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Thursday,
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DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Thursday, 11 May 2006.

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DÁIL ÉIREANN

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Déardaoin, 11 Bealtaine 2006.
Thursday, 11 May 2006.
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Chuaigh an Ceann Comhairle i gceannas ar 10.30 a.m.

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Paidir.
Prayer.
 —————

Requests to move Adjournment of Dáil under Standing Order 31.

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

Mr. Stagg: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the fact that a new 16-classroom school in Naas, Scoil Bhríde, stands idle other than the infants class while more than 400 pupils are educated in prefabs and substandard and overcrowded facilities in that town; the failure to utilise the school fully before 2013 if the present enrolment policy continues; the need for the five other primary schools in the catchment area to agree a common enrolment policy; and in the absence of such an agreement, the need for the Minister for Education and Science to intervene directly to impose an enrolment policy that will enable the new school to open fully in September 2006.

Mr. Durkan: Hear, hear.

Ms McManus: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the need for the Minister for Education and Science to decide to recognise Gaelscoil na Lochanna in Blessington, County Wicklow, in view of the high number of children already enrolled in the school and the significant efforts which have been made by parents to raise funds for a permanent site.

Mr. Connolly: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the problems encountered by people suffering from chronic debilitating illnesses such as MS; the effect of such illnesses on the social lives, emotional stability, financial resources and physical health of the families of those affected if they are deprived of medical cards in their own right; the complexity and difficulty of the efforts of care givers and receivers to

cope with long-term illnesses; the expense involved in consulting numerous specialists which involves endless tests and hospitalisations before any decision is made on a diagnosis; the loss to such people of their independent means of earning a living; and the need for the Government to give medical cards to chronically ill people with severe debilitating conditions in their own right.

Ms C. Murphy: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the need for immediate change in the manner in which the disabled person's grant is assessed and paid — one third of the grant is paid by local government and the balance by central government — given that the inability of some local authorities to pay one third of the grant is resulting in a lack of equity; the need to rewrite the guidelines for the scheme, which are based on wheelchair disability, meaning that much of the time of occupational therapists who assess those with ambient disabilities is wasted on writing arguments to help people qualify, to avoid wasting the time of key professionals; and the need to revise this necessary scheme, which keeps people at home and helps them to stay independent, as a matter of urgency.

Mr. F. McGrath: Hear, hear.

Dr. Cowley: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the failure of the State to provide clean water to the people of Ballycroy, County Mayo, where many dependent and ill older people live; and the urgent need for potable water to be supplied in tankers pending the switching on of the new group water scheme on 7 November 2006.

Mr. McGinley: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the need to increase Garda numbers in County Donegal to counteract the escalating number of incidents of anti-social behaviour throughout the county, which is partly due to the fact that there are fewer gardaí serving in the county at present than there were in 1997.

Mr. Durkan: Hear, hear.

Mr. Gogarty: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter which I have raised previously in the House but will raise again now in the presence of the Minister for Arts, Sport and Tourism, Deputy O'Donoghue: the need for the Minister to address the skewed priorities of the Department of Arts, Sport and Tourism which allocates an embarrassing 37% of its funding to the hugely profitable dog and horse racing industries, and the need to spend such moneys on people, for example by spending additional funding on swimming pools in neglected communities

[Mr. Gogarty.]

and on other much-needed sports facilities rather than gambling with the futures of our children.

Mr. Boyle: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the need for the Tánaiste and Minister for Health and Children to explain to the House the reasons an additional €1 million is not being given to the southern area of the Health Service Executive to provide for the immunisation of new-born children against the acquisition of tuberculosis, especially as it is the only region of the country where such a service is not provided.

Mr. Sargent: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the actions of this Government which have led to this country now having a record level of vulnerability and dependency on imported energy; the fact that 90% of the energy used in this country is imported; the need for the Government to shift gear urgently to prioritise the maximum possible decrease in energy demand by means of proper planning and reductions in wastage; the need for this country to harness its potential, such as wind power and the maximum south-facing roof space that can be used for solar water heating; the need for an investigation into the policy failures which have led to breakdowns in the new but inefficient peat stations at Shannonbridge and Lanesborough, especially given that the cost of wind energy is subsidising these peat stations; and the scandalous abuse of power I have outlined, which is tantamount to national sabotage.

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

Mr. Sargent: It is a very urgent matter.

Order of Business.

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): It is proposed to take No. 2, Health (Nursing Homes) (Amendment) Bill 2006 — Order for Second Stage and Second Stage; and No. 1, European Communities (Amendment) Bill 2006 — Second Stage, resumed.

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

Mr. Kenny: I have received correspondence from the Lord Mayor of Dublin in respect of the Children Act. No facilities have been provided in the Dublin 10 area for the vetting of community employment child care workers, whether national or non-national. Something needs to be done about this. The Minister of State with responsibility for children, Deputy Brian Lenihan, prom-

ised the provision of additional staff for the Garda central centra vetting——

An Ceann Comhairle: The Deputy must speak on legislation.

Mr. Kenny: This has to do with the Children Act.

An Ceann Comhairle: What is the query on the Children Act?

Mr. Kenny: The query is that the Minister of State with responsibility for children gave a commitment that extra facilities——

An Ceann Comhairle: The query should be on legislation.

Mr. Kenny: I want to explain the query.

Mr. O'Donoghue: No legislation is promised.

An Ceann Comhairle: No legislation is promised. It does not arise on the Order of Business. I suggest the Deputy submits a question to the Minister of State with responsibility for children.

Mr. Kenny: That has to do with part of the Children Act which is not implemented by the Government.

Mr. Durkan: It is in legislation — secondary legislation.

Mr. Kenny: It is not promised legislation, it is being implemented. The Minister of State with responsibility for children promised extra staff for the Garda central vetting unit.

An Ceann Comhairle: Is the Deputy concerned about secondary legislation?

Mr. Kenny: I want to inform the Minister that there are community employment schemes in the Dublin 10 area——

An Ceann Comhairle: It does not arise. I ask the Deputy to resume his seat. He knows he is being disorderly.

Mr. Kenny: ——brought to my attention by the Lord Mayor of Dublin, with no facilities for vetting children.

An Ceann Comhairle: I call on Deputy Rabbitte.

Mr. Kenny: I have two other queries.

An Ceann Comhairle: I hope they are appropriate to the Order of Business.

Mr. Durkan: That was appropriate.

Mr. S. Power: It was not appropriate.

Mr. Kenny: I know the Ceann Comhairle comes in here on Thursday deliberately to stymie debate, which his other—

(Interruptions).

Mr. Kenny: All right, but the Ceann Comhairle is much more restrictive than, shall we say, the Leas-Ceann Comhairle.

An Ceann Comhairle: The Chair is responsible for implementing Standing Orders laid down by the House. If the House decides it wants omnibus Question Time on a Thursday, nobody will be more delighted to implement that than me.

Mr. Kenny: I want to ask the Minister, Deputy O'Donoghue, when it dawned on the Department of Finance that it was not practical to move probation officers to Navan.

An Ceann Comhairle: That is not appropriate to the Order of Business either.

Mr. Kenny: Is it going to dawn on the Department that there are 50 valuers in Dublin who are supposed to move to Youghal, of which one has applied—

An Ceann Comhairle: That matter does not arise. I call Deputy Rabbitte.

Mr. Kenny: I assume they all—

An Ceann Comhairle: Deputy Kenny is out of order. The questions are appropriate to—

Mr. Kenny: The Chair's interpretation of Standing Orders—

Mr. S. Power: Such hyperbole is all right in Citywest.

Mr. Kenny: When will Fáilte Ireland move to Mallow?

Mr. Durkan: Is he for or against it?

An Ceann Comhairle: It does not arise. I call on Deputy Rabbitte.

Mr. Durkan: On promised legislation.

Mr. Rabbitte: Why is the Minister sitting on the Tim Dalton report, so to speak, and when will it become public? As a result of the report, does he envisage changes to the board of Bord na gCon?

On promised legislation and against the background of the indolent reply from the Minister for Finance on "Questions and Answers" and the Taoiseach's confused response yesterday, will the Government introduce legislation to prevent the trafficking of women for sex to prevent the type of disgraceful scenes we saw depicted on a very good example of public service broadcasting by "Prime Time" during the week? When will such

legislation, in keeping with our EU obligations, be brought before the House?

Mr. O'Donoghue: To deal with the latter question first, the issue of trafficking is not explicitly provided for under Irish law at present. However, a range of offences are involved in any trafficking activity which can be prosecuted under current legislation, including assault, sexual assault and false imprisonment. I understand legislation is being prepared in the Department of Justice, Equality and Law Reform—

Ms Burton: It is two weeks since—

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

Mr. O'Donoghue: —which will create a specific offence of trafficking human beings into, through or out of Ireland for the purpose—

Mr. McCormack: The Minister is interpreting himself.

An Ceann Comhairle: If the Deputy does not want to listen to the Minister, I shall have to ask him to resume his seat. There is no point—

Ms Burton: When will it be?

Mr. Gogarty: A good many shipments later.

An Ceann Comhairle: The Minister is entitled to the courtesy of being heard by the people who want to hear him.

Mr. O'Donoghue: As I was saying, legislation is being prepared in the Department of Justice, Equality and Law Reform which will create a specific offence of trafficking human beings into, through or out of Ireland, for the purposes of their sexual and labour exploitation. As to when, the legislation is at an advanced stage of preparation. It will provide for compliance with two EU framework decisions on trafficking and will also take account of several United Nations and Council of Europe instruments in this area.

As regards the Dalton report to which Deputy Rabbitte referred, there is no question of anybody sitting on it, so to speak. The report has been considered within the Department of Arts, Sport and Tourism. Discussions have taken place with the Attorney General on the report and I have been advised that I should write to those mentioned in it to advise them of the contents in so far as they relate to each individual. They will have a sufficient period to reply, whereupon the Government will consider the matter.

I have stated from the outset that it will be necessary that each individual receives due process. That has been the case throughout. Now that we are nearing finality and coming towards the publication of the report, it is obviously important that we observe those procedures.

[Mr. O'Donoghue.]

Incidentally, I greatly welcome Deputy Rabbitte joining the growing band of greyhound racing fans in the country. I have not noticed him of late at Shelbourne Park, Harold's Cross or any other greyhound track. I take it his interest stems from his coursing of the odd hare around here. Indeed he has turned the odd one as well.

Mr. Rabbitte: I am delighted to see the Minister disports himself so frequently on the greyhound tracks of Ireland. It is plain to see that he has not got a great deal else to do, but—

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

(Interruptions).

Mr. Rabbitte: On a very serious matter, will the legislation to prevent the trafficking of women come before the House this session or this year?

Mr. O'Donoghue: It is not envisaged that this legislation will come before the House this year, but in the immigration area I understand that an immigration and residence Bill will come before the House in 2006.

Mr. Sargent: I have been asked by the members of Fingal County Council to raise a matter about forthcoming legislation. They sent a letter. There are quite a number of Fianna Fáil councillors on the council, so I am interested to learn from the Minister's response whether he is listening to them.

An Ceann Comhairle: What is the legislation?

Mr. Sargent: They are opposed to the Planning and Development (Strategic Infrastructure) Bill. It has come from the Seanad. Will the Government withdraw it in response to the wishes of members of the Minister's party? It did not need it to make a bag of the peat stations, the port tunnel, the Ringsend treatment plant or the National Aquatic Centre, so God help what the Government will do now once the legislation is available to it. Will the Government consider withdrawing the Bill in a democratic fashion?

Mr. McCormack: It has gone to the dogs.

Mr. Durkan: It is to be a broad spectrum reply.

Mr. O'Donoghue: My understanding is that it will be this year.

An Ceann Comhairle: I call Deputy Crawford.

Mr. Crawford: I appreciate the Ceann Comhairle calling me today.

Mr. Durkan: As opposed to yesterday.

Mr. Crawford: In light of the problems immigrants have with language, driving and everything else, when will the immigration (Ireland) Bill be brought before the House? Given the scandal raised this morning by my colleague from Monaghan of multiple sclerosis patients not getting medical cards, when will the eligibility for health and personal social services Bill be published so that this issue may be discussed? In the light of the difficulties with trade, when will the consumer protection Bill be brought before the House? I believe the Minister for Enterprise, Trade and Employment, Deputy Martin, will be interested in that.

Mr. O'Donoghue: The immigration Bill will be this year.

Ms O'Sullivan: The Institutes of Technology Bill has already been published. I know that staff, students and directors of the institutes are anxious that the Bill should go through before the summer recess. Will the Minister say whether it is intended that this Bill will be introduced in the near future and that it will be dealt with before the summer?

Mr. O'Donoghue: It will be introduced this session.

Caoimhghín Ó Caoláin: The hepatitis C and HIV compensation tribunal amendment Bill was promised in the last term. It is promised now again in this term, namely, the summer session. Will the Minister say when the Bill will be published and when it will make its way before Members of the Oireachtas?

Mr. O'Donoghue: It will be this session.

Mr. Durkan: Will the Minister indicate to the House what is likely to happen following the disablement of two major power stations in the midlands—

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

Mr. Durkan: It does, and there is promised legislation.

An Ceann Comhairle: It does not arise. What is the legislation?

Mr. Durkan: When I finish the sentence I shall come to it. On health and safety grounds—

An Ceann Comhairle: The Deputy must quote the legislation. He cannot make a Second Stage speech.

Mr. Durkan: This is likely to affect the power grid for the entire country.

An Ceann Comhairle: It should be raised in the appropriate way.

Mr. Durkan: These are power stations that have been recently commissioned and they have cost taxpayers a significant amount of money—

An Ceann Comhairle: I am sorry but the Deputy is being disorderly.

Mr. Durkan: —in addition to the private investors. The consumer is awaiting the outcome. The legislation to which I refer is the single electricity market Bill.

An Ceann Comhairle: The Minister to reply on the single electricity market Bill.

Mr. Durkan: Will the Minister indicate to what extent the availability of electricity from these power stations and possibly other stations to be constructed in a similar fashion is likely to be affected in the overall single market?

An Ceann Comhairle: The Minister to reply on the single electricity Bill.

Mr. Durkan: And on the stations and how they affect us.

Mr. O'Donoghue: This session.

Mr. McCormack: It will be a busy session.

An Ceann Comhairle: The Deputy should submit an appropriate question to the Minister.

Mr. Durkan: That is a most comprehensive answer.

Ms Lynch: Is the Minister aware that despite a recent court decision the legislation to enable local authorities to sell flats to long-term tenants is still not in place? When is the Bill expected to come before the House, and will he make it a matter of priority?

Mr. O'Donoghue: Will the Deputy name the Bill?

Mr. Quinn: The Housing (Miscellaneous Provisions) Bill.

Ms Lynch: The Housing (Miscellaneous Provisions) Bill.

Mr. McCormack: The Minister did not even know.

Mr. O'Donoghue: That was enacted in 2004.

Ms Lynch: No, it was not.

Mr. Kitt: There is one underneath it.

An Ceann Comhairle: I am sorry. Deputy Kitt is out of order. Deputy Lynch has the floor.

Mr. O'Donoghue: If the Deputy is referring to the Housing (Miscellaneous Provisions) Bill, it is due for publication next year.

Mr. Quinn: Legislation is required. It is on the desk of the Minister of State, Deputy Noel Ahern.

Ms Lynch: No. A Cheann Comhairle, this area clearly needs legislation. It is No. 47 on the Order Paper. It would be better if the Minister read it rather than jumping up and down. It will also give local authorities enhanced powers to deal with anti-social behaviour about which the Minister appeared to be most concerned when he was Minister for Justice, Equality and Law Reform—

An Ceann Comhairle: The Deputy should allow the Minister to reply on promised legislation.

Ms Lynch: —but in which he has completely lost interest.

An Ceann Comhairle: Deputy Lynch should allow the Minister to answer the question.

Mr. O'Donoghue: I would not have to jump up and down if the Deputy had named the Bill to which she was referring.

Ms Lynch: I just did.

Mr. Stagg: It is up to the Minister to read his brief and know the Bill.

An Ceann Comhairle: The Minister should be allowed to reply without interruption.

Mr. O'Donoghue: Deputy Stagg may have clairvoyants in his party but there are none in mine. The Bill is due in 2007.

Mr. Durkan: The Government side is a most impressive bunch this morning.

Ms Lynch: I am sorry, a Cheann Comhairle, but I do not—

An Ceann Comhairle: The question on the legislation has been answered.

Ms Lynch: No, it has not. It has been answered by the Whip, it has not been answered by the Minister.

An Ceann Comhairle: It has been answered by the Minister. He said the Bill is due in 2007.

Mr. Stagg: He has to be told three times before he can hear it.

Ms Lynch: I understand that Deputy Kitt had his hand up the back of the Minister's jumper but I would like him to answer.

Mr. O'Donoghue: As long as it was not in my pocket it is okay.

Ms Lynch: This is not "Bosco".

An Ceann Comhairle: I call Deputy Catherine Murphy.

Ms C. Murphy: When is the Law Reform Commission report on management companies expected, because it is required before legislation can be drawn up, and will the recommendations be published?

Is it likely that the debate on Transport 21 which was postponed will be recommenced in this session or will it be held off until the autumn? I hope it will be this session.

Mr. O'Donoghue: I understand it will recommence next week. I will not hazard a guess on when the Law Reform Commission report will appear.

Ms C. Murphy: When the Fine Gael motion on management companies was debated we were told there was a postponement of nine months so that everything could be put in place to allow legislation to be enacted. Not hazarding a guess is a bit vague. Either legislation is due in nine months or it is not.

Mr. O'Donoghue: I will ask the Minister for Justice, Equality and Law Reform to revert to the Deputy.

Mr. Gogarty: The debate on transport is a sham.

Mr. O'Donoghue: He may be able to say when the report will be available. The matter is a most difficult one. Most of the issues with which the Law Reform Commission deals are extremely complex. That is why I said I would not hazard a guess. Obviously the legislation based on the report cannot be drawn up until the report is available but I will ask the Minister for Justice, Equality and Law Reform to communicate with Deputy Murphy in this regard.

An Ceann Comhairle: Perhaps the Deputy can table a question to the Minister for Justice, Equality and Law Reform. It is not a matter for the Order of Business when reports are available in the House unless they have been promised to it.

Mr. Bruton: This may be an opportunity for the Minister to be a little more expansive. Can he amplify what is the legislative programme in his Department because it amazes me there is not a

single reference to his Department anywhere in the legislative programme?

Mr. Quinn: He is too busy. He does not do legislation as he goes racing all the time.

Mr. Bruton: Has he abandoned all legislation? Is he too busy—

Mr. Stagg: He is at the dogs every night.

Mr. Martin: Better regulation is less regulation.

Mr. Bruton: When Deputy O'Donoghue was Minister for Justice, Equality and Law Reform he put a number of important items of legislation into the Government programme, the corruption Bill that was to be produced, the one nationwide indictable crimes court Bill, the new legislation to enable the DPP to appeal against sentences in the District Court and a number of other Bills. What has happened to these Bills, as five years on from when they were listed in the Government legislative programme they do not appear to be receiving any priority? Has the change of Minister resulted in these Bills falling away?

