a final date from him but he is trying to bring matters to a conclusion.

Mr. Rabbitte: I wish to clarify the Taoiseach's remarks yesterday. Is he saying the criminal justice Bill will be put back to a Second Stage debate?

Mr. J. O'Keeffe: On the same issue, the Taoiseach stated yesterday the Bill would be recommitted, which seems to be in error. I endorse Deputy Rabbitte's request for clarity on what is proposed by the Government because there is total confusion about how the Bill will be handled. The original Bill comprised 36 sections

but 255 pages of amendments have been circulated.

An Ceann Comhairle: I do not want repetition.

Mr. J. O'Keeffe: We want to deal with this legislation properly and effectively.

The Taoiseach: I will get full clarity from the Minister and I will give the information to the Whips for the meeting tonight. As I understand it, because of the extent of the amendments to the Bill, it will be recommitted so that we can have effectively a Second Stage debate. Members will be able to contribute on the totality of the Bill. That is my understanding but I will get absolute clarity.

Mr. Sargent: The United Nations conference on environment and development has designated 22 March as world water day. Where stands the Water Services Bill 2003, which is awaiting Committee Stage? Does the Government intend to give priority to this matter? The east of the country will face severe water shortages

An Ceann Comhairle: We cannot debate this matter.

Mr. Sargent: Water shortages, which are expected by 2020, are being seriously examined by the rest of the world. Is priority being given by the Government to this matter?

I refer to European Commission documents on the Order Paper relating to genetically modified products. Does the Government intend to provide time for debate on these matters, given they are of major concern inside and outside the House?

The Taoiseach: The Water Services Bill 2003 is awaiting Committee Stage. I will raise with the Minister for the Environment, Heritage and Local Government when it is intended to take Committee Stage but the Bill was published more than two years ago and Second Stage has been taken.

It is a matter for the Whips to allocate time regarding the other issues.

Ms O. Mitchell: It was reported earlier that Iarnród Éireann has lost the contract to transport Guinness in Ireland via rail after almost two centuries. As a result, 1.3 million additional kegs will be transported on our roads.

An Ceann Comhairle: The Deputy should table a parliamentary question to the line Minister.

Ms O. Mitchell: I have a question about promised legislation, namely, the rail transport Bill.

The Taoiseach: It will be taken later this year.

Ms O. Mitchell: Will the Minister for Transport do anything to stop the erosion of rail freight in Ireland and allowing CIE to lose contracts deliberately?

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

Ms McManus: Yet again, I have a sheaf of parliamentary questions to the Minister for Health and Children, which have been referred to the HSE, and I do not know when I will receive a reply.

Mr. McCormack: The HSE will not reply to the Deputy.

Ms McManus: Will the Taoiseach give us a copy of the speaking notes he had earlier on the accident and emergency department crisis?

An Ceann Comhairle: That does not arise on the Order of Business. We cannot go back over Leader's Questions.

Ms McManus: Is the Taoiseach willing to circulate that information to us, as it would be useful?

An Ceann Comhairle: We cannot go back over Leader's Questions. We spent 45 minutes on them.

Ms McManus: I have a question about legislation on information and when the Taoiseach replies, he might offer to give us a copy of his speaking notes.

An Ceann Comhairle: I will not allow that question because that would bring us into a whole new area not covered by Standing Order 26.

Ms McManus: The health information and equality authority Bill, under which Member's questions might be answered, must be put on a statutory footing. When is that likely to happen?

The Taoiseach: The heads of the health Bill have been approved and it will be ready later in the year. I do not have an exact month.

Caoimhghín Ó Caoláin: The Minister for Justice, Equality and Law Reform has defended his defamation of *Daily Ireland* on the basis that he spoke as a Minister of Government. As Head of Government, does the Taoiseach stand over this comment or will he disassociate himself and his Government from that defamation?

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

Caoimhghín Ó Caoláin: When will the defamation Bill be published?

The Tánaiste and Minister for Health and Children indicated legislation will be required regard-

ing the insurance aspects of the redress scheme for the victims of Mr. Neary in Our Lady of Lourdes Hospital, Drogheda. When will such legislation be published? When does the Taoiseach expect that Judge Harding Clark's report and recommendations on the redress scheme will be employed?

The Taoiseach: The Tánaiste said she has asked the judge to conduct an examination. She will not make moves until the judge reports back. I cannot recall how long the judge said it would take but it is not a long period.

The defamation Bill will be published this session.

Caoimhghín Ó Caoláin: Does the Taoiseach disassociate himself—

An Ceann Comhairle: That cannot be raised on the Order of Business.

Mr. Timmins: A number of months ago, I asked the Taoiseach if he would consider holding a Cabinet meeting in Wicklow to mark the 400th anniversary of the county. Will he confirm that he will do so in early June?

The Taoiseach: The Cabinet will meet in Wicklow on 7 June.

Mr. Broughan: Would it be possible to lay before the House the Deloitte & Touche report on the ESB and give a copy to Opposition spokespersons on energy? Has it been possible to arrange a meeting between the Taoiseach and the Stardust victims committee?

An Ceann Comhairle: It might be more appropriate to submit both questions as parliamentary questions.

Mr. Broughan: The Taoiseach wants to reply.

The Taoiseach: On the second question, I will talk to the Deputy about it.

Mr. Stagg: All parties have made substantial recommendations on Dáil reform and they are all agreed on the need for Ministers to reply in the Dáil on matters concerning statutory agencies under their remit. As we are all agreed on this, is it possible to change Standing Orders to facilitate it?

An Ceann Comhairle: The Deputy should submit a question on that.

Mr. Stagg: To whom should I submit it?

An Ceann Comhairle: The Deputy will have to find another way of raising the matter because the House legislated to give responsibility to the agencies.

Mr. Stagg: All parties are agreed on it.

An Bille um an Ochtú Leasú is Fiche ar an mBunreacht (Uimh. 3) 2006: An Chéad Chéim.

Twenty-eighth Amendment of the Constitution (No. 3) Bill 2006: First Stage.

Mr. Boyle: Tairgim:

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

I move:

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

An Ceann Comhairle: Is the Bill opposed?

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

Cuireadh agus aontaíodh an cheist.

Question put and agreed to.

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

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

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

Cuireadh agus aontaíodh an cheist.

Question put and agreed to.

Employees (Provision of Information and Consultation) Bill 2005 [Seanad]: Order for Report Stage.

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): I move: "That Report Stage be taken now."

I move: "That Report Stage be taken now."

Question put and agreed to.

Employees (Provision of Information and Consultation) Bill 2005 [Seanad]: Report Stage.

An Ceann Comhairle: Amendment No. 1 in the names of the Minister and Deputy Howlin arises from Committee proceedings. Amendments Nos. 1, 6, 7 and 44 are cognate and amendment No. 9 is related. These amendments will be discussed together.

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): I move amendment No. 1:

In page 3, line 21, to delete " , unless the context otherwise requires".

These are technical amendments which arise from the Interpretation Act. Arising from an amendment tabled by Deputy Howlin on Committee Stage I undertook to revert to these matters on Report Stage. Following advice from the parliamentary counsel, Government amendments Nos. 1, 6, 7, 9 and 44 are brought forward to deal comprehensively with the necessary technical changes required on foot of the new Interpretation Act which came into effect on 1 January 2006.

Amendment agreed to.

An Ceann Comhairle: Amendments Nos. 2 and 45 are related and will be discussed together.

Mr. Morgan: I move amendment No. 2:

In page 3, to delete lines 22 to 25.

This amendment is aimed at ensuring an election to select a representative of the employees rather than an appointment. The Bill currently reads: "appointed" means, in the absence of an election, . . . be such as is agreed by them with the employer'. I am concerned that this method of appointing a representative of the employees could be exploited by employers.

Mr. Killeen: This amendment and related matters were discussed at considerable length on Committee Stage and on Committee and Report Stages in the Seanad. I brought forward an amendment on Committee Stage which was agreed and which resulted in the definition of "appointed" that ensures that employee representatives are truly representative of employees. In other words they must be independent and be elected or appointed by employees. The previous wording had given rise to some concern, but on foot of that I made a substantial change which addresses the concerns of the Deputy and others in this regard.

Mr. Morgan: It is ironic that when unions consider industrial action they are required by law to hold a ballot on the issue but that with regard to selecting a representative there is no such requirement. In terms of consistency, the minimum requirement should be an election.

Mr. Killeen: We should take account of current practice in the workplace. There are already representatives in place for various purposes. If I accepted Deputy Morgan's amendment or similar amendments, I would preclude the existing representatives from taking responsibility in the context of information and consultation. This would be unhelpful. In a large number of workplaces it is the wish of the workers that the existing employee representatives should take on the duties under this legislation. This is facilitated but is not necessarily the case because the provision in the Bill ensures that the employees decide

whether existing or new representatives are put in place.

Amendment, by leave, withdrawn.

An Ceann Comhairle: Amendments Nos. 3, 4, 5 and 32 are related. Amendment No. 5 is an alternative to amendment No. 4. Amendments Nos. 33 and 34 are alternatives to amendment No. 32. These amendments will be discussed together.

Mr. Morgan: I move amendment No. 3:

In page 3, to delete line 29.

This amendment deals with the requirement to ensure that the Bill provides for collective consultation. It is because this is an important aspect of the Bill that I have proposed amendments to a number of areas. Amendments Nos. 3 and 4 deal with collective consultation and amendment No. 32 deals with collective representation.

Mr. Howlin: This amendment, which I proposed on Committee Stage, was forwarded to me by the Irish Congress of Trade Unions. The ICTU wants consultation through a consultative mechanism that involves all employees. I am informed that the definition of “consultation” is inconsistent with the definition in article 2 of the directive in so far as it conceives of direct consultation between employer and employee. This is the Minister’s proposal. However, the directive involves the consultation between employees’ representatives and the employer. This may seem a small point but it is important. The Minister’s proposal could cut out the representative role of trade unions. It is important not to circumvent the intention of the directive which is to allow a consultation mechanism between employees’ representatives and the employer as opposed to the employer and individuals or groups of employees. Has the Minister had a chance to reflect on this since Committee Stage?

Mr. Killeen: Amendments Nos. 3, 4 and 5 would have the effect of changing the definition of “consultation” and “information” as they are in the Bill and would provide only for consultation and information through representatives.

In a great many enterprises there is already a system of direct information and consultation in place and this Bill provides for that to continue. One of my concerns was that where good practice already exists, we would accommodate it and try to ensure that it continues. We also have, quite clearly, substantial numbers of employees who appreciate having the opportunity of receiving information from and consulting directly with employers and where that is provided for already, I want to ensure it continues.

Amendment No. 4 seeks to make other changes to the definition of information. However, the wording in the Bill is stronger than would be the case with Deputy Morgan’s amend-

ment. The Bill provides for examination, which appears to be precluded by Deputy Morgan’s amendment. That would weaken the impact of the Bill.

Amendment No. 32 seeks to delete section 11 in its entirety, which would disimprove the situation of a great many employees who currently have the opportunity to seek information and consultation directly with their employer, as well as those who might wish to do so in the future. The wording in the Bill is as close to the directive as possible, in the interest of accurate transposition. I have consulted widely on this issue, listened to the points made by both Deputies and examined the culture already in place in the Irish workplace. I wish to encourage those who have been disposed to having an open system of information and consultation, and in that context, the Bill addresses the requirements of the directive, the need to have a far more open culture and gives some credit to those who already have systems in place that go a long way towards achieving our aim.

Mr. Hogan: Amendments Nos. 33 and 34 deal with the trigger mechanism relating to the obligation on the part of the employer to engage in consultation with employees. The Minister of State has rightly pointed out that many good practices have been built up over the years in partnerships, arising from the model of national partnership, the effects of which have trickled down into the workplace. The workplace partnership model is currently in vogue. In order to enhance the prospects of workplace partnership, it is important that existing models are taken into account in building constructive partnerships between employers and employees. We all accept that if a company wants to progress, it is better that it has employees on board, in terms of the objectives of the company, through that partnership model rather than having them left out of the loop.

The basis for my amendment is that 10%, as stated in the directive and legislation, is quite low. In order to ensure there is a significant number of employees in a company with a serious concern about a lack of consultation, 25% is a more appropriate level at which to establish the trigger mechanism, or in larger companies, a minimum of 250 employees.

Mr. Howlin: I am concerned that the Minister of State would so readily endorse the notion that there is only a relative role here for trade unions or worker representatives. In other words, where good practice is established and direct consultation with employees takes place, there is no role for the trade unions and the Minister of State is indifferent on that issue. However, the existence of a trade union movement and an organised workforce is in the interest of workers and employers. It concerns me that there seems to be an official indifference as to whether trade unions

[Mr. Howlin.]

exist and that the norm in the future may well be that individual arrangements for consultation and the passing on of information to workers are set up and do not need the involvement of trade unions. It is my understanding that the directive envisages a strong role for trade unions. It specifically refers to consultation taking place between employees' representatives and employers.

With regard to amendment No. 5, an issue which is causing concern for employers and employees is the definition of information. The definition provided in Article 2 of the directive is vague and this legislation gives us an opportunity to have clarity in the definition section with regard to what constitutes information. The Bill's definition is potentially inconsistent with the directive as it envisages the transmission of information or data to one or more employees rather than solely to employees' representatives. This may cause problems in that a company may satisfy the requirement for the passing on of information if it is given to one or more employees, but only provide selective information or exclude some employees. How can we ensure that the intention of the directive to have participation and knowledge available to employees within their own enterprise is fully vindicated in the legislation that we enact here? We must make sure we are not providing for a vagueness that will allow loopholes to be created by employers who do not want to fully implement the import of the directive and the intention of the Minister of State and the House, that there would be a participative role for workers in an enterprise, that they receive information and data and are included in the loop. This is far preferable to what we have seen so often in the past where workers find out about difficulties in enterprises when it is too late. Had they been informed earlier, they may have been able to do something and been part of the solution, given a different attitude between management and workers.

A different view is now emerging with regard to partnership in the workplace in many good enterprises. As legislators, we should encourage that in the clearest and most proactive way we can. The suggestions contained in amendments Nos. 3 and 5 improve the Bill and are closer, in my judgment, to the intention of the European directive than the relative vagueness I ascribe to the Minister of State's proposals in the legislation.

Mr. Morgan: A number of the amendments tabled by Deputy Howlin and myself are similar, which reflects recent representations and lobbying on the part of the Irish Congress of Trade Unions. Amendment No. 4 is specific in terms of dealing with the issue of information. I appreciate that Deputy Howlin has just dealt with that subject but perhaps the Minister of State could explain why, if my amendment was accepted, it would weaken the Bill. I believe that is what he

said a moment ago but I fail to see how that could be so. The thrust of the amendment is an attempt to ensure that collective consultation is occurring, that employee representatives have access to data and that employers recognise them fully. I await the Minister of State's response.

Mr. Killeen: The two amendments referred to by Deputy Hogan are also included in this group of amendments. They seek to increase the percentage at which a trigger mechanism would come into play. His points were also made strongly by IBEC and some employers. The view is that, especially in workplaces with large numbers of employees, the trigger mechanism is too low. I examined it carefully and believe the 10% figure, while considerably lower than for trigger mechanisms in some other jurisdictions, is at a fair level at which to invoke it.

Regarding Deputy Howlin's amendment No. 5 concerning information, we have tried to transpose the directive in question as closely as possible. The fundamental argument is whether the system of direct transmission of information and consultation should be continued. Some employees wish to have the right to deal directly with the employer concerning information and consultation. That is the better system. Although trade unions are not referred to in the directive, they have been included in section 6. The position of trade unions, therefore, is considerably stronger in our transposition of the directive than might have been the case.

I understand Deputy Howlin's point on trade union membership. As a member of one all my working life, I value the input of trade unions in the workplace. As a general principle, I agree with the Deputy that when trade unions are involved in the workplace, relations between employers and employees tend to be better. That is not the case, however, in a great many of our employment places. In unionised workplaces, provision has been made for trade union members to be among the representatives. We have gone much further than was necessary in transposing the directive by taking account of and making provision for trade unions.

The effect of Deputy Morgan's proposal in amendment No. 4 would be to remove the term "to examine". The provision to allow employees to examine and to have the information is an important one and is contained in the directive. The legislation is stronger than it would be were that provision removed.

Mr. Howlin: I respect the views of the Minister of State on these matters. He appreciates the issue at the heart of the two amendments in my name. They aim to ensure there is a functioning role for representative trade unions in the workplace. My concern is not that we should not provide for the exception. It is that the exception may become the norm and a lesser value could be placed on the positive and constructive work

done by the trade union movement in many workplaces.

Trade unions do not just represent the grievances of members but take a constructive part in the resolution of difficulties when they arise in the workplace. That cannot be done on an individual basis. Often it requires an outside organiser of a collective to bring mavericks to heel and sanity to a situation, which is not the case when one is dealing on a bilateral basis with individuals.

That role has worked effectively in many workplaces and must be recognised. The economic well-being of the State has come about through a partnership process. The amendments aim to ensure partnership continues. One element of it cannot be written out because we are now so organised and progressive that we can do without it. To follow such a course would be at our peril.

While the Minister of State may not go as far as I would on these matters, he still shares the same overall viewpoint on the value of organised labour. I am concerned that he would not seek to address it more overtly than he has in the Bill. It is not my intention to do away with the prospect of a consultative process outside the trade union norms where there is good management. My concern is that it may become the norm itself rather than the exception.

Mr. Morgan: On amendment No. 32, the Irish Congress of Trade Unions, ICTU, was of the view that removing the section would render meaningless those parts of the legislation for communicating information to employees' representatives. There were concerns that some wayward communication methods, such as e-mail or text message, would replace direct or substantial communications.

Mr. Killeen: Amendment No. 32 refers to section 11. Were Deputy Morgan's amendment to be accepted, it would have the effect of removing the provision for direct consultation. I understand Deputy Howlin's concerns that this may be used to exclude certain people from the communication process.

The way the legislation is prepared it is not possible for that to happen. On Committee Stage, I listed many existing systems for direction consultation that are effective in conveying information to people. If the section were removed, one unintended side effect could be that the good practice built up in the area with the help of the National Centre for Partnership Performance, NCCP, and other bodies would be lost.

Question, "That the words proposed to be deleted stand", put and declared carried.

Amendment declared lost.

Mr. Morgan: I move amendment No. 4:

In page 4, to delete lines 19 to 22 and substitute the following:

"information" means the transmission by the employer to employee representatives of data in order to enable them to acquaint themselves with the subject matter under discussion;"

Question, "That the words proposed to be deleted stand", put and declared carried.

Amendment declared lost.

Amendment No. 5 not moved.

Mr. Killeen: I move amendment No. 6:

In page 4, line 37, to delete ", unless the context otherwise requires,".

The amendment, discussed with amendment No. 1, was proposed by Deputy Howlin on Committee Stage and arises from the Interpretation Act 2005.

Mr. Howlin: The Interpretation Act 2005 came into force on 1 January 2006. As I advised the Minister of State on Committee Stage, the legal advice I receive on these matters is normally accurate.

Amendment agreed to.

Acting Chairman (Mr. Cowley): Amendment No. 7 arises from committee proceedings and has already been discussed with amendment No. 1.

Mr. Killeen: I move amendment No. 7:

In page 5, line 1, to delete ", unless the context otherwise requires,".

Amendment agreed to.

Acting Chairman: Amendment No. 8 arises from committee proceedings.

Mr. Killeen: I move amendment No. 8:

In page 5, line 6, to delete "*Subsection (2)*" and substitute "*Subsection (3)*".

On Committee Stage I undertook to revert to the question as to whether section 1(4) should be referenced to subsection (2) or (3) of the same section. I consulted with the parliamentary counsel and the advice received is that the reference to subsection (3) is the correct one. Accordingly, I have moved amendment No. 8 to address this issue, which was raised by Deputy Howlin on Committee Stage.

Mr. Howlin: This is the amendment I tabled on Committee Stage. I regarded the referencing as a mistake and I am obliged to the Minister for adding his name to the amendment at this stage.

Amendment agreed to.

Acting Chairman: Amendment No. 9 arises from committee proceedings and has already been discussed with amendment No. 1.

Mr. Killeen: I move amendment No. 9:

In page 5, to delete lines 8 to 17.

Amendment agreed to.

Mr. Howlin: I move amendment No. 10:

In page 5, between lines 17 and 18, to insert the following:

“2.—It is hereby declared that a self-employed individual may be a member of a trade union for the purposes of the Trade Union Acts 1871 to 1990 and if he or she is such a member, he or she shall not be an undertaking for the purposes of the Competition Act 2002.”.

I also moved this amendment on Committee Stage to insert a new subsection (2). This deals with the extraordinary situation whereby the Competition Act, which is entirely domestic legislation and not an EU requirement, prohibits self-employed individuals from joining trade unions. I signalled to the Minister of State on Committee Stage that I regarded this as a very important amendment because the subsection to which it refers prohibits a number of organised people from being represented by a trade union. They include, for example, individual artists, actors and so on, who are organised and should have the right to have collective agreements with employers. I do not know if it was the dying sting of the outgoing chairman, but in a rather bizarre decision the Competition Authority determined this was anti-competitive. I know from the discussion we had on Committee Stage that the Minister is well disposed to dealing with this anomalous situation. The difficulty, however, is finding a suitable vehicle that does not allow individuals who are genuine sole practitioners, such as barristers, from availing of it and doing collective bargaining in their own right. They do so, however, because I noticed the Attorney General was quite capable of doing a collective agreement on fees for tribunals both with the Bar Council and the Incorporated Law Society. When it suits, apparently, it is not anti-competitive in those instances.

This is an important issue and I hope the Minister of State might be able to take this amendment on board at this stage. It is simply a statement of the Legislature's intent, as follows:

It is hereby declared that a self-employed individual may be a member of a trade union for the purposes of the Trade Union Acts 1871 to 1990 and if he or she is such a member, he or she shall not be an undertaking for the purposes of the Competition Act 2002.

As the Minister of State knows well, I have tried a couple of variations on this particular theme. When the Minister said this was an employees consultation Bill and not the best vehicle to deal with this issue, I sought to amend the Competition Act 2001 itself when the Competition (Amendment) Bill was going through the House. That amendment sought to ensure that a more sane construction would be put on that Act by the Competition Authority. Unfortunately, I did not succeed in that regard. The senior Minister in the Department was dealing with that legislation and it fell foul of the Long Title of the Bill because he said it was confined entirely to the provisions of the Competition Act that were required by the abolition of the groceries order.

Having come at it from a few directions, therefore, if I do not get satisfaction on this amendment I am minded to seek to publish my own legislation on it in Private Members' time. I hope, however, that we will not have to use Private Members' time on this matter. If the Government and Opposition are of a common view it will not be beyond the wit of the Minister, his Department and the parliamentary draftsman to come up with an acceptable form of words to capture what is intended, without creating loopholes for others. I have already argued for this important issue on Committee Stage. Many people are flabbergasted that such a bizarre interpretation of the Competition Act could come about that would deprive them of the rights they have enjoyed up to now to be members of a trade union and have a union represent them in negotiations on working conditions and terms of employment, including remuneration.

Mr. Morgan: I strongly support this amendment, which has already been debated on Committee Stage. I expect we will continue to debate the matter until it is resolved. It is not adversely affecting high flyers who are well able to look after themselves, such as people in RTE or elsewhere who are able to secure substantial salaries. It will affect people such as freelance journalists, however, and other categories including actors and artists in some cases. I wonder how accurate is the Minister's comment that there are some anomalies in it. For example, would it be possible to deal with it by listing the various categories of people who could be recognised under this legislation, while perhaps excluding others as being potential undertakings? I am not at all satisfied with the senior Minister's comments when this matter arose in dealing with a previous legislation, that the Long Title of the Bill did not permit it. It dealt with the Competition Act, so the matter should surely have rested there. Unfortunately, however, the Minister's position on that occasion reflected the fact the Government is stonewalling on this issue and simply does not want to deal with it. That appears to be the case both to me and to a number of other people. I would be happy to hear a commitment from the

Minister that he will examine the essence of what this amendment is trying to achieve. If the amendment is not going to be accepted in the Bill before us, perhaps we can have an undertaking on a timeframe as to when legislation dealing with this contentious issue will come before the House.

Mr. Killeen: Deputy Howlin has outlined the position very fairly. As I have indicated previously, I have a good deal of sympathy with the situation that arises here. The Deputy also pointed out the difficulty in dealing with the matter in this context. On Committee Stage, I indicated that I did not consider this Bill to be a suitable vehicle. As it turns out, I was dealing with the Competition Bill on Report Stage, by which time the amendment was ruled out of order in the context of that Bill's Long Title. It certainly seems to me to be entirely inappropriate in the context of the legislation before us, which deals with information and consultation. Even if it were appropriate, however, the fundamental difficulties still arise. It seems quite difficult, in the first instance, to provide for what at this stage is only a decision of the Competition Authority which, strangely in my view, has not been tested in the courts. Deputies know the history of that matter. Had that happened, we would have had a better basis on which to consider a legislative response. Even then, however, before the Government could consider bringing forward some measure to deal with it, the Attorney General's advice would be required on how best to do so. I would certainly feel a lot happier if that were the case. As it turns out, the competition area does not fall within my remit and it is not my business to give any undertaking on it. In the context of this legislation, however, it seems entirely inappropriate that this matter should even be on the agenda or should form any part of the Bill.

Mr. Hogan: I support Deputy Howlin's amendment. The Minister of State should not make the excuse that because it does not fit into this legislation it is not a good idea and cannot be accommodated. All types of legislation passed over the years contain miscellaneous provisions, not least the Competition Act. In various Acts he brought forward, the Minister for Enterprise, Trade and Employment adopted the practice of including extraneous materials which have nothing to do with the legislation, such as the measures we passed last November to increase fines under legislation covering the supply of goods and services, which were included in legislation that had nothing to do with consumer issues. It is not an excuse to state this issue is not important and even if it were it could not be entertained in the context of this legislation.

One of the explanations given on why it has not gone to court is precisely the reason we gave during the course of debate on the Competition

(Amendment) Bill, namely, that the evidential burden and the cost of taking on these issues, which the Competition Act should deal with more forcefully and robustly, will fall on the small people who do not have the resources or wherewithal to tackle the big players in the market.

We pointed out that in the grocery trade people in small shops are expected to take on the big multiples and the Minister for Enterprise, Trade and Employment, Deputy Martin, has no problem with that. The reason few cases will go to the High Court on competition issues is the evidential burden involved for people on low income who are not properly organised. This amendment caters for that small group of people on low income who are not organised, and who are deemed not to be organised for the purpose of negotiating a fair deal because of decisions made in the Competition Act. This amendment addresses that gap. It does not deal with many people, but it deals with people in the low income artistic world represented by Irish Equity and it should be entertained.

Mr. Howlin: I gave the Minister for Enterprise, Trade and Employment, Deputy Martin, the advice that he should occasionally have a cup of coffee with the Minister for Justice, Equality and Law Reform, perhaps not this week but during a calmer week, because that Minister seems to be able to bolt any amendment to whatever legislation is passing by on the day. I know he has several hundred amendments tabled for the Criminal Justice Bill. I have seen him bolt anything he likes to previous Bills on Report Stage without having had any discussion on Committee or Second Stages. That Department would prefer if the Minister could legislate by decree and do away with the nuisance value of the Oireachtas having to examine legislation.

Thankfully, the Minister of State at the Department of Enterprise, Trade and Employment, Deputy Killeen, does not normally adopt that view. This is an important issue and the Minister of State recognised its significance. That it is deemed to be in order by the Bills Office means it is appropriate to be inserted in this Bill. That is the case whether the Minister of State likes it or not. I agree it is odd that an amendment specifically crafted to amend the Competition Act was deemed unsuitable for the Competition (Amendment) Bill when it was going through the Houses. We learn from and live with these decisions all of the time.

This would be a clear definition. In a way, it gives more flexibility to the Minister than the more specific amendment I crafted for the Competition (Amendment) Bill. This is a declaration that a self-employed individual may be a member of a trade union and that he or she, for undertaking purposes, shall not be in breach of the Competition Act. I appeal to the Minister of State to accept this amendment in the spirit in

[Mr. Howlin.]

which it is offered. It genuinely addresses a difficulty for many people.

Mr. Killeen: The other fundamental difficulty remains, notwithstanding the point Deputy Howlin made, that were this amendment to be accepted, any self-employed individual may be a member of a trade union and he or she would not be an undertaking for the purposes of the Competition Act. While it would encompass the people about whose situation Deputies Howlin, Morgan and Hogan are concerned, it would also encompass many other self-employed people.

Mr. Howlin: Such as who?

Mr. Killeen: The list is almost endless. If one were to resist the temptation of naming barristers, it could include any self-employed contractors, such as publicans, doctors and pharmacists. Almost any group——

Mr. Hogan: They have a choice.

Mr. Howlin: We deal with doctors collectively through the IMO. The Minister is doing so at present regarding the common contract for consultants and GPs. I did so when I was Minister.

Mr. Killeen: If this amendment were accepted, they would all have the potential to have recourse to it.

Mr. Howlin: They do.

Mr. Killeen: They would all enjoy the benefits which the Deputy seeks in this instance to bestow on journalists and actors.

Mr. Howlin: The point I am making is that they do.

Mr. Killeen: Under the ruling of the Competition Authority——

Mr. Howlin: Doctors, barristers and solicitors do enjoy that.

Mr. Killeen: The implication of the competition decision is that they are in the same position as actors and others. Were this amendment to be accepted, they would remain in the same position, except that they would enjoy enormous benefits arising from it, while actors and others whom the Members seek to have included would not benefit any more so. That would neither be the intention of the House nor desirable.

Amendment put.

The Dáil divided: Tá, 55; Níl, 66.

Tá

Allen, Bernard.
Boyle, Dan.
Breen, James.
Broughan, Thomas P.
Bruton, Richard.
Connaughton, Paul.
Cowley, Jerry.
Crawford, Seymour.
Crowe, Seán.
Cuffe, Ciarán.
Deasy, John.
Deenihan, Jimmy.
Durkan, Bernard J.
English, Damien.
Ferris, Martin.
Gilmore, Eamon.
Gogarty, Paul.
Gormley, John.
Gregory, Tony.
Hayes, Tom.
Healy, Seamus.
Higgins, Michael D.
Hogan, Phil.
Howlin, Brendan.
Kehoe, Paul.
Lynch, Kathleen.
McCormack, Pádraic.
McGrath, Finian.

McGrath, Paul.
McHugh, Paddy.
Mitchell, Gay.
Mitchell, Olivia.
Morgan, Arthur.
Moynihan-Cronin, Breeda.
Murphy, Catherine.
Murphy, Gerard.
Naughten, Denis.
Neville, Dan.
Ó Caoláin, Caoimhghín.
O'Keeffe, Jim.
O'Shea, Brian.
O'Sullivan, Jan.
Pattison, Seamus.
Penrose, Willie.
Quinn, Ruairí.
Rabbitte, Pat.
Ring, Michael.
Ryan, Eamon.
Ryan, Seán.
Sargent, Trevor.
Sherlock, Joe.
Shortall, Róisín.
Stagg, Emmet.
Timmins, Billy.
Upton, Mary.

Níl

Ahern, Dermot.
Ahern, Michael.
Andrews, Barry.
Ardagh, Seán.
Blaney, Niall.
Brady, Johnny.

Brady, Martin.
Brennan, Seamus.
Browne, John.
Callanan, Joe.
Carey, Pat.
Carty, John.

Níl—continued

Cassidy, Donie.
Collins, Michael.
Cooper-Flynn, Beverley.
Cullen, Martin.
Curran, John.
Davern, Noel.
Dempsey, Tony.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Fahey, Frank.
Fitzpatrick, Dermot.
Fleming, Seán.
Fox, Mildred.
Gallagher, Pat The Cope.
Grealish, Noel.
Healy-Rae, Jackie.
Hoctor, Máire.
Jacob, Joe.
Kelleher, Billy.
Kelly, Peter.
Killeen, Tony.
Kirk, Seamus.
Kitt, Tom.
Lenihan, Brian.
Lenihan, Conor.
McEllistram, Thomas.

McGuinness, John.
Moloney, John.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M. J.
Ó Cuív, Éamon.
Ó Fearghaíl, Seán.
O'Connor, Charlie.
O'Dea, Willie.
O'Donnell, Liz.
O'Donoghue, John.
O'Donovan, Denis.
O'Flynn, Noel.
O'Malley, Fiona.
O'Malley, Tim.
Parlon, Tom.
Power, Peter.
Power, Seán.
Sexton, Mae.
Smith, Michael.
Treacy, Noel.
Wallace, Dan.
Wallace, Mary.
Walsh, Joe.
Wilkinson, Ollie.
Woods, Michael.
Wright, G. V.

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

Amendment declared lost.

An Ceann Comhairle: Amendment No. 11 in the name of Deputy Howlin arises from committee proceedings and amendment No. 17 is related. Both may be taken together by agreement.

Mr. Howlin: I move amendment No. 11:

In page 5, between lines 17 and 18, to insert the following:

“2.—In any disciplinary proceedings against an employee, the employee may be represented by his or her trade union representative regardless of whether or not the trade union concerned is one recognised by the employer.”.

This is an important issue on which we had some discussion on Committee Stage. I do not want to anchor it in a particular dispute but I was minded to table it on foot of what unfolded with regard to disciplinary proceedings against an employee of Dunnes Stores who was disciplined for wearing a trade union badge. That has been resolved, but a significant issue is involved. If a worker wishes to be represented by a trade union, it should clearly be his right. On Committee Stage, the Minister of State, Deputy Killeen, gave a very full response, for which I thank him. He was somewhat restrained in all he said because at that stage, the issue was before the Employment Appeals Tribunal and the Minister of State did not want to trespass on it. The issue on which I now seek clarity is whether an individual — I am not talking of any particular case — has the statutory right to

1 o'clock

be represented by a trade union even when it is not recognised by the employer concerned.

On Committee Stage, the Minister of State told the House it was part of the code, but that the code was “of the voluntarist tradition”. With regard to the 1999 Industrial Relations Act, the Minister of State informed the committee that the Labour Court must have regard to the code of practice. What does that mean? In essence, the Employment Appeals Tribunal makes findings which are binding. The tribunal and the Labour Court must have regard to the code of conduct. The simple question remains: does an individual employee have a statutory right, an enforceable right to be represented by a trade union official in a disciplinary hearing, where that trade union is not recognised by the employer?

Mr. Morgan: Amendment No. 17 is quite straightforward. It seeks to include in this section the phrase “a trade union or excepted body”. I cannot understand why the Minister of State would not accept such an amendment because he is dealing with trade unions almost on a daily basis, as is the Government. It is surely proper that the recognition should therefore be included in legislation. A trade union or excepted body should be able to request information from any undertaking regardless of whether the employer recognises the union or excepted body. I fail to understand why this simple, straightforward amendment is not being accepted and I look forward to an explanation.

Mr. Killeen: With regard to amendment No. 11, the Bill does not make any provision for disciplinary proceedings against an employee, which

[Mr. Killeen.]

is one of the difficulties. The matter of disciplinary proceedings does not arise in the directive and is outside the scope of the transposing legislation.

On Committee Stage I spoke about the code of practice, which would deal with the sort of issue raised in the amendment. The code, published as Statutory Instrument No. 146 of 2000, was drawn up between the Department, the Labour Relations Council, IBEC, ICTU, the Employment Appeals Tribunal and the Health and Safety Authority. It sets out best practice for addressing difficulties in disciplinary matters. With regard to individual representation, the code of practice provides that an employee is given the opportunity to avail of the right to be represented by a colleague or a registered trade union during grievance or disciplinary proceedings.

Amendment No. 11 does not deal with the provisions at this point in the legislation because the matter of disciplinary proceedings does not arise under the Bill being discussed.

Mr. Howlin: Obviously the Minister of State did not get the opportunity to have the cup of coffee I advised.

Mr. Killeen: I do not drink coffee.

Mr. Howlin: The issue is correctly deemed by the Bills Office to be before the House, so whether it is outside the scope intended by the Minister of State, we can use this vehicle to do the work. Accordingly, the first argument of convenience put forward by the Minister of State falls. The matter is properly before the House and can properly be inserted into the Bill, as the Ceann Comhairle and the Bills Office have determined.

The Minister of State says a voluntary code exists. We debated this on Committee Stage and I have re-read the proceedings. I am no wiser at the end of that debate regarding the simple question I proposed to the Minister of State, whether an individual has a right to be represented by a trade union in a dispute or a disciplinary situation, if the trade union is not recognised by the employer. The Minister of State talked of voluntarism, the code and the Employment Appeals Tribunal, and having regard to the code, but in two pages of interjections on Committee Stage, the basic question was not answered. If the question I put could be answered now we need not proceed further with it.

Mr. Killeen: On that question, what I said in my initial response was that in regard to individual representation, the code of practice provides that an employee be given the opportunity to avail of the right to be represented by a colleague or a registered trade union during grievance or disciplinary proceedings.

With regard to the Bill not making any provision for disciplinary proceedings against an employee, I did not make the point precluded under the Orders of the House. I understand that it is quite properly before the House. I am making the point that it is inappropriate in terms of what is provided for in this Bill, which is a different matter.

Mr. Howlin: That is the view of the Minister of State but the House has also taken a view. What is proper is determined by the orders of the House. It is not convenient for the Minister of State to accept it, or he does not want to expand the scope of the Bill to accept it. In essence, that is the unlisted argument which is a different one.

The other issue, on which I am still no wiser, is that the Minister of State has repeated for the umpteenth time that there is a right in the code of practice. Is the code of practice enforceable? Is it binding or is it simply an advisory code of practice? Should an employer not accept the code in so far as a trade union representative of an individual should represent an employee with a grievance, subject to disciplinary procedures? Where stands the issue there? Has the employee a right to demand and insist that a trade union representative represent him or her at such a hearing?

Acting Chairman: How stands the amendment?

Mr. Howlin: Will the Minister of State answer that question?

Mr. Killeen: The procedure of the dispute settling machinery of the State, the Labour Court and others, has been to take full account of the code of practice heretofore. It is not possible for me to instruct them to go further than that nor is it reasonable to expect them to go further.

Mr. Howlin: I am talking about a legal right. Does the legal right exist or is it a voluntary code that an employer can determine not to award such a right? Is it an enforceable right?

Mr. Killeen: It is possible to bring matters arising from the code to the dispute settling machinery of the Labour Court or the Employment Appeals Tribunal in the normal way, that is, as the Deputy and everybody else is aware, in accordance with the voluntarist tradition in the Irish system. As far as I am aware, it works perfectly well. The court or other body is expected to take account of the provisions of the code and has done so heretofore. Frankly, I do not see what the difficulty is in that regard.

Mr. Howlin: Is there a right or is there not a right?

Amendment put and declared lost.

Acting Chairman: Amendments Nos. 12 and 13 are related and may be discussed together.

Mr. Howlin: I move amendment No. 12:

In page 5, between lines 28 and 29, to insert the following:

“(a) the provisions and procedures contained in the Industrial Relations (Amendment) Act 2001 and the Industrial Relations (Miscellaneous Provisions) Act 2004.”

This amendment which I raised on Committee Stage was proposed to me by congress. It seeks to prevent the Bill being used to undermine the existing trade union legislation and to put clarity into the Bill. I am advised that the proposed insertion in page 5, between lines 28 and 29, of paragraph (a) which reads: “the provisions and procedures contained in the Industrial Relations (Amendment) Act 2001 and the Industrial Relations (Miscellaneous Provisions) Act 2004” would bring greater clarity to the Bill and avoid the undermining of existing well established legislation. I must reread what the Minister of State said on Committee Stage because I cannot remember why such an obviously good suggestion would be rejected.

Mr. Morgan: The two amendments are identical with the exception of where they sit within the Bill. I too had a representation from congress on the matter. I agree with Deputy Howlin that irrespective of where this amendment is placed it would bring a huge amount of clarity to the Bill and would prevent an employer avoiding responsibility, and surely that is what we should seek. The other points have been covered.

Mr. Killeen: The transposition of the directive is obliged to ensure that the provisions of this legislation do not impinge negatively on the rights under existing legislation on information and consultation. That is what is provided for in the existing section. I understand that what the two Deputies seek to include are the Industrial Relations (Amendment) Act 2001 and the Industrial Relations (Miscellaneous Provisions) Act 2004. Both of these industrial relations Acts deal with dispute resolution procedures in undertakings that do not have collective bargaining arrangements in place and as such provide for issues entirely distinct and separate from information and consultation. The provisions of the industrial relations Acts 2001 and 2004 are separate and distinct from the purpose and intent of the information and consultation directive. They do not deal with information and consultation arrangements and, therefore, do not fall within the scope of what is being transposed in this legislation.

Mr. Howlin: I have had the opportunity to read what the Minister said on Committee Stage which

is quite a different reply from the one I have just heard. Apparently now it is inappropriate because these enactments, to which I want a reference in the Bill, refer to dispute resolution and are inappropriate in a consultation mechanism. That is the Minister of State’s current position whereas on Committee Stage he said he agreed that these issues were encompassed already. At col. 479 of the Committee Stage debate on 31 January 2006 he said: “I thought about that.” The “that” meant to include them explicitly in the Bill. He said that the one potential difficulty is that it would be difficult to include an exhaustive list of legislation. On Committee Stage he thought it was a good idea except that it would be cumbersome and now it is not a good idea because it is inappropriate in that the particular legislation refers to disputes as opposed to consultation. Is there a different reason now than existed on 31 January when we considered these matters on Committee Stage?

Mr. Morgan: The ICTU position is that this is required to ensure that employers do not use structures established under the Bill to avoid the provisions of the legislation referred to in the amendment. Does the Minister of State accept or reject that point?

Mr. Killeen: The point made by Deputy Howlin strengthens the argument in regard to what should and should not be included. I made that argument on Committee Stage, having made the original argument just before that. The point is that nothing in the legislation before the House impinges negatively or otherwise on the two items of legislation. Were one to take the view that, perhaps, it might — I do not see how one could take that view — one could equally take the view that it would impinge on 20 or 30 other items of legislation. That is the point I made to Deputy Howlin on that occasion. I do not see any benefit in doing that. What we have done is to ensure that our obligations in transposing the directive are met and that we do not impact negatively on any existing rights in the whole area of information and consultation. There is no question of impinging on rights in any other area. The point I was making is that were one to include those two items of legislation, how could one sensibly argue that one would exclude 20 or 30 others.

Amendment, by leave, withdrawn.

Amendment No. 13 not moved.

Mr. Howlin: I move amendment No. 14:

In page 6, to delete lines 7 to 15.

This amendment seeks to delete section 4, the impact of which would be to bring the Bill into operation on the occasion of its passing into law. This would avoid the unnecessary delay of wait-

[Mr. Howlin.]

ing until 2008 for application of the Bill. Given that we have been tardy in regard to the transposition of the directive into domestic law, we should act with as much haste as possible to bring the Bill into force.

Mr. Killeen: There is provision in the directive to bring the Bill into effect over a period, starting with undertakings with 150 employees down to undertakings with 50 employees. Deputy Howlin is correct in that it has taken a long time to bring even the first part of it to fruition. In the circumstances and in view of the experience it is sensible to avail of what is provided for under the transposition directive and to allow gradual implementation. It is not an unreasonable timescale in any event.

Mr. Howlin: Why?

Mr. Killeen: It is reasonable because it is provided for and it is reasonable to avail of it to allow people consider how best they deal with it in their particular enterprises. Since it is a new concept to many of them, it is sensible to avail of what is provided for in the timescale of the directive. It would not be reasonable to force everybody to immediately implement.

Mr. Howlin: There is no point in arguing further with the Minister of State. I withdraw the amendment.

Amendment, by leave, withdrawn.

Mr. Howlin: I move amendment No. 15:

In page 6, to delete lines 22 and 23.

I made the argument on Committee Stage, at the behest of the ICTU, to delete subsection (b) of section 5. Has the Minister of State considered it further?

Mr. Killeen: I am trying to recollect whether I introduced this as an amendment at the request of one of the Deputy's colleagues in the Seanad. I do not think it was in the Bill as originally published but in any event, the option for employees to have the Labour Court request from the employer details relating to the number of employees is important. It appears to be a sensible way to address what could be a major potential difficulty.

Mr. Howlin: Is the Minister of State talking about the numbers?

Mr. Killeen: Yes. I am not certain whether it was in the Bill as published. I have a recollection of being persuaded in the Seanad that I should include it but wherever it came from, it is a sensible provision which strengthens the position of the employees in a situation where an employer was seeking to be extraordinarily diffi-

cult. I hope there are not such employers but in the event that there are, the intervention of the Labour Court might be helpful.

Mr. Howlin: I am mindful to accept the logic of the Minister of State's case. Determining threshold and the applicability of the legislation is an important issue. I tabled the amendment at the behest of the ICTU whose analysis was that it was a weakening of the provision but if the Minister of State has thought about it, based on the assurance he has just given, I will withdraw the amendment.

Amendment, by leave, withdrawn.

Mr. Howlin: I move amendment No. 16:

In page 6, between lines 25 and 26, to insert the following:

“(2) For the purposes of calculating workforce thresholds, all undertakings that are part of a group shall be regarded as a single undertaking.”.

This amendment is to insert a new subsection (2) whereby for the purposes of calculating workforce thresholds, all undertakings that are part of a group should be regarded as a single undertaking. We had a discussion on this matter on Committee Stage and I do not want to trample over the same ground but I would like clarity from the Minister of State and a reassurance that there will not be a loophole to allow the breaking up of a workforce into groups that would avoid the application of the Bill. If we set a threshold, we must ensure that threshold is applied in a logical way to include all people who are part of a group. We cannot have a situation where people in a particular line are a different undertaking to those in another and therefore are not subject to the legislation. The amendment is to ensure that the intent of the Minister of State, the House and the directive is fully enforced in every undertaking and that the numbers are real and not contrived to be below the threshold by some odd break-up or grouping of workers.

Mr. Killeen: I agreed on Committee Stage to examine the strong case made by Deputy Howlin in this area. I was concerned that the potential loophole he pointed to might be one that would be available to people. The Bill applies to undertakings. The original choice was whether to go for undertakings or establishments and we went for this option. The Bill applies to undertakings and would not preclude the provision of information and consultation at the level of establishment by agreement with the parties. That goes without saying. There is also the possibility of setting up arrangements that cover more than one undertaking or different arrangements being put in place for different parts of an enterprise. We dealt with that on Committee Stage.

It is important to note that an undertaking may be part of a group of companies. That is not relevant to working out whether the undertaking has enough employees to fall within the scope of the legislation. What is relevant is the number of employees employed by an individual undertaking, not those employed by a subsidiary of the undertaking. That is the key point. I understand there is some case law in this regard which supports the position taken in the Bill. The advice from the Office of the Parliamentary Counsel is to the effect that in a group of undertakings, each undertaking constitutes a separate legal entity. If that is the case, the threshold must be applied to each company separately but if a number of entities within a group constitute one legal entity, they must be treated as one for the purpose of the threshold. I understand that is Deputy Howlin's point and that is what the Parliamentary Counsel advises me is the position as it stands.

Mr. Howlin: I am obliged to the Minister of State. I have re-read what he said on Committee Stage which was that he would re-examine the position. He agreed that this issue must be clear and that there would not be a loophole. If the Minister of State is now assuring the House that is the case, having got advice from the Parliamentary Counsel, I am happy to accept his word on it.

Amendment, by leave, withdrawn.

Acting Chairman: Amendment No. 17 is in the name of Deputies Howlin and Morgan.

Mr. Howlin: I move amendment No. 17:

In page 6, line 26, after "from" to insert "a trade union or excepted body,".

This amendment extends the same import. A trade union or excepted body should be able to request the information in any undertaking — that is the net issue — regardless of whether the employer recognises it. It is important that basic information on the operations of a company would be available to the trade union and that the resistance of a company to recognise the trade union should not be an impediment to it getting such information. It is linked to the representative issue for an unrecognised trade union that we discussed earlier but it is separate to the extent that we are talking about a separate issue. It is not representation; it is access to information. It is an important issue.

Mr. Morgan: We spoke about this issue briefly earlier. If a trade union has members in an undertaking, it is reasonable that the trade union should be able to request information from the employer regardless of whether the employer recognises the trade union. It is about trade union recognition. We regularly hear the Minister of State lauding the trade union movement and saying it is a useful tool in terms of industrial bar-

gaining or whatever. One of the ways of consolidating that position is to include this amendment in the legislation. It is a straightforward matter.

Mr. Killeen: I must confess I was somewhat confused initially by the taking of this amendment with amendment No. 11. In my consideration of it I had it tied in with the Labour Court provision which relates to a previous amendment. My argument lies more with the provision that the Labour Court should be in a position to get these figures on behalf of the employee of the trade union, the nominated body or whoever. That is the reason I was less clear initially in respect of amendments Nos. 11 and 17. The fact that the Labour Court has a role gets over the difficulty the Deputies envisage in this regard.

Mr. Morgan: It is unfortunate that time and resources would be wasted going through a process to have the Labour Court secure the information when the undertaking would ordinarily have a four-week period within which to get the information. Surely that is reasonable. If this process must go through the Labour Court to get the information, that wastes everybody's time.

Mr. Killeen: I disagree strongly with Deputy Morgan on that point. The authority of the Labour Court is a deterrent in the first instance. If an employer was not disposed to giving the information, he knows that the Labour Court could carry out an examination and would clearly have more power than any individual or any other body. The effect in the legislation of having a role for the Labour Court in this respect is considerably more powerful than any alternative arrangement that might be put in place.

Mr. Howlin: I will not go to war with the Minister of State on this. I would prefer to have my amendment accepted and the explicit right enshrined in statute law, rather than a process which exists for an application for information through the existing labour relations mechanisms. I will not pursue the matter further.

Mr. Morgan: I wish to press it further.

Amendment put and declared lost.

Debate adjourned.

Sitting suspended at 1.30 p.m. and resumed at 2.30 p.m.

Ceisteanna — Questions (Resumed).

Priority Questions.

Decentralisation Programme.

51. **Mr. Ring** asked the Minister for Social and

[Mr. Ring.]

Family Affairs the sections of his Department that are being relocated under the planned decentralisation programme; the areas they are being relocated to; when he expects decentralisation to take place; the number of staff who have submitted applications for decentralisation; their grades and so on; the way in which posts which will be vacant owing to staff not opting for decentralisation will be filled; the date by which he expects full decentralisation to be completed; and if he will make a statement on the matter. [11134/06]

Minister for Social and Family Affairs (Mr. Brennan): Under the Government's decentralisation programme for the Civil Service and public service, the Department's headquarters sections and the social welfare appeals office are to relocate to six locations, Sligo, Carrick-on-Shannon, Donegal, Buncrana, Drogheda and Carrickmacross. In addition, the Combat Poverty Agency and Comhairle, which operate under the Department's aegis, are scheduled to relocate to Monaghan and Drogheda, respectively.

The decentralisation implementation group, DIG, decided that Sligo, Carrick-on-Shannon and Drogheda would be included in the first phase of the programme. Accommodation is under construction in Sligo and Carrick-on-Shannon and it is expected that both buildings will be available for occupation early in 2007. The indicative date from the DIG for completion of the headquarters building in Drogheda is 2009. It is expected that Comhairle will also relocate to Drogheda in 2009.

The relocations to Carrickmacross, Buncrana and Donegal are included in the second phase of the decentralisation programme, with indicative completion dates of the end of 2008, early 2009, and mid-2009, respectively. The Department's IT division is also to relocate to Drogheda under the programme and in its implementation plan the Department has indicated that the IT division will be the last section to relocate because of the critical nature of its support to the rest of the programme. Therefore, the IT division will relocate

to Drogheda some time after 2009, when suitable accommodation becomes available.

Posts in those sections designated to relocate under the decentralisation programme will be filled by civil servants who have applied to the central applications facility, CAF.

Under the programme, the relocation of sections of the Department to Sligo will involve 100 staff and the number of first-choice applications under the central applications facility for Sligo was 61. The number of staff to transfer to Carrick-on-Shannon is 225, while the number of applications made to the CAF was 267. Regarding Drogheda, the number of staff to transfer to the Department's headquarters is 215 and to the Department's IT division, 273, while the number of applications made to the CAF was 568.

Some 230 staff are to relocate to Donegal and 98 applications were made to the CAF. Regarding Buncrana, 120 staff are to transfer and there were 29 applications. Some 85 staff are to transfer to Carrickmacross and 64 applications were made to the CAF.

All the above information relates to first-preference applications made to the CAF before 7 September 2004, the initial closing date for priority applications. Where all first-preference applicants have been assigned and a shortfall remains for a particular location, the Department must move to recruit applicants who have identified the location at a lower preference level.

The central applications facility will remain open for new applications until the full decentralisation programme is complete. Since September 2004, 1,500 additional applications have been received for the various locations included in the complete programme.

A table detailing the grade breakdown of applicants for each of the six locations follows.

My Department has extensive experience of decentralisation, having decentralised to Sligo, Letterkenny, Longford, Waterford and Dundalk under previous decentralisation programmes. I am satisfied that the detailed planning process in place will support successful moves under the new programme.

Number of Applications and Grade Breakdown for each location

Location	Total Number of Applicants to CAF	Principal Officer	Assistant Principal Officer	Higher Executive Officer	Executive Officer	Staff Officer	Clerical Officer	Other
Sligo	61	1	5	12	9	4	29	1
Carrick-on-Shannon	267	3	7	21	51	18	167	0
Drogheda	568	22	92	126	137	30	153	8
Donegal	98	0	4	9	27	9	49	0
Buncrana	29	0	0	6	6	1	15	1
Carrickmacross	64	0	4	8	12	2	38	0

Mr. Ring: Fine Gael recently tabled questions to find out how many people had applied to move

to Drogheda, Carrick-on-Shannon, Sligo, Donegal town, Buncrana and Carrickmacross. The number of people desired was 1,240, and

1,316 people applied. However, the problem is that, of that number, only 190 will be going with their job. What will happen in terms of promotion opportunities for those people who do not wish to decentralise? What will be the cost of retraining people? At the Joint Committee on Finance and the Public Service in recent days, representatives of the Department of Finance said that it could cost up to €80,000 per job to decentralise from one Department to another. How will the Minister deal with experienced people in Dublin who are doing the job but will not move with it? Where will the Department find the necessary expertise when it moves to other locations?

Mr. Brennan: Over 1,000 applications have been received, covering various grades, including principal officers, assistant principal officers, higher executive officers, executive officers, staff officers and clerical officers. There is a good mix of skills across those grades that can be brought to bear whatever the location. The Department has decentralised very successfully in the past. There are more than 5,000 staff throughout the Department, well over half of whom are already decentralised outside Dublin and successfully operating in a range of areas around the country. The best thing to say of any idea is that it has worked in the past. Our decentralisation to the places that I have mentioned, Letterkenny, Sligo, Longford and so on, is working very well, and customers enjoy a good service from those locations.

The Deputy asked about those staff who do not wish to move. As he is aware, the entire decentralisation process is voluntary and the objective is to attract as many people as possible. One of the inherent difficulties, on which I have no accurate figures, is that some people seek to decentralise within decentralisation. For example, the offices that we are opening in Drogheda are headquarters offices and some of our people in Dundalk wish to move down there. When one tries to do something in Castlebar, people in Ballina want to move over. The figures do not always indicate decentralisation from Dublin to the regions, which is generally what we regard as decentralisation. A recentralisation is under way within that and we are trying to deal with that as best we can. In my Department, the system has worked very successfully and we are one of the most decentralised in the State.

Mr. Ring: The Minister raised decentralisation within the Department. In the committee, I brought up the question of the Garda PULSE computer system, which is to be dealt with in Mayo. Many people from the Minister's Department working in Dublin have applied to decentralise to Castlebar, but at present the Department will not accept applications from them. People come to my colleagues and me saying that they are settled where they work in

Dublin. In the past, when decentralised took place, a new section was set up rather than moving the whole Department out of Dublin.

We will have a problem with people who have children at school and husbands or wives who work in the city. They are afraid that their opportunities for promotion will be stifled simply because they are unable to move to Carrick-on-Shannon, Donegal town, Buncrana or Carrickmacross. They will be left behind and the Minister must set their minds at rest regarding what will happen to them if they do not move with their Departments. They must be reassured that promotion opportunities will not be denied them and told where they will go and what jobs await them.

Mr. Brennan: I accept that. This is what the central application facility is trying to resolve. As I indicated earlier, a good range of people, from principal officers, assistant principals and so on, have applied. We find it more difficult to fill some locations than others. A considerable shortfall exists in a number of areas for which we find it difficult to induce people to sign up. However, given the timeframe set out in my reply, we are optimistic we will fill them. As some of the proposed timeframes extend to 2009, we should be able to fill the quota of people we are trying to attract well in advance of those dates.

Social Welfare Benefits.

52. **Mr. Penrose** asked the Minister for Social and Family Affairs his plans to review the rent supplement payment in light of concerns expressed that as currently administered, it causes serious poverty traps and a disincentive to work; and if he will make a statement on the matter. [11136/06]

Mr. Brennan: I am conscious of the need to facilitate those in receipt of social welfare payments taking up employment opportunities and to ensure that social welfare supports are structured to support this objective. A number of progressive measures have been introduced in recent years aimed at removing disincentives for people wishing to take employment and to assist in the transition from welfare to work. These measures include easing of means tests through income disregards, tapered withdrawal of benefits as earnings increase and employment support schemes such as the back to work programmes. As a result, rent supplement recipients are generally better off at work.

Under standard assessment rules, rent supplements are calculated to ensure that an eligible person, after the payment of rent, has an income equal to the rate of basic supplementary welfare allowance appropriate to his or her family circumstances, less a minimum contribution to rent. The minimum contribution is €13, which each

[Mr. Brennan.]

recipient is required to pay from his or her resources.

Where a person has an additional income as a result of participation on a training course or in part-time employment, which is up to 30 hours per week for this purpose, the standard means test now provides for a weekly disregard of up to €60 per week of additional income and half of any additional income between €60 and €90. For those participating in approved training courses, any lunch or travel allowances that are paid may also be disregarded.

In addition, certain training courses now provide a child care allowance to participants on certain courses. The recent budget provided that these child care allowances are to be treated in the same manner as a lunch or travel allowance and are disregarded. The effect of these arrangements is that a rent supplement recipient taking up part-time work can be up to €15 per week better off as a result.

With regard to people taking up full-time work, under special retention arrangements which have been in place for several years, a person is allowed, subject to certain conditions, including a weekly income limit of €317.43, to retain a portion of his or her rent supplement on a tapered basis for up to four years where he or she takes up employment through approved schemes, such as the back to work allowance scheme or community employment scheme. In addition, a person who has been unemployed for 12 months or more and who moves from a welfare payment to full-time open market employment may retain his or her rent supplement payment, subject to the €317.43 income limit, on the same tapered retention basis.

While the objective of rent supplement is to provide short-term income support as opposed to addressing long-term accommodation needs, a significant number of people have come to rely on rent supplements on a long-term basis in recent years. As Deputies are aware, the Government announced a new initiative in July 2004 aimed at meeting these long-term housing needs. The new system gives local authorities responsibility for meeting long-term housing assistance needs, including the needs of those people on rent supplements for 18 months or longer.

Overall, I consider that the current rent supplement eligibility thresholds and disregards, together with improvements in the standard rules of the supplementary welfare allowance scheme, ensure that people have real financial incentives to take up employment opportunities. Furthermore, the rental assistance arrangements announced by the Government in July 2004 will in time address the housing requirement of those who have come to rely on rent supplement to provide for their long-term needs. Like other forms of social housing, these new arrangements

will be based on fair rents that support people taking up employment.

Mr. Penrose: While I rarely disagree with the Minister, the modification to the rent supplement scheme carried out by his predecessor has made a mockery and a mess of it. It is a unique poverty trap which locks low income families and workers into a choice between their State subsidy for the rent and taking up a job offer. People need help with accommodation because under this Government, the pace at which rent rates have escalated has gone out of control. Effectively, rent allowances are a State subsidy of rent paid to landlords, many of whom do not wish to supply their names as they do not wish to enter the tax net. The allowance can be as much as €90 or €100 per week. There are 60,000 tenants in private rented accommodation and the supplement costs €400 million.

The Minister's predecessor made a change whereby anyone in full-time employment, that is, employment of 30 hours or more per week, does not qualify for rent supplement. In the case of couples, if one member of a couple is employed on a full-time basis, both are excluded from claiming rent supplement. Does the Minister agree that this provision is particularly anti-family? It was introduced at the same time and by the same Government that introduced individualisation in the tax code. That is both incongruous and a contradiction. Does the Minister agree that the denial of rent supplement to households where even one partner is at work means that tens of thousands of low income families and workers have been financially crippled with higher rents? Is it not the case that these are the working poor who cannot afford to buy a house of their own, who have not been provided with social or affordable housing and who work to pay the rent?

Does the Minister agree that it is time to make the rent supplement scheme work neutral, in a manner based on the Labour Party's proposal? This suggests that rent supplements should be replaced by a new form of housing support which would be related to housing needs, housing costs, the circumstances of the applicants and the rent levels pertaining in the areas concerned. It would be important that the new form of housing support did not discriminate between those on social welfare and those at work and that its reduction should be tapered as income increases. That would be the fairest way out of the present system. In the interests of fairness, it would be necessary to reduce the financial hardship of working households, which are obliged to rent in the private sector. This would also act to incentivise and reward work, rather than penalising those who take up employment. The Minister realises that the loss of the entire benefit on the part of those people who move from being in receipt of social welfare and rent supplement to employ-

ment constitutes a poverty trap and a disincentive to work.

The Minister mentioned a social welfare circular dating from 2000. I presume that the community welfare officers are responsible for its administration. How many people have received help under the terms of that circular? How often is it published or is it akin to a great mystery of nature? Does it only appear occasionally whereby some people moving into work receive 75%, while others receive 50% and 25% in a graded scale over four years? Deputy Ring is very sharp and will agree that one rarely hears of the operation of this circular. Have the circular's contents been advertised by the Department to ensure that those entitled to such help receive it? How many people receive this benefit in each of the four years before it concludes? It could be an important factor in ensuring the elimination of this disincentive to work and poverty trap.

53. **Mr. Crowe** asked the Minister for Social and Family Affairs if he will grant free travel to all beneficiaries of an Irish pension. [11206/06]

Mr. Brennan: The free travel scheme is available to all people aged 66 years or over living in the State. All carers in receipt of carer's allowance and carers of people in receipt of constant attendance or prescribed relative's allowance, regardless of their age, receive a free travel pass. It is also available to people under the age of 66 in receipt of certain disability type welfare payments, such as disability allowance, invalidity pension and blind person's pension. People resident in the State who are in receipt of a social security invalidity or disability payment from a country covered by EU regulations, or from a country with which Ireland has a bilateral social security agreement, and who have been in receipt of this payment for at least 12 months, are also eligible for free travel.

The scheme provides free travel on the main public and private transport services for those eligible under the scheme. These include road, rail and ferry services provided by companies such as Bus Átha Cliath, Bus Éireann and Iarnród Éireann, as well as Luas and services provided by more than 80 private transport operators.

The free travel scheme applies to travel within the State and point to point cross-Border journeys between here and Northern Ireland. In line with the Government objective to put in place an all-Ireland free travel scheme for pensioners resident in all parts of this island, I am committed to improving the North-South element of the current arrangements and hope to be in a position to make an announcement about soon on this matter.

There has been a number of requests and inquiries on the extension of entitlement to free travel in Ireland to Irish born people living outside Ireland, or to those in receipt of pensions

from my Department, particularly in the UK when they return to Ireland for a visit. The legal advice available to me is that such proposals would be contrary to the EC treaty, which prohibits discrimination on the grounds of nationality. However, I am continuing to explore all aspects of a possible approach. Recognition of the contribution of emigrants to the growth of this country is a priority of the Government.

Mr. Crowe: I give no apology for returning to this. Other Members have raised the issue. The last time the Minister spoke on this issue he stated it was not financial, but legal considerations that was holding it up.

Although I am not a legal expert and I realise the Minister has spoken to the Attorney General about this, a reply to a parliamentary question tabled in the European Parliament to the Commission stated:

it is up to each Member State to decide whether it wants to grant free access to some public services, such as public transport, to the elderly. But if it chooses to do this, EC law...requires it to grant such a free access in a non-discriminatory way to all EU nationals complying with the same conditions applicable to nationals.

My understanding of this is the Commission stated that this hinges on whether they are receiving an Irish pension. My colleague, Ms Mary Lou McDonald, on 1 February 2006, raised the same question. The reply stated:

EU law would not prevent the Irish Government from granting a free travel pass to pensioners who receive a pension from Ireland but reside outside Ireland. However, EU law does require that if the free travel scheme was to be extended in such a way it would have to be non-discriminatory and would have to be available to all beneficiaries of an Irish pension regardless of their nationality.

My contention is that if 31,852 people living in Britain and the North and 917 living in the EU are receiving an Irish pension, the figures for which the Minister issued on the last occasion, and if it is not a financial consideration, it seems the problem is that this would open it to all those who get the pension. If it is any help, I can give the Minister the replies from the Commission. If that is the position, I do not understand why the Minister cannot move ahead on it.

While the Minister stated he was watching and listening to what would happen in the British system under the British Chancellor, Mr. Gordon Brown MP, my view is that we should move ahead on this. If it is a matter not of financial but of legal considerations, it seems the only grounds are that they are receiving an Irish pension. If that is the position and the Minister is agreeable to do this, he should go ahead and do so.

Mr. Brennan: As I stated previously, this is something I want to do. I confirm again that it is not a financial issue. It is still a legal issue at this point. My advice from the Attorney General's office still holds, although it is my intention to go back to raise further issues with him.

The original issue we raised with the Attorney General's office was to extend it to all Irish born people in the UK and the advice on that was fairly clear, that I could not do it without extending it to all citizens of the EU.

I then looked at whether it was possible to extend it to those on social welfare pensions, in receipt of which there are almost 31,000 in the UK. These are mainly contributory pensioners. Some of them could be quite well off, although I am not saying they are. They are not non-contributory pensioners who are means tested. They all are in receipt of pensions which are not means tested. Nevertheless, that does not mean that one should not try to assist them and I certainly would like to do so.

I would be interested in studying those replies. Ms Mary Lou McDonald did not include me on her mailing list.

Mr. Crowe: I will put the Minister on it. It is not a problem.

Mr. Brennan: Not permanently, just for those two will do.

Mr. Crowe: Okay.

Mr. Brennan: I would like to study those. As he read them, I noted the second paragraph was strong on non-discrimination. There were a couple of good uses of "however" in them, which one expects in a good reply to a parliamentary question.

Mr. Crowe: It stated "the same conditions" and the same conditions are that people are in receipt of an Irish pension.