Mr. Eamon Ryan: He is in trouble.

Mr. O'Donoghue: I will deal with my area. The Bill relating to Abbotstown is before the House.

Mr. Gogarty: Put a fiver on the 3.10.

Mr. O'Donoghue: I will ask the Minister for Justice, Equality and Law Reform what his intentions are in regard to other legislation.

A Deputy: Deputy O'Donoghue is taking the Order of Business.

Mr. O'Donoghue: That relates to legislation which has formally been promised. It is true that I introduced much legislation while I was Minister for Justice, Equality and Law Reform.

Mr. Stagg: It never got out of the traps.

Mr. O'Donoghue: I was obliged to introduce a great deal of legislation in the justice area as well when I was Opposition spokesperson on justice.

Mr. Hayes: Zero tolerance.

Mr. Durkan: The reference has been noted.

Mr. S. Power: Deputy Kenny should disown that one.

Mr. Gormley: In regard to the Housing (Miscellaneous Provisions) Bill, did the Minister say this would be published before the election?

Mr. O'Donoghue: It will be published in 2007.

Mr. Gormley: The Taoiseach has said there will be an election in 2007. Will the Bill be published early in 2007?

Mr. O'Donoghue: The heads of the Bill are expected soon and I hope it will be published in 2007.

Mr. G. Mitchell: As we have a liberal Minister taking the Order of Business, will he indicate when it is intended to publish the votes for prisoners Bill which has been promised?

Mr. Stagg: The Minister did not even read the brief before he came here.

Mr. Gormley: The register will have to be fixed first.

Mr. Martin: Deputy Mitchell must be coming back.

Mr. Stagg: The Minister may as well let the officials answer it.

Mr. Durkan: Who is in control over there?

Mr. O'Donoghue: I do not think there is a specific Bill on this matter. The title is clearly different. Obviously Deputies feel I have the capacity to answer questions once I am given a general lead but I cannot do it.

Mr. Stagg: He is worse than Deputy Woods.

Mr. G. Mitchell: On a point of order, the Minister for the Environment, Heritage and Local Government and the Tánaiste told the House they would not proceed with my Bill because the Government had a Bill which it intended to publish. I would expect that would be done by collective responsibility. The Minister should know that. When will we see the Bill?

Mr. O'Donoghue: I will not say to Deputy Mitchell that if he asks me the right question I will give him the right answer but if he tells me which Bill he is speaking about and gives me its correct title I will try to answer it. There are two Bills relating to prisons, neither of which mentions votes. There is the Prison (Services) Bill and the Prisons Bill 2005, which is in the Seanad.

Mr. Stagg: Try looking under "vote".

Mr. G. Mitchell: Prisoners begins with "P".

Mr. O'Donoghue: Perhaps the Deputy should visit more often.

Mr. McCormack: Give the Minister a break.

Mr. M. Higgins: I wish to ask about promised legislation.

Mr. Durkan: That is familiar territory.

Mr. M. Higgins: The United Nations Convention against Corruption has been indicated for signature and ratification. I also wish to ask about the optional protocol to the United Nations Convention against Torture. The terms of the Good Friday Agreement require human rights legislation North and South to be on the same level. Is the Minister concerned that in the case of the second one we are not in harmony as Britain has gone ahead with the Convention against Torture? Ireland is out of step in this regard which is in breach of the Good Friday Agreement. Will the Minister indicate when we will sign and ratify both conventions?

Mr. O'Donoghue: I will ask the Minister for Foreign Affairs to communicate with Deputy Higgins in regard to that matter.

Mr. Stagg: It was hardly worth the Minister's while coming in.

Mr. O'Donoghue: No legislation has been promised in regard to that issue.

Mr. M. Higgins: On a point of order, this matter has previously been raised on the Order of Business and it has been promised from the Government benches that the United Nations Convention against Corruption would be signed shortly. It has also been suggested that making human rights legislation North and South coterminous with each other would be done in the lifetime of the Government. It is not true to say there is no promised legislation. There is both promised legislation and an obligation—

An Ceann Comhairle: The Deputy has made his point.

Mr. G. Mitchell: That is two Bills the Minister knows nothing about.

Mr. M. Higgins: It is quite outrageous that the Minister can be dismissive of a breach of the Good Friday Agreement.

Mr. Gogarty: Given that the Minister for horse and hounds is presiding—

An Ceann Comhairle: The Deputy should respect all Members, including Ministers.

Mr. Gogarty: The Minister for Arts, Sport and Tourism is presiding and tourism comes under his remit. While vast amounts are spent on marketing, the country is still in a right state in terms of litter.

An Ceann Comhairle: Has the Deputy a question on legislation?

Mr. Gogarty: Yes, I am tracing the background. I ask for the same leeway that was given to the European Commissioner yesterday.

An Ceann Comhairle: If the Deputy would like to bring in a Standing Order to give him special leeway and it is agreed, I will certainly do that, otherwise he cannot be facilitated.

Mr. Gogarty: I had the record of the House corrected on this issue when the Tánaiste said——

An Ceann Comhairle: The Deputy cannot do that on the Order of Business.

Mr. Gogarty: I am asking about promised legislation. I am conscious of the need to introduce refundable bottles and cans under the packaging directive.

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

Mr. Gogarty: When will legislation be introduced? It would halve the litter problem overnight if it was introduced.

Mr. O'Donoghue: There is no promised legislation.

Mr. Gogarty: There is litter still and loads of money is being poured down the drain. It will still be a kip.

Mr. Kehoe: I have asked about the charities regulation Bill previously and the Taoiseach promised several months ago that it would be introduced this session. However, according to the latest update on the Government's legislative programme, it is not expected until late 2006.

Mr. O'Donoghue: The Bill is substantial and work is progressing as speedily as possible. It has been given priority within the Department and it is expected to be published in 2006.

Mr. Crawford: How many years has it taken?

Mr. Quinn: I am not sure whether the Minister can answer this question but perhaps his office will communicate with the House. The Minister for the Environment, Heritage and Local Government has cancelled the Committee Stage of the Building Control Bill 2005, which was due to be taken on 25 May. Its provisions require us to implement a EU directive on energy conservation in buildings by the end of the year. He has introduced the Planning and Development (Strategic Infrastructure) Bill in the Seanad recently. When will both Bills be taken in the House? Will they be completed by the end of this session?

Mr. O'Donoghue: The Taoiseach has given a commitment that he will communicate on this and I will transmit the Deputy's request that the Minister should communicate with him as well.

Mr. Quinn: I thank the Minister.

Mr. Eamon Ryan: The Government has agreed to a debate on the Forfás report on our oil dependency. When will the debate take place?

Mr. O'Donoghue: That is a matter for the Whips.

Mr. Rabbitte: I will let the Minister go on a high note and ask him an easy question. When will he get the Shamrock Rovers stadium up and running in Tallaght?

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

Mr. O'Donoghue: On the last occasion I was present, Deputy Rabbitte concentrated on my constituency. I am glad he has his priorities right.

Mr. Broughan: Is it intended to proceed with the natural gas regulation Bill? Will the Energy (Miscellaneous Provisions) Bill be passed by the House before the threatened 40% price increase is imposed on householders and firms using gas and given that the Government will have doubled the price of gas for householders in recent years?

Mr. O'Donoghue: Work is continuing on the preparation of the heads of the natural gas regulation Bill. However, it is unlikely to progress this year.

Mr. M. Higgins: It is probably very big as well.

Mr. O'Donoghue: The Energy (Miscellaneous Provisions) Bill was published on 28 March.

Dr. Cowley: Last February, when the Minister took the Order of Business, I raised the issue of the HSE preventing a man from supplying water on a voluntary basis to the citizens of Ballycroy, whose water has been contaminated in recent years.

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

Dr. Cowley: A man has had a colostomy. He has to be——

An Ceann Comhairle: The Deputy will have to find another way to raise this.

**Electoral (Preparation of the Register of Electors) (Temporary Provisions) Bill 2006:
First Stage.**

Mr. Gilmore: I move:

That leave be granted to introduce a Bill entitled an Act to provide access by regis-

tration authorities, for the purposes of their duties in relation to the preparation of the register of electors to come into force in 2007, to certain records of the Central Statistics Office, and to provide for connected matters.

An Ceann Comhairle: Is the Bill opposed?

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

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

Question put and agreed to.

Health (Nursing Homes) (Amendment) Bill 2006: Order for Second Stage.

Bill entitled an Act to amend the Health (Nursing Homes) Act 1990 and to consequentially repeal section 3 of the Health (Miscellaneous Provisions) Act 2001, amend Schedule 7 to the Health Act 2004 and revoke the Nursing Homes (Subvention) Regulations 1993.

Minister of State at the Department of Health and Children (Mr. S. Power): I move: "That Second Stage be taken now."

Question put and agreed to.

Health (Nursing Homes) (Amendment) Bill 2006: Second Stage.

Minister of State at the Department of Health and Children (Mr. S. Power): I move: "That the Bill be now read a Second Time."

I am pleased to have the opportunity to introduce the legislation. Government policy on older people has long since been to support them to live in dignity and independence in their own homes and communities for as long as possible and to support appropriate long-term care where this is no longer possible. It was for this reason that the nursing homes subvention scheme was introduced in 1993. The aim of this scheme is to provide financial assistance to older people towards the cost of maintenance in a private nursing home. The Bill is designed to ensure the existing subvention scheme for private nursing home care is grounded in primary legislation and it will also help the Health Service Executive to implement the scheme on a standardised basis across the country.

I will outline the major developments the Government is pursuing to improve services for older people before getting into the detail of the Bill. It has been the policy of successive Govern-

ments to endeavour to help older people maintain themselves in the community while, at the same time, providing for appropriate residential care, where living in the community is no longer possible. The policy of this Government in the development and delivery of services for older people is to maintain them in dignity and independence at home for as long as possible, in accordance with their wishes.

The focus on services for older people has increased over the past 18 months, particularly in the area of long-term care, whether residential or community-based. Additional funding for services for older people and palliative care amounting to €150 million was allocated by the Government in the 2006 budget — an additional €110 million for 2006 and an additional €40 million for 2007. This is the largest ever annual increase in funding for older people and palliative care and clearly demonstrates the Government's commitment to improving the quality of service provided to our older citizens. Approximately two thirds of this money was allocated to community support for older people. This is in line with the focus on keeping people in their own homes in independence and dignity, with proper health and social support systems in place in the form of, among other supports, home care packages, increased home help hours and increased day and respite care places. A full year cost of €55 million was allocated to home care packages, €30 million of which is for 2006. An additional 2,000 packages are to be delivered by the end of 2006, with the majority being implemented in the second half of this year. The latest HSE figures indicate 1,366 packages in place, 249 of which have been commenced since 1 January 2006. The delivery of the 249 packages means that the executive has met its targets for the first quarter.

Not every older person can, or wishes to, remain in his or her own home. Of the budget investment, €20 million has been allocated to the further development of the subvention scheme in 2006. This is a full year cost aimed at standardising means tests and bringing greater consistency to the different levels of enhanced subvention support throughout the country. A sum of €8 million of the budget package was also provided to cover the cost of 250 extra nursing home beds, which the HSE has sourced from private nursing homes. The HSE is in the process of sourcing 250 extra beds from private nursing homes to accommodate older people requiring such care.

The nursing homes subvention scheme was introduced in 1993 following the Health (Nursing Homes) Act 1990 and the subsequent Nursing Homes (Subvention) Regulations 1993 which were made under the Act. The purpose of the subvention scheme is to provide financial assistance to older people towards the cost of maintenance in a private nursing home. The scheme does not cover, nor was it ever intended to cover, the full cost of private nursing home care. The 1993 regulations provide that a subvention can be paid

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to an applicant qualifying on both dependency and means grounds. Dependency is assessed according to an applicant's ability to carry out the tasks of daily living, such as washing and dressing. There are three levels of dependency set out in the regulations, maximum, high and medium, which are referred to in the Bill as categories I, II and III.

The maximum rate of subvention that may be payable to a person is determined in the first instance by their level of dependency, and the current maximum rates of subvention, as set out in the regulations, are €114.30 per week for a person of medium dependency, €152.40 per week for a person of high dependency and €190.50 per week for a person at the maximum rate of dependency. Once a person's rate of dependency has been determined, the HSE carries out a financial assessment of the applicant which takes into account the value of the applicant's income and assets, subject to certain exclusions outlined in the regulations. The appropriate level of subvention to be paid is then determined, based on the level of dependency and the outcome of the financial assessment of the applicant. This may result in the payment of the maximum level, a reduced level of subvention or no subvention at all, as appropriate to the determined dependency level. Where a person is married or cohabiting, the means assessment is based on half of the combined means of the couple. In certain cases, the Health Service Executive has the discretion to pay an enhanced rate of subvention over and above the rates outlined, such as where personal funds are exhausted. This discretion regarding individual cases is a matter for the HSE.

Mr. S. Ryan: Provided it has the money.

Mr. S. Power: The average rate of subvention paid by the HSE generally exceeds the current approved basic rates. The subvention scheme is currently provided for in the Nursing Homes (Subvention) Regulations 1993. These regulations, made under section 7 of the Health (Nursing Homes) Act 1990, outline the scheme in detail, including such matters as how an application should be made, how an application is to be determined, how to appeal a decision made under the scheme and so on.

Legal advice received from the Attorney General has indicated that new primary legislation is needed to sufficiently underpin the principles and policies of the scheme. Sections 6 and 7 of the Health (Nursing Homes) Act 1990 were amended by section 3 of the Health (Miscellaneous Provisions) Act 2001. The purpose of this amendment was to incorporate principles and policies into the 1990 Act which would facilitate the making of new subvention regulations under the Act. However, the legal advice available indicates that section 3 of the 2001 Act does not adequately provide for the making of

regulations under that Act. Therefore, section 3 of the 2001 Act has not been commenced and this section will fall on the enactment of this Bill.

The Tánaiste and the Minister for Social and Family Affairs established an interdepartmental group last year to examine the whole area of long-term care for older people. The group included senior officials from the Department of the Taoiseach, the Department of Health and Children, the Department of Social and Family Affairs and the Department of Finance. The group was chaired by the Department of the Taoiseach. The group had a number of reports available to it, including the Mercer report on the future financing of long-term care in Ireland, commissioned by the Department of Social and Family Affairs. The group also considered Professor Eamon O'Shea's report, Expenditure Review of the Nursing Home Subvention Scheme, commissioned by the Department of Health and Children. These reports were published in 2003. The group's report was recently discussed at Cabinet and it was agreed that a number of principles contained in the report should be discussed with the social partners in the context of the current round of partnership talks with a view to bringing the report back to Cabinet once these discussions have taken place.

The issue of funding long-term care needs for older people, both residential and in the community, is amongst the most difficult and complex areas in the health sector. The demographic challenges which are facing all countries must be tackled and sustainable programmes put in place, but while there are many different approaches taken by governments in addressing these challenges, there are no easy or simple answers. Nevertheless, the pace of change from a demographic, social and clinical aspect requires a coherent response from Government and from society generally so appropriate funding and service delivery programmes can be implemented. Although the report of the working group on long-term care is still being considered by Cabinet, the Attorney General has advised that immediate steps should be taken to incorporate the principles and policies of the 1993 subvention regulations into primary legislation, which is the purpose of this Bill.

Consultation has taken place on this Bill with the Department of Finance, the Department of Social and Family Affairs, the Office of the Attorney General, the Office of the Taoiseach and the Health Service Executive regarding its provisions. There will be ongoing discussion with the relevant Departments on any developments or changes made in the area of services for older people, including any regulations to be made under this Bill. Discussions have taken place with the Health Service Executive, which has responsibility for the implementation of the subvention scheme, throughout the drafting of the Bill.

Section 1 contains a minor drafting provision and simply inserts a heading into the Health

(Nursing Homes) Act 1990. Section 2 of the Bill amends section 2 of the Health (Nursing Homes) Act 1990 to specify that subventions shall only be paid to a person maintained in a premises in which a majority of its residents are members of a religious order or priests of any religion if the premises is a registered nursing home. Section 3 is the main section of the Bill. This section replaces section 7 of the Health (Nursing Homes) Act 1990 and inserts the provisions of the Nursing Homes (Subvention) Regulations 1993 into primary legislation. These regulations are then revoked in this Bill. Given the length of this section, and the amount of detail contained in it, I will go through it subsection by subsection.

Section 7 defines the various terms used in the Bill. Subsection 7A outlines that all dependent persons may make an application to the HSE for a subvention. It outlines that an application must be made to the HSE and the manner in which it must be made. It also provides for an offence where false or misleading material is provided in a subvention application. Subsection 7B provides that once the HSE receives an application for subvention, it shall arrange for an assessment to be carried out on the degree of dependency and the means of the applicant. The assessment to be carried out on the degree of dependency of the applicant will be based on the applicant's ability to carry out the activities of daily living, such as walking and dressing. Other factors affecting the applicant's ability to care for himself or herself will also be taken into account, such as medical services and the receipt of family support. The subsection provides that the person carrying out the assessment must be suitably qualified to do so in the opinion of the HSE, and may or may not be an employee of the HSE. This allows the HSE to arrange for suitably medically qualified professionals to carry out such assessments, such as physiotherapists not employed directly by the HSE.

Subsection 7B also provides that the HSE shall arrange for the means of an applicant to be assessed, either by an employee of the HSE or a person nominated in writing by the HSE. It provides that the financial assessment shall take into account all of the applicant's assets and sources of income, such as salary, pension, savings etc. It also provides that certain assets and income shall not be taken into account, including the applicant's principal private residence, where occupied by certain relatives, as prescribed in the subsection, as well as the first €11,000 of the applicant's assets. Where an applicant is married or cohabiting, the means assessment will be based on half of the combined means of the couple. Where an applicant's principal residence is not continuously occupied by a relative as prescribed in the subsection, such as a relative whose sole income is the old age pension or a spouse, the HSE shall exclude 95% of the estimated market value of the principal residence from the financial assessment of the applicant. This means that an

imputed income of 5% of the market value of the principal residence shall be taken into account.

Mr. S. Ryan: That is disgraceful.

Mr. S. Power: The subsection further provides that the principal residence of the applicant will not be taken into account if that could give rise to destitution or homelessness of a person with a close connection to the applicant. This provision is to allow for exceptional circumstances and would generally apply in the case of a relative who does not fall into the categories prescribed in the subsection.

Subsection 7C outlines the basis on which the HSE determines subvention applications, the amount of subvention payable and grounds on which they may refuse to pay a subvention. The rates of subvention, as outlined in the regulations, are not outlined in this Bill. It is intended to put down an amendment on Committee Stage to insert the rates of subvention into the Bill in order to ensure consistency with other aspects of the scheme contained in the Bill, such as the thresholds used when assessing a subvention. This subsection provides that the HSE may pay an enhanced rate of subvention, which is referred to in the Bill as an "alternative subvention", where a person cannot meet the costs of care without undue hardship. The amount of alternative subvention will be decided after taking available resources into account. The section provides the HSE with discretion to refuse to pay a subvention if the value of the applicant's assets or principal residence exceeds a certain threshold and his or her income is above a certain level. These thresholds were recently increased by way of the Health (Nursing Home) (Amendment) Regulations 2005. The threshold for assets to be disregarded for the purpose of subvention assessment is €11,000, the asset threshold above which subvention may be refused is €36,000, the income threshold above which a subvention may be refused is also €36,000 and the threshold of principal residence value above which subvention may be refused is €500,000 if the residence is located in the Dublin area or €300,000 if the residence is located outside the Dublin area and where the income of the applicant is above the threshold of €9,000. The Dublin area is defined as Dublin city and county. The threshold on income was not included in previous regulations but has been added to this Bill for the purpose of consistency. This section also provides that the HSE can, at its discretion, pay a subvention to the proprietor of the nursing home in question instead of directly to the applicant.

Under subsection 7D, the HSE can arrange for a review to be carried out of the level of dependency or means of a person in receipt of a subvention. If the HSE is satisfied that a person no longer qualifies for subvention or qualifies for a different rate of subvention, it can arrange for the payment to stop or be altered appropriately and

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for notice of same to be sent to the applicant and the nursing home proprietor, if appropriate. Where a person's subvention payment is discontinued or decreased, the HSE will not implement this decision for 60 days in order to give the person time to get their affairs in order.

Subsection 7E allows for an appeals mechanism against decisions made by the HSE in respect of the level of subvention paid or where applications were not considered because a condition of the application was not met. The HSE must appoint a person to consider the appeal, who may but does not have to be an employee of the HSE. The person appointed must consider the appeal based on guidelines issued by the HSE, make a decision as soon as he or she reasonably can and send a copy of the decision in writing, together with the reasons for making the decision, to the appellant. A further appeal is possible to the High Court, the decision of which is final, except where a further appeal is made to the Supreme Court on a specific point of law.

Subsection 7F states that a nursing home owner must inform the HSE in writing of the death, discharge or permanent departure of a resident within 48 hours. This is to ensure that subventions do not continue to be paid in respect of persons who no longer reside in the home. Where the nursing home proposes to discharge a person, the proprietor must inform the HSE in writing 14 days in advance and must outline his or her reasons for doing so. The Bill provides for an offence where a nursing home proprietor does not fulfil his or her obligations with regard to either of these situations. This subsection also provides that, where a person in a nursing home starts or ceases to be paid a subvention, the HSE shall inform the nursing home proprietor of this fact as soon as possible.

Subsection 7G provides that the HSE may recover all or part of any payment or overpayment if it is satisfied that an overpayment occurred or that the payment was procured through fraud or misrepresentation.

Subsection 7H allows the Minister to make regulations, with the consent of the Minister for Finance, on rates of payable subvention, the amount of assets to be disregarded when assessing a person for subvention, the thresholds above which subvention may be refused, the percentage of the family home to be disregarded and the percentage of the spousal income to be assessed, as required. It provides that the Minister will take into account the cost of living and nursing home care in the State and the rate of inflation when making regulations. This section provides that the Minister will only make regulations on the rates of subvention after taking into account available resources and the prevailing cost of nursing home care for persons falling under various dependency categories. It also provides that the maximum rate of subvention payable to a person based on his or her level of

dependency is reduced by the amount by which the person's means exceed the weekly rate of the old age non-contributory pension payable at the time of assessment. This represents no change from current practice. The section also outlines the basis on which it is decided whether a person falls under category I, II or III dependency, otherwise known as maximum, high and medium dependency, according to such factors as the degree of mobility and the extent to which the person is confused or disturbed.

Subsection 7I provides that, where a person is in receipt of subvention immediately before the passing of this Bill, he or she will continue to receive a level of subvention equivalent to the payment received prior to the Bill's enactment. However, the HSE may still carry out a review of the degree of dependency and means of any person in receipt of subvention at any time and may discontinue paying subvention or pay a different level of subvention if the review shows that the correct level of subvention is not being paid.

Section 7J provides for guidelines to be issued by the HSE to provide practical guidance in respect of the provisions of the Bill and the working of the subvention scheme, for example, the process to be followed when deciding the amount of subvention to be paid to an applicant.

Sections 4 and 5, like section 1, are minor technical provisions which insert a heading into the Health (Nursing Homes) Act 1990.

Section 6 replaces section 14 of the Health (Nursing Homes) Act 1990 with a new section which provides that regulations will only be made after a resolution approving the regulations has been passed by both Houses of the Oireachtas. At present, regulations are made before being laid before both Houses of the Oireachtas and can subsequently be annulled by them.

Sections 7 to 10 also contain minor drafting and technical provisions. Section 7 repeals section 3 of the Health (Miscellaneous Provisions) Act 2001. Section 8 amends Schedule 7 of the Health Act 2004 by deleting subsection (6) in Part 4, as this subsection updates a section of the 1990 Act which is being replaced under section 3 of this Bill. Section 9 revokes the Nursing Homes (Subvention) Regulations 1993 because the provisions contained in those regulations are now contained in the Bill. Section 10 cites the Short Title of the Bill and cites the Health Acts of 1947 to 2006, collectively, as the Health Acts 1947 to 2006. Section 10 also contains a provision relating to commencement.

I want to briefly discuss the Health (Nursing Homes) (Amendment) Bill in the context of other developments and legislation pertaining to services for older people. The Second Stage reading of the Health (Repayment Scheme) Bill 2006 commenced in the Dáil recently and the Bill will continue its passage through the Oireachtas over the coming weeks. This Bill provides a legal framework for making repayments to those wrongly charged for inpatient services in publicly

funded long-term residential care. It is currently envisaged that repayments will commence shortly after the Bill is approved and signed into law and an outside company has been appointed to make the repayments. The HSE is currently undertaking a procurement process for the selection of a company to administer the scheme. The final steps in the process are being completed and an announcement in this matter is expected in the week commencing 22 May. The Tánaiste has requested the HSE to proactively determine the details of repayments due to living persons so that prompt repayments can be made following the appointment of the company to administer the scheme. The key elements of that Bill include making the repayment process as user friendly as possible while also providing appropriate safeguards to prevent the fraud and exploitation of recipients who are not in a position to manage their own financial affairs.

The provisions of the Health (Repayments Scheme) Bill include exempting repayments to those who are still alive from income tax, allowing for repayments to take account of inflation by means of the consumer price index, allowing repayments to living persons and their spouses to be disregarded in means assessment for health and social welfare benefits and allowing for a streamlined process where an application is made on behalf of a deceased person. An independent, transparent appeals process will also be established.

The Bill will regulate patient private property accounts by introducing a statutory framework to protect patient interests, particularly in the context of large repayments which may be placed in these accounts. There has been extensive consultation with the oversight committee appointed by the Tánaiste to provide an independent input into the design and monitoring of the scheme. The committee has been fully briefed on all aspects of the scheme and has provided valuable input into the drafting of the legislation. The governance of the scheme allows the Minister to request and receive reports on the operation of the scheme, the appeals process and the donation fund to be established under the scheme. These reports will be laid before the Oireachtas. The Comptroller and Auditor General will be able to audit all funds and accounts associated with this scheme.

A draft general scheme and heads of Bill which provides for the establishment of the Health Information and Quality Authority, HIQA, incorporating the office of the chief inspector of social services within HIQA, has been prepared by my Department. Public consultation on the legislative proposals contained in the draft heads of the Bill is currently underway. Under the proposals in the draft heads, HIQA will set standards on safety and quality of services provided by or on behalf of the HSE. It will monitor and advise the Minister and the HSE on the level of compliance with those standards. We are making provision to give HIQA the power to investigate, at

the request of the Minister or the HSE, the safety, quality and standards of any such service, and make any recommendations it deems necessary. It will also have a role in accrediting services and will be able to provide an accreditation service for the private sector, should that sector wish to avail of it.

The chief inspector of social services will be required to monitor against standards set by HIQA.

Mr. S. Ryan: This has been promised for years.

An Ceann Comhairle: The Deputy will have his opportunity to contribute to the debate.

Mr. S. Power: It has been promised for years and I am delighted we are to deliver it. The chief inspector will be required to establish a register or registers of residential services, including residential services provided to any dependent person in respect of that dependency and services provided in accordance with the Health (Nursing Homes) Act 1990.

As I already indicated, the Department has initiated a public consultation on the legislative proposals in the draft heads. The background paper outlining the proposals and the draft general scheme and heads of the Bill are available on the Department's website. The closing date for receipt of submissions is Friday, 26 May. The draft heads will be reviewed in light of the views expressed during the consultation process and the Tánaiste intends to submit revised heads to Government in June seeking approval to have the Bill drafted and published as soon as possible thereafter.

In the context of the Health Bill 2006, the process has begun to review the current inspection system with a view to strengthening the powers available to those involved in inspecting facilities and to extend a strengthened inspection system to public facilities. To this end, a working group has been established and is chaired by the Department to develop the standards for residential care settings for older people. Members include representatives from the Department of Health and Children, the HSE, the Social Services Inspectorate and the Irish Health Service Accreditation Board. The standards are being developed in line with best international practice. These standards will put the resident at the centre of care and aim to ensure that the older person's needs are central to the philosophy of the residential care setting. The national standards will be the level which all residential care settings, both public and private, will be required to meet. It is intended that these standards will be ready in draft form in July and a three-month consultation process will follow enabling all interested parties to give their views.

The Department is preparing legislation to update and clarify the current legislation on eligibility for services. The main aim is to make the

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system clearer and to bring it up to date with developments in service delivery and technology that have occurred since the Health Act 1970. The legislation will define specific health and personal services more clearly, define who should be eligible for what services, set out clear eligibility criteria, including for older people, and establish when and in what circumstances charges may be made. It will also deal with an appeals framework. The Tánaiste briefed the Cabinet committee on health in November on the progress so far, and aims to bring legislative proposals to Government by the middle of this year. Her intention is to publish a new eligibility Bill by the end of 2006.

I wish to conclude by reiterating that this Government has made services for older people a priority, by supporting older people to live in dignity and independence in their own homes and communities for as long as possible, and by supporting the provision of quality long-term care where it is no longer possible. The significant progress that has been made in terms of the growth in funding available for this sector in recent years, and in particular the investment package put in place in the 2006 budget, is indicative of the Government's commitment to the ongoing development of health funded services for older people. This Bill will ensure the existing subvention scheme for private nursing home care is grounded in primary legislation and the Bill will also go a long way towards helping the Health Service Executive to implement the scheme on a standardised basis across the country. I commend this Bill to the House.

Dr. Twomey: May I give way to the Minister during my speech to answer some questions on this legislation? The Minister has brought up this 2006 amendment to the Health Bill and has referred to other legislation such as the health repayments scheme, HIQA, eligibility and standards in residential care.

Acting Chairman (Deputy McGinley): It is acceptable for Deputy Twomey to give way to the Minister.

Dr. Twomey: My first question is on the standards in residential care.

Acting Chairman: Is this a Second Stage speech?

Dr. Twomey: It is. I will focus on what the Minister said. He said he is developing a set of standards through the Irish Health Services Accreditation Board. I have been made aware that those standards, as put together by the IHSAB, were received by the Minister last November and that all they require is for the Minister to sign off on them rather than to discuss them in July. I am surprised to read that the Minister says they will be ready in July followed by a

three-month consultation process with interested parties to give their views. I am told these draft standards have been in the Department since last November. The Minister seems to be postponing again the recommendations by a group, the IHSAB, which was established by the Tánaiste to put forward a set of recommendations on standards of care in public institutions where elderly people are being looked after. In light of the Leas Cross scandal and other scandals raised in public and private nursing homes, one would think the Minister for Health and Children would publish these recommendations as soon as they fell on her desk and not tell us this process will not start until July, six months later. I would like to give way to Deputy Seán Power, the Minister of State responsible for this. Does he have those recommendations on his desk and has he had them since last November, or do I have the wrong information?

Acting Chairman: The usual format is that the Minister replies to questions raised in Second Stage speeches during his reply to Second Stage if he wishes.

Dr. Twomey: I will leave that question open to the Minister to answer. I hope we receive the answer sooner because the Minister might not come back to reply for another four or five weeks. I ask the Minister for a reply to this as it is serious. We are prioritising the issue of standards in public and private nursing homes in light of what we heard from Leas Cross. If it transpires that a body established by the Tánaiste gave recommendations last November which the Minister this morning says he will publish in July followed by a three-month public consultation process, we may not expect these recommendations to be implemented to any reasonable degree until next November. That will be 12 months after they fell on the Tánaiste's desk and is too far away for my liking. I ask that the Minister examine that more seriously.

I will now examine the legislation. I have a difficulty with the legislation on the question of assessing the degree of dependency. The only people who can assess the degree of dependency of patients who might require nursing home subventions are occupational therapists. A GP should fill out a *pro forma* letter regarding what he or she knows about the patient, but we cannot have nurses, doctors, occupational therapists and whoever is available assessing who should get nursing home subvention, either category 1, 2 or 3. It must be the duty of one category of people and currently, the most suitable are occupational therapists. We are talking of putting a uniform system in place for the entire country, so we should first ensure that the assessors have the same standards and training, and will reach the same conclusions. As the Minister of State knows, it is occupational therapists who assess people for disability grants, for extensions to their houses,

which are paid for by county councils, and the health boards also have occupational therapists who assess people's means and ability to look after themselves, and their needs for nursing aids and appliances to help them stay living at home. Accordingly, this would be simply an extension of the jobs of occupational therapists. The problem is that we have not got sufficient occupational therapists employed in the health service and they are almost seen as the financial controllers for the county councils and the health services. It is so hard to get occupational therapists out to assess patients that when they do so, and make their recommendations, the councils are almost buying themselves time before they have to pay out for the grants.

The Minister of State should tighten up this area. Occupational therapists must be given a proper role in regard to these assessments, and all that should be sought from doctors or public health nurses is a *pro forma* letter which is easy to follow to make the decision. That would be good governance in the system and banish the bureaucracy involving four or five different people giving an opinion with variable standards. How I might assess a patient's mobility might be quite different from how the public health nurse or the occupational therapist would do it. To have a proper standard, the occupational therapists should be the assessors. I trust the Minister of State will make the right decision in this regard.

There is a point in section 3 about the financial considerations to be taken into account. I understand that 95% of the estimated market value of the house will be excluded. Then there is reference to excluding a prescribed percentage of the market value, or whichever is greater. Perhaps it is because I have no training in economics, but I have not a clue what that means. I read the section when the Minister of State made his speech, when he was talking of 5% of the house being taken into account, though the legislation refers to a bigger figure, and I have not the foggiest notion what it means, or where it comes into play. Does it refer to 95% of the value of a house valued at more than €500,000 in Dublin and more than €300,000 in the rural areas, being more or less discarded? What does this 5% mean and what is the need for this prescribed percentage of the market value? I would appreciate if the Minister of State would at some stage give me a briefing in economics for simpletons when reading health legislation.

This legislation is meant to be a tidying-up process on subventions and entitlement to them, so it should be clear. The Minister might look at section 3(b), with regard to the excluding factors, and explain it to me. Deputies may say this legislation amounts to taking houses from people. The Government has been very slow to publish a policy on future care of the elderly. In the past, the Minister for Health and Children, Deputy Harney indicated she has no great difficulty in taking houses from patients to pay for their nurs-

ing home care. Even though the paragraph in question is short, its meaning is quite unclear and we deserve clarity with regard to what will be taken from people.

The same section states that one fifth of the weekly rate of the old-age non-contributory pension will also be given back. That is good, because though I may be misinterpreting this, it looks as if a basic standard is being set so that all people who go into public nursing homes will be entitled to keep, going by today's figures, approximately €40 of their old-age pension. In the past we had a problem whereby patients who went into public nursing homes were left with practically nothing for their own expenses when their old-age pensions were taken from them, because subvention rates were so low. I hope I am reading this correctly and that patients will be left with €40 weekly from their old-age pensions when they go into public nursing homes.

The Minister of State also said that patients can have only a minimum of €11,000 and a maximum of €36,000 if they are entitled to subventions. I would like to see more clarity in what happens in the area between those figures. A person with only €11,000 will get the full subvention but a person with €36,000 will get no subvention. What is the *pro rata* set-up in between? Will a person who has €20,000 get only half the subvention, or what are the percentages in this regard? This is not stated in the legislation and I would like the Minister of State to clear up the matter. I would have expected greater clarity on Second Stage.

Am I to understand that the legislation regarding a house valued at €500,000 in Dublin and a house valued at €300,000 in rural areas is already activated, that when the HSE is assessing somebody for subvention it is already discounting the first €500,000 of the value of a house in Dublin and the first €300,000 of the value of a house in rural areas? I want to be certain that this is being applied for everyone assessed for subvention since the beginning of 2006. The last budget allotted some €15 million or €20 million so that more people would be able to take up subvention. The Government suggested such a figure was available for subvention, which was a little disingenuous. The Government was trying to fool people in some regard because looking at subvention payments, whether category 1, 2, or 3, the payments patients actually receive after being deemed entitled to them have not changed since 2001. Nor is there any indication that change is now to be made. It is fundamental that subvention payments should be index-linked to something. What people could buy for €130 in 2001 would require more money now, in 2006. The Minister of State needs to look seriously at those figures and not somehow try to mislead people into believing there is more money available if they need to go into nursing homes.

The criteria have broadened a little but the maximum amounts of subvention available, some €130 to €150 weekly for people who need to go

[Dr. Twomey.]

into nursing homes, are totally out of step with nursing home costs. The cheapest nursing home cost in this country is probably about €700 per week, while the average cost would be about €900 to €1,000 weekly, and the cost in Dublin could be up to €1,500 per week. There are not enough public nursing home beds, especially in the Dublin region, which has been made glaringly obvious during the accident and emergency service crisis. Even where such beds are available in Dublin, the cost is quite significant. While the Government has talked a great deal about solving the crisis, the number of contracted beds it has taken up in the private sector is pretty low, given the size of the problem.

When Second Stage concludes, the Minister of State should return to the House with better news for people who are seeking or are in receipt of subvention, and are not just getting the same amounts of money they got in 2001 — too far back.

The next section refers to the applicant's annual income or "prescribed amount" being not less than €9,000. The term "prescribed amount" litters this legislation. The non-contributory old age pension exceeds €9,000. This figure should be changed because this legislation has probably been lying around since 2001.

Section 7C(6) of the Bill states: "The Executive shall only determine the amounts of alternative subventions after taking into account the resources available to pay the alternative subventions". This is enhanced subvention and is paid in an inequitable fashion across the country. Enhanced subvention in two neighbouring areas can be very different. The former South-Eastern Health Board was reluctant to pay enhanced subvention whereas the southern health board was more willing. The HSE was supposed to provide a more equitable service throughout the country but the only change from the old health board system is the name. Every parliamentary question is answered by the HSE regional area, similar to the old health board structure, rather than by the HSE headquarters on the Naas road. Will alternative subvention be equal throughout the country or will it be implemented in different ways at local level? It is important this is clarified on Second Stage.