Mr. Brennan: Lawyers differ in all these matters. I want to do this. It is my intention. I will not give up on it. If one confines it to pensions it is not particularly expensive. If I could get around the legal issue, there are many people in the UK to whom I really want to extend it who are outside the pensioner group and are perhaps in greater need of it — those in the pre-1953 category who have been over there for a long time. I would not be too hopeful in that area.

I appreciate the Deputy raising it again. It is firmly on my agenda. In the coming weeks I will be able to announce that we have made a breakthrough on the extension of travel within the North for our citizens and on travel for northerners on our services. There will be further meetings with the Northern Ireland authorities to tie that matter down. That one is nearly achieved.

My next target will be to see whether I can get the 31,000 category organised.

My legal advice is firm but I want to put some other thoughts to the Attorney General's office. I would value a copy of those parliamentary questions from the European Parliament and I thank the Deputy for bringing them to my attention. If he could let me have them, I will study them and come back to him on it.

54. **Mr. Ring** asked the Minister for Social and Family Affairs the number who will be affected following the recent High Court decision on the back to education allowance; the number of people who have applied to his Department for back payment of the back to education allowance; if his Department will automatically issue payment to all those people affected; the estimated cost to his Department to pay all those people affected; and if he will make a statement on the matter. [11135/06]

55. **Mr. Penrose** asked the Minister for Social and Family Affairs his response to the judgment of the High Court given on 28 February 2006 in the case taken by a person (details supplied) regarding the back to education allowance; if it is intended to reverse the decision made in March 2003 to stop paying the allowance for summer holiday periods between academic years; and if he will make a statement on the matter. [11137/06]

Mr. Brennan: I propose to take Questions Nos. 54 and 55 together.

The back to education allowance, BTEA, is a second chance education opportunities scheme designed to encourage and facilitate people on certain social welfare payments to improve their skills and qualifications and, therefore, their prospects of returning to the active work force.

In 2002 the Government, in view of the expenditure constraints facing it at that time, appointed an independent Estimates Review Committee to consider the Estimates proposals received in the Department of Finance from Departments and offices.

In its report to Government, that committee recommended discontinuation of the practice of paying the back to education allowance over the summer period to people who were formerly on the live register. The committee concluded that people on the scheme during the academic year should be able to take up paid employment during the summer break, leading to savings in the cost of social welfare payments. If they could not find employment, they would be entitled to unemployment assistance or unemployment benefit, subject to satisfying the usual conditions and therefore no handicap would occur.

All other participants on the scheme, such as lone parents or people with disabilities, were

unaffected by this decision and continue to receive the allowance during the summer period.

Following the decision to discontinue payment of BTEA for the summer months one person who was a participant at the time the change was introduced sought a judicial review, together with five other named recipients, in the High Court on the changes introduced. Other participants were subsequently attached to the proceedings, making a total of 173 persons.

The hearing took place on 7 February 2006 and judgment in the case was delivered on 28 February 2006. The judgment found in favour of one individual but did not find in favour of any of the other people attached to the proceedings.

At a subsequent hearing on 14 March 2006, the extent of the restitution was determined. The court decided that restitution was due only in respect of the summer vacation period 2003 and not subsequent years and only in the case of the one individual whose action was successful.

The legal decision relates solely to one person in respect of one year. The other 172 cases attached to the proceedings were found by the court to be not entitled to the relief granted in the one case that was successful.

There are wider matters for consideration arising from this case including whether it is appropriate, or even legal, to consider payment to others who were in receipt of the allowance before the change was introduced. Furthermore, in view of the possible ramifications in other areas, it is necessary to consider if the judgment warrants appeal. Accordingly, I sought advice from the Attorney General regarding the appropriate response to this case. I will consider the matter further on receipt of that advice.

Mr. Ring: At the time, Deputy Brennan was not the Minister. In the presence of the then Minister, Deputy Coughlan, and Deputy Penrose, I stated in the Dáil that somebody would take a case to the High Court and would win it. It is on the record of the Dáil and I am glad I put it on the record.

At the time it was a mean cutback. These people took up the Department of Social and Family Affairs booklet, entitled *Helping You to Return to Education*. It was outlined in that scheme that people would be allowed to draw that allowance during the summer months. In the middle of the period in which they submitted applications, the Department changed the rules.

I ask the Minister not to appeal the decision because what the Department did was wrong. The Minister should pay all the participants in the scheme, most of whom could not afford to go to the courts. One man took the case because he felt so strongly about it. While the judgment only relates to him, there is a moral obligation on the Minister to pay the rest of the participants.

3 o'clock

It was a mean cutback at the time. The Minister and the Department were trying to encourage people back into the education system and the workplace and out of the social welfare net. However, the ground rules were changed. According to the Union of Students in Ireland, up to 5,000 people may have been affected by the cutback to the scheme but they did not have the money to go to the High Court. I ask the Minister to pay everyone who was on the scheme at the time.

Will he revert to paying the scheme's participants during the summer months, as was the case when the scheme was first advertised? It is important that the Minister should clarify this. It is sad to see people on social welfare having to take the Government to the High Court, thereby putting themselves and their families at risk. Going to the High Court involves a major cost. Social welfare payments are in place to help people. People are being encouraged to go back into the education system and the Government should not put obstacles in their way.

Mr. Brennan: I do not like going to court for cases involving social welfare because it is not normally a fair battle between social welfare recipients and the State. I do not like being there and, subject to the advice I receive from the Attorney General's office, it is not my intention to appeal. I had better wait for the formal advice from his office but, as a policy, I am opposed to appealing, unless there is a legal imperative that requires me to do so, such as if the decision has ramifications for other schemes.

Mr. Ring: I am glad to hear it.

Mr. Brennan: If that is the case, I will revert to the House. However, as a matter of policy, it is not my intention to appeal.

If the payments were confined to the 172 people who initiated proceedings in the court, I would be disposed to help but the total number of back to education scheme participants in 2003 and 2004 was 5,458. I need to be a little circumspect before I agree to make payments—

Mr. Ring: They need the money and the Minister should pay them. When the DIRT issue arose, the Government took the money from the people involved. This money is due to the participants in the scheme and they should be paid.

Mr. Brennan: The number involved is more than 5,000. A total of 172 added their names to the application to the High Court and the case of one person was adjudicated on. I, therefore, must be a little circumspect before I rush into making back payments or compensation payments, particularly when legal issues pertain.

I have an open mind about paying participants on the scheme during the summer and I will examine this issue. Participants are entitled to

[Mr. Brennan.]

claim unemployment assistance and unemployment benefit during the summer if they are unable to find work and they may also claim that they need to study during the summer.

We made substantial changes to the scheme. In the 2005 budget, the Department reduced from 15 to 12 months, effective from the beginning of the 2005-06 academic year, the qualifying period for persons wishing to pursue a third level course. I made a further improvement in the scheme from 1 September 2005 in that the qualifying period for access to third level option was reduced further to nine months, which will help. I acknowledge the role of the Joint Committee on Social and Family Affairs, which pressed hard on this. In the 2006 budget, I announced that periods spent in receipt of supplementary welfare allowance or direct provision by homeless persons or persons awaiting refugee status will count towards the qualifying period for access to the back to education allowance.

I await further advice from the Attorney General and I have outlined my position on an appeal. I need to be circumspect and careful regarding back payments and I must heed legal advice before I can take a policy view, not because of the individuals involved but because of the potential ramifications for other schemes. I will approach this with an open mind. I will also listen to Members on the issue of reverting to pay participants on the scheme during the summer. They are entitled to claim unemployment assistance and unemployment benefit unless they need to study during the summer. It is a funding issue. If I have a few million euro available, should I divert it into this scheme or should I use it for the carer's allowance scheme or another scheme?

Mr. Ring: I am glad the Minister will examine the legal ramifications of the court decision and that he will not appeal but the scheme should revert to its original form, as advertised by the Department. When students seek unemployment assistance, they must produce proof they are looking for work. A judgment has been made in the courts and the Minister should revert to the original system, which was fair.

Mr. Penrose: I identified this as one of the "savage 16 cuts" and I was outraged when it was made because the people who suffered were the long-term unemployed who had hoped to have a decent opportunity in the education system. It was an insidious attack on vulnerable people and it was a shameful reflection on the Government at a time it threw away €55 million on a white elephant, namely, electronic voting machines, which are gathering dust and costing a fortune to store. This cutback was an attack on the most vulnerable people who had not been to third level and who were given a second chance in the education system.

The only reason the cases of 172 people were rejected was the time limit on judicial review proceedings. They had not initiated their cases in time and that is a technical issue. The successful applicant produced evidence of the effect the cut-back in the payment had on him and why it took him 11 months to initiate proceedings.

The decent thing to do is to pay the participants in the scheme who had a legitimate expectation, which is a principle of European law. They were given a leaflet entitled, *Helping You to Return to Education*, which outlined a scheme aimed at helping unemployed people, lone parents, people with disabilities and others to return to education to improve their career prospects. We are always saying the best way out of poverty is through education and employment. This scheme provided an ideal opportunity for the Government to practise what it preached. The Minister's predecessor, Deputy Coughlan, and the former Minister for Finance, Mr. McCreevy, failed to do this. The Minister has an opportunity to redress a wrong perpetrated on approximately 5,000 people.

It is no use penny pinching on the back of the poor. If the Minister has to find money, let the wealthy produce it to pay the participants in this scheme. The majority of them are ordinary, working class people who have been given a second chance to pursue an education. We constantly hear the economy needs better educated workers. Why was a slashing committee allowed to interfere or tinker with a winning formula, which was delivering in this regard? It is beyond the Labour Party and me. We fought against it at the time. We said it was wrong then and it is still wrong. The Minister must restore the scheme in its original form, pay the people who were denied money, and get education back on the agenda so that ordinary working class people have an opportunity for second chance education. I implore him to pay this money.

Mr. Brennan: There are approximately 7,500 people on this scheme and expenditure on it was €48 million last year. I agree the back to education scheme is a very good one. It was designed to help those who have not worked for some time to improve their employability and job readiness. More than 5,000 people were on the scheme during the 2003-04 academic year who might have had an expectation of getting paid during the summer. I do not know, but perhaps if we reopened that discussion we might find that most of those got work during that summer and received good incomes.

I agree with the Deputy that we should help vulnerable people using the scheme. However, if we were to try to make back payments for a scheme that has finished, we would need to be very careful that this would not have legal ramifications or knock-on effects for other schemes that have finished. It would probably also be neces-

sary to go through the 5,458 individual cases to check whether they had good jobs that paid them well during those summers. A cheque out of the blue from the Department of Social and Family Affairs might be the last thing they expect. I know the Deputy's heart is in the right place and I hope mine is too, but I will await legal advice on the situation.

Schemes change and stop all the time. When this happens it is not easy to go back and reopen the matter and start making payments. I acknowledge there was a legal case on this and that it won in court. That has implications we continue to study.

Other Questions.

Social Welfare Benefits.

56. **Mr. Timmins** asked the Minister for Social and Family Affairs the efforts he is making to inform all eligible carers of their entitlement to the respite grant; and if he will make a statement on the matter. [10942/06]

Mr. Brennan: All carers in receipt of carer's allowance, carer's benefit, prescribed relative allowance or constant attendance allowance will automatically receive the respite care grant from my Department next June without having to apply for it. Similarly, carers who get domiciliary care allowance from the Health Service Executive will automatically receive the respite care grant from the HSE.

The respite care grant was extended in 2005 to carers other than those in receipt of a carer's allowance, carer's benefit, prescribed relative allowance, constant attendance allowance and domiciliary care allowance. Carers who do not qualify for a grant under one of these schemes may now obtain a grant if they and the person for whom they care satisfy certain conditions. In 2005 my Department ran a press campaign advertising the scheme in national newspapers and the local press. Posters were put up in various centres and offices. The Department operated a freefone service to advise customers of potential entitlement and assistance in matters relating to the scheme.

For the coming year, all customers who received a grant in 2005 will be contacted individually to inform them of their entitlement and to verify that their circumstances have not changed since last year. Following that, the Department will again advertise the scheme nationally through national and local newspapers. We will also provide a freefone service to outline scheme improvements to customers and to assist them with their applications. Supplies of information booklets and application forms will be available in local social welfare offices as well as

on request from the respite care grant section in Dublin.

In addition, the Department will review, case by case, claims that failed to qualify last year because the carer was working outside the home for more than ten hours per week. People in these circumstances may now qualify as the maximum number of hours has recently been extended to 15 hours per week.

My Department will also write to customers who apply for carer's allowance and who do not qualify for payment on means grounds requesting that they apply for the respite care grant payment. They may qualify for that payment as it is not subject to a means test. I extended eligibility for the grant to this new category of applicants in the budget for 2005 to ensure that people who do not qualify for any of the payments I mentioned earlier and who look after people who are not capable of looking after themselves get some recognition from the State for their efforts.

In addition to the 2006 scheme, applications will be accepted for the 2005 scheme up to 31 December 2006. To date, almost 7,000 people have benefited from the 2005 scheme at a cost of just under €7 million. I am satisfied that these arrangements will be successful in ensuring that as many eligible carers as possible are made aware of their entitlement to the respite care grant.

Mr. Ring: A number of groups who made presentations to the Joint Committee on Social and Family Affairs, even those dealing with social welfare issues day to day, were amazed by the number of people attending a recent conference of some of these organisations who did not know this respite grant existed. The scheme to provide a respite grant to people who had previously applied for the carer's allowance but did not qualify on the grounds of means is excellent. We saw from the census the number of carers who are debarred from getting grants on the basis of their means. Thousands are involved.

It is time we and the Department of Social and Family Affairs started selling this good news scheme. I made some statements on the matter in a radio interview and a significant number of people came to my office as a result. I got application forms for them to apply for the grant and some of them have already received their money. People should be informed of this scheme because thousands of them care for a loved one at home without any help from the State. This respite grant exists but they do not know about it. We and the Department should sell it to them.

I complimented the Minister recently on the family income supplement, FIS. Thousands of people were entitled to that payment but many of them did not avail of it because they did not know about it. The Department launched a media campaign to inform them of it, which I welcomed. I hope it will do the same to promote this

[Mr. Ring.]

respite scheme to the thousands of people who do not know about it. People often have a fear that when they apply for a scheme, there will be a sting in the tail and they will find they do not qualify. There is no means test involved in the respite care grant. Therefore people should apply for it if they do not qualify for any of the other grants. They are entitled to it and I urge the Minister to continue to promote it.

Mr. Penrose: We must compliment the Minister on this innovative and worthwhile scheme. He has done well in the application and implementation of this grant by extending it beyond the recipients of carer's allowance. Undoubtedly, thousands of people entitled to this grant have not applied for it. Will the Department facilitate applications from people who would have qualified last year but who did not apply for it because of their lack of knowledge on the operation and applicability of the scheme?

Will the Department embark on a sustained advertisement campaign, similar to that for the FIS which has reaped dividends, to inform people of this grant? The respite care grant is the only avenue of hope for assistance for many carers who provide essential care to loved ones in their homes. The Minister must ensure the availability of the grant is advertised in every social welfare office, community welfare office, health centre and public area where notice of such schemes is posted. This is a progressive measure on which I compliment the Minister unequivocally. It is greatly appreciated.

At a recent conference in Kerry, carers from the Carers Alliance said that many people did not know about their entitlements. It is a matter of grave concern that people who provide care 24 hours a day, seven days a week, 52 weeks a year do not know their entitlements. I know it is only a drop in the ocean, but it provides a small relief to people.

Mr. Brennan: The feedback from the family income supplement campaign, based on initial figures I received this morning, is quite good. I wanted to see to what extent the television and radio advertising was effective and we received an immediate extra 1,000 applications for the family income supplement. I will have more comprehensive figures in a week or two and will supply them to Deputies.

There is no doubt that when one promotes a scheme to which people are entitled, it works. I intend to carry on with further campaigns, perhaps on a scheme by scheme basis, with particular reference to schemes for which people must apply as opposed to those involving automatic entitlement. Perhaps the next appropriate scheme would be for carers and I will examine that possibility.

Up to the end of December 2005, 5,883 claims were allowed and the Department paid almost €7 million between the beginning of 2005 and March 2006. There are approximately 30,000 people in receipt of carer's allowance, all of whom receive payment automatically. On top of that, approximately 7,000 additional people have now claimed it, over and above those already on carer's allowance. We had a rough estimate that between 9,000 and 10,000 additional people would be entitled to the allowance. In that context, an advertising campaign might encourage the remainder to apply and I will consider that option.

The Department will also write directly to the 7,000 people I have just mentioned seeking confirmation that their circumstances are the same. On receipt of such confirmation, we will be able to pay the allowance to them. We have also brought the allowance to the attention of carers associations and all our offices have been asked to promote it. It is referred to in all the magazines and leaflets that carers associations such as Caring for Carers produce. Such organisations do great work and are heavily promoting the allowance. We are receiving a steady trickle of extra applications every week so awareness is beginning to pick up and we will continue to promote it.

57. **Dr. Upton** asked the Minister for Social and Family Affairs when he expects to introduce the revised diet supplement payment he promised when he launched the recent report on the cost of healthy eating and the cost of special diets; the way in which the revised payment will differ from the current one; and if he will make a statement on the matter. [11002/06]

Mr. Brennan: The report referred to by the Deputy is on a study of the cost of healthy eating and specialised diets undertaken on behalf of the Department by the Irish Nutrition and Dietetic Institute, the findings of which were published on 23 January 2006.

The report is the most comprehensive review of specialised diets and food costs carried out in Ireland in the past decade. It has brought an up-to-date focus on the varying costs of healthy foods and contains modernisation proposals based on the latest medical views on special diets. The report also examined the special diets prescribed in legislation for which assistance is available through the existing diet supplement scheme and considered the appropriate level of assistance required to cater for additional costs incurred in providing for necessary special diets, relative to the cost of a normal healthy-eating diet.

In welcoming the report, I undertook to introduce a revised system of diet supplement payments and I still intend to do so. However before doing that, I considered it essential to have officials of my Department undertake a compre-

hensive examination of the findings of the report to determine how a revised diet supplement scheme should be developed, taking on board the recommendations contained in the report. That examination is now complete and I expect to introduce new arrangements in April.

People receiving a social welfare or Health Service Executive payment, who have been prescribed a special diet as a result of a specified medical condition and who are unable to provide for their food needs from within their own resources, may qualify for a diet supplement under the supplementary welfare allowance scheme.

Diet supplements are subject to a means test. The amount of supplement payable in individual cases depends on which of two categories of diet, low cost or high cost, has been prescribed by the applicant's medical adviser and the income of the individual and his or her dependants.

The basis for calculating the amount of diet supplement remained unchanged between 1996 and 2004. Increases in social welfare rates and the cost of special diets since 1996 were not taken into account in assessing entitlement in individual cases. However, because increases in the social welfare payment rates were higher than food price inflation since 1996, the shortfall to be met by the diet supplement is less than what it was in the past.

Additional information not given on the floor of the House.

With effect from 1 January 2004 the diet supplement scheme was restructured to take account of increases in social welfare payment rates and the rate of food inflation since 1996. People in receipt of a diet supplement prior to the introduction of the revised regulations continued to receive their existing rate of supplement and the rate will not change until such time as there is a change in their circumstances that would warrant a review of their cases.

In the case of new applicants for diet supplement, the amount payable is based on increased up-to-date diet costs of €44 for low cost diets or €57 for high cost diets, less one third of the applicant's income or one sixth of the joint income in the case of a couple.

The test of affordability under the existing scheme is whether the cost of a special diet is more than one third of a person's income. When it is, a diet supplement is paid to make up the difference. I intend to maintain that approach in the new scheme.

One of the findings of the study undertaken by the Irish Nutrition and Dietetic Institute was that people on the lowest social welfare payment could meet the full cost of the most expensive prescribed diet for less than one third of their income if they shopped in one of the large low-cost stores. However I recognise that not everybody, because of age or location, or for some

other reason, is in a position to do their shopping at the cheapest stores. It is my intention that the revised scheme will provide a level of supplement coverage and payment rates to enable people on low incomes to meet the identified extra cost of medically-recommended special diets based on food costs at convenience stores, where prices are invariably higher.

The study also recommended a new framework for categorising the various diets in which all of the prescribed diets would fall and I intend to reflect this in the new scheme. Consequently, the scheme will be simpler. I am also mindful of the importance of ensuring that people on low incomes generally can afford a healthy-eating diet even where they have not been prescribed a specialised diet. The record increases in weekly social welfare payment rates which I introduced in January of this year help towards achieving that objective.

Mr. Penrose: I thank the Minister for his comprehensive reply. The study carried out by Dr. Muireann Cullen of the Irish Nutrition and Dietetic Institute and commissioned by the Department of Social and Family Affairs, through the Health Service Executive, examined the position regarding the purchase of special foods in convenience stores and the large, low-cost stores. Obviously there was a significant difference in price. It is important that any revised scheme for the diet supplement recognises that not everybody can shop in the cheapest shops due to mobility problems, location or other factors. Often elderly people cannot travel to such shops, but they still require special foods. It is important that the Minister does not opt for a supplement based on prices in the low-cost stores, thus leaving those who are forced to shop in convenience stores at a disadvantage.

Coeliacs pay approximately two and a half times more for a loaf of bread than those of us who are not coeliacs. People who must adhere to gluten-free, high-protein, high-calorie, liquid, altered consistency, low-lactose or milk-free diets pay two to two and a half times more for their food and it is important that such people, particularly those on low income and in receipt of social welfare, should not spend more than one third of their income on their specialised diets.

When will the revised diet supplement payment scheme be introduced? It was a foolhardy move that, as part of the savage 16 cuts, the diet supplement was emasculated to save pennies and ensure that the rich man's table would have all the pounds.

Mr. Brennan: I thank Dr. Muireann Cullen of the Irish Nutrition and Dietetic Institute, who did a superb job with the study, modernising it and bringing the information up to date. We are talking here about special diets, the typical additional cost of which, according to the report, is between

[Mr. Brennan.]

€3 and €8 per week, depending on the type of diet concerned. At the end of 2005, there were 11,723 people in receipt of a supplement. The cost of the scheme in 2005 was €6.3 million. I am in no way seeking to reduce expenditure here. Rather, I am trying to ensure that the diet is a modern one and Dr. Cullen's study dealt with that issue very professionally.

The study found that a person on the lowest social welfare income could meet the full cost of the most expensive prescribed special diet for less than one third of weekly income, provided he or she shopped at the large, low-cost stores. The report was critical of prices for special diets in a number of other outlets and in a number of locations.

The revised supplement will help a considerable number of people. I hope to sign the necessary documentation in April so we will try to kick off the new scheme from then. The total will be approximately €6.3 million and the scheme will start in April. Again, I thank the institute for an excellent study. The revised supplement will help people with different conditions who are unable to meet their special diet costs in any other way.

Mr. Ring: I am anxious the Minister makes his announcement quickly and informs us of the guidelines for those on special diets. While I welcome the report, I wish to point out what is typical of Dublin thinking with regard to reports in general.

It is well to advise people to shop at major retail food outlets for value for money. That is typical of Dublin thinking. While there are major food retail outlets in every corner of Dublin city, people in Belmullet, Achill, Ballinrobe or Kiltimagh, particularly those on low incomes, do not have the same access to these outlets or no public transport exists.

The Minister must introduce a scheme to tackle this. The cut in the diet supplement was one of the savage 16 cuts to save some €1 million. Last summer, social welfare officers, whether through a misunderstanding or an instruction, began cutting the diet supplement. I tabled a question on the matter and was glad the Minister and the Department rectified it quickly. The people in question need the assistance of community welfare officers as the specialised foods they require are costly and difficult to locate. I hope the Minister will introduce a new scheme as quickly as possible.

Mr. Brennan: I note the Deputy's comments. The study showed convenience stores are the most expensive places to purchase specialised foods while the large low-cost stores offer the best prices. It also highlighted that a person on the lowest social welfare income can meet the costs. I understand the difficulty for people in remote areas not having access to large con-

venience stores. The estimated extra cost for a specialised diet is between €3 and €8. The supplement will help towards covering that. I will monitor the scheme as it progresses.

Mr. Crowe: People on low income do not have a choice of retailers or cannot buy foodstuffs in bulk. Some families who have a coeliac child can have many difficulties weaning the child back on to food. In such cases, many parents entice their children with desserts, biscuits and other sweets but these are not covered by the diet supplement payment. Has the Minister information on this? Will the supplement only apply to diets that cover basic foodstuffs?

Mr. Brennan: There is much detailed information on diets prescribed for the purpose of diet supplement. These include diets for diabetics, low-fat, low-cholesterol, high-fibre, gluten-free, low-lactose and milk-free diets. For people under 18 years, it includes high-fibre, diabetic, high-protein, gluten-free, low-protein and low-lactose, modified-protein, high-calorie diets. The revised scheme is not for an ordinary diet but for the extra cost of a special diet. It has been broken down into four categories, gluten-free, low-lactose, milk-free, high-protein, high-calorie and liquidised, altered-consistency diets. I will pass the information on to the Deputy. It is very expert and I am happy that it is targeted. I want to relaunch the scheme because it was somewhat out-of-date.

Departmental Appointments.

58. **Mr. P. McGrath** asked the Minister for Social and Family Affairs, since he took office, the number of persons appointed to boards, working groups, committees and any other body comprising nominees from organisations under the aegis of his Department; the number of such appointees who were women; and if he will make a statement on the matter. [10929/06]

Mr. Brennan: The five statutory agencies operating under the aegis of the Department of Social and Family Affairs are the Pensions Board, the Combat Poverty Agency, Comhairle, the Family Support Agency and the Social Welfare Tribunal. In addition the Pensions Ombudsman comes under the remit of the Department.

Since my appointment as Minister for Social and Family Affairs, I have appointed 17 persons to the Pensions Board, of whom eight are women; two to the board of the Combat Poverty Agency, both of whom are women; six to the board of Comhairle, of whom two are women; eight to the board of the Family Support Agency, of whom six are women. I have not yet made any appointments to the Social Welfare Tribunal.

When making appointments to the various agencies I take into consideration the experience, skills and suitability of the individuals concerned

having regard to the functions of the board or agency. I also consider the requirements of Government policy on gender balance for membership of State boards.

Mr. Ring: Although other State agencies are not tackling the gender balance issue, I am pleased the Minister is taking it into consideration in his departmental appointments. Women have a major contribution to make to all State boards. I am delighted the Minister is living up to his responsibility.

National Economic and Social Forum Report.

59. **Mr. Broughan** asked the Minister for Social and Family Affairs his response to the recent National Economic and Social Forum report on creating a more inclusive labour market in so far as it relates to areas for which his Department has responsibility; and if he will make a statement on the matter. [10999/06]

Mr. Brennan: The National Economic and Social Forum, NESF, report covers the full breadth of issues involved in creating a more inclusive labour market. The recommendations underlying the report extend beyond the social welfare system, to include local partnership-based strategies, labour market and social inclusion measures and structures, make-work-pay policies, the national employment services, workplace strategies and progression of low-skilled workers.

The Government noted the contents of the report and agreed that it would be considered by all relevant Departments and agencies. It will also be considered by the senior officials group on social inclusion, chaired by the Department of the Taoiseach, in the context of wider labour market issues and process under way. The specific implications of the report for the Department of Social and Family Affairs will be assessed as part of the process.

The report notes that more than €1 billion of State funding is spent annually on measures aimed at helping people into work and tackling problems associated with labour market vulnerability. This encompasses the work of several Departments, including the Departments of Enterprise, Trade and Employment and Education and Science. To improve ways in which this spending addresses its objective, the report recommends that a national strategic framework should be developed to provide better opportunities for vulnerable people to get into and stay at work. This would ensure coherence and integration in a co-ordinated response to improve access to employment, training and education and to finding better quality jobs on the labour market. A more integrated strategic framework would provide better opportunities for vulnerable people to access and remain in employment and facilitate an increased participation in employment for vulnerable groups.

Such a framework could make a significant contribution toward this end as it would build upon a considerable degree of co-operation and co-ordination between Departments and agencies in the administration of the various programmes. An example of this is the roll-out of the national employment action plan, NEAP, between the Department of Social and Family Affairs and FÁS, in which people on the live register are referred to FÁS and find a progression path such as training, education or employment most suited to their individual circumstances.

There is always room for improvement and scope for increasing the value and coherence of expenditure by improving the policies, institutions and measures in place. Given the rapidly growing demand for labour in our economy, a strong business case exists for an inclusive labour market approach, as this leads to a more productive, higher skilled work force. Through the NEAP and a range of other supports, the Department of Social and Family Affairs has already made considerable progress in this regard.

Additional information not given on the floor of the House.

The report makes several specific recommendations with regard to the future direction and administration of social welfare employment supports and the family income supplement scheme. The Department of Social and Family Affairs is considering these as part of the overall Government response to the report but also bearing in mind the context of expected work in this area by the National Economic and Social Council.

In this context, several issues highlighted in the report are already being addressed, including the removal of disincentives to taking up employment or to participating in training courses and to assisting in the transition from welfare to work. These measures include the introduction of special means disregards and tapered withdrawal of benefits as earnings increase, and the provision of employment support schemes such as the back to work programme.

The specific recommendations in the report and others which come within the responsibility of the Department of Social and Family Affairs will be considered, as agreed by Government, in providing incentives for job seekers and other disadvantaged people to become financially independent.

Mr. Penrose: The NESF report demonstrates how unequal society and how fragile the domestic labour market have become. The report was a significant rebuff to how the State spends moneys on welfare services for the long-term unemployed. Government policy continues to facilitate a growing gap between rich and poor. The welfare system does not encourage those out of work for long periods to return to the workforce. Low

[Mr. Penrose.]

levels of lifelong learning and the failure to address illiteracy levels means many people, normally available to work, do not receive the training or education to be enabled to do so.

The NESF report identified that society, while wealthier, is more unequal. The richest 20% of the working age population earn 12 times as much as the poorest 20%, the highest level of market income inequality among OECD states. There is less equality of opportunity than in many other European states, despite the large expansion in education and the economy. Some 14% of households in poverty are headed by people with a job, a rise from 7% since 1994. This is a contradiction to the mantra we have all been singing; an indication that employment does not always provide a route out of poverty.

I compliment the Minister on appointing women to State boards; at least he practises what the Government preaches. Ireland is ranked 51 out of 56 countries in economic opportunity for women. Ireland has the highest penalties in pay reduction associated with motherhood, with working mothers having lower earnings than women without children. Over 40% of the male working population aged between 15 and 64 are low skilled compared with 20% in Germany. What are we going to do about those factors which indicate that society was never more unequal than it is now and that the labour market was never more fragile? We cannot continue to ignore those sections of society that have not benefited from the prosperity or recent years. The report is a timely reminder of what needs to be done to make Ireland more equal and to ensure that everybody outside the golden circle — not just the select few who bear the insignia of investiture — can play a full part in creating a better society.

Mr. Brennan: That is a major debate and one that we have already had once or twice.

Mr. Penrose: Once or twice, yes.

Mr. Brennan: We could spend a few hours at it so I will not wander down that road too much apart from saying that the report notes that more than €1 billion of State funding is now being spent annually on measures aimed at helping people to get back to work, as well as tackling problems associated with labour market vulnerability. We have agreed many times that the way out of poverty is through employment. That is the target so we try to help people to obtain more education and training to that end. That is the road to better quality employment. We are investing substantially in that area, which helps greatly.

Social Welfare Benefits.

60. **Mr. Stanton** asked the Minister for Social

and Family Affairs the percentage of carers who currently receive the carer's allowance; the number of carers; the cost of abolishing the means test; and if he will make a statement on the matter. [10940/06]

76. **Mr. O'Shea** asked the Minister for Social and Family Affairs the progress made to date with regard to the recommendations contained in the report of the Joint Committee on Social and Family Affairs, the position of full-time carers; and if he will make a statement on the matter. [11014/06]

113. **Ms Burton** asked the Minister for Social and Family Affairs the progress made to date in his consideration of those recommendations of the NESF report on care for older people for which his Department has responsibility and in particular the recommendation of a broadly based group to develop a national strategy for carers; and if he will make a statement on the matter. [11001/06]

188. **Mr. Durkan** asked the Minister for Social and Family Affairs the number of relatives currently caring for elderly family members; the number caring for family members with special needs; and if he will make a statement on the matter. [11336/06]

189. **Mr. Durkan** asked the Minister for Social and Family Affairs the number of carers in receipt of carer's allowance; the number of persons caring for relatives; and if he will make a statement on the matter. [11337/06]

190. **Mr. Durkan** asked the Minister for Social and Family Affairs when he expects to acknowledge the existence of all carers by way of payment; and if he will make a statement on the matter. [11338/06]

Mr. Brennan: I propose to take Questions Nos. 60, 76, 113 and 188 to 190, inclusive, together.

According to the census for 2002, there are 48,500 people providing personal care for more than four hours per day. More than 26,200 of these are in receipt of either carer's allowance or carer's benefit. This means that 54% of carers are in receipt of a specific carer's payment from my Department. The information requested by the Deputy pertaining to the care recipient is not readily available either from Central Statistics Office data or the records of my Department.

Supporting and recognising carers in our society is and has been a priority of the Government since 1997. Over that period, weekly payment rates to carers have been greatly increased, qualifying conditions for carer's allowance have been significantly eased, coverage of the scheme has been extended and new schemes such as

carer's benefit and the respite care grant have been introduced and extended.

In line with other social assistance schemes, a means test is applied to the carer's allowance to ensure that limited resources are directed to those in greatest need. This means test has been eased significantly over the years, most notably with the introduction of the disregards of spouses' earnings. Following the budget, from April 2006, a couple with two children can earn up to €32,925 per annum and still receive the maximum rate of carer's allowance. The same couple will be able to earn up to €54,400 and receive the minimum rate of carer's allowance as well as free travel, the household benefits package and respite care grant.

Complete abolition of the means test would cost an estimated €140 million in a full year. I continue to keep an open mind on this issue but I think it is debatable whether such a proposal could be considered to be the best use of resources. The view of some support organisations is that if this level of resources were available, it would be more beneficial to carers if it were invested in further increases to carers allowance and in the type of community care services which would support them in their caring role, such as additional respite care facilities, more home helps, public health nurses and other such services.

I have examined closely the Oireachtas joint committee's report, entitled *The Position of Full-Time Carers*, which was published in November 2003. This valuable report makes a range of recommendations, many of which relate to my Department and a number of which concern the Department of Health and Children.

In response to the committee, which stated that the greatest need identified by family carers is the need for a break from caring, I have improved and extended the respite care grant in the following ways. Provision was made in 2005 for the extension of the grant to all carers who provide full-time care to a person who needs such care regardless of their means. The grant is now being paid in respect of each person receiving care. Most recently, in the budget, provision was made to increase the amount of the respite care grant from €1,000 to €1,200 from June 2006. To date, more than 34,000 respite care grants have been paid in respect of 2005 and applications for the grant continue to be received.

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

included in the deliberations of the long-term care working group.

Additional information not given on the floor of the House.

The report of this working group, which was chaired by the Department of the Taoiseach, is being considered fully by the Government. However, work has already commenced in implementing the recommendations of this report with the announcement in the budget for 2006 by the Tánaiste and Minister for Health and Children of €150 million in funding for 2006-07 for home support packages and other community-based services.

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

In addition, from June this year, I am increasing the number of hours that a carer may work and still receive a carer's allowance, carer's benefit or respite care grant from ten to 15 hours per week. I am also extending the duration of the carer's benefit scheme from 15 months to two years. The duration of the associated carer's leave scheme will also be extended to two years.

I am always prepared to consider changes to existing arrangements where these are for the benefit of recipients and financially sustainable within the resources available to me. I will continue to review the issues raised by the Oireachtas joint committee and other bodies representing carers and I will continue to strive to bring forward proposals that recognise the valued and valuable contribution of carers in a tangible way.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters.

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Naughten — the need for the Minister to outline her plans for the future utilisation of lands previously used to grow sugar beet and the procedures to distribute the sugar compensation package; (2) Deputy Healy — the need to fund rape crisis centres and women's refuges properly and remove the funding cap on these services; (3) Deputy O'Dowd — that the Minister outline the action he intends to take to tackle

[An Leas-Cheann Comhairle.]

rising crime in Drogheda, Ardee and Dundalk; (4) Deputy Cooper-Flynn — the need for the Minister to revise the terms of the water services pricing policy; (5) Deputy Curran — that the Minister offer every assistance to a person (details supplied) to have his two children returned to him from Australia; (6) Deputy Cowley — that the Minister explain the failure to offer a proper deal to drift net and draft net fishermen in view of the efforts made by them to conserve salmon stocks; (7) Deputy Breeda Moynihan-Cronin — the need for the Minister to explain the reasons for the delay in the publication of the holiday homes to rent Cork and Kerry Tourism self-catering guide 2006; (8) Deputy O'Shea — the need for a school (details supplied) to maintain its disadvantaged status and concessionary teacher post; (9) Deputy Burton — that the Minister make a statement on the future of the National Aquatic Centre following the recent court judgment; (10) Deputy Neville — the supporting of the growth of Miscanthus in Ireland; (11) Deputy Lynch — that the Minister explain the reason so few people from Cork have been treated by the National Treatment Purchase Fund since its inception in 2002; (12) Deputy Michael D. Higgins — the need for funding to enable the Galway rape crisis centre to continue to provide its services; (13) Deputy Deenihan — the need to postpone the implementation of the taxi regulations commission action plan 2006-07 for at least six months; and (14) Deputy Hayes — that the Minister outline what he proposes to do about the large numbers of people over the age of 55 who have recently lost their places on community employment schemes.

The matters raised by Deputies Healy, Michael D. Higgins, O'Dowd and Cooper-Flynn have been selected for discussion.

Employees (Provision of Information and Consultation) Bill 2005: [Seanad] Report Stage (Resumed) and Final Stages.

An Leas-Cheann Comhairle: Amendments Nos. 19 to 23, inclusive, are related to amendment No. 18 so amendments Nos. 18 to 23, inclusive, may be discussed together.

Mr. Morgan: I move amendment No. 18:

In page 7, to delete lines 16 and 17 and substitute the following:

“6.—(1) “Employees’ representative” means such trade unions as are, representative of the employees or where there is no such trade union, such persons that are directly elected by the employees in the undertaking.”.

This amendment deals with the definition of “employees’ representative”, which means such trade unions as are representative of the employees or, where there is no such trade union, such persons

who are directly elected by the employees in the undertaking. The provision for directly elected persons was dealt with in an earlier contribution. The definition, as proposed, is more in line with the definition of employees’ representative in other legislation governing employment protection.

Section 6(2) allows for “the election or appointment of one or more than one employees’ representative”. My amendment No. 19, however, provides for the election of the employees’ representative, which is clearly much more democratic. It would ensure that employers cannot simply appoint somebody whom they control.

Trade unions should be capable of nominating people for election to those positions once they have members in the undertaking, whether or not trade unions are recognised by the employer for collective bargaining purposes. Amendment No. 20 seeks to insert that provision.

Amendment No. 21 deals with elected employee representatives having a fixed term of no longer than three years, after which they must seek a fresh mandate. We would all agree that elections at frequent intervals keep us on our toes and ensure that we do not become too stale.

Amendment No. 22 provides for trade unions to be able to refer matters of dispute, under subsection (5), to the Labour Court for determination. That provision has been established somewhat in one of the earlier comments by the Minister of State but I would like to hear his view on that matter nonetheless.

Amendment No. 23 would give the court power to order fresh elections where a complaint has been made. I suppose it would be the employees’ version of the High Court referring it across. I would like to hear the views of the Minister of State on these amendments.

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): As I stated on Committee Stage, it took a considerable amount of work to bring section 6 to the stage at which it appears in the legislation. It is a balanced provision. As I stated earlier, it provides a role for trade unions in the legislation, which is more than can be said for the directive.

I am concerned about the impact of any of Deputy Morgan’s amendments or all of them taken together. The provisions of section 6 as it is presented are extraordinarily well-balanced and allow for trade union representation on a *pro rata* basis when people in trade unions work in the undertaking. The members of the forum must be employees of the undertaking and that is entirely in accordance with best democratic principles.

If any of these amendments were to be accepted, it would seriously unbalance section 6, which took an enormous amount of work and which accounts to a great extent for the delay in coming forward with the legislation in the first place. As I stated on Committee Stage, I am not

disposed to undermine in any way the provisions here.

In one of the amendments, Deputy Morgan refers to the Labour Court. That is provided for in section 6(5), which states that where a dispute arises under this section, it may be referred by the employer, trade union, excepted body or one or more than one employee to the Labour Court. That is a good safeguard in the event of difficulties with regard to the provisions of this section.

Mr. Morgan: Interestingly, the Minister of State mentioned best democratic principles. One of the best democratic principles is ensuring an election takes place, providing the way of dealing with it and placing fixed terms on the mandate a representative would receive from fellow employees. That is in keeping with the best democratic principles to which the Minister of State referred.

The Minister of State sets aside some of these amendments much too lightly. I am disappointed with that. These came forward on foot of ICTU recommendations. They have been well thought out and carefully considered. The Minister of State did not give them that level of consideration. Best democratic principles must include fixed terms for elected employee representatives.

Mr. Howlin: I ploughed this furrow on Committee Stage. I decided not to resubmit my amendments on Report Stage. I am glad to have the opportunity afforded by Deputy Morgan taking them on and carrying them to the next step. A coherent enough argument was made by the Minister of State. However, it was not compelling. I still support the ideas and views expressed by Deputy Morgan on this occasion.

Mr. Killeen: It would be difficult to exaggerate the extent to which this section was considered in the various processes undertaken before the Bill was published. I will not bore the House with the details, some of which would hardly be appropriate in any event. It is a balanced response to some of the submissions which were made. I am aware of the views of congress and of the employers. I am perfectly aware that neither may be particularly happy with the section and perhaps that is a good sign.

In view of the amount of work it took and the strong arguments I made in response to Deputy Howlin on Committee Stage, were I to in any way dismantle what was reached, I would do considerable damage to my intent to transpose the directive as accurately as possible in a fair and balanced manner.

Question, "That the words proposed to be deleted stand", put and declared carried.

Amendment declared lost.

Mr. Morgan: I move amendment No. 19:

In page 7, to delete lines 18 to 20 and substitute the following:

"(2) Subject to the provisions of *subsection (3)* and *Schedule 2* of this Act, the employer shall arrange for the election of employees representative under this section."

Question, "That the words proposed to be deleted stand", put and declared carried.

Amendment declared lost.

Mr. Morgan: I move amendment No. 20:

In page 7, to delete lines 21 to 27 and substitute the following:

"(3) A trade union or excepted body that has members in the undertaking and employees in the undertaking shall be entitled to nominate persons for election to the employee forum."

Question, "That the words proposed to be deleted stand", put and declared carried.

Amendment declared lost.

Mr. Morgan: I move amendment No. 21:

In page 7, to delete lines 28 to 31 and substitute the following:

"(4) A person elected to the position of employee representative shall hold that office for a period of no longer than three years."

Question, "That the words proposed to be deleted stand", put and declared carried.

Amendment declared lost.

Mr. Morgan: I move amendment No. 22:

In page 7, to delete lines 32 to 36 and substitute the following:

"(5) Where a dispute arises under this section, it may be referred by trade union or excepted body or one or more employees to the Court for determination."

Question, "That the words proposed to be deleted stand", put and declared carried.

Amendment declared lost.

Amendment No. 23 not moved.

An Leas-Cheann Comhairle: Amendment No. 24 in the names of Deputies Howlin and Morgan will be discussed with amendments Nos. 25 to 27,

[An Leas-Cheann Comhairle.]

inclusive, in the name of Deputy Hogan as they are alternatives to amendment No. 24.

Mr. Howlin: I move amendment No. 24:

In page 7, to delete lines 37 to 47 and in page 8, to delete lines 1 to 39 and substitute the following:

7.—(1) An employer shall enter into negotiations with the representatives of employees to establish information and consultation arrangements.

(2) Within 6 months from commencing negotiations, the parties shall agree to establish an information and consultation arrangement by means of—

(a) a negotiated agreement under section 8, or

(b) the Standard Rules under section 10 (as set out in Schedule 1).

(3) The period of 6 months referred to in subsection (6) may be extended by agreement of the parties.”.

I propose we discuss amendment No. 24 separately because amendments Nos. 25 to 27, inclusive, are in the name of my colleague Deputy Hogan and are about changing thresholds. Amendment No. 24 concerns replacing the section. With the permission of the House I would prefer amendment No. 24 to be discussed separately.

An Leas-Cheann Comhairle: The amendments should be taken together because if amendment No. 24 is accepted, the House will not have the opportunity to discuss the other amendments.

Mr. Howlin: I see the point. In the unlikely event that my amendment which replaces the section is accepted, a new section is created. The House could probably take that gamble and risk it. However, I accept the Leas-Cheann Comhairle's ruling.

Mr. Killeen: I would like to hear the two sides of the argument.

Mr. Howlin: I thought the Minister of State might. The purpose of my amendment is to deal with section 7 as it is drafted, which concerns the process for establishing information and consultation arrangements. I suggest the replacement of section 7 with a new section 7. As I explained on Committee Stage, replacing the section as I suggest means employees in undertakings who meet the employee's threshold already set out in section 4 will have an automatic right to information and consultation. The employer is required under my proposal to enter into negotiations on arrangements for information and consultation with them.

The Minister of State's proposal can be categorised as an opt-in provision, which was available to the Minister of State on other directives from the European Union and not taken. Normal practice for the Government in dealing with these matters is not to use the opt-in model of this Bill. The facility of opt-in was available for the working time directive and the Government chose not to use it. I have not heard the rationale as to why it was chosen on this occasion. I genuinely believe the section 7 I propose to insert is better. It is more in keeping with the normal practice of the Government in past transpositions of European directives. It is a clear vindication of rights to consultation in those enterprises which meet the thresholds we set out on numbers of employees to be covered. I hope the Minister of State will either accept the amendment or explain why he is departing from normal practice in this instance.

Mr. Morgan: There is no point repeating everything that has been said. There was a fairly lengthy discussion on this topic on Committee Stage. To spend any longer on it would be a waste of time because the Minister of State has indicated he will not move on the point. I await his comments.

Mr. Hogan: I made my position on the trigger mechanism clear when we discussed amendment No. 1. I have already explained it and it is set out again in these amendments. I am happy to hear what the Minister of State has to say.

Mr. Killeen: Deputy Hogan is right to say that some of this issue has been dealt with on Committee Stage and earlier today. There is one provision already in Irish law, of which Deputy Howlin is aware, namely, section 10(1) of the Transnational Information and Consultation of Employees Act 1996.

Mr. Howlin: The name of that Act tripped off my tongue.

Mr. Killeen: It is the Act which accords most closely with the provisions of this directive being transposed into law. That is one reason for the provision. Most of the submissions received during the consultation phase took the view that this would be the appropriate way to go. It has not posed a difficulty previously and as the role of the Labour Court has been included I do not anticipate any difficulties with this provision. I have already answered Deputy Hogan's points on the level, 10% is reasonable and fair.

Mr. Howlin: There is not much point in prolonging the debate if the Minister of State has closed his mind to it. My proposal, however, is a better section 7 than that which is in the Bill. I will leave it to the House to determine this.

Question, "That the words proposed to be deleted stand", put and declared carried.

Amendment declared lost.

Amendments Nos. 25 to 27, inclusive, not moved.

An Leas-Cheann Comhairle: Amendment No. 29 is an alternative to amendment No. 28. Amendments Nos. 29 and 30 are cognate so amendments Nos. 28 to 30, inclusive, will be taken together by agreement.

Mr. Morgan: I move amendment No. 28:

In page 8, to delete lines 40 to 45 and in page 9, to delete lines 1 to 43 and substitute the following:

"8.—(1) An agreement establishing information and consultation may be negotiated by the employer and the employee representatives (to be known and in this Act referred to as a "negotiated agreement").

(2) A negotiated agreement shall be—

- (a) in writing and dated,
- (b) signed by the employer,
- (c) approved by the employees,
- (d) applicable to all employees, and

(e) available for inspection by those persons and at the place agreed between the parties.

(3) For the purposes of *subsection (2)(c)*, the agreement shall be regarded as having been approved by the employees where a majority of those employees employed in the undertaking who cast a preference do so in favour of the terms of the agreement.

(4) The employer shall ensure that the procedure for the casting of a preference referred to in *subsection (3)* is confidential and capable of independent verification and of being used by all employees.

(5) A negotiated agreement shall include reference to the following matters:

- (a) the duration of the agreement and the procedure, if any, for its renegotiation;
- (b) the subjects for information and consultation;
- (c) the method and timeframe by which information is to be provided;

(d) the method and timeframe by which consultation is to be conducted; and

(e) the procedure for dealing with confidential information.

(6) At any time before a negotiated agreement expires or within 6 months after its

expiry, the parties to the agreement may renew it for any further period they think fit.

(7) If no new negotiated agreement is made by the parties then the standard rules in *Schedule 1* of this Act will apply.

(8) A negotiated agreement renewed under *subsection (6)* within the period of 6 months referred to in that subsection shall be deemed to have remained in force from the date it would otherwise have expired."

This was discussed extensively on Committee Stage but it warrants being raised again here. The purpose of this new section 8 is to provide only for collective consultation with employees' representatives to ensure that the outcome of any negotiations must be approved by a secret ballot of all employees.

Mr. Killeen: I have dealt with most of this on Committee Stage. If for example we were to delete the words "establishing one or more information and consultation arrangements" we would remove the flexibility which might be very important in situations where different sections in an undertaking have different responsibilities or perhaps are on different campuses. Issues might arise in one branch that would differ from those in another branch, for example, downsizing might impact on one branch but not necessarily on others.

It is important to have that flexibility. I have dealt with the direct negotiations which is very important in the Irish experience and is already in place in several undertakings. For those reasons I strongly oppose this amendment.

Amendment, by leave, withdrawn.

Mr. Killeen: I move amendment No. 29:

In page 9, line 3, to delete "which" and substitute "whom".

This amendment and amendment No. 30 propose grammatical alterations.

Amendment agreed to.

Mr. Killeen: I move amendment No. 30:

In page 10, line 18, to delete "which" and substitute "whom".

Amendment agreed to.

An Ceann Comhairle: Amendment No. 31 arises out of Committee Stage proceedings.

Mr. Howlin: I move amendment No. 31:

In page 10, to delete lines 27 to 30.

In section 9 which deals with pre-existing agreements the relevant subsection (3)(b), which I propose to delete, is not exactly clear:

[Mr. Howlin.]

(3) For the purposes of *subsection (2)(c)*, a pre-existing agreement shall be regarded as having been approved by the employees—

(b) where the result of employing any other procedure agreed to by the parties for determining whether this agreement has been so approved discloses that it has been so approved.

My amendment which proposes to delete that subsection would mean that all pre-existing arrangements would be required to be approved by a majority of employees by way of a secret ballot. Is the Minister of State disposed to accept that as a proper way to proceed?

Mr. Killeen: Following advice from the Office of the Parliamentary Counsel on Committee Stage I brought forward an amendment to delete the option for employee representatives to approve a pre-existing agreement. This amendment was brought forward to address concerns that in practice the Bill would not allow existing employee representatives to approve the pre-existing agreements.

Amendment No. 31 has the effect of deleting the other option of allowing the parties to agree any other procedure for approving a pre-existing agreement. It is desirable to retain this option in the Bill as it allows the parties to use any other procedures agreed by them to approve a pre-existing agreement. In some instances such procedures are in place. I do not want to tie people into procedures in which it is impossible for them to progress. In that case the advice of the Parliamentary Counsel informs my view of this amendment.

Mr. Howlin: To require a ballot of the workforce to approve a pre-existing agreement would not tie people up in too much red tape. I do not understand what other mechanisms the Minister of State has in mind. He might reassure us by giving examples of appropriate alternatives to the secret ballot vote, which is the normal way of reaching conclusions on such matters.

Mr. Killeen: The original difficulty arose because had the wording not been changed it would have been impossible to approve a pre-existing agreement at all.

Mr. Howlin: That is not a problem.

Mr. Killeen: Existing employee representatives who *de facto* have constructed, approved and built up the procedure would not be in a position to approve it. That is the nub of the problem of how it would be approved.

Mr. Howlin: I understand the difficulty the Minister of State addressed in his amendment, to allow a mechanism to approve pre-existing

arrangements. I support that. I am asking however that the alternative mechanism for endorsing pre-existing arrangements be deleted to require a secret ballot of employees to make such a decision. If the Minister of State does not wish to accept my view on this matter, could he explain what other mechanisms could or should be employed to make such a determination?

Mr. Killeen: I have illustrated one procedure, namely that employee representatives appointed specifically to approve an agreement could do so.

Mr. Howlin: Who?

Mr. Killeen: Employee representatives. That is one example which differs from a secret ballot. It allows the parties to use whatever system may already be in place in an undertaking but also allows parties to put in place a weighted system with numerous branches containing slightly different procedures, and where perhaps the parent plant has a great number and some of the others have quite small numbers. In those circumstances it might be agreed that a weighted system should be in use which would enable the greater number, or their representatives, to approve. That would not require a ballot.

Question, "That the words proposed to be deleted stand" put and declared carried.

Amendment declared lost.

An Ceann Comhairle: Amendment No. 32 in the name of Deputy Howlin has already been discussed with amendment No. 3.

Mr. Howlin: I move amendment No. 32:

In page 11, to delete lines 46 to 47 and in page 12 to delete lines 1 to 26.

Question, "That the words proposed to be deleted stand" put and declared carried.

Amendment declared lost.

Amendments Nos. 33 and 34 not moved.

An Ceann Comhairle: Amendment No. 35 in the names of Deputies Howlin and Morgan arises out of committee proceedings and amendment No. 36 is an alternative. Amendments Nos. 35 and 36 will be discussed together.

Mr. Howlin: I move amendment No. 35:

In page 12, to delete lines 33 to 49 and in page 13, to delete lines 1 to 11 and substitute the following:

"13.—(1) An employer shall not do any act (whether of commission or omission) that, on objective grounds, adversely affects the interests of the employee or his or her

well being in relation to the performance of his or her functions as an employee representative in accordance with this Act.

(2) An employee representative shall be afforded any reasonable facilities, including paid time off, that will enable him or her to perform his or her functions as employees' representative promptly and efficiently. Employee representatives will also, subject to the provisions of *section 14*, have the facility to avail of the assistance of experts and such experts may accompany employee representative to meetings of the employee forum when requested. Following the passing of this act and no later than six months following its enactment, the Minister following consultations with representatives of employers and workers will make regulations setting out the minimum facilities to be afforded to employee representatives by their employers.

(3) An employee, a trade union, an excepted body on behalf or with the consent of the employee may present a complaint to a rights commissioner that the employer has contravened *subsection (1)* in relation to an employee.

(4) A complaint under *subsection (3)* shall be presented by giving notice of it in writing to a rights commissioner.

(5) Where a complaint is presented to a rights commissioner under *subsection (4)* the rights commissioner shall—

(a) give the parties an opportunity to be heard and to present any evidence relevant to the complaint,

(b) give a decision in writing in relation to the complaint,

(c) communicate the decision to the parties, and

(d) furnish the Court with a copy of the decision.

(6) A decision of a rights commissioner under *subsection (5)* shall do one or more of the following:

(a) declare that the complaint is or, as the case may be, is not well founded;

(b) direct that the conduct the subject of the complaint cease;

(c) require the respondent to take such action as in the opinion of the rights commissioner is just and equitable in the circumstances and which may include the payment to the complainant of compensation of such amount which, the opinion of the rights commissioner, is just and equitable but not exceeding 2 years

remuneration in respect of the employee's employment.

(7) A complaint under this section may not be presented to a rights commissioner after the end of the period of 6 months from the occurrence or, as the case may require, the most recent occurrence of the conduct to which the complaint relates.

(8) Notwithstanding *subsection (6)*, a rights commissioner may entertain a complaint under this section presented to him or her after the expiration of the period referred to in *subsection (6)* but not later than 6 months after such expiration, if he or she is satisfied that the failure to present the complaint within that period was due to reasonable cause.

(9) Proceedings under this section before a rights commissioner shall be conducted otherwise than in public.

(10) A rights commissioner shall maintain a register of all decisions made by him or her under this section and shall make the register available for inspection by members of the public during normal office hours.

(11) A party concerned may appeal to the Court a decision of a rights commissioner under section 5 and if the party does so, the Court shall—

(a) give the parties an opportunity to be heard by it and to present to it any evidence relevant to the appeal,

(b) make a determination in writing in relation to the appeal affirming, varying or setting aside the decision, and

(c) communicate the determination to the parties.”.

By means of this amendment I am seeking a number of changes to strengthen the meaning of “penalise” in line with the definition of victimisation in the Industrial Relations (Miscellaneous Provisions) Act 2004 and to provide redress to the employee victimised by an employer through the mechanism of the Labour Court or through a rights commissioner.

I also seek to have trade union employees granted paid time off from work to allow them to carry out their duties as employee representatives and require the Minister to make regulations prescribing the minimum level of facilities to be granted to such employee representatives. These are positive proposals and I am sure the Minister of State will have no difficulty accepting them.

Mr. Hogan: I have received correspondence from the office of the Minister of State, Deputy Killeen, regarding this matter. I expressed concern about this section in the hope that there would not be frivolous complaints by a small

[Mr. Hogan.]

number of people which would trigger off unnecessary activity and perhaps damage the cohesion of the employer-employee relationship. The Minister of State has indicated to me that he is satisfied that in the current wording of the legislation this will not happen, and he has given me an undertaking it will not. I accept his word and if the legislative system is robust enough to stand up to that concern, I will be happy. However, if regulations are required to ensure this is further strengthened so that there are no unjustifiable frivolous complaints, they would be important for employers and the workplace partnership.

Mr. Killeen: On Committee Stage I undertook to write to Deputies Howlin and Hogan on various issues raised which were relevant to these two amendments, and I wrote to both Deputies last week. The Bill provides in section 12 and Schedule 3 for many of the matters raised in Deputy Howlin's amendment in particular. The Bill provides for the right of employee representatives to make a complaint to a rights commissioner if they believe they have been penalised by an employer under section 13. The Bill has already provided that an employer shall not penalise an employee's representative — it is an offence for an employer to do so. However, an amendment on Committee Stage in the Seanad, tabled by Senators O'Toole and McDowell, called for redress procedures to be provided for in the Bill, and I took that on board following the case made by them.

In essence, the Bill now provides that employee representatives who believe they have been penalised can make a complaint to a rights commissioner, whose decision can be appealed to the Labour Court and enforced by the Circuit Court. In the case of non-compliance with the rights commissioner's decision, the decision can be referred directly to the Circuit Court for enforcement. A rights commissioner can now order the employer to pay compensation up to a maximum of two years' remuneration and in cases of non-compliance, the Circuit Court may order the payment of interest. All this arises from the amendments which I effectively accepted from Senators O'Toole and McDowell in the Seanad. I set out ancillary points in my letter but that deals with the principal concern of Deputy Howlin in that regard.

With regard to Deputy Hogan's concern, the current text of section 13 does not allow trivial or vexatious claims to be made to a rights commissioner. It is a fairly difficult balance to strike but in view of the system in place and the fact that appeals can be made to the Labour Court, with enforcement by the Circuit Court, people will be more than a little reluctant to go down that road. We have struck a reasonable balance with what we have provided.

Mr. Howlin: I am grateful to the Minister of State for writing to me. He did so after Committee Stage and pointed out that his view of a definition of penalisation was adequate to give protection. The import of the amendment I am suggesting is to broaden the definition of "penalise" and make it similar to the definition of victimisation in the Industrial Relations (Miscellaneous Provisions) Act.

The Minister has gone a good distance down the road I wanted him to go. I wanted to put my concerns on the record. I have an optimistic view that things will work out reasonably well. However, we must ensure that the people who take on these representational roles are not penalised, that there are mechanisms to protect them and that people will not feel loath to take on such roles because of feeling they would be significantly disadvantaged by doing so. I know that is the intent of the Minister of State and I hope the formulation he has agreed to will be adequate. I was of the view that my suggestions were better.

Question, "That the words proposed to be deleted stand" put and declared carried.

Amendment declared lost.

Amendment No. 36 not moved.

Mr. Killeen: I move amendment No. 37:

In page 13, to delete all words from and including "enactment" in line 37 down to and including "enactment." in line 39 and substitute "enactment."

I thank Deputy Howlin for drawing my attention to this matter on Committee Stage and for retabling his amendment today. After a detailed discussion with the Office of the Parliamentary Counsel on the value and necessity of section 14(4)(b), I am advised that the provisions of Article 6.2 of the directive, which deal with circumstances in which an employer can refuse to communicate information, are achieved by section 14(4) of the Bill and the first part of section 14(5). The latter part of that subsection is superfluous and the parliamentary counsel recommends its deletion so I propose acceptance of the amendment.

Mr. Howlin: I am grateful to the Minister of State for reflecting further, as he promised he would on Committee Stage, and for adding his own name to my amendment.

Amendment agreed to.

Amendment No. 38 not moved.

An Ceann Comhairle: Amendment No. 39 in the name of Deputy Hogan may be taken with

amendment No. 40 in the name of the Minister of State, Deputy Killeen.

Mr. Hogan: I move amendment No. 39:

In page 14, to delete lines 16 to 18 and substitute the following:

“(a) recourse to the internal dispute resolution procedure (if any), used by the parties concerned and provided for in any agreement under sections 8, 9, 11 or 13, has failed to resolve the dispute, and”.

This amendment is designed to ensure that all the internal mechanisms are utilised first, before one goes to the Labour Court. It helps to speed up the process and ensures that wherever a dispute is to be resolved, the internal mechanisms well established and currently in place are fully utilised before one goes to the expense of resorting to the Labour Court. That process takes time and resources and, like any other court proceedings, if matters can be kept from going there, that is helpful in reaching a decision and an earlier resolution.

Mr. Killeen: I thank Deputy Hogan for his amendment. Arising from the Committee Stage debate, I sought advice from the Office of the Parliamentary Counsel on the scope of the wording of section 15(2)(a). Based on this advice, I am tabling amendment No. 40 which effectively deals with the point raised by Deputy Hogan.

Amendment, by leave, withdrawn.

Mr. Killeen: I move amendment No. 40:

In page 14, line 17, to delete “usually used by the parties concerned” and substitute “in place in the employment concerned”.

Amendment agreed to.

An Ceann Comhairle: Amendments Nos. 41 and 42 are cognate and may be discussed together.

Mr. Howlin: I move amendment No. 41:

In page 15, line 34, after “oath” to insert “or affirmation”.

I tabled this amendment on Committee Stage for the purpose of greater clarity as I was informed that the provisions of the Interpretation Act 2005 on oaths are somewhat obscure and do not cover all cases. Subsequent to the discussions, the Minister of State kindly wrote to me and assured me that having consulted the Office of the Parliamentary Counsel, Part 1 of the Schedule to the Interpretation Act 2005 clearly provides that “oath” includes affirmation. If he will put that information on the floor of the House, I will withdraw the amendment.

Mr. Killeen: I undertook on Committee Stage to check this matter. The clear advice of the Office of the Parliamentary Counsel is that these amendments are not necessary as Part 1 of the Schedule to the Interpretation Act 2005 provides that “oath”, in the case of a person for the time being, being allowed by law to affirm or declare, instead of swearing, includes affirmation or declaration.

Amendment, by leave, withdrawn.

Amendment No. 42 not moved.

Mr. Howlin: I move amendment No. 43:

In page 16, line 9, to delete “A person” and substitute “Subject to *subsection (6)*, a person”.

This amendment is tabled for the purpose of making clear that subsection (6) takes priority over subsection (5). Given that the Minister of State was to reflect further on this matter, does this amendment need to be made?

Mr. Killeen: I thank the Deputy for the proposed amendment. I have consulted the Office of the Parliamentary Counsel and I have been advised that subsection (6) clearly represents an exception to subsection (5) in the context of the Bill and, therefore, the amendment is not necessary.

Mr. Howlin: I thank the Minister of State for the reassurance.

Amendment, by leave, withdrawn.

Mr. Killeen: I move amendment No. 44:

In page 19, line 40, to delete “, unless the context otherwise requires,”.

Amendment agreed to.

Amendment No. 45 not moved.

An Ceann Comhairle: Amendment No. 47 is an alternative to amendment No. 46. The amendments may be discussed together.

Mr. Howlin: I move amendment No. 46:

In page 22, line 2, to delete “twice” and substitute “four times”.

This is a moot amendment. It is a proposal to increase the number of meetings per year for the forum from two to four. The requirement that the forum would have the right to meet the employer four times a year would be reasonable. The requirement to hold two meetings a year is inadequate. It would not be particularly burdensome for the scheduling to require at least four meetings.

Mr. Killeen: I have considered this matter at considerable length. The difficulty is that there are so many circumstances and so many different workplaces that having four meetings a year would not achieve much since the same information would be available at all of them and there is little change. It is important to stress that the twice yearly meetings provided for is the legislative minimum. If the minima were being set out in regulation rather than legislation, I would be more disposed to looking at a higher number but this is primary legislation. It seems to me that, in circumstances where there is provision for additional meetings and this is the minimum number, two is reasonable for the minimum number across the wide range of different workplaces. There would be circumstances in where more than that would not make much sense and, in circumstances where it would, people are clearly in a position to have such meetings.

Mr. Howlin: My concern is that if that if there is a legislative requirement for two meetings, that becomes the norm. Article 4.3 of the directive sets out the objective which is the delivery of information at a time that enables employee representatives to study it and consult employees. If the gap between meetings is six months, that will run counter to the expressed requirement of the directive under article 4.3 and may be a barrier to communication. The Minister of State said there is the potential for more frequent meetings but I believe that with six monthly gaps, the information may well be of little value. The capacity to consult and to disseminate the information, as envisaged in the directive, might be thwarted. I ask the Minister of State to think this out again.

Mr. Killeen: I certainly would not consider it desirable that the scenario about which Deputy Howlin is concerned would occur. At the same time there are a number of provisions, including section 10(3), for the review of the standard rules and there are provisions whereby employers and employees can agree in their particular circumstances the number, form and format of the consultations. In those circumstances I would have thought the minimum number that should be set ought to be two and that would not be seen as the maximum. When one considers all the different types of workplaces, it appears reasonable to set the number at this level.

Mr. Howlin: I regret I cannot persuade the Minister of State to my point of view. There is no point in taking up the time of the House in making any further attempts.

Amendment, by leave, withdrawn.

Amendment No. 47 not moved.

Mr. Howlin: I move amendment No. 48:

In page 23, to delete lines 17 to 19 and substitute the following:

“(b) a trade union or excepted body that has members in the undertaking.”.

This amendment seeks to widen the definition of trade union for nomination purposes beyond those simply recognised by the employer. It links in to discussions we have had previously about the recognition of trade unions and being delimited from functioning under the Bill because they are not recognised. It is an issue I have approached from a number of angles during the course of this debate.

Mr. Killeen: The Bill as it stands recognises the role of trade unions and undertakings where it is the practice of the employer to engage in collective bargaining negotiations. This goes further than what is envisaged in the directive. In undertakings where collective bargaining is not the practice, trade union members or officials who are employees of the undertaking would be free to nominate candidates in the same way as any other employee. This legislation will affect a wide variety of undertakings with different cultures and practices. The approach I have taken in the Bill is balanced and probably goes further than many thought would be possible.

Amendment by leave withdrawn.

Mr. Hogan: I move amendment No. 49:

In page 23, line 39, before “may” to insert the following:

“, where recourse to the internal dispute resolution procedure (if any) usually used by the parties concerned has failed to resolve the dispute,”.

The case I have made has already been addressed by the Minister in the context of another amendment so I am happy to withdraw the amendment.

Amendment, by leave, withdrawn.

Bill received for final consideration.

Question proposed: “That the Bill do now pass.”

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): I thank Members for their co-operation and the staff likewise.

Question put and agreed to.

National Sports Campus Development Authority Bill 2006: Second Stage (Resumed).

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

Ms Burton: I welcome the production of this Bill. It has been promised for some years and the development of the lands at Abbotstown for sports and amenity purposes is something I strongly support. When I was elected to the former Dublin County Council in 1991, the land was owned by the Department of Agriculture and Food and used for various agricultural purposes. I moved a motion that it should be designated in the county development plan for amenity and sports purposes for the growing population of Dublin 15 and as a regional park. I have always been a strong supporter of amenity, recreation and sporting facilities on this land.

The debate on this Bill gives us an opportunity to ask the Minister for Arts, Sport and Tourism, the Minister for Finance or the Taoiseach to clarify the position regarding the National Aquatic Centre, which is the first part of the series of proposals to be developed on the Abbotstown site. I speak as a strong supporter of the aquatic centre. It is appropriate that the aquatic centre is located in its current location. I supported that as a member of the county council from the time the idea was first floated. Approximately €63 million has been spent on the National Aquatic Centre.

Yesterday, we had the judge's rulings on the dispute between Campus Stadium Ireland Development and Dublin Waterworld, the managers of the facility. The Minister must make a full statement clarifying what went on at the National Aquatic Centre. A three-part consortium — a firm of architects, a construction company and a management company — was given over €60 million of State funding to design, build and subsequently manage the pools at Abbotstown. What we know at this point is that the cost of this project, as with many other Government projects, was considered by many observers to be very high and that pools of equivalent quality in other locations in Europe, for instance, are developed for approximately €20 million less than was paid by the Irish taxpayer for the facilities at Abbotstown.

Since it opened and hosted a successful part of the Special Olympics, of which we are all very proud — many Members of this House but, more particularly, large numbers of individuals from every walk of life took part in and gave their support to the Special Olympics — the development does not appear to have had a lucky moment. The first problem was the storm during which the roof blew off. I raised that issue in the House and pointed out, based on solid engineering advice available to me, that the roof should not have blown off in the second year of completion of the building of the facility. The Taoiseach and others said it was due to a hurricane. There were very strong winds on the day but there was no hurricane at the location. Furthermore, the Taoiseach went into denial mode about the seriousness of the problem but the pool had to be closed for many months, the staff were laid off and left with

an uncertain future and very expensive remedial work was undertaken by those involved in the construction.

That disaster put a huge dent, so to speak, in the National Aquatic Centre but it was followed by the running rows between Campus Stadium Ireland and the company managing the facility. We have heard unfold, in dribs and drabs, a story of incredible complications that would not be out of place in a thriller involving last-minute meetings during which people were persuaded to take part in management companies. We had information yesterday to the effect that the management company arrangement was the subject of a sub-lease to a businessman which, to quote the judge and a witness in the case, was tax driven.

This facility was built entirely with €60 million of taxpayers' money. How could there possibly have been a tax break element to it? It defies logic. Perhaps it was possible, in the way that the Minister, the Taoiseach and the Minister for Finance created Campus Stadium Ireland Development, to assign some capital values which in turn would attract some tax break advantage to what I assume is essentially a sub-lessor businessman. That is an outrage. We are well used to people having tax advantages conferred on them by the Government in a way that at times is inappropriate and enables multimillionaires to reduce their annual tax bill to zero, but what happened yesterday and what was disclosed in the court case defies reason. I expect the Minister for Arts, Sport and Tourism to give the Dáil a detailed explanation of what happened regarding the arrangements for the contract for the National Aquatic Centre and the various ramifications.

It must be borne in mind that others tendered and offered to build this facility. I understand some of those offers were considered to be potentially significantly more beneficial to the Exchequer, the taxpayer and the users of the facility, but they did not appear to be part of the inside circle that resulted in the selection of the three-part consortium. We are still unclear as to what happened. Tribunals have incurred a bad name and the mechanism by which the Government has established tribunals has ensured they will go on potentially for decades. I believe we are in tribunal territory in terms of what happened here.

Some months ago I had an opportunity — I do not know if the Minister has had this opportunity; I am sure he will not want to know — to visit the complex and I was shocked by what I saw in the basement areas. This is a new facility — it is not yet three years old — but metal fittings in the basement areas are already corroded and rusted. There are large cracks in the wall of the basement area under the pool and, most tellingly, the water consumption for the centre is way off what was included in the original specifications. As I am sure the Minister is aware, that is of major significance because swimming pool water must be

[Ms Burton.]

treated to a very high level. The swimming pool in Abbotstown is leaking large volumes of water, resulting in high costs for water charges.

The roof blew off and that should never have happened. From the limited amount of information provided by the consultants, we know that it was not due to a hurricane or tornado as claimed by the Government at the time, rather it was due to faults in the construction which were subsequently rectified. The Minister claims that it will not cost the taxpayer anything, but its construction cost 20% more than equivalent facilities on mainland Europe and its roof blew off within two years. A two-year old building should not show severe cracks in the under-floor and under-water area that require the construction company to patch them up, nor should metal fittings become completely corroded. A video was shown on RTE which showed water seeping from cracks into the lower part of the building. Large water volumes have been lost through seepage into the Tolka river. It is a disgrace that a project can cost more than €60 million and be riddled with problems after the Special Olympics finished. Was the construction rushed for the Special Olympics? What about the three members of the Government who have personal responsibility as shareholders in Campus Stadium Ireland Development?

Section 38 of the Bill seeks to continue that latter arrangement and tries to rectify it. The Taoiseach, the Minister for Finance and the Minister for Arts, Sport and Tourism are the shareholders in this company, so the buck stops with them on how the contracts were awarded and on how a €63 million project had to close its doors and lay off its staff. The staff received very little information about the closure and the people in west Dublin who worked there are very concerned about the future. A €60 million project should have a life of 20 to 30 years and I want to know if the future of the centre is threatened. Has the Minister made an inquiry into everything that went on? I asked the Comptroller and Auditor General to carry out an audit of this development and he will do so in due course.

The bill for the electronic voting experiment must have risen to €60 million. The Luas came in almost five years late and at almost double the cost. The port tunnel will be an excellent project whenever it is finished, but it has come at double the cost. Taxpayers have been taken for a ride and the National Aquatic Centre is a monument to this Government's inability to manage projects.

Section 38 is an extraordinary provision. It states:

The Taoiseach, the Minister for Finance and the Minister shall have, and be deemed always to have had, power to hold and transfer shares in the Company and the establishment of the Company shall be, and be deemed always to

have been, as valid and effectual as if they had that power at the time of its establishment.

This is to rectify retrospectively what the Government did by administrative arrangement. The Dáil normally does not legislate retrospectively. The three culprits are seeking to give themselves retrospective powers that most constitutional lawyers would argue they never had in the first place. We need an explanation. The explanatory memorandum provides none and I can only guess that there must be doubts about the legal capacity of the three Ministers to form a private company without statutory authority and to enter into contracts relating to the acquisition, holding and transfer of shares in it. It would also affect their capacity to transact business for public purposes with public moneys through the medium of that private company and it would impugn the validity of the Votes of money made by the Dáil and confirmed in Appropriation Acts. That is why we deal with money Bills in this House.

In correspondence with the Comptroller and Auditor General and the Commission on Electronic Voting, I raised the issue of whether the Minister for the Environment, Heritage and Local Government had statutory authority to enter into contracts for the purchase of electronic voting hardware and software. We have argued that Ministers acquire capacity from two sources, namely, the Ministers and Secretaries Acts and from the various Acts conferring additional powers on particular Ministers. We raised this issue on several occasions, as we did with the deal that was made with the religious congregations. The Minister needs to make a full statement on this to the House.

When I was elected to the old Dublin County Council in 1991, I moved that the land at Abbotstown be reserved for amenity, recreational and sports use and for parkland. I have always supported the development of appropriate amenity and recreational facilities there. However, we want local representation on the board of this body and we want more detailed information about the plans for development on the site. Dublin West is very built up and this is one of the last reserves of land for amenity use in the area, which is now larger than Limerick city and almost as big as Galway. There is a need for recreational and cultural amenities.

What are the details of this development? Can local people obtain any more information? Work is being carried out at the perimeter of the site, which was an old farm with stone walls. Many of the stone walls on the Corduff side appear to be taken down at the moment. Local people could do with an information board to show what is happening on the site. They support the development, but they need more information about what is planned.

Mr. O'Connor: I thank the Ceann Comhairle for the chance to contribute, and preface my

remarks by congratulating the Minister for Arts, Sport and Tourism, Deputy O'Donoghue, on his efforts not only in sport but in the other elements of his portfolio. I have a great deal of contact with him on various issues, something understandable given my major urban constituency. His work gets a great deal of credit on the doorsteps. I will speak at length on sport, but he knows we have been very keen to promote local tourism in Tallaght, and he has been of great assistance in that regard.

Within his arts remit, he has been particularly helpful to my community, visiting the Civic Theatre on more than one occasion, and I am proud of his commitment. I note that colleagues have taken advantage of the business of this debate to discuss a wide range of issues, and I hope that I will be granted a little latitude, since I would like to discuss my constituency, the merits of sport, and recent developments. I hope the Ceann Comhairle will be amenable.

I have a strong commitment to the concept of sport for all, and I am glad the Minister supports that. I have occasionally said that I bring my life experiences to my politics. I had the opportunity of working with the Community Games organisation, being national public relations officer for ten long years from 1979 to 1989. It was a remarkable period for me in the sense that it gave me a very strong community base. Colleagues may be surprised to learn that I had the chance to work not only with organisations in Tallaght but throughout the Dublin region and across the country. I was very happy and comfortable in that, and I have always believed that the Community Games have made a tremendous contribution since their foundation in 1967.

It was good to hear other colleagues speak on the subject during the debate. I listened very attentively to Deputy Dennehy speak with reference to Cork. There has been great achievement in that regard, and the Community Games organisation can certainly be credited, in its early years and since, with identifying the need for sports facilities in many communities throughout the country and helping organisations mount campaigns. I was delighted to be in Dublin Castle recently, where my party leader, the Taoiseach, Deputy Bertie Ahern, paid a very genuine tribute to Joe Connolly, who founded the Community Games, which are still going strong, in 1967. I have seen the organisation go into every community in the country. It can be credited with great achievements as far as identifying community facilities is concerned.

I know the Ceann Comhairle had a long-standing interest in the Community Games, which I am glad to acknowledge. The organisation was about seeking out the child that might not otherwise have had the chance to be introduced to cultural and sporting activities. Over the years, they were particularly successful in identifying Irish talent, and Roy Keane, John Treacy, Sonia O'Sullivan,

Niall Quinn and many others had the opportunity of finding their way first in the Community Games and then going on to greater glory. The first Community Games, held in 1967, produced the young Eamonn Coghlan, and that is a great tribute to it.

It is important that we examine the concept of Community Games and how sport has developed. When even my Opposition colleagues tell me that the economy is doing well and that we are a great and rich country, I highlight the importance of our taking advantage of that wealth to provide facilities for future generations. People are entitled to make political points about how Government moneys should be spent and what should be done. Over the years, there have been many demands for health, education and housing, and that is absolutely as it should be. Sometimes, as the Minister will know, cheap political points are made regarding finding money to build first-class facilities.

However, we have an obligation to future generations when it comes to facilities, not only those in communities but also more major ones. I do not wish to upset anyone by talking about the famous Abbotstown bowl, but money should be available to the Government to provide facilities. That is why I strongly support what the Minister is attempting with the national sports campus development authority. Abbotstown is a fine site, and what the Minister proposes will attract a great deal of support and attention. Many colleagues on the other side would, if they had the opportunity, do exactly as the Minister. I heard Deputy Dennehy give credit to the Minister's colleague, Deputy Deenihan, yesterday. Many have taken a very fair stand regarding the development of sport and sporting facilities, and that is only right.

It is important to convey to the Minister the strong impression that as a country we are achieving a great deal in sports. Over the past few weeks we have been the envy of many larger states. Our rugby team performed heroics last Saturday. I would love to say that there was someone from Tallaght on the team, but I am afraid not, although Malcolm O'Kelly is a member of the St. Mary's Rugby Club in Templeogue in my constituency, and I am proud of him. Deputy Dennehy spoke a great deal last night about Derval O'Rourke, the young athlete from Douglas of whom we are all very proud. I need hardly remind Members that the current captain of the Irish soccer squad, Robbie Keane, is a Tallaght man, and there are other members of my community on that team too.

It is important we appreciate the great strides Irish sport is making, providing clear vindication of the Minister's policy on supporting sport and new facilities. There is no question that if we continue to provide world-class facilities in Lansdowne Road, Croke Park, and elsewhere — since there are gaps — we will continue to reap

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the benefits. Future generations will thank us for that, and there will be more people like Robbie Keane, Derval O'Rourke and Malcolm O'Kelly, those Irish stars whom we all revere. It is important that the Minister understands the merits of that policy.

I do not intend to upset anyone, but I attended a soccer tournament in a local school last night and was prevailed upon at short notice to tog up and play with Deputy Crowe and Senator Brian Hayes. Members should not tell them that I mentioned it, but it was an amazing experience. I am often keen to challenge young people's cynicism regarding politics, a task we all face. They must understand that we politicians have all done it, and some are far more famous as sportspeople than I could ever be. To see young people respond to politicians helping a good cause and participating shows that one is on the right road.

The session was in St. MacDara's in my constituency, where a PE hall has been provided for the last few years. On my way to Dáil Éireann this morning, I visited Firhouse community college to have another look at the PE hall there, which has been funded and developed and is now open for the school's use. We are trying to create a situation whereby the Department of Education and Science would fund the further development of services. I strongly support the concept of giving people in school and the wider community every opportunity to play and involve themselves in sport. While I accept that not everyone will wish to do so, many will.

I wish to discuss my community. As the Minister is aware, I represent Dublin South-West, which embraces the rural areas of Brittas and Bohernabreena, as well as the major urban areas of Firhouse, Templeogue, Greenhills and Tallaght, the third largest population centre in the country. We have been fortunate that the Government and the Minister have been able to fund good projects in the community. All the local GAA clubs have benefitted, such as St. Jude's, Faughs, St. Anne's in Bohernabreena, St. Mark's in my parish of Springfield, Thomas Davis and Ballyboden St. Enda's.

The Minister is aware of the current debate regarding facilities in Tallaght which continually fills the newspapers. Members should be brave enough to record that successive Governments, and this Minister in particular, have been extremely generous in that regard. Public money has been spent appropriately by providing good facilities of which people can take advantage. All can support such a policy and understand its merits.

Many other worthwhile developments have taken place in Tallaght. The soon to be opened swimming pool in Jobstown will provide a major boost to both the estates in Tallaght west and Tallaght and will supplement the facilities already

available in Tallaght community school. People will be keen about this facility and I look forward to its opening, as well as to the Minister paying a visit to view it.

Over the years, Tallaght has been earmarked as the site for a number of different facilities. For a while, the FAI seriously considered the possibility of building its national soccer stadium in Westbrook in Tallaght west. I was Cathaoirleach of the council from 1999 to 2000, when that campaign was under way. I have always regretted that someone lost his or her nerve and the project did not go ahead, as it was an ideal location.

Tallaght is the third largest population centre in the country and has made amazing progress as far as the provision of facilities is concerned. The Luas runs there and will be extended as far as Citywest. Many new hotels and infrastructure have been constructed and Tallaght also has The Square shopping centre, the hospital and a Garda station, which may be required with regard to the provision of sports facilities. It is an ideal location.

I have used the business of the House to raise the issue of the further development of facilities in the Tallaght area. In particular, I have referred to the athletics track on the Greenhills road which was developed by South Dublin County Council in 1999 and which opened during my term as Cathaoirleach. It is now operated by the Tallaght Athletics Club and could be developed further by the provision of a tartan track. I am proud that Tallaght has a young population and we have the potential to provide future Irish stars in that respect. The Minister has been looking forward to the London Olympics and considering how Ireland might plug into its inherent potential by providing first class facilities for use by our athletes and sports people, as well as by visitors on their way to London. In terms of development, six years is not that far away.

I strongly support the Minister's actions and achievements, especially regarding the national sports campus. While other Members have asserted that this debate should not be concerned with small facilities, my constituency is not a small place and I have made a strong case for its potential. Places like Tallaght should be able to provide such facilities to visitors and for future sports events. I understand the Department has examined this possibility and I hope it will continue to do so.

No debate about sport or sports in Tallaght would be complete without a passing reference to its soccer stadium. Earlier, I was tempted to wear my Shamrock Rovers scarf. Yesterday however, I engaged in some banter with Deputy Kenny, who incorrectly thought I was posing as a Glasgow Celtic supporter — which is not to say that I would not support Glasgow Celtic. I calmly told him I was proudly wearing my Shamrock Rovers colours. Recently, I have been asked by many people in Tallaght whether I am making a state-

ment by so doing. I am, as I strongly believe in the merits of developing the stadium in Tallaght. It is important for both Tallaght and the region as a whole. The Minister has bravely stood by his decisions in that regard and has major support in the Dublin region and beyond for so doing. In Tallaght, people do not stop me to complain about this issue. They have been extremely supportive of it.

I refer to the development of the national sports campus and what the Minister is trying to achieve with the proposed management structure. I have read through the Bill and its explanatory memorandum. While some minor amendments will probably be required, the Minister is on the right track and I strongly support him. When this Dáil term ends — I am confident it has another 400 or so days to run — the Minister will be able to look back on a period of achievement as far as his sports remit is concerned. At the outset, I noted that the Minister can also look back on his achievements in tourism and the arts, the details of which may be discussed another day. As far as sport is concerned, he will be viewed as the Minister who has provided systems and infrastructure. While there will always be issues about leaky pools in this imperfect world, I will not become as excited as Deputy Burton in that regard and I support the Minister's statements in this respect. His remit is to provide, on behalf of the State, first class sporting facilities that will be of use to future generations. In that respect, the Minister should understand that Members will support him.

Earlier, when I ambushed the Minister by raising the Shamrock Rovers issue, I did not wish to dwell on the subject. However, the Minister should know that there is much support in Tallaght, Dublin and elsewhere. For example, at a match two weeks ago at which Rovers made a temporary entrance to the first division and had a great win, people discussed the need for a first class modern stadium.

Without wishing to repeat myself, the Leas-Cheann Comhairle knows I am proud of Tallaght and its infrastructure and that it is a great place for a soccer stadium. Shamrock Rovers will play football there every second Friday and will also provide something which, as this Bill demonstrates, the Minister is keen to promote, namely, a major community service. The players will train in the area and the club will become involved in all the local schools. It has a number of community projects in hand, including a scholarship. I applaud the work of the 400 Club under the chairmanship of Mr. Jonathan Roche with the support of Mr. Ray Wilson. Mr. Wilson lives in Sidney and I am glad he is here today. What he is trying to achieve on behalf of Shamrock Rovers will get a great deal of support.

I am grateful for the opportunity to support the Minister and I look forward to supporting his Bill.

Mr. Boyle: In so far as the Taoiseach has a political philosophy on anything, is seen to believe in anything and is seen to have a passion for anything, it seems to be sport related. The Taoiseach has been central to the debates and arguments on Abbotstown. I suppose, to be fair to the Taoiseach, he had a vision for Abbotstown. Thanks to the then Attorney General, now Minister for Justice, Equality and Law Reform, Deputy McDowell, he had to compromise on the original vision. What was developed in Abbotstown in terms of the National Aquatic Centre has turned into a fairly squalid tale the reasons for which need more explanation in this House. This Bill raises more questions than it seeks to answer. It has been on the Government's legislative programme for the past two years, indicating that the Government gave this Bill some priority.

Why was there such a delay in introducing it? Yesterday's event might provide one explanation. This Bill is not overly complicated or particularly long and does not contain any extraordinary structures or end goals. I suspect one of the reasons its introduction was so delayed was the matters pertaining in the High Court, decisions that might have been made outside of this House and the suspect clause in it that gives retrospection in decision making powers of Members of the Government on Abbotstown, which is a matter we on the Opposition benches have every right to view with suspicion. The Minister should explain why such a clause is deemed necessary and why there has been such little glee about the Bill.

Ireland is seen as a sporting nation. However, the indicators in terms of the educational standards and health standards signal something different. The failure of successive governments to properly link a national sports policy with the education system has led to the health indicators of our young people, in particular, going ever downwards. This nation has a growing problem with obesity, particularly childhood obesity and related factors that spring from those bad health indicators, particularly an unacceptably large growth in the numbers of people suffering from type two diabetes. A government that sees these indicators and fails to put in place preventative and supportive measures has questions to answer on a national sports policy.

It has often been said that this is too small a country to compare with the more successful sporting nations but any analysis of countries that are successful in international sports would indicate that it is not necessarily a question of the wealth of the country or even the degree of investment. First, there is a national culture in terms of encouraging participation in sports. I will use the opportunity of this debate to point to two examples of different types of countries seen to be internationally successful in many sporting endeavours. The first, Australia, has a population

[Mr. Boyle.]

of no more than 25 million people. It hosted the Olympic Games in 2000 in Sydney. It is very successful in swimming, athletics and team sports. It has taken a long time to get a successful international soccer team together but at least it will participate in the World Cup this year, while we will not. Australia has an active national sports programme based on a national sports training centre, which is one of the visions for this Bill. However, the national sports centre in Australia is linked, not to the largest centre of population nor even to its administrative capital, but to an out of the way, but still convenient location for athletes to develop their skills away from the hub-bub of everyday life in an environment where they can reach their greatest potential as athletes.

The other example I would point to is Cuba. Although still a communist state, this island country with a population of no more than 9 million people successfully competes in international sports. It is a country with a very low standard of living whose *per capita* income is one of the lowest in the world due to the economic blockade from its near neighbour, the United States. A comparative study of Sydney Olympic Games results done on the basis of the GNP *per capita* and population levels in Cuba showed that the Cuban equivalent of the level of achievement of the United States — which is usually seen as the most successful sporting nation and usually gets in the region of 200 medals between gold, silver and bronze — would be 3,000 medals. Whereas Cuba has a low economic standard it has policy initiatives encouraging participation in sports and in breeding excellence.

We have heard talk in this debate already of the phenomenal achievement of a constituent of mine, Ms Derval O'Rourke, in winning a sprint event. That was a very real achievement. Athletics Ireland has a proud record in middle distance running among both men and women, but we have never really achieved in the area of sprints and hurdles. We had a hurdler in the 1928 and 1932 Olympiads who won two gold medals, Mr. Bob Tisdell, but he lived and did most of his training outside of the country. Ms O'Rourke is the first example of someone born and trained in Ireland winning an international competition, and yet her most recent experience of State support and intervention was contact with the Irish Sports Council which saw her subvention as an athlete cut in half prior to her participation in the World Indoor Championships. That is the mixed message we are sending to athletes, people of ability in this country.

The Government has a sports policy that puts an obscene amount of emphasis on horses and dogs before emphasis is put on people. Some 37% of the budget the Minister has at his disposal is spent, not on people in general or on athletes, but on horses and greyhounds. It is difficult to find any other developed country that would

determine such a ratio for its sports budget. The Minister might argue that he has overseen an increasing sports budget and the Taoiseach may argue that the Abbotstown sports complex, as it might develop, is an attempt to redress that balance.

Mr. O'Donoghue: The horses and dogs get prize money.

Mr. Boyle: If we are talking about economics, the great pride we seem to take in the Cheltenham festival represents a net loss to this country, where thousands of people go over to the south east of England to spend their money rather than stay in Ireland during the national holiday, an event we are supposed to be seen to be celebrating. Deputy O'Donoghue, as Minister with responsibility for tourism, seems to wear two hats, encouraging people to take part in a sport outside of the country while attempting to bring people into this country to spend their money. I do not know how he can square that circle. No amount of prize money from greyhounds or horses will address that balance.

Mr. O'Donoghue: If we adopted that logic, St. Patrick would never have come here in the first place.

Mr. Boyle: He did not come willingly. If we are to get into that argument we could be here for a long time.

The economics of sports has always been self defeating. Despite increasing budgets with which the Minister has had to play around, the proportion of money spent on sports is still far smaller than that spent by other countries, which give sports a better priority and get a better pay-back from such investment in terms of greater use of the education system and certainly a greater benefit for the health of the nation. There is a lack of joined up thinking and interaction between the Minister and his Cabinet colleagues in this area. The Government does not have a national sports policy. Most of our sporting achievement is down to individual effort and brilliance and often occurs by accident. The reason the Government does not have a sports policy is the lack of interaction and drive at Cabinet level.

As someone who represents the second city, I question the location of a national sports centre in the greater Dublin area. National training centres in other countries are not located in their capital cities. For example, the UK centre is in Birmingham and the same scenario applies in France and Germany. The parcel of land involved solved a number of problems for a few Ministers. First, the former Minister for Finance, Charlie McCreevy, was responsible for the State laboratory, which needed to be modified and brought up to speed. The State was sending specimens abroad for analysis which should have been analysed here. However, the decision could have

been taken to redevelop the laboratories at Abbotstown. Instead, it was decided to sell the buildings and move the laboratory to the constituency of Kildare North.

Once that decision was made, the Taoiseach identified Abbotstown as the site for what the Minister for Justice, Equality and Law Reform described at the time as a Ceaucescu-like project. That never got off the ground and the nation was treated to a bizarre minuet between the GAA, the FAI and the IRFU regarding the location of a national stadium. The Croke Park edifice was magnificently redeveloped while the soccer and rugby organisations were left in limbo. Progress has been made on the Lansdowne Road stadium but, because of the planning process, we do not know how that will play out. Even though the Taoiseach's vision for Abbotstown failed, it was still considered to be the site for the prototype national sports training centre. Perhaps the Taoiseach should be encouraged to pursue this if there is no alternative use for the site, even though the greater Dublin area is not necessarily the only or best location for such a facility.

Is there a need to add to the infrastructure of sports organisations by establishing a national sports campus authority? Sports Campus Ireland operates the National Aquatic Centre at Abbotstown. The Irish Sports Council, the Olympic Council of Ireland, which prepares and supports athletes who participate in olympiads and a multitude of sports governing bodies are in place. Where is the coherence? Why add to the confusion? The Minister failed to explain this when introducing the legislation but he will need to do so when he replies to Second Stage.

The Taoiseach stated, in responding to the latest crisis regarding the National Aquatic Centre, that the transfer of its lease to a shelf company with a share capital of €127 was done without the permission or knowledge of the Government but I do not buy that. The organisation that decided to transfer the lease to Swimworld, which, in turn, transferred it to a mysterious person in Limerick who, ultimately, controlled the centre, was established by the Minister and many of its members were appointed at the behest of the Taoiseach. Many of them were and, I presume, continue to be, close to him. Given that relationship, I cannot accept the Taoiseach does not know how current events came to pass regarding the National Aquatic Centre.

The ultimate irony is that the Minister is taking upon himself the right to appoint yet another authority in the suspect way that all such authorities are appointed in the State, which has been the practice of this Government, in particular. When such bodies are appointed, their membership has less to do with experience and interest than knowledge of and involvement in the political parties in Government at the time. I can refer to how this has worked to the detriment of the organisations involved throughout the panoply of

State agencies. Yesterday, a story broke about the membership of the advisory committee of the Environmental Protection Agency. The Green Party has called for strong reforms of this body. A member of the advisory committee, who was appointed by the Minister for the Environment, Heritage and Local Government, intervened to legitimise the practice of illegal dumping. If that happened in this organisation, I presume it has happened in other State bodies because of the method of appointment of members. People are not scrutinised via an open and transparent process.

The Minister for Arts, Sport and Tourism awaits a report on the incidents relating to members of Bord na gCon, particularly one man whose background ordinarily would have prevented his appointment to any body, not least an agency representing the State. As long as parties persist in making political appointments to State agencies, people will be appointed for the wrong reasons. They do not add significantly to the work of these bodies and they may damage them.

A commission is needed to take such appointments out of political hands and I have little faith the Government will institute such a change. If other political parties accept that such a need exists, my party would be willing to talk to them about such change. My fear is that the appointments to the national sports campus authority by the Minister and his successors will be made on the basis of political patronage and advantage and that secondary consideration will be given to sports issues and the effective management of the campus.

The legislation seemed innocuous, despite its long gestation. As time has gone by, it has developed more sinister characteristics and we need to spend more time properly analysing and parsing its implications during its passage through the House. If we do not get it right, the sporting future of the State, in which people rightly take pride, will be put at risk because the campus will be treated as a political vision rather than a sporting need or a vehicle to meet the health needs of the citizens of the State and its children, in particular.

Mr. Kelly: I welcome the Abbotstown sports campus project. Its development is positive news, shows optimism and is an example of what the Government is about. We are a sporting nation that can hold its own with any country in the sports arena. Our people have proved they have a love and capacity for sport. I am delighted this development, at an estimated cost of €119 million, will go ahead. A sum of €9.5 million has been provided in the budget to commence the project and the balance of funding will be provided over the period 2007 to 2010.

Ireland has many excellent sporting facilities, for example, Croke Park which is among the fin-

[Mr. Kelly.]

est stadiums in the world. We look forward to the development of the Lansdowne Road stadium. As its record shows, the Government is committed to sport. I thank the Minister for Arts, Sport and Tourism, Deputy O'Donoghue, who has been the best Minister for sport in the history of the State. Through his example, hard work, commitment and dedication he has proved his love of sport.

Involvement in sport is great for people. It is great to be healthy in mind and body. We have some fine sports facilities throughout the country, including in my constituency of Longford. People deserve a campus like Adamstown. They look forward to it and it is only right to proceed with the project.

There are some fine sports facilities in Longford. Longford rugby club has two all-weather pitches and the club provides great assistance to our youth through its many underage teams. I invite anybody listening to me with an interest in sport to contribute to the Victor Connell fund. Victor is a young Longford man who was, unfortunately, seriously injured in a match last November. We wish him well and hope people rally around to support him, as the people of Longford are doing.

I welcome the news from the Minister of a new six-lane 25 m swimming pool for Longford. I thank the town council, the county council and the staff of Longford sports and leisure club for their efforts to get this facility. In particular, I thank the Minister for his speedy attention to the request for a new county swimming pool. There are many excellent swimmers in Longford, including some who have broken records and won European championships. Longford swimming club and all who participate in it must be complimented on their achievements.

Longford tennis club has floodlit hard courts which are an asset to the town as they are an attraction to foreign investors in the town. The town has a successful badminton club at the Longford Slashers sports complex, a major complex which contributes to quality of life for Longford constituents. Basketball is strong in Longford and facilities are available at the magnificent Mall complex on a 22-acre site. I compliment all those connected with the Mall complex on its excellent condition. When the swimming pool is up and running we will have a wonderful facility. Recently, both the ladies and gents Longford basketball teams participated in all-Ireland finals. The Longford ladies won their competition. I compliment Mick Murphy junior and Mick Murphy senior and all involved in the basketball club.

Handball is a minority sport, but a wonderful new handball facility is under construction at Abbeylara. This will be the best handball facility in Leinster. I compliment Fr. Michael Campbell, Councillor P. J. Reilly and the Reilly girls, and

the people of Abbeylara for their commitment and dedication to providing facilities for this wonderful sport. When the facility is up and running, anybody who would like to visit it will be more than welcome.

Due to Government commitment, Longford GAA now has a great stadium at Pearse Park. Compliments are owed to Martin Skelly, chairman of the county board, Pat Cahill, vice-chairman, and everybody else connected with the county board and GAA in Longford on its development. The Minister also was not behind the door on this development. He made a major contribution to the new stand and pitch. We look forward to our Dublin friends' visit to Longford for the first round of the Leinster championships. We hope to have a good sporting game. Longford is a beautiful town and we invite all of them to come and see it, even if it is only for one day. We intend to win that day, but if Dublin brings its own referee it will have a sporting chance. The Longford team has some excellent footballers this year.

I also compliment the Longford soccer club and everybody at Flancare Park. The soccer stadium is an excellent sporting facility that seats 6,000 people. Jim Hanley is the chairman and he is supported by a good committee and Longford town supporters club which is second to none. The soccer club supporters have earned the reputation of being the best behaved supporters in the Thirty-two counties. The club is seeking additional funding for a new pitch in memory of the late Shane Brennan — may he rest in peace — a young star with brilliant talent who died tragically. The Brennans are highly thought of in the community and, hopefully, the new pitch will go ahead.

There is great participation in underage soccer throughout the county. In Abbeycartron, Tom Cunningham, Ray Masterson and others cater for up to 1,000 children every Saturday. A similar project began in Ballymahon last week. I compliment the chairman, Colm Ledwith, Tony Tiernan and all in Ballymahon on the excellent work they are doing. We wish them well and I thank the Minister on their behalf for the assistance he has given.

I am glad to see that the Longford boxing club has been reformed. We wish Tony Carberry and all at the club well.

An Leas-Cheann Comhairle: I am reluctant to intervene, but the Deputy has mentioned many names. While I know this has been in a complimentary manner, it leaves open the opportunity for another Deputy to criticise those named. It is a rule of the House that names of people outside the House should not be mentioned.

Mr. Kelly: I apologise. I will refrain from naming names. I compliment everybody connected with the Lanesborough boxing club on all the

work they are doing, especially at under-age level.

Horse racing was mentioned earlier. We are known all over the world for horse racing. Ireland is considered to be one of the best places in the world for horse racing. When one goes abroad and mentions Ireland, people talk about horse racing and the Punchestown festival, which is the largest in Europe. Every bed and breakfast and hotel is full for a 50 mile-radius every year during that festival. Some criticised the initial investment but we need to promote tourism and Ireland. We must be forward thinking. There are also excellent facilities at Leopardstown, Galway, Kilbeggan and in counties Westmeath and Roscommon. Some very famous people from County Longford have been involved in the horse racing industry. Deputies know to whom I refer — a person who was successful recently in Cheltenham.

We also have greyhound racing in County Longford. I will refrain from naming people, but there is an excellent committee involved in the County Longford greyhound track, about which we hope to hear good news shortly. The facility there is excellent.

Why would we not have the Abbotstown development? We need and want such a development. We owe it to our athletes and our people to prove that we can compete at the highest level and have the best facilities in the world just outside our capital city. It is no longer acceptable that people must travel to England, Scotland, Wales, Germany, France, Holland and elsewhere to see our athletes perform at the highest level. We want Irish sports people performing at the highest level at home so that Irish people can see them without the burden of having to travel abroad. I wish our athletes the best of luck in the next Olympic Games.

Longford has many famous sports people who have represented us well in various fields, including showjumping, horse riding, racing, football and high jump among others. The list is endless. I congratulate the Longford GAA team that won the national football league in 1966. This is their 40th anniversary and I wish them well and hope they have a joyous celebration.

I thank the Minister for the major contribution made to sport in Longford and throughout the country. A great deal of money has been invested in sport but perhaps this year a little more money could be spent. Unfortunately, with the level of demand on the resources available to the Minister, it is not possible to keep everybody happy. However, he has done a great job in trying to help everybody out and spreading the money across all sports all over the county and indeed the country.

The GAA deserves special mention for the Gaelic football clubs in Longford, which provide excellent facilities. Nobody can question the facilities sporting organisations are providing and

everybody is supportive of them. I do not know anybody who is against sport or does not want to go ahead with the proposed Abbotstown development. It is in the best interests of the people and everybody connected with sport.

We need vision and leadership in this country and we have both in the current Government. We had great leadership and vision when it was proposed to develop Government buildings. Many people said the result would not justify the cost. In retrospect, it was excellent value for money. It is a wonderful monument to the people and a place of which we can be proud. It allows us to hold our heads up high and is a place to which we can invite the Heads of Government from all over the world.

We are as good as anybody, if not better than most. We hold our head up high in the sporting field. We need and want the best facilities. The people should be given what they want, namely, good sporting facilities. We should not hold our athletes back anymore. They should not have to go abroad for training. They should be able to train here with their people and in their country. Then they will have pride in their hearts and will go out into the world and win for Ireland, for themselves and for the Irish people. Deputies should not try to delay this proposed development because it is positive. It is good news and something of which we will be proud and which will contribute to the betterment of the nation. In years to come, people will look back and ask who developed the Abbotstown campus. They will say it was a great idea and the brainchild of visionaries who had a great belief in the people.

While we look forward to getting out there in Abbotstown, I do not think I will come out of retirement. I had a short sporting career. It was nothing too illustrious but I participated in various sports and was glad to do so. I encourage as many people as possible to participate in sport. When one looks at sporting participants and club members from towns and villages throughout Ireland, they are not in trouble, their names are not in the newspapers and they do not appear before the courts. Sport gives people comradeship, friendship, fellowship, loyalty, spirit and pride in their country, town and parish. It makes them proud to be Irish. Sport is for everybody. It is good. We have many good things in this country, but sport is especially good.

Let us welcome this investment and commitment with open arms. Let us move forward to allow the commitment to be brought to fruition as quickly as possible, not in the interest of individuals or vested interests but of all Irish people. I thank the Leas-Cheann Comhairle for his patience and everybody for listening. I am sure this Bill will have the full support of all Members of the House. I do not believe any Member of the House will question the commitment and good intent of this Government in providing sports facilities.

Mr. Crawford: I welcome the opportunity to speak on the National Sports Campus Development Authority Bill. In case Deputy Kelly believes Fianna Fáil is the only party interested in sport, he only has to look at players in the Fine Gael Party such as Deputies Kenny and Deenihan, the proud holder of many medals. I would not claim, no more than the Deputy, that I was a great athlete but I am proud of those on all sides of the House who partake in sports. At the weekend, the Oireachtas Members rugby team beat the folk across the water, or as the late Brian Lenihan would have said “the old enemy”. It highlights the camaraderie regarding sport in all parties.

The investment of €15 million, a small amount, in the Punchestown Equestrian Centre was good for the area. It furthers the argument that money should be spent on sporting facilities. The site at Abbotstown for the proposed sports campus has been controversial for many years. It is the Taoiseach’s pet project to show his unquestionable support for all sports but also to create a living memorial to his term in office. It has become clear that his original proposal was unrealistic and unworkable. Hopefully Croke Park and Lansdowne Road, when it is eventually restructured, will be stadia that will do Ireland proud.

The work already done on Campus Ireland, including the provision of the infamous swimming pool, raises further questions. Leaks at the National Aquatic Centre have shown the workmanship on site was faulty. That part of the roof was blown off and the centre had to be closed for months raises more questions. How could such a structure be constructed in such a faulty manner, particularly when the lives of many children using the centre could have been put in danger? Some 30 years ago I was involved in the building trade, selling structured steel, and the buildings it was used in have not yet been blown down by the wind.

The independent report carried out on the damage to the centre by Kavanagh Mansfield and Partners Consulting Engineers found “the damage to the Competition Hall roof was caused by the failure of elements within the [roof] assembly”, the actual workmanship. The report continued:

This failure could have occurred at wind speeds within normal design parameters for a building of this size in this location. Exceptional storm conditions need not have been present for this damage to occur. The roof failed due to lack of resistance to the wind suction forces which were exerted on the day of the storm. Those forces did not exceed those which can be estimated for design purposes as possible to occur by reference to the normal design code. We conclude that the roof decking did not comply with the normal design codes or in that regard with the Building Regulations ...

The engineers concluded they were concerned about the safety of the roof. The building was designed to accommodate young people for sporting events but was assembled in an offhand way. It is important that the proposed authority ensures no one is again put at such a risk.

The Government has approved the establishment of the national sports campus development authority to oversee the planning and development of a campus of sports facilities at Abbotstown, County Dublin. I have no problem with that other than to question the suitability of access to the location. I also question the cost of clearing the site and transferring its previous occupants to County Kildare. If a GAA club, for example, wants to avail of a grant from the national lottery, it must show ownership or long-term lease of a pitch. The land in question is owned by the Minister for Agriculture and Food. How will this be reconciled?

The Government is providing the capital cost of the project over the next five years, an estimated cost of approximately €120 million. No doubt it will justify the expenditure. I fully support all realistic sporting structures that encourage our youth into sport rather than depending on other forms of entertainment, namely drink and drugs. A recent report highlighted the seriousness of young people drinking. I again ask that legislation be introduced to deal with drinks advertisements.

Millions of euro have been spent on the site, together with the €120 million project costs. That makes it more difficult, therefore, to explain why a cross-Border project such as Scouting Ireland based at Castle Sanderson on the Cavan-Fermanagh border did not justify the expenditure of €4 million. That project, like the national sports centre, would have been a marvellous opportunity for young people and their visiting friends from international scouting organisations to have a proper and safe outdoor pursuits area. Like Campus Ireland, it was a long time under discussion. It meant the bringing together of all the scouting organisations into one body. However, no funding has yet been made available. I urge the Taoiseach to ensure funding is made available before it is too late. He visited the site before the last election when some seed money was provided. It was, however, not on the same level as that provided for Campus Ireland or Punchestown Equestrian Centre. It is difficult to advise those involved in scouting that their needs are not as high a priority.

The Ballybay wetlands project is another example. It provides outdoor activities and research opportunities for schools in the Border region. Less than €1 million would make the project viable. Ballybay Development Association has put its money where its heart is but has been ignored. The project did not even justify a visit from Fáilte Ireland. The tourism industry in the

area is depressed, yet Fáilte Ireland does not believe it is worth its while to visit the site.

I raise these issues to highlight the lack of fairness. I am not against the Abbotstown project. It is vital that our young people have the best possible facilities to train for national and international sport. Ireland has seen positive results in the past few weeks. The gold medal winner in athletics, the ten victories in Cheltenham and the rugby team's victory in London attracted positive publicity and were good for our sporting and national image.

Sport is our great national passion. Involvement in sport provides a source of well-being and an emotional outlet for people of every age and from every corner. The Minister for Arts, Sport and Tourism emphasised that sports funding in 2006 exceeds €243 million and that the Government has spent more than €750 million on sport since 1997, although the budget was only €17 million then.

When one examines the overall figures and goes through the annual allocations on a county-by-county basis, there are clearly enormous differentials, which worry me. I pay tribute, however, to the Minister, Deputy O'Donoghue, and his personnel who facilitated Monaghan Town Council and county council in building a very impressive swimming pool and leisure centre. The county council and town council staff, together with the builders and all concerned, deserve enormous credit for the speed at which the project is moving forward, in spite of the long delays in getting initial agreement. Monaghan's swimming clubs have a proud record and, hopefully, this new facility will once again give them an opportunity on their own doorstep.

The people of Cavan and Monaghan, with the support of many others who cross the Border twice a week to take part in the national lottery, provide more than their fair share of funding for sports grants. I urge the Minister to ensure that this generosity is returned at least to the two projects I have mentioned.

Only recently, I, together with my Oireachtas colleagues and a group representing St. Tiernach's Park, Clones, met the Minister regarding the future restructuring of that vital facility for the nine counties of Ulster. This cross-Border facility has been the centre of activity for the majority of Ulster finals over the last century, but without proper funding that may not continue. The centre of activity could easily move nearer to Belfast and would thus not only be a major loss to counties Monaghan and Cavan, including Clones, but also to the Irish taxpayer as significant money is spent on food and beverages during those activities in the Border region. I would welcome an early commitment on that project.

On a positive note regarding the national sports campus, there is no doubt that the selection of London as host city for the 2012 summer Olympics will open up opportunities for us to

present Ireland as a high quality centre for elite athletes and teams as they finalise their preparations for the games. We must move quickly and use this opportunity to provide such facilities.

I clearly remember when my colleague, Deputy Gay Mitchell, as Lord Mayor of Dublin, urged the capital city to bid for the Olympic Games, and his remarks were treated as a joke at the time. The provision of such services would be a start towards that end, however, and perhaps some day we will see his dream fulfilled. We should not be shy about promoting that goal.

Major questions remain to be answered about this organisation, including the issue of the shell company and other question marks that hang over the National Aquatic Centre. In recent days, some of the issues regarding the use of the centre have been raised in court. I would also question the formation of the authority and to whom it will be answerable. I have no doubt that the Minister of State will tell us who he has chosen to go on the authority. I am worried that all these independent authorities are not answerable to this House and that the House is becoming irrelevant. As a farmer, I was a member of such an authority, the Irish Livestock and Meat Board, for some time.

Only recently we established the Health Service Executive. I tabled a fairly simple question to the Tánaiste and Minister for Health and Children the other day, but she said she had no responsibility for the matter I raised. She had to refer it back to the HSE for a reply. The National Roads Authority is another example, although I am a lot happier with the work it is doing now, mainly because it is doing a really good job in Monaghan. We must ensure that these groups are answerable to somebody so perhaps the Minister of State will clarify that matter in his closing address.

Section 25 of the Bill gives authority to withhold consent to the renewal of a lease or tenancy where such a lease or tenancy would prejudice the running of the site. This is an important point because we have already seen the difficulties with people who were involved.

As regards membership, section 18 contains the standard prohibition on members of the authority holding political office. I presume the Minister is referring to Members of the Oireachtas as well as members of town or county councils. What worries me, however, is that once these people are appointed one discovers that they are highly political. The only reason they got those positions is that they are political and hold membership in certain political parties. There is an onus on the Minister to ensure that the best people are appointed to this authority and that it is seen to be independent, understands what it is doing and knows something about sport. While I would not put myself forward as such a person, the situation should not be treated lightly.

The national sports campus development authority can have a major role in the future of sport

[Mr. Crawford.]

in Ireland and in that context there is an onus on the Minister to ensure that the right chairperson is appointed with an appropriate board to ensure that the authority is run independently and properly for the benefit of all sports people and the economy generally. We cannot hand over €120 million of taxpayers' money and national lottery funding to any old group that will do any old job. We must ensure that those in control know what they are doing and will ultimately deliver for sporting organisations.

Mr. Carey: I am glad of this opportunity to speak on the National Sports Campus Development Authority Bill, which is very important for the development of sports in this country. I compliment the Minister, Deputy O'Donoghue, on his campaigning zeal in ensuring that the measure is now before us.

The purpose of the Bill is to provide a statutory basis for the authority, which will oversee the planning and development of a campus of sports facilities at Abbotstown beside my constituency in County Dublin. It is so close that part of my constituency is called Abbotstown. We live cheek by jowl so I look forward to the great benefits to be reaped from this development by my constituency.

In the past, the development of this sports campus has been used as a political football, if I may be allowed to mix my metaphors. Unfortunately, it means that serious damage has been done to the public perception of the project and to the public interest, especially when we consider the great benefits that this sports campus will bring to many people throughout the country, including athletes, players, supporters, trainers and everyone else involved or interested in sport. I hope a certain level of maturity has been reached in this respect so that we can look forward to the development of this campus as a truly magnificent testimony to the national enthusiasm for sport. It is, therefore, timely and beneficial to have this debate and move forward with the project.

To understand the importance of the Bill, we must consider the place of sport in the country's social fabric and its hugely positive influence. Many speakers have rightly taken time to reflect on the relevance of sport to the nation, especially in an international context. It is often said that we are a nation of sports fans but it is also true to say that we are emerging as a nation of sporting stars. One only has to consider the events of last week to see the proof of this. Derval O'Rourke, a young woman from Cork, took gold in the world indoor athletics championships. For the second year running, we had huge successes at Cheltenham — I hope others benefited more than I did — ensuring that Ireland's reputation in international horse racing was reasserted in a most glorious and positive manner. On Saturday,

the winning streak was capped by a marvellous performance from the national rugby side against England at Twickenham.

These events were preceded by a renaissance of the GAA, where the organisation, which has been at the heart of our local communities for more than 100 years, has re-emerged and renewed itself during the past ten or 15 years. The redevelopment of Croke Park during this period has provided us with a stadium that will stand up to comparison with any stadium I have ever seen. In the past ten days the Cathaoirleach of the Seanad and I visited Cardiff Arms Park when we attended the opening of the Welsh Assembly building. Croke Park is a fine stadium compared with Cardiff Arms Park. At the same time, the emergence of the Irish soccer team as a competitive international force capable of qualifying and competing in European Championships and World Cups has given us the belief that we can compete internationally and pit our wits, in athletic terms, against anybody in the world.

This affinity with sport does not end in front of our television sets. We are also emerging as a nation of sports participants, whether it is at our local GAA club, in a dance class at our local parish centre or at a newly built local authority gym such as we have in my constituency in Finglas and Ballymun. I thank the Minister for Sports, Arts and Tourism, Deputy O'Donoghue, for his support for both. He had the pleasure of being present at the opening of the new €23 million facility in Finglas approximately one year ago.

We have seen that participation in sport provides us with a unique source of well-being and is an important emotional outlet for people of every age and from every part of the country. It is now widely accepted that the benefits of sport have far-reaching positive consequences for society as a whole. While the emphasis may be slightly different, I believe the impact on Ireland of the Ryder Cup later this year will be similar to that which the Special Olympics had a number of years ago. It is for these reasons that this Government continues to support the development of a vastly improved network of sports facilities within communities across the entire range of sporting activities.

When I was elected to the House in 1997 I heard people complain, as I did myself, about the lack of facilities whereby players had to change in poor facilities and participants had to shelter under bushes to avoid inclement weather conditions. That is changing rapidly. It is hard to believe that when the Government took office in 1997, the total budget for sport was approximately €17 million. The annual sports budget has increased dramatically and by the end of 2005, Government spending on sport since 1997 totalled €740 million. This year, the provision for the development of new sporting infrastructure and supporting sporting programmes is more than €150 million.

The sports capital programme continues to be the primary vehicle through which financial support is provided. It has funded approximately 5,000 sporting facilities at local, regional and national level with a total spend of €400 million. In 2005 alone, the sports capital programme funded 645 projects and awarded grants amounting to €63.239 million.

While some of the focus of this sports funding has been on the development of a range of regional and national multi-sports centres such as the redevelopment Lansdowne Stadium, Croke Park and the National Aquatic Centre, the provision of facilities at local level through clubs and community groups has been hugely beneficial for many communities. When we consider that, in consultation with the Department of Community, Rural and Gaeltacht Affairs, 202 of the grants awarded under the 2005 sports capital programme were for projects located in areas designated as disadvantaged, we can understand the huge effect this funding has on our communities. Some of us represent communities with a relatively high level of disadvantage.

I do not need to look too hard to see the effect that this funding has in my constituency. I have seen large clubs such as Ballymun Kickhams, Ballymun United, Na Fianna GAA, Erin's Isle GAA club, Johnstown Park and Tolka Rovers benefit from these grants. I have also seen how smaller clubs can flourish, thrive and meet the needs of a community on what many would consider to be small grants. Clubs such as Valley Park United and Finglas Kempo Karate are two prime examples of how a small amount of money was able to transform a club into a considerable player on the Irish scene. I hope funding through the sports programme continues. I know Finglas Celtic, a successful club, is awaiting the Minister's consideration and I hope that funding will be forthcoming.

Over recent years in the constituency of Dublin North-West, we have also seen the development of a number of local authority owned sports facilities, such as new leisure centres in Ballymun and Finglas, which are hugely beneficial to the communities. Yesterday, I attended a meeting on the increased usage of the Finglas centre because there is not enough room for all the cars driven to and parked there. I suggested some people could walk but we live in a different era. It shows the success of high quality facilities which attract many users.

Following the allocation of an €800,000 grant, new indoor tennis courts have been developed at Albert College Park by Tennis Ireland for use as a national tennis training centre. The new facility is primarily used for training young people. However, the wider community, including local sports clubs and DCU students, also have access to the facility.

What is interesting about funding in constituencies such as Dublin North-West is that it is not

just about upping the number of people participating in sport. It is about the added benefits that come with the increase. Together with the obvious physiological benefits, sport has been shown to improve emotional and cognitive skills including self-esteem and problem solving. These improvements can impact directly on behavioural risk factors and, as such, sport may be a useful intervention strategy, especially in reducing the much discussed anti-social behaviour.

Two key aspects of sport and physical activity are that they reduce boredom in youth and decrease the amount of unsupervised leisure time. Preventing and reducing boredom is important owing to the reported links to depression, distraction and loneliness. In addition, there is consensus that if youth lack stimulation and have little to do, they will seek their own, often anti-social, activities. Sport and physical activity programs provide an effective vehicle through which personal and social development, especially in young people, can be positively affected.

I get no great satisfaction from stating that in my constituency during recent months we had an outbreak of anti-social activity culminating in gangland killings, shootings and, unfortunately, quite a number of suicides. Developments such as the network of sports halls throughout the country sponsored by the Departments of Education and Science and Arts, Sport and Tourism and linked to schools will be beneficial. I believe in the importance of sport in the education system. At times it concerns me to see management bodies prepared to sell useful recreational spaces and allow them to be developed for housing and other purposes, important though they are.

To return to the national context of this Bill, a report by the ESRI last year identified the main social and financial aspects and advantages of sport in Ireland. It stated that the economic value of sport is €1.4 billion per annum. In this context, Exchequer support of €740 million for sport over the past seven years can be seen as a very worthwhile investment.

This leads to the conclusion that there is a compelling business case to be made for the development of the sports facility at Abbotstown. The case was always existed but the issue has been subject to a rather crude political debate. Such a campus would increase participation in sport at all levels from the passive amateur to the high-performance athlete. Apart from the beneficial effects on the health of the nation and helping to address many social problems, as previously outlined, the sports campus could generate substantial tourism revenue and significant employment.

Campus Ireland will be a busy and highly productive national sports centre, helping to attract great events to Ireland as well as showcasing the best of Irish sports talent. I am confident that the mix of campus and public amenity around it will

[Mr. Carey.]

make Abbotstown a thriving, vibrant centre all year round. I also welcome the allocation of a site to the St. Francis Hospice organisation to construct a much-needed facility for the area and I compliment the Taoiseach and the Government on agreeing to it.

Furthermore, and particularly in the context of the London Olympics in 2012, the campus will not only generate revenue but will also involve the building of high class, international standard sports training facilities throughout the area. Sporting facilities are set to benefit from the announcement that London will stage the 2012 Olympic Games. In most cases that will mean upgrading and improving what already exists and significant investment if they are to become attractive and viable locations for foreign teams looking to set up training and holding camps before moving on to London. Cyprus, for example, provided several training venues ahead of the Athens Olympics. Maybe it is a little too early to start talking about what facilities might be targeted but the opportunities for presenting training venues to other countries are extensive.

The obvious spin-off from this will be countries seeking to come and set up their pre-games training camps here. While there are many outstanding facilities throughout the country, such as the universities, a facility in Abbotstown would be a great advantage. Such developments will surely contribute to the social and economic regeneration of the surrounding area. I am well aware of the burden being carried by Dublin 15 in general and Abbotstown in particular. Deputy Joe Higgins also understands the burden borne and the challenges facing the Blanchardstown area.

Many have argued that if we proceed with the campus, substantial investment will be needed. At times it will undoubtedly lead to increases in traffic in the area. We have a responsibility to minimise that and to accept that some element of additional cost is involved. Even if there were no campus, however, we would still need to invest in road, rail, Luas and metro to achieve the best possible quality of life for thousands of families in Blanchardstown and the surrounding areas. Blanchardstown's population is large enough already for it to qualify as one of Ireland's ten largest towns. The plans are ready, progress is being made, consultation is beginning and metro north and west, in particular, will alleviate many of the concerns people raised in objecting to the development of this project.

There is an opportunity cost associated with the use of a site owned by the State for the campus. This site was chosen after careful study by PricewaterhouseCoopers and is not only the most accessible to the whole of Ireland and to the world through its proximity to the airport but also a significantly versatile and flexible one.

The sports campus must be built on a value for money basis. The community must be able to see

what it gets in return for any investment it is asked to make. Where that is fair, a proportion of the cost of the surrounding infrastructure should be added to the cost of the campus, especially if an independent view held that the infrastructural need arose directly from the campus. When costs are being measured, it is fair to set out the benefits of these improvements as well.

It must attract and retain the support of sport as a whole. This must be an inclusive project which will promote participation at every level as well as support for the elite athletes we need to develop. It must be accessible to the whole community. The vision behind this project included the notion that it might be a visible manifestation of an island at peace with itself. It must be accessible to all on the island.

The campus must be part of an overall strategy for Irish sport. Investment must continue throughout the country through the national governing bodies and in people as well as in bricks and mortar. We ought to aspire to the best national facilities and put an end to young lads having to change in the ditch. Our young people deserve the best facilities.

From the point of view of an enduring life and viability for the project and because it is the right thing to do for the community, the campus must reflect the best architectural practice, amenity value, and state-of-the-art facilities. There should always be room for an independent overview of a great public project such as this, and accountability must be a fundamental principle. Those benchmarks should apply to this project.

To allay concerns, it is important to outline the careful planning that has already gone into this project. The Government decided in 2004 to proceed with the phased development, as financial resources permit, of a sports campus on the State-owned lands at Abbotstown. Campus and Stadium Ireland Development Limited, CSID, was requested to put forward proposals. With the assistance of experienced project managers and sports consultants, CSID prepared a development control plan. Wide-ranging consultations took place with the Irish Sports Council, the Olympic Council of Ireland, the major governing bodies of sport and other key stakeholders and interest groups to identify the requirements for sports facilities.

Meetings also took place between CSID and Fingal County Council, which was completing its county development plan for 2005-11 at the time. During the consultation process it became clear that there was need to develop at national level top class sports facilities to cater in a dedicated way for elite professional and amateur sports people. There is also a need to provide a wide range of facilities, which would be available to the national governing bodies of sport and to the local community for individual and community related purposes.

We want a campus similar to that of the Australian Institute of Sport in Canberra, with similar results. Australia got its act together after poor performances at the 1976 Montreal Olympics, and in 1981 opened the Australian Institute of Sport to put it at the forefront of world sport by providing world class training facilities. Nineteen years later, it achieved this when it won a record 58 medals, including 16 golds, at the 2000 Sydney Olympics. It has won medals too at the recent Commonwealth Games.

We are only now examining the possibility of something that Australia envisaged 30 years ago and it will be another 25 years before we will see tangible benefits of such a far-sighted sports policy. On that basis, a proposal was prepared as phase 1 of the programme which would provide pitches and facilities for the three major field sports, rugby, soccer and Gaelic games, including shared core facilities such as accommodation and a gymnasium.

This phase also includes sports halls to cater for a range of indoor sports with spectator accommodation and publicly accessible all-weather floodlit synthetic pitches. More than 30 sports can be accommodated in the proposed indoor sports centre, including hockey, hurling, tennis, gymnastics, badminton, basketball, martial arts, bowls and boxing. It has been estimated that this first phase of the programme will cost €119 million and has a four to five-year delivery schedule.

There should be enough flexibility in the project to accommodate new and emerging sports. Many young people are interested in ice hockey and skating and until recently had to travel to Belfast to participate in those sports. Every few years some new sport emerges and we should try to provide for that.

I welcome this once in a lifetime opportunity, commend the Minister and his team on supporting this project and on the way they have driven sports policy to date. I wish them well with this project.

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

There is no doubt that sport plays a significant part in all our lives. One does not need to be an elite athlete. Even a couch potato is involved in and enjoys sports. We all benefit from the achievement of the few top class sports people. Facilities are critical to delivering good performance but there is little value in having top class facilities without the feeder facilities too. It is important to have not only the showcase as a centre of excellence but also consistent investment in sports locally.

It is not possible to produce good results without individual commitment. That is assisted by public endorsement of the kind of facilities likely to feature at Abbotstown. It is important to invest in those showcase facilities. The location was widely discussed many years ago. I share the con-

cerns of many about the location. The debate has come and gone but facilities in foreign cities have rail links which is more satisfactory than facilities to which transport is car-dependent as Abbotstown will be. The previous speaker noted that the occasional congestion arising from the development is a burden on the surrounding community.

We all got a great lift over the past week from Ireland winning the Triple Crown and from the great results in Cheltenham. The opposite occurs when we do not get good results. We have had a number of very barren Olympic Games and it is clear we need to improve and professionalise in a very deliberate manner. The quicker we proceed with that, the better, and we need the facilities, the approach and the individuals to do so.

Most of us have had the opportunity to travel in recent years and we have seen top class facilities in countries with economies much poorer than ours. When one sees them, one can get quite angry and ask why we cannot have the same class of facility. It is about time we spent money on what we need to spend it on, and we definitely need to spend money on sport.

I am concerned that significant funds will be pumped into this centre of excellence at the expense of feeder services. Since July 2000, the closing date for applications for swimming pool projects, some 55 projects have been dealt with and 25 have been grant aided nationally. I understand that 15 are complete with ten at construction stage. Others remain at various stages. Swimming can be enjoyed across the spectrum and it keeps people healthy whether they are very young or elderly. It is a most inclusive sport. Last year the Government is estimated to have spent some €500 million in the health services specifically dealing with obesity, yet the health advantages of sport have not been recognised and it has not been provided for sufficiently in terms of investment.

The cost of using facilities is as important as having them available. If, for example, a family of two adults and three children want to spend an afternoon at the National Aquatic Centre, the cost would be €54. That is not affordable for a family on welfare. We must find another way of making these facilities available, such as the so-called leisure passport used in the UK where, depending on their income, people are allowed a certain amount of time to use sporting facilities. Such an approach must be considered. A critical mass of people will be needed to make these facilities viable, but they will not be used only by elite athletes. We should not be elitist about who gets to use these facilities.

The census of population is due to be taken in April and it will show the huge level of growth which has continued to take place right across west Dublin, Kildare, Meath and Wicklow. The fact that one has to book an hour in swimming pools in these areas some three or four weeks in

[Ms C. Murphy.]

advance in the summer indicates an appetite for such facilities which is not properly provided for.

There is a link between the location of facilities and the people who emerge to participate in sport at elite and other levels. For example, the Salmon Leap canoe club in Leixlip has had an Olympics participant in all the last six Olympic Games. I hope that one day we will pick up a gold or silver medal, but those participants at least compete on a par with counterparts in the rest of the world. If one does not provide the facilities, one does not get the athletes. I do not think that north Kildare has a particular aptitude for paddling but it is clear that the facility there is the determining factor in producing people who will ultimately take part in events such as the Olympic Games.

Mr. J. Higgins: I thank Deputy Murphy for sharing her time. I agree with the principle of a national sports campus. However, I seek many assurances on how it will be developed, run and managed, exactly to whom it will be available and on what basis. Any national sports campus must be open on an equal basis to all citizens with regard to sports and recreational outlets.

As we know, in most communities, sports and recreation, including football, tennis and other activities are largely driven and maintained by the voluntary effort of local people who put in a great deal of time and commitment for no monetary reward but to make a contribution to society, their neighbours, communities, their children if they are parents, and other people's children. Local initiative, effort, commitment and volunteers are critical to the maintenance and development of sports and recreation in Ireland. I want to see that tremendous cohort of people and organisations of ordinary people facilitated in the national sports campus. I do not want it to become merely a place for the elite of sport. There is a place for the training of those who will participate at a high level in this country and internationally, but the bulk of the resources should be for the development of sport and recreation for ordinary people and children.

I am concerned, indeed revolted, by the ongoing and increasing commercialisation of sports and sporting activities. In most sports now, well known sports people are bought and sold by private enterprises pushing products, whether useful or not, to make massive profits. This has been raised to an exploitative level in our society, with parents in particular feeling the pressure of this exploitation because of the methods of advertising and so on which induce their children to pester them to buy products related to a specific sport or sports person which are branded by particular commercial and capitalist enterprises.

The sports campus provided for in this Bill should be free from all that. It should be open on an equal basis to all groups and people to advance the idea of sport and recreation and

should not be dependent on the commercialisation of sport. In particular, it should have no truck with companies pushing alcoholic products in our society or any other products damaging to health.

I am concerned about the framing of some of the provisions of this Act. Section 7, for example, provides that one of the mandates of the authority shall be to develop and provide on the site such facilities and services of a commercial nature complementary to the sports campus, including residential accommodation. What exactly does that mean? In regard to residential accommodation does it mean that once again the builder friends and the developer friends of the parties in government will be given lucrative contracts to erect expensive hotels or accommodation for which people will be forced to pay through the nose if they are to use the national sports campus. What is needed on a campus such as this is good quality affordable residential accommodation which the small clubs and people from around the country can utilise when the national sports campus is made available to them.

When it comes to the appointment of the authority, sadly we have the same old story with the Minister giving himself the full powers to appoint the chairperson and the authority. I have on many occasions in the nine years since I became a Member rallied against the practice of the political parties of the Government of the day appointing to such bodies individuals whose main characteristics and qualities are their level of loyalty and cronyism to the parties in power, rather than necessarily the expertise they can bring to the body to which they are appointed.

The board of the national sports campus should be democratically elected from grassroots organisations throughout the country, representing the different interests, the sports and the participants for whom this sports campus will be a facility. Certainly nobody should be in a position of authority, as a member of the authority or a chairperson, who has a conflict of interest. I mean that in a very wide sense. The Minister is in charge of another body, the chairperson of which uses that facility, which is hugely publicly funded, as a personal fiefdom, virtually as an adjunct to business arrangements. That should not happen in this case.

The establishment of the national sports campus development authority will mark the dissolution of Campus and Stadium Ireland Development Limited which, unfortunately, bearing the hallmarks of the Government, has been shrouded in shadowy deals which, even in the past few days in the High Court, have come back to haunt the Taoiseach and the Government. Anything of this nature that the Government touches unfortunately seems to finish up mired in controversy and in allegations and suspicions of stroke politics. The National Aquatic Centre is far from satisfactory. I will have to come back to that again

in this Dáil. We need a facility that is far more open and transparent and can be utilised by ordinary people.

I wish to devote my last few minutes to what the Minister said about how the development of the national sports campus ties in with the Fingal County Council objective of a regional park for the people of Blanchardstown. When I became a member of Dublin County Council 15 years ago one of the main objectives of the council at that time was the creation of a regional park in Blanchardstown and these lands were to be the heart of that park. Despite many of our best efforts and struggles we were frustrated by the Department of Agriculture and Food and other bureaucracies. We have the spectacle of Blanchardstown designed to grow to 120,000 and probably 150,000 people if intensive developments continue to be crammed in, without a facility such as a regional park.