Will patients over 70 be entitled to free nursing home care? If a public nursing home bed is not available, is the patient entitled to a bed in the private sector, paid for by the HSE? Legislation in 2001 provided a medical card to every person over 70. Prior to that, the CEO of the health board could use discretion to decide if enhanced subvention was payable. The 2001 legislation stated that inpatient care was a statutory entitlement. I have sought clarification on this question several times.

The Tánaiste should be able to answer this question. When the legislation was being passed by the Oireachtas the current Minister for Justice,

Equality and Law Reform was the Attorney General. When legislation with such fundamental changes is proposed, with subvention no longer at the discretion of the health board CEO but a statutory entitlement, someone must have asked the opinion of the Attorney General.

The illegal nature of some nursing home charges came to the fore in 2003. The Travers report and the review of the Travers report were published in 2004 and 2005. No member of the Government has stated if every person over 70 is entitled to nursing home care, paid for by the taxpayer. The Minister of State has prevaricated over this on a number of occasions and must now make it clear.

Legislation dealing with the illegal nursing home charges is also being passed by the Oireachtas. The Government is stating that any person still alive will not have to pay income tax on the nursing home repayments. Does that refer to any person alive when this legislation was published in December 2005 or any person alive after this legislation has been passed by the Oireachtas and signed by the Minister? We have awaited this legislation throughout 2005 and, with the progress we are making this year, the Bill will not be passed until December 2006, two years later. The average stay in a nursing home is not ten or 15 years but between two and three years. At the current rate of progress, the vast majority of patients alive when this issue was first raised will have passed away by the time the legislation is passed. Very few people will benefit from the provision absolving them from paying income tax on the repayment. Faster progress should be made if the Government is genuine in seeking to repay this money.

Section 7F(3) of the legislation states: "The proprietor of a nursing home who, without reasonable excuse, contravenes subsection (1) or (2) is guilty of an offence and liable on summary conviction to a fine not exceeding €1,000". Do nursing home proprietors who receive nursing home subvention by direct debit fail to inform the HSE when patients pass away? Do they continue to claim money from the HSE? Are there checks and balances to insure proprietors inform the HSE so payments can be stopped?

This is important legislation, serving to clarify matters, but we need a number of answers. The Minister of State referred to other Bills he hopes to pass before the next general election. If legislation has not been enacted before the next general election, all Bills on Second Stage or Committee Stage collapse. It will be similar to a cattle crush, where a number of large farm animals try to squeeze through a small space as quickly as possible. It is like the publication of health legislation, where the situation is out of control and nobody knows what is going on. As the House approaches the end of its five-year term, the Department of Health and Children has published only one or two primary legislation Bills per year, the remaining legislation being

amendments. The programme for the next 12 months includes the health repayments Bill, the Health Information and Quality Authority legislation, the pharmacy Bill, the nursing Bill, the medical practitioners Bill and standards in residential care, which may not require legislation. The matter of eligibility has been discussed since the 2001 health strategy was published. At least six Bills of major significance are expected to be passed in the next 12 months yet only one Bill has been passed in the past two years. It will not be possible to complete the legislative programme and my great fear is that the Tánaiste realises this. She has done very little but perhaps her predecessor, Deputy Micheál Martin, is more to blame for the problems in the health service than anyone else. I fear this may result in bad legislation being passed and the Tánaiste making a dolly mix of legislation from different Bills to create the impression she is making progress. I hope this does not happen.

More important is that the Tánaiste and Minister for Health and Children, Deputy Harney, be honest and state clearly what legislation she thinks might realistically get through the Oireachtas in the next 12 months.

12 o'clock The legislation to establish the health information and quality authority looks like it will be ready to be put before the House by the end of the summer, which is reasonable. However, we should be realistic about what else might get through the House before the next general election. The eligibility legislation, which has been promised since November 2001, is highly unlikely to make it despite having been discussed by every Minister in recent years. We must decide what legislation has a realistic chance.

Regarding the HIQA legislation, the Tánaiste made it quite clear that whistleblowers' legislation will be incorporated in it when it comes before the House. Perhaps the Minister of State might inform the House whether that is true because I see nothing that stands out as being whistleblowers' legislation in the document put out for public consultation. It is typical of the Government in some respects.

There is a major problem with Our Lady of Lourdes Hospital, and Judge Harding Clark drew up a report on it pointing out a large number of difficulties regarding competence assurance, clinical audit and continuing medical education. The Tánaiste came to the Chamber bullish about how she would take on the consultants and change things. The Labour Party withdrew its whistleblowers' legislation when she stated that it would be easier to enact sectorally rather than taking all Departments together. She said that whistleblowers' provisions would be in the next major related legislation to come before the House, which is the HIQA legislation.

The Tánaiste should make it quite clear whether she has now dropped that proposal. She also threatened consultants that unless they had renegotiated their new contract by the end of the

spring, she would unilaterally introduce her own public-only consultant's contract. When the time came, she went to the US to lecture the Americans on how to run their health service, which is as rich as anything ever was.

People expect the Government to act and to be honest with them, and those are the sorts of answers we want. The Minister of State should tell us what is going on. It makes me laugh when I think how the Cabinet must operate. Five years ago, as part of the health strategy, the Government stated that there would be a policy on care of the elderly. At least three reports were written thereafter, including the Mercer and O'Shea reports. Nothing happened. Afterwards we heard that it had gone to a Cabinet sub-committee, on which I believe the Taoiseach and the Tánaiste sat, together with the Minister for Social and Family Affairs, Deputy Brennan. It is to make proposals on how we take care of the elderly in future. That Cabinet sub-committee was established last October. The Government has all the information and has been aware of the problem since at least 2001. How we pay for care of the elderly is an important issue, but there is no movement and no policy.

The Progressive Democrats Members — the rancid meat between two slices of bread — were jumping up and down during and after my party's Ard-Fheis at the weekend claiming that we had no policies. The Minister of State, Deputy Seán Power, seems not to understand his own legislation. This is a very important matter regarding how we legislators run the country, but it has been treated in a cavalier fashion. When the Minister of State returns to the House, perhaps he might indicate when he expects a policy on care of the elderly to be put to the people. Will it simply become another promise like the health strategy, which was used by his party in its 2002 election manifesto? They claimed to stand by it, and it also went into the programme for Government. He should not think that, simply because it was published in 2001, he can now forget about it and start referring to the other 180 reports published since. I have left more than enough questions for the Minister of State to answer.

Mr. S. Ryan: It is difficult to know where to start in the context of the Minister's contribution and the various Bills he has promised. This legislation is the latest element in a long and sorry saga regarding older people who are in the State's care and have a right to its protection. The Government's record on introducing promised legislation is abysmal and especially bad on health.

I did not know whether to welcome this Bill which is a cop-out. The current background of subvention stretches back to the Nursing Homes (Subvention) Regulations 1993. The Tánaiste has informed the House that an eligibility Bill is being introduced. There have been more consultations and interdepartmental meetings on it, and the

[Mr. S. Ryan.]

social partners have been involved. According to the Tánaiste, there will be further consultation later this year. We had a promise that the eligibility Bill would be introduced towards the end of this year.

I agree with Deputy Twomey. The Minister of State may surprise me but I do not believe that the eligibility Bill will ever see the light of day because there are too many hard decisions to take on it. The easy option on the Government's part has been to give it to the Attorney General. Some six or seven months before the primary legislation on eligibility is brought before the House, he has decided for some reason that this Bill is required. I will wait and see, but I have my doubts.

It is another example of the Government, in the run-up to the next general election, not being prepared to take the hard decisions required to ensure the future long-term care of ever-growing numbers of older people who in many ways were responsible for the Celtic tiger. With very few means, they ensured their children were educated so that they could take part in our successful economy today. Alas, the experience hitherto has been all talk and no action on the Government's part.

Regarding another Bill to which the Minister of State made reference, the Health (Repayment Scheme) Bill 2006, no other group would be left waiting for nearly two years to have money returned.

Mr. S. Power: It has not been two years.

Mr. S. Ryan: We have been waiting for the Bill for nearly a year and six months and it is still on Second Stage in this House. We have not seen the promised legislation on the health information and quality authority, despite its being considered an essential element of the reorganisation of health services. We have heard reference to it today but the heads have not yet been agreed. The delay in introducing the legislation on the independent inspectorate for nursing homes is even greater. The Health Strategy 2001, which was launched with such aplomb, now lies in shreds with virtually none of its promises fulfilled. This failure is greatest in the case of older people. We do not have any new public nursing home places despite a commitment made by the Government that it would provide 2,000 new places. We heard the public private partnership arrangements would resolve all the issues and yet not one place has been provided.

We have no new strategy for the care of older people and we have no independent inspectorate. This is a clear indication, if one was necessary, of the Government's lack of concern for one of the most vulnerable groups in society, those who are no longer able to continue to live in their own homes because of age and infirmity. The bottom line in respect of this issue is that the State broke the law over a period during which Ministers and

Ministers of State were aware of the problem but kept quiet or forgot about the issue. Arising from this error, the Tánaiste and Minister for Health and Children, Deputy Harney, introduced legislation with the purpose of denying the most frail people in society the money due to them in retrospective payments. During the debate on that Bill, Opposition Deputies and even some Government backbenchers warned the Tánaiste that she was running a risk introducing such legislation and that in all probability it would be found unconstitutional, as was the case. The rights of the elderly have been vindicated in the Supreme Court because the Government has failed to vindicate them.

On a number of occasions I had reason to raise in this Chamber the scandalous problem experienced by elderly people in need of long-term care in a public nursing home particularly in Dublin and including the rural areas in my constituency of Dublin North. These people are now waiting for up to 12 years, provided they live that long, to get into a public nursing home. Given the issues in accident and emergency units, priority is given to older people who need long-term care and are in acute hospitals. Where does this leave people living in the community who want to live in the community? Most older people want to continue to live in their own homes, but for particular reasons they are unable to do so. While some home care packages are coming on stream, many more are not available and the only option for people is to try to get long-term care in public nursing homes.

This Bill is a cop-out in many ways. How are people on social welfare to pay for a private nursing home when no public nursing homes are available to which they are entitled under legislation? The Minister of State referred to subventions I, II and III. In my area the average weekly rate in nursing homes within the Fingal area is €800 to €900 per week. Where more acute care is required, nursing homes could cost as much as €1,200 per week. The Minister of State agrees these people are entitled to a public nursing home, but all he will do is give them subvention of €114.30 for a person of medium dependency, €150.40 per week for a person classified as high dependency and he will even go a little further to give €190.50 per week for a person with maximum dependency. How can a person with maximum dependency on social welfare payment afford to get into a private nursing home with a subvention of €190.50?

The Minister of State goes further by providing enhanced subventions, which he claims will resolve the problems. In each health area only a limited number of enhanced subventions is available. There is a huge waiting list. Last week I spoke to a very helpful person in the Health Service Executive who told me that a constituent of mine was being given priority for enhanced subvention, but that she would need to wait until somebody dies in one of the nursing homes in my

area who happens to be on an enhanced subvention so she could get one. That is the way we treat our elderly people who made such a contribution to the country. The promised substantial legislation ends up merely giving legal effect to what exists at present and is totally inadequate. Nothing in this legislation will make it easier or more accessible for older people who are entitled to public nursing homes to get into private nursing homes at the going rates in the greater Dublin area or elsewhere in the country.

With all the resources available to the Government and all the wastage that has taken place including in the Department of Health and Children, it has reneged on its commitment to provide 2,000 long-term public nursing beds. Other fundamental issues need to be addressed in legislation, which could have been included even in this Bill. What happens to older people who need care and cannot get the appropriate care in their home setting and for whom a Health Service Executive place is not available? This links in with what I said earlier. They are entitled to a service, which they cannot get from the HSE. Nothing in this legislation will improve their situation especially when they cannot afford a private nursing home.

I have received representations and have spoken in the homes of many older people who could not get into a public nursing home and cared for 24 hours per day for their loving spouse feeling they could not do anything else. When it became necessary they had no alternative but to borrow money from the credit union to pay for a private nursing home. Imagine having to do that in one's 70s. The Government does not support or respond to such people. There is nothing in this legislation to help them, or the thousands of others in the same situation throughout the country. They look to us as legislators to help them in a time of plenty.

In theory our law provides universal entitlement to long-stay care. The Minister of State and the Tánaiste know this but are not prepared to deal with it by bringing in substantive legislation. The reality is that long-stay places are not available to those who need them. People are pushed out of acute hospitals and into private nursing homes, which we and the Government know are not adequately monitored.

In 2004 I raised in this House the lack of an independent inspectorate for our public nursing homes. We all knew about this and many say nothing was done about it because an inspectorate might identify the problems that exist, not in the nursing but in the physical accommodation. We have seen the Leas Cross scandal and other problems arising in respect of nursing homes.

The Tánaiste replied to my question in January 2005, saying that inspectors of private nursing homes identified a range of problems, including staffing levels; nursing policy issues; maintenance of accommodation standards; hygiene problems; lack of activity for residents — elderly people are taken out of bed at 8 a.m. and left sitting in a

chair beside the bed with no occupation for the rest of the day; lack of record-keeping; insufficient, or no, active involvement by the local authority in fire safety; lack of equipment appropriate to clinical practices, for example, pressure mattresses, surely a basic requirement; and discrepancies in the contract of care.

We know about this, and the Department of Health and Children and the Minister of State's two predecessors knew about it but did nothing until the Leas Cross scandal emerged. If we are to believe Deputy Twomey's contribution about the number of Bills outstanding at the Department of Health and Children I doubt the legislation we await will be enacted before the end of this Dáil session.

Long-term care arrangements for older people are unplanned, inadequate, inequitable and under-funded. It gives me no joy to say that. Older people want only to continue to live in their own homes. Fortunately, the majority succeed in doing so, maintaining active healthy lives, with some support from GPs, community care services, their families and communities. They are able to make and implement decisions about their lives and do not need constant or sustained care. People in need of care who must go into long-stay institutions are among the most vulnerable members of society.

A civilised society that respects human rights and promotes human dignity should be judged on how it provides care, and the quality of that care. A recent report reiterated this point in detail. Any objective judgment on our care system would be harsh because we have a stated policy which favours community or home care but in practice makes it extraordinarily difficult, and effectively gives more support to institutional care.

That has been the reality until recently. I acknowledge that the Minister of State and the Tánaiste have tried to divert more money into community care but the ratio of funding for this has been negligible. We do not have a fair and equitable system for financing care or a transparent set of rights and entitlements. Does the Minister of State not think that establishing such rights is paramount? It is time older people received the same rights and entitlements in law as any other group in society. Our system does not ensure the delivery of quality care. Care facilities have developed in response to the tax laws, rather than in response to the real needs of older people. The tax laws enable people to make millions of euro through offsets from providing facilities. The Government has reneged on its commitment to provide public nursing homes. There are not enough specialists working within the system. Many of the people who work within the system are not properly trained or paid. We do not facilitate the involvement of older people in decisions about their care. We do not have a suitable system of substitute decision-making for people who are no longer able to make decisions.

[Mr. S. Ryan.]

This is a very important point in the context of the Health (Repayment Scheme) Bill 2006. We do not have a clear policy and appropriate services for combating elder abuse which is happening throughout the country. Thousands of elderly people are affected by elder abuse and they are afraid to come forward and bring it to official attention.

Perhaps the harshest judgment on our system arises from the fact that the problems are officially recognised, plans have been made to put things right, but virtually nothing has been done. The Government has stated that the care of older people will be given the priority it requires but it is a case of waiting and seeing if this happens. At present there is no clear entitlement to community care services other than to general practitioner services. There are severe shortages of home helps, occupational therapists and chiropractors. The Government acknowledged the shortage in the health strategy in 2001 but it has done nothing about it and the situation is now worse.

The Health Service Executive south western area saw a 16% reduction in home help hours between 2002 and 2003 and a further 3% reduction in 2004. I agree with the views expressed by organisations such as the National Council on Ageing and Older People that the absence of a right to a service is a factor in the failure of the Government to provide adequate facilities. In areas of County Dublin, including rural areas, older people living at home who are in need of long-term care in a public nursing home now wait for a period of 12 years.

Notwithstanding the Government commitment to provide 2,000 extra beds, I remind the Minister of State that the health strategy included a commitment to build 850 community nursing units. It seems this commitment has been effectively abandoned because of difficulties with the public private partnership. This is another example where it was envisaged the so-called public private partnership arrangement would solve all our problems. The Tánaiste stated that the public private partnership arrangement would sort out everything but it has failed. These beds should be provided directly by the public sector.

The House will have an opportunity to deal with this Bill in greater detail on Committee Stage. The issues of basic payments and enhanced subventions will need to be dealt with in greater detail. There is a perception that under the existing legislation and regulations the State can take away an elderly person's home to fund their long-term care in a private nursing home, care to which they may be entitled to in a public nursing home. The Bill is not clear on this point.

Caoimhghín Ó Caoláin: I wish to share time with Deputies Gormley, Catherine Murphy and Cowley.

I will put the Minister of State at ease by saying that I welcome the Bill which is designed to place the existing subvention scheme for private nursing home care on the basis of primary legislation. The Government has stated that this legislation will also assist the Health Service Executive to implement the scheme on a standardised basis throughout the State.

The Bill comes at a time when there is more debate and public concern than ever on the issue of pensions, long-term care for older people and all the social, cultural and economic implications of our ageing population. It comes in the wake of the Health (Repayment Scheme) Bill which seeks to rectify the unlawful charging of older people by the State for long-term residential care and which has yet to progress to finality. The shadow looming over all these matters is the experience of the Leas Cross scandal which exposed the neglect and abandonment of older people for which this State has been responsible. At the time of that scandal, the Taoiseach and the Tánaiste made commitments to establish an independent nursing home inspectorate. They soon rowed back on that promise and made another promise to extend the remit of the social services inspectorate.

While welcoming the purpose of this Bill which is to set an existing scheme on a sounder basis, it is also important to place it in the context of the many problems surrounding nursing home care. The regulatory regime has been found wanting with serious and sometimes tragic consequences for many older people. As I have stated before in this House and I emphasise the point once more, most of those providing private nursing home care do so efficiently and responsibly. It is important this statement is heard loud and clear. However, there are also many — in fact too many — such institutions where standards are poor, and I maintain that one would be too many. The State has still not invested the resources to regulate this sector properly. This essential action must be taken.

The 2006 budget allocated €160 million to the nursing home subvention scheme covered by this Bill. The Department of Finance review of property-based tax schemes estimated that nearly €55 million has been spent thus far on tax breaks for developers of private nursing homes. The question of how much of this really benefits older people needs to be answered. It is clear there are significant benefits and incentives for developers and proprietors of private nursing homes. They can bank on guaranteed income, a significant section of which is guaranteed by this legislation. I question whether older people receive the care they need and deserve in return for what they pay from their resources, supplemented by the subvention for which we are legislating and for which we taxpayers pay.

In many ways this is comparable to the situation of rent allowance. Sinn Féin has argued repeatedly over many years that rent allowance

has subsidised substandard accommodation and rack-renting landlords. If resources were used instead to provide the local authority accommodation so desperately required, the outcome would be much better both for tenants and the economy.