I welcome the fact — in fairness the Minister alluded to it — that a consultative process is to be set in train by Fingal County Council, which will include the local people, as to how this facility can be brought about and utilised for the people of Blanchardstown. In his statement the Minister said, in regard to this process and the local authority, that he will highlight where zonings may need to be changed to facilitate the optimum development of the site. He referred correctly to the huge growth of the greater Blanchardstown area but incredibly for 2,000 of those homes that have been built in the past four years the developers were allowed by the management of the local authority to provide on site not a single acre of class one open space in Tyrellstown. The developers were allowed to make a financial contribution towards the provision of open space in Timbuktu or somewhere else off site which has not been provided.

Given that the Government did not lift a finger to control profiteering and speculation in building land, the developer was obliged to hand over the price demanded by the landowners for a few square perches of land. This is in a development in Tyrellstown of 2,000 homes. That is incredible. The local authority and the Department of the Environment, Heritage and Local Government — therefore the Government — owe a debt to the people of Blanchardstown to ensure some recompense is made in this development surrounding the national sports campus.

Fáiltím roimhe go bhfuil campus náisiúnta spóirt á chur chun cinn, ach caithfidh sé bheith ann do leanaí agus gnáthdhaoine na tíre seachas do mhionlach beag. Caithfidh sé bheith oscailte do ghnáthdhaoine ar bhonn réasúnta ionas gur féidir leo é a úsáid. Ar an dóigh sin, beimid in ann an dul chun cinn is cuí a dhéanamh maidir le spóirt agus caithimh aimsire do na dreamanna mórthimpeall na tíre a bhfuil an áis seo ag teastáil uathu.

Mr. Curran: I welcome the opportunity to speak on the National Sports Campus Development Authority Bill. The purpose of the Bill is to establish the authority on a statutory basis. It will succeed the existing limited company Campus and Stadium Ireland Development Limited in its functional responsibility and will continue the role of overseeing planning and development of the sports campus at Abbotstown.

I compliment the Minister not only on this legislation and the establishment of the authority but on the vision that has gone into Abbotstown and what will be a national sports campus. Much of the preliminary work for the authority has been done. From the point of view of the general facility and what we are trying to achieve, much has been done in that regard.

Having listened to the contributions and speaking to others, it is interesting to note that while everybody welcomes the idea of a national sports campus, different people have different ideas. At the same time people are asking that the campus not be provided if it means Leader facilities will be jeopardised, as Deputy Murphy said. Never before have such resources been put into a wide range of sporting facilities in our local communities. Every Member here can identify the sporting facilities that have been provided at local level in their own areas.

One of the first comments made about the national sports campus at Abbotstown is in regard to the National Aquatic Centre. It is interesting that many people have not seen the centre. They think it is nothing more than a glorified swimming pool, but it is much more than that. It is unfortunate that when people talk about it, they do not realise what is in the centre. Apart from an international size swimming pool, there is a fun park for children and, as far as I know, Ireland's only international standard diving facilities are all contained in the National Aquatic Centre. Those are top class facilities. I and my children have used them on many occasions. I am disappointed to hear people running down the facility because it is top class. I have not seen better anywhere in the country. I would go as far as to say the facilities at the NAC are as good as any I have seen abroad.

It is regrettable that we do not take a little more pride in what we have achieved to date because from my point of view and that of the country, it is an excellent facility. I acknowledge the storm caused a problem with the roof but how many of us have had building works done where some aspect did not work out? It is worth noting that in this case the problems that occurred were put right by the contractor without additional cost to the State.

Deputy Burton said that she had been told such a centre could be delivered in another country for €10 million or €20 million cheaper. I was surprised to hear the Deputy make that argument, which is not valid, because our cost base is based

[Mr. Curran.]

on a certain minimum wage and so on which does not necessarily apply in other countries. I did not hear her say she could buy a Big Mac for half the price in Portugal or Spain. That is the nature of her argument. The contract for the National Aquatic Centre was awarded on a competitive tendering basis and many comments have been made about that.

I want to refer to a specific point which comes from the Committee of Public Accounts. It published its sixth interim report in November 2005. The first finding of the committee on page 2 states that the National Aquatic Centre was completed in March 2003 on time and within its budget of €71 million. Many of the comments I hear do not reflect that Committee of Public Accounts finding. We are too quick to knock the National Aquatic Centre, which is a fine development at Abbotstown.

I acknowledge and compliment the contribution of the Government, particularly the Minister, who is present, to sport generally over the past few years, which it continues to make. Deputy Murphy indicated that having Abbotstown as a national centre of excellence was not sufficient if it meant that feeder facilities throughout the country were deprived of funding. That is not the case. In constituencies throughout the country we can see the development of a range of sporting facilities not seen before. In the area where I was born and grew up, the difference between the facilities where I played and those where my sons now play is like chalk and cheese. The transformation of sporting facilities at local level has been significant in recent years and that should be recognised. We can all argue that there should be more, but the transformation has been staggering. I will refer to some of the specific developments later but while I remember to do so I compliment the local authority in my area, South Dublin County Council, which in many instances has been the lead agency in bringing together a variety of clubs and organisations to ensure maximum resources were achieved and facilities utilised to their optimum. I will examine those facilities in more detail.

The sports funding, to put it in context for the current year, is just under €250 million. The Irish Sports Council will get over €40 million. I understand the swimming pool programme will get €100 million and funding will be given to the greyhound and horse racing industries. In the allocation of funding in the current year — the Minister can correct me if I am wrong — approximately €10 million will go to the national campus. It is worth noting that the figures indicate money is being allocated at local level, apart from funding athletes directly, and that is significant.

The Minister also is providing in the current year €20 million for the redevelopment of Lansdowne Road for the IRFU and the FAI. The total funding from the Government on that major

project will be in the region of €190 million but it is important to take that in context. People who spoke in the debate on this Bill are concerned that all we are doing is providing a national sports campus and nothing else, but that is not the case. Much more than that is being provided. Deputy Joe Higgins spoke about equality of access and so forth. This is a national sports campus. There will be a community facility in that but it is worth remembering the objective to be achieved in the provision of a national sports campus. A national sports campus cannot be taken in isolation from the other facilities available. That is the point I would make in terms of facilities at local and other national stadiums.

On a personal level — the Minister will not be happy to hear me say it again — I am disappointed with the redevelopment of Lansdowne Road in its current location. That is a personal view.

Mr. J. Higgins: It is called parochialism.

Mr. Curran: No, it is my view on it. I would like an integrated development, although I am aware others have a different view.

On the swimming pool programme, Deputy Murphy mentioned the number of pools that have been completed. In my area, work on the Clondalkin pool started in January. It was intended to be a refurbishment programme but the pool was so old it was cheaper and more cost effective to start from scratch. That project is under way and I thank the Minister, his Department officials and the local authority which provided significant funding for the project. As I said, in many cases the local authorities have been very proactive and engaged in this area.

We talked about the local improvement in sporting facilities. As the Minister is present I acknowledge that in my area almost all the GAA clubs, including the Round Towers and Lucan Sarsfield clubs, have seen significant changes, including new changing facilities, all-weather facilities, floodlighting and so on. The changes that have taken place in the past six or seven years have been significant. When I played football with Round Towers, neither our club nor any other had changing facilities. By and large, we changed in the bushes at the corner of the field, but that day is gone. Equally, the facilities in soccer clubs like Esker Celtic and Lucan United have changed significantly. Many of them now have changing facilities or are in the process of construction as we speak.

I acknowledge that many of the smaller clubs have received significant help from the local authorities in advancing their projects. Many of the projects and developments have taken place on lands owned by the local authorities. There has been close co-operation between the Department and the local authority to bring these facilities on board. When we talk about a national sports cam-

pus we must keep in mind that local facilities, the feeder facilities Deputy Murphy spoke about, have been provided for a number of years and continue to be provided.

Debate adjourned.

Message from Select Committee.

An Ceann Comhairle: The Select Committee on Justice, Equality, Defence and Women's Rights has completed its consideration of the Parental Leave (Amendment) Bill 2004 and has made amendments thereto.

Private Members' Business.

Political Donations and Planning: Motion (Resumed).

An Ceann Comhairle: Before the commencement of Private Members' Business, I again remind members that the subject-matter of the motion relates in part to a sitting tribunal of inquiry established by the Houses under the relevant Acts. As Members are aware, the Chair has ruled on a number of occasions that issues currently before a tribunal are not a matter for the Dáil. The Dáil must not attempt to have a parallel tribunal on these matters. While the motion has broad policy implications which are clearly in order for debate, reference to direct evidence before a tribunal by named or identifiable individuals who have not been convicted of any offence should not be made. There is an onus on Members to ensure their contributions are not in breach of Standing Order No. 56 which states:

[A] matter shall not be raised in such an overt manner so that it appears to be an attempt by the Oireachtas to encroach on the functions of the Courts or a Judicial Tribunal[.]

I ask Members to bear this in mind when making their contributions.

The following motion was moved by Deputy Sargent on Tuesday, 20 March 2006:

That Dáil Éireann, in view of the on-going and damning admissions that senior politicians have received payments, which can only have been made to promote certain vested interests at the expense of the common interest of the Irish people, their families and communities:

- condemns those parties that have failed to discipline their members for their collective amnesia with regard to moneys received from developers and their agents at the time of wide-scale rezonings by local authorities;
- deplores the culture of alleged corrupt planning and rezoning that has resulted in urban sprawl, where schools, play-

grounds, local jobs and public transport were not provided in tandem with housing;

- regrets the Government's continual and overwhelming support for the interests of private developers over the public interest, which has resulted in its failure to provide a suitable mix of social and affordable homes; and
- condemns the poor transport planning which in combination with questionable rezoning led to a doubling of the average commuting distance between 1991 and 2002, resulting in a significant deterioration in people's quality of life; calls on the all parties to:
 - decline funding from developers, as the mere acceptance of such moneys may be constructed as having an undue influence on development decisions;
 - put in place measures to ensure that the majority of the increase of value in rezoned land shall accrue to the State and endorse the recommendation of the Kenny report of 1974 that would allow local authorities to purchase land for housing at the existing use value plus 25%; and
 - create properly planned communities that are well-designed, that contain a variety of housing types and tenures, with mixed-use developments, and that are well-linked by sustainable transport links.

Debate resumed on amendment No. 1:

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

"having established and resourced the Tribunal of Inquiry into Certain Planning Matters and Payments:

- notes the four interim reports of the Tribunal and awaits the findings of the Tribunal on matters currently under examination in public hearings, as well as any overarching recommendations for legislative amendment;
- notes the comprehensive ethics framework applicable to local government councillors and employees under the Local Government Act 2001, supported by separate Codes of Conduct issued under the Act in 2004;
- notes the importance attached by this Government to probity in public office generally, as reflected in the Standards in Public Office Act 2001, the Prevention of Corruption (Amendment) Act

[An Ceann Comhairle.]

- 2001 and the Commissions of Investigation Act 2004;
- notes the detailed controls in relation to political donations and election spending enacted in the Electoral (Amendment) Act 1998, the Local Elections (Disclosure of Donations and Expenditure) Act 1999, and the Electoral (Amendment) Act 2001;
- notes the increased transparency of the planning system under the Planning and Development Act 2000;
- commends the Government's commitment to implementing the National Spatial Strategy (NSS) as the strategic national planning framework for achieving more balanced regional development, in the context of Ireland's rapidly changing economic and social circumstances, including population growth which will see the population increasing to around 5 million people by 2020;
- notes that the NSS is having an increasing influence on policies and programmes across a range of Government Departments and agencies, underscored by the Government's decision in July 2005 that the regional dimension of the next National Development Plan, now in preparation, will be broadly based on the NSS;
- notes that at regional level, a key policy bridge between national development priorities and local planning has been put in place with the adoption of Regional Planning Guidelines in each region to provide a strategic framework for local authority development plans and local area plans;
- notes that the priorities of the NSS and regional planning guidelines have been recognised in the Government's 10-year investment plan for transport, Transport 21;
- notes the success of Government policy in expanding the range of housing supports and facilitating record housing output in the face of unprecedented demand;
- notes the requirement upon planning authorities to prepare housing strategies providing for a mixture of house types and sizes to meet the needs of all categories of households, including provision of Part V social and affordable housing, and to zone adequate land to meet these projected housing needs;

- welcomes the record levels of funding being provided for social and affordable programmes, under which, for instance, 23,000 units of social housing will be commenced in 2006-2008;
- endorses the Government's new Housing Policy Framework 'Building Sustainable Communities', under which active land management strategies are being put in place to support an expanded programme of social housing delivery in mixed community settings; and
- notes the broad range of measures under which an element of the increased value of zoned and serviced land may be recovered, including, development levies, Part V provision of social and affordable housing or its equivalent value, capital gains tax and the Government's readiness, if necessary, to pursue other options in this regard."

—(Minister for the Environment, Heritage and Local Government)

Mr. Andrews: It is unfortunate that the Green Party did not deem it fit to be present for its own Private Members' business. The Deputy has just arrived and I apologise. I am glad there is someone here.

Mr. Deenihan: It is a week for apologies.

Mr. Andrews: It is not that kind of apology; it is just courtesy.

Mr. Deenihan: The Deputy is one of those people.

Mr. Andrews: I read with interest Deputy Sargent's article on what he proposes to do after the next general election. It was a dance of the seven veils in which he courted the different types of coalition before deciding which way he would go. I loved his choice of words. He said it would be very difficult for the Green Party to go into Government with Fianna Fáil. If we were to say that it would be very difficult to go into Government with Sinn Féin, we would be pilloried and rightly so. The Deputy then beautifully rolled out of the situation and said that it would be up to the membership of the organisation to decide what the party would do. That is great leadership on the part of Deputy Sargent. The Green Party has only recently come to grips with the concept of leadership, so it is not at all surprising that he would distance himself from that decision. It makes one wonder what he and his party are thinking.

Deputy Sargent stated that he is inclined to prefer a Fine Gael led Government to a Fianna Fáil one on the basis that there is a need for a

change of Government. That is arguable and I would not agree with it. He stated that there is a tradition of corruption within Fianna Fáil. Garret FitzGerald has said that since the 1960s, less than 1% of national politicians were corrupt. Mr. FitzGerald is respected on both sides of the House and if his assessment is correct, then it rubbishes what Deputy Sargent suggested in his article. In the mid-1990s, John Bruton called in his city councillors to tell them that they were a laughing stock because of what they were doing regarding rezoning. I do not condone what happened among Fianna Fáil councillors, but why do Green Party members think that Fianna Fáil is so much worse when they consider the facts that have emerged from the tribunal? It is the typical attitude of a party that is not prepared to lead. It is an example of the cloudy thinking that has deflected attention from the serious issues that have been raised in this debate.

This debate is about corruption, which is the use of a public position for private gain. If a politician decided to agree with the residents' association in the hope that they might all vote for him, would that constitute selling a public role for private gain, that is, for electoral dividend?

Mr. Eamon Ryan: What if they gave him €2,000 for it?

Mr. Andrews: For their own private interests, the Green Party Deputies are using their position in the hope that they will benefit at the next general election. We all do it and let us be honest about it. Therefore, they should not get up on their high horse about corruption. We need to remove the opportunities that exist and three things have been done to achieve this. First, the inquiry had to be set up and that has been done. Second, the defamation laws had to be reformed and that has been done. People were blowing the whistle in the early 1990s and they were intimidated off the pitch by the threat of legal action. Third, a raft of electoral reforms were put in place.

We must be constantly vigilant. We must be clear that we condemn all corrupt planning practices. My party has been in power and opportunities have arisen as a result of that. Therefore, we must be clear that we will not tolerate such corruption. The defamation laws represent the next step in moving Ireland away from its sad history of corruption, especially in Dublin. There is too much of a burden of proof on the person who is alleged to have defamed another person. The law is too restrictive and it needs to be changed. There is no sense in what the Green Party is suggesting and it is unusual that it has turned down the opportunity to introduce a Private Members' Bill as it has done proudly done in the past. I support the Government amendment.

Ms Sexton: I am grateful to have this opportunity to discuss planning matters and the actions that are now in place to remove the suspicion in the public mind about political favours. It is very important that all democrats do so and demonstrate their determination to see even the slightest hint of corruption removed. It is in the interests of all politicians to give that reassurance to the public.

This Government has played an important role in taking steps to fix real and perceived problems. The Progressive Democrats Party is proud of the role it has played in tackling administrative corruption. While most of the holes identified have been plugged, others will emerge in the future. I am confident that the Government will continue to ensure that anything that emerges will be tackled immediately. We have established and resourced the Tribunal of Inquiry into Certain Planning Matters and Payments. We delivered the Standards in Public Office Act 2001, the Prevention of Corruption (Amendment) Act 2001 and the Commissions of Investigation Act 2004. We have ensured that there are extensive and detailed controls on political donations and election spending and we have enacted two Electoral (Amendment) Acts and a Local Elections Act. Specifically, we have worked to increase the transparency under the Planning and Development Act 2000 as the lack of transparency over decades led to understandable public outrage. The Progressive Democrats Party remains committed to investigations into what happened in the past and actions to prevent them in the future. It is impossible to legislate for personal honesty, integrity and decency, as that is in the domain of the individual.

I listened to last night's contribution and noticed a great willingness to make broad spectrum accusations. I do not intend to contribute to that type of debate tonight and make allegations against any party nor defend any party as a group. I am here to illustrate the role of the Progressive Democrats, and our parliamentary party in particular, first in representing the interests of citizens and no one else in voting and policy decisions, and second in driving out corrupt practices from all political processes and reassuring the public that it can expect the highest standards of integrity, conduct and concern for the public interest.

Regrettably, attempts were made in the House last night, in particular by the Green Party, to tarnish the reputation of the Progressive Democrats by referring to the Tánaiste and reading newspaper articles into the Dáil record. I refer Members to her contribution at the tribunal last month, an appearance that turned out, despite all the hyperbole, to be a non-event. Our time would be better spent in reassuring the public that the political system is capable of preventing corruption where it has been identified and where it is possible to do so, rooting it out and ensuring that

[Ms Sexton.]

it does not recur, rather than in political point-scoring, pre-empting the findings of a tribunal that the Oireachtas itself established.

Members must remember the job we gave the tribunal. It is only right that it hold its meetings in public. It will prepare its final report, which will be presented to the Oireachtas for it to make decisions. The tribunal has been mandated to make recommendations, and the Progressive Democrats Party is determined that they be acted on. It is taking time to do so, perhaps longer than any of us might have anticipated. We were all aware of the intricacies when the tribunal process was established, and we cannot now criticise its work or complain at the time that it is taking to collate the information.

In any event, the Government has not been idle in anticipation of the tribunal report. I have already referred to the Planning and Development (Amendment) Act 2002. The Progressive Democrats has committed itself to the introduction of increased public scrutiny and consultation. The public justifiably expects planning permission and zoning decisions to be based on what is best, most sustainable and appropriate. Given the rate of growth in the population, employment and prosperity resulting in those developments, we must provide a proper planning system that is independent, designed to be fair and impartial, and open to scrutiny.

The Planning and Development (Amendment) Act 2002 increases political oversight of the system and extends the rules on ethics for planning authority staff. The dilution of public confidence in the planning system resulted from a lack of integrity, proper conduct and concern for the public interest among councillors and employees working either individually or together. The Act now makes it a matter of duty for councillors and employees to ensure they reach the highest standards. We now have an annual declaration of wide ranges of interests, the disclosure of interests in matters before authorities, and public registration, all measures with teeth. Failure to comply is an offence, and the penalties are rightly set high enough to act as a deterrent.

I do not blame the public for its frustration, anger and concern. We share its concerns, along with many other Members. We have acted to root out the causes rather than to exacerbate that worry and frustration through broad-stroke criticism of the kind the Opposition attempted last night. The public does not want that but to see that steps are being taken to sort matters out. The Opposition implies that the system is corrupt and inefficient in its entirety when, although no doubt with its faults, by international standards it is open, transparent and effective.

The vast majority from all political parties have no involvement in corruption. Nonetheless, the Progressive Democrats is strong in its determi-

nation to sort out whatever problems exist at whatever level. Our rapid and extensive economic success and changing population have generated unprecedented demand for homes. We must provide a system that delivers what is needed in a way that attracts the public's confidence. That is our job in this House, and I assure Members that the Progressive Democrats intend taking that matter seriously.

Mr. O'Flynn: I recall saying in my maiden speech nine years ago that we were being unfair to Ray Burke. That has come back to haunt me, but I state on the record that I was proven wrong. It shows what immense benefit the tribunals have been to the Oireachtas in recent years. I also believe, like my colleagues, that this motion is aimed purely at grabbing headlines. It does not refer to far-reaching reforms and legislative initiatives undertaken by the Government and pays no regard to the ongoing and thorough work of the tribunals established by the Oireachtas.

The truth is that where issues have arisen regarding office-holders, we have shown that the highest ethical standards are expected. Office-holders must at all times observe the highest standards of behaviour and act in good faith to promote the common good. The motion seeks to tar all elected representatives with the same brush. The natural assumption of wrongdoing is both offensive and unjust. The vast majority of elected politicians in this State act with integrity, doing their level best to represent their constituents without fear or favour. Other countries now approach us seeking information on how our systems of accountability work.

This Government has initiated the most far-reaching inquiries in the history of the State. We have not only prescribed higher standards but provided for serious punitive consequences. The Green Party does not seem to be aware of the ironic nature of its motion. I am surprised, since I get on reasonably well with Deputy Eamon Ryan; I do not know whether he drafted it. The Greens seem oblivious to the cost that they and their supporters impose on the taxpayer through boycotting infrastructural projects around the country such as those in the Glen of the Downs and Carrickmines. Now they show fervent opposition to the M3. It does not seem to matter to them that this vital infrastructure is important to our growing and prosperous economy or that building roads will have a massive impact on the quality of life of those living in the area.

The rules of the Planning and Development Act 2000 were extended, something to which other Members have referred, to cover the ethics of planning authority staff. That introduced more opportunities for public consultation and scrutiny of zoning decisions and the granting of individual planning permission. It increased political oversight of the system of development contributions.

In addition, the Department has been intervening more proactively in planning policy advice and issued guidelines on such matters as increasing residential densities, mobile telephone masts, child care facilities and quarries. Their purpose on specific subjects is to assist local authorities in carrying out their planning functions and give all those involved in the planning system up-to-date guidance on best practice.

There is a requirement in the 2001 Act regarding the ethics framework for local government employees and councillors. The Act's founding principle is that it is the duty of every councillor and employee to maintain proper standards of integrity, conduct and concern for the public interest. The framework is based on three basic requirements, the first being an annual declaration of a wide range of interests, the second disclosure of beneficial interests in matters coming before the authority, and the third a public register of those interests. There is also a requirement to disclose an interest in any matter that arises in a local authority's performance of its functions in which a councillor, employee or connected person has an interest. Failure to comply with the key requirements of the legislation is an offence, and the penalties concerned have been set at a high level to achieve a clear deterrent effect.

As the final element in that comprehensive ethics framework for local government, separate national codes of conduct for local authority employees and councillors were published under the Act in 2004. Their purpose was to set out standards and principles of conduct and integrity and to inform the public of the conduct. One is entitled to expect them to enhance public trust and confidence in the local government system. In Government, we have established nine tribunals, which I will not list owing to time constraints. We are determined to find the truth, wherever and whatever it is.

Mr. Eamon Ryan: It is up a tree.

Mr. O'Flynn: We are determined to deal with every issue from every tribunal. The Government is committed to restoring confidence in public life. We believe that politics is about serving others. Elected office is the highest honour any citizen can achieve. The Government's legislative programme is the continuation of a well-entrenched process of modernisation and openness in Government. The legislative initiatives include the Proceeds of Crime (Amendment) Act 2005 which provides for further provision in respect of the recovery and disposal of the proceeds of crime. The Garda Síochána Act 2005 provides for the establishment of an independent Garda ombudsman commission and inspectorate. Political donations must be channelled into a special account and it will be an offence not to do. Donations are capped and audited. The Stan-

dards in Public Office Commission will investigate breaches. The code of conduct for office holders, which was published by the Standards in Public Office Commission has applied since 3 July 2003. The Local Government Act 2001 updated the declaration of disclosure regime for councillors and relevant staff and was introduced on 1 January 2003. The code of conduct for councillors and the code of conduct for employees of local government was introduced in June 2004 under the Local Government Act 2001. The Civil Service code of standards and behaviour became effective from 9 September 2004.

Last night, Deputy Boyle, who is not present in the Chamber, made some comments in the House on fundraising. All parties engage in fundraising. The alternative is State funding of all political parties.

Mr. Eamon Ryan: All parties receive State funding.

Mr. O'Flynn: This would——

Mr. Eamon Ryan: Corporate donations are not needed.

An Ceann Comhairle: The Deputy, without interruption please. Deputy Eamon Ryan will have his opportunity to speak.

Mr. O'Flynn: This would impose a huge financial burden on the public finances. I do not believe the public would be happy with that position.

Mr. Eamon Ryan: The public is funding the parties with a lot of money.

Mr. O'Flynn: The Opposition and the Green Party do not mention the legitimate and legal fundraising that occurs across the political spectrum.

Mr. Eamon Ryan: Some of it is illegitimate.

Mr. O'Flynn: The Green Party is actively engaged in such endeavours itself. On 8 November 2004, Deputy Gormley told the *The Irish Times* that "serious fundraising methods must be found. We are looking at appointing a fundraiser, or out-sourcing it". I also look forward to hearing Labour's views and plans for proposed fundraising and to debating that issue in the House in the future.

If Members are serious about fundraising and if they want the public to fund them, that can be done.

Mr. Eamon Ryan: Yes.

Mr. O'Flynn: However, all political parties engage in fundraising. In that sense, it is legitimate.

Mr. Glennon: I am delighted to have the opportunity to speak in support of the Government's amendment to this motion, having listened to the debate last night. My colleague, Deputy O'Flynn, commented that in his maiden speech, he made a reference to Ray Burke which he subsequently came to regret. In my maiden speech, some five years later, I also had reason to speak regarding former Deputy Burke. I did so from a position of personal knowledge of the man and of local knowledge of the activities in County Dublin at the time. I believe that one of the positive effects of the difficulties which have arisen for politicians in recent years is a real determination on the part of the vast majority of politicians of all colours to rid our profession of the possibility of a repetition of what happened in County Dublin. While it probably also took place in other areas, we know about County Dublin.

Mr. Eamon Ryan: Do that by getting rid of rezoning problems. It is easily done.

An Ceann Comhairle: I ask Deputy Eamon Ryan to allow the Deputy to speak without interruption.

Mr. Sargent: It was friendly advice.

Mr. Glennon: Last night, the contributions of Opposition Members and of the Green Party in particular appeared to be intent on maligning those of us elected to public office who are, as I have just stated, making strenuous efforts at present to rid ourselves of the legacy of a particular era. However, I felt that the comments were particularly directed towards the Fianna Fáil Party, of which I am proud to be a member. I formed the impression that criticism in the debate was directed almost exclusively at the Fianna Fáil Party. There was no attempt at a balanced debate and no other political party was referred to in last night's deliberations.

Mr. Gormley: The Progressive Democrats was mentioned. The Deputy can ask the Ceann Comhairle.

Mr. Glennon: I wonder whether this has anything to do with a certain cosying up, for its own purposes, on the part of the Green Party with Fine Gael. Does it seek to become the third party around the coffee table in Mullingar?

As for the Labour Party, I have often reflected on the source of its income. I wonder whether it will reconsider the huge revenues it receives every year from the trade union movement.

Mr. Howlin: They are not huge. Would the Deputy like to know the sum?

Mr. Glennon: Much of it is deducted at source from trade union members who do not know where their money goes. It is taken from members and activists of all political parties and none. I wonder whether this has been a topic of discussion in Mullingar, where Deputy Kenny was quick to repeal his predecessor's ban on corporate donations. It did not last long and was only in place for approximately 16 months. After one election defeat, it was back. I congratulate Deputy Kenny on his pragmatism. This evening all Members are saddened by the absence of their Sinn Féin colleagues from this debate.

Mr. McHugh: The Deputy should speak for himself.

Mr. Glennon: I wonder did the Sinn Féin Members, who castigated Fianna Fáil last night, raise the same level of concern within their own party with regard to the criminal activities that took place. Everyone knows that activities such as money laundering, protection rackets, smuggling and bank robberies took place. Bank robberies for political fundraising is not a recent phenomenon. I had the misfortune to be on the receiving end of such a raid more than 30 years ago, at a time when they began to emerge as a fundraising phenomenon. I did not hear any acknowledgment of such activities last night on the part of Sinn Féin Members.

Since 1997 in particular, this country has made huge strides. We have made remarkable progress and such progress automatically brings with it a tension with environmental standards. A natural, physical tension exists and all must strive strenuously to get the balance right between economic progress and appropriate environmental standards.

Mr. Gogarty: Helping the Deputy's paymasters.

Mr. Glennon: The acknowledgement by the World Economic Forum at Davos of Ireland's environmental achievement should be considered. A report prepared for that forum by Yale and Columbia Universities ranked Ireland tenth of 133 countries globally and seventh in the European Union for environmental achievement.

We are making rapid progress and have come a long way. However, it ill behoves us as politicians, regardless of the political gain to be accrued, to castigate the current generation of politicians. For example, Members should consider the progress made in waste collection. Moreover, Deputy Sargent shares my wish that the number of beaches in north County Dublin flying the Blue Flag would show a significant improvement. We

expect that to happen and it will come about as a result of good infrastructural capital investment keeping pace with the progress being made.

Mr. Sargent: It is long overdue.

Mr. Glennon: I am aware that time is against me. In supporting the Government's amendment, I wish the Green Party well in their sojourn on the high moral ground. I am told it is a lonely place and cannot accommodate much of a crowd.

Mr. Gogarty: We are enjoying it. The Deputy should come up there some time.

Mr. Gilmore: I wish to move the Labour Party amendment.

An Ceann Comhairle: It is not necessary to move it at this stage because there is one amendment before the House, but the Deputy can discuss it.

Mr. Gilmore: I will refer to that amendment in the course of my contribution.

I welcome the opportunity which the Green Party motion provides for a debate in this House on the funding of politics, the planning of the country's development and the related issues which have arisen in the debate regarding housing, transport and land use generally. The purpose of the Labour Party amendment is to find a constructive way, through an all-party committee, to improve the legislation and regulations on political funding and to support the calls of the Green Party for action on the Kenny report on land and for action to improve the way in which development in this country is planned.

Mr. Gogarty: They still take money from developers.

Mr. Gilmore: Yesterday the Ceann Comhairle cautioned the House about the conduct of this debate while the Mahon tribunal is still hearing evidence and has yet to report on the matters which it is considering. The Green Party motion relates directly to the current hearings of the Mahon tribunal and it invites the House to draw conclusions about the evidence before the tribunal has reached its conclusions and has reported on them to the House.

Having established the tribunal, the House must allow it to independently carry out its investigations and to report to the House as it sees fit. We in this House cannot conduct our own parallel inquiry or reach parallel conclusions. We must resist pre-empting the conclusions of the tribunal, however politically tempting that may be. We must also be conscious that the current round of tribunal hearings are taking place in the period immediately before a general election, with the increased possibility of tribunal evidence being

spun for political advantage. We must also recognise that our starting point today on this issue is quite different from what it would have been in the 1980s or early 1990s, which is the period principally being investigated by the tribunal.

When the Labour Party was last in government we worked to put in place a new regime for openness, transparency and accountability in political and public life. The rainbow Government, through my colleague, Deputy Howlin, introduced the new electoral legislation which limited spending on elections and which provided for the public declaration of political donations. We also introduced the freedom of information legislation which allows the public greater access to the previously secret side of public decision-making. That corpus of legislation has of course been amended over the years and it needs to be recalled that today, unlike in the 1980s and 1990s, it would simply be illegal to give or receive many of the payments, certainly the larger ones of £30,000 etc., because there are legal limits on the amounts of donations which can be given to or received by individual politicians or by political parties. Today, all payments such as those about which we hear from the tribunal would have to be publicly declared to the Standards in Public Office Commission and would be open to the press and to the public. Today, every donation of whatever amount given to a political party or to an individual politician must be lodged in a special account the details of which must be submitted to the Standards in Public Office Commission each year.

In addition, we all are individually required to make annual returns to the Standards in Public Office Commission detailing any interests we may have in land, shareholdings, directorships etc. which might even remotely affect or influence the discharge of our public duties. This is quite proper and it means that we should not in future need expensive tribunals to determine who got what from whom and when. That information should now be lodged with the Standards in Public Office Commission and be available to the public, and any politician or officer of a political party who fails to provide that information or who provides false information to the Standards in Public Office Commission can be prosecuted. As the House will be aware, there has been a recent successful prosecution for failure to disclose information to the Standards in Public Office Commission.

All these procedures are relatively new and they need to be kept under continuing review. That is why the Labour Party is proposing tonight that there should be an all-party committee to review these procedures and to make recommendations on any changes that may be required to update the legislation or regulations to ensure the highest possible standards of transparency

[Mr. Gilmore.]

and accountability in the funding of all political parties and all political activity.

Let us be clear about our objectives in this. There is no place for bribery, corruption or illegality in our democracy, in our public decision-making or in the funding of political activity. The question is, however, how does one achieve this objective. One way would be to ban all private funding of political parties and political activity and to allow only for the State funding of parties and of politics. This would probably be unconstitutional, however, since the constitutional right to organise probably includes the right to financially contribute to the organisation of one's choice. In any event, the exclusive State funding of politics would discriminate against new and emerging political movements since State funding would probably be based on performance at a previous election.

Another way, which the Labour Party advocated some years ago and on which we introduced a Private Members' Bill, would be to ban corporate donations to politicians and to political parties. In the course of the debate on that proposal, however, it was pointed out, with some justification, that that would not necessarily resolve the problem as it would prevent neither the directors nor the members of a company from individually contributing even greater amounts to an individual politician or to a political party, nor would it prevent the establishment of front donation bodies for the purpose of making such contributions.

The Green Party motion suggests that all parties should decline funding from developers as the mere acceptance of such moneys may be construed as showing an undue influence on development decisions. In my view this approach is not adequate. What, for example, does one do about political donations from somebody who is not a developer today but who may be next year or from somebody who has a material interest in a development or a development company which is not known to the recipient of the donation? What does one do about receiving a donation from somebody who has a material interest, not in promoting the development but in opposing the development, for instance, the owner of zoned land who opposes the rezoning of neighbouring land which might affect the value of his own?

Often Members on all sides of the House are asked to oppose particular developments because of the possible impact which they might have on property values or, indeed, on the commercial activity of competitors. About a year ago there was an issue — I do not want to mention the individual case — which was the subject of considerable discussion at the Joint Committee on Environment and Local Government, where we received considerable submissions from competing commercial interests on whether a particular

type of development should proceed. A formula that bans the acceptance or making of contributions by developers would, for example, exclude the issue that arises in regard to competitors.

Our objective is straightforward. We want a planning system free of corruption and malpractice. Planning decisions at any level should never be based on bribery or corruption. Not all planning decisions, however, are bribed or corrupt nor are all political contributions but, clearly, lessons must be learned from the past nine years of investigation into planning and payments in Dublin by the Mahon and Flood tribunals. We need to put our collective intelligence together to draw on those lessons and put in place even better controls and safeguards. One way to deal with this might be to have within our public decision making process, whether that involves planning decisions at local government or national level, a requirement that those who make decisions should declare whether they have an interest in the application and whether a contribution has been made to them or their political party. The political donations are publicly declared anyway. If an issue arises in a local authority about a planning or rezoning decision and a member received funding during the previous election from an individual or company in that area, perhaps the way to deal with it is to have a requirement that the interest is declared before the debate, decision or vote takes place. An all-party group might usefully address such a suggestion to better deal with this issue.

I refer to the Government amendment, on which we will be required to vote later. The Labour Party cannot support it. As often happens, the Government amendment is self-serving. The Government is availing, wrongly, of the opportunity of a debate on a serious issue to clap itself on the back about its performance on planning, infrastructure, housing and related matters. The amendment is quite laughable. We are asked to commend the Government's commitment to implementing the national spatial strategy, which it abandoned as soon as it was published. The Government's so-called decentralisation plans completely ignore the strategy. The only time we hear about the strategy is when it is hauled out in the context of a motion such as this. It does not inform major planning and strategic decisions.

The amendment states the national spatial strategy is "informing the formulation of the next national development plan". The electoral requirements of the Government is the only factor "informing the formulation of the next national development plan". The next NDP will be unveiled piece by piece, constituency by constituency, project by project as the Government's manifesto for the 2007 election. When Ministers visit community halls, hotels and various other venues to make grand announcements in the

company of the local Government election candidates, they will be spending the people's money. Expenditure on such projects is not the sole property of the Government parties.

The Government asks us to note its success with a range of housing supports to facilitate record housing output in the face of unprecedented demand. The Government abolished the first-time buyer's grant and it will not amend the rent allowance regulations to provide decent housing benefit, which will overcome the poverty trap experienced by many people in private rented accommodation. The so-called record achievement on social and affordable housing programmes is laughable. Less than 5% of housing output is built by local authorities, the worst record in the history of the State. Since Part V of the Planning and Development Act 2000 came into operation in 2001, 300,000 dwellings have been built in the State. Even if we generously allow that Part V would not have applied to half those dwellings because they were built on land that was not zoned for housing or they were one-off houses or they were built in units of less than five or on sites of less than 0.1 hectare, that leaves 150,000, 20% of which should amount to 30,000 social and affordable dwellings. At best approximately 2,000 such houses were built largely because in 2002 when Part V should have captured the planning permissions that were then extant, the Government caved into the construction industry lobby and handed back 80,000 affordable housing sites to the industry.

I welcome the proposal in the Green Party motion regarding the Kenny report on building land. This was the subject of a Private Members' Bill I introduced more than two years ago on behalf of the Labour Party. I proposed a formula for the compulsory purchase by local authorities or a national housing authority of building land in a way that would be constitutional and that would take out the element of speculation, which has contributed so much to the escalation in housing prices. At the time the Government responded that an all-party committee was examining this issue. It had been asked to do by no less a person than the Taoiseach who stated one of the major causes of high house price inflation was the cost of building land. The committee reported in April 2004 and the Government has done nothing to advance it. It took a year of questioning on my part and that of other Opposition spokespersons even to get the Government to debate the issue. It is clear the Government has no intention of dealing with the issue of the cost of building land and speculation on such land. Its failure to do so over the past eight or nine years means it will become more difficult to do so because any intervention by way of compulsory purchase, for example, of building land would mean local authorities entering at the top end of the market. The Labour Party will vote against

the self-serving Government amendment put to the House.

Mr. Morgan: I wish to share time with Deputies Catherine Murphy, McHugh, Healy, James Breen and Gregory.

An Ceann Comhairle: Is that agreed? Agreed.

Mr. Morgan: My colleagues, Deputies Ó Caoláin and Ó Snodaigh, have already spoken in support of this motion. I will deal with the demand in the motion for the implementation of the Kenny report.

I noted the misleading comments of the Minister for the Environment, Heritage and Local Government, Deputy Roche on the Kenny report during his ill-tempered contribution to the debate yesterday. He is clearly hurt by the wording of the motion.

Sinn Féin's position on this matter is that where there are unmet housing needs, the local authority must have the ability to acquire land at below market value to address chronic social housing shortages and to provide land at reasonable cost to those currently being priced out of the housing market. Local authorities should be able to acquire land at existing use value or existing use value plus a stipulated percentage as outlined in the Kenny report.

The recommendations of the Kenny report were a matter of extensive discussion and consideration by the Oireachtas All Party Committee on the Constitution of which I am a member. The ninth progress report of that committee made a number of significant recommendations on the capping of land prices in line with the Kenny report and concluded that it would be constitutional to implement the Kenny report.

In its conclusion the committee stated:

The committee is of the view that, having regard to modern case law, it is very likely that the major elements of the Kenny Report — namely that land required for development by local authorities be compulsorily acquired at existing use value plus 25% — would not be found to be unconstitutional.

It continued:

Indeed, it may be that in certain respects, the Kenny Report was too conservative, since there seems no necessity that either the act of designating the lands in question which are to be the subject of price control or the payment of compensation to the landowners thereby affected would require to be performed by a High Court judge.

In its submission to the committee, Sinn Féin pointed out that the finding by Costello J. in *Hempenstall v. Minister for the Environment*, 1994, that "a change in the law which has the

[Mr. Morgan.]

effect of reducing property values cannot in itself amount to infringement of constitutionally protected property rights". This supports the view that compensation based on existing use value or existing use value plus a stipulated percentage as outlined in the Kenny report is constitutional. Part V of the Planning and Development Act 2000 was tested in the Supreme Court and found to be constitutionally sound. However, the Minister proceeded to gut this provision to suit developers.

It is time the Government stopped hiding behind imagined constitutional problems when seeking to justify its failure to bring forward legislation to control the price of building land. Such legislation should be brought forward and tested legally as was done with section V of the Planning and Development Act 2000. We could make the same criticism with regard to the failure to bring forward legislation to abolish ground rents.

The Government has, to date, failed to make a substantial response to the Oireachtas All-Party Committee on the Constitution report on property rights. It has not indicated whether it accepts its recommendations. The Taoiseach may have been only attempting to kick to touch the whole debate about the escalation of house prices when he asked the all-party committee to look into the matter. The report the committee produced made a number of significant recommendations on the capping of land prices in line with the Kenny report of 1973. We must ask why the committee report has now joined the Kenny report gathering dust on a shelf in a Government office. We all know the reason. The Government would rather pander to developers than deal with low income families living in squalor with urgent housing needs.

Ms C. Murphy: I welcome the opportunity to address this key issue. I come from an area that has experienced consistent high levels of housing development over past decades where planning is a topical issue. As a member of Kildare County Council since 1991, I participated in making a number of development plans and saw at first hand the kind of pressure brought to bear by both landowners and speculators. I sought the inclusion of a broad strategy for development in Kildare. Eventually, after an almost warlike situation, that was the approach adopted. The strategy at least gave the public some idea of what was planned for their area, which was an improvement.

This country does not have a planning system, just a development system with planning controls. There is a significant difference between the two. This leads to the question as to why we end up with one-dimensional development where development is predominantly housing with infrastructure such as schools only being provided

when the crisis kicks in. Leisure facilities are largely provided by endless community fundraising with a hope of lottery funding for those organisations that can raise the required local contributions. We see facilities such as sewage treatment systems at breaking point before an investment is made.

Planning must be about both physical planning and planning for services and infrastructure. It is difficult to see how the national spatial strategy will deliver balanced regional development. I was told through a reply to a parliamentary question last year that the national spatial strategy was basically a physical plan. Those areas designated hubs and gateways — too many of them — did not see it as a physical plan. The expectation is that the strategy will deliver much front-loaded infrastructure. With substantial land banks remaining in the greater Dublin area, it will not be the national spatial strategy but the market that will dictate where people will live. We plan for one thing but deliver something else and wonder why we have chaos. Local authorities are supposed to have regard to the regional plans. However, the words "have regard to" have been tested in court and have been found to be meaningless.

A significant constraint to which we should pay attention is the ability of the river Liffey to provide water in the eastern area. This ability is on a knife edge as there are two large abstractions due in the near future. The ability to provide water may well be what provides the ultimate constraint. The two abstractions due will be the final ones. If an industry like Intel arrived on our doorstep tomorrow, we could not accommodate it due to this critical constraint.

If we are to rebuild confidence in the planning system that has been so badly damaged by revelations in recent years and in the tribunals, we must get real about the system. This means we must interconnect housing and industrial development with the like of public transport. It means we must decide not just to build houses but communities.

Mr. McHugh: I am glad of the opportunity to speak on this motion and thank the Green Party for raising the issue. It is timely and appropriate that as legislators we should discuss the actions of some of our Members, which can at best be described as suspect. Seven political parties are represented in the Dáil and it is appalling that Members of four of those parties have admitted receiving substantial payments in dubious circumstances from developers, their agents or bagmen.

Members of Fianna Fáil, the Progressive Democrats, Fine Gael and the Labour Party have all admitted to accepting money from people who subsequently found themselves under investigation. This is a damning indictment of all those political parties who at one time or another for-

med the Government. So much for standards in high places and accountability. Why can our main political parties not be straightforward, old-fashioned and honest? The smaller party's claim that it must be in Government to keep an eye on the bigger party is bogus. The glaring truth is that they are all the same.

Is it any wonder that the two parties in Government, Fianna Fáil and the Progressive Democrats, are not prepared to condemn those parties that have, in the words of the motion, 8 o'clock "failed to discipline their members for their collective amnesia with regard to monies received from developers and their agents at the time of wide-scale rezonings by local authorities"?

An Ceann Comhairle: The Chair has pointed out on a number of occasions that it is not in order to discuss evidence given by a named or identifiable individual who has not been convicted of any offence.

Mr. McHugh: I have not named anybody or quoted any evidence given to any tribunal. This motion is a rational proposal that would get the support of all democratically elected governments if the case was applicable in their country. Regrettably, it does not have the support of the Government. The response of the Minister for the Environment, Heritage and Local Government to this motion yesterday was hysterical. When his hysteria is tied to the hysterical responses in recent days of the Minister for Justice, Equality and Law Reform, Deputy McDowell, the reality of the situation becomes clear. This Government is close to the edge.

The standard response of the Government is that it cannot interfere with the work of the tribunals. This motion does not ask for any such interference. It merely asks for a condemnation of those parties that have failed to discipline their members for their collective amnesia regarding moneys received from developers and their agents at the time of widespread rezoning by local authorities. I do not ask the Government to interfere with the workings of the tribunals and, in fact, the original motion makes no mention of tribunals. The persistence of the two parties in Government in hiding behind the tribunals and refusing to condemn the wrongdoing of their members is inexcusable and makes a mockery of their claim to be open, transparent and honest. Their failure to act gives politics a bad name and tarnishes the name of all politicians.

Mr. Healy: I support this motion placed on the agenda by the Green Party and wish to address the issues raised in the final three paragraphs of the motion. With regard to contributions from developers and their acceptance by politicians, it can be argued that this motion does not go far

enough. Politics and political parties should be State funded and all contributions should be banned. I do not accept that State funding must, of necessity, be related to votes garnered in a previous election. If the political will existed, we could have the wit to develop a system of fair State funding.

I recall when I became involved in local government in the early 1970s, the Kenny report was published and was a key issue at the time. Many, if not all, officials in local authorities looked forward to the implementation of the report. Unfortunately, that has not happened but it should happen now. It has not happened because many of the political parties are wedded to developers of all kinds.

In recent years, enormous housing estates have been developed with no real reference to community facilities, green areas, community halls, sporting facilities and so on. That has given rise to continual occurrences of anti-social behaviour and creates problems for families living in such estates. Housing estates should be properly designed to include community and sporting facilities.

Fine Gael and the Labour Party tabled amendments to the original motion which do not appear to be contradictory. I would have preferred to see them tabled as addenda rather than amendments.

Mr. J. Breen: Mr. Fergus Finlay, in an article in the *Irish Examiner* in February 2004, wrote that "If Ireland were in Africa, we'd send observers to help build democracy". Ironically it was the revelations of his former co-presenter on RTE television, Mr. Frank Dunlop, that prompted him to write the article. By then, the culture of payments for votes had so enveloped politics that any allegation made was believed to have substance. It has continued thus, with the same Mr. Dunlop alleging what he wishes against deceased members of council authorities and no one can emphatically contradict him.

It does nothing for the reputation of this House to have to debate the quality of current and former Members and family dynasties. No one takes enjoyment in the continual revelations and subsequent tarnishing of the Cosgrave and Haughey names. Equally as bad in recent weeks has been the trail of councillor after councillor and Minister after Minister trying to explain to the tribunal how they had forgotten or failed to recall donations received in planning and rezoning applications. We should not be too concerned about bird flu gripping this country as it would appear that a bird brain strain has already taken root where any form of detail regarding money is suddenly forgotten.

The failure of successive Governments to implement the 1974 Kenny report and this Government's failure to implement the recommendations of the All Party Committee on the

[Mr. J. Breen.]

Constitution on property rights has allowed corruption in the planning process to become the norm. Some improvements have been made, starting with the introduction in 1995 of the Ethics in Public Office Act and continuing with the refinement and enhancing of that legislation. However, it is not enough. For Ministers to brush away details of payments as oversights on their behalf is simply not good enough. Neither does it matter how they voted on individual zoning applications. It would be much better if they could say that they refused the payments and that is what this motion proposes, namely, that all donations from developers be refused lest they be seen as buying any form of influence.

At the root of these payments was an attempt to get lands rezoned and secure planning for massive developments which were nothing more than a licence for the type of urban sprawl which has contributed to so much of the anti-social behaviour in society today. No more should we allow the development of projects that do not include proper social facilities, greenfield areas, schools and a transport infrastructure that ensures the continual growth and development of community and social life. It is time for this Government to embrace the theme of social and affordable housing which it has promised for years. It is time for us individually and collectively to put this House back in the news and into people's lives for all the right reasons.

Mr. Gregory: Ba mhaith liom tacaíocht iomlán a thabhairt don tairiscint seo ón Chomhaontas Glas. I wholeheartedly support this motion from the Green Party. That party and the Independent Deputies are among a minority of Members of this House who have consistently made clear their condemnation of the activities of those public representatives, including members of the main parties in the Dáil, who accepted payments in the rezoning scandals involving people such as the self-confessed corrupt lobbyist whose well known name I am not permitted to mention.

Any public representative who is in any way corrupted through rezoning or other bribery should leave public life. There is no other way to resolve this issue finally and preserve the honour and integrity of this House and the democratic process. This will not happen, so it will be a matter for the electorate at the next general election to reject those who have behaved in a corrupt manner, whether in the recent rezoning scandals of which we have read and heard so much, and fair play to Mr. Vincent Browne for outlining the issues in greater detail on his radio show, or in other similar scandals.

The real outrage is that the billionaire developers and builders who were the main beneficiaries of this corruption continue to reap rewards and amass enormous wealth at the expense of the

people forced to pay scandalous prices to obtain a home of their own. The abandonment by this Government of the plan to integrate 20% social and affordable homes into all housing developments demonstrates that Fianna Fáil and the Progressive Democrats will always cave in to the interests of their builder and developer pals. It is the private developers and not the public interest that calls the shots in the current Government.

I support the call in this motion that no politician should accept money from developers where those same politicians are in a position to influence development decisions. In my constituency, when the Spencer Dock consortium involving Treasury Holdings was seeking planning permission for the largest planning application in the history of the State, those same developers were funding Fianna Fáil. I have no doubt this practice continues across the State. A major step away from the corruption of the past and the present would be achieved if the House were to implement the recommendations of the 1974 Kenny report and, as the motion states, to empower local authorities to purchase land for housing at its existing use value plus 25%. Will that happen while Fianna Fáil and the Progressive Democrats are in power? Not a chance.

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Motions such as this are of immense importance for several reasons. They allow the House to examine the Government's record in dealing with corruption and the abuse of public office. The Government, since its election in 1997, has introduced the most comprehensive package of reforms to tackle corruption and to ensure probity in public office and in the public service. It established a tribunal to investigate planning corruption and payments to politicians.

Mr. Gormley: On a point of order, will copies of the Minister's speech be made available to us?

Mr. O'Donoghue: I hope it is made available to Members.

The tribunal, having already issued four interim reports, is continuing its work in public hearings. The Government improved the transparency of the planning system. The Planning and Development Act 2000 extended rules relating to ethics for planning authority staff. It also introduced more opportunities for public consultation and scrutiny of both zoning decisions and the grant of individual planning permission. It increased political oversight of the system of development contributions.

A new regime of ethics in local government was introduced. The Local Government Act 2001 provided a new and comprehensive ethics framework for local government employees and councillors. The Standards in Public Office Commission was established. The Government

introduced new controls over political donations including comprehensive requirements as to the size and disclosure of political donations. Legislation governing corruption was modernised.

The Prevention of Corruption (Amendment) Act 2001 was enacted during my tenure as Minister for Justice, Equality and Law Reform. Under the Act corruption is presumed where there is proof that certain persons in public office have received money or other benefits from a person who has an interest in the way certain functions are carried out or the outcome of specified decisions, including planning decisions. In effect, this reverses the burden of proof. A person who receives a payment in those circumstances will have to prove the payment is not corrupt, instead of the prosecution proving that it was. This makes prosecution for corrupt payments easier. Even the most dispassionate observer must acknowledge the Government has taken inordinate measures to root out even the hint of corruption in our public affairs.

Motions such as this are of immense importance for another reason. They afford us the opportunity to examine the performance of the Opposition and to see if its actions live up to its rhetoric. This is more especially the case when the motion is sponsored by the bicycled tut-tutters and windmill blowers of the Green Party.

Mr. Boyle: I suppose the Minister will mention the slugs and the lettuce too.

An Ceann Comhairle: Allow the Minister without interruption.

Mr. O'Donoghue: The party's members have built a number of political careers by constructing the illusion that Utopia waits if one grows enough carrots, pulls enough turnips and eats enough lettuce.

Mr. Boyle: It is the Minister for zero tolerance.

Mr. O'Donoghue: Since entering the House, the Green Party has opposed every economic initiative undertaken by the Government. It has resolutely opposed every job creation measure—

Mr. Sargent: The Minister for fallacy.

Mr. O'Donoghue: —every economic initiative and every inch of infrastructural development proposed.

Mr. Gormley: The Minister is out on that much.

Mr. O'Donoghue: In place of the solid economic proposals initiated by the Government, the Green Party has proposed nothing other than woolly blather about eco-friendly initiatives. If its

Members ever choose to leave their gilded retreats and engage with ordinary people who work everyday for the money they need every week—

Mr. Boyle: Is the Minister referring to those working people in the tents at the Galway races?

Mr. O'Donoghue: —they will find that the produce of their eco-friendly initiatives will put neither food on the table or heat in the house.

Mr. Sargent: Even for the millionaires.

An Ceann Comhairle: Allow the Minister without interruption.

Mr. O'Donoghue: A Government adopting any of the Green Party's stated initiatives in the curtailment of the national development plan would inevitably lead us to mass unemployment, economic stagnation and curtailment of essential services.

Mr. Eamon Ryan: What about the Finnish, German or New Zealand Governments?

An Ceann Comhairle: Does Deputy Eamon Ryan wish me to take some of the Minister's time from his own time?

Mr. O'Donoghue: The Green Party Members, who sit in the most exalted perch of the Dáil's moral tree, would return Ireland to the donkey and cart and paint a pig in the parlour image of a nation which boasts the most educated young population on earth.

Mr. Boyle: Not the sewer.

Mr. O'Donoghue: There is no greater testament to the paucity of their political integrity than the fact that one of the signatories to the motion referring to amnesia in others said he was unaware of his own share portfolio in corporate sludge for three years.

Mr. Eamon Ryan: Is the Minister equating corruption—

An Ceann Comhairle: Silence.

Mr. Gormley: The Minister is a total disgrace.

Mr. Eamon Ryan: Is that the Minister's definition of corruption?

Mr. O'Donoghue: There is no greater illustration of their political hypocrisy than their acceptance of Deputy Cuffe's explanation even though the value of the portfolio amounted to €3 million and fell to €1.3 million in more than 1,000 days.

Mr. Eamon Ryan: A Cheann Comhairle, on a point of order.

An Ceann Comhairle: Minister, a point of order has been called.

Mr. Eamon Ryan: A Cheann Comhairle, you have told the House that we cannot address Members individually. The Minister is implying that inheriting a share is the equivalent of bribery.

An Ceann Comhairle: That is not a point of order.

Mr. Eamon Ryan: That shows the Minister's lack of knowledge as to what bribery really is.

An Ceann Comhairle: I must point out there are 20 minutes remaining in the slot, 15 of which are for the Green Party. Deputy Eamon Ryan is eating into his 15 minutes by interrupting the Minister.

Mr. Boyle: A Cheann Comhairle, on a point of order.

An Ceann Comhairle: No, I am not hearing it now. I will hear it when the Minister has concluded.

Mr. Boyle: It relates to the ruling made by the Chair yesterday.

An Ceann Comhairle: That is not a point of order. I ask the Deputy to resume his seat. The Minister has five minutes left and it is an obligation on the Chair that he gets them.

Mr. Gormley: He is a disgrace.

Mr. O'Donoghue: The Green Party Members are thin-skinned enough to throw it but not hard-skinned enough to take it.

Mr. Gormley: It is an absolute disgrace.

Mr. O'Donoghue: I will repeat what I have just said. There is no greater testament to the paucity of their political integrity than the fact that one of the signatories to this motion referring to amnesia in others said he was unaware of his own share portfolio in corporate sludge for three years.

Mr. Boyle: What amnesia? What about declarations in the public record?

Mr. O'Donoghue: There is no greater illustration of their political hypocrisy than their acceptance of Deputy Cuffe's explanation, even though the value of the portfolio amounted to €3 million and fell to €1.3 million in more than 1,000 days.

Mr. Gormley: What hypocrisy.

Mr. Boyle: How many houses did Deputy Callyly own and how many did he declare?

Mr. O'Donoghue: There is no greater monument to their bankrupt leadership than the minor sanction——

Mr. Gormley: The Minister has gone so low, he is in the gutter.

Mr. O'Donoghue: ——imposed on Deputy Cuffe which was his replacement as environment spokesperson.

Mr. Gormley: You are in the sewer. You are a sewer rat.

Mr. O'Donoghue: These are the Members who hold themselves up as the protectors of our environment to the young and the impressionable.

Mr. Sargent: You are a clown.

Mr. O'Donoghue: These are the Members who hold themselves out to the world as Ireland's moral guardians. These are the Members who would make Ireland greener.

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

Mr. O'Donoghue: These are the Members who look well for the speck in other men's eyes but never for the mote in their own.

Asking the Greens to protect our environment is the moral equivalent of putting the fox in charge of the henhouse.

Mr. Boyle: What is left of it.

Mr. O'Donoghue: The Green Party is ethically two-faced.

An Ceann Comhairle: I ask the Minister to give way.

Mr. O'Donoghue: It is the latest "do as I say, not as I do" party on the political firmament.

Mr. McCormack: This is great stuff.

Mr. O'Donoghue: However, its political dexterity does not end there. It picks its enemies with the same political abandon as it chooses its friends.

An Ceann Comhairle: I ask the Minister to give way to the proposer to the motion.

Mr. Gormley: Will the Minister give way?

Mr. McCormack: He cannot give way because he is getting carried away.

Mr. O'Donoghue: The same criterion of expediency is used in this process as was applied in the framing of tonight's motion.

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

Mr. Gormley: A Cheann Comhairle, I ask for the Minister to give way.

Mr. O'Donoghue: It matters little to the high priests of Irish politics that their latest best friends forever, Fine Gael and Labour, have major policies in stark contrast to their own.

(Interruptions).

An Ceann Comhairle: I ask the Minister to give way.

Mr. O'Donoghue: The Green Party is only happy to help Fine Gael and Labour on their way to a misty-eyed vision of a kaleidoscope government, accommodating a rattlebag of diametrically opposed policies. It matters little to them—

(Interruptions).

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

Mr. Gormley: The Minister should keep quiet.

Mr. O'Donoghue: It little matters to the Green Party that, in the words of Deputy Gormley, it has profound disagreements with Fine Gael. It is a matter of no consequence—

Mr. Gormley: You are off your trolley.

Mr. O'Donoghue: —to the party that it does not agree with Fine Gael on economic or criminal justice policy.

An Ceann Comhairle: Minister, I am obliged to call Deputy Eamon Ryan.

Mr. Gilmore: The Minister is still going at it.

Mr. McCormack: His face is as red as his tie.

Mr. O'Donoghue: It is little more than an inconvenience to the white knights of fresh air that the putative Minister for Finance, Deputy Rabbitte, is numerically challenged. The famous witness at the tribunal said he gave Deputy Rabbitte €3,000 and only got €2,000 back.

An Ceann Comhairle: Minister, I ask you to give way.

Mr. O'Donoghue: While the Labour and Green parties share few policies in common, there is considerable proximity in the consequences of their implementation.

Mr. Gogarty: This is the Minister whose Department wastes 37% of its funding on dogs.

An Ceann Comhairle: I ask the Minister, Deputy O'Donoghue—

Mr. O'Donoghue: Their effective and economic and taxation policies will jointly drive jobs out of the country and undermine our prosperity.

(Interruptions).

An Ceann Comhairle: Minister, I am obliged to call the Green Party.

(Interruptions).

Mr. O'Donoghue: I for one am not disposed to accepting criticism on ethical fronts from Deputy "Chemical" Ciarán Cuffe and his friends in the Green Party.

An Ceann Comhairle: The Minister is being disorderly.

Mr. Gormley: Get out.

Mr. Gogarty: The Minister does not understand a word.

An Ceann Comhairle: I call on Deputy Eamon Ryan.

Mr. Gogarty: I wish to share time with Deputies Eamon Ryan and Sargent.

I am glad the Minister for Arts, Sport and Tourism has finally agreed to dún suas. The Minister's Department spends 37% of its funding on the dog and greyhound industries, wasting funds on highly profitable industries that make many donations to the Fianna Fáil Party. I am glad he has eventually sat down to listen rather than ranting. I hoped the Minister would have said something meaningful.

I come from a constituency where the sense of community has been destroyed by naked greedy commercialism. Developers, both the corrupt and those out to make a few bucks, and the political process with its corporate donations have turned Lucan and Clondalkin into conurbations with no facilities and the social ills that follow suit. Gridlock, social breakdown, anti-social behaviour is all happening in Clondalkin because of bad planning. It would be bad enough if it was due to incompetence. The Government points out how it has been in power for the past 30 years while the rainbow Government was only in power for three years. However, it is the Government that

[Mr. Gogarty.]

has presided over developments in Lucan with no follow-up facilities such as school places for young children. One such example is the Quarryvale centre at Liffey Valley, which is well known through the deliberations of the Mahon tribunal. We know what went on there but I will not refer to those deliberations as I am precluded from doing so in the House. Let us say, however, that what we have now is a spanking, grey, monolithic shopping centre that serves people who drive from 50 miles away.

That project was supposed to provide jobs to people in north Clondalkin but patently we can see that many of the people working there are not from north Clondalkin. It was supposed to provide a community centre for people in north Clondalkin but it has not done so. Liffey Valley is not a centre for anywhere, yet South Dublin County Council is trying to turn Quarryvale into a library for both Palmerstown and north Clondalkin to save money. Palmerstown was promised a library years ago and north Clondalkin needs one but locating it in Liffey Valley, which can only be reached by car, is not the best place. It is a testament to bad planning.

Deputy Glennon asked why the Green Party was not having a go at some of the other parties in the House. I want to point out that the majority of bad decisions were made by Fianna Fáil politicians. That cannot be denied and the tribunals have shown that to be so. The Minister for Justice, Equality and Law Reform, Deputy McDowell, had a go at Deputy Gormley accusing “his sort of people” of throwing stones at the Progressive Democrats offices.

Mr. Glennon: He withdrew that remark.

Mr. Gogarty: Let me tell the House about the Minister, Deputy McDowell’s sort of people. His sort of people are those who rezoned Liracra against the wishes of 97% of the people living in Lucan. They are the Minister’s sort of people.

Mr. Glennon: That comment was withdrawn. The Deputy should take that back.

Mr. Gogarty: Those people rezoned land that is owned by supporters of the Progressive Democrats.

Mr. Gormley: Stop defending him.

Mr. Glennon: I am not defending him.

Mr. Gogarty: I am certainly not going to defend him.

Mr. Glennon: I am pointing out that the statement was withdrawn in this House.

Mr. Boyle: He repeated it on “Prime Time”.

An Ceann Comhairle: Deputy Gogarty, without interruption.

Mr. Gogarty: There is an element of hypocrisy here and that is why I deplore the fact that the likes of the Labour Party are tabling an amendment to our motion in an effort to weasel out of the simple, clear statement at the heart of our motion, which is to ban corporate donations. That is what I am calling for. The first thing that Deputy Rabbitte and Deputy Kenny did when they assumed leadership roles was to bring back such donations. Why did they do that? The reason is that we can cast stones at Fianna Fáil members whom we know are the bad boys and we can cast stones at the Progressive Democrats whom we know are the high moral ground hypocrites to beat all hypocrites.

An Ceann Comhairle: It is not appropriate to refer to anyone as a hypocrite.

Mr. Gogarty: However, they are being joined in hypocrisy by Fine Gael and the Labour Party who talk about bad planning and corruption, yet are still taking payments from big business. I will give the Minister, Deputy O’Donoghue, an example. He had a go at the Green Party over shares which, as we know, were totally above board, and Deputy Cuffe got rid of his shares. As a Green Party member I support farming jobs and organic farming. Let us say that the organic farming movement donated a grant to me for my election campaign. It does not matter if it is a worthy cause. The fact that I take money has compromised me in any decision, no matter how good it may be. Similarly, if I agreed with a planning development and thought that Adamstown was the best thing since sliced bread but took one cent from a developer, I would have been fundamentally compromised.

I am calling on Members of the Opposition at least to support our motion by condemning the practice of corporate donations and bringing them to an end. As legislators, we cannot make decisions if, even in the interests of legitimate political donations, we are tainted in some way. We have to make decisions without any influence whatsoever. That is why I am asking for the motion to be supported.

Mr. Eamon Ryan: I was proud to know and to join some of the people in the Glen of the Downs when they were protesting against that road development. Last night, the Minister for the Environment, Heritage and Local Government, Deputy Roche, said they were professional protesters, but I do not think they were. They were ordinary, decent, normal people — good, bad, mad — the same as any grouping one would find anywhere, comprising a mix of different people. People like Gavin Harte and Adrian Murphy

worked there and I would stand up and defend them. I honour what they did and they have been proven right. The basic point they were making about transport — that we cannot serve this city by providing more and more roads — has been proven to be true. They were thoughtful people who saw that protecting the environment is not just about protecting the Amazon forests but also about protecting our nature when we have it close by. I honour them for their stance in that regard.

In the early 1990s, a friend of mine, Michael Smith, dragged me into a case he was involved in for a simple motive. He wanted to protect the valleys in which he grew up. He saw that massive development was about to occur as a result of rezoning, so this ordinary person began to do something about it. Much bitterness arose from that. About half way through, he realised that as hard as he campaigned he did not have a chance because the other side was buying the votes that were needed. On cold days, I remember standing outside the public hearing, which was paid for by the developer. The shiny Mercs would arrive and the shiny shoes would emerge. Those developers smiled when they saw us protesting outside because they knew what fools we were. We did not know what way the system worked.

I listened to the Minister, Deputy McDowell, last night puffing his chest out and saying that he has to protect the State. To my mind, people like Michael Smith, Colm Mac Eochaidh and others who started to expose all this, were defending the State by revealing that the political system had been tarnished by widespread corruption. The key point was not to get heads on a plate and the key loss is not that of dignity or decency in the political system. The key point was always that corrupt planning was bad planning. People like Michael Smith, Gavin Harte, Adrian Murphy and Colm Mac Eochaidh could see that if we allowed our city to be developed in that way it would be at a real cost to people's everyday lives involving long commuting times and a lack of proper facilities, as Deputy Gogarty said.

That is the reason we tabled this motion, not to contradict anything that is going on in the Mahon tribunal or anywhere else but to bring to its senses a Government that still does not realise the cost and effect of such bad planning. The Government will not make the fundamental change needed to get rid of that rezoning profit which has corrupted our planning process and ruined so many communities.

Mr. Sargent: On behalf of the Green Party-Comhaontas Glas, I thank my colleagues in the Technical Group, including the Independents, the Socialist Party and Sinn Féin, as well as Labour and Fine Gael, for their general support for what we are endeavouring to highlight. The motion is born out of frustration over the lack of a serious response to the drip-feed of disclosures from

long-standing members and former members of local authorities, particularly Dublin County Council of which I was proud to be a member. One line in our motion states “the mere acceptance of such moneys from developers may be construed as having an undue influence on development decisions”. That quotation is not from the Green Party but from somebody who sat painfully through all the sessions, Mr. Justice Flood.

The Government does not seem to have taken note of that point, however, or acted upon it. No disciplinary measures have been taken against members who misled their own internal inquiries. No change in the fundamental financial temptation, which created the brown envelope culture, has been put in place, notwithstanding the legislation that has been referred to in the debate.

Those being punished are not the corrupt politicians who abused their power and the people's trust, but the ordinary families and householders of this country. People living outside towns had to travel three times as far to work in 2002 compared to 1981. In 1981, 76,000 workers travelled more than 15 miles to work, while by 2002 more than 280,000 workers were in that category. Since 1996, we have had a trebling of oil prices. Those costs are not being put on people by the protestors the Minister likes to go on about, but by the Government that allowed bad planning to occur, making Ireland car dependent.

We are the most car dependent country in the world, 70% more so than France or Germany, 50% more than the United Kingdom and 30% more than the USA. We now estimate that CO2 emissions will cost an estimated €1 billion in carbon credits. If one adds the costs of tribunals one is hitting the taxpayer by bad planning at every turn. The taxpayer is being punished, not the corrupt politicians, and that is why the motion needs to be acted upon seriously.

The most noteworthy claim by the Government is that it established the tribunals but the Dáil established them. Even so, the culture of rezoning and obscene levels of profiteering by developers remain the same. Farmers all over Ireland, including many in my constituency, regularly receive knocks on the door from people with cheque books offering to buy bits of their land for agricultural prices in the hope that certain auctioneers and builders can sit on that land, get councillors to rezone it and then build on it regardless of planning, if they can get away with it. This is the essence of the corrupt system that has been allowed to continue and continues to this day. We are not simply saying it is wrong, we are saying there is a solution. The solution has been well examined by the Joint Committee on the Constitution on which I sat and on which Deputy Cuffe still sits. The Kenny report recommends that land required for development by local authorities should be compulsorily required

[Mr. Sargent.]

at existing use values plus 25%. That recommendation has been examined and found not to be against any constitutional provision on private property. It has been found to ensure good planning and to remove the corruption temptation that exists.

If the Minister is at all serious — and he has yet to convince us — about ridding Ireland of bribery, corruption and the bad planning which results from it, what action will he take to punish those who confessed to misleading their parties as well as the public? What action will he take to put into practice the Kenny report which was reviewed and examined? What will he do to reassert that the most appropriate way to ensure that windfall profits accrue to the community is to take action based on the 1974 Kenny report?

These are the question we ask of the Government which has yet to state it will implement the Kenny report.

Whether Members support our motion will be a political expedient matter for themselves. At the very least, they should not rubbish the work done by eminent people on all sides of the House for many years, and for many months on the most recent consideration this report. As Deputy Gilmore stated, the Taoiseach called for this work to be done. If the Minister is serious about rooting out corruption and bringing about a change in the planning system, he will implement the recommendations of the all-party committee. To do otherwise is to indicate how corrupt the Government has become.

Deputies: Hear, hear.

Amendment put.

The Dáil divided: Tá, 60; Níl, 55.

Tá

Ahern, Michael.
 Andrews, Barry.
 Ardagh, Seán.
 Blaney, Niall.
 Brady, Johnny.
 Brady, Martin.
 Brennan, Seamus.
 Browne, John.
 Callanan, Joe.
 Callely, Ivor.
 Carey, Pat.
 Carty, John.
 Cassidy, Donie.
 Cooper-Flynn, Beverley.
 Coughlan, Mary.
 Curran, John.
 Davern, Noel.
 Dennehy, John.
 Devins, Jimmy.
 Ellis, John.
 Fitzpatrick, Dermot.
 Fleming, Seán.
 Gallagher, Pat The Cope.
 Glennon, Jim.
 Grealish, Noel.
 Hoctor, Máire.
 Jacob, Joe.
 Kelleher, Billy.
 Kelly, Peter.
 Killeen, Tony.

Kirk, Seamus.
 Kitt, Tom.
 Lenihan, Conor.
 McDowell, Michael.
 McEllistrim, Thomas.
 McGuinness, John.
 Moloney, John.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M.J.
 Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Donnell, Liz.
 O'Donoghue, John.
 O'Donovan, Denis.
 O'Flynn, Noel.
 O'Malley, Fiona.
 O'Malley, Tim.
 Parlon, Tom.
 Power, Peter.
 Power, Seán.
 Sexton, Mae.
 Treacy, Noel.
 Wallace, Dan.
 Walsh, Joe.
 Wilkinson, Ollie.
 Woods, Michael.
 Wright, G.V.

Níl

Allen, Bernard.
 Boyle, Dan.
 Broughan, Thomas P.
 Bruton, Richard.
 Burton, Joan.
 Connaughton, Paul.
 Connolly, Paudge.
 Costello, Joe.
 Crawford, Seymour.
 Crowe, Seán.
 Cuffe, Ciarán.

Deasy, John.
 Deenihan, Jimmy.
 Durkan, Bernard J.
 English, Damien.
 Enright, Olwyn.
 Gilmore, Eamon.
 Gogarty, Paul.
 Gormley, John.
 Gregory, Tony.
 Healy, Seamus.
 Higgins, Joe.

Níl—continued

Higgins, Michael D.
 Howlin, Brendan.
 Kehoe, Paul.
 Kenny, Enda.
 Lynch, Kathleen.
 McCormack, Pádraic.
 McGrath, Finian.
 McGrath, Paul.
 McHugh, Paddy.
 McManus, Liz.
 Mitchell, Olivia.
 Morgan, Arthur.
 Moynihan-Cronin, Breeda.
 Murphy, Catherine.
 Murphy, Gerard.
 Naughten, Denis.
 Neville, Dan.

Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Dowd, Fergus.
 O'Keeffe, Jim.
 O'Shea, Brian.
 O'Sullivan, Jan.
 Pattison, Seamus.
 Penrose, Willie.
 Rabbitte, Pat.
 Ryan, Eamon.
 Ryan, Seán.
 Sargent, Trevor.
 Sherlock, Joe.
 Stagg, Emmet.
 Upton, Mary.
 Wall, Jack.

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

Amendment declared carried.

Question put: "That the motion, as amended,
 be agreed to."

The Dáil divided: Tá, 60; Níl, 57.

Tá

Ahern, Michael.
 Andrews, Barry.
 Ardagh, Seán.
 Blaney, Niall.
 Brady, Johnny.
 Brady, Martin.
 Brennan, Seamus.
 Browne, John.
 Callanan, Joe.
 Callely, Ivor.
 Carey, Pat.
 Carty, John.
 Cassidy, Donie.
 Cooper-Flynn, Beverley.
 Coughlan, Mary.
 Curran, John.
 Davern, Noel.
 Dennehy, John.
 Devins, Jimmy.
 Ellis, John.
 Fitzpatrick, Dermot.
 Fleming, Seán.
 Gallagher, Pat The Cope.
 Glennon, Jim.
 Grealish, Noel.
 Hoctor, Máire.
 Jacob, Joe.
 Kelleher, Billy.
 Kelly, Peter.
 Killeen, Tony.

Kirk, Seamus.
 Kitt, Tom.
 Lenihan, Conor.
 McDowell, Michael.
 McEllistrim, Thomas.
 McGuinness, John.
 Moloney, John.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M. J.
 Ó Cuív, Éamon.
 Ó Feargháil, Seán.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Donnell, Liz.
 O'Donoghue, John.
 O'Donovan, Denis.
 O'Flynn, Noel.
 O'Malley, Fiona.
 O'Malley, Tim.
 Parlon, Tom.
 Power, Peter.
 Power, Seán.
 Sexton, Mae.
 Treacy, Noel.
 Wallace, Dan.
 Walsh, Joe.
 Wilkinson, Ollie.
 Woods, Michael.
 Wright, G. V.

Níl

Allen, Bernard.
 Boyle, Dan.
 Broughan, Thomas P.
 Bruton, Richard.
 Burton, Joan.
 Connaughton, Paul.
 Connolly, Paudge.
 Costello, Joe.

Crawford, Seymour.
 Crowe, Seán.
 Cuffe, Ciarán.
 Deasy, John.
 Deenihan, Jimmy.
 Durkan, Bernard J.
 Enright, Olwyn.
 Gilmore, Eamon.

Níl—continued

Gogarty, Paul.
Gormley, John.
Gregory, Tony.
Hayes, Tom.
Healy, Seamus.
Higgins, Joe.
Higgins, Michael D.
Howlin, Brendan.
Kehoe, Paul.
Kenny, Enda.
Lynch, Kathleen.
McCormack, Pádraic.
McEntee, Shane.
McGrath, Finian.
McGrath, Paul.
McHugh, Paddy.
McManus, Liz.
Mitchell, Olivia.
Morgan, Arthur.
Moynihan-Cronin, Breeda.
Murphy, Catherine.

Murphy, Gerard.
Naughten, Denis.
Neville, Dan.
Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
O'Dowd, Fergus.
O'Keefe, Jim.
O'Shea, Brian.
O'Sullivan, Jan.
Pattison, Seamus.
Penrose, Willie.
Rabbitte, Pat.
Ryan, Eamon.
Ryan, Seán.
Sargent, Trevor.
Sherlock, Joe.
Stagg, Emmet.
Timmins, Billy.
Upton, Mary.
Wall, Jack.

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

Question declared carried.

Adjournment Debate.

Violence Against Women.

Mr. Healy: I thank the Ceann Comhairle for the opportunity to raise this issue of services for women affected by domestic and sexual violence. I have raised it in the House on a number of occasions. As a long-standing director of the women's refuge in Clonmel, Cuan Saothar, I have a particular interest in the matter.

I call on the Government to fund these services properly and to remove the cap on them which has in effect been in place since 2002, which is having a very adverse effect and is hindering the development of the services. Domestic and sexual violence occurs all over the world and is widespread in Ireland too. The underfunding of the services is unacceptable and is false economy. We must immediately remove the capping on the funding. The lack of funds undermines the abilities of the services to address the extensive, pervasive and ongoing effects of sexual and domestic violence.

The trauma of that violence has been proven to be less severe, long-term and disruptive to a person's life when addressed through immediate support and counselling. Consistent underfunding means these centres are prevented from providing the critical early intervention which they are uniquely equipped to provide.

We know that one in every six survivors of sexual violence will become a psychiatric hospital inpatient, compared with one in 46 of the non-

abused population. Some 50% of sexual violence survivors will be prescribed anti-depressant medication compared with 9% of the non-abused population. Without access to immediate and expert care, a survivor experiencing flashbacks, panic attacks and other symptoms is likely to make repeated and long-term demands on local general practitioners, on the mental health services and on other health services. The funding of these centres is urgent, as is the removal of the cap. It is false economy not to fund these services properly.

I refer in particular to two centres in my own constituency, Cuan Saothar, a women's refuge based in Clonmel which provides a service for all of south Tipperary, and the south Tipperary rape crisis centre, also located in Clonmel and providing a service for the entire county. Both centres are under severe financial pressure. Cuan Saothar provides residential facilities for women suffering violence as well as information, support and outreach services, while the rape crisis centre in Clonmel provides services throughout the county. Both centres will have significant deficits by the end of the year, €20,000 in the case of the rape crisis centre and €90,000 in the case of Cuan Saothar. They provide services to vulnerable people throughout the county.

However, this is a nationwide problem. There are many other centres dealing with domestic and sexual violence and the area has not been properly funded, at least since 2002. Properly supporting people in these vulnerable situations is a measure of the sort of people we are, the country we are, the culture we have and the Government we have. I call on the Minister to remove the capping and properly fund these services. Not to do so is a false economy.

Mr. M. Higgins: Mine is a related matter. I have sought permission from the Leas-Cheann Comhairle to raise the urgent need for Government funding to enable the Galway rape crisis centre to continue to provide its services. Such additional funding will enable it to meet its shortfall in the current year and lay the basis for an expanded service, given the heavy public demand.

As we have just heard, there is an urgent need to put the funding on a secure basis. The Galway rape crisis centre, for example, receives €180,000 in the current year while its need is about €360,000. It could provide a comprehensive service for about €570,000 annually. One might therefore well ask if this involves the provision of a basic right. Reason suggests the funding be provided on a statutory basis rather than relying on voluntary fundraising year in, year out. In the 22 years since the centre was founded there have been many crises and the centre has had to be saved time and again. It has 11 members of staff. It began as a service run by volunteers to become one that has six part-time councillors and project workers, two education workers, two part-time administrators, a co-ordinator, and ten to 15 volunteers.

The position is simple. Because of what is available, it can run a service that is operational for five and a half hours per day Monday to Friday and three hours on a Saturday but no service on Sunday. The Minister of State at the Department of Health and Children, Deputy Tim O'Malley, will be aware of the SAVI report in 2001 which reported on the whole area of sexual violence. One of the most disturbing findings of that report was the reluctance of victims to report or speak about their experience. They find the setting of the rape crisis centres very satisfactory in terms of the counselling and professional care. The care is not just provided on the premises. It extends to accompanying victims, to reporting and visiting them. When I say a service that would be complete and full, what I mean is a service that would be able to extend into these reasonable areas where there is a demand for it.

In this day and age we must realise that recovery from a sexual attack, which is traumatic, takes a long time. We have just heard from Deputy Healy the long-term consequences in terms of the treatment and also the difficulty and failure to recover. The service should be provided on a rights basis with adequate supporting statutory funding. The idea, for example, that the service might continue or not on the basis of voluntary funding through participation in, say, the women's marathon or something similar, is no longer satisfactory. In the current year, as I understand it, the centre needs an extra €300,000. If one takes the figure which appears frozen at approximately €180,000, it has to be unfrozen immediately.

In most cities of the size of Galway there is a sexual assault unit. For example, there is one in the local hospitals in Tralee and Waterford and in the Rotunda in Dublin. If such a unit was attached to Galway hospital it would be a useful and valuable ancillary support. It would mean that all these centres and services could be provided. They are not a luxury but a basic right. It is no longer acceptable that they would move from one precarious situation to another given that they provide such a valuable and necessary service.

Most of the survey work for the SAVI report was carried out in July 2001, almost five years ago. That report made eight specific recommendations ranging from education, the removal of all barriers to access to reporting and so on and, the important point, that the extension of services be anticipated and provided in advance before the need became so demonstrated that it could not be avoided. I ask the Minister of State to make an announcement that he intends to address these issues as a matter of urgency.

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I am taking the Adjournment on behalf of my colleague, the Tánaiste and Minister for Health and Children, Deputy Harney. I thank Deputies Healy and Michael Higgins for raising this matter.

The national steering committee on violence against women was established following the report of the task force on violence against women in 1977. It is chaired by the Minister of State at the Department of Justice, Equality and Law Reform, Deputy Fahey. My Department is represented on the national steering committee and the Health Service Executive is also represented.

The purpose of the national steering committee is to provide a multi-disciplinary, multi-agency and cohesive response to the problem of violence against women and in so doing to progress the recommendations of the task force. The steering committee is representative of a wide range of interests concerned with violence against women and has a number of objectives which include ensuring that regional and local structures are established, developing public awareness campaigns; co-ordinating and advising on the distribution of resources among the health regions; and co-ordinating and advising on ongoing development of policies including those concerning perpetrators, criminal justice intervention, services and supports.

Last year the national steering committee undertook a national review of sexual assault treatment services. That report is complete and is due for publication in the coming weeks. The Tánaiste is keen to see the recommendations from this report treated as a priority within the

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Health Service Executive and that the HSE funding priorities for 2007 will reflect this.

The Government is committed to working with all interested parties including service providers and has undertaken a range of measures to reduce the incidence of domestic violence, to respond to the needs of victims and perpetrators and to raise awareness among the public about the dynamics of this crime. These measures can be seen across a wide range of Government policy. They include legislative measures, Garda response, health services, the national steering committee on violence against women and national research and treatment programmes for perpetrators.

A key indicator of Government commitment to the issue can be seen in the funding for service provision. Funding for service provision for victims is channelled primarily through the Health Service Executive Vote. In addition, the Departments of Justice, Equality and Law Reform, Education and Science, Social and Family Affairs, Community, Rural and Gaeltacht Affairs and the Environment, Heritage and Local Government also contribute to responding to the issue.

Funding in the health sector has risen from approximately €3.8 million in 1997 to approximately €12 million in 2005. This shows the commitment of Government and of my Department to addressing this important issue. The allocation of this funding including to individual rape crisis centres is a matter for the Health Service Executive. The Health Service Executive, formerly the health boards, has worked closely for many years with a range of NGOs, including the rape crisis centres. My Department will continue to monitor the level of investment in services for victims of sexual offences, including rape.

The provision of all emergency housing, including women's refuges, is a matter for the Department of the Environment, Heritage and Local Government. Funding is provided to the Health Service Executive for the operation of existing refuges. My Department will continue to monitor the level of investment in these services also. The Tánaiste has asked the Department, together with the Health Service Executive, to undertake an analysis of the level of service provision in the "violence against women area" with a view to planning future service needs. This report which has recently been completed will inform future service planning and provision. The Health Service Executive has responsibility to ensure a more equitable and consistent approach to service delivery and the funding of these services throughout the country and I understand has commenced a review of arrangements.

In regard to the Galway rape crisis centre, the Health Service Executive acknowledges the valuable work the centre provides and will continue

to work in partnership with the centre. The Health Service Executive has confirmed that it met the Galway rape crisis centre in January and has allocated funding for 2006.

Mr. M. Higgins: Will the Minister of State look at that again to see if the funding can be increased?

Mr. T. O'Malley: I will. The executive will continue to engage with the organisation in the context of service demands and development requirements. Recently, the Tánaiste received a delegation of the relevant "violence against women" organisations providing front line service responses to violence against women. The Tánaiste acknowledged the key role played by the NGOs in this sector and recorded her appreciation of the important work they do. She is considering the report presented by the delegation at that meeting.

In keeping with the recommendations of the task force for violence against women, the Health Service Executive works through the regional planning committees to determine the needs of their localities and to co-ordinate statutory and voluntary approaches to these needs.

I will take this matter up. I understand the urgency of the matter and the essential requirement and will speak to the Tánaiste about it.

Crime Levels.

Mr. O'Dowd: Crime figures in County Louth are up significantly since 2000. For instance, last year in the county of Louth, of the 841 burglaries, only 60 were detected. I express my deep concern about the rising crime levels in the Drogheda, Ardee and Dundalk areas since 2000. The figures speak for themselves. Despite the best efforts of the gardaí, the trend in crime is up significantly and we urgently need more gardaí on the beat to deter violent and ruthless criminals in our midst.

A recent reply sent to me by the Minister for Justice, Equality and Law Reform revealed that Drogheda headline crime is up a massive 62% since 2000, while the Garda headline crime detection rate in Drogheda is down significantly from 34% to 24%. The gardaí in County Louth are seriously under-resourced and Garda overtime rates in Drogheda and Dundalk have been cut by a massive €163,000 since 2000. In Dundalk, headline crime is up 25% while the detection rate is down from 34% in 2000 to 20% last year.

The Government clearly lacks the will to put thugs behind bars and is losing the battle against serious crime. There are no separate Garda crime figures available for Ardee, which is must change. Many citizens have expressed serious concerns to me about the crime levels in the Ardee area and in the interests of transparency and openness, the

way we collect the data must be adjusted to ensure Ardee is entered separately in its own right.

The picture that emerges from these facts is one of appalling Government neglect and sheer ministerial arrogance, while the fall in the detection rate clearly shows the urgent need for more gardaí. I will give the Minister of State some examples. In 2005, the last year for which figures are available, despite the best efforts of the gardaí, of 1,313 thefts, only 325 were detected. That means 988 thefts remain undetected in Louth today. Of the 52 sexual offences committed last year, only 14 were detected. That means 38 of those crimes are undetected. Of the 71 arson offences, only five have been detected. Of the 841 burglaries, only 60 have been detected, which is a detection rate of 7%. Of the 34 robberies, only three have been detected, which is a detection rate of 8.8%. One homicide remains undetected.

I stress that I have the greatest respect for the hard work, commitment and professionalism of the gardaí and their efforts to stem the rising tide of crime and anti-social behaviour in my county, but their efforts will only be successful if the Government gives them the resources they need to win this war against crime.

Mr. T. O'Malley: I thank Deputy O'Dowd for raising this matter. I am speaking on behalf of the Minister for Justice, Equality and Law Reform who, unfortunately, is unable to be present. I assure the Deputy that the Minister and I share his concerns about crime in Drogheda, Ardee and Dundalk.

Before commenting on the matter identified by the Deputy, it is helpful to put the issue of crime into perspective. The overall level of headline crime in 2005 is lower than that for 2003 by 1.6% and for 2002 by 4.4%. Furthermore, in 1995, with a population of almost 3.6 million, there were 29 crimes per 1,000 of the population while in 2005, with a population of over 4.1 million, there were 24.6 crimes per 1,000 of the population. However, the Minister has expressed his disappointment that there was an overall increase of 2.78% in headline crime in 2005 and he does not downplay his concerns in that regard.

The Minister is pleased to see that the Garda Policing Plan 2006, under the heading "Policy Reviews 2006", includes a commitment to assessing causes of the rise in crimes of burglary in 2005. This work has commenced with a view to reversing the current upward trend and identifying strategies to target this significant issue. It is intended to mount special operations in particular problem areas. The Minister is also pleased to note that the Garda manpower in Drogheda, Dundalk and Ardee Garda stations has increased by 15%, 17% and 11%, respectively, in the period 1997 to date. The Minister also understands that

a review of the opening hours in Ardee Garda station has resulted in an increased Garda presence in the town. In addition, it should be pointed out that the Garda resources of the areas the Deputy has referred to are further augmented by a number of Garda national units such as the Garda National Immigration Bureau, GNIB, the Criminal Assets Bureau, CAB, the National Bureau of Criminal Investigation, NBCI, and other specialised units.

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 the Minister announced the Government approval in October 2004. The phased increase in the strength of the Garda Síochána to 14,000 will lead to a combined strength, of 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. The first incremental increase of newly attested gardaí under the programme of accelerated recruitment took place on 15 March 2006. The Minister has repeatedly promised that the additional gardaí will not be put on administrative duties but will be put directly into frontline, operational, high-visibility policing.

The Minister is also very pleased that the Garda Síochána is now better resourced than at any time in its history. The funding for the Garda Síochána which the Minister secured in the Estimates for 2006 is a historic high of over €1.29 billion, compared with just €600 million in 1997. The provision for Garda overtime in 2006 will be €83.5 million, an increase of €23 million on the allocation for last year. This increase will greatly aid the planned deployment of a visible policing service in a flexible, effective and targeted response to criminal activity and crime prevention. The €83.5 million in overtime will yield 2.725 million extra hours of policing by uniformed and special units throughout the State.

Strong provisions are in place to combat anti-social and unlawful behaviour. The primary basis for the law regarding public order offences is the Criminal Justice (Public Order) Act 1994, which modernised the law in this regard. Furthermore, because of the Minister's concerns about the abuse of alcohol and its contribution to public order offending and broader social problems, he brought forward tough new provisions to deal with alcohol abuse and its effect on public order in the Intoxicating Liquor Act 2003. The Criminal Justice (Public Order) Act 2003 provides the Garda Síochána with additional powers to deal

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with late night street violence and anti-social conduct attributable to excessive drinking.

As the Deputy will be aware, the Minister recently circulated his proposed Committee Stage amendments to the Criminal Justice Bill 2004. Included in these amendments is a provision to allow for the introduction of anti-social behaviour orders. The Minister's proposal will allow the gardaí to apply to the courts by way of civil procedure for an anti-social behaviour order which will prohibit the person who is the subject of the order from behaving in an anti-social way. The orders will be civil orders and the question of an offence will arise only if the person in question willfully defies the order and continues to engage in the anti-social behaviour which is the subject of the order.

I want to address the particular issues raised by the Deputy. Any discussion regarding crime trends in the areas mentioned by the Deputy must take account of the increase in their populations. For example, the population of Drogheda increased by 15.7% between the 1996 census and the last census in 2002. I have no doubt this increase will continue in Drogheda and the other towns and will be reflected even further in the forthcoming census.

The Minister is informed by the Garda authorities that the local Garda management in Drogheda district has been targeting burglaries in housing estates with covert and overt foot patrols to ensure a visible Garda presence in the areas concerned. The Minister is further informed that gardaí from Ardee and Drogheda districts participate in Operation Apron, which is a regional initiative to target criminals travelling through the region and reduce incidents of crime within the region. The Minister is advised that criminal activity in Dundalk is being targeted by a number of proactive operations to identify the main suspects and their associates. Intelligence indicates that a number of crimes are being committed by criminals from outside the jurisdiction. The Garda authorities liaise closely with the Police Service of Northern Ireland in identifying those suspected of involvement in such criminal activity from both sides of the Border.

The Minister wishes to assure the Deputy that he and the Garda authorities in the areas mentioned are committed to reducing crime by the effective use of Garda resources and will continue to target criminal behaviour with effective policing.

Personal Statement by Member.

Mr. Gormley: I made a comment while the Minister for Arts, Sport and Tourism, Deputy O'Donoghue, was speaking earlier which I thought was inaudible, but apparently it was aud-

ible. I would like to withdraw the comment and have the record corrected.

Adjournment Debate (Resumed).

Water Services Pricing Policy.

Ms Cooper-Flynn: I thank the Minister of State for taking this Adjournment matter; he is covering a lot of ground this evening. This matter relates to the water services pricing policy, its implementation throughout the country and the inequality in that policy. I draw to the Minister's attention a Department of the Environment, Heritage and Local Heritage circular to local county and city managers which deals with the assistance a Department gives to local authorities with regard to water pricing policy. It states this assistance is invariably qualified with a commitment that circumstances, where policy implementation leads to a perverse or distorted result that penalises particular sectors or customers, would be considered by the water services policy unit with a view to finding an equitable solution. In effect, the Department's guidance is applicable in almost all circumstances but does not preclude adjustment or refinement where consistency and equity do not pertain. Even within the Department's circular there is an acceptance that there may be exceptions and an inequality may exist on how this pricing policy works.

Under the pricing policy, the Exchequer covers 100% of the price of the capital cost for existing domestic users. The operating costs are recovered through the local government fund. The marginal cost of schemes relates to the full costs associated with commercial users of water and sewerage schemes and for new residential developments. The costs can be recovered in three ways which are outlined in the circular: development contributions or levies, water services charges and capacity agreements with non-domestic users. For existing schemes that are being upgraded, such as that in Castlebar, this system works reasonably well. However, where a scheme is put in place with very few commercial users, it will take a very long time for the local authority to recover the marginal cost of schemes. A small town in County Mayo would have very few commercial users in comparison with a busy town on the outskirts of Dublin, yet the pricing policy is identical in both cases.

The new schemes are of greater concern. The Department's circular specifies that county and city managers highlighted difficulties with a new scheme where no network exists. The circular states that the managers indicate that difficulties are being experienced by authorities in the determination of marginal capital costs on new water

service schemes. It also describes the methodologies for this purpose as exceptionally onerous. An example of this is in Achill Sound in County Mayo where there was no pipe network for the new sewerage scheme. In other cases 100% of the capital cost for existing domestic users was covered by the Department, but no network was in place.

The Achill Sound scheme was approved by the Department at all stages, hitting only one stumbling block. It was costed at €9 million, but Mayo County Council worked out the marginal cost at €1.2 million. This was rejected by the Department which felt that the marginal cost of a scheme to cater for 2,000 people should be around €4 million. To recover €4 million from an area of 2,000 people and with almost no commercial business and mostly small residential developments is impossible. The Department asked the council to reduce the capacity of the scheme to a population equivalent of 1,200. Several spurs that were added to assist the development of tourism had to be removed. The overall cost of the scheme was reduced to €6.5 million.

This scheme highlights the inequality that exists. Where no network exists, the pricing policy is prohibitive in the context of the development of tourism and other opportunities and constitutes a penalty because these marginal costs must be recovered. The recovery can only be made in three ways, as mentioned earlier. Using the mechanism of development levies in rural areas, Mayo County Council has imposed a significant development levy and this has been passed on to the buyers of houses in new developments. In County Mayo, one may have to pay a planning levy of €2,500 for a new house, but one will also be burdened with an additional €4,000, which is €6,500 for the cost of a new house for a first-time buyer. The circular indicates that the Department seems to accept that a perverse situation sometimes exists, but when I spoke to my local authority I discovered that the Department does not make any exceptions, despite the fact that there is a provision in its own regulation for such an exception.

There cannot be one solution for the whole country, especially given the level of commercial users in a rural area like County Mayo in comparison with towns on the outskirts of Dublin. One size does not fit all and the Department should recognise this when carrying out its assessment of new schemes. I appreciate that this is a bit technical and I know the Minister of State will have a prepared answer from the Department, but he should ask someone to examine it. Rather than giving me a reply which states that we can spread the cost out on a county-wide basis, the reality is that no county with an existing scheme paid for ten years ago wants to pay a develop-

ment levy to install a sewerage scheme in a small village 100 miles away.

Mr. T. O'Malley: I thank the Deputy for raising this matter. The national water services pricing policy framework provides for the recovery by sanitary authorities of the cost of providing water services from the users of those services while respecting the statutory prohibition on charging for water services provided to householders. The framework also requires full recovery of the cost of providing water services to the non-domestic sector by means of a meter-based volumetric charge and the metering of this sector.

The pricing policy framework has been fully and successfully applied in respect of all schemes in the water services investment programme since 2000. The capital contribution for non-domestic use is related only to the marginal cost of providing additional capacity. The major part of the capital cost element of water services schemes is therefore domestic and is funded in full by the Exchequer through the water services investment programme. The marginal capital costs are then recovered from non-domestic users on a consolidated county-wide basis over a period of up to 20 years.

A fair and transparent mechanism is used in determining the appropriate level of non-domestic capital costs to be applied to water services projects. This is identified by sanitary authorities scheme by scheme with the methodology used and the resultant outcome closely monitored by the Department of the Environment, Heritage and Local Government to ensure equity in the application of this element of the policy nationally. The determination of marginal capital costs is a matter for agreement between the Department and the local authority and the Department will continue to facilitate and assist authorities in agreeing these costs.

With regard to County Mayo schemes in the water services investment programme, I cannot accept the Deputy's assertion that the water services pricing policy treats rural communities unfairly or discriminately. We should ensure equity in the treatment of all water services projects and non-domestic marginal capital costs should be applied evenly on all projects and to all sanitary authorities in the national programme. There seems to be a mistaken impression that local businesses must pay directly for the capital costs of new water services projects in their area. This is not the case. Marginal capital costs will be recovered from all non-domestic users in County Mayo as part of a county-wide, consolidated, metered charge that includes capital, operational and administrative costs and not as a ring-fenced charge on local businesses served by a particular scheme.

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I do not believe that the pricing policy is having an adverse effect on the buyers of new homes, especially given that up to 40% of the cost of providing water services infrastructure for future housing development is provided under the strategic land initiative of the water services investment programme. I acknowledge that there has been some contention about the unit cost of certain schemes in planning. A balance must be struck between the environmental benefits, economic benefits and unit costs on all water services schemes. However, it would be wrong to approve water services projects with an inordinately high

unit cost for domestic water services provision that cannot achieve reasonable value for money criteria. Any such projects should be reviewed and sanitary authorities should consider the option for their reconfiguration or modification. The water services pricing policy is designed to achieve equity, fairness and transparency and the Department of the Environment, Heritage and local Government will continue to ensure that these objectives are maintained.

The Dáil adjourned at 9.30 p.m. until 10.30 a.m. on Thursday, 23 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 25, inclusive, answered orally.

Questions Nos. 26 to 50, inclusive, resubmitted.

Questions Nos. 51 to 60, inclusive, answered orally.

Social Welfare Benefits.

61. **Mr. G. Mitchell** asked the Minister for Social and Family Affairs the clearance time targets set by his Department for assessing claims for the carer's allowance in 2001, 2002, 2003, 2004, 2005 and 2006; the percentage status performance of these targets; and if he will make a statement on the matter. [10948/06]

Minister for Social and Family Affairs (Mr. Brennan): My Department is committed to providing a quality service to all its customers. This includes ensuring that applications are processed and that the decisions on entitlement are issued as expeditiously as possible having regard to the eligibility conditions which apply.

The main clearance time target set by my Department for carer's allowance is to decide 70% of claims within nine weeks, in the context of a claim intake volume of 6,000 claims per annum. Annual claim volumes are currently in excess of 8,000 per annum. In February 2006, the most recent month for which statistics are available, 67% of claims were awarded within nine weeks. The average time to decide a carer's allowance claim was 8.8 weeks during 2005 as a whole. The average during the last quarter of 2005 was 7.6 weeks. The average in 2006 to date is eight weeks, although in many cases claims are processed within a shorter timeframe.

Claim processing times in earlier years were not as good. The targets were adjusted on a number of occasions between 2001 and 2005 and the percentage of claims awarded within the target timeframe varied between 22% and 54% in the years from 2001 to 2005. I am sending a table to the Deputy setting out the details for each of the years in question.

A number of improvements have been introduced by my Department to address the efficiency of claim processing for the scheme. A review of all existing processes and procedures has been undertaken with the explicit objectives of reducing any delays in claim processing. Applicants who are refused on medical eligibility grounds are provided with an interim decision. Such decisions are concluded within five weeks

rather than the applicant waiting until all other aspects of his or her claim are decided. All applications that can be automatically approved on the medical evidence are fast tracked. Priority is being given to claims where a decision on entitlement has been outstanding for more than eight weeks. Additional staff resources were assigned specifically to improve the delivery of service.

In determining entitlement to the allowance there are, in certain cases, unavoidable time lags involved in making the necessary investigations and inquiries to enable timely and accurate decisions to be made. In addition to the work my Department has to carry out, there is also an onus on applicants to furnish all necessary documentation. Delays can occur as a result of the person applying for the allowance not having all the necessary information in support of his or her claim.

Some 50 % of applicants for carer's allowance are in receipt of another social welfare payment while their claim is being processed. Such payments will normally continue until entitlement to their carer's allowance is determined. However, every effort is made to process applications as quickly as possible and to minimise the time during which applicants have to rely on alternative forms of support. The over-riding consideration in processing claims is to ensure that customers receive their correct entitlement and that decisions are not taken until all appropriate information is available.

The staff and other resources available to my Department are regularly reviewed having regard to the volume of claims, budget measures to be implemented and other competing demands. The available resources are then used to best advantage in discharging my Department's obligations towards our customers, while implementing cost effective controls to prevent and detect fraud and abuse. My Department is engaged in an ongoing process to ensure that existing resources are prioritised to the greatest extent possible on front line service delivery.

In conclusion, targets and performance indicators are being reviewed in the context of my Department's modernisation action plan and, in this context, it is intended to devise a more comprehensive set of performance indicators and improved systems for measuring and reporting on inputs, outputs and outcomes for the future.

Social Welfare Code.

62. **Mr. Crowe** asked the Minister for Social and Family Affairs if he will set up a redress board to deal with the claims of mature students regarding the back to education scheme. [10983/06]

82. **Mr. Sargent** asked the Minister for Social and Family Affairs the cost implications of the High Court case regarding the Government's move in 2003 to cut a mature student's back-to-

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education grant payment during college holidays; and if there are similar cases being taken against his Department. [11044/06]

102. **Mr. Crowe** asked the Minister for Social and Family Affairs if he will reinstate the back to education allowance summer holiday payments that were unfairly removed in the middle of 2003. [10984/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 62, 82 and 102 together.

The back to education allowance or BTEA is a second chance education opportunities scheme designed to encourage and facilitate people on certain social welfare payments to improve their skills and qualifications and, therefore, their prospects of returning to the active work force. Following the decision in 2002 to discontinue payment of BTEA for the summer months in certain cases, one person who was a participant at the time the change was introduced sought a judicial review, together with five other named recipients, in the High Court regarding the changes introduced. Other participants were subsequently attached to the proceedings, making a total of 173 persons. The hearing took place on 7 February 2006 and judgment in the case was delivered on 28 February 2006.

The judgment found in favour of one individual but did not find in favour of any of the other people attached to the proceedings. The decision is quite clear in terms of restitution in that the judgment relates solely to the one individual whose action was successful. At a subsequent hearing on 14 March 2006, the extent of the restitution was determined. The court decided that restitution was due only in respect of the summer vacation period 2003 and not subsequent years and only in the case of the one individual whose action was successful. The other 172 cases attached to the proceedings were found by the court to be not entitled to the relief granted in the one case that was successful.

There are wider matters for consideration arising from this case, including whether it is appropriate, or even legal, to consider payment to others who were in receipt of the allowance before the change was introduced. Furthermore, in view of the possible ramifications in other areas, it is necessary to consider if the judgment warrants appeal. Accordingly, having examined the judgment, I have sought advice from the Attorney General regarding the appropriate response to this case. I will consider the matter further on receipt of that advice. There are no other cases currently before the courts relating to this matter.

National Partnership Agreement.

63. **Mr. Penrose** asked the Minister for Social

and Family Affairs his views of the recent submission made by the Combat Poverty Agency to the social partners on a new partnership agreement; and if he will make a statement on the matter. [10996/06]

Minister for Social and Family Affairs (Mr. Brennan): The Combat Poverty Agency submission to the social partners, “Making a Decisive Impact on Poverty Through Social Partnership”, is a broad ranging document which has, I understand, been forwarded to all parties to the partnership negotiations. It will, I expect, form a constructive contribution to the negotiations on a new partnership agreement. I expect that the results of this agreement will in turn input to the development of the next national action plan against poverty and social exclusion which will cover the period 2006 to 2008. Preparation of the plan will be co-ordinated by the office for social inclusion which is based in my Department.

Social Welfare Benefits.

64. **Mr. Sargent** asked the Minister for Social and Family Affairs if his Department maintains statistics on the number of children born here not entitled to be in receipt of child benefit payments; and if he will make a statement on the matter. [11043/06]

Minister for Social and Family Affairs (Mr. Brennan): To qualify for child benefit a child must be under 16 years — 19 years if in full-time education — and ordinarily resident in the state. The vast majority of children born in Ireland will satisfy these conditions. Child benefit is paid to the person with whom the child is normally resident, which in most cases is the child’s mother.

Since 1 May 2004, the new qualifying condition — habitual residency condition, HRC — for child benefit was introduced. From that date the applicant must be habitually resident in Ireland. Section 17 of the Social Welfare Act 2004 specifies that a person shall not be considered as being habitually resident in the State at the date of making the application unless the person has been present in the State or any other part of the common travel area for a continuous period of two years ending on that date.

The question of what is a person’s “habitual residence” is decided in accordance with European Court of Justice case law, which sets out the grounds for assessing individual claims. Each case that is subject to a determination on the habitual residence condition is dealt with on its merits and a decision is based on the individual circumstances of the case. Any applicant who disagrees with the deciding officer decision has the right of appeal to the social welfare appeals office.

Straightforward cases are dealt with as part of the normal claim process, while more complex cases are passed to more senior officers for decision. The Department requires applicants to

supply a range of information in support of their application, including details of employment, property owned in Ireland, family in Ireland, family or property abroad, before making a decision.

Since 1 May 2004 over 70,000 new applications for child benefit have been received. The vast majority of these cases are straight forward and are approved as part of the normal claims process. In 10,596 cases the decision was passed to a more senior officer, with 1299 claims or 12% deemed not to have satisfied the habitual residency condition. A total of 514 children born in Ireland were affected in these cases. It is open to applicants to re-apply for the benefit at a later time if their circumstances have changed in the interim, for example, if their residency status, family composition or employment status has changed.

Currently the percentage of applicants for CB who satisfy the habitual residency condition is 94%. The main reasons that applicants would not satisfy the habitual residency condition is that their residency status in the country is not yet decided or they have failed to satisfy the Department of their intention to reside in Ireland on a long-term basis. EU nationals working in Ireland are paid child benefit under EU regulations and as such are not subject to the habitual residence condition.

Non-EU workers in Ireland on work permits and whose families are resident here are considered to satisfy the habitual residence condition if they are in permanent employment, have brought their families to Ireland and can satisfy the Department of their intention to make Ireland their home on a long-term basis.

65. **Mr. Durkan** asked the Minister for Social and Family Affairs the number of persons deemed to be suffering from coal workers lung disease/pneumoconiosis; the number who are currently in receipt of occupational injury payments; his views on the award of occupational injury payments to all such sufferers; and if he will make a statement on the matter. [11083/06]

186. **Mr. Durkan** asked the Minister for Social and Family Affairs if his attention has been drawn to the fact that special recognition and payment has been awarded in other jurisdictions to sufferers of pneumoconiosis; and if he will make a statement on the matter. [11334/06]

187. **Mr. Durkan** asked the Minister for Social and Family Affairs the number of persons suffering from pneumoconiosis currently in receipt of a disability payment, invalidity payment or occupational injury payment; his views on recognising the disease as a 100% disability or illness for the purposes of qualification for occupational injury payment; and if he will make a statement on the matter. [11335/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 65, 186 and 187 together.

My Department does not create or hold records or statistics on health matters *per se*. Information relating to occupational diseases regarding miners is only held by my Department in the context of claims made under its occupational injuries benefits scheme. Departmental records reflect that there are 21 persons currently in receipt of disablement benefit under the occupational injuries scheme as a result of pneumoconiosis. A total of 19 of these are former coal workers.

The legislation governing the occupational injuries scheme provides entitlement to benefit for persons suffering from certain prescribed diseases which are listed in the legislation and where that person has contracted that disease in the course of their employment. Where a person has contracted one of the diseases listed in the legislation, benefits are payable if they were employed in an occupation which is specifically prescribed with regard to that disease. In addition, benefits may be payable if the claimant can show to the satisfaction of my Department that the disease was contracted through an employment not specifically prescribed with regard to that disease.

Employment under a contract of service as a miner is insurable for occupational injuries benefit under the Social Welfare Acts. Miners who are unable to work due to an accident arising from their employment may be entitled to occupational injury benefit for the first 26 weeks of their claim. If their incapacity extends beyond that period they may receive disability benefit or invalidity pension subject to meeting the qualifying conditions for these payments.

Miners may be entitled to disablement benefit if they suffer a loss of physical or mental faculty as a result of an accident at work or a disease prescribed in legislation that they contracted at work. Medical assessments are undertaken in all such cases to determine the degree of disablement, which is calculated by comparison of the state of health of the applicant with a person of the same age and gender. The degree of disablement is expressed as a percentage loss of faculty and the compensation payable varies accordingly.

There is, therefore, an existing mechanism in cases where miners develop lung disease as a result of their occupation. Persons claiming occupational injuries benefit in cases of pneumoconiosis are referred to consultant respiratory physicians in the first instance for an examination and report. This examination consists of a clinical assessment and pulmonary function testing, PFT. Disablement benefit is awarded on the basis of the consultant's report, including the pulmonary function testing result.

Where a person has qualified for occupational injuries benefits, the rate of benefit payable

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increases on an annual basis in line with the normal social welfare budget increases. In addition, where a person feels that his/her occupational injury has deteriorated since the assessment was made under the scheme, it is open to that person to apply for a review of the percentage calculated.

Social Insurance.

66. **Mr. Gilmore** asked the Minister for Social and Family Affairs if he will confirm reports that his Department has discovered a significant level of fraud involving the use of bogus PPS numbers; if his Department has any estimate of the number of bogus PPS numbers issued; the steps which are being taken to address this problem to ensure the integrity of the PPS number system; and if he will make a statement on the matter. [11007/06]

Minister for Social and Family Affairs (Mr. Brennan): My Department does not have definite figures on the number of bogus PPS numbers as identity fraud is by its nature difficult to quantify. The Department, however, has not uncovered a significant level of fraud involving the use of bogus PPS numbers. Since 2004, an identity check on scheme clients has been part of the fraud and error surveys undertaken for control purposes by my Department and identity has not emerged as a particularly significant issue. However, to gauge the extent of misuse of the PPS number, a dedicated fraud and error survey on PPS number allocation is now underway. The results of this survey, due in a number of months, will create a baseline measure of the extent of fraud and error in the PPS number allocation process.

My Department took over full control of the registration process for allocating PPS numbers from the Revenue Commissioners in 2000. Since then, considerable effort has been put into improving the integrity of the PPS number registration process and the associated data. Further improvements will continue to be introduced as part of my Department's operational strategy in this area.

Among the steps that the Department has undertaken are: the set up and resourcing of a separate branch — client identity services — to manage the PPS number; introduction of a dedicated control unit to deal with identity issues; implementation of detailed procedures for departmental staff to apply rigorous standards to PPS number registrations; continuous review and development of these procedures; delivery of an extensive training programme to staff; a programme of work to improve the quality of the existing data supporting the PPS number.

The actual process for applying for a PPS number includes a number of measures to maximise the integrity of the process. When applying for a PPS number, applicants are asked to complete an application form and supply documentation to establish their identity. Whenever

doubts arise as to the authenticity of documentation presented by an applicant, staff contact a central help desk and can, if necessary, refer the identity documents for further examination. A total of 1,393 documents were referred to the central help desk for checking in 2005. Of these, 377 were found to have been forged or altered. The equivalent figure for 2004 is 324. In any case where documentation presented is found to have been compromised, no PPS number is allocated.

The controls applied to the allocation process are under constant review in line with my Department's operational strategy. This includes a programme of work specifically designed to address the developing requirements for PPS number allocation and the need to ensure that controls are tightened to meet the varying and growing challenges of identity fraud. Plans are being put in place to consolidate the number of centres dealing with applications for PPS numbers, as well as expanding the role of the inspectorate in this work. There are also plans to modernise the technical and communication structures supporting the process. This will lead to improved expertise at local level and more effective controls.

My Department is conscious of its responsibility for the PPS number registration process, the overall value of the possession of the PPS number and the need for a robust control system to address concerns about identity fraud. Considerable progress has been made since the introduction of the PPS number and my Department will continue to develop and improve its processes and data.

Social Welfare Code.

67. **Mr. Noonan** asked the Minister for Social and Family Affairs if his Department has carried out research into the particular barriers that social welfare claimants encounter when trying to access information on social welfare payments; if not, the reason therefor; the barriers which were identified as a result of this research; the action his Department has taken to address these barriers; and if he will make a statement on the matter. [10955/06]

Minister for Social and Family Affairs (Mr. Brennan): I regard the provision of information in a clear and accessible manner as an essential element in the effective delivery of social welfare services. The underlying objective of my Department's information policy is to ensure that all citizens are made aware of their entitlements and that they are kept informed of changes and improvements in schemes and services as they occur.

My Department has not undertaken specific research along the lines suggested in the Deputy's question. However, our customers, through a number of channels, including customer panels and customer surveys, provide us with feedback regarding the level of customer satisfaction with

our information service: for example, a recent customer survey found that 82% of people were satisfied with our information services.

My Department uses a range of communication channels to meet the different needs of customers. Comprehensive information and guidance relating to social welfare schemes and services is available through my Department's network of over 130 local offices throughout the country. In some 58 social welfare local offices of my Department, officers who are dedicated to providing information are available to explain our supports and services and to help and assist people in completing forms and accessing their entitlements.

My Department produces a comprehensive range of information leaflets and booklets covering each social welfare payment or scheme. These information leaflets are available in a wide range of outlets across the country, including all social welfare local offices, citizens information centres, post offices and in many local community centres. The information is also available on my Department's website at www.welfare.ie. Claim forms, explanatory leaflets and information booklets can be ordered directly, at any time, from our lo-call leaflet line at 1890 20 23 25.

The National Adult Literacy Association, NALA, provides advice to my Department to ensure that all information is produced in a simple, clear, easy to read format and that it is accessible to people with different levels of literacy ability or for whom English or Irish is not their first language. The Guide to Social Welfare Services is available on our website in both Irish and English and in Arabic, Chinese, French, Polish, Russian and Spanish.

Special attention is given to the particular needs of people with disabilities in accessing information. My Department's website is fully compliant with international standards for people with disabilities. It allows people with visual impairment to use special screen reading software to have the text read out by their computers and is also accessible for people with hearing difficulties. We also provide information in alternative forms such as braille, audio tape or large print on request.

My Department takes a proactive approach in advertising new schemes and changes and improvements to existing schemes and services, by using an appropriate mix of national and provincial media, information leaflets, fact sheets, posters and direct mailshots. We have, in the past, issued direct information booklets to target groups, such as pensioners and lone parents, outlining all the services available to them from the Department.

The central information services unit in my Department operates a phone service where people can get information on all our services. Selective use is made of freephone services to provide information on new schemes and services

and at particular times of the year, such as budget time. Other information campaigns, such as the recent nationwide family income supplement campaign, aim to ensure that people are aware of and claim their entitlements.

In addition to these information services Comhairle, the national citizen's information body under the aegis of my Department, supports the provision of comprehensive information on a range of social services through a network of 247 citizens information centres throughout the country, through the OASIS website and the citizens information phone line, 1890 777 121. In addition, funding is provided to various voluntary and community organisations to assist with information projects on social welfare.

My objective is to continually improve services to ensure that people are not encountering barriers in finding out about social welfare schemes and services. Access to high quality information for people with different needs is a key priority for me in the drive to ensure that citizens are aware of and claim their social welfare entitlements.

68. **Mr. Stanton** asked the Minister for Social and Family Affairs his plans to allow holders of free travel passes to access hackney services; and if he will make a statement on the matter. [10941/06]

75. **Mr. Ferris** asked the Minister for Social and Family Affairs the discussions which have taken place between Irish and British officials regarding the introduction of a free travel scheme for pensioners while visiting their countries. [10988/06]

86. **Mr. Cuffe** asked the Minister for Social and Family Affairs the position regarding negotiations between his Department and the British Government to enable Irish pensioners living in Britain to participate in the Irish free travel scheme when they return home on holidays. [11036/06]

97. **Mr. Cuffe** asked the Minister for Social and Family Affairs if he plans to open up the Irish travel system to all UK pensioners in view of his intended expansion of the free travel scheme for pensioners North and South of the border. [11035/06]

112. **Mr. P. McGrath** asked the Minister for Social and Family Affairs the costs of giving free travel and the household benefits package to all widows and widowers here, regardless of their age; his plans to bring proposals to Government to give free travel and the household benefits package to all widows and widowers; and if he will make a statement on the matter. [10928/06]

181. **Mr. Durkan** asked the Minister for Social and Family Affairs his views on extending the

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free schemes to a wider group; and if he will make a statement on the matter. [11329/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 68, 75, 86, 97, 112 and 181 together.

The free travel scheme is available to all people living in the State aged 66 years or over. All carers in receipt of carer's allowance and carers of people in receipt of constant attendance or prescribed relative's allowance, regardless of their age, receive a free travel pass. It is also available to people under age 66 who are in receipt of certain disability type welfare payments, such as disability allowance, invalidity pension and blind person's pension. People resident in the State who are in receipt of a social security invalidity or disability payment from a country covered by EU regulations or from a country with which Ireland has a bilateral social security agreement and who have been on this payment for at least 12 months, are also eligible for free travel.

The scheme provides free travel on the main public and private transport services for those eligible under the scheme. These include road, rail and ferry services provided by companies such as Bus Átha Cliath, Bus Éireann and Iarnród Éireann, as well as Luas and services provided by over 80 private transport operators. The free travel scheme applies to travel within the State and cross-Border journeys between here and Northern Ireland. The vast majority of private contractors providing services under the scheme operate in rural areas. The underlying feature of the scheme is the use of spare capacity on these transport services. I am always willing to consider applications from licensed private transport operators who may wish to participate in the free travel scheme.

Various alternatives to the existing system, including the use of vouchers, have been examined. A study published in 2000 under the Department's programme of expenditure reviews concluded that a voucher type system, which would be open to a wide range of transport providers, including taxis and hackneys, would be extremely difficult to administer, open to abuse and unlikely to be sufficient to afford an acceptable amount of travel. This position remains unchanged.

The issue of access to public transport in rural areas is being addressed at present through the rural transport initiative, which is being managed by Pobal, formerly Area Development Management, ADM, on behalf of my colleague, the Minister for Transport. My Department contributed €500,000 to the initiative in 2004, €750,000 in 2005 and is contributing €850,000 for the initiative in 2006. This will ensure that free travel pass holders continue to have full access to community based transport services.

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

With regard to the household benefits package, which comprises the electricity/gas allowance, telephone allowance and television licence schemes, this is generally available to people living permanently in the State, aged 66 years or over, who are in receipt of a social welfare type payment or who satisfy a means test. The package is also available to carers and people with disabilities under the age of 66 who are in receipt of certain welfare type payments. People aged over 70 years of age can qualify regardless of their income or household composition. Widows and widowers aged from 60 to 65 whose late spouses had been in receipt of the household benefits package retain that entitlement to ensure that households do not suffer a loss of entitlements following the death of a spouse.

In 2005, the estimated cost of extending the household benefits package and the free travel scheme to all widows and widowers irrespective of their age would be some €45 million. A range of proposals, including those referred to by the Deputies, have been made to extend the coverage of the household benefits package of free schemes and the free travel scheme. These proposals are kept under review in the context of the objectives of the schemes and budgetary resources.

Social Welfare Benefits.

69. **Mr. McGinley** asked the Minister for Social and Family Affairs if there is discretion for officials in his Department to write off overpayments made to customers; the criteria by which such decisions are made and if mitigating circumstances are taken into account; the number of cases of overpayments which were written off in 2005 and the amount involved; and if he will make a statement on the matter. [10932/06]

Minister for Social and Family Affairs (Mr. Brennan): It is my Department's policy to maximise the recovery of moneys overpaid in order to have due regard to the interests of taxpayers and social insurance contributors who finance social welfare payments. My Department may, however, decide to seek repayment of a reduced amount or not to seek any repayment in cases where the overpayment resulted from an error by an official of the Department and where the per-

son could not reasonably be expected to have been aware of the error. A reduction in the amount sought or a decision not to seek any repayment may also arise in cases where an overpayment resulted from a failure by my Department to act promptly on information provided to it. My Department would not pursue a repayment in cases where it believes that there is no reasonable prospect of ever securing repayment.

In determining the amount to be repaid and the method of recovery, my Department takes into account the personal circumstances of the person overpaid and the circumstances in which the overpayment occurred. People are given the opportunity to give their views on the assessment of the overpayment and the proposed method of recovery and can bring to the attention of my Department any facts or circumstances they consider relevant to the recovery of the overpayment.

My Department operates a policy, under sanction of the Department of Finance, whereby overpayments, in respect of which there has been no recovery activity for three years and there is no immediate prospect of such recovery, are written off for accounting purposes. The purpose of this provision, when introduced, was to avoid carrying large irrecoverable overpayments in the accounts of the Department. The fact that an overpayment is written off for accounting purposes, however, does not mean that it cannot be recovered at a later date. In 2004, the latest year for which figures are available, overpayments to the value of over €7.8 million — 15,670 cases — were written off but an amount of almost €1.5 million has been recovered post write off.

Social Welfare Code.

70. **Mr. Gilmore** asked the Minister for Social and Family Affairs the position with regard to his discussions with the European Commission regarding the Government's implementation of the two year habitual residence requirement in regard to qualification for social welfare benefits; if changes to the requirement have been introduced or are planned; if a final response has been received from the Commission on this matter; and if he will make a statement on the matter. [11006/06]

Minister for Social and Family Affairs (Mr. Brennan): The requirement to be habitually resident in Ireland was introduced as a qualifying condition for certain social assistance schemes and child benefit with effect from 1 May 2004. It was introduced in the context of the Government's decision to open the Irish labour market to workers from the new EU member states without the transitional limitations which were being imposed at that time by many of the other member states. The effect of the condition is that a person whose habitual residence is elsewhere is not paid certain social welfare payments on

arrival in Ireland, regardless of citizenship, nationality, immigration status or any other factor.

The EU Commission wrote to the Government in December 2004 raising a number of issues concerning its compliance with EU law relating to workers and their families. Officials from my Department and the Attorney General's office met with Commission officials subsequently to discuss the issues raised. The operation of the condition is fully in line with the criteria set out in European Court of Justice case law. These are: the length and continuity of residence in a particular country; the length and purpose of absence from Ireland; the nature and pattern of the employment; the applicant's main centre of interest; the future intention of the applicant concerned as it appears from all the circumstances.

In addition, full consideration is given in the decision making process to the requirements of EU legislation regarding free movement of workers within the European Economic Area. Rules which apply to migrant workers, that is, persons who have taken up employment in Ireland following their arrival here, are strictly observed. The Department's explanation of its practice was confirmed in writing to the EU Commission on 19 July 2005. The formal process of the Commission's examination of the matter is at an advanced stage and it is expected that it will be finalised shortly.

With regard to changes to the requirement, no changes have been introduced to the legislation and none is currently planned. Certain aspects of the implementation of the provision have, however, been clarified from time to time in the operational guidelines. In November 2005, for example, a clarification was issued to community welfare officers explaining that supplementary welfare allowance is considered under EU legislation to be a "social advantage" and therefore should be subject to the principles of equal treatment to all EU workers regardless of nationality. Any EU worker who suffers loss of income because he or she has lost employment through no fault of his or her own or becomes unable to work through illness, is entitled to claim supplementary welfare allowance.

The requirement to be habitually resident in this country has been and continues to be monitored constantly by my Department and a full review of its operation is at present being finalised.

71. **Mr. Howlin** asked the Minister for Social and Family Affairs the situation with regard to his proposals for the reform of the one-parent family payment system, particularly with a view to making it easier for lone parents to enter or re-enter the workforce; when he intends to bring forward formal proposals in this regard; and if he will make a statement on the matter. [11009/06]

94. **Mr. Gogarty** asked the Minister for Social and Family Affairs when he expects to publish the findings of the review of lone parents support mechanisms carried out in 2005. [11037/06]

116. **Mr. Ring** asked the Minister for Social and Family Affairs the position regarding the review of the one-parent family allowance scheme; his plans to change this scheme; the numbers currently availing of this scheme on a county basis and the costs to his Department for same, indicating those in receipt of a full rate of one-parent family allowance and those on a reduced rate; and if he will make a statement on the matter. [10927/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 71, 94 and 116 together.

The Government acknowledges that the risk of poverty, especially child poverty, tends to be higher among one-parent families, larger families and those faced by long-term unemployment, due mainly to the direct costs of rearing children, including child care costs, and the opportunity costs related to the reduced earning capacity of parents, arising from their care responsibilities. This applies particularly to one-parent families as the lone parent has to be the main breadwinner and carer at the same time.

The number of one-parent family recipients being paid by my Department at the end of December 2005 is 80,366, the latest date for which figures are available. I allocated €769 million to the one-parent family payment in 2005. It is not possible to get exact statistics on the number of one-parent family payment recipients who are in employment and receiving full or reduced payments. However, there are currently 58,290 claimants in receipt of one-parent family payment at the maximum rate. The latest date for which a county by county breakdown of one-parent family payment recipients is available is the end of 2004 and this breakdown is provided in a tabular statement which will be made available to the Deputy.

Every support should be given to lone parents to give them an opportunity to continue to increase their earnings in their efforts to improve their own lives and those of their children. In recognition of this, I was pleased to significantly increase the upper income limit for the one-parent family payment by €82 per week to €375 per week in the recent budget. This measure will come into effect in July of this year. In addition, as a result of taxation measures introduced in the budget, lone parents will not now become eligible for tax until they earn in excess of €23,000 per annum.

One of the key tasks in the “Ending Child Poverty” initiative under Sustaining Progress is to address obstacles to employment for lone parents. The senior officials group on social

inclusion was mandated late in 2004 to examine this issue and report back to the Cabinet committee on social inclusion with specific proposals. A sub-group of the senior officials group has been examining obstacles to employment for lone parent families, with particular emphasis on income supports, employment, education, child care and support programmes and information. We must also look closely at income supports and at how we can adjust those supports to better address the social problems that can arise for those who receive these payments.

In this regard, a working group established in my Department to review the income support arrangements for lone parents has looked at issues including the contingency basis of the one-parent family payment, cohabitation and the fact that the payment can act as a disincentive to the formation of partnerships and discourage joint parenting. As a result of this process, which included consultation with the social partners, I launched, on Monday of this week, a major Government discussion paper, “Proposals for Supporting Lone Parents”, which addresses the social exclusion and risk of poverty faced by many such families and their children.

The report puts forward radical proposals for reform of the income support system for all parents on a low income. The report proposes the expanded availability and range of education and training opportunities for lone parents, the extension of the national employment action plan to focus on lone parents, focused provision of child care, improved information services for lone parents and the introduction of a new parental allowance, PA, for low income families with young children. The Government will listen closely to the views expressed as this report is debated and will give serious consideration to them. As soon as I am convinced that we have reached conclusions that are fully workable and clearly thought out, it will be my intention in the months ahead to take these proposals to Cabinet for discussion and decision.

Social Welfare Benefits.

72. **Mr. Broughan** asked the Minister for Social and Family Affairs the number of persons in receipt of rent supplement; the amount paid out in rent supplement and the number of landlords to whom rent supplement was paid and the average annual payment in respect of each of the past five years; and if he will make a statement on the matter. [10998/06]

77. **Mr. Kehoe** asked the Minister for Social and Family Affairs the number of cases of supplementary welfare allowance rent subsidy handled in each of the years from 2002 to date in 2006; the average weekly payment made; and if he will make a statement on the matter. [10935/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 72 and 77 together.

The supplementary welfare allowance scheme, which includes rent supplement, is administered on my behalf by the community welfare division of the Health Service Executive. The purpose of the scheme is to provide short-term income support, in the form of a weekly or monthly payment, to eligible people living in private rented accommodation whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from any other source. Neither I nor my Department has any function in decisions on individual claims.

Rent supplements are subject to a means test. They are normally calculated to ensure that, after payment of rent, an eligible person has income equal to the rate of basic supplementary welfare allowance appropriate to their family circumstances, less a minimum contribution, currently €13, which each recipient is required to pay from his or her own resources. Many recipients pay more than €13 because recipients are also required to contribute any additional assessable means that they have over and above the appropriate basic supplementary welfare allowance rate towards their accommodation costs.

Under the rent supplement scheme there is no direct relationship between the State and the landlord. Entitlement is based on the tenant's income support needs with payment generally made directly to the tenant. Accordingly, the Department does not maintain a record of the number of individual landlords who benefit indirectly under the scheme. The Department, on behalf of the executive, does facilitate the annual transfer to the Revenue Commissioners of details of all rent supplement payments made in respect of each individual tenancy. However, it is not possible to provide accurate statistics on landlord numbers based on those data because letting agent details only are recorded in many instances.

The number benefiting under the scheme has increased from 45,028 in 2001 to 60,176 at the end of 2005 and at 10 March 2006, there were 60,381 in receipt of a payment. During the same period, the average weekly payment increased from €80.30 in 2001 to €101.77 in 2005 and average monthly payments increased from €495.30 in 2001 to €768.47 in 2005. At December 2005, 71% of rent supplement payments were weekly.

I will arrange to have a tabular statement showing details of the number of recipients and average weekly and monthly payments for each of the years 2001 to 2005 made available to the Deputy.

73. **Mr. Naughten** asked the Minister for Social and Family Affairs the number of households that have been housed under the long-term initiative for rent supplement tenants as announced on 4 July 2004; and if he will make a statement on the matter. [10946/06]

125. **Mr. Naughten** asked the Minister for Social and Family Affairs the number of people that have been availing of the rent supplement for 18 months or more; and if he will make a statement on the matter. [10947/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 73 and 125 together.

Under the supplementary welfare allowance scheme administered on my behalf by the community welfare division of the Health Service Executive, a weekly or monthly rent supplement is available to assist eligible people who are unable to meet their immediate accommodation needs through their own resources. In recent years, a significant number of people have come to rely on rent supplements for extended periods, including people on local authority housing waiting lists.

In response to this situation, the Government has introduced new rental assistance arrangements giving local authorities specific responsibility for meeting the longer-term housing needs of people receiving rent supplement for 18 months or more. These arrangements are being implemented on a phased implementation basis. When fully operational, local authorities will meet the housing needs of these individuals through a range of approaches, including the traditional range of social housing options, the voluntary housing sector and, in particular, a new public/private partnership type rental accommodation scheme. The Department of Environment, Heritage and Local Government has indicated that 777 tenants have been accommodated under the rental accommodation scheme at the end of February 2006. This is the first step towards having the new arrangements fully operational nationwide by September 2008.

At the end of 2005, 60,176 households were in receipt of assistance under the rent supplement scheme. Over half of these, almost 33,000 tenants, have been on the scheme for 18 months or more. My Department and the Health Service Executive are actively assisting the local authorities and the Department of the Environment, Heritage and Local Government in implementing the new arrangements.

While tenant placements under the scheme to date have not reached the levels anticipated, I note that the rate of transfer has increased over the last four months. I appreciate that the scheme is a major new direction for local housing authorities and that there will undoubtedly be problems in developing a comprehensive range of options under the scheme to match demand. There may also be problems for local authorities in taking on some existing rented accommodation.

However, as the system rolls out, it is expected that local authorities will deal with any such situation by using their statutory powers relating

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to housing standards and by providing a suitable solution under the scheme for the tenants concerned. If the local authority cannot provide accommodation immediately for any reason, there is no question of those people being left without housing support. Rent supplement can continue to be provided by my Department to people in their existing accommodation on a *pro tem* basis until the situation is resolved.

Overall, I am satisfied that, while progress in terms of tenants transferring has been somewhat slow initially, the long standing difficulties faced by long-term private sector tenants are being tackled and all of the relevant agencies are co-operating actively to make the new system work successfully.

Pension Provisions.