The Department of Finance's review of tax reliefs stated that there is considerable variation across different regions in the number of nursing home beds *per capita*, the costs to the operator per bed, the rate charged per bed and the average occupancy rates. While the review claims that the tax breaks increased the number of nursing home places, it also states that it has been ineffective in reducing the cost of nursing home accommodation.

This Bill contains detailed provisions on how older people's means are to be assessed when they apply for subvention under the scheme. There is no such detail, however, in terms of accountability required from the proprietors of nursing homes. Are they providing the range and quality of care needed by the older people who will benefit from the Health Service Executive subvention? An ongoing assessment of that aspect also needs to be carried out.

I referred previously to the National Economic and Social Forum report, *Care for Older People*. I make no apology for referring again to this report which has not received the attention it deserves. At the outset it states:

There is strong evidence that older people want to remain living in their own homes and communities as independently as possible for as long as possible. This preference has been accepted by successive Governments as a key policy objective. Yet this objective is nowhere near achievement. This is reflected in our under-developed community care system, which is crisis driven, lacks sufficient co-ordination and resources and does not afford older people the choice, independence and autonomy they seek and deserve.

The report also states:

It is also clear that the funding of services for older people has not always been wholly consistent with the policy objective of encouraging community-based responses. Considerable resources have been invested in nursing home care responses, some of which was unnecessary, not wanted and inappropriate. For many older people, inappropriate or unnecessary admission to acute or long-stay residential care could have been avoided or delayed by greater development of community services and use of preventative and proactive approaches.

There are basic questions in what I cited about how public money is being utilised. The scheme for which we are legislating in this Bill must be subject to that test. We must reverse the excessive

reliance on nursing homes and other institutions for the long-term care of older people.

That said, the NESF report also contains extensive findings and recommendations on care in nursing home settings. It points to the need for more systematic data to be collected to assess the range and quality of care. The report found that there are some very good care settings but others are in need of major and urgent improvement. While the report identifies initiatives at regional and local level being undertaken to improve standards of care, it points to the need identified in the Government's health strategy to prepare and implement national standards for community and long-term residential care. The NESF report states:

It is important, however, that the setting and measurement of standards are co-ordinated at a national level to ensure that there is consistency across different sites and to avoid duplication of effort and 're-inventing the wheel'. It is also important that advancement in the standards setting in residential sites is matched by quality initiatives in community services, for example: in relation to Day Care centres, the Home Help services and Meals on Wheels service, etc.

As I stated earlier, the Government does not propose to establish an independent nursing homes inspectorate, proposing instead to extend the remit of the social services inspectorate to include residential care for older people, as it committed to in its health strategy. What progress, if any, has been made on this matter? Will the Minister of State, Deputy Seán Power, address that point in his summation of this debate?

I again endorse the recommendations of the NESF report in this regard. It calls for the remit of the social services inspectorate to be extended on a statutory basis to include all care settings for older people, including residential settings with the necessary trained staff and financial resources; that inspection findings be published with sanctions for non-compliance with standards; and that the principles of autonomy and empowerment and person-centredness should inform the development and implementation of standards and standards should be developed in consultation with users. The latter point is crucial.

I support the Bill, but the Minister of State should take note of the various elements we highlighted that still remain to be addressed.

Mr. Gormley: I welcome the opportunity to speak on this Bill. We are taking it on the advice of the Attorney General and previously we relied on, as the Minister of State mentioned, the 1993 Nursing Home (Subvention) Regulations under section 7 of the Health (Nursing Homes) Act 1990. It is time we revisited this area not only because of the revelation of conditions in Leas Cross, which opened our eyes and the eyes of many people to the terrible conditions in some of

[Mr. Gormley.]

our nursing homes and to which I will refer later, but in the broader context of health care because it is clear that how we deal with our ageing population is crucial to the overall maintenance of our health service.

The analysis of consultants who attended a recent meeting of the Oireachtas Joint Committee on Health and Children was that while we need extra beds — step-down beds — in the community, they also clearly stated that society has changed in that we now have less time for our children and therefore put them into child care. By the same token, because we are busy and have less time for our ageing population, we put elderly people into nursing homes. Staying at home to care for one's children is a thing of the past. People want to care for their elderly at home and that is an aspiration and an ideal, but it is not possible given the changes in our society. An increasing number of people will enter nursing homes. Statistics reveal that people are living much longer and will spend much longer in nursing homes. That is simply a fact. We have the capability of keeping people alive for much longer.

Mr. S. Power: Will the Greens live longer than the rest of us?

Mr. Gormley: I certainly hope so. If we followed Green policies, we would have a much healthier society in general. Perhaps the Minister of State would agree. The consequence of that is people would live longer. Seán Barrett attended a meeting of the Joint Committee on Health and Children and spoke about this aspect in the context of Ireland. It is an interesting subject in that as many people emigrated from Ireland in the 1950s, we have fewer elderly people to care for at this stage. We have, in effect, what is known as a demographic bounce. The position could be much worse than it is.

I do not believe that Leas Cross was an isolated case. There are many instances I highlighted in the House previously, one being a nursing home in Cabra, which has since closed, where the conditions were appalling. Elderly people there were hungry, people who wanted extra food were given slices of bread which were already buttered and it was as if these people were simply commodities. There has been a commodification of the health service. Based on the cases I have heard of, some of the elderly are treated with less dignity than that shown to the animals in Dublin Zoo. That is unacceptable and is the reason we urgently require an inspectorate.

I agree with a point made by Deputy Twomey who said that certain sections of the Bill were quite difficult to understand in terms of how the Health Service Executive determines subvention applications. We need to examine this in greater detail on Committee Stage. There is a threshold of principal residence value above which subven-

tion may be refused. The figure given is €500,000 for the Dublin area and €300,000 elsewhere. I live on a street in Ringsend, which is in Dublin 4 but is sometimes referred to as Dublin 4B because it is not part of the leafy suburbs. Even though it is not regarded as the wealthiest area in Dublin, cottages near where I live are being sold for approximately €450,000. It is a matter of time before small cottages in the Ringsend area are sold for €500,000. We need to examine this matter in the context of the property boom in Dublin because we will quickly find that people on very modest incomes are above the threshold for Dublin.

The pattern of society could be changed by developments of this nature. If one is forced to sell one's house, the idea of inheritance — passing on one's property to one's children — will disappear. The changes in society will place additional pressure on people. Those who want to buy houses are under enormous pressure. This aspect of the Bill will need to be examined in greater detail on Committee Stage.

I will not say much else about the subject of this Bill because I have spoken in previous debates about the conditions in nursing homes and I do not want to repeat myself. When the Minister of State, Deputy Seán Power, establishes the various task forces and review groups to which he referred in his speech, I hope he will take a long-term view of this issue, the consequences of which for society are profound.

Ms C. Murphy: I would like to share half of the time available to me with Deputy Connolly.

Acting Chairman (Mr. Kirk): Is that agreed? Agreed.

Ms C. Murphy: This legislation will rationalise some matters for the Health Service Executive, but it will not change many matter locally. The aim of the Bill is to standardise the system under which subventions are organised by the HSE throughout the country, but it will serve to standardise an inadequate system. As we are all aware, the subvention that is made available meets just a fraction of the cost of nursing home care. The rates in my part of the country, with which the Minister of State, Deputy Séan Power, is familiar, range from approximately €850 in cases of low dependency to well over €1,000 in cases of higher degrees of dependency. They also vary between nursing homes. If people qualify for subventions, they must make up the bulk of the money themselves. What occurs in reality is that their families end up making up the difference by contributing to the cost of their nursing home care. In some cases, the family home is sold or rented. That is the reality as I see it.

When I meet families who are trying to work these things out, I find myself sitting down and doing the maths with them. If one half of a couple is ill and needs 24-hour care, the other person

often must make heroic efforts to care for them. Carers can often make themselves ill in such circumstances. I find it quite difficult to give such people any comfort in terms of the maths. If one has an income of just over €12,000, one is entitled to the full subvention, which falls far short of the cost of nursing home care. A person who invested in a pension and now has an annual income of approximately €25,000 might have to spend €52,000 per annum on nursing home care without being entitled to a subvention. It is almost impossible to do the maths on that one. People often must sell or rent the family home in such circumstances, which is an awfully big step. If one has spent one's life paying off a mortgage, one's memories can be associated with a particular home and one's family might still come to that home to visit one. If one half of a couple is still well, it is hard for him or her to decide to walk away from the family home by selling or renting it as part of an effort to cover the costs of his or her partner's nursing home care. That is the unpalatable reality of the circumstances in which many people find themselves.

Elderly people do not want to be a burden on their families. They want to be as independent as possible. The impossible financial situation I have described causes many of them to feel they are nothing but a burden. They worry about the length of time their money will last for. People in their early 70s think about how long they will live for and whether their money will be enough to cover the cost of their care. It is a major concern for older people and the members of their families, most of whom are in gainful employment and therefore unable to act as full-time carers now that the proportion of women in the workforce has increased. The levels of community care which existed in the past are no longer available.

In 1999, which was the international year of older people, the UN asked countries to sign up to a charter for older people. When Ireland signed the charter in 2000, it agreed to meet 18 obligations or principles, three of which I will mention. Principle 11 was: "Older persons should have access to health care to help them to maintain or regain the optimum level of physical, mental and emotional well-being and to prevent or delay the onset of illness". Principle 13 was: "Older persons should be able to utilise appropriate levels of institutional care providing protection, rehabilitation and social and mental stimulation in a humane and secure environment". Principle 14 was: "Older persons should be able to enjoy human rights and fundamental freedoms when residing in any shelter, care or treatment facility, including full respect for their dignity, beliefs, needs and privacy and for the right to make decisions about their care and the quality of their lives". As Deputy Gormley said, decisions are often taken out of the hands of elderly people.

Mr. Connolly: I welcome the opportunity to speak on this Bill, which will standardise subvention rates throughout the country. The inconsistencies in the various health board areas have been a source of major concern over the years. No uniform system has been in place. The introduction of such a system will be helpful. Too many beds are occupied by elderly people who have been medically discharged but have nowhere to go. It is a real tragedy that this phenomenon is increasingly common in our hospitals. We cannot make progress in this regard because not enough resources are being invested in step-down resources. We heard a great deal of discussion of this aspect of the matter some years ago, but it has disappeared from the radar to some extent.

I contacted Monaghan General Hospital this morning to make representations on behalf of a patient who had spent three nights on a trolley in that hospital. When a consultant did his rounds last night, he dealt with some people who were medically fit to be discharged but had nowhere to go. That is not acceptable. The same happened again today. Another consultant visited the ward but found there was nowhere to send the patients because the special care unit was full. There are many difficulties in this regard. We used to associate this problem with winter, but similar problems are developing at present even though we are approaching summer.

A number of issues arise on foot of this legislation. If one compares the cost of care in a general hospital with the cost of care in a nursing home, one will find in most cases that
1 o'clock the cost of a week's nursing home care equates to the cost of a day charge in a general hospital. I sometimes wonder whether economists think savings can be made by locking beds in large general hospitals because that means treatment does not have to be provided. Perhaps there is a hidden agenda in that regard. The availability of step-down facilities depends on the hospital one is in. People in hospitals in Dublin seem to be able to get step-down beds much more quickly than people coming from local general hospitals because the pressure is not the same. They are inclined to block up the system. It appears to me that approximately 2,000 people are in beds inappropriately — I will not call them bed blockers — and that approximately 2,000 beds should be available. We should look at this. We are talking about building private hospitals to take pressure off general hospitals, but we should also examine this issue because it is more critical and needs to be considered further.

I would like to speak about the distress that is sometimes caused when people are being evaluated for subvention. I am familiar with cases in which things were done which were wrong, in effect. Take the example of four elderly people, two of whom are in their late 70s and two in their 80s. Of the two in their seventies, attempts are

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being made to keep one of them in a nursing home. The family farm was initially ten acres, then an adjoining ten acres were bought in name of one of the family. The health board took the view that he should pay his own way, despite the fact that one could not rear snipe on that farm. Effectively, he was asked to pay his own way through a nursing home scheme. Alternatively, the health board wanted the family to split the farm and have costs incurred against it. That type of situation is not helpful.

I also encountered a situation where a 90 year old woman was being looked after by her pensioner daughters. Again, the health board wanted to put a charge on that home because the daughters had worked for a period of years. They were back, caring for their mother, but they did not want to put their mother through the trauma of signing the place over to one of them. Therefore, the health board was going to take first crack at having a charge against the home. I doubt whether that is what we should do at this time. We should not put people through the trauma of having to have a home signed over for a five year period. A major issue is involved as regards people wanting to hold on to their property and families respecting that right until the day they die. It is little more than opportunism on the part of the HSE to levy a charge against them.

On the notion of inspectors and their reports, the only area on which there used to be inspectors' reports was the psychiatric services. Regrettably, people were always told when the inspector was coming, and naturally they put the best foot forward on the day. That was wrong, because the inspectors in some cases got an entirely false impression. In other cases they did not, since they could see through a good deal of camouflage. However, as regards nursing homes, inspectors should be appointed and make visits on a regular basis, not just annually. If there is concern about a particular facility, there should be unannounced visits by the inspector. That is the key. We all can recall the Leas Cross scandal and what happened there. It made frightening television viewing.

Mr. Callely: I am pleased to have the opportunity to speak on the Bill before the House as it deals with the very important issue of subvention for nursing home care. The Bill is designed to address two areas, namely, to ground the existing regulations in primary legislation and to standardise a scheme across the country. These are two worthy initiatives.

I am delighted to see my successor, the Minister of State, Deputy Seán Power, my good friend and colleague, and some familiar faces from the Department of Health and Children here as well. I take the opportunity to pay tribute to all the committed people involved in the provision of service, whether in administration or delivery. As regards the subvention scheme being implemented by the Health Service Executive, I

understand it is designed to provide financial assistance towards the cost of private nursing home care for older people who require it. This Bill will ensure that the existing arrangements are grounded in primary legislation and implemented across the country through a standardised scheme.

I do not suppose anybody has asked why it is the Health (Nursing Homes) (Amendment) Bill 2006. I asked this question before and initiated some queries in the Department while I was there in that regard. Equally, I put down a marker as regards the HSE. As someone who has been involved in the delivery and provision of health services over many years, all I can say about the HSE is that the jury is out. I am hearing this at many different levels. I am monitoring its progress. Everyone wishes that whatever mechanism is in place improves delivery, but the jury is out in that regard.

The question on the Bill is: why does it have to be a nursing home and why does it have to be private? We are talking about the cost of nursing home care at whatever figure one wants to pick, €700 for a person who requires a certain level of support or it could be €1,700 for someone requiring another level — particularly if specialised support is involved for Alzheimer's disease, dementia and so on. We are telling people that we will give them money towards the cost of care if they go through a process and asking them to fill out the appropriate forms, sell their family homes etc. This is done only on the provision that the person is taken out of the family home, away from their loved ones, and put in the care of others. I argued this point while I was in the Department. We initiated private home care subvention. For the life of me I do not see why we cannot be somewhat more innovative when introducing primary legislation.

This Government has repeatedly stated its commitment to older people. This commitment is evident in the consistent measures being introduced by the current Minister of State, Deputy Sean Power and — I shall exclude myself — many other people who are involved. A genuine commitment exists. As regards the general body of older people, this Government has increased State pensions and other secondary benefits in budget after budget. It has gone even further in recognising the contribution of older people to the economy and their community. It has given an extra €100 per week earnings disregard, following retirement.

I applaud those older people who remain active. Previously I mooted the idea of a register of volunteers to harness the good work of the great number of older people who wish to participate in community activity. We really should tap in to the commitment of such people and have some co-ordinated structure by way of a register of volunteers. I applaud and commend all the older people at different levels, who are actively involved in supporting others. One name occurs

to me, which I have mentioned in the House before, Mr. Tommy Condren, a man in his 70s, who has driven the community development, Carleton Hall. Where one might expect others to drive the project, this man is doing it for the benefit of all the people in the community, young and old. There are many good people such as Mr. Condren in the community. We should recognise them, have that register and harness what is there.

I recognise that the time can come when older people need assistance and support in their daily lives. Some older people stay in their homes with the aid of the support services and or their families and friends. I am somewhat concerned, however, about the personal care packages, PCPs, we designed. There were a number of secondary benefits to PCPs, assistive technology and so forth. I would love to have a briefing on the development of PCPs. They can prove to be beneficial. However, for some patients whose needs are greater, further decisions may be required if PCPs are not able to provide the level of support required. It may be necessary to decide to send a person for assessment for nursing home care. I support what has been said about that being a difficult decision.

Stroke victims may be seriously debilitated for a period after the stroke but following rehabilitation may be well enough to return home. Unfortunately, what has happened in some cases is that following pressure to make the difficult decision to go into a nursing home, even though people wished to return home when their situation had improved, they were then faced with a decision to sell the family home to cover the cost of that care. That was wrong. People are in nursing homes or acute hospital settings who are recommended for long-stay care on the basis that they can return home when they get better but at the same time the screw is being turned and they are told they have to sell their family home. This just does not add up.

We must be aware of the limit on public nursing home beds. People need to avail of alternative care. Why must nursing home care be private? What is to prevent me from taking my mother or father home if I am prepared to do it — God rest my father, he is dead — or any other relative? What is to prevent any individual who wishes to bring a relative or other old person into his or her home to provide nursing home care at a time when it has been recognised that there are insufficient nursing home beds? When we are putting legislation in place, why can we not be a little more innovative and allow the subvention to be paid to people who will undertake the job? A process is in place so nobody will con the system. Only a small percentage of people would try to do this anyway and surely we can put a safety net in place to prevent this occurring?

It has been recognised that the cost of private nursing home care can be considerable and outside the financial capability of some people. In

those cases, subventions are paid to contribute to the cost of the care. This is a vital part of how we take care of older people and we should ensure that people know their entitlements and how to claim them. We should take the stress out of the system and remember that older people and their families who are claiming the subvention are only doing so because of a need for extra care and because they do not have the means to pay for it themselves.

Subventions are provided by the HSE areas to assist persons in meeting the cost of nursing home care. I understand that it was never the intention that subventions would meet the full costs involved. Three rates of subvention are payable; €114.30 for medium dependency, €152.40 for high dependency and €190.50 for maximum dependency. I understand that enhanced subventions are also considered. It is difficult to explain this to individuals. There is a better way.

These rates were unchanged on budget day. The threshold for qualification for subventions was revised last year to reflect the changing economic climate and, in particular, rising house prices. The asset threshold above which a subvention may be refused has increased from €20,000 to €36,000 and the threshold for principal residence value above which subvention may be refused has increased from €75,000 to €500,000 or more, if the house is located in the Dublin area, and €300,000 or more where the residence is outside the Dublin area, where the applicant's income is greater than €9,000, previously €6,300.