74. **Mr. Noonan** asked the Minister for Social and Family Affairs the progress to date on the introduction of a personal pension entitlement for pensioner spouses currently in receipt of the qualified adult allowance to be set at the level of a full non-contributory pension, as promised in the programme for Government; and if he will make a statement on the matter. [10954/06]

Minister for Social and Family Affairs (Mr. Brennan): The Government is anxious to ensure that as many people as possible can qualify for contributory pensions in their own right and, in this regard, a number of measures have been introduced over the years which makes it easier for people to qualify for pensions. These include the reduction in the yearly average number of contributions required for pension purposes from 20 to ten and the special half rate pension based on pre-1953 insurance contributions. *Pro rata* pensions are also available to allow people with mixed rate insurance records to receive a payment and this is of benefit to people who may have worked in both the public and private sectors.

Despite these improvements, there are some people who cannot qualify for a pension in their own right. For this reason, the Government is committed in the programme for Government to increasing the payment for qualified adults, age 66 or over, to the same level as the personal rate of the old age non-contributory pension and to facilitate the direct payment of the allowance to spouses and partners. To this end, budget 2006 provided for an increase of €10.80 per week in the rates for a qualified adult allowance for old age contributory and retirement pensions where the qualified adult is aged 66 or over, bringing this rate up to €149.30 per week. Similarly, the rate for a qualified adult allowance for old age non-contributory pension was increased by €10.60 per week, bringing this up to €120.30 per week. These rates are 82% and 66% of the maximum rate of the old age non-contributory

pension. Further increases in qualified adult allowance rates will be considered in the context of future budgets.

Also, since October 2002, in accordance with the conclusions of a PPF working group on administrative individualisation, new pension claimants can opt to have the qualified adult allowance paid directly to their spouse or partner. In this regard, some 1,101 couples have indicated their preference to have the qualified adult allowance paid directly to the spouse. This represents about 6.75% of approximately 16,300 old age contributory and retirement pensions awarded since October 2002 where a qualified adult allowance is payable.

I am aware of the desire of certain groups to have full mandatory individualisation of the qualified adult payment implemented. I am also conscious of the need to take account of the views of our customers regarding this matter. Furthermore, there are a number of administrative and legislative issues that require further examination before extending or modifying these arrangements. These issues are under consideration by my Department and I intend to progress the matter as quickly as possible.

Question No. 75 answered with Question No. 68.

Question No. 76 answered with Question No. 60.

Question No. 77 answered with Question No. 72.

78. **Mr. Durkan** asked the Minister for Social and Family Affairs the extent to which he has considered allowing payment of the equivalent of non-contributory pensions in the case of Irish missionary workers who wish to remain overseas; and if he will make a statement on the matter. [11084/06]

185. **Mr. Durkan** asked the Minister for Social and Family Affairs the extent to which he has given further consideration to the payment of the equivalent of contributory/non-contributory old age pension to Irish missionaries who currently receive no such payment if they remain overseas; and if he will make a statement on the matter. [11333/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 78 and 185 together.

Missionaries who have made sufficient social insurance contributions can qualify for an old age contributory pension. Contributory pensions are payable abroad, so missionaries who qualify and who chose to settle overseas can receive a payment. Non-contributory pensions are only payable where a person is resident in this country. Accordingly, missionaries who return here and

who satisfy the habitual residence condition and a means test can qualify for a pension.

Officials of my Department made a presentation to the Joint Oireachtas Committee on Foreign Affairs in November 2005 regarding pensions for missionaries. Following the presentation, a working group, which includes my Department, was established to examine issues relating to social protection coverage for missionaries, notably with regard to pension coverage. The question of providing pensions for missionaries who retire abroad is being considered in the light of the conclusions of the working group.

Social Welfare Benefits.

79. **Mr. McCormack** asked the Minister for Social and Family Affairs his views on the level of uptake for the farm assist scheme; and if he will make a statement on the matter. [10930/06]

Minister for Social and Family Affairs (Mr. Brennan): The farm assist scheme, which introduced special arrangements for farmers on low incomes, was provided for in the Social Welfare Act 1999 and came into operation with effect from 7 April 1999. There are now 7,750 farm assist customers. The current average weekly payment is €181.81.

The level of take-up is less than had been anticipated when the scheme was first introduced in April 1999. This is due to the significant increase in off-farm employment in recent years and the take up of the rural social scheme which is operated by the Department of Community, Rural and Gaeltacht Affairs and which also specifically targets low income farmers. There are currently approximately 2,140 customers availing of this scheme, 868 of whom transferred from farm assist.

The farm assist scheme has brought about a worthwhile improvement for low income farmers, particularly for those with children, and it makes a valuable contribution to supporting those who are at the lower end of the farm income spectrum. To increase awareness of the farm assist scheme, my Department undertook a major publicity campaign in 2002. Almost €100,000 was spent on that campaign which included radio and press advertising, including in specialist farming publications, and the production of a promotional video on the scheme.

More generally, the network of social welfare offices and citizen's information offices throughout the country provides information to members of the public on the range of schemes and services available, including the farm assist scheme. Information leaflets and application forms for farm assist are available at these offices. In addition, social welfare inspectors in rural areas promote the scheme when meeting the public in the course of their duties.

Departmental Investigations.

80. **Mr. Howlin** asked the Minister for Social and Family Affairs if his Department's investigation into the circumstances in which a number of civil servants are reported to have accessed the personal welfare records of a person (details supplied) has been completed; if action has been taken on foot of the investigation; and if he will make a statement on the matter. [11008/06]

Minister for Social and Family Affairs (Mr. Brennan): Arising from reports in the media, my Department carried out an examination of accesses to the computer record of the person concerned. On a general basis, staff of my Department are authorised to access individual records as long as it is for legitimate business reasons. In view of the number of accesses in this case, managers were asked to examine the matter to establish if there were genuine business reasons for their staff accessing the record. The staff concerned were asked to set out the reason why they accessed the record and managers compiled reports on the basis of their replies.

These reports were considered by the personnel officer and formal warning letters have now issued to the staff members who were deemed not to have complied with the Department's instructions relating to records access. In addition, the staff involved have been interviewed by their managers and have been made aware of the seriousness of the matter. Their actions were not acceptable as every customer of my Department is entitled to full confidentiality at all times. Staff have been warned that disciplinary action will be taken in the event of any further breaches of the Department's data protection controls.

My Department views its obligations to safeguard the privacy of data under its control very seriously and has undertaken a considerable amount of work in this area over the past few years. A review is currently underway to see if new approaches and technologies can be applied to strengthen controls in this area.

Pension Provisions.

81. **Ms Lynch** asked the Minister for Social and Family Affairs if his attention has been drawn to the recent call from the Irish Congress of Trade Unions for a clampdown on pension abuses in the construction industry; the action he intends to take arising from this call; and if he will make a statement on the matter. [11011/06]

85. **Ms Lynch** asked the Minister for Social and Family Affairs the steps his Department is taking to address continuing concerns regarding reported large scale abuse of the construction industry pension scheme; and if he will make a statement on the matter. [11010/06]

93. **Mr. Boyle** asked the Minister for Social and Family Affairs the response his Department is making to the recent claim by the pensions ombudsman that between 70,000 and 120,000 construction workers were being denied their legal and mandatory pension rights. [11034/06]

114. **Ms McManus** asked the Minister for Social and Family Affairs if his attention has been drawn to the warning from the pensions ombudsman that up to 130,000 construction workers may have no pension or sick pay due to the fact that their employers are failing to meet their legal obligations; the action he intends to take arising from this report to ensure that the pension and welfare entitlements of all workers in the construction sector are protected; and if he will make a statement on the matter. [11012/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 81, 85, 93 and 114 together.

The construction federation operatives pensions scheme operates as a registered employment agreement under the Industrial Relations Acts. There is a statutory obligation on employers to register eligible employees in the scheme and to pay the necessary contributions. Compliance with the terms of the scheme is enforced through the construction industry monitoring agency, the Labour Court and the Department of Enterprise, Trade and Employment. The Pensions Board also has a role in the scheme as far as compliance with the various aspects of the Pensions Act is concerned. However, the main difficulties with the scheme relate to failure to register employees and/or to deduct contributions to the scheme and these issues are a matter for the construction industry monitoring agency, the Labour Court and the Department of Enterprise, Trade and Employment.

Given the ongoing controversy about the scheme and compliance with its terms, the board facilitated a report on the scheme in conjunction with the Department of Enterprise, Trade and Employment. The report was undertaken by Mercer Human Resource Consulting and it found that 80% of the estimated 80,000 eligible employees in the industry are covered by the scheme. However, the report does highlight the fact that an estimated 70,000 operatives are classed as self employed and are, therefore, not eligible to join the scheme. The consultants are of the view that many of these workers are not genuinely self employed.

Mercer has made a range of recommendations designed to improve compliance with the scheme and involving the Department of Enterprise Trade and Employment, the Department of Finance, the Revenue Commissioners and my Department. Copies of the report were provided to the relevant Ministers.

With regard to my Department, the report has recommended that consideration be given to using the PRSI system as a means of enforcing the scheme and collecting contributions. This gives rise to a number of major issues, not least of which is the extent to which the Department should be directly involved in the administration of what is a private pension scheme. Major legislative change would be required and the accounting and operational arrangements of the PRSI system would need to be adapted to meet the very different needs and requirements of a funded pension system. In the circumstances, my Department does not consider the use of the PRSI system is appropriate or practical.

Putting the construction industry monitoring agency on a statutory footing and dealing with issues relating to self employment in the industry was also proposed in the Mercer report. The former is a matter for my colleague the Minister for Enterprise, Trade and Employment and I have contacted him to seek his views on the prospects for progress in this area. In the meantime, I have asked my Department to see to what extent it can assist generally, having regard to the powers it has available to visit and inspect employers' records. In this context, my Department plans to carry out a considerable number of visits to employers in the construction industry in the current year.

With regard to self employment, designations are, in the first instance, generally made by the Revenue Commissioners. However, it is open at any time to an individual to ask for a determination on his or her employment status for social insurance purposes from my Department. The Mercer report suggested that the Revenue Commissioners need to review their guidelines on self employment and my Department will assist here as appropriate.

Finally, following a meeting I had with trade unions representing construction workers, I was in touch with my colleague, the Minister for Finance, about ensuring that contractors being awarded public sector contracts are complying with their obligations under the construction federation operatives pensions scheme. The Department of Finance is, I understand, planning to introduce new standard contracts for public sector building projects later this year. This provides a good opportunity to strengthen requirements relating to the pension scheme in question.

Question No. 82 answered with Question No. 62.

Computerisation Programme.

83. **Ms O. Mitchell** asked the Minister for Social and Family Affairs the budget allocated to information technology systems for 2004, 2005 and 2006; the increase or decrease for each year; and if he will make a statement on the matter. [10956/06]

Minister for Social and Family Affairs (Mr. Brennan): My Department is highly dependent on computer systems to deliver its schemes and, in particular, its payment services. Each week, for example, my Department is responsible for some 970,000 payments that, when dependants are included, directly benefit some 1.5 million men, women and children. Each year almost 60 million transactions are processed and issued by my Department. The majority of payments are made through the systems, some of which have been in place for over 20 years.

To preserve business continuity and modernise its services, my Department has developed a strategic programme of continuous development for its information and communications technology, ICT, systems. The principle elements of this programme are: the service delivery modernisation, SDM, programme, a multi-annual programme which is being implemented in a number of self-contained phases and which sets out the basis for development of all strategic applications within the Department; the Reach initiative which is primarily concerned with defining, building and operating the public service broker, PSB; the Modernisation of the civil registration service, GRO; e-government related projects and a supporting programme for modernising the Department's ICT infrastructure.

The budget allocated to information technology systems in 2004 was €24.744 million, which represented a reduction of 4.5% over the previous year. This decrease was due mainly to the tight overall budgetary situation which prevailed at that time. The budget allocated for 2005 was €29.576 million, an increase of €4.832 million or 19.53% over the 2004 allocation. The increase in the 2005 allocation resulted from carry forward of €4.225 million from the previous year, the provision of an increased capital allocation in 2005 to fund a multi-year ICT modernisation programme and special provision for a project to develop systems, under the service delivery modernisation programme, to cater for retirement and old age contributory pensions.

This strategic programme requires a significant increase in the level of expenditure in 2006. Accordingly, a budget of €46.426 million has been allocated to ICT for the current year, an increase of 56.97% over 2005 including carry forward of €6.366 million from the previous year. The balance of the increase is to cater mainly for the ongoing programme of modernising and upgrading the Department's ICT infrastructure; the implementation of three e-government related projects which the Department is undertaking this year, namely, the standard authentication framework environment or SAFE, the public service identity — PSI — service and the customer object development projects; and the introduction of the early child care supplement scheme which will be undertaken by my Department, on an agency basis, on behalf of the office

of the Minister of State with responsibility for children.

Each project within the programme of continuous development generally has two “strands” — one focused on developing the ICT system components and the other on implementing a parallel programme of organisational change. The aim is to implement modern work practices, supported on a flexible technical architecture, which will allow my Department to respond more rapidly to change and to deliver a high quality, personalised and integrated service to its customers.

Social Welfare Benefits.

84. **Mr. Perry** asked the Minister for Social and Family Affairs if there is a time target for dealing with queries from members of the public to the lo-call helpline for the people inquiring about the State pension; and if he will make a statement on the matter. [10953/06]

Minister for Social and Family Affairs (Mr. Brennan): Under the Social Welfare Law Reform and Pension Bill 2006, I propose to change the name of the old age contributory pension to State pension, contributory, and the retirement pension to State pension, transition. Also, from 29 September next, I will introduce a new pension scheme to be known as State pension, non-contributory, which will incorporate most means tested payments which apply to people aged 66 and over.

The aim of my Department in dealing with telephone inquiries made to any of the Department's lo-call numbers is to ensure they are answered quickly, competently, courteously and with due regard to the needs of the callers. The pension services office of my Department in Sligo has a lo-call number — 1890 500 000 — which may be used to make inquiries about the State pension or any of the other social welfare schemes which are administered from there. These schemes include old age contributory pension, retirement pension, old age non-contributory pension and widow and widower's contributory and non-contributory pensions.

There are currently a total of 16 staff assigned to the dedicated phone banks in the office to deal with inquiries made via the lo-call number. There is a standard in place which stipulates that calls should be answered within 30 seconds and that the number of abandoned calls versus total calls should be no more than 5%. Available statistics indicate that these targets are met in general. However, there can be delays at times when the service is particularly busy, for example, after budget announcements, in the run-up to Christmas and similar times of high pressure.

To answer incoming telephone calls in the most efficient way possible, callers to the lo-call number of the pension services office are asked by means of an automatic call answering service to select the appropriate number on their tele-

[Mr. Brennan.]

phone keypads. This ensures that their calls are directed immediately to the relevant section where they are answered by a dedicated team of experienced staff. The length of time it takes to deal with a telephone inquiry depends upon its nature and complexity. Most enquiries to the lo-call number are dealt with quickly by our telephone call answering staff. These staff have on-line access to the Department's pensions database which enables them to answer specific inquiries from pensioners about their personal entitlements. Due to the complex nature of some calls received, it may not be possible to fully deal with the inquiry immediately. In such circumstances, staff will always offer to phone back with the relevant information at a time that is convenient to the callers.

Last year, the pension services office of my Department received over 500,000 telephone calls from pensioners, public representatives and members of the public. To provide a better service to customers, my Department is actively seeking ways to minimise the necessity for them to phone my Department with inquiries. The Department, for example, produces and maintains a comprehensive range of booklets on social welfare services which are freely available to customers in citizen information centres and social welfare local offices throughout the country. Also, my Department's website, *www.welfare.ie*, is regularly updated with the latest information on these services.

The position regarding phone response is kept under ongoing review and, as part of the extension of the Department's service delivery model, SDM, programme later this year, further improvements to the telephone service are planned. An additional lo-call number and additional telephone answering staff will be provided for the retirement and old age contributory pension sections and a team of back-up phone answering staff will be available to provide support when call volumes are very high.

Question No. 85 answered with Question No. 81.

Question No. 86 answered with Question No. 68.

87. **Caoimhghín Ó Caoláin** asked the Minister for Social and Family Affairs if figures are available to gauge how successful his Department's campaign of advertising the family income supplement has been. [10989/06]

106. **Ms O'Sullivan** asked the Minister for Social and Family Affairs the response received so far to his Department's national awareness campaign on family income supplement; his plans for greater co-ordination of information with the Revenue Commissioners to ensure maximum

possible take-up; and if he will make a statement on the matter. [11016/06]

120. **Aengus Ó Snodaigh** asked the Minister for Social and Family Affairs how effective the campaign to promote the family income supplement entitlements has been; and the number of people who have availed of their entitlements. [10985/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 87, 106 and 120 together.

The provision of information is an essential element in the effective delivery of social welfare schemes and services. The underlying objective of my Department's information policy is to ensure that all citizens are made aware of their entitlements and other supports and are kept informed of changes and improvements to schemes and services as they occur. The family income supplement is designed to provide cash support for employees on low earnings with families. This preserves the incentive to remain in employment in circumstances where the employee might only be marginally better off than if he or she were claiming other social welfare payments.

Currently, approximately 17,685 families, with almost 34,000 children, benefit directly from the weekly top-up payments but thousands of other families who, based on research, would be likely to qualify for FIS, are not applying for the scheme. Families can get top-up supports of between €20 and €400 a week, depending on their income and the size of their family. Expenditure on FIS in 2005 was €72.1million.

Improvements to the family income supplement scheme, including the new increased income limits announced in budget 2006, mean that it is now easier for families to qualify under the scheme. Furthermore, FIS is a central element of a programme of reforms targeted specifically at addressing child poverty. To ensure that families are made aware of these improvements, my Department undertook a nationwide awareness campaign to promote and encourage a greatly increased take up of the family income supplement, FIS, scheme for working families on low incomes. This extensive week long campaign included advertising on TV, on national and local radio and in the national and regional press. A nationwide poster campaign was also undertaken.

During the media campaign, my Department provided a lo-call helpline for the public to answer their inquiries regarding eligibility under the improved scheme. The helpline responded to over 2,800 calls. To date, over 1,000 new application forms for FIS have been issued to families. In addition, the scheme was promoted through the Department's network of local offices, citizen information centres, citizens information phone service and by Comhairle, the national information support agency. Information was also

made available through the Department's website.

I am very pleased with the response so far to the campaign. However, as the campaign only ended on 10 March 2006, it is too early to determine its full impact at this time. My Department has been working closely with the Revenue Commissioners to ensure that families on low incomes are made aware of the availability of FIS. Improvements in the scheme were outlined in an information leaflet distributed by the Revenue Commissioners with the 2006 tax credit certificates to all PAYE taxpayers. My Department will continue to work with the Revenue Commissioners on other initiatives to ensure that people are made aware of their entitlements in a timely manner.

Every effort is being made to ensure that families eligible for FIS are encouraged to apply for the scheme and every opportunity is taken by my Department to promote the benefits of the scheme. So far this year, applications received for FIS have increased by over 35% compared to the same period last year and over 800 applications are currently being received by my Department each week. The Government is determined to eradicate child poverty and I am confident that improvements to the FIS scheme will contribute towards targeting resources to low income households.

Pension Provisions.

88. **Mr. Morgan** asked the Minister for Social and Family Affairs if he intends to utilise the pay related social insurance mandatory pension scheme more effectively to ensure pensioners do not have to face into an old age of poverty. [10991/06]

92. **Mr. Ferris** asked the Minister for Social and Family Affairs the measures he intends to implement to ensure that more workers have second pillar pension coverage. [10987/06]

95. **Mr. Eamon Ryan** asked the Minister for Social and Family Affairs if he will expand on recent comments made on International Women's Day about pension coverage for women. [11042/06]

99. **Mr. Costello** asked the Minister for Social and Family Affairs the action he intends to take arising from the recent report from the EU Commission which claimed that the Government was not doing enough to deal with the imbalance in pension coverage here; and if he will make a statement on the matter. [11004/06]

108. **Mr. Costello** asked the Minister for Social and Family Affairs the number of persons who have taken out PRSAs at the latest date for which figures are available; the overall proportion of the eligible workforce this represents; his plans to

review the scheme in view of the low take up rate to date; and if he will make a statement on the matter. [11005/06]

129. **Dr. Upton** asked the Minister for Social and Family Affairs the progress made with regard to his consideration of the recent report of the national pensions review; if it is intended to implement the recommendations contained in the report; and if he will make a statement on the matter. [11003/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 88, 92, 95, 99, 108 and 129 together.

The latest results from the CSO quarterly national household survey, QNHS, show a 0.9% decline in supplementary pensions coverage from 52.4% of the working population aged 20-69 in quarter 1 of 2004 to 51.5% in the same quarter in 2005. The decline is within the margin of error for the survey so the position appears to be that there has been little change in the rate of supplementary pensions coverage over the last year. Workers aged 35 to 44 have the highest rate of coverage at 61.3%.

With regard to PRSAs, the most recent figures from the Pensions Board show that up to the end of December 2005, 68,257 PRSAs had been taken out with a total asset value of €451million. Pensions coverage for women increased from 46.8% in 2004 to 47.5% in 2005. Even though the coverage rate for men fell between 2004 and 2005 — 56.3% to 54.2% — men continue to have a higher rate of coverage than women. The coverage rate for women is also below the overall average for the workforce as a whole.

The reasons for this may be quite varied and could, for instance, include issues such as the interrupted nature of many women's working careers, the disparity in male and female earnings, which may make pensions less affordable for women, and the number of women who work reduced or part-time hours. Due to the lower than average coverage rates for women, they are a particular target of the national pensions awareness campaign being run by the Pensions Board on my behalf.

In this regard, I was pleased to launch an initiative by the Pensions Board and the recruitment company CPL on International Women's Day. In this new venture the Pensions Board has teamed up with CPL, most of whose clients are women, to provide those seeking employment with a checklist of the main items that people need to address to ensure that they will have an adequate income when they retire. This checklist was also provided to delegates at the recent annual conference of the Institute of Career Guidance Counsellors. This initiative is the latest in a series targeting women; others have included special promotions on pensions built around occasions such as the Women's Mini Marathon.

[Mr. Brennan.]

In early 2005 I asked the Pensions Board to bring forward by one year a review of our overall pensions strategy because I considered that on the basis of the progress being made there was little prospect of reaching our targets for pensions coverage in any kind of reasonable timescale. The Pensions Board completed its work in November 2005 and I published the report on 17 January this year. The board has reaffirmed the various targets recommended in the original national pensions policy initiative, which included a retirement income, from all sources, of 50% of pre-retirement income, a social welfare pension equating to 34% of average industrial earnings and a supplementary pensions coverage rate of 70% for those aged over 30 years. The Government is already committed to achieving a social welfare pension of €200 per week by 2007.

The Pensions Board has recommended enhancements to the current voluntary system of supplementary pensions as it considers that it has the potential to deliver significant improvements in coverage. Essentially, these suggestions involve using the successful elements of the SSIA system in a pensions context by converting the tax relief provided for personal pensions to a matching contribution. I have already had discussions with the Minister for Finance on the possibility of implementing the suggestions of the Pensions Board and officials will examine these in more detail in the coming months to determine the practicalities and costs of such a system.

There is no doubt that, with the right incentives, the voluntary system can deliver improved pensions coverage. In this regard, I welcome the proposals brought forward by the Minister for Finance to provide incentives for those on lower incomes to invest their SSIA savings in pensions. The extent to which these initiatives are successful in encouraging pensions savings may give some indication of the likely attitude of the public to the more general suggestions made by the Pensions Board in this area.

However, no truly voluntary pensions system has delivered the sort of coverage rates for which we are aiming. I have said on many occasions that if we are to achieve our overall targets we may have to consider a more radical approach. In this regard, I have asked the Pensions Board to explore in more detail the ideas for a mandatory or quasi-mandatory system it put forward in its report on the national pensions review. The ideas explored in the report range from a mandatory system built up on the existing private sector system to a greater role in pensions provision for the PRSI system. I have asked the Pensions Board to suggest and cost a system it considers suitable for Irish conditions and to submit a report to me later this year.

The issue of pensions has achieved a very high profile over the last year or so but we have yet to have an engaging debate on exactly how we will

tackle the difficult questions we face in the years ahead. The Pensions Board report challenges us to have that debate and to decide finally the type of retirement we want for our older people and the contribution we will make during our working lives to that future. I am convening a national pensions forum to debate the central issues contained in the review. This will take place on 5 May and I hope that it will generate a wide ranging debate at national level which will assist in arriving at a pensions system which will deliver the sort of retirement income we are aiming for and which will command the acceptance and support of all concerned.

Family Support Services.

89. **Mr. Eamon Ryan** asked the Minister for Social and Family Affairs if he will expand on his recent comments made at the ACCORD conference in Ballyconnell, County Cavan. [11041/06]

Minister for Social and Family Affairs (Mr. Brennan): I was pleased to be asked to make the closing address to the recent ACCORD conference in Ballyconnell, County Cavan. In my address to the conference, I referred to the fact that ACCORD is now working in a very different environment than was the case back in the early 1960s when it was founded. Today, there are many differing views and attitudes to marriage and cohabitation while births outside marriage, separation and divorce are commonplace. ACCORD has had to adjust with the times and credit is due for the successful manner in which it has achieved this, with services now available “to all who need them regardless of denomination, race, creed or ability to pay”.

Despite these changing times, statistics show that marriage is on the increase, with over 20,000 marriages taking place here annually, and is still seen by the majority of people as their preferred choice in terms of both their futures and creating a stable and just society.

I also reiterated my Departments support, through the Family Support Agency, for ACCORD. Last year ACCORD received funding of €2.75 million under the scheme of grants to voluntary organisations providing marriage, child and bereavement counselling, which was almost one-third of the total funding available. Research evidence from both at home and abroad is highlighting the potential of marriage and relationships counselling services in assisting couples coping with difficulties and in helping them to build better relationships. I have been happy to continue to develop the counselling sector by providing funding directly to groups providing professional counselling services to support families and enhance family life.

Social Welfare Code.

90. **Mr. Deenihan** asked the Minister for Social and Family Affairs his plans to reform the eligibility criteria for disability allowance so that all people with a mental illness or disability in hospital and residential care who have the same medical and financial circumstances are treated equally; and if he will make a statement on the matter. [10950/06]

96. **Mr. G. Mitchell** asked the Minister for Social and Family Affairs the success of the introduction of the disability allowance expenses payment in replacing the pocket money allowances; the success of the payment in ensuring all people with a disability or mental illness in hospital or in residential care, who meet the medical and financial qualifying conditions, are in receipt of some form of social welfare payment; and if he will make a statement on the matter. [10949/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 90 and 96 together.

Responsibility for the disabled person's maintenance allowance, DPMA, scheme was transferred from the Department of Health and Children and the health boards to my Department in October 1996. On transfer of the scheme, the existing qualifying conditions were retained and the scheme was re-named disability allowance. One of the qualifying conditions applying to the former DPMA scheme was that the payment could not be made to people who were in residential care where the cost of the person's maintenance was being met in whole or in part by a health board.

Since the takeover of the scheme by my Department, the restrictions on payment to persons in residential care have been progressively relaxed and from 1999, disability allowance recipients who had been living at home could retain their entitlement on entering a hospital or residential care. In budget 2005, I took a decisive step towards the eventual removal of disqualification for receipt of disability allowance due to residential care with the introduction of the disability allowance, personal expenses rate, effective from June 2005. This new payment, in effect, replaced the former pocket money or spending allowances provided by the Health Service Executive to people who were in residential care since prior to August 1999 at a higher and consistent rate of €35 per week.

Following the introduction of the measure, there are now over 2,800 who meet the qualifying conditions for this payment and are now in receipt of the disability allowance, personal expenses rate. This level of take-up reflects the success of this payment in ensuring that people with a disability who are in residential care since prior to 1999 are no longer disqualified from receiving a social welfare payment. Persons with

a disability in residential care who are over 66 years of age and who have been in receipt of either full rate disability allowance if they entered residential care since 1999 or the disability personal expenses rate may then qualify for the old age pension. There are no restrictions on this payment due to residential care.

I intend to move beyond payment of partial disability allowance, personal expenses rate, payment and to remove all remaining restrictions on persons in residential care so as to make them eligible for the full disability allowance, subject only to the same conditions as apply to others. There are a number of practical and administrative issues to be resolved in this regard, including the need to avoid any duplicate funding, and my Department is progressing these issues with the Department of Health and Children. My Department has been in contact with the Department of Health and Children to expedite this.

Social Welfare Appeals.

91. **Aengus Ó Snodaigh** asked the Minister for Social and Family Affairs if his attention has been drawn to the fact that some people, whose social welfare benefits have been cut, have to wait over three months for their appeal to be heard by the social welfare appeals office. [10986/06]

130. **Caoimhghín Ó Caoláin** asked the Minister for Social and Family Affairs the average time a social welfare appeal takes to be heard; and if he is satisfied with that length of time. [10990/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 91 and 130 together.

The average length of time taken to deal with appeals by the social welfare appeals office in 2005 was 20 weeks. If allowance is made for the 25% most protracted cases, the average time falls to 13 weeks. The processing time for appeals covers all phases of the appeal process, including the submission by the Department's deciding officers' comments on the grounds for the appeal, further examinations by the Department's medical assessors in certain sickness related cases and the holding of oral hearings, which are currently afforded in two out of every three cases determined by appeals officers.

Circumstances can arise, normally outside of the control of the appeals office, which can have the effect of unduly prolonging the time taken to process appeals. Delays, for example, can occur where the appellant furnishes new evidence which requires investigation at a late stage in the proceedings or where an adjournment may be sought by the appellant or his or her representatives. The social welfare appeals office deals with about 14,000 appeals on an annual basis and the provision of a prompt service remains a major customer service objective of the office.

[Mr. Brennan.]

The nature of the service provided is quasi-judicial and the procedures in place for determining appeals are designed to ensure that each case receives full and satisfactory consideration. Consequently, improvements in processing times must be achieved in a manner which is consistent with justice being seen to be done and the need to ensure that every appeal is fully investigated and determined on all its circumstances.

Question No. 92 answered with Question No. 88.

Question No. 93 answered with Question No. 81.

Question No. 94 answered with Question No. 71.

Question No. 95 answered with Question No. 88.

Question No. 96 answered with Question No. 90.

Question No. 97 answered with Question No. 68.

Social Welfare Benefits.

98. **Mr. Deenihan** asked the Minister for Social and Family Affairs if, when a person reaches the age of eligibility for the old age pension, his Department informs that person by letter that they are eligible and that they should contact his Department; and if he will make a statement on the matter. [10951/06]

Minister for Social and Family Affairs (Mr. Brennan): My Department advises customers in receipt of social welfare payments who are approaching pension age to apply for a pension in good time. Approximately 30% of all pensioners are notified in this way. The most significant group in this category comprises those who are in receipt of invalidity pension. To further improve customer service to this particular category I have introduced a new measure in budget 2005 which will confer automatic entitlement to old age contributory pension for recipients of invalidity pension who reach 66 years of age. This will remove the need for some 3,000 people annually to submit a separate application for old age contributory pension.

I have also arranged for the same legislation to cater for the automatic transfer from retirement pension to old age contributory pension for customers who reach 66 years of age. Similarly, recipients of blind pension and widow/er's non-contributory pension will be transferred to old age non-contributory pension by my Department in advance of them reaching pension age.

In my Department's information booklets and other promotional material concerning pension

qualification, customers are advised to apply for pension at least three months in advance of pension age. If they have worked in another EU country or a country with which Ireland has a bilateral agreement on social security, customers are advised to apply for pension six months in advance of pension age. This is to ensure that arrangements can be made to receive their contribution details from the relevant country in time to process their pension application before they reach pension age.

My Department strives to keep pensioners informed of their entitlements through a variety of means including: a telephone service through all departmental offices; a range of leaflets and booklets; an information officer service in each of my Department's social welfare local offices; by way of the Department's website, *www.welfare.ie*. The statutory body, Comhairle, which operates under the aegis of my Department, has responsibility for the provision of independent information, advice and advocacy services for all citizens through the nationwide network of citizens information centres, through its dedicated phone inquiry service and on the Internet through the OASIS website, *www.comhairle.ie*.

My Department, as part of its service delivery modernisation — SDM — programme, is working on developments which will electronically consolidate customers' insurance records. This will, over time, result in improved customer service as complete records, on which entitlements rely, will become accessible in a more automated manner, and this will facilitate the proactive initiation of claims for certain categories of customer.

Question No. 99 answered with Question No. 88.

100. **Mr. Timmins** asked the Minister for Social and Family Affairs the number of children receiving the child dependent allowance; and if he will make a statement on the matter. [10943/06]

118. **Mr. McEntee** asked the Minister for Social and Family Affairs if he will amend the child dependent allowance to just one rate applicable to all children; his plans to address this anomaly; and if he will make a statement on the matter. [10939/06]

127. **Mr. Neville** asked the Minister for Social and Family Affairs the progress he has made in introducing a second tier payment for children; and if he will make a statement on the matter. [10944/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 100, 118 and 127 together.

My Department provides child income support in a number of ways. The main support is provided through child benefit, a universal payment which is neutral *vis-à-vis* the employment status

of the child's parents and does not contribute to poverty traps. Over the period since 1997, the monthly rates of child benefit have increased by €111.91 at the lower rate and €135.48 at the higher rate, increases of 293.8 % and 273.6 % respectively. From April 2006, child benefit rates will be €150 per month for each of the first two children and €185 per month for the third and each subsequent child. Child benefit is paid to over 547,540 families in respect of approximately 1,060,740 children.

Child income support for low income families is also provided through child dependant allowance, paid in addition to weekly social welfare payments in respect of over 255,700 children at full rate and almost 84,000 at half rate. In addition, my Department provides cash support by way of weekly payments to families at work on low pay, through the family income supplement scheme. A number of improvements have been made to the scheme over the years, including assessment of entitlement on the basis of net rather than gross income and progressive increases in the income thresholds, making it easier for lower income households to qualify for payment. As a result, there are currently 17,448 families receiving a weekly FIS payment, reaching nearly 34,000 children.

Child poverty is clearly a complex area requiring co-ordinated action across a range of Government services and income support payments. My Department is responsible for developing income supports which make the most effective contribution to child poverty and there has been a considerable real increase over a succession of annual budgets in the level of resources which are going to families with children. The broad approach over the last ten years to child income support policy was recently commended by the NESC. 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, currently working on a more detailed report on this approach.

I expect that the NESC finalised report will be of significant assistance in informing the future direction of policy in this area. On receipt of the report, I will consider how this approach can be brought forward to address the problem of poverty in families with children in a practical and effective way.

101. **Mr. Penrose** asked the Minister for Social and Family Affairs the steps he will take to end the anomaly whereby Irish born emigrants who return here are not entitled to the living alone allowance or free fuel allowance on equal terms with Irish pensioners; and if he will make a statement on the matter. [10997/06]

Minister for Social and Family Affairs (Mr. Brennan): The living alone allowance is an additional payment of €7.70 per week made to

people aged 66 years or over who are in receipt of certain social welfare payments and who are living alone. It is also available to people under 66 years of age who are living alone and who receive payments under one of a number of invalidity type schemes. The allowance is intended as a contribution towards the additional costs people face when they live alone.

The allowance is not a payment in its own right but one that is paid as a supplement to an Irish social welfare payment. As such, it cannot be paid to people without a social welfare entitlement or to those whose pension payments are made exclusively under the social security regimes of other countries. With regard to the latter, the needs of older people are often provided for in different ways by other countries. While the Irish system provides a basic pension, supplemented by allowances and other benefits, the approach adopted by other countries can be very different involving, for instance, a pension based on pre-retirement earnings.

The fact that a living alone allowance is not paid by another administration should not be viewed as an anomaly but rather as a different approach to providing for the needs of older people. Accordingly, the payment of a living alone allowance independent of an Irish welfare entitlement would not be appropriate. It is, of course, open to recipients of pensions from other countries to apply for the old age non-contributory pension. To qualify for the old age non-contributory pension a person must satisfy a means test. The pension, including, where appropriate, a living alone allowance, can be paid in addition to other pension income.

Changes in the income disregard for non-contributory pensions announced in the budget will help more people to qualify for a pension and improve the income of existing pensioners on reduced payments. In budget 2006, the means disregard was increased by €12.40 per week to €20 per week.

The aim of the national fuel scheme is to assist householders on long-term social welfare or Health Service Executive payments with meeting the cost of their additional heating needs during the winter season. Fuel allowances are paid for 29 weeks from end-September to mid-April. The allowance represents a contribution towards a person's normal heating expenses. In addition, many of the households concerned qualify for electricity or gas allowances. Budget 2006 provided for an increase in the rate of fuel allowance from €9 per week to €14 per week — €17.90 per week in designated smokeless areas).

To qualify for a fuel allowance, a person must be receiving one of a number of designated payments, which range from long-term unemployment assistance to old age non-contributory pension, including both contributory and non-contributory payments. Pension payments made by other EU states or countries with which

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Ireland has a bilateral agreement are qualifying payments for the purposes of the scheme. To qualify for an allowance a person, and the other members of the household, must be unable to pay for their heating needs from their own resources. To fulfil this condition the household must satisfy a means test.

Question No. 102 answered with Question No. 62.

Social Welfare Code.

103. **Mr. Perry** asked the Minister for Social and Family Affairs his plans to change the way in which the supplementary welfare allowance is to be administered; and if he will make a statement on the matter. [10952/06]

Minister for Social and Family Affairs (Mr. Brennan): The supplementary welfare scheme is administered by the community welfare service of the Health Service Executive on my behalf. The establishment of the Health Service Executive prompted a fresh consideration of the role and structure of the community welfare service and of the most appropriate location for that service in the future.

The Commission on Financial Management and Control Systems in the Health Service noted that over the years the health system had been assigned responsibility for a number of services which might be regarded as non-core health activities. It recommended that the Government consider assigning non-core activities currently undertaken by agencies within the health service to other bodies. The Government subsequently decided to ask an interdepartmental group to examine this issue. The report of the interdepartmental group was submitted to, and accepted by, the Government recently. The report recommends, among other things, that income support and maintenance schemes, together with associated resources, should be transferred to my Department.

I welcome this decision as it provides an opportunity to bring about positive change for customers and staff. This particular initiative has been mooted several times in the past — by the report of the Commission on Social Welfare in 1986 and by the review of supplementary welfare allowances by the Combat Poverty Agency in 1991 — and is I believe, a logical approach to provision of these services. This initiative will have major implications for my Department's existing services and for the future delivery of supplementary welfare allowance. It is proposed that a working group consisting of my Department and the Department of Health and Children will be established to assess the implications and progress implementation of the transfer.

Given the organisational, human resource and industrial relations implications of the transfer

proposal, consultations with all stakeholders will be part of the process to implement the decision. This is a major change for my Department which I am confident can be embraced successfully by all and which will, ultimately, further enhance the delivery of services to customers. I am also confident that this transfer process can be carried out without any negative effect on the standard of service currently provided by community welfare officers.

The scheme itself is being reviewed as part of my Department's ongoing programme of expenditure reviews. The review is being carried out by a working group chaired by my Department and including representatives of the Department of Finance and of the Health Service Executive. The review involves a fundamental appraisal of the scheme. All aspects are being examined with a primary focus on considering ways of improving efficiency and effectiveness. The work of the group is almost complete and its recommendations will be taken into account in the context of the future development of the scheme.

104. **Mr. Allen** asked the Minister for Social and Family Affairs the efforts which are being made to trace the ex-partners of people in receipt of a one-parent family allowance; if so, the number of staff involved in such tracing; the success of such tracing over the past two years; the number of payments which have been cancelled or reduced as a result of such investigations; and if he will make a statement on the matter. [10937/06]

Minister for Social and Family Affairs (Mr. Brennan): All one-parent family payment, OPFP, applicants are requested to provide details of the other parent of their child/ren. This information includes the name, address and whether he/she is in employment or receiving payments from my Department or the Health Service Executive, HSE. The applicant is also requested to submit long version birth certificates for each child. In a significant number of cases the other parent of the child will be named on the child's birth certificate.

Applicants for one-parent family payment are required to make ongoing efforts to look for adequate maintenance from their former spouses or, in the case of unmarried applicants, the other parent of their child. They must satisfy my Department that they have made reasonable attempts to obtain such maintenance. Separated one-parent family payment claimants must demonstrate that they have made reasonable efforts to obtain support before their lone parent payment is awarded. Unmarried claimants must demonstrate similar efforts after their claim is awarded. Guidelines as to the steps to be taken in making reasonable efforts to obtain maintenance are published on my Department's website.

The issue of maintenance payments is first and foremost a private matter for the persons concerned and, if they cannot resolve the problem, for the courts through family law provisions. The purpose of the Department of Social and Family Affairs' maintenance recovery operation is to recover some or all of the moneys being expended on social welfare payments for lone parents. In every case where a one-parent family payment is awarded, the maintenance recovery unit of my Department seeks to trace the other parent, referred to as the liable relative, to ascertain whether he or she is in a financial position to contribute towards the cost of one-parent family payment. The follow-up activity takes place within two to three weeks of the award of payment.

All liable relatives assessed with maintenance liability are notified by my Department and they are issued with a determination order setting out the amount of contribution assessed. The amount assessed can be reviewed where new information comes to light about the financial or household circumstances of the liable relative. Decisions on the amounts assessed can be appealed to the social welfare appeals office.

The number of one-parent family payment recipients being paid by my Department at the end of December 2005 was 80,366. Included in this figure are 906 payments to widowed persons where maintenance is not an issue. In the period January 2004 to December 2005, the maintenance recovery unit has examined 36,034 cases and issued determination orders to 5,268 liable relatives. Savings arising from the work of the maintenance recovery unit in this period amounted to €34.45 million. A total of 1,452 lone parent payments were terminated, resulting in savings of €29.55 million and 905 lone parent payments were reduced, resulting in savings of €1.16 million. Direct contributions from liable relatives amounted to €3.74 million.

As at the end of February 2006, the latest date for which figures are available, 2,230 liable relatives are contributing directly to my Department. My Department's records indicate that approximately 9,600 one-parent family payment recipients are in receipt of maintenance from their spouse or other parent of their child/ren and as a result receive a reduced rate OPFP. Figures are not available for one-parent family payment recipients who receive maintenance payments and still qualify for the maximum rate of payment.

There are currently 12 staff working in the maintenance recovery unit. A further four staff are working directly on maintenance related work — reducing or terminating one-parent family payment claims when the liable relative begins paying maintenance.

Social Welfare Benefits.

105. **Mr. McCormack** asked the Minister for

Social and Family Affairs the number in receipt of farm assist, on a county basis; the average amount awarded to recipients in each county at present; and if he will make a statement on the matter. [10931/06]

Minister for Social and Family Affairs (Mr. Brennan): The information requested by the Deputy is set out in a table that I propose to have circulated with the Official Report. The amount paid to each farmer depends on a number of factors, for example, family size, whether the spouse/partner is working and any means assessed from all sources.

The farm assist scheme was introduced in the Social Welfare Act 1999. The scheme was designed specially for farmers on low incomes and replaced the existing small-holders assistance scheme. The scheme includes a preferential means test, taking into account both the farm income and any off-farm self-employment of farmer and spouse.

The scheme is a practical response by my Department to the situation of low income farmers and it represents a long-term safety net for them. It benefits farm families with children and also provides increased payments to farming couples without children and to single farmers on low income.

Table: Number of recipients of Farm Assist by County, 10th March 2006

County	No. of Farm Assist claims	Average weekly payment
		€
Carlow	57	179.04
Cavan	281	185.02
Clare	411	170.50
Cork	548	179.53
Donegal	1,100	197.27
Dublin	9	209.41
Galway	846	179.81
Kerry	598	175.96
Kildare	40	165.21
Kilkenny	113	177.59
Laois	85	184.63
Leitrim	210	174.23
Limerick	206	158.34
Longford	89	165.13
Louth	66	165.38
Mayo	1,440	191.86
Meath	52	176.76
Monaghan	393	183.85
Offaly	74	166.15
Roscommon	300	162.45
Sligo	326	180.38
Tipperary	190	176.00
Waterford	41	172.93

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County	No. of Farm Assist claims	Average weekly payment
		€
Westmeath	77	162.79
Wexford	148	173.65
Wicklow	50	172.45
Total	7,750	181.81

Question No. 106 answered with Question No. 87.

Departmental Reports.

107. **Mr. Kehoe** asked the Minister for Social and Family Affairs the number of reviews and studies undertaken by consultants or ordered from within his Department since he became Minister; the purpose of each of these studies; the action which was followed since completion; the cost of each review or study; and if he will make a statement on the matter. [10934/06]

Minister for Social and Family Affairs (Mr. Brennan): The information requested is currently being compiled within the Department and will be made available to the Deputy shortly.

Question No. 108 answered with Question No. 88.

Social Welfare Code.

109. **Ms O'Sullivan** asked the Minister for Social and Family Affairs the position regarding the introduction of an all-Ireland free travel scheme; the latest discussions he has had on this issue; the reason for the delay in its implementation; and if he will make a statement on the matter. [11017/06]

Minister for Social and Family Affairs (Mr. Brennan): The programme for Government contains a commitment to a scheme of all-Ireland free travel for pensioners resident in all parts of the island of Ireland. The scheme would enable pensioners resident here to travel free of charge on all bus and rail services in Northern Ireland. Likewise, pensioners in Northern Ireland would travel free of charge on all bus, rail, air and ferry services in this State.

In July 1995, my Department introduced the cross-Border free travel scheme. This scheme extended free travel entitlement so that free travel pass holders resident in Ireland could undertake a cross-Border journey from a point of departure in one jurisdiction to a destination in the other jurisdiction free of charge. My Department covers the full cost of cross-Border journeys made by Department of Social and Family Affairs pass holders. It also covers the cost of the southern element of cross-Border journeys

undertaken by Northern Ireland pass holders. Under its own concessionary fares scheme, the Department for Regional Development for Northern Ireland covers the cost of the northern element of cross-Border bus and rail journeys made by Northern Ireland pass holders.

Some 220,000 cross-border journeys are undertaken each year at a total cost of €3.3 million; my Department pays €2.9 million and the remaining €0.4 million is covered by the Department for Regional Development for Northern Ireland. The introduction of an all-Ireland free travel scheme would further extend the existing arrangements by allowing pass holders to take onward journeys free of charge. The cost of an all-Ireland free travel scheme would ultimately depend upon the extent to which pass holders avail of it.

My predecessor initiated discussions with the then Minister of State at the Department of Regional Development in Northern Ireland in September 2004. Most recently, the proposed scheme was discussed at the British/Irish Intergovernmental Conference on 27 June 2005 and I met with the Parliamentary Under Secretary of State at the Northern Ireland Office the following week, during which we discussed the introduction of a scheme. I am in direct contact with the Secretary of State on the matter.

Officials from my Department have regular contacts with their counterparts in the Department for Regional Development for Northern Ireland concerning the operation of the existing cross-Border free travel scheme. Discussions about the introduction of the proposed all-Ireland free travel scheme have also taken place. There are a number of operational, financial and legal matters to be addressed. These include the need to develop a smartcard travel pass for our customers which would improve the security of the pass and which would provide accurate information on the number of people using the cards and the number of trips undertaken each year. There is also a need to introduce a new registration and authentication process for my Department's customers.

While significant progress has been made in addressing the issues, legislative and other considerations require that a full scheme cannot be implemented for some time. However, I hope to be in a position shortly to announce agreement on the implementation of an interim scheme to allow free travel recipients in each jurisdiction to travel free from point to point within the other jurisdictions.

Social Welfare Benefits.

110. **Mr. O'Shea** asked the Minister for Social and Family Affairs if his attention has been drawn to the claim made by the director of the organisation, Caring for Carers Ireland, that thousands of family carers may not be aware of their entitlements; the steps he is taking to promote awareness of the entitlements of carers; and

if he will make a statement on the matter.
[11015/06]

Minister for Social and Family Affairs (Mr. Brennan): The underlying objective of my Department's information policy is to ensure that all citizens, including carers, are made aware of their entitlements under a broad range of social insurance, social assistance and other supports and are kept informed of changes and improvements as they occur. My Department provides a range of information leaflets and booklets for carers. These include, Carers Allowance — SW 41, Carer's Benefit — SW 49, Respite Care Grant — SW 113 and the Guide to Social Welfare Services — SW 4. Comprehensive information on social welfare schemes and supports, including information for carers is available from my Department's network of 125 social welfare local offices throughout the country. Information for carers is also available on my Department's website *www.welfare.ie* and any social welfare leaflet or application form can be ordered from our lo-call leaflet line 1890 20 23 25.

Carers have been the target of a number of awareness campaigns undertaken by my Department in recent years. In 2004, a major national and local radio advertising campaign was undertaken by my Department to promote the carer's benefit scheme. In 2005, a major publicity campaign was undertaken by my Department to publicise the availability of the new respite care grant to carers providing full-time care.

The campaign included advertisements in provincial and national newspapers and a freephone helpline to explain the eligibility conditions for the grant. A comprehensive information article on the respite care grant was prepared by my Department and distributed to all carers support organisations for inclusion in their publications and literature. Information officers and other staff in my Department involved in providing information to carers and community welfare officers were provided with comprehensive briefing to enable them to provide guidance and assistance to carers inquiring about the scheme. Posters were widely distributed throughout the country to all local offices of my Department, to the citizens information centres and to some 800 health centres for public health nurses, GPs and other health care staff.

My Department works closely with voluntary and community organisations involved in providing support to carers. Organisations that have received funding in the recent past to provide information to carers include the Carers Association, ICTU and the Care Alliance. At the Caring for Carers Ireland 15th annual conference, attended by over 400 carers, my Department had an information stand to provide information and advice to carers.

In addition to the information services provided by my Department for carers, Comhairle,

the national information body funded by my Department, has a particular role in providing information to people with disabilities and their carers. Through its network of 247 citizens information centres throughout the country Comhairle provides information, advice and advocacy to assist people in accessing social services.

My Department will continue to work closely with voluntary and national organisations that provide support to carers and every opportunity will be taken to promote schemes and services for carers. The provision of quality information to meet the particular needs of carers is a high priority for my Department in the drive to ensure that carers are aware of and claim their entitlements.

Anti-Poverty Strategy.

111. **Mr. Neville** asked the Minister for Social and Family Affairs if his Department is on target to achieve its NAP inclusion target of setting child benefit and child dependent allowance at 33%-35% of the minimum adult social welfare payment by 2007, as outlined in the national action plan against poverty and social inclusion; and if he will make a statement on the matter.
[10945/06]

Minister for Social and Family Affairs (Mr. Brennan): The National Action Plan against Poverty and Social Exclusion 2003-2005 set a key target for the combined level of child benefit and child dependent allowances to be within the range 33% to 35% of the minimum adult social welfare payment rate. The plan also made reference to the target of €150 per week in 2002 terms for the lowest rates of social welfare payments by 2007. Progress in meeting these targets is reviewed regularly and particularly in the context of budget increases.

Following the implementation of the changes announced in budget 2006, the combined CB/child dependant allowance weekly equivalent payment will stand at €51.42 or over 31% of the current minimum adult social welfare payment rate. Therefore, the combined value stands under the target range set for it despite the significant increases in child benefit which will take place in April 2006 when the lower rate of child benefit will rise to €150 per child. The reason for this is, of course, that budget 2006 provided for very substantial increases in the lowest social welfare rates.

The most appropriate way to meet these targets will be kept under review, particularly in the context of the next budget and also in the context of the review of child income support which is currently underway.

Question No. 112 answered with Question No. 68.

Question No. 113 answered with Question No. 60.

Question No. 114 answered with Question No. 81.

Social Welfare Benefits.

115. **Mr. Ring** asked the Minister for Social and Family Affairs the number of people who are being refused unemployment assistance/benefit on the grounds that they are not genuinely seeking work — despite producing letters from employers to the contrary — on a county basis, per month, for each of the past 12 months; the reason these letters are not accepted as proof that they are genuinely seeking work; and if he will make a statement on the matter. [10926/06]

Minister for Social and Family Affairs (Mr. Brennan): A person must satisfy the condition of being available for and genuinely seeking work to be entitled to unemployment benefit or unemployment assistance. Details of customers disallowed on unemployment benefit and unemployment assistance in the 12 month period to February 2006 are set out in a table that I propose to have circulated with the Official Report.

Only those customers whose claim was disallowed for the specific reason of not being genuinely seeking work are included in the table and letters from employers would have been provided in the majority of these cases. It should be borne in mind that there are many other reasons why a deciding officer may disallow a claim. The production of letters from employers is only one of

a number of factors that will be taken into account by a deciding officer when considering whether a person is genuinely seeking work. The onus is on the claimant to show that he or she satisfies each of these conditions on an ongoing basis.

One of the principal reasons why employers' letter may not be accepted as evidence that a person is genuinely seeking work is that the letters will have been secured after the date the customer was requested to produce such letters or where such letters are obtained from companies known not to have vacancies. This would particularly apply to customers unable to produce evidence of having looked for work over a long period.

All measures taken by a customer to secure employment will be taken into account provided they offer a reasonable chance of getting employment. The steps expected to be taken to find work will vary from person to person and from one period to another. In determining what are reasonable steps, the deciding officer considers the nature and conditions of the employment sought and the individual circumstances of the persons concerned, including their level of skills and/or qualifications for the employment in question having regard to the labour market opportunities and seasonal factors.

Any person who fails to satisfy the deciding officer that he or she is genuinely seeking work is not entitled to an unemployment payment. Where a person is dissatisfied with a decision made by a deciding officer he or she may appeal this decision to the social welfare appeals office.

Appendix 1: Unemployment Benefit Disallowances

County	Mar 05	Apr 05	May 05	Jun 05	Jul 05	Aug 05	Sep 05	Oct 05	Nov 05	Dec 05	Jan 06	Feb 06
Carlow	2	3	1	3	5	3	2	1	9	3	3	2
Cavan	1		1		2		1	1	1	2	3	1
Clare	13	13	8		4	8	5	7	13	7	3	5
Cork	16	13	13	17	8	17	8	12	28	16	24	18
Donegal	6	13	11	6	3	8	6	6	25	6	11	11
Dublin	30	34	23	20	49	26	15	16	28	25	28	11
Galway	9	14	7	8	6	9	4	6	6	11	11	6
Kerry	8	7	5	1	3	4	7	7	9	1	5	7
Kildare	5	7	2	3	2	2	1	1	5	1	2	
Kilkenny	1	1	1	4	1	4		2			1	2
Laois	3		2		11	5	3	3	2	2	3	1
Leitrim			1						2	1		1
Limerick	27	23	12	8	9	17	9	15	19	8	13	5
Longford						1						
Louth	5	4	2	4	7	2	5	4	8	7	4	1
Mayo	6	4	25	7	4	11	5	5	21	8	13	13
Meath		1	4	5	2	2	3		3	3		1
Monaghan	3	3	1	5	10	8	3	5	8	6	8	5
Offaly	1		1	1		3	1	1	4	1	3	2
Roscommon	1	2	3	2	1	5		1	6	4	3	3

County	Mar 05	Apr 05	May 05	Jun 05	Jul 05	Aug 05	Sep 05	Oct 05	Nov 05	Dec 05	Jan 06	Feb 06
Sligo		2	1		1	1		2	2	1		
Tipperary	6	1	2	3	5	5	7	5	8	5	10	3
Waterford	5	8	3	2		1			2	1	9	4
Westmeath	1	2	2	1		2		1		6	1	1
Wexford	12	6	14	9	4	5	18	5	18	2	11	8
Wicklow	4	3	7	6	4	2	6	5	8	4	2	3

Appendix 2 : Unemployment Assistance Disallowances

County	Mar 05	Apr 05	May 05	Jun 05	Jul 05	Aug 05	Sep 05	Oct 05	Nov 05	Dec 05	Jan 06	Feb 06
Carlow	5	1	2	6	1	9	7	8	11	9	1	5
Cavan	1	1	2	2	0	0	0	3	1	0	3	5
Clare	5	2	4	1	3	1	2	2	4	7	1	1
Cork	17	15	17	17	12	15	8	12	29	12	20	18
Donegal	9	10	8	8	5	5	10	4	12	5	7	9
Dublin	36	47	40	58	23	43	60	40	53	54	52	42
Galway	3	3	10	12	6	5	4	13	5	3	9	10
Kerry	2	4	1	0	3	0	2	4	4	4	3	6
Kildare	2	2	0	2	3	4	0	0	4	0	3	1
Kilkenny	0	1	2	3	3	0	3	2	3	0	2	5
Laois	3	4	4	4	2	1	1	1	1	1	5	1
Leitrim	0	0	1	2	1	1	1	0	1	2	1	3
Limerick	8	4	10	6	10	3	4	5	3	4	7	10
Longford	0	0	2	0	0	0	0	0	0	0	0	0
Louth	8	6	7	6	6	6	10	3	15	5	10	7
Mayo	10	4	10	10	7	6	5	4	25	14	44	21
Meath	0	4	0	1	6	0	2	1	1	1	0	0
Monaghan	3	8	6	2	1	4	6	13	10	17	6	12
Offaly	0	0	0	0	1	0	0	0	3	0	0	2
Roscommon	2	2	3	0	1	4	0	1	4	3	5	2
Sligo	0	2	0	0	0	2	0	0	3	0	2	0
Tipperary	2	3	3	1	5	6	4	2	10	6	3	10
Waterford	1	1	1	3	1	0	1	4	5	3	8	3
Westmeath	0	0	0	1	1	0	0	0	0	5	1	1
Wexford	7	7	7	1	12	7	5	5	7	3	7	11
Wicklow	5	3	5	5	2	3	1	9	5	1	3	0

Question No. 116 answered with Question No. 71.

Departmental Staff.

117. **Mr. McGinley** asked the Minister for Social and Family Affairs the number of information officers employed in his Department; the location of each officer; the grade of each officer; the responsibilities which they have; the role which they play in disseminating information to the public; and if he will make a statement on the matter. [10933/06]

Minister for Social and Family Affairs (Mr. Brennan): The provision of comprehensive infor-

mation in a clear and simple manner is an essential element in the effective delivery of social welfare services. The underlying objective of my Department's information policy is to ensure that all citizens are made aware of their entitlements and other supports and are kept informed of changes and improvements to schemes as they occur.

Information on the full range of social welfare schemes and services is provided through my Department's network of some 125 local offices throughout the country. These offices comprise 58 social welfare local offices of my Department and 67 branch offices, which are under contract to provide a range of services to customers. Each

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of the 58 local offices of my Department has a dedicated information officer.

The responsibilities of the information officer include providing advice and assistance to personal callers to the office and dealing with telephone inquiries and with general correspondence from social welfare customers. Information officers, from time to time, give information presentations to local community groups relevant to their needs. They participate in exhibitions and contribute to other events, including local radio programmes promoting information about social welfare rights and entitlements. Information officers who are involved in information provision are supported by the central information service unit, which is responsible for information policy and for the production and dissemination of information.

My Department produces a comprehensive range of information leaflets and booklets covering each social welfare payment. These are widely available from social welfare local offices, post offices, citizens information centres, from my Department's lo-call leaflet line at 1890 20 23 25 and from the website *www.welfare.ie*. Citizens are made aware of new schemes and improvements in my Department's services through advertising, using an appropriate mix of national and provincial media. Selective use is made of freephone information campaigns at particular times of the year such as budget time and to target particular groups of people to ensure that they are claiming their full entitlements.

Information officers in my Department's network of local offices throughout the country, play a key role in the dissemination of information to the public. They provide one of the most effective means of reaching out to people at local level in the drive to ensure that citizens are aware of and claim their social welfare entitlements. A list of the offices where information offices are located follows.

Social welfare local offices at which information services are available: Carlow — Kennedy Avenue; Cavan — Dublin Road; Clare — Ennis, Kilrush Road; Cork — Hanover Street; Bantry — Main Street; Cobh — Harbour Row; Mallow — 72 Main Street; Buncrana — Castle Avenue; Donegal town — Bridge Street; Dunfanaghy — Main Street; Dungloe — Quay Road; Letterkenny — Kilmacrennan Road; Dublin — North Cumberland Street; Coolock — Northside Civic Centre, Dublin 5; Apollo House, Tara Street, Dublin 2; 126 Thomas Street, Dublin 8; Bishops Square, Dublin 2; Rossmore Avenue, Ballyfermot; Ballymun — Ballymun Shopping Centre; Clondalkin — 9th Lock Road, Dublin 22; Dún Laoghaire — Cumberland Street; Finglas — Mellowes Road; Kilbarrack — Greendale Shopping Centre, Navan Road; Rathfarnham — Nutgrove Shopping Centre; Tallaght — The Square; Blanchardstown — Westend House, Snugboro

Road Ext, Dublin 15; Galway — St. Augustine Street, Galway; Clifden — Galway Road; Cahirciveen — St. Brendan's Tce.; Listowel — The Square; Tralee — Godfrey Place; Newbridge — Eyre Street; Kilkenny — Government Offices, Hebron Road; Carrick-on-Shannon — Leitrim Road; Manorhamilton — Sligo Road; Limerick — Dominick Street; Newcastle West — Gortboy; Longford — Ballinalee Road; Drogheda — Custom House Quay; Dundalk — Government Buildings, St Alphonsus Road; Navan — Trimgate Street; Achill — Achill Sound; Ballina — Bohernasup; Belmullet — America Street; Castlebar — New Antrim Street; Westport — Prospect Avenue; Tullamore — Government Buildings, Clonminch Road; Sligo — Cranmore Road, Public Office, College Road; Clonmel — New Quay; Thurles — Stradavoher; Waterford — Cork Road; Athlone — Barrack Street; Mullingar — Blackhall Street; Wexford — Anne Street; Arklow — Government Buildings, Castle Park; Bray — The Esplanade.

Question No. 118 answered with Question No. 100.

Social Insurance.

119. **Ms McManus** asked the Minister for Social and Family Affairs the number of exemptions from payment of social insurance employment contributions, for a period not exceeding 52 weeks, granted in respect of the temporary employment of persons not ordinarily resident here in respect of each of the past five years; the number of such applications granted in respect of a company (details supplied); his plans to review this procedure; and if he will make a statement on the matter. [11013/06]

Minister for Social and Family Affairs (Mr. Brennan): Since 2000, a total of 2,555 PRSI exemption certificates have been granted in respect of the temporary employment of persons not ordinarily resident in this country. Of these 1,504 certificates were granted to the company in question. An annual breakdown of these certificates is included in the table.

PRSI exemptions are issued in accordance with Article 97 of S.I. 312/1996. The legislation provides for an exemption from PRSI contributions for up to 52 weeks to be granted to employees not ordinarily resident in the State but who are temporarily employed here. The purpose of the legislation is to avoid a situation whereby workers, who are sent by their employer to work here for short periods, would be subject to social insurance in two countries at the same time. Similar arrangements apply under EU Regulation 1408/71 to workers moving within the EU/EEA and to workers covered by bilateral social security agreements with this country.

When a request for an exemption certificate is being processed, a signed declaration is obtained

from each employer confirming that the person for whom the exemption certificate is being sought continues to be covered by the social insurance regime of their home country while working in Ireland. The Department of Social and Family Affairs seeks independent confirmation in respect of a random number of selected cases from the authorities in the employee's home country that social insurance payments have been made during the period covered by the exemption certificate. This control complements the employer's declaration regarding the employee's insurance status.

In the case of the company in question, a random sample of exempted cases has been referred to the relevant overseas authorities, via the Department of Foreign Affairs. Confirmation has been received that the employees involved remained attached to their home country's social security regime during the period of the exemption. Before granting an exemption certificate, the Department of Social and Family Affairs ensures that, where appropriate, the employee holds a valid work permit which entitles them to work here.

The needs of the Irish economy have changed significantly since the PRSI exemption legislation was introduced in 1961. There have been changes in working patterns and skill levels and the enlargement of the European Union has also affected the labour market. Against this background, and having regard to the circumstances of the case in question, the Department of Social and Family Affairs is undertaking a review of the policy, the legislative provisions and the administrative arrangements for the PRSI exemption scheme. I will consider what changes, if any, need to be made in the light of that review.

Exemption Certificates Issued

Year	Exemptions issued	Number issued to specified company
2000	83	0
2001	105	0
2002	290	92
2003	1,048	784
2004	603	347
2005	390	281
2006 (28/02/2006)	36	0
Total	2,555	1,504

Question No. 120 answered with Question No. 87.

Social Welfare Fraud.

121. **Mr. Gormley** asked the Minister for Social and Family Affairs if he intends to respond to the recommendation of the Committee of Public

Accounts that doctors who certify people as being unable to work and whose patients are then consistently found by medical assessors from the Department of Social and Family Affairs as being fit for work should be monitored closely. [11040/06]

Minister for Social and Family Affairs (Mr. Brennan): The current approach to medical certification relies on registered medical certifiers, usually general practitioners or hospital interns, who are contracted to examine claimants and provide them with a medical certificate or a diagnostic report, as appropriate, for submission to the Department of Social and Family Affairs either to initiate a new claim or to keep an existing claim in payment. They also provide more detailed medical reports for review purposes when requested by the Department of Social and Family Affairs.

Some 5,000 doctors on the panel of medical certifiers supply medical certification services to the Department of Social and Family Affairs. I am satisfied that, in general, they provide an excellent service to the Department and to our customers. The Department's medical assessors assess and, as necessary, review claims to ensure that claimants comply with the medical requirements for the relevant scheme as laid down in legislation.

I have commissioned a review of medical certification, reporting, assessment and review for the schemes related to illness, disability and caring that are administered by the Department of Social and Family Affairs. The issue raised by the Committee of Public Accounts to which the Deputy refers, namely the monitoring of certifiers' performance, is one of the many aspects of the system being examined during the course of this review, which is expected to conclude with the presentation of a final report in April. The review also covers a range of organisational and operational issues including the potential for IT-enabled changes affecting both the Department and the medical certifiers. Any changes in the current arrangements with certifiers would require careful planning and detailed negotiation with medical practitioners' representative bodies.

When the review is completed, I will have the report's recommendations examined and decisions made quickly thereafter to provide for the modernisation of the Department's medical review and assessment service. This will, among other things, enable the Department of Social and Family Affairs to monitor more closely apparent discrepancies in medical certification.

Social Welfare Code.

122. **Mr. M. Higgins** asked the Minister for Social and Family Affairs the position regarding the social welfare entitlements of returned

[Mr. M. Higgins.]

development workers, including missionaries, and in particular, the definition of habitual residence in this regard; and if he will make a statement on the matter. [6981/06]

Minister for Social and Family Affairs (Mr. Brennan): Since 1983 special arrangements for volunteer development workers have been provided for the award to them of credited social insurance contributions up to an aggregate of five years while they are outside the country on development activities. These credited contributions enable the persons concerned to qualify for short-term benefits on their return from their overseas development work and it supports their accrued entitlement towards long-term benefits.

In cases where the development worker has no previous paid PRSI contributions or no contributions paid or credited in the previous two contribution years, arrangements have been put in place whereby Development Co-operation Ireland pays PRSI contributions, to establish entitlement to short-term benefits for the volunteer workers. The credited contributions awarded to volunteer development workers are reckonable towards establishing entitlement to unemployment benefit, maternity benefit, disability benefit, health and safety benefit and treatment benefit.

Regarding entitlement to old age pension, the credited contributions are counted towards calculating the yearly average that determines the rate at which the pension is paid. Given the nature of overseas work, provisions are in place to relax certain qualifying conditions normally required for entitlement to these benefits. This includes entitlement to the maximum full rate of unemployment or disability benefit where otherwise a reduced rate would apply for a period and special arrangements for the certification normally required for maternity benefit.

The habitual residence condition, HRC, applies to means-tested assistance payments and child benefit only. In line with the case law of the European Court of Justice, the HRC condition tests the centre of interest of a person, the length and purpose of their absence, the length and continuity of residence, the nature and pattern of employment and their future intention as it appears from all the circumstances. The restriction is not based on citizenship, nationality, immigration status, occupation or any other factor.

In the absence of entitlement to a social insurance-based payment, people may qualify for an assistance-based payment once they meet the standard habitual residence criteria. The habitual residence condition would not normally be expected to affect missionaries or volunteer development workers who are returning to Ireland on a permanent basis.

Officials of the Department of Social and Family Affairs made a presentation to the Oireachtas Joint Committee on Foreign Affairs in November 2005 on pensions for missionaries. Following the presentation, a working group, which includes the Department of Social and Family Affairs, was established to examine issues relating to social protection coverage for missionaries, notably for pension coverage. I expect to have a report in the coming months.

Social Welfare Benefits.

123. **Mr. McEntee** asked the Minister for Social and Family Affairs the number of applicants in receipt of a one-parent family allowance; the number of such recipients who are in employment and receiving full or reduced payments; and if he will make a statement on the matter. [10938/06]

Minister for Social and Family Affairs (Mr. Brennan): The number of one-parent family recipients being paid by the Department of Social and Family Affairs at the end of December 2005 is 80,366, the latest date for which figures are available. Included in this figure are 906 widowed persons. It is not possible to get exact statistics on the number of one-parent family payment recipients who are in employment and receiving full or reduced payments. However, 58,290 claimants are in receipt of one-parent family payment at the maximum rate.

Lone parents are encouraged to maximise their income from different sources and the means test for this scheme makes provision for the exemption of significant levels of earnings and maintenance payments. With regard to employment, lone parents may earn up to €146.50 per week without affecting their payment. Above that level, half of any earnings are assessed, up to maximum of €293.00 per week. The upper income limit is being significantly increased by €82 per week to €375 per week from July of this year. Lone parents may also be eligible to avail of the full range of employment support services operated by the Department.

Lone parents are also encouraged to pursue the question of maintenance payments with the other parent. This is achieved by ensuring a clear benefit to lone parents and their children arising from any maintenance payments secured. At present up to 50% of maintenance received may be disregarded under the means test and, in addition, allowances are made for up to €95.23 per week in respect of mortgage or rent.

Official Engagements.

124. **Mr. Gogarty** asked the Minister for Social and Family Affairs if he will report on his official visit to Boston for St. Patrick's Day festivities; the length of his visit; the events attended; the

number of officials and others accompanying him and the estimated cost. [11038/06]

Minister for Social and Family Affairs (Mr. Brennan): I represented the Government at a number of engagements, events and festivities in Boston to celebrate and mark St. Patrick's Day in the USA. My official party travelled to Boston on 14 March 2006 and returned on 18 March 2006.

My itinerary included an address that focused on Ireland's knowledge economy to the Irish Association at Massachusetts Institute of Technology and an address at a breakfast to mark the expansion of the operations of the Irish software company, Candidate Manager. I also spoke at an Irish American Partnership breakfast and an Ireland Chamber of Commerce, ICCUSA, St. Patrick's Day brunch. I also met Irish immigration organisations and support groups located in the Boston area and attended the formal opening of a major new exhibition at the John F. Kennedy Presidential Library and Museum on President Kennedy's visit to Ireland in June 1963. In addition, I was guest at a number of Irish and US diplomatic receptions.

The official party consisted of myself, my private secretary and my personal assistant. The costs of the trip are not yet available.

Question No. 125 answered with Question No. 73.

Ministerial Staff.

126. **Mr. Allen** asked the Minister for Social and Family Affairs the persons appointed by him as programme managers, advisers, assistants or back-up staff either in his Department or in constituency offices; the annualised remuneration paid to these staff; the names of individuals, groups or companies which have undertaken or have been approved to undertake full-time, part-time or casual consultancies, reviews, examinations or analyses or any public relations service on his behalf; the actual and estimated cost for 2005 in this regard; the persons, companies, consultants or otherwise he has appointed to carry out work on behalf of semi-State bodies under the aegis of his Department; the reviews, consultancies or reports which he has commissioned or is due to commission; the full costs in respect of all of these matters to his Department; and if he will make a statement on the matter. [10936/06]

Minister for Social and Family Affairs (Mr. Brennan): I have appointed, on a contract basis for the term of my office, a press adviser, a special adviser, a personal secretary and a personal assistant. My press adviser is on a salary of €101,037 together with a private pension contribution of 11% of salary. My special adviser is currently on a salary of €88,556. The annual salary

for my personal secretary is €39,532. My personal assistant is on secondment from the Department of Education and Science. That Department will recoup from the Department of Social and Family Affairs on an annual basis the cost of a replacement teacher's salary, allowances, PRSI contributions and superannuation contributions. This will be in the region of €34,400.

In my role as Minister for Social and Family Affairs, I have not sought advice from public relations firms or individuals. However, the Department of Social and Family Affairs engaged the services of a media monitoring company, Media World Limited, in 2005. This provides an electronic media monitoring service covering publications and issues of relevance to the Department of Social and Family Affairs. The cost of this service in 2005 was €8,971.18.

The Department of Social and Family Affairs engages consultants, within the terms of written contracts, to support a wide range of projects. Broadly, expertise is sought under three main headings: support with a number of strategic multi-annual programmes aimed at enhancing the delivery of the Department's services, for example, the service delivery modernisation programme, SDM; technical consultancies relating to the ongoing development of information technology systems; and consultancy assistance in other areas, including policy development, advertising and information. Details of consultants engaged in the Department of Social and Family Affairs and REACH and the associated expenditure are being compiled and will be forwarded to the Deputy.

I have not appointed any person to carry out work on behalf of the bodies under the aegis of the Department of Social and Family Affairs. This would be a matter for the relevant executive or board of the agency or office.

A complete list of all reviews and reports commissioned by the Department of Social and Family Affairs is also being compiled and I will make arrangements to have the information forwarded to the Deputy.

Question No. 127 answered with Question No. 100.

Social Welfare Code.

128. **Mr. Gormley** asked the Minister for Social and Family Affairs if he intends to approach the Department of Finance regarding the anomaly that has arisen with the ability of those in receipt of the State contributory pension to earn additional income, becoming less than those in receipt of the non-contributory pension since the introduction of the €100 a week income disregard. [11039/06]

Minister for Social and Family Affairs (Mr. Brennan): Given the ongoing improvements in life expectancy which are occurring and the challenges we face in the future as the proportion of older people in our population grows, it is important that we should encourage and facilitate people who wish to extend their working lives as this can make a significant contribution to the sustainability of our pensions system.

In the budget I introduced, for the first time, a specific earnings disregard for those receiving the old age non-contributory pension of €100 per week. This is in addition to the normal income disregard which applies and which was increased in the budget from €7.60 to €20 per week. This measure is designed to encourage longer working among older people and its effectiveness and adequacy will be kept under review. The equivalent contributory payment, the old age contributory pension, is not means tested and so a person who is eligible for this pension will receive payment regardless of any earnings or other income they may have.

The position on the retirement pension is different. This scheme was introduced in 1971 to provide cover for people who were obliged to retire at age 65, until they reached the normal social welfare pension age, which at that time was 70 years of age. Accordingly, a qualifying condition for the scheme is that a person is not engaged in insurable employment and this, effectively, places an earnings ceiling of €38 per week on any income a person may derive from continuing to work. However, as the standard qualifying age for social welfare pensions is now 66 years of age this restriction only applies for one year. The removal of the retirement condition associated with the retirement pension is a commitment in the programme for Government and progress in this regard will be made as soon as possible.

Question No. 129 answered with Question No. 88.

Question No. 130 answered with Question No. 91.

Live Register.

131. **Mr. Morgan** asked the Taoiseach the percentage of the present workforce in full-time employment who are over the age of 66. [11167/06]

Minister of State at the Department of the Taoiseach (Mr. Kitt): Statistics on the labour force are compiled from the quarterly national household survey. The latest statistics available are for the period September to November 2005 and show that there are 1,639,800 persons in full-time employment. The number of persons aged over 66 years in full-time employment is 14,300, which is 0.9% of all those in full-time employ-

ment. Details of economic status of persons aged over 66 years are shown in the table.

Persons aged 15 years and over, and persons aged over 66 years, classified by ILO Economic Status in the period September to November 2005

ILO Economic Status	All persons aged 15 years and over	All persons over 66 years
	'000	'000
All persons in labour force	2,071.9	24.5
In employment:	1,980.6	24.3
full-time	1,639.8	14.8
part-time:	340.8	9.6
Unemployed:	91.3	*
Not in labour force	1,260.2	378.9
Total persons	3,332.1	403.3

* Sample occurrence too small for estimation. Source: quarterly national household survey, Central Statistics Office.

Social Welfare Benefits.

132. **Mr. Deenihan** asked the Tánaiste and Minister for Health and Children when the first payment of the early child care supplement will be made; and if she will make a statement on the matter. [11146/06]

133. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children when the first payment of the early child care supplement will be made; the form of payment this will take; when the second and subsequent payments will be made to eligible parents; the number of eligible parents concerned; and if she will make a statement on the matter. [11157/06]

134. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children if the early child care supplement will be payable to EU nationals living and working here whose children are being cared for in their native countries; and if she will make a statement on the matter. [11158/06]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): I propose to take Questions Nos. 132 to 134, inclusive, together.

My office has been given responsibility for the early child care supplement which is being introduced with effect from 1 April 2006. The payment, which is non-taxable, will amount to €1,000 per annum and will be made to parents of all eligible children aged less than six years, in quarterly instalments of €250. The supplement will be paid where a child is eligible for any part of a quarter. I understand that officials from my office are putting arrangements in place with the Department of Social and Family Affairs to administer the supplement on its behalf on an agency basis. These arrangements will provide for the supplement to be made to parents in the same

way as they receive their child benefit payments. It is expected that the first payment, which would be due in July 2006, will be made in August with the subsequent quarterly payments this year expected to be made in October and December.

The criteria governing eligibility for child benefit will be applied to the early child care supplement. As a result, parents in receipt of child benefit and with children aged less than six years will automatically receive the supplement. More than 350,000 children under the age of six are expected to benefit from the supplement at an estimated cost in 2006 of €265 million rising to more than €350 million in a full year. EU nationals living and working in Ireland are entitled to claim both child benefit and the early child care supplement in respect of their children, regardless of where in the EU/EEA the children reside.

I am advised that the Department will be in contact with parents of eligible children shortly with details of the supplement and how it will be paid to them in the coming months.

Child Care Services.

135. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children the extra functions that child care committees will have to fulfil following the announcement of the Government's new child care package especially with regard to child minders in the home who wish to avail of the €10,000 income disregard; the procedures in place or to be put in place; and if she will make a statement on the matter. [11326/06]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): As the Deputy may be aware, the National Childcare Investment Programme 2006 — 2010 is being implemented by the newly established office of the Minister of State with responsibility for children, OMC, under my auspices. This programme builds on the success of the Equal Opportunities Childcare Programme 2000 — 2006, EOCP, which will conclude in 2007. The new programme aims to provide a proactive response to the development of quality child care supports and services which are grounded in an understanding of local child care needs.

The city and county child care committees, CCCs, which were established at city and county level under the EOCP, will play a major role under the new, more proactive programme. New arrangements supported by additional resources are being put in place to facilitate this process, including those necessary to enable the CCCs to facilitate the initial developmental stage of grant applications at local level.

The tax exemption, which is being introduced for childminders minding up to three children in the childminder's own home and where their annual income from childminding does not exceed €10,000, will be subject to a requirement

to notify the local CCC before applying to the Revenue Commissioners for the exemption. Childminders who notify their CCCs in this way will be accommodated within the voluntary notification system for childminders which is already operated by the CCCs and the Health Service Executive. This system is available to childminders who are not legally required to give notice of their services under the Child Care Act 1991.

The voluntary notification system benefits childminders by providing them with access to a range of supports, including information, networking and training through the CCCs and the local childminder advisory officers. It is intended that childminders who notify their service in the context of availing of the tax exemption will also benefit from these supports.

Health Services.

136. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children when the full recommendations from the high level group on cost of long-term care, including the role of community-based sheltered housing, will be available to Members of the Oireachtas; and if she will make a statement on the matter. [11159/06]

Minister of State at the Department of Health and Children (Mr. S. Power): I gather from the Deputy's question that he is referring to the working group established to examine policy on long-term care. The Mercer report on the future financing of long-term care in Ireland, which was commissioned by the Department of Social and Family Affairs, examined all issues surrounding the financing of long-term care. Following on the publication of this report, a working group chaired by the Department of the Taoiseach and comprising senior officials from the Departments of Finance, Health and Children, and Social and Family Affairs was established.

The objective of the group was to identify the policy options for a financially sustainable system of long-term care, including: improvements in community care, taking account of the Mercer report; the views of the consultation that was undertaken on that report; and the review of the nursing home subvention scheme by Professor Eamon O'Shea. The group has presented its report to Government, and is under consideration.

137. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the position regarding the provision of home help services to a person (details supplied) in County Mayo; and if the Health Service Executive will approve them for a home care package. [11160/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the

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responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

138. **Mr. Deenihan** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Kerry will be called for a sinus operation to Kerry General Hospital; and if she will make a statement on the matter. [11161/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to have a reply issued directly to the Deputy.

Departmental Correspondence.

139. **Mr. Morgan** asked the Tánaiste and Minister for Health and Children if she will provide full details of all representations from or meetings she has had with any representatives of the Open Republic Institute. [11180/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy will wish to note that the Open Republic Institute invited me to attend a supper in April 2005. I did not attend this event and I have not received any further correspondence from the institute.

Health Services.

140. **Mr. Ring** asked the Tánaiste and Minister for Health and Children if she will investigate the reason the Health Service Executive has not responded to letters regarding a person (details supplied) in County Mayo. [11202/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Charges.

141. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in County Mayo is being asked

to pay a bill of €3,866.31 by Portiuncula Hospital, in view of the fact that this person is an EU citizen and was treated in a public ward. [11203/06]

Tánaiste and Minister for Health and Children (Ms Harney): Under the Health (Amendment) Act 1986, the Health Service Executive may impose charges on all patients for treatment arising out of injuries sustained in road traffic accidents where compensation is subsequently payable. The Act does not withdraw eligibility for public hospital services from road traffic accident victims but allows the Health Service Executive to recover the costs of all services provided to them. Following enactment of the legislation my Department directed that charges be calculated on the basis of the hospital's average daily cost. Following legal challenge, the Supreme Court, in its judgment of 11 July 2001, ruled that this costing approach is reasonable, proper and *intra vires* the Health (Amendment) Act 1986.

Letters were issued by my Department to the health boards outlining the judgment and directing them to charge the average daily cost in all road traffic accident cases.

While bills are generally issued in all road traffic accident cases they are only settled where compensation is received and then forwarded to hospitals. Also, compensation may be significantly reduced in cases where contributory negligence is established. In the event of a person failing to obtain a compensation award, that person will only be liable for the normal statutory and maintenance charges, where applicable. My Department has drawn the case to the attention of the Health Service Executive.

Health Services.

142. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children when a reply will be issued to correspondence (details supplied); the reason for the delay in same; and if she will make a statement on the matter. [11204/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Medical Cards.

143. **Mr. Quinn** asked the Tánaiste and Minister for Health and Children the number of people who had medical cards in January 1997, January 2002 and January 2006 in respect of Meath, Cork city and county and Tipperary; the

percentage of medical card holders from each county from the national totals for each date; and if she will make a statement on the matter. [11211/06]

144. **Mr. Quinn** asked the Tánaiste and Minister for Health and Children the number of people in Meath, Cork city and county and Tipperary who had full medical cards at the latest date for which figures are available; the number who had general practitioner-only cards; and if she will make a statement on the matter. [11212/06]

Tánaiste and Minister for Health and Children (Ms Harney): On the request for information relating to January 1997 and January 2002 I have asked the Health Service Executive, HSE, to provide this directly to the Deputy. Information from the HSE shared services primary care reimbursement service indicates that the following numbers of persons held a medical card in January 2006 and March 2006 — the latest available information — in respect of Meath, Cork — the figures for county and city are not kept separately by my Department — and Tipperary. This information is provided in the following table along with the number of medical card holders as a percentage of all medical card holders for those dates.

Counties	January 2006	March 2006
Meath	29,369 (2.54%)	29,553 (2.53%)
Cork	132,365 (11.45%)	133,639 (11.44%)
Tipperary N.R	19,401 (1.68%)	19,749 (1.7%)
Tipperary S.R.	28,611 (2.48%)	28,820 (2.47%)

The number of persons as at 1 March 2006 with a GP visit card is shown in the following table.

Counties	No of persons holding a GP visit card
Meath	371
Cork	1,570
Tipperary N.R	91
Tipperary S.R	346

Health Services.

145. **Mr. Ring** asked the Tánaiste and Minister for Health and Children when a replacement prosthetic limb will be provided to a person (details supplied) in County Mayo. [11291/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has

requested the parliamentary affairs division of the executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

Health Service Staff.

146. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children if employees of the Health Service Executive who took up employment before 1 April 2004 must retire on reaching age 65 in all circumstances; and if she will make a statement on the matter. [11292/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Public Service Superannuation (Miscellaneous Provisions) Act 2004 removed the compulsory retirement age of 65 for "new entrant" public servants recruited after 1 April 2004. For existing employees, identified in the Act as not being "new entrant" public servants, the maximum retirement age remains 65.

However, public health service employees who have retired are sometimes re-employed on contract for various periods and have a very useful contribution to make. This generally occurs where vacancies have arisen in particular sectors due to a shortage of skilled personnel. My Department issued a circular last October which changed the method of calculation of pension abatement in these cases. In general, this means that where it is necessary to re-employ pensioners this can be done on the basis that they can earn, in effect, up to half what they would have earned in their previous position before their pension is reduced.

Departmental Properties.

147. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children if moneys received from the sale of land (details supplied) will remain in the county when the lands are sold; and if she will make a statement on the matter. [11306/06]

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. This includes responsibility for the sale of lands referred to by the Deputy. The Deputy will probably be aware that, as a Vote holder, the executive would, in respect of the sale of lands, be subject to the requirements of the public financial procedures of the Department of Finance. Accordingly, my Department is requesting 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.

148. **Mr. Kehoe** asked the Tánaiste and Mini-

[Mr. Kehoe.]

ster for Health and Children if she will meet a group (details supplied) that was receiving a service that was discontinued recently; and if she will make a statement on the matter. [11307/06]

Tánaiste and Minister for Health and Children (Ms Harney): The management and delivery of health and personal social services is a matter for the Health Service Executive in the first instance. Accordingly, it is more appropriate for discussions to be held with the HSE with regard to this group.

149. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children if there is funding available for a group (details supplied) which is to start a development in County Wexford; and if she will make a statement on the matter. [11308/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Animal Experimentation.

150. **Mr. Boyle** asked the Tánaiste and Minister for Health and Children the reason most recent statistics on animal experimentation date from 2002; and when more up-to-date information will be made available. [11369/06]

Tánaiste and Minister for Health and Children (Ms Harney): The statistics referred to by the Deputy are compiled and made available every third year as is required by Directive 86/609/EEC regarding the protection of animals used for experimental and other scientific purposes. The latest published statistics relate to 2002 and a copy of these has already been provided to the Deputy. My Department is currently compiling the 2005 statistics and these will be made available by the end of June 2006 on my Department's website, *www.dohc.ie*.

Services for People with Disabilities.

151. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Clare will be facilitated with an electric wheelchair; and if she will make a statement on the matter. [11374/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are

the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Departmental Correspondence.

152. **Mr. Morgan** asked the Minister for Finance if he will provide full details of all representations from or meetings he has had with any representatives of the Open Republic Institute. [11181/06]

Minister for Finance (Mr. Cowen): As Minister for Finance, I receive representations from and have meetings with many different interest groups. I have had no representations from or meetings with representatives of the Open Republic Institute.

Tax Collection.

153. **Mr. Wall** asked the Minister for Finance if an application for tax relief for refuse charges can be processed for a person (details supplied) in County Kildare; and if he will make a statement on the matter. [11240/06]

Minister for Finance (Mr. Cowen): I have been advised by the Revenue Commissioners that the taxpayer's claim for tax relief on refuse charges has been processed and notification of refunds arising to her, dated 20 March 2006, has been issued.

154. **Ms Burton** asked the Minister for Finance if his attention has been drawn to the considerable volume of complaints regarding errors and problems regarding certificates of tax free allowances and tax credits; the volumes of complaints received; if his attention has further been drawn to the frustration that people are experiencing in trying to have their tax certificates corrected; if his attention has further been drawn to the fact that it is frequently difficult, if not impossible, to get through to the Revenue Commissioners' inquiry lines; and if he will make a statement on the matter regarding proposals he has which could improve the situation and also advise people how long it may take to correct errors in tax certificates. [11242/06]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that 2.2 million individual tax credit certificates reflecting the budget changes were issued in the 2006 "bulk issue". Errors or other problems relating to tax credit certificates may arise for a number of reasons, for instance, at the time of the bulk issue each year, Revenue may not be aware of changed circumstances of certain customers. This can result in tax credit certificates being issued that

do not reflect the most up-to-date position for a customer.

A new PAYE computer system was put in place by Revenue in October last. I am advised by the Revenue Commissioners that this new system forms the foundation for a range of improved services for PAYE customers that will be rolled out later this year. The bulk issue of tax credit certificates for 2006 was the first in the new system and Revenue advises me that tax credit entitlements for some customers were affected in the major changeover process. However, the overall percentage of incorrect certificates was still relatively small.

The Revenue Commissioners have assured me that they have had, and continue to have, a very active process of identifying any such customers and have, where appropriate, issued amended notices to employers for the vast majority of the cases affected to enable the employers to immediately adjust the payroll deductions. Amended tax credit certificates to the individuals concerned have also been issued as part of this process and any entitlements are backdated to the start of the year.

Each year the bulk issue generates a very high level of queries from PAYE customers. The first quarter is also the peak season for requests for PAYE balancing statements for the previous year. I am assured by Revenue that it is doing everything possible to deal with these queries as speedily as possible, including by way of allocating additional resources to the telephone services.

Later this year, Revenue will introduce a suite of on-line services for PAYE customers. The current PAYE self-service and telephony options will also be expanded. These initiatives will facilitate PAYE taxpayers in “self-managing” their own tax affairs, including adjusting their certificates to reflect their correct entitlements.

155. **Mr. Carey** asked the Minister for Finance if he will establish from the Revenue Commissioners, in the interest of the speedy conduct of business in public offices, whether consideration has been given to separate queuing arrangements for people for whom English is their first language; and if he will make a statement on the matter. [11299/06]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that they are aware of the growing customer service pressures in their public offices. The additional pressures are due to an increased number of customers, an increasing number of customers who have more than one employment and the number of customers who do not have English as their first language.

In response to these pressures and to improve customer service standards Revenue has deployed additional staff in its public offices. It will shortly be providing translations of the most

commonly used explanatory leaflets and forms in a number of international languages, including Polish, Lithuanian, Russian, Chinese, French, Spanish, German, Portuguese, Czech and Slovakian. I also understand that Revenue’s main public office, in Dublin’s O’Connell Street, is to undergo a major expansion and the new facilities will be available before the end of this year. The provision of separate queuing arrangements based on the language spoken by the customer is not under consideration.

Revenue provides a range of contact options for customers which reduce the need for personal visits to the tax offices to access information on tax matters. It has put in place a number of self-service channels for customers that allow them to request forms and leaflets or claim certain amendments to their tax credit certificate without the need for direct contact with a staff member. This can now be done using touch-tone telephone, text messaging or the Internet. Later this year Revenue will introduce a more extensive suite of on-line and telephony services for PAYE taxpayers. These initiatives will facilitate PAYE taxpayers in “self-managing” their tax affairs, including adjusting their tax credit certificates to reflect their current entitlements, and requesting balancing statements.

Revenue is confident that the measures to be put in place will lead to a greatly improved service for all its customers, including a reduction in queuing time at its public offices.

156. **Mr. Morgan** asked the Minister for Finance the percentage in 2005 or the latest available figures for persons who avail of tax relief in respect of pension contributions who are from the lowest 20% of income earners; and the percentage which are from the highest 20% of income earners. [11300/06]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that the most recent relevant information available is in respect of income tax relief allowed for contributions to “retirement annuity contracts” for the income tax year 2002, which are available to the self-employed and to employees not in occupational pension schemes.

On the basis of these data, some 1,300, or 0.3%, of the lowest-earning 20% of income earners on tax records availed of this relief and some 57,600 or 15.8% of the highest earning 20% of income earners availed of this relief.

It is not possible to provide corresponding figures in regard to the take-up of the tax relief for pension contributions by employers and employees as the relevant data are not captured in such a way as to make this possible.

The information on incomes is based on income returns on Revenue records at the time the data were compiled for analytical purposes, representing about 95% of all returns expected.

[Mr. Cowen.]

A married couple who have elected or have been deemed to have elected for joint assessment are counted as one tax unit.

Tax Code.

157. **Mr. Stanton** asked the Minister for Finance the way in which child minders can avail of the €10,000 income disregard recently announced as part of the Government's child care package; the number of child minders he estimates will avail of this scheme in the next year; and if he will make a statement on the matter. [11324/06]

Minister for Finance (Mr. Cowen): The new child minding scheme, which I announced in budget 2006, provides for tax relief for certain income arising from the provision of child care services.

Under the scheme, where the gross annual income from the provision of child care services does not exceed €10,000, the income is fully exempt from tax. However, the care must be provided in the child minder's home and no more than three children may be cared for at any one time.

The child minder must be self employed — not an employee — and include the relevant gross income in his or her annual return of income to the Revenue Commissioners. The claim for the tax exemption is made with this return.

The claim must be accompanied by evidence that the child minder has notified the person recognised for that purpose by the Health Service Executive. In practice this will mean the officer appointed by the local city or county child care committee. Details of the names and addresses of the officers will be published by the Health Service Executive shortly.

Income declared under this new scheme will be subject to PRSI so that those engaged in the provision of child care services will not be denied access to the range of social welfare benefits available, including maternity benefit and old age pensions. Provision for this has been made in this year's Social Welfare Law Reform and Pensions Bill, which was published recently.

No estimate is available at this time regarding the number of child minders who will avail of the scheme over the next year.

Housing Grants.

158. **Mr. P. McGrath** asked the Minister for Communications, Marine and Natural Resources his plans to grant aid the installation of solar panels and wood pellet heating systems in new houses; and the projected timeframe for such a scheme. [11178/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The multi-annual financial package for renewables

announced in budget 2006 includes a grant aid package for the domestic sector, which will provide for individual grants to install renewable energy technologies including solar panels, wood pellet boilers and geothermal heat pumps.

My Department, in conjunction with Sustainable Energy Ireland, SEI, is developing the necessary detailed measures to roll out the new programme, which will be announced shortly.

Harbours and Piers.

159. **Mr. Deenihan** asked the Minister for Communications, Marine and Natural Resources when repairs will be carried out to Scraggane Pier, Castlegregory, Tralee, County Kerry; and if he will make a statement on the matter. [11163/06]

Minister of State at the Department of Communications, Marine and Natural Resources

(Mr. Browne): Scraggane Pier is owned by Kerry County Council, which is responsible for its repair and maintenance in the first instance. A survey of the pier was carried out by the engineering division of the Department of Communications, Marine and Natural Resources last year. A proposal for Scraggane Pier is being prepared in conjunction with Kerry County Council. It is planned to hold a meeting with local users in the near future to discuss the proposal.

A programme for the funding of small harbours within the overall 2006 fishery harbours development programme is under consideration at present. Funding for Scraggane Pier will be considered under this programme, taking into account the amount of Exchequer funding available and overall national priorities.

Marine Tourism.

160. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources the number of projects which have been approved under the marine tourism sub-measure; the details of said projects; the reason no projects had been approved by June 2004; and if he will make a statement on the matter. [11164/06]

Minister of State at the Department of Communications, Marine and Natural Resources

(Mr. Browne): Applications relating to 62 projects were received in February 2002 following a call for applications under the marine tourism grant scheme, which is a sub-measure of the regional operational programmes of the national development plan. I understand that the projects were at the assessment phase when the scheme was suspended due to budgetary constraints in December 2002. All applicants were notified that their applications could not be considered further.

I have been advised that the Economic and Social Research Institute's mid-term evaluation of the national development plan, in respect of

the marine tourism sub-measure, concluded that the external environment with regard to the tourism sector had deteriorated to the extent that further investment in the sector would be unlikely to have a high return. The institute recommended that the indicative budget for the scheme should be reallocated to other priority tourism measures. As no funding has been allocated to the scheme since 2003, it has not been possible to issue any grants under it.

161. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources the amount which was spent developing the tourism and angling recreational measure; the way in which this money was divided; if structures have been put in place to develop the tourism and recreational angling measure; the reason the decision was taken to curtail the allocation made for this project; if he intends to put money back into this measure over the coming years; and if he will make a statement on the matter. [11165/06]

162. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources the projects which have so far been allocated money under the tourism and angling recreational measure; if the money for this measure comes from the Exchequer funds or from EU funds; and if he will make a statement on the matter. [11166/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): I propose to take Questions Nos. 161 and 162 together.

I have been advised that an indicative budget of €30.476 million in total of Exchequer funding was originally identified for the tourism and recreational angling measure under the regional operational programmes of the 2000-06 national

development plan. Some €21.4 million was identified for the BMW regional operational programme and some €9 million was allocated to the southern and eastern operational programme. The launch of the measure was delayed pending state aid clearance from the EU Commission, which was received in March 2002. I understand that it was decided in 2002, in the context of other budgetary priorities, to curtail the actual allocation to the measure.

Following a limited call for applications, however, over 60 applications were received and were assessed by a project assessment committee that was established to examine projects in accordance with the approved programme complement. A number of projects were approved for funding by the tourism product selection board that was established to assess tourism projects. The expenditure incurred to the end of 2002 was €504,025 in the BMW region and €715,154 in the southern and eastern region. The projects to which funding was allocated are listed in the table.

The Economic and Social Research Institute's mid-term evaluation of the marine tourism sub-measure of the 2000-06 national development plan concluded that the external environment in the tourism sector had deteriorated to the extent that further investment in the sector would be unlikely to have a high return. The institute recommended that the indicative budget for the measure in question should be reallocated to other priority tourism measures. No expenditure was incurred in respect of the measure in 2003, 2004 or 2005 and no expenditure has been provided for it in the 2006 budget of the Department of Communications, Marine and Natural Resources.

I will now outline the projects which were allocated funding under the tourism and recreational angling measure in the various regional fisheries board areas.

	Project No.	Description	Batch
WRFB	2	Cong Recreational Development	BMW — Game
	3	Game & Coarse Regional Angling Guide	BMW — Game & Coarse
CFB	5	On-line Sale Of National Salmon Licences	Other — Game
	37	Production Of Rainbow Trout Fish Farm Offaly	BMW — Game
	38	Study To Quantify National Freshwater Salmon Habitat Asset	Other — Game
	39	Study Re Implementation Of National Carcass Tagging Scheme & Rod Licence Distribution	Other — Game
	51	Establishment Of A New National Photographic Archive And Library	Other — Other
	52	National Corporate Stand	Other — Other
	56	National Angling Festivals Support Scheme	Other — Other
	67	Economic/socio-economic Evaluation Of Wild Salmon In Ireland	S&E — Game
NRFB	6	Erection Of Structures To Facilitate Sea-trout Counter On Rosses Fishery	BMW — Game
	7	Owenea River — Enhanced Access	BMW — Game
	8	Eske Fishery — Stiles, Parking, Boats & Spawning Gravel	BMW — Game

[Mr. Browne.]

	Project No.	Description	Batch
SWRFB	17	3 Information Sea Angling Boards	S&E — Sea
	19	Caherciveen — Wheelchair Hoists	S&E — Sea
EEFB	20	Corcris Lake Co. Monaghan — Stands & Catwalk	BMW — Coarse
	22	Lisnashannagh Upper Lake Co. Monaghan — Stand & Catwalk	BMW — Coarse
	24	Lisnashannagh Lower Lake Co. Monaghan — Stand & Catwalk	BMW — Coarse
	25	Descant Lake Co. Monaghan — Stands & Catwalk	BMW — Coarse
	26	R. Dee Co. Louth — Access Incl. Walkway & Wheelchair Ramp	BMW — Game
	27	R. Dee Co. Louth — Footbridge	BMW — Game
	31	R. Dargle Co. Wicklow — Access & Instream Development	S&E — Game
	33	R. Avoca Co. Wicklow — Investigative Study To Reduce Acid Mine Drainage Impact On River	S&E — Game
	34	Eastern Region Promotional Literature	Other — Other
NWRFB	44	Glenamoy River Development Co. Mayo	BMW — Game
SRFB	46	Stradbally Lake Development Co. Laois — Creation Of Trout Fishery	BMW — Game
	48	Blackwater Stream Enhancement Cork & Kerry	S&E — Game
	50	Rockforest Blackwater Enhancement Scheme Co. Cork	S&E — Game
SHRFB	58	Purchase Of Electrofishing Equipment For Infor. & Data Collection	BMW — Other
	60	Production Of Angling Promotion Guides	BMW — Other
	62	Development Of Pallas Lake	BMW — Game
	63	R. Maigne — Renew Cabling On Counter	BMW — Game
	66	Promotional Advertising Campaign	BMW — Other

Departmental Correspondence.

163. **Mr. Morgan** asked the Minister for Communications, Marine and Natural Resources if he will provide full details of all representations from or meetings he has had with any representatives of the Open Republic Institute. [11182/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have received no representations from, or requests for meetings with, any representatives of the Open Republic Institute.

Post Office Network.

164. **Mr. Quinn** asked the Minister for Communications, Marine and Natural Resources the number of post offices which have closed in County Meath, Cork city and county and Tipperary since 1997; the locations of these post offices; and if he will make a statement on the matter. [11210/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The numbers and locations of the post offices closed in County Meath, Cork city and county and County Tipperary since 1997 is set out in this reply. It is important to note that a significant number of the post offices that closed during this period were replaced by postal agencies, often on the premises that had housed the former post

office. Therefore, this reply also gives details of the postal agencies operating in each of the counties in question.

In County Meath, the 11 post offices at Castlerickard, Castletown in Navan, Donaghpatrick, Drumone, Garadice, Loughan, Meath Hill, Rathcore, Rathfeigh, Ross and Wilkinstown have been closed since 1997. There are four postal agencies in County Meath, at Beauparc, Carlans-town, Kildalkey and Kilmainham Wood.

In Cork city and county, the 45 post offices at Ballinascarthy, Ballygarvan, Ballylickey, Baile Bhúirne, Belvelly, Berrings, Burnfort, Butlerstown, Cahermore, Church Cross, Churchtown, Cúil Aodha, Courtmacsherry, Currabeha, Derinacarah, Dromagh, Farnanes, Glantane, Glenlough, Johnstown, Keimaneigh, Kilbrin, Kilcorney, Killavullen, Kilmacsimon Quay, Kilmurry, Knockraha, Lisbealad, Lissacreasig, Mee-lin, Mogeely, Mount Uniacke, Mountpleasant, Poulanargid, Ringaskiddy, Shanlaragh, Taur, Templemartin, Trafrask, Tullylease, Vicarstown, Washington Street, Waterfall, Western Road and Whiddy Island have been closed since 1997. There are 19 postal agencies in County Cork, at Adrigole, Aherla, Araglin, Ballincurrag, Ballymore, Baltimore, Caheragh, Carriganimmy, Castletownshend, Dromahane, Dunderrow, Free-mountain, Myrtleville, Newtownshandrum, Rathcoole, Reenascreena, Toames, Whitechurch and Whitegate.

In County Tipperary, the 29 post offices at Ahenny, Aghlish, Ballinderry, Ballingarry, Ballinure, Ballycommon, Bouladuff, Burncourt, Capparoo, Carrigatoher, Clonakenny, Coalbrook, Crosspatrick, Cullen, Cureeney, Dovea, Drombane, Dromineer, Horse and Jockey, Kilcommon, Kilross, Lisronagh, Loughmore, New Inn, Ninemilehouse, Portroe, Puckane, Rossadrehid and South Lodge have been closed since 1997. There are four postal agencies in County Tipperary, at Ardcroney, Rathcabbin, Rosegreen and Silvermines.

Human Rights Issues.

165. **Mr. M. Higgins** asked the Minister for Foreign Affairs if he is one of the 37 Ministers for Foreign Affairs within the 46 strong membership of the Council of Europe who reported to have received a letter from the Secretary General of that organisation asking them to complete or clarify their replies on allegations of secret detention and air transport in Europe; if he is satisfied that Ireland's actions in these matters is consistent with its responsibilities under the European Human Rights Convention; and if he will make a statement on the matter. [11171/06]

Minister for Foreign Affairs (Mr. D. Ahern): I am one of the nine foreign affairs ministers who have not received such letters. Ireland is one of a minority of only nine countries, of the 46-strong membership of the Council of Europe, whose replies in this matter have been adjudged to be sufficiently comprehensive not to require further clarification. As I have stated in this House on numerous occasions, and as the Government makes clear in its reply to the Secretary General of the Council of Europe, the Government is satisfied that it is fully in compliance with its obligations under international law in respect of the issues the Deputy mentions.

Departmental Correspondence.

166. **Mr. Morgan** asked the Minister for Foreign Affairs if he will provide full details of all representations from or meetings he has had with any representatives of the Open Republic Institute. [11183/06]

Minister for Foreign Affairs (Mr. D. Ahern): I have not received representations from, nor had meetings with, representatives of the Open Republic Institute.

Visa Applications.

167. **Mr. Kehoe** asked the Minister for Foreign Affairs when a holiday visa will be issued to a person (details supplied); and if he will make a statement on the matter. [11310/06]

Minister for Foreign Affairs (Mr. D. Ahern): The application in question was received by the

Irish Embassy in Kuala Lumpur in early February and was referred to the Department of Justice, Equality and Law Reform on 9 February for decision. The embassy has been informed that the application was refused and will notify this decision immediately to the applicant. Visa refusals may be appealed within two months by writing to the visa appeals officer at Visa Section, Department of Justice, Equality and Law Reform, 13/14 Burgh Quay, Dublin 2. Further information or additional documentation which the applicant wishes to have taken into account should be included with the letter and the visa reference number should be quoted. There is no charge for an appeal against the refusal of a visa. Appeal decisions are usually taken between four and six weeks after the date of the receipt of the appeal.

Departmental Correspondence.

168. **Mr. Morgan** asked the Minister for Arts, Sport and Tourism if he will provide full details of all representations from or meetings he has had with any representatives of the Open Republic Institute. [11184/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I have not received representations from, nor had meetings with, representatives of the Open Republic Institute.

National Minimum Wage.

169. **Mr. Morgan** asked the Minister for Enterprise, Trade and Employment the percentage increase in real terms in the national minimum wage between its introduction in 2000 and March 2006. [11168/06]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): When it was introduced on 1 April 2000, the national minimum hourly rate of pay was set at £4.40, or €5.59, per hour. The current rate is €7.65 per hour, which represents an increase in real terms — taking into account increases in the consumer price index — of 11.7% since its introduction.

Arms Exports.

170. **Mr. M. Higgins** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to reports that dual use components manufactured here and used in hellfire missiles, may have been used in an attempt to assassinate a prominent member of Al-Qaeda in northern Pakistan in January 2006 which resulted in the deaths of at least 13 civilians; and if he will make a statement on the matter. [11169/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): The export of dual use goods, or goods which have potential civil and military

[Mr. Martin.]

applications, from the European Union is controlled by a European Council regulation that is updated on a regular basis to take account of changes agreed in the international export control regimes in which the member states participate. The Department of Enterprise, Trade and Employment, as the national licensing authority for Ireland, authorises the export of controlled dual use goods when it is satisfied that the transaction complies fully with EU regulations and with Ireland's commitments as a member of the export control arrangements and non-proliferation regimes.

When deciding whether to grant licence applications, a key consideration is the intended end-use of the goods and the risk of the diversion of the goods to a third country. Account is taken of the criteria contained in the EU code of conduct, including respect for human rights and the rule of law in the country of final destination and the possible impact on regional peace and security. Ireland abides by the obligations imposed by trade sanctions and arms embargoes which have been adopted by the EU, the OSCE or the UN Security Council. I am satisfied that the Department has not issued any licences for the purposes referred to in the Deputy's question.

Departmental Correspondence.

171. **Mr. Morgan** asked the Minister for Enterprise, Trade and Employment if he will provide full details of all representations from or meetings he has had with any representatives of the Open Republic Institute. [11185/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): The board and academic board of the Open Republic Institute include a number of high profile individuals whom I have met at various events. I have not received representations from, nor had meetings with, individuals acting on behalf of the Open Republic Institute.

Health and Safety Regulations.

172. **Mr. Hogan** asked the Minister for Enterprise, Trade and Employment if he will sup-

ply the full answer in respect of Question No. 435 of 7 March 2006 with particular reference to the matter relating to the details regarding the precise training of each worker that died arising from fatalities in the construction sector in 2004 and 2005; and if he will make a statement on the matter. [11208/06]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):

As I stated in response to the Deputy's earlier question, the addresses of the victims and their individual training records are personal to the deceased and accordingly this information was not released. In many of these cases, files have been prepared for the Director of Public Prosecutions and prosecutions are pending. In other cases, files are being prepared for consideration by the Director of Public Prosecutions. In such cases the training record of the deceased may be used in court as evidence and the release of this information could prejudice potential proceedings. For these reasons, I am advised that it would not be proper to place this information on the public record at this time.

Job Losses.

173. **Mr. Quinn** asked the Minister for Enterprise, Trade and Employment the number of private sector job losses in the years 2002, 2003, 2004 and 2005 in respect of Meath, Cork city and county and Tipperary. [11213/06]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):

The statistics required by the Deputy are shown in the table. It should be noted that up to December 2004, my Department compiled statistics on the basis of redundancies notified in each year — they did not all necessarily happen.

From 2005, with the new computer system in redundancy section, statistics are compiled on the basis of the number of redundancies that actually occurred in a given year. These figures relate to redundancies where the employees had two years service or more in an employment. They do not reflect redundancies of employees who had less than two years service. There is no differentiation made between private and public sector redundancies.

Area	Notified Redundancies for the Years 2002 to 2004			Actual Redundancies for the Year 2005
	Notified			
	2002	2003	2004	Actual Total
Cork	2,686	3,161	2,365	1,985
Meath	400	671	480	450
Tipperary	857	637	598	600
Total	3,943	4,469	3,443	3,035

Community Employment Schemes.

174. **Mr. Quinn** asked the Minister for Enterprise, Trade and Employment the number of people employed on community employment schemes in January 2002 and in January 2006 in respect of Meath, Cork city and county and Tipperary. [11214/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): The tabular statement gives the numbers of participants on community employment schemes in Cork city and county and counties Meath and Tipperary in January 2002 and January 2006.

Location	January 2002	January 2006
Cork City	1,608	1,360
Cork County	886	867
Meath	393	410
Tipperary North Riding	456	410
Tipperary South Riding	767	646

Social Welfare Benefits.

175. **Mr. Morgan** asked the Minister for Social and Family Affairs the cost per annum to the Exchequer of raising the social welfare pension by 1% of average industrial earnings. [11315/06]

Minister for Social and Family Affairs (Mr. Brennan): The most recent information on earnings available from the Central Statistics Office relates to September 2005. This shows that, at that time, average industrial earnings were €579.32 per week. The cost of raising the social welfare pension for all those over 65 years by 1% of this figure is estimated at €124 million per annum. The maximum rate of the old age contributory pension is at present €193.30 per week which equates to over 33% of average industrial earnings as of September 2005.

176. **Mr. Crowe** asked the Minister for Social and Family Affairs if he will ensure that grandparents looking after their grandchildren on a permanent basis get the same recognition and financial support as foster parents. [11207/06]

Minister for Social and Family Affairs (Mr. Brennan): The primary objective of the orphans payments administered by my Department is to provide income support in respect of children whose parents are deceased or who are unable and have failed to provide for them.

The weekly rate of payment is €138. This is a substantially higher rate of payment compared with other payments made by my Department in respect of children. Foster carers, on the other hand, operate within a very specific framework and the foster care allowance is intended not only to provide income support but to recompense fos-

ter carers for the expense incurred in looking after a child who would otherwise be in institutional care. Foster carers are therefore subject to rigorous scrutiny and ongoing monitoring by the health boards, and the children in their care are subject to a care plan.

The foster care allowance paid by the health boards is paid at a rate of €305 per week, per child under 12 years of age, and €332 per week, per child of 12 years and over. The two payment systems have, in my view, significantly different objectives and I do not consider that there is a case for standardising payments in this area.

Departmental Correspondence.

177. **Mr. Morgan** asked the Minister for Social and Family Affairs if he will provide full details of all representations from or meetings he has had with any representatives of the Open Republic Institute. [11186/06]

Minister for Social and Family Affairs (Mr. Brennan): I have not met with nor have I received any representations or requests for a meeting from the Open Republic Institute.

Social Welfare Benefits.

178. **Mr. Ring** asked the Minister for Social and Family Affairs if the carers benefit will be awarded to a person (details supplied) in County Mayo. [11290/06]

Minister for Social and Family Affairs (Mr. Brennan): The person's application for carer's benefit was disallowed by a deciding officer on the grounds that the person was not engaged in remunerative employment prior to her claim as she was on a career break from the Department of Education and Science. The person appealed this decision to the social welfare appeals office and an oral hearing was held on 28 February 2006.

Having considered all of the available evidence, including that adduced at the oral hearing, the appeals officer decided that the person cannot be considered to be in remunerative full-time employment as an employed contributor and, accordingly, does not satisfy the relevant legislative criteria for qualification for carer's benefit. The person was notified of the decision of the appeals officer on 8 March 2006. The case is at present under review by the appeals officer following representations on behalf of the appellant. The appellant will be advised of the outcome in due course. It is open to the appellant to apply for carer's allowance.

Under social welfare legislation decisions on claims must be made by deciding officers and appeals officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

Pension Provisions.

179. **Mr. Carey** asked the Minister for Social and Family Affairs the measures he has put in place in his past two budgets to protect and improve the income of retired workers; and if he will make a statement on the matter. [11296/06]

Minister for Social and Family Affairs (Mr. Brennan): Since taking office this Government has made the needs of older people a priority, with the inclusion of several commitments in the programme for Government aimed specifically at older people. One of these is a commitment to increase the old age pension rate to €200 per week by 2007. Significant progress has been made towards this objective.

Pension increases in the last two budgets have been well ahead of inflation, thus ensuring that the real value of pensions is maintained and improved. In budget 2005 the personal rate of contributory pensions was increased by €12 per week or 7.2%. In budget 2006 the increase was €14 per week, or 7.8%, bringing the maximum rate to €193.30. In the case of non-contributory pensioners, the increases in the last two budgets were €12.00 per week, 7.8%, and €16 per week, 9.6%. The current rate is €182.00 per week.

Progress has also been made in increasing the level of qualified adult allowance for pensioner spouses to the level of the old age, non-contributory pension with increases granted over a number of budgets. Payments for qualified adults over 66 years on contributory pensions increased by €9.30, 7.2%, and €10.60, 9.7%, per week over the last two budgets. The equivalent increases for qualified adults on non-contributory pensions were €7.90, 7.8%, and €10.60, 9.7%, per week. The current rates for qualified adults over 66 on contributory and non-contributory pensions are €149.30 per week and €120.30 per week respectively.

Other measures of benefit to older people include an increase in the fuel allowance of €5 per week, bringing the allowance to €14 per week, and an increase in the over-80 allowance of €3.60 per week, bringing it to €10 per week. Improvements have also been made in the means test for non-contributory pensions with the capital allowance increased from €12,697.38 to €20,000 in budget 2005 and an increase in the basic income disregard from €7.60 to €20 per week, together with the introduction of an earnings disregard of €100 per week in budget 2006.

The needs of older people will continue to be a priority for this Government and I will continue to seek opportunities to improve on the support we provide to them through the pensions system and other social welfare schemes.

Social Welfare Benefits.

180. **Mr. J. Higgins** asked the Minister for Social and Family Affairs if he will substantially

increase the amount women in receipt of deserted wife's benefit are allowed to earn in employment before their benefit is affected in view of the fact that from June 2006 persons in receipt of one-parent family payment, earning between €146.50 and €375.00 per week, can still qualify for a reduced payment. [11316/06]

Minister for Social and Family Affairs (Mr. Brennan): Deserted wife's benefit is a payment made to a woman deserted by her husband. Entitlement to payment is based on social insurance contributions paid by the wife or her husband.

An earnings limit was introduced for deserted wife's benefit in 1992. The limit, which applied only to new claims after August 1992, was set at €12,697.38 a year, gross earnings. Where earnings are in excess of €12,697.38 a year, there may be entitlement to a reduced rate of payment of deserted wife's benefit, provided gross earnings do not exceed €17,776.33 a year.

Following the introduction of the one-parent family payment in 1997, the deserted wife's benefit scheme was discontinued with effect from 2 January in that year. The scheme for deserted wives under social insurance has been retained to the extent that existing entitlements already acquired in August 1992, when the earnings limit was introduced for new claimants, and in 1997, when the one-parent family payment scheme was introduced, have been preserved. The upper income ceiling applying to deserted wife's benefit of €17,776.33, gross, in 1997 has not changed since then and I consider that it remains appropriate to the scheme.

With over 80,000 unmarried and separated parents with caring responsibilities receiving support under the one-parent family payment, I was glad to be able to increase the earnings ceiling for the one-parent family payment in this year's budget from €293.00 per week to €375.00 per week or €19,500 a year, gross earnings. Recipients of deserted wife's benefit with dependent children may transfer to the one-parent family payment if it is beneficial for them to do so. They would then be able to revert to deserted wife's benefit at a later stage if entitlement to one-parent family payment ceased.

On Monday of this week, I launched a major Government discussion paper, *Proposals for Supporting Lone Parents*, which addresses the social exclusion and risk of poverty faced by low income families and their children. The report puts forward radical proposals for reform of the income support system for all parents on a low income. The report proposes an expanded availability and range of education and training opportunities for lone parents, the extension of the national employment action plan to focus on lone parents, focused provision of child care, improved information services for lone parents and the introduc-

tion of a new parental allowance for low income families with young children.

The Government will listen closely to the views expressed as this report is debated and will give very serious consideration to them. As soon as I am convinced that we have reached conclusions that are fully workable and clearly thought out, it will be my intention in the months ahead to take these proposals to Cabinet for discussion and decisions.

Question No. 181 answered with Question No. 68.

182. **Mr. Durkan** asked the Minister for Social and Family Affairs his proposals to ease the eligibility guidelines for farm assist; and if he will make a statement on the matter. [11330/06]

Minister for Social and Family Affairs (Mr. Brennan): The farm assist scheme was introduced in 1999 as an income support scheme for low income farmers. It is a means tested scheme with a more favourable method of assessment, including disregards in respect of qualified children, than had applied under the previous smallholders' unemployment assistance scheme.

The scheme was further improved in two ways from 2000. The child-related income disregards were increased by €126.97, bringing them to €253.95 in respect of each of the first two children and to €380.92 in respect of the third and subsequent children; and the means assessment rate was reduced from 80% to 70%, thereby increasing the income from self employment which a farm assist claimant can keep before the level of payment is reduced. Farm assist recipients also benefited from improvements to the capital assessment regime which were introduced in 2000 and 2005. I have no proposals to make further changes to the scheme at this time.

183. **Mr. Durkan** asked the Minister for Social and Family Affairs the number of persons currently in receipt of rent support; the extent to which this number has fluctuated in the past five years; and if he will make a statement on the matter. [11331/06]

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 decisions on individual claims.

The number of recipients of rent supplement from 2001 to 17 March 2006 is shown in the tabular statement. At the end of 2001 the numbers in receipt of rent supplement stood at 45,028 and 60,175 at the end of 2005, an increase of some 33.6%. The trend for the start of 2006 shows a further increase in the number in receipt of the supplement.

Rent supplement is a short term income support need. In recent years, however, a significant number of people have come to rely on rent supplements for extended periods, including those on local authority housing lists.

In response to this, the Government has introduced new rental assistance arrangements giving local authorities specific responsibility for meeting the needs of people receiving rent supplement for 18 months or more, on a phased implementation basis. When fully operational, local authorities will meet the housing needs of these individuals through a range of approaches, including the traditional range of social housing options, the voluntary housing sector and, in particular, a new public-private partnership rental accommodation scheme. These arrangements are intended to be a long-term housing option for the people concerned and when fully implemented rent supplement will have returned to its original objective, namely, to provide a short term income support payment.

Recipients of Rent Supplement at end 2001 to Date

Year	Recipients
2001	45,028
2002	54,213
2003	59,976
2004	57,874
2005	60,176
3/06	60,382

Social Welfare Code.

184. **Mr. Durkan** asked the Minister for Social and Family Affairs his views on improving the system of assessing entitlement to rent support having particular regard to hardship caused to potential applicants; and if he will make a statement on the matter. [11332/06]

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 decisions on individual claims. The purpose of the scheme is to provide short-term income support to eligible people living in private rented accommodation whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from any other source.

To qualify for rent supplement a person must satisfy a number of conditions: the person must be a *bona fide* tenant, must be habitually resident in this country, must have a housing need and must satisfy a means test. In addition, the executive must be satisfied that the accommodation is

[Mr. Brennan.]

suited to the person's needs and the rent payable is within the prescribed limits.

The supplementary welfare allowance scheme is being reviewed as part of my Department's ongoing programme of expenditure reviews. The review is being carried out by a working group chaired by my Department and including the Department of Finance and the Health Service Executive. The review involves a fundamental appraisal of the scheme. All aspects are being examined with a primary focus on considering ways of improving its efficiency and effectiveness. I expect this review to be completed shortly.

In recent years, a significant number of people have come to rely on rent supplements for extended periods, including people on local authority housing waiting lists. In response to this situation, the Government has introduced new rental assistance arrangements giving local authorities specific responsibility for meeting the longer-term housing needs of people receiving rent supplement for 18 months or more, on a phased implementation basis. When fully operational, local authorities will meet the housing needs of these individuals through a range of approaches, including the traditional range of social housing options, the voluntary housing sector and, in particular, a new public-private partnership type rental accommodation scheme.

The rental assistance arrangements will also cater for new applicants for rent supplements and people who have been receiving rent supplement for less than 18 months, so long as the local authority is satisfied that they have a long-term housing need. These people will be eligible for some form of assistance from their local authority under the scheme, whether that is contracted rental accommodation, voluntary housing or a local authority house.

Overall, I consider that the current rent supplement arrangements are sufficient to meet the short-term accommodation needs of applicants and do not cause hardship. Nonetheless, the effectiveness of these arrangements will be re-examined in light of any recommendations made in the forthcoming review.

Question No. 185 answered with Question No. 78.

Questions Nos. 186 and 187 answered with Question No. 65.

Questions Nos. 188 to 190, inclusive, answered with Question No. 60.

Departmental Correspondence.

191. **Mr. Morgan** asked the Minister for Transport if he will provide full details of all representations from or meetings he has had with any rep-

resentatives of the Open Republic Institute. [11187/06]

Minister for Transport (Mr. Cullen): There are no representations from or requests for meetings with any representatives of the Open Republic Institute in my Department.

Rail Services.

192. **Ms Burton** asked the Minister for Transport the exact proposed location of the Spencer Dock station; if his attention has been drawn to the fact that the new location suggested in recent press releases is some 100 metres distant from both the proposed extension to the Luas line and from the pedestrian footbridge to the south side of the River Liffey; if the final location which is to the north side of Sheriff Street is an absolute location or if he proposes to move it closer to the north quays, thus making it far more usable by intending passengers. [11243/06]

193. **Ms Burton** asked the Minister for Transport, with regard to the new Spencer Dock station, the railway lines it is proposed to be integrated with; the other public transport lines it is proposed it will be integrated with; if it will be integrated in the short term with the Drogheda, Drumcondra, Phoenix Park tunnel, Heuston, Maynooth lines; if the proposed station will be used initially for the proposed re-opened Dunboyne to Dublin line; when it is expected that the Dunboyne line will be re-opened; and when the Spencer Dock line will come into service. [11244/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 192 and 193 together.

The new railway station to be constructed by Irish Rail in the docklands will be located on the north side of Sheriff Street and adjacent to the east side of the Royal Canal. This is the site for which Irish Rail has lodged a planning application with Dublin City Council. The station will be conveniently accessed from the Luas stop at Spencer Dock on the proposed Luas extension from Connolly Station. The distance from the new station to the Luas stop is approximately 350m, a similar distance to that between Connolly DART platforms and the Connolly Luas stop. The station will be approximately 800m from the new pedestrian footbridge across the Liffey and approximately 400m from the proposed new Macken Street road bridge. I understand Irish Rail and the RPA are in discussion to ensure optimum integration between Luas and commuter rail services.

The station will connect to the existing line to Maynooth and deliver additional train paths per direction per hour in the critical city centre area. The proposed Clonsilla to Dunboyne line is

expected to be reopened in 2009 and, at that point, all services from Dunboyne will also serve the docklands station, via the connection to the Maynooth line. The Docklands station will increase capacity on the Maynooth line and serve the proposed Dunboyne line.

194. **Ms Burton** asked the Minister for Transport his proposals to provide Iarnród Éireann with double decker trains, as are available in many European countries, particularly with a view to increasing service capacity on the Clonsilla railway line; and if he will make a statement on the matter. [11289/06]

Minister for Transport (Mr. Cullen): Iarnród Éireann will continue to examine all options for increasing capacity across the suburban rail network. At present, the company has no proposals for the provision of double decker trains on the line serving Clonsilla or elsewhere on the railway network. Capacity on the Maynooth line, which serves Clonsilla, has increased in recent years with the provision of additional rolling stock and the upgrade of the Maynooth line.

The recently announced docklands station will provide additional capacity on the Maynooth line. The proposed city centre resignalling project will also give Iarnród Éireann flexibility to increase capacity and frequency on the suburban rail network, including on the Maynooth line. This investment means additional train paths per direction per hour in the critical city centre area.

Airport Development Projects.

195. **Mr. Boyle** asked the Minister for Transport if he intends to hold a meeting with appropriate Members of the Oireachtas in regard to the future of Cork Airport; and if so, when. [11367/06]

Minister for Transport (Mr. Cullen): I am informed that in agreement with the Cork Airport Authority, CAA, the Dublin Airport Authority, DAA, has recently appointed BDO Simpson Xavier, BDO, to assist the CAA in developing its business plan and appropriate financing proposals for the Cork Airport development investment in line with the requirements of the State Airports Act 2004, the provisions of the Companies Acts and the commercial and financial viability requirements of the DAA and CAA.

I await the outcome of this work because of its importance to facilitating the development of a dynamic, independent and financially sustainable Cork Airport. The Government objective of airport restructuring must be achieved in a manner which underpins the financial sustainability of all three State airports. I will be happy to meet with

Deputies on completion of the business planning process.

Departmental Correspondence.

196. **Mr. Morgan** asked the Minister for Community, Rural and Gaeltacht Affairs if he will provide full details of all representations from or meetings he has had with any representatives of the Open Republic Institute. [11188/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I have not had any representations from or meetings with any representatives of the Open Republic Institute.

Rural Social Scheme.

197. **Mr. Naughten** asked the Minister for Community, Rural and Gaeltacht Affairs further to Question No. 400 of 7 March 2006, the proposed changes which impact on the Department of Social and Family Affairs; and if he will make a statement on the matter. [11195/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): A range of issues is currently being discussed with the Department of Social and Family Affairs. Following its agreement, the extension of the rural social scheme to the children-siblings of herd owners, subject to restrictions, is now being implemented. Further announcements in regard to the other issues will be made as soon as possible.

Community Development.

198. **Mr. Quinn** asked the Minister for Community, Rural and Gaeltacht Affairs the amount of funding provided to community projects under the community development programme from 2002 to 2005; the amount of funding provided to groups in Meath; and the name and address of all projects funded in that period. [11215/06]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The community development programme is designed to reduce social exclusion by targeting support at disadvantaged and socially excluded communities in order to improve their capacity to benefit from social and economic development.

Since June 2002, when responsibility for the community development programme transferred to my Department, over €75 million has been provided to community projects under the programme, broken down as follows: 2002, €13.078 million; 2003, €20.207 million; 2004, €20.578 million; 2005, €21.218 million.

One project in County Meath has been funded under the programme in the period June 2002 to December 2005 — The Community Development Project Navan Limited, Teach na nDaoine, 96

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Claremont Estate, Navan, County Meath. A total of €311,571 was paid to this group in that period: 2002 — €72,400; 2003 — €66,650; 2004 — €70,248; 2005 — €102,273. The name and address of all projects funded under the programme are included in the listing of payments of national lottery funding, outlined in each of the Department's annual appropriation accounts over the period.

199. **Mr. Quinn** asked the Minister for Community, Rural and Gaeltacht Affairs the amount of funding provided to community projects under the RAPID programme from 2002-05; the amount of funding provided to projects in Meath, Cork city and county and Tipperary; and the name and address of all projects funded in these areas during that period. [11216/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): My Department, supported by Pobal, formerly known as Area Development Management Ltd., co-ordinates the implementation of the RAPID programme. It is a matter for each of the other Departments to report on progress on their implementation of RAPID and details of funding for the proposals that fall within their remit. Reports for all Departments can be accessed on Pobal's web site at www.pobal.ie

There are ten RAPID areas within these counties: strand I areas: Knocknaheeny, Churchfield, Holyhill in Cork city; Fairhill, Gurranabraher, Faranree in Cork city; Blackpool, The Glen, Mayfield in Cork city; Togher and Mahon in Cork city; strand II areas: Navan in Meath; Mallow in County Cork; Youghal in County Cork; Carrick-on-Suir in south Tipperary; Clonmel in south Tipperary and Tipperary town in south Tipperary.

In 2004 I introduced leverage funding, a new delivery mechanism to support small-scale local actions in RAPID areas, through co-funding with other Departments or agencies. Allocations by my Department to local authorities in these ten areas under the RAPID leverage funds between 2004 and 2005 were as follows: in 2004, local authority housing estate enhancement scheme 2004, €30,000 per strand I RAPID area and €20,000 per strand II RAPID area; playground grants scheme 2004, €72,000 per strand I RAPID area and €30,000 per strand II area; top-up funding under the sports capital grant 2004, €409,757 was allocated to 17 projects across these ten RAPID areas. In 2005, local authority housing estate enhancement scheme 2005-06, €45,000 per RAPID area; traffic measures, €22,500 per RAPID area; playground grants scheme 2005, €33,000 per RAPID area; RAPID health sector co-fund, €60,000 per strand I area and €40,000 per

strand II area; under the sports capital grant 2005, top-up funding of €563,700 was allocated to 15 projects across these ten RAPID areas.

Additional co-funding was provided by other Departments and agencies to support these measures. Special provision was made by the Government for RAPID areas under the dormant accounts plan. RAPID, drugs task force and CLÁR areas have benefited from 60.8% of the €63.1 million in funding allocated between 2003-05. One project in Navan RAPID area received €112,000, ten projects in the Tipperary RAPID areas received €874,226 and 43 projects received €4,577,061 in the Cork city and county RAPID areas.

200. **Mr. Quinn** asked the Minister for Community, Rural and Gaeltacht Affairs the amount of funding provided to community projects under the CLÁR programme from 2002-05; the amount of funding provided to projects in Meath, Cork city and county and Tipperary; and the name and address of all projects funded in these areas during that period. [11217/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Due to the level of the detail involved, I am arranging to send the Deputy the information requested under separate cover.

201. **Mr. Quinn** asked the Minister for Community, Rural and Gaeltacht Affairs the amount of funding provided to partnership and community groups under the local development social inclusion programme from 2002-05 in respect of Meath, Cork city and county and Tipperary; the amount of funding provided to projects in these areas; and the name and address of all projects funded during that period. [11218/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): The local development and social inclusion programme, LDSIP, aims to counter disadvantage and to promote equality and social and economic inclusion through the provision of funding and support to local partnerships. It is administered by Pobal, formerly known as Area Development Management Ltd, on behalf of my Department and is funded through the National Development Plan 2000-06.

It is delivered locally by 38 partnerships, 31 community partnerships and two employment pacts in their designated areas, under three measures: services to the unemployed; community development; community based youth initiatives. One partnership company and 13 community partnerships deliver LDSIP in counties Cork, Tipperary and Meath. The list of the 14 partnerships and their funding for the period 2002-05 is set out in the table.

Partnership Companies	€
Cork City Partnership	4,974,805
<i>Community Partnerships</i>	
<i>Cork:</i>	
Avondhu Development Group	1,454,369
Ballyhoura Development Ltd.*	2,088,706
Bantry Integrated Development Group	1,091,633
East Cork Area Development Ltd.	1,332,725
IRD Duhallow**	2,147,163
Meitheal Mhuscraí 2002-2004 — these figures include allocation to Comhar Duibhne, a partnership in Kerry	1,095,652
<i>Tipperary:</i>	
BAND — Borrisokane Area Network Development	776,788
Clonmel Community Partnership	987,594
Nenagh Community Network	694,511
Roscrea 2000 Ltd.	901,176
<i>Meath:</i>	
Navan Travellers	600,660
North Meath Communities Development Association***	699,864
TIDE — Trim Initiative for Development & Enterprise Ltd.	717,555
	14,588,396
Total	19,563,201

*Ballyhoura Development Ltd. — Based in Limerick but covers part of County Cork.

**IRD Duhallow — Based in County Cork but also covers a small area in County Kerry.

***North Meath Communities Development Association is closed.

The full addresses of each of the organisations listed above is as follows.