The questions I have relate to sections 2 and 7. I have made my point on section 2. We should make the system a little easier in terms of removing any anomalies that exist. It should be recognised that property values in the Dublin area differ significantly. For example, on the road behind where I live and the road in front of where I live the house of one elderly person in a home could be worth €1 million while the house of another resident of the home may only be worth €500,000. An imputed income of 5% of the market value of the principal residence shall be taken into account. Does it matter whether a person's home is worth €1 million or €500,000 if he or she is on social welfare? The value of their home is of no benefit to people in this situation. I do not know how we will make this apply. A later reference in the Minister's speech stated that something had been added "for the purposes of consistency". If we are seeking consistency in terms of income I suggest more work remains to be done in terms of the 5% in regard to the market value of the principal residence.

The Bill defines a number of aspects of subvention and details how an application for subvention must be made. It is vital that this process is simple and accessible to those who require subvention and that it should take into account the vulnerability of older people who may require nursing home care. We should eliminate any unnecessary stress or difficulty in the application

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process. The level of subvention available is dependent on the level of medical need and the basis on which different levels of subvention are provided should be clearly defined so that the applicant is not in any doubt as to why and how a level of subvention is awarded.

The financial situation of the applicant is also a factor in awarding the subvention and the Minister of State has clarified how much income an applicant for subvention may have. This is useful for applicants and their families. In cases where an applicant is not awarded subvention, or not at the rate at which they hoped to qualify, it is important that the appeal system to the HSE is transparent and speedy. Being refused a subvention or not getting the amount for which one had hoped can be distressing for an applicant and his or her family and carers. It is in everyone's best interest to have any queries or questions resolved quickly. It is vital that older people who are in need of assistance are given all the supports and care they require, and that they are kept informed at every stage of the process and feel they have ownership and control over their lives.

From what we are told by the medical professions, more beds are required urgently for long-stay care. I detest the over used phrase of "bed-blockers", as it makes it appear as if these older, vulnerable people who are in need of care are somehow conspiring to prevent other patients from accessing services at the hospital in which they are deemed to be bed-blocking. It is not the fault of older people who are vulnerable and in need of additional care that there is nowhere for them to go. That responsibility lies with us in this House.

More nursing home beds are needed but also long-stay facilities right across the board, whether they be personal care packages, home care packages, assistive technology supports or the use of the thousands of people out there and their beds who would make themselves available should some level of subvention be available to them.

It is frustrating for people like me who recognise the needs that exist, such as on the north side of the city of Dublin. I was involved for a period in the proposed development at the orthopaedic hospital in Clontarf. That hospital has a tremendous caring record, as it deals with a high proportion of older people who have had orthopaedic operations. It allows patients to access additional short-term care while not having to rely on nursing homes, which may not be available. The hospital has been waiting for confirmation on a 120-bed extension. It has been a long time coming and I will push for a decision to be made within weeks. The application is with the Department for approval and I ask that the hospital team and I should be advised of the decision as quickly as possible. The extension will be a vital resource for older people in north Dublin and it will have a positive knock-on effect for north-side hospitals. I refer to the purpose

built day hospital required at Beaumont hospital. There has been much to-ing and fro-ing about this but funding has been allocated. Will the Minister of State confirm the delivery of this project because I fear the money may have been used for other purposes? What is the position on the allocation, utilisation and implementation of the funding allocated for this purpose?

It is essential that those who need to access subvention should have confidence in the system and that the application process should be clear and uncomplicated. The vulnerability of older people must not be exploited through substandard nursing home care. Older people and their families must feel confident that the care provided is of the highest standard. Older people with medical cards who are forced into such care because other forms of care are not available must not be penalised. The cost of private nursing home care is an issue of grave concern. According to Age Concern Ireland, nursing home care in the greater Dublin area is the most expensive in the State but I cannot understand the reason for this. My constituents deserve the same level and standard of care as older people elsewhere but, for some reason, charges have increased recently. Subvention levels should reflect the costs of care.

Regardless of cost, the high standard of nursing home care is vital, not only for older persons accessing it but also their families. Public confidence in nursing home provision is vital. I congratulate Paul Costello of the Irish Nursing Homes Organisation who has repeatedly called for improvements and who has ensured standards are applied and maintained within his organisation. The focus should be on what is best for older people. They have contributed a great deal to society, their families and communities and caring for them in old age should be a priority. The Government has done much for older people through various increases and the implementation of other measures.

I welcome the Tánaiste and Minister for Health and Children's view that the Government should give every assistance to older people who wish to remain in their own homes. The supports necessary to make this happen may be expensive and difficult to resource but it is vital that older people should be given the choice for the sake of their dignity and control over their own lives. This is not always the easiest option as it requires co-ordination between different agencies. It may also require support from family members and friends but it is the best option as long as the older person feels confident and comfortable in his or her own home. According to an ESRI survey, four out of five adults felt it was important to be cared for in one's own home. This view is shared by many groups, including the North Dublin advocacy group. This group has done significant good work and it has been waiting on confirmation of funding for more than 12 months. I cannot understand why this is the case and this should be addressed. I congratulate Bob Coyle,

chairman, and all involved in the National Council on Ageing and Older People, which issued a report earlier this week entitled, *Improving Quality of Life for Older People in Long-Stay Care Settings in Ireland*.

Mr. Neville: I welcome the opportunity to contribute to the debate. The legislation puts the existing subvention scheme on a statutory footing and aims to assist the Health Service Executive in standardising the scheme. There was no consistency between health boards in applying the scheme and this was unacceptable because people were being treated differently and there was discrimination in how it was applied in different areas. The problems with the nursing home subvention were outlined in the review of the scheme. The manner in which the means test was applied varied and different practices were used in applying enhanced subvention and the use of contracted beds.

The subvention levels set out in the legislation are not the maximum that applies and I expected the Bill to outline the criteria that would apply for the provision of enhanced subvention. The Bill correctly ensures standardisation of practice and rules but where is the standardisation of the enhanced subvention? Enhanced subvention is provided up to a maximum of €680 a week but that amount has never been paid in the HSE mid-western area with €200 a week being the highest amount paid. Will the Minister of State comment on this? The payment should be related to the cost of the nursing home care, given the different charges imposed by nursing homes. There is a wide variation in charges in homes in my area with them costing between €600 and €1,000 per week. At one stage, enhanced subvention was not paid at all but that practice has ceased. Contracted beds are not provided in the mid-west, except under the winter initiative, which provides that people are cared for in a nursing home for two weeks following hospitalisation. Should the use of contracted beds also not be standardised? The number of such beds varies between HSE areas and it reduces the opportunity for patients to avail of public beds in private nursing homes.

The primary legislation covering nursing homes is the Health (Nursing Homes) Act 1990, which provides for the registration of most private nursing homes and for standards to be set and monitored. The issue of monitoring has been debated at length in recent times. It is important and the Minister of State has recognised the need to invest in ensuring proper monitoring of nursing homes. As previous speakers said, 95% of nursing homes provide excellent care and service and they are of great benefit to communities. However, a small number require attention. A proper monitoring system would ensure standards are at an acceptable level.

The rules of the subvention are currently contained in the Nursing Homes (Subvention) Regulations 1993, as amended. Changes in the means

test for nursing home subvention came into effect on 14 December 2005. This was the first time the threshold set in the 1993 rules were changed. The Bill does not propose major changes in the rules, but it does provide for some changes. One may get a nursing home subvention from the HSE if one wants to go into a private nursing home. In order to qualify for a subvention, one must be sufficiently dependent to require maintenance in a nursing home and be unable to pay any or part of the cost of maintenance in the home. In other words, a person must pass a means test. The amount of subvention depends on the means and the degree of dependence. The subvention is meant to help meet nursing home costs. It generally does not meet full costs, but there are circumstances in which the HSE may pay an enhanced subvention.

I know of a pensioner who has been refused a public nursing home bed and who lives with his wife, also a pensioner. He is currently in the step-down facility under the winter initiative. He is incontinent and he falls quite often. He will be forced to go back to live at home with his wife, who has serious ulcers in her legs. As they only have the pension, the only option is to bring him home. In a short time he may fall again and be back in hospital. We see these decisions being made all the time. I recently put down a question on the criteria applied to decisions made in granting access to public beds. There does not seem to be consistency in granting access to public beds in places like St. Ita's Hospital or St. Camillus's Hospital in Newcastle West in County Limerick.

Under the current rules, one must apply for a subvention before going into a nursing home, unless there is an emergency. If one goes into a nursing home before one applies, he or she may not be allowed to apply for two years unless the HSE decides otherwise. I do not understand why that is the case. However, I note that this provision will no longer be in the Bill. At any rate, it was rarely applied and it was more honoured in the breach than in the application. People often went into nursing homes shortly after being released from hospital and the subvention was applied a day or two later. It makes no sense that if one failed to apply immediately, one would have to wait for two years. My interpretation is that this provision will no longer apply once the Bill is in operation.

One must be told the result of one's application within eight weeks. If one is refused a subvention or granted less than the maximum applicable to the level of dependency, the right of appeal is available and the person applying must be informed of his or her right to appeal.

An assessment of the level of dependency is carried out on behalf of the HSE, usually by a doctor, nurse, occupational therapist or physiotherapist. The assessment involves interviewing the person and their nearest relatives. The medical condition of the person is taken into account and the assessment also includes an evaluation of

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the person's ability to carry out the tasks of daily living and the level of social support available. The assessment of one's ability to carry out the tasks of daily living takes into account one's degree of mobility, ability to dress unaided, ability to feed unaided, ability to communicate, extent of orientation, the level of co-operation, the ability to bathe unaided and the quality of memory. This latter task will be replaced in the Bill by cognitive ability. There is a subtle difference between quality of memory and cognitive ability. One could have very difficult short-term memory but very good cognitive ability, and *vice versa*.

Social support is assessed by one's housing conditions, such as the number of people in the household and the ability of household members to care for the person. The extent of support from one's community and the services received are also taken into account. The Bill does not specifically mention the elements of social support, but states the family and community support available, as well as any other issue which affects one's ability to care for oneself, will be taken into account. There should be room here for more guidance and standardisation. There will be more variation from different inspectors and assessors on this issue.

An assessment team, appointed by the Health Service Executive and which includes people with professional experience in the care of dependent people, decides whether or not a person meets the dependency requirements for a nursing home subvention. There are three levels of dependency. Medium dependency exists when one's independence is impaired to the extent that one needs nursing home care because the appropriate support and nursing care required cannot be provided in the community, and the mobility of the person is impaired to the extent that he or she requires supervision or a walking aid. This is known as category III in the Bill. High dependency exists when the person's independence is impaired to the extent that he or she needs to be in a nursing home.

The following assets may be taken into account: household property, excluding household furniture and goods; stock, shares and securities; money on hand, in trusts, lodged, deposited or invested; interest in a company or business of any kind, including a farm; interest in land, life assurance and endowments; and current value of business equipment or machinery, excluding a car. A farm is a livelihood and I would like to see the reference to farms in the Bill developed. How is the ownership of a farm calculated? Many difficulties may arise in families if a person in a nursing home was forced to sell the farm. The person who makes such a decision may be the person in the nursing home. Such a decision could cause much stress to the person.

If one disposed of assets in the previous five years, the value of those assets may also be taken

into account. The first €11,000 in value of any asset is disregarded. The Bill does not clarify whether disposal of one's assets to help a son or daughter build a house, or to help the child of a married son or daughter, will be taken into account.

How can a parent seek repayment of the money he or she spent on buying a site for a newly married child? That, however, is implied by the provision that the disposal of assets will be taken into account when assessing nursing home subventions. Such assets may comprise stocks or shares, cash or mature life assurance or endowment policies. Parents may divide their assets with their children only to be asked to recover the money the money four years later.

The principal private residence is not taken into account if it is occupied immediately prior to the application and continues to be occupied by the spouse, a child under the age of 21 or in full-time education or a relative in receipt of disability allowance or a blind, disability, invalidity or old age non-contributory pension. A person may leave work to care for an elderly person but, if he or she leaves the carer's allowance scheme to receive unemployment assistance, the house will have to be sold because its value is taken into account in calculating the nursing home subvention. According to my understanding of the Bill, it does not take account of carer's allowance or unemployment benefit or assistance.

A neighbour of mine left work at the age of 35 and spent the following 20 years caring for her parents. When she turns 65, she will not be entitled to a contributory pension but, as a matter of principle, she refuses to accept the non-contributory pension. Having cared for her parents for more than 20 years, she feels entitled to the same rights as somebody who remained in full-time employment. A committed and intelligent person, she made the choice of caring for her parents. People leave work and, for example, move back to Limerick from Dublin to care for somebody for two or three years. An in-law of mine could no longer continue to provide care in the home because of serious health problems and will now be forced to sell the house because it will be taken into consideration when the nursing home subvention is calculated.

Under the current rules, if the house is not occupied by any of the aforementioned categories of people, its value may be taken into account. If the value of the house is taken into account, it is assessed at 5% of the estimated market value, net of mortgage, loan, rental or purchase repayments. Variations existed among health boards in terms of how houses were treated for the purpose of means tests. The Health Service Executive cannot require a person to let or sell a house but a subvention can be refused on the basis of the value of a house. If the house is sold, the proceeds are taken into account in the assessment of means. Houses now cost at least €200,000, so somebody on social welfare will have no choice but to sell it

and join the local authority housing list. The Bill provides that the house must be taken into account unless it is occupied by the aforementioned categories of people.

The HSE may refuse to pay any subvention if the assets, including the house, are greater than €36,000, the principal residence is valued at greater than €500,000 in the Dublin area or €300,000 in the rest of the country and income is greater than €9,000. People earning €200 per week will therefore be obliged to sell their houses, even though it is barely possible to survive on €10,000 per year. They must pay for nursing home care because they inherited their residences. Houses in my area which cost €5,000 when first built are now worth up to €200,000.

Mr. Kelly: I welcome the opportunity to contribute to the debate on the Health (Nursing Homes) (Amendment) Bill 2006. Care of the elderly is a vital issue. I believe that we should seek to maintain older people in dignity and independence at home in accordance with their wishes. Insofar as practicable we should aim to restore to independence at home those older people who become ill or dependent. We must encourage and support the care of older people in their communities by families, friends, neighbours and voluntary bodies. However, cases will always arise in which there will be a need to provide high quality hospital and residential care for older people when they can no longer be maintained in dignity and independence at home.

This nursing homes legislation will ensure that the existing subvention scheme for private nursing home care is grounded in primary legislation and will help the HSE to implement the scheme on a standardised basis throughout the country. I am sure most people would welcome that because we sometimes hear stories of differing subventions between HSE regions. Funding of €6.35 million was allocated for the first full year of the nursing home subvention scheme in 1994. In 2006, total funding is €160 million, including an additional €20 million allocated in the 2006 budget for the scheme.

The Bill contains provisions for applications for prescribed subventions, assessments of degrees of dependency and means of applicants, determinations of subvention applications, reviews of degrees of dependency and means of dependent persons who are paid subventions, and appeals against decisions of the HSE. The provision of an appeals mechanism is welcome because people sometimes believe they have been mistreated and I am sure the HSE will look sympathetically on appeals. People will not go to the bother of appealing unless they believe they have a right to do so. The Bill also provides for obligations on proprietors of nursing homes to notify the HSE of the death or discharge of dependent patients in receipt of subvention, recovery of payments of relevant subventions procured through fraud or misrepresentation, and the making of regulations,

transitional provisions and guidelines to be issued by the HSE. There is no doubt that affordable residential care for older people is a key issue. We all regard supporting older people to stay in their homes and communities as a key policy priority, thereby moving away from the practice of placing people in residential care as a first option. Research has shown this is the expressed wish of the majority of our older people. I welcome the significant package announced by the Tánaiste after the budget. The budget allocated additional funding for services for older people and palliative care amounting to €150 million, comprising €110 million for 2006 and €40 million more for 2007. There is no doubt that this will mean a major improvement in home and community-based support for older people. Thousands of older people needing care will receive new services and support next year.

I welcome the Government's determination to put in place comprehensive health and social care for older people in a way that is reliable, that respects and values of older people and that is financially fair to older people, their families and taxpayers alike. For those who say older people have been neglected by this Government, I say that the budget gave the largest ever increase in funding for services for older people, and rightly so. The initiatives that were set out today make a commitment to older people and put them at the centre of future health policy. The investment package is focussed on caring for people at home, where they want to be. The investment package is a major step in focussing new resources on home care first and foremost, while still supporting appropriate residential care. This is in line with international trends and also reflects the growing independence of older people who want to stay living in their communities. It is wholly appropriate that substantial additional resources be devoted to services for older people. They have made a great contribution to our society and to our economic and social success. In this way, we are saying that the next generations value their contribution and will respect their needs and their continuing role in our society.

This Bill concerns people in institutional care but I believe, as recommended in the Mercer report on long term care, that there should be a built-in bias towards home care solutions while retaining a capacity for financing care in institutional settings. The funding of long-term care will make many demands of us, our economy and our society. The Mercer report also made the point that there is no blueprint available for the funding of long-stay care from a comparison of developments and trends in other countries. It said that there are general pointers from developments in other countries that may be helpful in planning change here. The state is usually involved in the funding of long-stay care, mostly within a cost-sharing framework that encourages people to choose home care over residential care. The report found that the need to promote and

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encourage family responsibility for their dependent elderly kin through increased spending on community care and more flexible support mechanisms for carers is recognised in most countries. It also found that the importance of controlling access to expensive, long-stay facilities is accepted in all countries.

Another report by the National Economic and Social Forum made a number of recommendations last year. Among them was to bring public spending on care services for older people up to at least the OECD average of 1% of GDP over the next five years, at an additional cost of €500 million. Estimated public expenditure here on care services for older people in 2004 was just under €1 billion, which equates to 0.67% of GDP. This recommendation is worth exploring though it must be pointed out that sometimes GDP comparisons between Ireland and other OECD countries are not entirely valid. In other countries, GNP and GDP is about the same whereas in Ireland GDP is about 20% greater. GNP is a more relevant benchmark. Perhaps in the context of maintaining sound fiscal policies, the Minister for Finance and other interested Ministers could examine increasing spending on care services for older people to 1% of GNP.

Sometimes we look at older people only in terms of care. We need a new, positive agenda for older people. The NESF report also called for the development of a national action plan on ageing and for moves to root out ageism and promote positive ageing. Ireland still has a young population by comparison to our European partners but ultimately it is likely that we will have a similar age balance. There is no doubt that older people have a major contribution to make and it is vital that we facilitate them in making it. I gather that in the UK a few years ago B&Q opened an experimental store staffed entirely by over-50s. Fears that they would not be able to cope with shifting pots of paint were soon dealt with, and there were no problems in training the staff to use computers. The over-50s store did better than other B&Q stores in almost every way. Profits were higher by a fifth, staff turnover was six times lower, there was more than a third less short-term absenteeism and, most remarkably of all, theft reduced by more than half. The NESF report also rightly points out that the development of policy and practice regarding care for older people should be considered in an international context. Current trends in this regard emphasise the importance of including older people in the policy-making process, mainstreaming ageing issues into national development frameworks and optimising older people's opportunities for social participation. Rather than sectionalise old people we need to integrate them. There has also been a general shift towards person centred community or home-based care and making services more consumer- friendly and standards-driven.

The report by the National Economic and Social Forum also highlighted the key role played by the United Nations in the development of international policy understanding of ageing. The UN's second world assembly on ageing agreed the Madrid international plan on action on ageing in 2002. This plan promotes an intergenerational policy approach that pays attention to all age groups with the objective of creating a society for all ages and a shift from developing policy for older people towards the inclusion of older people in the policy-making process. The UN identified three priority directions, 18 issues, 35 objectives and 239 recommendations.

The NESF also points to the need to develop a national strategy on caring. This means supporting informal carers in their work, as well as providing funds for the social infrastructure so necessary to allow older people to continue living at home. Respite care, day care, day hospitals and rehabilitation facilities are important elements of the social infrastructure, as are visiting services such as public health nurses and home helps.

I acknowledge at this stage the work done by the Minister for Social and Family Affairs, Deputy Brennan, in advancing the cause of carers. Since 1997, 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. The numbers in receipt of the carer's allowance increased from 16,000 in 2000 to 25,318 at the end of February 2006. Funding has risen from €99 million to more than €223 million in that time. Expenditure on carer payments — carer's allowance and carer's benefit — increased more than five-fold, from €46 million in 1997 to €232 million at the end of 2005. The carer's allowance has been increased by €90.16, or 101% for those under 66 years, and by €110.16 or 123.3% for those under 66 since 1997.

I know many people feel there is more that can be done, but the Minister has made significant progress over the past 18 months. I know many people wish to see the means test for carers abolished. As 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 eased significantly over the years, notably with the introduction of the disregard of spouses' earnings. From April this year, 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.

Apparently, complete abolition of the means test would cost an estimated €140 million in a full year. It is important to have an open mind on this

issue but it is debatable whether such a proposal could be considered to be the best use of resources. I know the Minister believes the view of some support organisations is that if this kind of money were available, it would be more beneficial to carers if it were invested in the type of community care services that would support them in their caring role, such as additional respite care facilities, more home helps, public health nurses and other such services.

The policy options for a financially sustainable system of long-term care are currently being examined. No doubt there will be significant cost implications. Numbers in care are projected to rise from 84,000 three years ago to 144,000 in 2031, and 203,300 by 2051. We will have to make some financial decisions. It is important we get the balance right.

Older people are an example to us all. They are friendly, courteous, honest, decent and religious, and they deserve all they get. They do not bother or annoy anyone. They are not greedy. I compliment nursing staff and management for their caring and understanding. I welcome the Nursing Home (Amendment) Bill.

Mr. O'Dowd: However well written and delivered Deputy Kelly's speech was, and I respect him very much as a person, the speech completely misses the point with regard to care of the elderly. The Government has failed miserably and shamefully in its policy on care of the elderly in our nursing homes. There is a great deal of information to back up this statement which has not yet been released to the public, and I have not got it yet. I am speaking of the investigation into 95 deaths of senior citizens in Leas Cross nursing home in recent years. That report currently sits somewhere in the HSE. I understand it has been completed and has gone for "legal advice".

I am concerned that this report may be buried, that other documents are being prepared, allegedly by the HSE, to give its side of the story, and that this report will not be released independently, as it ought to be. I call for the report to be released immediately once it has gone through the legal hoops. It will inform this debate, and if we see the report, the speeches given by Deputy Kelly and others on the Government side of the House may be entirely different in two weeks' time. Leas Cross is the scandal of which we are most publicly aware in this area, but it is not even on the list of bad nursing homes the HSE gave me in 2001. Seven nursing homes, the subject of the most appalling and disgraceful reports, remain open. Nothing has changed under this Government except that more people are being treated badly by it because it will not insist on, and has not yet brought to the House, legislation to change the nursing home regime and appoint a fully independent nursing home inspectorate which will vindicate the right of the elderly and sick to decent and proper care. They get that in a majority of nursing homes, but in a significant

minority they do not and will not get that until the law is changed.

The High Court decided that the law was not strong enough, that there is not sufficient power in the existing nursing home legislation to force the urgent and immediate closure of a nursing home. Currently, we can only close nursing homes through a long process that can take years to put through the District Court — so much for this Government and so much for transparency. After the Leas Cross scandal last year the Government and the HSE stated that changes would take place and that all nursing home reports would be placed in the public domain as they became available. However, the first decision made by the HSE with regard to nursing homes was that any information sought about nursing homes must be made through a freedom of information request. Nothing can be brought into the public domain without being subject to the Freedom of Information Act.

I refer to the Information Commissioner's annual report for 2005. On page 22 she states:

In last year's Annual Report I suggested that the Health Service Executive (HSE) should, as a matter of course, publish its reports on inspections of private nursing homes. I recognised that information of this type was of very significant interest to the public. In making the suggestion I was mindful of the provision at section 38 of the FOI Act that the Information Commissioner "shall foster and encourage the publication by public bodies . . . of information of relevance or interest to the general public in relation to their activities and functions generally". I pointed out that such an approach would be in line with the practice in the case of inspections of children's services by the Social Services Inspectorate. [...] In an immediate response to my suggestion, the HSE announced its intention (i) to make all completed inspection reports of nursing homes available on request, subject to FOI legislation and (ii) for the future, "[f]ollowing review and standardisation of inspection report formats and consultation with key stakeholders", to publish all future inspection reports on the HSE website. [...] At the time of writing this Report (February 2006), it remains the case that nursing home inspection reports are not being published as a matter of course. Access to the reports is still dependent on making a successful FOI request.

The Information Commissioner then outlines how long this can take and continues:

The situation may be further complicated by the stated intention of the Minister for Health and Children that the regulation and inspection of residential services for children, older people and people with disabilities should become the responsibility of a new statutory office (Office of the Chief Inspector of Social Services). [...] I

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am concerned that, pending the enactment of the legislation and the establishment of the Office of the Chief Inspector of Social Services, a decision to publish nursing home inspection reports may be further delayed. I would urge the HSE, in recognition of the very significant interest of the public in these reports, to proceed as speedily as possible with the implementation of the commitment, given in June 2005, to publish all nursing home inspection reports as a matter of course.

Since then, one year ago, the HSE has provided no openness, transparency or accountability. Nothing has changed.

Let us examine the case of the report on the Woburn nursing home in Cork, the only HSE inquiry I could find. I received this as a result of a freedom of information request. It dates to February 1996 and deals with complaints made about the home and submissions made in favour of it. The inquiry team received 15 complaints but proceeded with only five. Some 14 favourable submissions were received and all were processed. Why were these submissions treated differently? The reason is that there is no whistleblowers charter and no protection for people who wish to make a complaint. On page 11 of the report there is an account of a meeting with Councillor O'Leary and Deputy Batt O'Keefe, now a Minister of State and one of the people who brought this case to the attention of the relevant bodies. One person was represented by a solicitor who:

raised the issue of confidentiality from the perspective of people making submissions from the Inquiry Team and the consequences of such submissions for those persons. The Chairman indicated that anyone who wished to make a statement to the Team could do so, but that in the interests of natural justice, the person against whom any allegations or complaints were made would have to be furnished with a copy of such allegations or complaints and the identity of their authorship indicated to that person. The Chairman also stated that the Team was legally inhibited from offering any indemnity against the consequences of any submission made to it. Furthermore, if any person, in the course of making a submission to the Inquiry Team, implicated themselves in wrongdoing then it would be a matter for the Chief Executive Officer and/or the appropriate Professional Body to take whatever action was deemed necessary.

If one wishes to put a complaint against a nursing home on the record one is not protected by the Government. No legislation exists to protect whistleblowers. Where 15 complaints were made, only five were subsequently substantiated because of the fear of legal action. It is unacceptable that no protection is offered to

those who wish to tell the truth about the appalling level of care in our institutions. Despite the fine words and money spent on care of the elderly, there is emptiness and hollowness at the heart of Government policy. People are still dying because they are not properly cared for but nobody in Government is committed to changing this. Government Members stand utterly condemned for the continuing lack of action, one year after these matters were brought to their attention.

Some 25,000 people reside in nursing homes and there are ten cases of nursing homes comparable to Leas Cross. I do not know the results of Professor O'Neill's inquiry but I am concerned about what it will reveal. I have evidence of appalling practices in nursing homes and we need an inquiry into these. The HSE is aware of these and I will be happy to provide further details. I refer to doctors and nurses working in nursing homes that are the subject of bad reports and serious concern at the HSE. It is time for these doctors and nurses to speak up, expose the practices and clarify their role in the examination of these patients even though whistleblowers legislation that would protect them has not been passed.

I have been informed that information on a nursing home in Cork, which I am pursuing through the Freedom of Information Act, has been refused to me. I must wait three or four months while the case is referred to the Information Commissioner. Will the Minister for Health and Children and the CEO of the HSE agree to publish reports and information as promised? The Information Commissioner stated that this must happen and was assured it would.

I commend the HSE for the investigation of one particular nursing home. This reveals that there was no nurse on duty for 21 nights in March 1995, no nurse on duty for 20 nights in April, 16 nights in May, 16 nights in June, 21 nights in July, 22 nights in August, 15 nights in October, and 16 nights in November. The Health Service Executive has had that information for ten years, and yet there has been no change. I understand that the home in question has since closed. However, throughout the country, in a minority of nursing homes, that situation is being replicated. The Government has done nothing to protect these people. I recently mentioned a nursing home in north County Dublin. I was informed by staff that patients did not have their own clothes, or if they did, they rarely got them back. They might be left wearing a garment for a week and they were not being properly fed. There are nursing homes in this country where inspectors found no food. That appalling and disgraceful situation must change.

There is not too much time left for the Government before it faces the people. I will ensure that all the information I have is put into the public domain so that the Tánaiste will have to answer clearly, openly and honestly. The fact is that they

have done nothing, and that is unacceptable. The voice of the elderly is mute. We have excellent advocates for care of the elderly, but at the heart of Government policy is an appalling neglect of such people. I hope that this publication from Professor O'Neill, which may start a debate, will be released immediately so that it might inform us of the truth. The other homes, which I can indicate to the Tánaiste with no difficulty, should also be examined and investigated. That is the only way for us to achieve change.

The Government stands utterly condemned. Its words regarding the great things it is doing and all the money it is spending are hollow, since ultimately it is not looking after the elderly. They are dying before their time in appalling conditions in some nursing homes, and the Tánaiste has done nothing to change that. The Government and the HSE have known about it but have not acted to protect people.

Mr. Crawford: I welcome the opportunity to speak on this Bill. No issue could cause more anxiety in my office and the homes of Cavan-Monaghan than that of nursing homes and subventions. It is obviously linked with the delays in accident and emergency departments. I welcome this debate.

I will give one example. Only yesterday I received a telephone call from St. Davnet's Hospital where one of my constituents was waiting to see a doctor. She simply could not believe the situation. There was a marvellous building with many beds that were simply not being utilised. They are owned by the HSE, although they may be in the St. Davnet's complex. There must be more forward thinking to ensure that beds do not lie idle while people lie on trolleys or even worse in Cavan, Beaumont or elsewhere. There must be a degree of planning regarding use of the resources that we have but are not using, even as we allow people to suffer such discomfort.

The history behind this lady being in hospital is even more frightening. My constituent had been receiving one and a half hours' home help per day in her home. Suddenly that was cut from seven and a half hours per week to five because some inspector identified an anomaly. The woman could not feed herself, being dependent on the home help seven days a week. She is now in her fifth week in Monaghan General Hospital. Her daughter, who now lives in Northern Ireland, had been in to speak to the consultant and find out what the future held. Trying to save pennies on the one hand costs the HSE thousands on the other. There is no planning.

Regarding subventions, we in Cavan-Monaghan have one of the more serious problems. In the early 1990s, as many patients as possible were sent to the United Kingdom under the free scheme. We obviously had a low level of involvement in subvention as a result. The numbers receiving subvention before the previous general election and for a few days after

went up to approximately 270. However, immediately after, an effort was made to bring it back down to 150. At the time, we had people almost 100 years of age on a waiting list to receive a subvention. That was and is unacceptable and must be changed.

The staff in the subvention office in Cavan are excellent. They are more than pleasant and helpful, but they must tell us the facts, which are that they must ensure they stick to the letter of the law so that as few people as possible receive subvention because funds are limited. Is that the treatment the elderly should receive after having given a lifetime's service to the nation? Is it right that someone should lie in Cavan General Hospital, Drogheda Hospital or elsewhere waiting on a subvention bed while others wait on trolleys? Those are facts rather than stories. People contact me every day on this subject.

This is another example of the misuse of property. There are 25 beds in a psychiatric ward in Cavan. The unit is reasonably new with approximately seven to ten patients at any given time. It is locked up but surely it could be divided so that some of those beds might be made available for the elderly who so badly need proper care. It is not happening, however. That has been suggested to me by personnel in Cavan who know the scene very well. At the other end of that hospital building is a step-down unit which is forced to provide long-term care. Surely some of those people should be in private nursing homes with the help of subventions to allow more step-down beds for the hospital. If those two units were utilised, we would not have 25 to 30 people on trolleys. I have passed on letters from some clients who spent time on trolleys there detailing how they felt.

This is an example of where the Government must wake up. There is no point in my tabling questions to the Tánaiste and Minister for Health and Children as I did this week, last week and on previous occasions. My colleagues and all the others do the same. All that we receive is a letter stating that the Tánaiste has no interest, since she is not involved, and the HSE answers such queries.

The Tánaiste was appointed by the Taoiseach after a general election that produced a coalition Government between Fianna Fáil and the Progressive Democrats. The only way we can get answers is for the Tánaiste to accept responsibility for her position rather than running away from it. It is very difficult for us to tell constituents that we have tabled a written question to the Tánaiste but cannot receive a simple written reply. Surely, with all the extra staff in her office and elsewhere, that should not be difficult. Will the Minister of State relay that message because it is so seldom we get a chance to see the Tánaiste and Minister for Health and Children herself? There is a need to recognise this House and its relevance to policy at least. Who decides the policy on whether beds lie empty, while people lie on trolleys? It is totally wrong that that should

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happen. We all want to see our people getting proper services. I will not indefinitely abide by a situation whereby facilities that could be used are available, but are being ignored or red tape is being allowed to get in the way.

The regulations for getting subvention are very difficult. A pensioner might live with an elderly parent but the house is still in his parent's name. While the person on pension is not dependent on his or her parent, the house is the only home he or she will have in the future, but because the house is in his or her parent's name the house must be taken into account. Is this fair? If that issue is not addressed in the Bill, I ask that it be rectified. Someone who is dependent, perhaps through disability, may be included. I had such a case in my home town, Clones, where an elderly person in her 90s lives in the family home with two daughters who have pensions earned in their own right through their taxes. The family home needed to be used for subvention purposes.

In another case a solicitor stopped an elderly man handing over the last 20 acres of his farm to his son. Those 20 acres were reckoned against him for subvention purposes and he needed to use nearly all the cash that was left behind for his widow. In such cases the Government is seen to be uncaring and unthinking. People over 70 now qualify for free medical cards and should qualify for free health service also.

We in the north east and particularly in Cavan and Monaghan are victims of circumstances. Sizeable numbers were sent across the Border in the 1990s and our subvention figures seem to be based on those earlier numbers. More seriously, the four counties of Cavan, Monaghan, Louth and Meath have the highest increase in population in the country. Admittedly Louth and Meath are the two counties that caused the increase. Two years ago the submission by the then North Eastern Health Board to the Government stated it would take an additional €40 million to cover the needs resulting from that population increase. However, the budget gave us the same 9.5% increase. Unless this changes dramatically we will have very serious problems.

The process for applying for subvention must be greatly simplified. Many of the people involved are elderly and some are not very well educated, which is placing enormous pressure on families. Help should be given directly by the HSE to help these people complete the forms. Some individuals are good at doing this and some district nurses and others are very helpful. However, the crisis arises when they need to meet the social welfare officials and they do not know what they should and should not do. The last budget gave figures purporting to show how the situation had improved and I genuinely believed it showed a major change. However, when the increase in house valuations and the increase in the amount a person was allowed to own are included, the changes were not that great. A per-

son with €27,000 in the bank can now get an old age pension. However, the maximum allowable bank balance for subvention purposes is €11,000. In many cases the value of the house is immaterial because of how the means test operates.

Another issue arises with how the degree of dependency of an applicant is assessed. Surely the best person to make that assessment is the district nurse and the applicant's doctor. However, sometimes others are brought in to make the assessment. As the Minister of State knows, if his mother or mine were examined, the inspector would not know what was happening and for five or ten minutes would try to ascertain how well she is able to cope. In some cases an elderly person will go to the trouble — which is the norm if he or she is in any way fit — to provide a cup of tea for the inspector. Someone supplying a cup of tea to an inspector can surely expect the worst as this would indicate he or she is well able to look after himself or herself and there is no need to be in a nursing home. An inspector calling half an hour later or in the middle of the night might realise that things were totally different.

This all comes down to how the HSE determines an application for subvention. I hope the Bill will ensure that HSE officers in different areas deal with the issue consistently. Previously in the House I mentioned a particular case and it is worth repeating. A family whose mother was in a nursing home in Sligo needed to come back to the north eastern area in order to get subvention. The manager of the home spoke to me several times on the phone. He could not believe the difference between what I had to deal with and what he had to deal with. There were differences in the means test and the mechanisms for paying back until the person went into the home. We eventually reached a compromise and the family only needed to borrow for one month. It is vital that this situation be rectified.

I welcome the discussion on the issue of subvention. It is vital that it is sufficiently funded and that nobody needs to be on a waiting list, regardless of where they live. Private nursing homes are not getting any cheaper. I recently spoke to a person who is waiting to get into St. Mary's nursing home in Castleblaney. I make no apologies for saying it is one of the best in the country. It has a high-care unit for people with various problems. The unit was funded and opened by the then Minister, Deputy Noonan, prior to which it was a locked-up ward. It gives tremendous service. The person waiting to get into St. Mary's is paying €825 to stay in a nearby nursing home. Because he had some money and five acres of land he does not qualify for subvention. When he burns out the few pounds he has, I hope he will be allowed into St. Mary's. However, this is not acceptable. This person deserves to deal with his difficulties in some dignity. I hope that by the time this Bill is passed the Government will provide the necessary funding to give a subvention to all who need one. If the Health Service Executive was allowed

to give proper home care much of the subvention would not be necessary, in cases such as that I mentioned of the woman who spent four weeks in hospital. There are many other cases of people who could be let go home from hospital if care was available. Home care funding in the north east was halved a few years ago. There have been small increases but it is unacceptable and unfair that a woman, an amputee, when living in Donegal received 12 hours home help a week but receives two hours since moving to Carrickmacross following her husband's change of job.

We are supposed to treat all children of our island equally but that is not happening. I urge the Minister of State to rectify the home help service. There are people prepared to deliver the service but they need flexibility. Their income is somewhat better than in the past but if home help can allow somebody remain at home the allowance should be improved. The Joint Committee on Social and Family Affairs, of which I am a member, agreed unanimously that a person receiving social welfare, such as an old age pension or widow's pension, should be entitled as a minimum to half the carer's allowance. That would dramatically change the situation.