Cork

Cork City Partnership — Sunbeam Industrial Park, Millfield, Mallow Road, Cork; Avondhu Development Group — 5-6 Park West, Mallow, County Cork; Ballyhoura Development Ltd., Main Street, Kilfinane, County Limerick; West Cork Community Partnership — formerly Bantry Integrated Development Group, Unit 13, IDA Centre, Ropewalk, Bantry, County Cork; East Cork Area Development Ltd. — ECAD, Middleton Community Enterprise Centre, Owennacurra Business Park, Knockgriffin, Middleton, County Cork; IRD Duhallow Ltd., James O’Keeffe Institute, Newmarket, County Cork; Meitheal Mhuscraí, Réidh na nDoirí, Maigh Chromtha, Contae Chorcaí.

Tipperary

Borrisokane Area Network Development — BAND, Main Street, Borrisokane, County Tipperary; Clonmel Community Partnership, Unit 5, Floors 3 & 4, Hughes Mill, Suir Island, Clonmel, County Tipperary; Nenagh Community Network, 84 Connolly Street, Nenagh, County Tipperary; Roscrea 2000 Ltd., New Line, Roscrea, County Tipperary.

Meath

Navan Travellers Workshop Limited, P.O. Box 28, Fairgreen, Navan, County Meath; Trim Initiative for Development and Enterprise — TIDE, Tide & Trim Enterprise Centre, Riverbank, Trim, County Meath.

202. **Mr. Kehoe** asked the Minister for Community, Rural and Gaeltacht Affairs if there is funding available for a group (details supplied) which is going to start a development in County Wexford; and if he will make a statement on the matter. [11309/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): IHCPT Irish Pilgrimage Trust was approved for funding in the amount of €500,000 in April 2005 by the dormant accounts fund disbursements board for the purpose of providing a holiday home facility for people with disabilities and special needs in Duncannon, County Wexford. Decisions on the disbursement of funds from dormant accounts moneys under the initial round of funding were a matter for the Dormant Accounts Fund Disbursements Board, an independent body established under the Dormant Accounts Acts. The board engaged Pobal, formerly Area Development Management Ltd., to administer this initial round of funding on its behalf.

[Éamon Ó Cuív.]

The drawdown of funding is subject to the satisfactory completion of legal contracts between the individual groups and the board. As part of this process, groups are required to submit necessary documentation, for example, agreed budgets, tax clearance certificates, evidence of insurance, planning permission and so forth to Pobal before payments are actually made. In the case of a capital project such as this one an external appraisal by a building specialist engaged by Pobal is also required. Pobal has been in contact with IHCPT Irish Pilgrimage Trust to expedite matters but I understand that some information is outstanding from the applicant and therefore no funding has been drawn down to date.

My Department also makes funding available under the Leader+ and area based rural development initiative for rural development projects in County Wexford through the Wexford organisation for rural development, WORD. Project applicants can obtain further information from WORD, Johnstown Castle, County Wexford; telephone: 053-46453.

Ministerial Appointments.

203. **Mr. Sargent** asked the Minister for Agriculture and Food the reason three additional trustees were appointed to the board of Kilconnell Cow Park, Ballinasloe, County Galway; her plans for the area; and if she will make a statement on the matter. [11172/06]

Minister for Agriculture and Food (Mary Coughlan): The Kilconnell cow park trust has six trustees, five of whom were appointed in 2002. The additional trustees were appointed with a view to devolving the trust property back to the community for general community purposes, its use as a cow park having effectively come to an end. The trustees have recently submitted a proposal to transfer the land for community purposes to Kilconnell Community Development Association Ltd. and my Department is actively considering this proposal.

Farm Retirement Scheme.

204. **Mr. Deenihan** asked the Minister for Agriculture and Food if she proposes to remove the off-farm income limit for transferees in the revised farm retirement scheme which she will announce shortly; and if she will make a statement on the matter. [11173/06]

Minister for Agriculture and Food (Mary Coughlan): The current early retirement scheme sets an off-farm income limit for transferees. In the report on the scheme which it published last year, the Joint Committee on Agriculture and Food recommended that this limit be removed. I am still considering this recommendation, along with a number of others that the committee

made, and I hope to announce my decision in due course.

Departmental Correspondence.

205. **Mr. Morgan** asked the Minister for Agriculture and Food if she will provide full details of all representations from or meetings she has had with any representatives of the Open Republic Institute. [11189/06]

Minister for Agriculture and Food (Mary Coughlan): I have not received representations from or had any meetings with the Open Republic Institute.

Milk Quota.

206. **Mr. Naughten** asked the Minister for Agriculture and Food her views on the allocation of a special funding package from the national reserve for dairy farmers with quotas of less than 30,000 gallons; and if she will make a statement on the matter. [11194/06]

Minister for Agriculture and Food (Mary Coughlan): Allocations of milk quota may be made from the national reserve according to objective criteria but the provision of financial assistance for the sale or purchase of quota is not permitted under EU regulations. Generally, the volume available from the national reserve for permanent allocation each year is limited by the amount of quota that is returned to the reserve that year from certain categories of exiting producers. In recent years, in allocating the reserve, priority in the permanent allocation of quota has been given to small-scale producers dependent on and committed to dairying. Allocations are made on the recommendation of the milk quota appeals tribunal. This has enabled the granting of some 5,000 litres on average per annum to some 2,000 producers.

If it were decided to change the current priority allocation system and instead allocate the reserve to all farmers with less than 30,000 gallons, the effect would be less targeted and would simply allocate quota to substantially more producers who would each get substantially less quota. This would be contrary to the objectives set for the use of the reserve.

Grant Payments.

207. **Mr. Connaughton** asked the Minister for Agriculture and Food when the single farm payment will issue to a person (details supplied) in County Galway; and if she will make a statement on the matter. [11249/06]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application under the single payment scheme on 12 May 2005. The ownership details of the herd number changed in December 2002. A request to

transfer these entitlements to the person named was received in January 2006 and this has now been fully processed.

The person named also applied to have his entitlements consolidated under the consolidation measure of the single payment scheme. However, the processing of this application could not proceed until the transfer of the entitlements had been completed. The consolidation application has now been fully processed and payment amounting to €29,376.68 will issue shortly.

The person named also submitted an application for an allocation of entitlements from the single payments scheme national reserve under category B. That category 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.

208. **Mr. Lowry** asked the Minister for Agriculture and Food the number of farmers who are awaiting payment under the single farm payment in each county; the average length of delay; when it is expected that payment will issue to these farmers; and if she will make a statement on the matter. [11250/06]

Minister for Agriculture and Food (Mary Coughlan): The supplied table sets out the number of farmers in each county whose payments under the 2005 single payment scheme had issued by 21 March 2006. The number of applications with outstanding problems, which must be solved prior to payment, is also set out.

Payments are continuing to issue to farmers as their applications are processed to completion, in accordance with the EU legislation governing the single payment scheme. Under this legislation, member states may commence payment under the single payment scheme on 1 December of the year of application, with payments being fully processed by the following 30 June. My priority in 2005, the first year of this new scheme, was to maximise the number of payments to eligible applicants by the earliest date possible of 1 December and I am satisfied that this was achieved. Since then, it has been my absolute

priority to ensure that the issues holding up the remaining cases are resolved with the applicants concerned and that payments are made without undue delay. To this end, I have arranged that payments are issued on a very regular basis as soon as the problems with the outstanding cases are resolved.

It will be noted that the sum of the cases paid and those awaiting payment differs from the figures supplied in the reply to the Deputy's questions of 25 January 2006. This difference is accounted for by cases which previously had no entitlements being awarded entitlements following the processing of applications under the inheritance, *force majeure* and so forth measures of the single payment scheme, which were recently submitted to my Department.

County	No. of SPS Applicants paid up to the 21/03/06	No. of SPS applicants not yet cleared for payment
Carlow	1705	24
Cavan	4,899	73
Clare	6,122	132
Cork	13,125	288
Donegal	7871	109
Dublin	673	15
Galway	12,163	171
Kerry	7,668	131
Kildare	2,137	41
Kilkenny	3,560	64
Laois	3,034	52
Leitrim	3,414	52
Limerick	5,308	88
Longford	2,427	36
Louth	1,570	23
Mayo	11,571	164
Meath	3,870	59
Monaghan	4,053	70
Offaly	3,089	63
Roscommon	5,806	81
Sligo	4,022	53
Tipperary	7,144	131
Waterford	2,457	72
Westmeath	3,009	34
Wexford	4,231	86
Wicklow	2,133	42
Totals	127,061	2,154

Grant Payments.

209. **Mr. Lowry** asked the Minister for Agriculture and Food if her attention has been drawn to the difficulties being experienced by a person (details supplied) in County Tipperary; her views on the matter; if payment will be issued; and if

[Mr. Lowry.]

she will make a statement on the matter.
[11251/06]

Minister for Agriculture and Food (Mary Coughlan): The person concerned is an applicant for grant aid under the installation aid scheme and submitted a preliminary application, IAS 1 form, to my Department on 3 March 2006. As the application was received outside the six month period laid down in the scheme for its submission, the applicant has requested that the principles of *force majeure* be applied in this case. The matter is being examined by my Department and the applicant will be notified shortly of the decision in the matter.

In the event that the applicant's request is upheld, an applicant for payment form, IAS 2 form, has to be submitted before any decision on payment can be made.

210. **Mr. Kehoe** asked the Minister for Agriculture and Food when a person (details supplied) in County Wexford will receive their single farm payment; the reason for the hold up on same; and if she will make a statement on the matter. [11311/06]

Minister for Agriculture and Food (Mary Coughlan): An application under the 2005 single payment scheme was received from the person named on 10 May 2005. Under EU legislation, in order to draw down his or her full single payment, an applicant must declare an eligible hectare to accompany each entitlement. This requirement was set out clearly in the documentation supplied to farmers on a number of occasions. However, as the person named declared no land on his application form, payment of the single payment scheme has not been made. Officials of my Department are continuing to be in direct contact with the person named with a view to finding a satisfactory conclusion to this case.

Agricultural Buildings.

211. **Mr. Kehoe** asked the Minister for Agriculture and Food if her Department is in support of a building (details supplied); and if she will make a statement on the matter. [11320/06]

212. **Mr. Kehoe** asked the Minister for Agriculture and Food if her attention has been drawn to a proposal to build an industrial scale anaerobic digester at the Deep Killurin, County Wexford; if her Department's standards of site suitability, animal disease control, hygiene and traceability will apply; if the resultant digestate will be suitable for spreading on grassland; and if she will make a statement on the matter. [11321/06]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 211 and 212 together.

In order to construct an anaerobic digester, planning permission from a local authority and approval from the Environmental Protection Agency is required. No approval from my Department is required. However, if on completion of the premises, it is proposed to use animal by-products as a feedstock in the digester, the approval of my Department must be received before it can commence commercial operation. Such approval is granted where the establishment meets all the requirements set down in the EU Animal By-product Regulation, EC 1774/2002, as amended.

However, where manure, digestive tract content separated from the digestive tract, milk and colostrums are the only material of animal origin being treated in an anaerobic digester, my Department may set requirements other than those specified in the regulation. This is dependent on my Department being satisfied that those materials do not present a risk of spreading any serious transmissible disease. These requirements would be assessed on a case by case basis.

The animal by-product regulation prohibits the application to pasture land of digestate of anaerobic digesters unless manure is the only animal by-product used as a feedstock in the digester.

Sugar Industry.

213. **Mr. Stanton** asked the Minister for Agriculture and Food if her attention has been drawn to the plight of contractors and hauliers; the action she intends to take to assist these persons following the closure announcement of the sugar processing plant in Mallow; and if she will make a statement on the matter. [11325/06]

Minister for Agriculture and Food (Mary Coughlan): The agreement on reform of the EU sugar regime provides for compensation by way of a restructuring scheme in the event of a decision to cease sugar production. Under this scheme, a restructuring fund becomes available for the economic, social and environmental costs of restructuring of the sugar industry, including factory closure and renunciation of quota. In Ireland's case, this would be worth up to €145 million.

The fund is subject to the submission of a detailed restructuring plan for the industry. The agreement provides that at least 10% of the restructuring fund shall be reserved for sugar beet growers and machinery contractors. That proportion may be increased by member states after consultation with interested parties, provided that an economically sound balance between the elements of the restructuring plan is ensured.

Animal Welfare.

214. **Mr. Boyle** asked the Minister for Agriculture and Food if her attention has been drawn to published legislation in the United Kingdom which seeks to restrict the species of animal that can be used in circus entertainment; and if she intends to introduce similar legislation here. [11368/06]

Minister for Agriculture and Food (Mary Coughlan): I understand that the Animal Welfare Bill currently being discussed in the United Kingdom provides for a ban on using certain wild animals in travelling circuses. My Department's responsibilities relating to circus animals are confined solely to ensuring animals imported for use in a circus are imported in accordance with animal health certification requirements. The Protection of Animals Acts 1911 and 1965 are the principal statutes governing the welfare of animals in this country. Responsibility for ensuring the implementation of this legislation rests with the Garda Síochána.

Commission Regulation 1739/2005 lays down animal health requirements for the movement of circus animals between members states. I welcome this regulation, which will apply in Ireland from January 2007, as providing a clear framework for the monitoring of circus movement across the EU. Apart from this regulation, I do not intend to introduce additional specific welfare legislation.

Garda Personnel.

215. **Mr. Quinn** asked the Minister for Justice, Equality and Law Reform the number of civilian personnel employed in the Garda Síochána; the percentage of personnel made up of civilians; if this percentage is high or low by international standards; the number of civilians working in the force by function; and if he will make a statement on the matter. [11174/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): There are currently 1,857 civilians employed in the Garda Síochána, which works out at almost 13% of total staff. This figure includes approximately 1,000 staff carrying out clerical and administrative duties and 49 staff employed in professional-technical areas such as financial accounting, information technology, teaching, nursing, research and human resources. The remainder are employed on general duties, including traffic wardens, cleaning, services attendants and general operatives.

As for international comparisons, I do not have up to date figures which would be meaningful in the context of comparing the Garda Síochána with other police forces but, regardless of 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.

Significant progress has been made on the implementation of the civilianisation programme to date, for example, 113 civilian finance officers have been appointed and are carrying out the district finance officer duties which were hitherto performed by gardaí. In addition, the recent establishment of the Garda information service centre, GISC, in Castlebar will, when fully operational, allow for the equivalent of up to 300 gardaí to be freed up for frontline outdoor policing duties.

Visa Applications.

216. **Mr. Quinn** asked the Minister for Justice, Equality and Law Reform if, further to Question No. 38 of 9 March 2006, he will confirm that a person (details supplied) who entered here as an unaccompanied minor in 1999, who was granted leave to remain in October 2002 and can apply for naturalisation in October 2007, could be given a temporary, once-off travel document that would allow them visit their mother's grave and return here; and if he will make a statement on the matter. [11175/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Temporary travel documents are never intended to be issued as a substitute for a passport from a person's own country of origin. However, in exceptional circumstances they can be issued in the event that a person has been unreasonably refused a passport from their country of origin.

There is no evidence that the person concerned has made an application for a temporary travel document and the option is therefore open to the individual concerned to make such an application. In the event that an application is made, documentary evidence must be provided to show that the person concerned cannot obtain a passport from their country of origin.

Child Care Facilities.

217. **Mr. Deenihan** asked the Minister for Justice, Equality and Law Reform if a further grant could be provided for the construction of a crèche facility at information technology Tralee north campus under the equal opportunities child care programme; and if he will make a statement on the matter. [11176/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy may be aware, responsibility for the National Childcare Investment Programme 2006-2010 has been assigned to the Department of Health and Children as part of the establishment of the new office of the Minister of State with responsibility for children, Deputy Brian Lenihan.

[Mr. McDowell.]

With regard to the application for capital grant assistance under the Equal Opportunities Child-care Programme 2000-2006, I understand that the community based group in question was approved capital funding of €700,000 in March 2005. I also understand that the group has sought additional capital grant assistance and that this request is in the final stages of the appraisal process. When this process has been completed the group will be informed of the outcome.

Departmental Correspondence.

218. **Mr. Morgan** asked the Minister for Justice, Equality and Law Reform if he will provide full details of all representations from or meetings he has had with any representatives of the Open Republic Institute. [11190/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): My Department has not received any representations, invitations or meeting requests from the Open Republic Institute nor have I met with any representatives of same.

Closed Circuit Television Systems.

219. **Mr. Quinn** asked the Minister for Justice, Equality and Law Reform the number of applications received from projects based in County Meath, Cork city and county and Tipperary for the community closed circuit television programme; and the number of successful applications. [11219/06]

220. **Mr. Quinn** asked the Minister for Justice, Equality and Law Reform the amount of funding allocation to the community closed circuit television programme since its inception; and the amount of funding allocated to projects in County Meath, Cork city and county and Tipperary; and the name and address of these projects. [11220/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 219 and 220 together.

I launched the community based CCTV scheme last year in response to a demonstrated demand from local communities across Ireland for the provision of CCTV systems. The purpose of the scheme is to support local communities who wish to install and maintain CCTV security systems in their area, with the aim of increasing public safety and reducing the risk of anti-social and criminal activity. The day to day administration of this scheme is being carried out by Pobal, formerly Area Development Management Ltd., on behalf of my Department. A two-stream application process was put in place prior to the launch of the scheme. It was recognised that many interested parties would not be ready to apply for full scheme funding, or stage 2, so a

separate stream of pre-development stage 1 supports was made available. Up to €5,000 could be made available to successful applicants under stage 1 to assist in the formulation of high quality proposals which would have the necessary elements of local support and sustainability to avail of stage 2 funding.

Applicants could also submit proposals for stage 2 funding, which would assist them in meeting the capital costs associated with the establishment of local community CCTV systems. The maximum stage 2 grant awardable by my Department was €100,000, with an agreement from the Department of Community, Rural and Gaeltacht Affairs to match the funding allocated by my Department in respect of successful stage 2 applications from RAPID areas. Over €1 million in grant aid has already been allocated to 37 communities under the scheme and many of these could see their CCTV systems in operation before the end of the year. The list of successful applicants was published on my Department's website on 30 December 2005.

A total of 16 applications for funding under both stage 1 and stage 2 of the scheme were received from the counties referred to by the Deputy as follows: nine in Cork city and county, three in County Meath and four in County Tipperary. Stage 1 grants of up to €5,000 have been allocated to the following applicants in the areas referred to by the Deputy: Blackpool CCTV Development Group c/o RAPID, 70 South Mall, Cork City; Clonmel RAPID crime prevention, safety and security task group, Clonmel Borough Council, town hall, Clonmel, County Tipperary; RAPID safety and security task group, town hall, New Street, Carrick-on-Suir, County Tipperary. Mallow Town Council, town hall, Mallow, County Cork was the only organisation from the areas referred to by the Deputy to submit a successful application under stage 2 of the scheme.

Contract negotiations between Pobal and the relevant community groups to determine the final level of funding to be made available to successful applicants are ongoing and will conclude shortly. It is also my intention to invite a new round of applications for funding under the community based CCTV scheme in the coming months, and it is open to any group to submit an application for funding under either stage at that time.

Legal Aid Service.

221. **Mr. Quinn** asked the Minister for Justice, Equality and Law Reform the number of persons on the waiting list and the average length of the waiting time for free legal aid at the Navan Law Centre, the Nenagh Law Centre and North Quay Law Centre, Cork, in January 2002, January 2004 and January 2006. [11221/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Funding for the Legal Aid

Board has been increased by over 19% during the last two years, from €18.388 million in 2004 to €21.9 million in 2006. This additional funding has contributed to a significant improvement in waiting times across the country. The present position with waiting times at the Legal Aid Board's law centres is that legal services are being provided to all eligible persons within a maximum period

of four months. In half of the law centres the maximum waiting time at the end of January 2006 was two months or less.

The table gives the comparative waiting times and the numbers of persons awaiting appointments at Navan Law Centre, Nenagh Law Centre and Pope's Quay Law Centre at the end of January 2002, January 2004 and January 2006.

Law Centre	Maximum waiting time (months)			Number of persons		
	2002	2004	2006	2002	2004	2006
Navan	3	13	2	69	153	51
Nenagh	4	5	3	61	87	40
Pope's Quay, Cork	2	15	3	68	397	78

Garda Strength.

222. **Mr. Quinn** asked the Minister for Justice, Equality and Law Reform the number of gardaí attached to each station in County Meath, Cork city and county and Tipperary for each year from 2000-2005; and the percentage of gardaí nationally attached to stations in each such county. [11222/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): It has not been possible within the timeframe involved to collate the information required by the Deputy. I will contact the Deputy directly when the information is to hand.

Child Care Services.

223. **Mr. Quinn** asked the Minister for Justice, Equality and Law Reform the amount of funding allocated under the equal opportunities child care programme from 2000 to 2005; and the amount of funding for projects allocated to child care providers in County Meath, Cork city and county and Tipperary in the same period. [11223/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Over €448.5 million has been allocated to child care providers under the Equal Opportunities Childcare Programme 2000-2006 over the period 2000 — 2005. This funding is expected to lead to the creation of some 41,000 new child care places and support over 32,000 existing places. In respect of counties Meath, Cork and Tipperary, funding of €15.4 million, €50.1 million and €19.5 million was allocated respectively during the same period.

In 2005 my Department circulated to Deputies a comprehensive update of progress to end of 2004 under the EOCP entitled "Developing Childcare In Ireland". An update covering the period up to the end of 2005 will be available shortly. Responsibility for the EOCP and the new national child care investment programme 2006 — 2010 has been assigned to the Department of Health and Children as part of the establishment of the new office of the Minister of State with

responsibility for children, Deputy Brian Lenihan.

Land Registry.

224. **Mr. Connaughton** asked the Minister for Justice, Equality and Law Reform the position regarding an application for registration by a person (details supplied) in County Galway under a dealing number; and if he will make a statement on the matter. [11252/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have requested the Land Registry to contact the Deputy directly concerning the current position of the application in question.

225. **Mr. Connaughton** asked the Minister for Justice, Equality and Law Reform the position regarding an application for registration under a dealing number in the name of a person (details supplied) in County Galway; and if he will make a statement on the matter. [11253/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have requested the Land Registry to contact the Deputy directly concerning the current position of the application in question.

Citizenship Applications.

226. **Mr. Connaughton** asked the Minister for Justice, Equality and Law Reform the position regarding an application for registration by a person (details supplied) in County Galway; and if he will make a statement on the matter. [11254/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for a certificate of naturalisation from the person referred to by the Deputy was received in the citizenship section of my Department on 6 July 2004.

The average processing time for such applications is 24 months at present. It is likely, there-

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fore, that the case of the person in question will be finalised in or around July this year. I will contact the Deputy and the applicant when I have made a decision in the matter.

Asylum Applications.

227. **Mr. Carey** asked the Minister for Justice, Equality and Law Reform the arrangements in place by his Department to accommodate persons who enter here as asylum seekers; the payments which are made to them while their case to remain here is being examined; the length of time it takes to have such cases processed; and if he will make a statement on the matter. [11293/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Reception and Integration Agency, RIA, is responsible for the accommodation of asylum seekers through the policy of direct provision. Direct provision is the means by which the State discharges its obligations to provide for the basic requirements of asylum seekers. For the most part, that represents a cashless system, with the State assuming responsibility for providing suitable accommodation on a full-board basis. In addition, asylum seekers avail themselves of other State supports such as medical screening, medical cards and primary and secondary education.

The RIA currently operates 65 units in 23 counties throughout the State providing accommodation for almost 4,900 persons. That portfolio includes four main reception centres in Dublin at Baleskin, Kilmacud, Gardiner Street and Hatch Street. Under the system of direct provision, asylum seekers receive a weekly payment of €19.10 for adults and €9.60 for children. Community welfare officers also make exceptional needs payments, including payments to cover the cost of school uniforms, as appropriate.

Applications for refugee status in the State are determined by an independent process comprising the Office of the Refugee Applications Commissioner, ORAC, and the Refugee Appeals Tribunal, RAT, which make recommendations to the Minister for Justice, Equality and Law Reform on whether such status should be granted. Two types of processing caseloads exist in the ORAC and the RAT, namely, applications prioritised on foot of a ministerial prioritisation direction made under section 12 of the Refugee Act 1996 and cases in respect of which such a direction does not exist.

There is continued momentum in processing time scales for asylum applications, with new arrangements for speedier processing of prioritised asylum applications from nationals of Nigeria, Romania, Bulgaria, Croatia and South Africa introduced from January 2005, with a processing time of 17 working days in the first

instance in ORAC, and 15 working days at appeal stage in RAT.

For other cases, the typical processing time in the ORAC is in the region of eight to nine weeks. The average length of time taken to process and complete substantive appeals in the RAT is approximately 14 weeks, and appeals determined on the basis of papers alone are completed in approximately five weeks.

Since 1 November 2005 all applicants for asylum have been notified of their interview date by the Office of the Refugee Applications Commissioner at the time they make their application, except where that is not possible for medical or other compelling reasons. Following significant additional investment in the asylum determination process over the past few years, considerable progress has been made in processing asylum applications in the State and in the time scales involved.

That is evidenced, for example, by the fact that the number of cases over six months old in the ORAC and the RAT stood at 470 at the end of February 2006, compared with 1,057 in January 2005, some 2,910 cases in January 2004, and some 6,500 in September 2001.

Work Permits.

228. **Mr. Carey** asked the Minister for Justice, Equality and Law Reform the entry requirements which citizens of the Chinese Republic have to fulfil to work here; and if he will make a statement on the matter. [11294/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Citizens of the Chinese Republic who wish to take up employment in this State are required to hold a valid work permit. Such work permits are issued by the Department of Enterprise, Trade and Employment. Information regarding the issue of work permits may be found on that Department's website at www.entemp.ie.

Additionally, as non-EEA nationals, citizens of the Chinese Republic travelling to Ireland to take up employment are required to hold a valid employment visa. The criteria for the issue of an employment visa may be found on my Department's website at www.justice.ie.

It is also permissible for students from non-EEA countries currently attending a full-time course of education of at least one year's duration leading to qualifications recognised by the Minister for Education and Science to take up casual labour. Casual labour in this regard is defined as up to a maximum of 20 hours' part-time work per week or full-time work during normal college vacation periods. No work permit is required under those circumstances.

Garda Stations.

229. **Mr. Kehoe** asked the Minister for Justice,

Equality and Law Reform when the Garda Síochána will tender or advertise for positions to be filled for the cleaning of Garda stations; the confidentiality and security clauses which are adhered to; and if he will make a statement on the matter. [11312/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that in the case of Garda stations employing individual cleaners, vacancies to be filled are advertised in the relevant local FÁS offices. Local Garda management arranges interviews and, subject to security and medical clearance, the successful candidate commences employment.

In the case of contract cleaning services, I am advised by the Garda authorities that tendering notices are issued from time to time for renewable contracts. The successful tenderer and the potential employees are subject to the same security and confidentiality requirements.

Deportation Orders.

230. **Mr. Boyle** asked the Minister for Justice, Equality and Law Reform the number of US citizens issued with deportation orders since 2002 who still remain here. [11364/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my reply to Question No. 171 of 9 March 2006. The table provides details regarding the enforcement of the eight deportation orders I referred to on that occasion.

U.S. citizens

Deportations enforced	Deportations evaded	Total
3	5	8

Of the five persons recorded as having “evaded deportation”, it is considered likely that they have left the State without first having informed either my Department or the Garda Síochána. The Deputy might wish to note that persons subject to a deportation order are subject to arrest and detention.

Citizenship Applications.

231. **Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform if his policy of denying naturalisation to applicants who have availed of social welfare within the past three years will be applied to medical card holders or general practitioner only medical card holders. [11373/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Specific inquiries are not made as to whether an applicant for naturalisation is the holder of a medical card.

Garda Equipment.

232. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if he will provide a full list of the Garda stations that had audiovisual interviewing equipment at the time of the commission for the prevention of torture fact-finding trip to Ireland in May 2002; if the audiovisual equipment in all Garda stations was operational and being used at that time; and if he will make a statement on the matter. [11387/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment last visited Ireland in May 2002. I have asked the Garda authorities for the information requested by the Deputy and I will forward it to him when it is made available.

However, I can inform the Deputy that as of 21 March 2002, a total of 171 interview rooms in 97 Garda stations had been fitted out and, of these, 151 interview rooms were in use. By October 2002, this had increased to 214 interview rooms in 122 stations and, of these, 211 were in use on that date.

School Staffing.

233. **Mr. Kehoe** asked the Minister for Education and Science if a special allowance will be made in terms of staffing levels for a school (details supplied) in County Carlow which had 144 on the roll on 30 September 2005, has had 146 pupils on the roll since January 2006 and will have over 150 in September 2006; and if her attention has been drawn to the fact that the school currently has a spare classroom and would be able to accommodate an additional teacher if allocated. [11139/06]

Minister for Education and Science (Ms Hanafin): The staffing of a primary school is determined by reference to the enrolment of the school on 30 September of the previous school year. The actual number of mainstream posts sanctioned is determined by reference to a staffing schedule which is issued annually to all primary schools. The revised staffing schedule for the 2006-07 school year, circular 0023/2006, has been issued to all primary schools and is also available on my Department’s website.

According to data submitted to my Department by the board of management of the school referred to by the Deputy, the enrolment in the school on 30 September 2005 was 144 pupils. On the basis of this figure, the mainstream staffing for the 2006-07 school year will be a principal and four mainstream class teachers.

It is open to the board of management to submit an appeal under certain criteria to an independent appeal board which was established to adjudicate on appeals on mainstream staffing allocations in primary schools. Details of the

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criteria and application dates for appeal are contained in the staffing schedule circular. They are also available in circular 0024/2006, appeal board for mainstream staffing in primary schools, which is available on my Department's website. Hard copies of this circular will issue to primary schools shortly.

It is proposed that the first meeting of the appeal board will be held in May 2006. Further meetings will be held in July and October 2006. The closing dates for receipt of appeals are 12 May, 24 June and 18 October respectively. Appeals must be submitted to the primary payments section of the Department of Education and Science in Athlone, on the standard application form, clearly stating the criterion under which the appeal is being made. The standard application form is available from the primary payments section or on my Department's website.

The appeal board operates independently of the Minister and my Department and its decision is final. The Deputy will appreciate that it would not be appropriate for me to intervene in the operation of the independent appeal board.

Disadvantaged Status.

234. **Mr. Kehoe** asked the Minister for Education and Science when a decision will be made regarding disadvantaged status for primary schools; if her attention has been drawn to the fact that a school (details supplied) in County Carlow has requested that it be designated as disadvantaged especially considering that the girls school in the same town with the same families is classified as disadvantaged. [11140/06]

Minister for Education and Science (Ms Hanafin): Some 640 primary schools — 320 urban/town and 320 rural — have been invited to participate in the new school support programme under DEIS, delivering equality of opportunity in school, following the completion of the identification process. This new standardised system of identification will replace all of the existing arrangements for targeting schools for participation in initiatives to address educational disadvantage.

The school to which the Deputy refers is not among the 640 primary schools selected for participation in the school support programme. However, this school is among the schools receiving additional resources under pre-existing schemes and programmes for addressing concentrated disadvantage and will retain these supports for 2006-07. The efficacy of these supports will be kept under review.

As well as the provision being made under the new school support programme for schools with a concentrated level of disadvantage, financial support will be provided for other primary schools where the level of disadvantage is more dispersed. This support will be based on the

results of the new identification process and the arrangements which will apply in this regard will be notified to schools early in the autumn.

School Staffing.

235. **Dr. Twomey** asked the Minister for Education and Science if her Department will consider a fourth teacher for a school (details supplied) in County Wexford in view of the fact that it has a projected figure of 94 pupils for September 2006, which will exceed the figure to justify a fourth teacher; and if she will make a statement on the matter. [11141/06]

Minister for Education and Science (Ms Hanafin): The staffing of a primary school is determined by reference to the enrolment of the school on 30 September of the previous school year. The actual number of mainstream posts sanctioned is determined by reference to a staffing schedule which is issued to all primary schools each year.

According to data submitted to my Department by the board of management of the school referred to by the Deputy, the enrolment in the school on 30 September 2005 was 77 pupils. In accordance with the staffing schedule, circular 0023/2006, which has issued to all primary schools and is also available on my Department's website at www.education.ie, the mainstream staffing in the school for the 2006-07 school year will be a principal and 2 mainstream class teachers. It is open to the board of management to submit an appeal under certain criteria to an independent appeal board which was established to adjudicate on appeals on mainstream staffing allocations in primary schools. Details of the criteria and application dates for appeal are contained in the staffing schedule. They are also available in circular 0024/2006, Appeal Board for Mainstream Staffing in Primary Schools, which is available on my Department's website. Hard copies of this circular will issue to primary schools shortly.

It is proposed that the first meeting of the appeal board will be held in May 2006. Further meetings will be held in July and October 2006. The closing dates for receipt of appeals are 12 May, 24 June and 18 October, respectively. Appeals must be submitted to Primary Payments Section, Department of Education and Science, Athlone, on the standard application form, clearly stating the criterion under which the appeal is being made. The standard application form is available from primary payments section or on my Department's website.

The appeal board operates independently of the Minister and my Department and its decision is final. The Deputy will appreciate that it would not be appropriate for me to intervene in the operation of the independent appeal board.

Schools Building Projects.

236. **Mr. Kehoe** asked the Minister for Education and Science the reason a school (details supplied) in County Carlow was not offered a devolved grant even though it is a three teacher school and only has two classrooms; and her views on whether prefabs offer good value for money in the long term. [11142/06]

Minister for Education and Science (Ms Hanafin): I can confirm to the Deputy that the school to which he refers has applied to my Department for large scale capital funding. The proposed project was not included in a devolved scheme because a determination of the school's long-term needs and, hence, its suitability or otherwise for such a scheme had not been sufficiently advanced at the time decisions were required to be made on school selections for the schemes in question. The application has, however, been assessed in accordance with the published prioritisation criteria for large scale projects and progress on the proposed works is being considered in the context of the school building and modernisation programme from 2006 onwards.

In the meantime, approval has been given to the school for the rental of temporary accommodation to meet its immediate accommodation needs. This is a short-term rental agreement which will only remain in place until such time as the permanent accommodation needs of the school are met.

237. **Mr. Kehoe** asked the Minister for Education and Science the reason a school (details supplied) in County Carlow did not receive an allocation of funding for extension and refurbishment works as announced on 6 March 2006; where the school is in terms of the school building programme; when the next round of funding will be announced; if her attention has been drawn to the fact that the classrooms in the school are 34 metres squared and 30 metres squared approximately and are well below the recommended 76 metres squared; and if she will make a statement on the matter. [11143/06]

Minister for Education and Science (Ms Hanafin): The school to which the Deputy refers originally applied to my Department for capital funding for a multi-purpose room and the provision of ancillary accommodation. This application was assessed in accordance with the published prioritisation criteria for large scale building projects and assigned a band 3 rating.

However, in late 2005, the school indicated that it required two new classrooms and the conversion of existing accommodation to ancillary accommodation. The school was instructed to make a formal application to my Department in this regard using the required standard application documentation. This is still awaited. When

it is received, the application will be re-assessed and the project will be considered for progress in the context of the school building and modernisation programme from 2006 onwards.

School Services Staff.

238. **Ms O'Sullivan** asked the Minister for Education and Science if she will transfer the payment of school secretaries and part-time secretaries to the Department of Education and Science in order that all schools can afford to have this important support structure and that school secretaries can have job security; and if she will make a statement on the matter. [11144/06]

Minister for Education and Science (Ms Hanafin): Funding arrangements for voluntary secondary schools are structured mainly on the basis of capitation grants with additional grants for support services such as secretarial services. This provides schools with considerable flexibility as to the manner in which such services are provided to cater for the needs of their pupils. Secretaries employed by schools are employees of the individual schools and my Department does not have any role in determining the numbers employed nor the terms and conditions, including pay, under which they are employed. I do not consider that this funding arrangement should be replaced by a scheme of direct payment by my Department.

Significant improvements have been made in the level of funding to secondary schools. The standard *per capita* grant has been increased by a cumulative €24 per pupil since January 2005 and now stands at €298 per pupil. Under the school services support fund initiative the school services grant has also been increased since January 2005 by a cumulative €28 per pupil, bringing the grant from €131 per pupil to €159 per pupil. These grants are in addition to the *per capita* funding of up to €40,000 per school that is also provided by my Department to secondary schools towards secretarial and caretaking services.

A secondary school with 500 pupils now receives annual grants of up to €270,000 towards general expenses and support services, including secretarial services. These significant increases in the funding of secondary schools are a clear demonstration of my commitment to prioritise available resources to address the needs of schools.

Schools Building Projects.

239. **Dr. Twomey** asked the Minister for Education and Science if her Department has considered a second post-primary school for Gorey town; the stage planning is at; and if she will make a statement on the matter. [11145/06]

Minister for Education and Science (Ms Hanafin): I announced the provision of a new post-primary school for Gorey, which will be

[Ms Hanafin.]

delivered by way of a public private partnership. As I indicated in my statement on 29 September 2005 regarding this matter, it is my intention that the first bundle of schools — subsequently announced on 22 November 2005 — under my Department's PPP programme will be offered to the market in the first half of 2006 with other bundles being offered regularly thereafter between 2006 and 2009 to ensure a steady deal flow. The precise make-up of the bundles in terms of the number of schools in each, the geographical spread and the timing for delivery will be determined by my Department in consultation with the centre of expertise established within the NDFA. I will make further announcements in this matter as the year progresses.

Departmental Correspondence.

240. **Mr. Morgan** asked the Minister for Education and Science if she will provide full details of all representations from or meetings she has had with any representatives of the Open Republic Institute. [11191/06]

Minister for Education and Science (Ms Hanafin): I have not had any meetings with the Open Republic Institute, its directors or members of its academic board in their capacity as members of the institute.

Higher Education Grants.

241. **Mr. Wall** asked the Minister for Education and Science the grants available to a person (details supplied) in County Kildare in regard to the person's career; and if she will make a statement on the matter. [11201/06]

Minister for Education and Science (Ms Hanafin): My Department funds four maintenance grant schemes for third level and further education students. These are the higher education grants, HEG, scheme, the vocational education committees' scholarships scheme, the third level maintenance grants scheme for trainees and the maintenance grants scheme for students attending post-leaving certificate courses. The HEG scheme is administered by the local authorities on behalf of my Department. The other three schemes are administered by the vocational education committees.

Generally, students who enter approved courses for the first time are eligible for grants where they satisfy the relevant conditions as to age, residence, means, nationality and previous academic attainment. An approved third level course for the purpose of the HEG and the VEC scholarship schemes means a full-time undergraduate course of not less than two years duration and a full-time postgraduate course of not less than one years duration pursued in an approved

institution. The schemes outline their respective courses which are approved for grant purposes.

The decision on eligibility for third level grants is a matter for the relevant local authority or VEC. These bodies do not refer individual applications to my Department except in exceptional cases where, for example, advice or instruction regarding a particular clause in the relevant scheme is desired. If an individual applicant considers that he or she has been unjustly refused a maintenance grant, or that the rate of grant awarded is not correct, he or she may appeal to the relevant local authority or VEC.

Where an individual applicant has had an appeal turned down, in writing, by the relevant local authority or VEC, and remains of the view that the body has not interpreted the schemes correctly in his or her case, a letter outlining the position may be sent to my Department. Alternatively, the local authority or VEC may, in exceptional circumstances, seek clarification on issues from my Department. However, it is not open to me or my Department to depart from the terms of the maintenance grants schemes in individual cases. The candidate to whom the Deputy refers should apply to the relevant local authority or VEC to have his eligibility for grant aid assessed.

Pupil-Teacher Ratio.

242. **Mr. Quinn** asked the Minister for Education and Science the names and addresses of all primary schools in Meath, Cork city and county and Tipperary; the number of pupils per school; and the pupil-teacher ratio per school in the current school year. [11224/06]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy refers to pupil-teacher ratio at individual school level. However, a certain amount of *ex quota* teachers such as special needs and learning support teachers are shared between primary schools. In the official statistics, such teachers are recorded under the base school only. It is, therefore, not possible to give a completely accurate picture of pupil-teacher ratio at individual school level. These difficulties even out when data on pupil-teacher ratios are aggregated to county or county council level.

With regard to the areas of interest to the Deputy, the following pupil-teacher ratios applied in the 2004-05 academic year: County Meath, 20.2; Cork city, 16.7; Cork county, 19.2; and County Tipperary, 17.7. Part-time teachers are not included in these PTR figures. School lists with details on pupil enrolments are available on the Department of Education and Science website.

Schools Building Projects.

243. **Mr. Perry** asked the Minister for Education and Science the progress that has been

made on the provision of a new national school, in Dromore West, County Sligo (details supplied); and if she will make a statement on the matter. [11239/06]

Minister for Education and Science (Ms Hanafin): The building project for the school referred to by the Deputy is at an early stage of architectural planning. A revised stage 1-2-3 submission, developed sketch scheme, was received in my Department and is under review. When this review is completed my officials will be in further contact with the school authorities regarding the next steps involved in progressing this project. A decision on which school building projects will advance to tender and construction will be considered in the context of the School Building and Modernisation Programme 2006-2009.

Special Educational Needs.

244. **Mr. Lowry** asked the Minister for Education and Science the reason for not assigning a resource teacher to assist a child (details supplied) in County Tipperary; if she will reverse this decision and offer special education support to this child as a matter of urgency; and if she will make a statement on the matter. [11245/06]

Minister for Education and Science (Ms Hanafin): I understand that a meeting has been arranged with the local special educational needs organiser, the school authorities and the parents of the pupil in question to discuss the pupil's special educational needs. This meeting is due to take place in the coming days.

Schools Refurbishment.

245. **Mr. Connaughton** asked the Minister for Education and Science if consideration will be given to an application by a school (details supplied) in County Galway for an additional grant to complete works that had to be undertaken as a result of the extension and refurbishment of the school; if her attention has been drawn to the fact that this school needs a teachers' car park, a new front wall, new pass gates, a vehicle gate entrance, a concreted area for set down of maintenance equipment and the provision of tarmacadam in the entire area; if her attention has further been drawn to the fact that this school has contributed resources already towards the cost of the building and the area would not be able to sustain the collection of the funding needed to complete the ancillary works mentioned; and if she will make a statement on the matter. [11247/06]

Minister for Education and Science (Ms Hanafin): An extension and refurbishment project is nearing completion at the school referred to by the Deputy. The school has recently requested that some further works be done. My Department's technical staff has examined this

request and sought further information from the school management. On receipt of this information the matter will be considered further and the school management will be kept informed.

North-South Co-operation.

246. **Mr. Callely** asked the Minister for Education and Science the name of the person who sits on the National Youth Council of Ireland North-South endorsement panel for youth work training; and the roles of this person. [11255/06]

247. **Mr. Callely** asked the Minister for Education and Science if the National Youth Council of Ireland's newly established North-South endorsement panel has a programme of work for 2006. [11256/06]

Minister of State at the Department of Education and Science (Miss de Valera): I propose to take Questions Nos. 246 and 247 together.

The North-South Education and Training Standards Committee for the Professional Endorsement of Youth Work Training was established in October 2005 following detailed discussions between representatives of the national youth work advisory committee, Ireland, and the relevant agencies in Northern Ireland, namely, the Youth Council of Northern Ireland, YCNI, the National Youth Agency in Leicester and the Department of Education, Northern Ireland. The committee, based on an equal North-South partnership, comprises 20 members. Ten members from Ireland, representing the Department of Education and Science, the voluntary sector, the VECs, youth work practitioners and training institutions, were appointed in October 2005. The Northern membership was appointed by the Youth Council for Northern Ireland, YCNI, through its sub-committee, the youth work training board. A list of committee members representing Ireland is provided.

The role of the committee is, in the first instance, the professional endorsement of courses and programmes of education and training in youth work provided by higher education institutions. Guidelines and criteria for the approval or endorsement of programmes of education and training in youth work have been agreed. It is now open to providers of such programmes to apply to have their programmes and awards endorsed.

With regard to 2006, Dundalk Institute of Technology has sent a submission to the committee for professional endorsement of its youth work course. A small working group comprising members of the committee has been established to consider the submission. Other youth work training courses will be considered for professional endorsement later in 2006. Representatives from the South: Dr. Maurice Devlin (Co-Chair), Professor of Community and Youth Work Studies, National University of Ireland,

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Maynooth; Ms Mary Cunningham, the National Youth Council of Ireland; Mr. David Treacy, IVEA/CEOs' Association; Mr. Diarmuid Kearney, national youth work advisory committee; Mr. Peter Fuller, Dundalk Institute of Technology; Dr. Paul Burgess, University College, Cork; Mr. P. J. Breen, Department of Education and Science; Mr. Ray Devlin, youth work employer; Ms Fiona Scott, youth work practitioner; Ms Eleanor O'Sullivan, youth work practitioner.

Higher Education Grants.

248. **Mr. Carey** asked the Minister for Education and Science if a detailed re-examination of an application for a higher education grant will be arranged for a person (details supplied) in Dublin 11; the reason the five year old rule is being applied in this case; and if she will make a statement on the matter. [11298/06]

Minister for Education and Science (Ms Hanafin): My Department funds four maintenance grant schemes for third level and further education students. These are the higher education grants, HEG, scheme, the vocational education committees', VEC, scholarships scheme, the third level maintenance grants scheme for trainees and the maintenance grants scheme for students attending post-leaving certificate courses. The HEG scheme is administered by the local authorities on behalf of my Department. The other three schemes are administered by the vocational education committees.

Generally speaking, students who are entering approved courses for the first time are eligible for grants where they satisfy the relevant conditions as to age, residence, means, nationality and previous academic attainment. An approved third level course for the purpose of the HEG and the VEC scholarship schemes means a full-time undergraduate course of not less than two years duration and a full time postgraduate course of not less than one years duration pursued in an approved institution. The schemes outline their respective courses which are approved for grant purposes.

The decision on eligibility for third level grants is a matter for the relevant local authority or VEC. These bodies do not refer individual applications to my Department except in exceptional cases where, for example, advice or instruction regarding a particular clause in the relevant scheme is desired. If an individual applicant considers that she or he has been unjustly refused a maintenance grant or that the rate of grant awarded is not the correct one she or he may appeal to the relevant local authority or VEC.

Where an individual applicant has had an appeal turned down, in writing, by the relevant local authority or VEC, and remains of the view that the body has not interpreted the schemes

correctly in his or her case, a letter outlining the position may be sent to my Department. Alternatively, as already indicated, the local authority or VEC may, in exceptional circumstances, seek clarification on issues from my Department.

Under the terms of the third level student support schemes, clause 3.3 of the higher education grants scheme, a second chance student is defined as a student who, having attended but not successfully completed an approved course, is returning following a break of at least five years in order to pursue an approved course at the same level. I understand that the student referred to by the Deputy previously pursued a postgraduate course without securing a terminal qualification and subsequently commenced a further postgraduate course. As it is understood that the student did not have a five year break between the relevant postgraduate courses the candidate is not eligible to be considered for funding again until an equivalent period of study at postgraduate level has been completed.

Schools Building Projects.

249. **Mr. Quinn** asked the Minister for Education and Science when permission will be given to proceed with stage three of a building refurbishment programme for a school (details supplied) in Dublin 4; and if she will make a statement on the matter. [11303/06]

Minister for Education and Science (Ms Hanafin): The building project for the school referred to by the Deputy is at an early stage of architectural planning. The stage two submission has been received in my Department. However, my Department had a number of queries regarding decanting the school population for the duration of the building project. These issues were not addressed in the addendum to the stage two submission. My Department has sought clarification on these issues from the consultant architect. When this clarification is received my Department will be in a position to progress the project further.

A decision on which school building projects will advance to tender and construction will be considered in the context of the School Building and Modernisation Programme 2006 — 2009.

School Accommodation.

250. **Mr. Kehoe** asked the Minister for Education and Science the position regarding an application (details supplied); the stage the application of intent is at; when the person will hear from her Department; and if she will make a statement on the matter. [11304/06]

Minister for Education and Science (Ms Hanafin): The applicant to whom the Deputy refers has been informed by my Department that a review of educational provision in the area con-

cerned is being carried out by the school planning section of my Department. The application in question is being considered in this context. As soon as the review is complete, contact will be made again directly with the applicant.

Schools Building Projects.

251. **Mr. Hayes** asked the Minister for Education and Science the position with an application for funding for additional facilities for a school (details supplied) in County Tipperary. [11313/06]

Minister for Education and Science (Ms Hanafin): The application for additional facilities referred to by the Deputy is at an early stage of architectural planning. In October of 2005 my Department wrote to the school authorities concerning issues that needed to be addressed on a stage one or stage two submission, that is, an outline sketch scheme with costings. The school authorities' response was examined and discussed with them at a meeting with my officials in January of this year. At that meeting, the design considerations of the school in question, particularly with regard to the site, highlighted new concerns over the viability of further development because of effluent discharge.

In February of this year my Department wrote to the school authorities requesting that they carry out a site suitability test for the discharge of effluent to ground waters and when this is completed my Department will be in a position to further progress the proposed building project at the school.

252. **Ms Enright** asked the Minister for Education and Science when a building application submitted in 1999 by a school (details supplied) in County Cork which has just two permanent classrooms for 130 pupils will be considered; and if she will make a statement on the matter. [11319/06]

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. Additional information on the school's application has recently been received and this will enable a thorough assessment of the school's requirements to determine the projected long-term staffing on which the school's accommodation requirements for the future will be based. A decision will then be made on how best to meet the school's current and emerging accommodation needs. The project is being considered in the context of the School Building and Modernisation Programme 2006 — 2010.

Special Educational Needs.

253. **Mr. Boyle** asked the Minister for Edu-

cation and Science the supports and resources her Department offers third level institutions in the Cork region, in particular colleges of further education, to allow people with disabilities to fully access educational opportunities with all available courses. [11370/06]

Minister of State at the Department of Education and Science (Miss de Valera): The fund for students with disabilities, which is ESF-aided, was introduced in 1994. It provides funding to students with disabilities attending courses in Irish and British third level institutions and, since 1998, in post-leaving certificate centres. The fund is administered by the national office for equity of access to higher education. The purpose of the fund is to provide students with serious physical and/or sensory disabilities with grant assistance towards the cost of special equipment, special materials and technological aids, targeted transport services, personal assistants and sign language interpreters. To be considered eligible for the fund, an applicant must meet the prescribed criteria.

Applications for assistance are made by the individual students through the disability or access officer of a third level institution on registration. Decisions on applications are taken by the national office for equity of access to higher education and verified by an independent panel comprising representatives of agencies and individuals who have experience of working with people with disabilities. In 2004 and 2005 over €185,000 was provided to students attending post-leaving certificate courses in the Cork area.

The national office for equity of access to higher education was established within the Higher Education Authority in August 2003. The national office facilitates educational access and opportunity for groups who are under-represented in higher education, that is, those who are disadvantaged socially, economically or culturally, those with a disability and mature learners. The office works with the universities, the institutes of technology and all publicly funded institutions offering higher education programmes.

Access to higher education has been supported since 1996 by the strategic initiative funding scheme, previously the targeted initiative scheme, of the Higher Education Authority. The national office manages the funding of all access initiatives under this scheme. This funding has been one of the key sources of State support for higher education access. Between 1996 and 2005 almost €48 million was allocated to support activities in HEA-funded institutions to improve access by groups who are under-represented in higher education.

In 2005, €300,000 was allocated through the strategic initiatives scheme of the HEA to University College Cork to support the range of services and initiatives being provided by the

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college enabling persons with a disability to fully access and participate in higher education. The services being provided by UCC include a regional resource centre in assistive technology, which assesses and makes provision for the technological support needs of students with a disability in the college. The centre also provides a technological assessment, training and consultancy support service to students and staff in the institutes of technology and colleges of further education in the Cork region.

Other projects include a sports and recreational development programme, disability awareness training for staff, a careers support programme, a transport programme, a higher education support programme for students with disabilities which promotes independent learning, academic success and improved quality of life and an inter-institutional disability research project, with DIT and TCD, tracking the experiences of students with disabilities admitted through standard and special entry routes over the last three years. In 2004, UCC commenced a diploma course in disability studies in which 30 students are participating in centres both on and off campus. It is proposed to expand this programme in the future to five centres, thereby increasing pathways to higher education for a greater number of students with disabilities.

It is the Department's policy to seek to encourage and facilitate the participation of people with disabilities on programmes offered in the further education sector. Generally, issues of access for individuals to further education programmes are addressed at local level. In December 2005, special grants were provided by the Department to vocational educational committees, including County Cork Vocational Education Committee and City of Cork Vocational Education Committee, to upgrade services by the purchase of equipment and materials and the carrying out of refurbishment and minor structural works to enhance the provision for students with disabilities.

The vocational training opportunities scheme is primarily for unemployed people but people with disabilities are also a target group. Under the scheme, full-time courses of one or two years' duration are provided to participants to enhance their employability. The Department funds this scheme, which is administered through the vocational education committees, including County Cork Vocational Education Committee and City of Cork Vocational Education Committee. The back to education initiative provides part-time further education programmes for adults to give them an opportunity to combine a return to learning with family, work and other responsibilities. People with disabilities are one of the target groups of the programme.

Adult literacy schemes are administered by the 33 vocational education committees throughout the country. A total of 27 of them make provision

for persons with disabilities, including County Cork Vocational Education Committee and City of Cork Vocational Education Committee. In addition, adult literacy provision has been made for deaf people by way of a grant to the Irish Deaf Society to train tutors to give literacy tuition to deaf people through Irish sign language. A grant is awarded annually to the Dyslexia Association of Ireland as a contribution towards assessments.

School Enrolments.

254. **Aengus Ó Snodaigh** asked the Minister for Education and Science the reason for the decision to limit enrolment in the new primary school in Cherry Orchard (details supplied) to early education, junior infants and senior infants. [11388/06]

Minister for Education and Science (Ms Hanafin): The school to which the Deputy refers is scheduled to open in September 2006. When fully occupied, it will operate as a two stream, 16 classroom school. Normally, a new school only enrolls junior infants in its first year of operation to enable it to develop incrementally. This incremental development ensures that a shortage of accommodation at the school is avoided by an over-enrolment in the early stages and, crucially, that the enrolments and staffing levels in other schools in the area, where older pupils would inevitably be drawn, are not adversely affected.

As an exceptional matter in the case in question, however, a decision was taken to allow the school to enrol both junior and senior infants in September 2006. My Department is liaising with the management authority of the school in this regard. This decision was made because of the type of facilities the school is providing. My Department is otherwise satisfied that, in accordance with its remit, the totality of the primary accommodation available in the area provides sufficient places to cater for all those seeking admission.

Departmental Correspondence.

255. **Mr. Morgan** asked the Minister for Defence if he will provide full details of all representations from or meetings he has had with any representatives of the Open Republic Institute. [11192/06]

Minister for Defence (Mr. O'Dea): I have not received any representations from nor have I had meetings with any representatives of the Open Republic Institute.

Greenhouse Gas Emissions.

256. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government if it is true that Shell intends to cold leak approximately 238,000 kg of methane gas in the Irish

jurisdiction; if this is the case, if the Government has to pay the associated fine under the Kyoto Agreement; and the amount the fine will equate to. [11162/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Department of the Environment, Heritage and Local Government has no detailed information on the proposal referred to in the question. It is, however, probable that an installation proposing to emit this quantity of methane would be subject to integrated pollution and prevention control licensing by the Environmental Protection Agency. This licensing system is fully capable of having regard to necessary considerations of climate change policy.

Tribunals of Inquiry.

257. **Mr. Quinn** asked the Minister for the Environment, Heritage and Local Government if the Attorney General on behalf of the Government has had discussions with the Tribunal of Inquiry into Certain Planning Matters and Payments as to its intention to sit or act in divisions, as provided for by the Tribunals of Inquiry (Evidence) (Amendment) Act 2004; his present understanding of the merits and practicality of the option; and if he will make a statement on the matter. [11301/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Attorney General had discussions with the tribunal in question concerning the possible sub-division of the tribunal into a number of divisions, as provided for in the Tribunals of Inquiry (Evidence)(Amendment) Act 2004, in order to expedite its work. The tribunal confirmed to the Attorney General that it intends to utilise this power to sit in divisions when it is appropriate and practical to do so. The tribunal also stated that, since 2002, it has been engaged in public hearings relating to several related or interlinked modules and that it considered it appropriate to conclude these prior to considering sub-division. However, several modules are subject to judicial review proceedings.

The operation of the tribunal in divisions was provided for under the above legislation as a means of allowing the tribunal more rapidly to complete its work, with consequential savings in costs.

Departmental Correspondence.

258. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government if he will provide full details of all representations from or meetings he has had with any representatives of the Open Republic Institute. [11193/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Depart-

ment of the Environment, Heritage and Local Government has no record of having received representations from, or having had meetings with, the Open Republic Institute.

Water and Sewerage Schemes.

259. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the position regarding a project (details supplied) in County Mayo; the stages this project has gone through; when Mayo County Council made application for funding stage after stage; the position at present; and when he expects that funding will be provided for same. [11200/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Kiltimagh sewerage scheme is approved for funding in my Department's water services investment programme 2005-07 as a scheme to commence construction this year. My Department approved Mayo County Council's preliminary report and the preparation of contract documents for stage 1 of the scheme in February 2004.

The council's contract documents for the collection network were received in September 2005 and its tender documents for the proposed wastewater treatment plant — design build operate contract were received last month. Further consideration will be given to these documents on receipt of the additional information requested from the council in respect of the collection network contract documents in September 2005 and in respect of the overall scheme in February 2006. Approval of these documents will allow the council to invite tenders for the construction of the scheme.

Social and Affordable Housing.

260. **Mr. Quinn** asked the Minister for the Environment, Heritage and Local Government the number of social and affordable houses built or acquired under Part V of the Planning and Development Acts in 2004 and 2005; and the number of social and affordable houses built or acquired in County Meath, Cork city and county and Tipperary during the same period. [11225/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Information to end September 2005 on the number of social and affordable housing units acquired under Part V of the Planning and Development Acts 2000-04 in each local authority area is published in my Department's housing statistics bulletins, copies of which are available in the Oireachtas Library and also on the Department's website at www.environ.ie.

Provisional end-year data for 2005 indicate that 1,371 social and affordable units had been acquired by local authorities through Part V

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arrangements. The information requested on a number of specific areas is set out in the following table.

Local Authority Area	Part V Social and Affordable
Meath	17
Cork City	6
Cork County	156
Tipperary Nth.	8
Tipperary Sth.	7

Local Authority Housing.

261. **Mr. Quinn** asked the Minister for the Environment, Heritage and Local Government the longest waiting time for applicants on the housing list; and the average waiting time for applicants on the housing list of Meath County Council in January 2006. [11226/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The overall results of the 2005 housing needs assessment carried out in March 2005 are available on my Department's website at www.environ.ie. More comprehensive data on the assessment, including details of the length of time applicants are on waiting lists, will be published shortly in the annual bulletin of housing statistics and on the Department's website.

Noise Regulations.

262. **Mr. Carey** asked the Minister for the Environment, Heritage and Local Government the regulations in place which can be invoked by residents who are living beside blocks of student apartments, which are privately owned by an investor and where the student residents create loud noise especially late at night and at weekends; and if he will make a statement on the matter. [11295/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Section 107 of the Environmental Protection Agency Act 1992 provides local authorities with powers to require measures to be taken to prevent or limit noise. These powers are generally exercised in preventing and limiting noise from commercial and industrial premises within their functional areas.

Under the Environmental Protection Agency Act 1992 and Noise Regulations 1994, a local authority or any person may seek an order in the District Court to have noise giving reasonable cause for annoyance abated. The procedures involved have been simplified to allow action to be taken without legal representation. A public information leaflet outlining the legal avenues available to persons experiencing noise nuisance

is available from my Department and on the Department's website, www.viron.ie.

Provisions in the Residential Tenancies Act 2004 concerning anti-social behaviour, in the context of tenant and landlord obligations, may also be relevant, depending on the circumstances.

Vehicle Registration.

263. **Mr. Quinn** asked the Minister for the Environment, Heritage and Local Government the reason the NCTS reports that it takes up to one year for it to receive notification of a change of vehicle ownership from his Department; the steps he intends to take to ensure that change of ownership notifications to NCTS are processed as quickly as possible in order that the car owners receive proper notification of due national car tests; if the delays are due to problems in manual or automated systems; the steps, both manual and automated, that take place from the date of receipt of a change of ownership notification at his Department in order to fully propagate the change through all systems, including to the Departments of Finance and Transport and other agencies routinely notified by his Department of a change of ownership; the average and maximum time each step takes; and if he will make a statement on the matter. [11302/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Recording of changes of vehicle ownership on the national vehicle and driver file, NVDF, takes place centrally at the offices of my Department in Shannon, County Clare. In excess of 22,000 such notifications are received each week. There is no undue delay in updating the NVDF records, which are manually updated, and a vehicle registration certificate issues to new owners within five working days of receiving the notifications. As an extension of the successful online motor tax service for first taxing and renewal of tax, I am currently examining options to enable approved motor dealers to notify ownership changes to vehicles purchased and sold by them.

Relevant NVDF extracts are transmitted electronically to the national car testing service, NCTS. Initially in mid-year, in order to facilitate NCTS planning and test roster arrangements, a major file is sent containing details of all cars scheduled for testing in the following year. This file is supplemented on a weekly basis with details of changes, including changes of ownership, which occur subsequently. Work is currently underway further to enhance the data exchange arrangements between the NVDF and NCT systems. The new arrangements will include the facility to furnish NVDF updates to NCTS on a daily basis.

Traveller Accommodation.

264. **Mr. Morgan** asked the Minister for the

Environment, Heritage and Local Government his views on Waterford City Council including in its new Traveller accommodation programme a stipulation that the council will not build halting sites until it can demonstrate it can manage its existing sites; and if he has exercised, or sought to exercise, his powers under section 18 of the Housing (Traveller Accommodation) Act 1998 to require that Waterford City Council amend its accommodation programme to remove this stipulation. [11317/06]

265. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government the actions he has taken to address the concerns raised about the new Traveller accommodation programme adopted by Waterford City Council in respect of correspondence from the Waterford city local Traveller accommodation consultative committee. [11318/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 264 and 265 together.

My Department's role on Traveller accommodation is to ensure that adequate legislative and financial provisions are in place to enable local authorities to meet the accommodation needs of Travellers. The Housing (Traveller Accommodation) Act 1998 put in place the structures to enable local authorities to provide accommodation for Travellers across the full range of accommodation options, including standard social housing and Traveller specific accommodation. In support of this, my Department, in addition to funding social housing generally in which Travellers are accommodated, provides 100% capital funding to local authorities for the provision of new Traveller specific accommodation and the refurbishment of existing Traveller specific accommodation to modern standards.

Subject to the provisions of the 1998 Act, it is a matter for local authorities to prepare, adopt and implement their Traveller accommodation programmes. In common with all other relevant housing authorities, in 2005 Waterford City Council adopted its second Traveller accommodation programme to cover the period from 2005 to 2008.

I understand the Waterford City area has two existing halting sites and the council is actively seeking an alternative location for one of these sites. It is hoped that early progress will be made on that issue and any requests for funding for an alternative halting site will receive speedy attention. With funding from my Department in excess of €1.5 million, major refurbishment and redevelopment works were carried out on the other site by the council in 1999 and 2000. While these works were substantially completed, the council has not been in a position to finalise them due to persistent problems on the site.

The council has now commenced an active programme to address the issues of ongoing concern. As part of this, the council undertook a major clean-up of the site late last year and recently implemented new management and maintenance structures for the site. Ongoing discussions are taking place with the residents and the local Traveller support group with a view to determining how to proceed with any refurbishment and redevelopment works which may now be necessary. Any requests for funding for works aimed at completing the refurbishment of this halting site will receive positive attention in the context of an effective management and maintenance scheme being put in place.

As a further measure I expect to approve at an early date the council's request for funding to allow construction work to commence on a total of seven Traveller specific houses in three schemes. My Department maintains contact with Waterford City Council on the implementation of its Traveller accommodation programme. The measures to be advanced in this programme will be important in addressing the full range of Traveller accommodation issues in Waterford city. In the circumstances, I do not consider that resort to section 18 of Housing (Traveller Accommodation) Act 1998 would assist the progress of the programme at this stage.

Local Government.

266. **Mr. Boyle** asked the Minister for the Environment, Heritage and Local Government if members of a town council are obliged to receive regular written reports on works undertaken by the overseeing county council in its administrative area. [11365/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): While there is no specific legislative provision obliging county councils to provide town authorities with such reports, one of the objectives of the Local Government Act 2001 was to strengthen town local government and provide for linkage and cooperation with the county in the delivery of more integrated and improved service to the public for both the town and its surrounding areas.

A town council has specific opportunities to be informed of activities undertaken by the county council in the administrative area of the town council through statutory membership by its cathaoirleach of the relevant county council area committee and through participation by town council members on strategic policy committees, SPCs. Given that the county manager has responsibility for the borough and town councils within the administrative area of the county, I consider it good practice that town councils are supplied with relevant information along the lines suggested.

Water Quality.

267. **Mr. Boyle** asked the Minister for the Environment, Heritage and Local Government the actions his Department has taken regarding the high levels of aluminium found in drinking water in Youghal, County Cork. [11366/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Local authorities are responsible for the operation and maintenance of individual water supply systems and for the compliance of drinking water supplies with prescribed EU and national quality standards. The duty on local authorities to take the necessary measures to ensure that drinking water meets these standards is performed under the general supervision of the Environmental Protection Agency. The agency publishes a report annually on the quality of drinking water in Ireland and a copy of its most recent report, for the year 2004, is available in the Oireachtas Library. Regarding the Youghal supply, the EPA notes that Cork County Council instigated a corrective action programme involving the installation of additional treatment capacity at the plant aimed at resolving the aluminium problem.

Archaeological Sites.

268. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government his proposals regarding a full excavation of the Viking site at Woodstown, County Waterford;

and if he will make a statement on the matter. [11372/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to Question No. 660 of 25 October 2005. The working group I established to advise on the most appropriate strategy for the future preservation and management of the Woodstown site has met twice. The group comprises two senior archaeologists, including my Department's chief archaeologist; a senior archaeologist from the National Roads Authority; two representatives of the National Museum of Ireland, including the museum director; a representative each from Waterford City and County Councils and the Heritage Council and an independent archaeologist.

The group is chaired by the principal officer of the national monuments section in the Department. The group recently completed a targeted public consultation of bodies, groups and individuals which it considered to have a direct or expert interest in the site, including academics and experts in related archaeological and historical fields, local historical societies, the Royal Irish Academy, the Royal Society of Antiquarians, An Taisce and various local bodies and interests. The group received 18 responses, which it is considering. In preparing its report I understand the group will consider all options up to and including, but not limited to, full excavation. It is intended that the group will provide me with an interim report next month and a final report by end of June 2006.