Mr. F. McGrath: I welcome the discussion on the Health (Nursing Homes) (Amendment) Bill. It is important to reflect on and pay tribute to the elderly in our society and to remind ourselves of who they are and what they did for us. The people we are discussing are former workers and taxpayers who were around in the tough times, the 1950s and the dark 1980s, when we did not have the massive resources available today.

I also pay tribute to the carers and those who work in nursing homes. I commend them on their dedication and the excellent services they provide to many elderly people. Many who talk about and care for the elderly do not realise the valuable work they do in respect of these services. They deserve a special thanks. In a few cases the elderly have not been properly treated but most of those who work with the elderly do a tough job in a caring manner.

Modern society does not seem to respect and care for the elderly. On beautiful summer evenings elderly people in my constituency are locked into their homes at 7 p.m. They are afraid to answer the door because they fear attacks or anti-social behaviour. It is a scandal that elderly people are barricaded into their homes every night. The Minister for Justice, Equality and Law Reform needs to wake up and deal with this neglect of the elderly. I blame successive Governments for failing to do enough for the elderly.

Old age is not a sickness. The elderly are the survivors of their generation and deserve more care and respect. Many people in their 70s and 80s are still physically able to contribute to society. I commend any efforts made to ensure they are always included. Many services such as meals on wheels would not run without elderly

people. Those in my constituency, Marino, Fairview, Killester and Clontarf, involved in this work are themselves elderly people yet they are often forgotten. We must in turn look after these people. I welcome the progressive increases in the budget over recent years which marks a serious start in helping elderly people and pensioners. The people who provide meals on wheels asked me to ask the Minister of State who will continue the service when they move on or die. The entire Cabinet must face up to this reality and plan for the next ten or 15 years.

The decision of the Supreme Court to reject the Government's Health (Amendment) (No. 2) Bill confirmed the biggest theft of our time. I have spoken before about the €3 billion stolen from more than 300,000 older people over 30 years. The implications of the Travers report were devastating and showed State-sanctioned elder abuse over three decades. It also showed a lack of political leadership by successive Governments and Ministers. Many elderly people and their families feel let down by this.

Approximately 444,000 people, or 11% of the population, are over 65 years of age. Of these, approximately 266,000 are over 70, one third of whom live alone, and 25,000 elderly people are in long-stay beds or nursing homes. A further 13,000 elderly people need high to maximum dependency care and they continue to live at home. It is important to give them the necessary support and back-up.

Most elderly people want to receive care in their homes or in the local community. We must plan for that and I welcome measures aimed in that direction. Many families of the elderly make sacrifices to provide the best possible care for them but the inadequacy of our nursing home subvention scheme causes hardship for them. They are conscious of cuts in home care services which is not acceptable. The failure to abolish the means test for the carer's allowance is a further attack on the most vulnerable in our society. Services for the elderly in disadvantaged areas are grossly under-resourced. These should be resourced and serviced in coming years.

I demand that the Government put in place adequate resources and a comprehensive infrastructure for care of the elderly. I welcome the small steps forward but more home care packages are required. This is an issue which is raised regularly in my constituency clinics and when I meet people on the doorsteps in Dublin North-Central. The elderly need home care packages. In Beaumont Hospital in my constituency a number of elderly patients are waiting for the home care package to be implemented so that they can leave the hospital. They cannot leave until an adequate home care package is provided. I urge the Minister of State and the Government to examine the situation. Hospital beds must be freed up to provide more services in accident and emergency departments. Home care packages should be regarded as a right for elderly people. They were

[Mr. F. McGrath.]

workers and taxpayers who contributed to society in the tough times and they have a right to these services, and home care packages must be part of these services. I commend all the carers who work with the elderly, the disabled and children at risk.

I pay a special tribute to Máire Buckley, that beautiful, caring teacher who was killed last Sunday in the tragic bus incident. Máire was an extremely competent, professional and caring teacher who worked in the inner city all her life. This evening her body is being removed to the church in Seán McDermott Street. I pay tribute to Máire for her work, to the parents in her school and to all the families that Máire has helped over the past 25 years as a caring, professional teacher. She was dedicated and was an honourable member of the INTO, the Irish National Teachers Organisation. On behalf of all Members, I express my deepest sympathy to her family. It was a very tragic event which has been a nightmare for her family and her death has been a sad loss to society.

The north inner city and the whole north side of Dublin is in mourning today for Máire Buckley because she was the person who cared for children with special needs and for the poorest children in society. She worked very closely with the parents and children who were at high risk and she gave 100%. This is a sad day and this country has lost a great person, a patriot, a citizen who cared about people, about the elderly and about children.

The nursing home subvention scheme was introduced in 1993 on foot of the Health (Nursing Homes) Act 1990 and the Nursing Homes (Subvention) Regulations 1993. The purpose of the scheme, which is implemented by the Health Service Executive, is to provide financial assistance to persons towards the cost of maintenance in a private nursing home. The purpose of this Bill is to ensure that the existing subvention scheme for private nursing home care is grounded in primary legislation and to help the HSE to implement the scheme on a standardised basis across the country.

Section 2 of the legislation amends section 2 of the Health (Nursing Homes) Act 1990 to specify that subvention shall only be paid to a person maintained in a premises in which a majority of its residents are members of a religious order or priests of any religion, if the premises are a registered nursing home. Section 3 of the Bill replaces section 7 of the Health (Nursing Homes) Act 1990 with a new section which outlines the principles and policies underpinning the subvention scheme. A number of subsections provide for the method for making an application for a subvention; assessment of the degree of medical dependency of an applicant; assessment of the financial means of an applicant; review by the HSE of the medical dependency and means of a person receiving subvention; a system of appeal against

decisions made by the HSE on a number of different aspects of the application process; an obligation on a nursing home owner to notify the HSE of the death or discharge of a person in receipt of subvention; and the recovery of a subvention payment procured through fraud or misrepresentation.

Section 6 of the Bill replaces section 14 of the Health (Nursing Homes) Act 1990 with a new section which provides that regulations shall only be made after having been approved by both Houses of the Oireachtas. Under the current section 14, regulations are made before being laid before the Houses of the Oireachtas which may subsequently annul them.

The purpose of the Bill is to provide for the existing subvention scheme in primary legislation. Therefore, there will be no change to the current system of subvention payments as a result of this Bill. It is not expected there will be any significant financial implications either to persons availing of the scheme or to the Exchequer. It is important to highlight these sections in this debate.

I wish to deal with the issue of the rights of the elderly as citizens. I refer to the Irish Senior Citizens Parliament which is the voice of the elderly. I compliment a person from my constituency, Mr. Michael O'Halloran, and pay tribute to the people directly involved in the Irish Senior Citizens Parliament. I commend Michael O'Halloran and his officials for the work they have done in the parliament.

The Irish Senior Citizens Parliament held its annual conference in Dublin on 21 and 22 April 2006. The parliament celebrated its tenth anniversary and 300 delegates attended, representing 95,000 members. The parliament is now the largest representative organisation of older people in Ireland. A total of 46 motions were debated, covering a wide range of topics dealing with issues affecting the quality of life of older people. The motions which were adopted will contribute to the policy development of the parliament. Motions covered issues dealing with chiropody, living alone allowance, cancer screening, resourcing of long-term care, discrimination in insurance, improvements in the State pension for older people, consultation and planning issues and others, which if implemented would greatly improve the living standards of older people.

The parliament was also addressed by the Minister for Social and Family Affairs, who spoke about the development of pension policy and the need to provide adequate pensions in the future for retired people. He also dealt with his wish to see a better pension scheme for existing pensioners. All Members will support these proposals.

I commend the parliament as a very worthy body. It held three workshops, one of which dealt with the subject of pension policy in Ireland. This workshop was addressed by Professor Gerry Hughes from the Economic and Social Research Institute. He covered a wide range of issues and

outlined the way in which pensions could be greatly improved for the existing pensioners as well as securing pensioners' incomes in the future. Another workshop dealt with the organisation of older people at local level and the relationship with the local partnerships. This workshop was addressed by Fiona English, equal opportunities programme manager of the Wexford area partnership. She outlined the benefits of having older people well organised at local level and having a good relationship with their local area partnership. The third workshop dealt with the subject of older people's health. It was addressed by Dermot Smith, assistant secretary of the Department of Health and Children. He outlined the present proposals by Government, in particular the home care packages, which are designed to assist older people to remain in their own homes as long as possible. He also dealt with other issues relating to the health of older people.

The workshops provided a lively opportunity for the delegates to question and discuss issues of importance to older people in the area of pensions, local organisation and health policy. In his presidential address the president of the Irish Senior Citizens Parliament dealt with the issues connected with over-crowding in accident and emergency departments. He contended that part of the reason for the problems in accident and emergency departments was they had to deal with people who have accidents due to drink or drugs overdose. He called for some initiatives to try to reduce these numbers and to free up the facilities available in accident and emergency departments. I welcome the comments made in the parliament. This is a group of elderly Irish citizens who have put forward sensible proposals about care for the elderly and give their views on dealing with the problems in accident and emergency departments.

I welcome the debate on the Health (Nursing Homes) (Amendment) Bill. It is important to face the reality that our elderly people are not being given the maximum support. I pay tribute to many groups in my constituency. For example, there are the care services on Sybil Hill Road, which provide excellent services, and the Clontarf and Marino active retirement associations. These are people who go out regularly and keep their eye on their neighbour. It is old-fashioned community spirit, but it is something that is lacking in the wider society. I understand the problems in the wider society, because everybody is so busy and people have problems at work and issues with time, but we should all learn from the elderly, from their experience in life and from their vision for life which is one of caring for and looking after older people. Let us remember that many of our elderly have the experience of life and can still make a massive contribution to the State. They have done excellent work, and we should look on them as a valuable resource in society. Earlier, I mentioned the people who work for

meals on wheels in their late 60s and 70s and the valuable service they provide. These older people are a valuable resource.

Another important issue is that of people with disabilities and the valuable work older people do in providing care and other services for adults with disabilities. Older people, with their caring nature and their experience, can have a fantastic relationship with people with disabilities. On some of the projects on which older people are involved, they have done magnificent work, and we see the reaction of the people, especially those with an intellectual disability such as those with Down's syndrome. They have a very good, open relationship with older people and a respect for older people that we in the wider society often forget, which is sad — we are losing focus on that in the broader debate.

I commend older people on their magnificent work with people with disabilities. The Special Olympics was another example of that, as a large number of the 30,000 volunteers were retired people. More important, however, is the amount of work they got involved in afterwards, when all the cameras and the media went away, and the amount of work that goes on in every part of the country where older people are involved in providing excellent services for people with disabilities.

This is a very important debate. We need services and home care packages and we need an inspector for nursing homes but, above all, we need respect and compassion for our elderly.

Mr. Connaughton: It gives me great pleasure to speak on this motion. We are supposed to be discussing the Health (Nursing Homes) (Amendment) Bill, but it appears everybody is talking about everything else, and I am sure I will be no different.

Mr. F. McGrath: The Deputy would never do that.

Mr. Connaughton: The Deputy is a past master at it.

Acting Chairman (Mr McCormack): I am very lenient.

Mr. Connaughton: It all has to be said. The Bill is innocuous, although it is important in the sense we hope it will iron out some of the anomalies in the nursing home subvention, which meant families in one area were, seemingly, not getting the same level of subvention as families in other areas. Other such issues were also arising. If that is all it is about, it should get a fairly speedy run through this House. However, there is the more fundamental matter of the subvention itself, and I beg the indulgence of the chair in speaking on it.

In the process of life, people grow old, and there are only three or four ways in which the elderly can be looked after. There is no harm in

[Mr. Connaughton.]

stating them in a debate such as this. We all hope that when we arrive at the golden years we will be able to look after ourselves, live in our own homes and eventually go to Heaven. That would be lovely if it was possible and, thankfully, I know people to whom that has happened.

Mr. Killeen: Were they people from this job?

Mr. Connaughton: Maybe. The next best is when people are able to stay in their own home and be looked after by their own families. That happens all over the country every day but, for people for whom that is not possible, nursing homes, which we are discussing, become relevant. There are two different types of nursing homes: the State-run geriatric homes and private nursing homes, a relatively new industry. If we had a debate like this 20 years ago, most people would hardly have known what a private nursing home was, as there were so few of them at the time. If people were given the choice when they got old, they would prefer to remain at home, a view echoed in the debate.

Like every other Member, I have had occasion of speaking to people in nursing homes. This is not in any way a slight on nursing homes, as most of them are extremely well run, but I have often heard people in nursing homes saying they are grand, have everything they want, but would rather be at home. That is the most natural thing for people to want, which is why the objective of this Government is wrong. As many of my colleagues said, there are many older people who are almost self-sufficient. When people get old there are little things we take for granted, such as when a person is crippled with arthritis and cannot put on his or her shoes or make a cup of tea, but that does not mean the person has to be in a nursing home. Everything else about their health could still be all right, which is why the home help system has been such an extraordinarily good thing.

Most families get only two, three, four, five or six hours free a week. There are 24 hours in every day and, when that is broken down to two hours every day at most, what the home help can do is important but very limited and not enough. We always have to worry about value for money in this House but, even if the revenue for that system was doubled, it would be great value for money, because keeping people in their own homes basically means the subvention does not have to be paid. If people go to State-run homes, it costs about €1,000 or €1,500 a week. One might imagine that the right thing to do was to increase the funding on that level, but the next category for which funding should be increased is at the subvention level. I have not heard that raised here and it may have been overlooked, but it is a big issue in County Galway, my part of the world.

As is well known among the elderly, what is available at the top end of the subvention, if a

person qualifies under all headings, is €190 a week. There is an enhanced subvention, which I shall talk about. Of the older people I know, although admittedly as the years go by there will be smaller numbers of them, there is a significant number of without a thing in this world except for their old age non-contributory pension. That is the way it is if they were in non-insurable employment or self-employment. There has been much talk about how gracious the Government was towards those people in the last budget, with an extra €188, but if that is added to €190 it comes to a sum well under €400. I do not know of any nursing home, even in the west where the fees charged are generally lower than in other regions, where the minimum charge is below €600 per week. Several of them charge €700 to €900 per week. Where does that leave a person who when his or her pension and subvention are taken into account must still make up a shortfall of €200 or €300 to meet the cost of the nursing home care per week? I receive several telephone calls on this issue every week. It is not so bad for people who have families who can pay the shortfall but many families find it extraordinarily difficult to make ends meet. Everybody understands this and I will not waste the time of the House talking about it. By the time people pay their child minder, mortgage and car repayments and all the other bills, they have nothing over to pay for the care of another person. They might want to, but they are not able to afford to do so. How will this legislation assist poorer people who want to use the private nursing home service?

A great deal of good work has been done by the private nursing home industry, although as in every other industry there are blips. Unless the people who wish use this service in the future are funded by something far greater in value than the State old age non-contributory or contributory pension, the future for this industry is not as rosy as it might appear. In some parts of the country the occupancy level in nursing homes is high and elderly people have to wait to get a place in them. However, I know of a number of nursing homes where places are available and one could walk in off the street and get a place.

The private nursing home concept will form an integral part of how we treat the elderly in the future. A great feature of private nursing homes, which has not been lost on the elderly, is that they are located in local towns and villages. In my town of Mountbellew and in many other towns in east Galway people who are in good health are able to meet their neighbours in the town and return to the nursing home in the evening. It is a lovely concept that elderly people can meet and talk to the people they were born and reared with. That is an excellent idea. I hope the Government will ensure that concept will not be pulled asunder on the basis that people will not be able to afford to use this service.

Even with the level of the subvention, people have to pay a large amount per week to make up

the shortfall to meet the cost of their care. I pay a sincere and strong tribute, as other Members have, to the people who run this service for HSE western area. They are humane and do the best they can. I might have time later to refer to the manner in which, under the Bill, eligibility is decided for the granting of a subvention on financial or medical grounds. As in the case of all schemes, provision must be made, and included in legislation if possible, for hardship cases, of which there are many. There is not a family in Ireland, the members of which do not at some stage experience something unforeseen.

I know of a 58 year old married woman who has had two or three serious illnesses and she now cannot be cared for anywhere else other than in a private nursing home. This woman does not have a pension, given her age she does not qualify for an old age pension, and she was not entitled to an occupational pension because she has been sick for many years. Her husband has a part-time job and is well paid but only on the basis of working part-time. On the basis on which means are calculated, the subvention awarded in this woman's case is only €100 per week. The cost of her care in a private nursing home is €600 per week. Where will a family such as that get €500 every week of the 52 weeks in the year, perhaps for the next ten years for all we know, to meet the cost of this woman's care? If the woman cannot be kept where she is, she will have to take up a bed in one of the geriatric State run homes and that will be even more costly. The family members have said to me time out of number in recent months that even if they could get €200 or €300 together they could manage to meet the cost of the care. They would walk the earth for their mother, but in terms of the cost they have to meet for her care, they are not able to walk that far. That is the problem they face. I do not see anything in this Bill that will give them any great hope. Provision for hardship cases might make bad law but we have to deal with them as we encounter them.

Account is taken of the assets a person has at his or her disposal at a given time. I assume that provision in regard to 5% of the value of the house the person owned will be foregone in this legislation. I have a difficulty with that requirement. The type of house in which most elderly people live is certainly not a manor or a castle. When an elderly person has to move to a nursing home or any other home, it is almost impossible to rent the person's home, even if he or she wanted to do so in that it is not fit for renting. Because the person is the registered owner of the house, a 5% value was applied to it under the old scheme. That requirement should be seriously reviewed as there is no need for it.

In regard to how we treat the elderly in terms of taking account of the totality of the problems they face, a society is judged, and correctly so, on the manner by which it treats its elderly. We live in a world where the pace of life is fast moving.

Thankfully, many of us are in jobs that are reasonably well paid and, more important, we have been extraordinarily lucky in enjoying good health all our lives. However, for the many people who were not so lucky, they fear the thought of growing old. This country always had great credibility in terms of looking after the interests of the elderly, but our system is breaking down big time. I have been long enough in this world to remember the wonderful chain of affection that existed between parents, grandparents and grandchildren but sadly in this nuclear age that chain is badly broken.

I fully support the idea that, irrespective of which party or parties are in Government, it is not possible to supply all the various services without the help, guidance, love and care of the family members of the elderly person concerned. One's sons or daughters may not be able to help one financially but there are many other ways they can help. A point that is not made often enough is the great debt of gratitude children owe to their parents for what their parents did for them down through the years. Most families accept that without any trouble, but there is a certain cohort of people who glibly say they want to do their best for their aging parents, while they shrug their shoulders and say that unfortunately there is nothing they can do. That is just not good enough.

There are certain principles and objectives that any Government worth its salt must bear in mind. The provision of services for elderly people should not relate to how well or how badly the economy is doing. This is an important aspect of the debate on the care of the elderly. When people are a certain age they have an actual right to a certain level of care, consistent with their various abilities or disabilities, below which they should never be asked to accept. This country has not yet arrived at that stage, although some of its services are excellent.

I would like to highlight an important aspect of any debate on nursing homes. Many people have referred to the problems in this sector. As I said in this House some months ago, the nursing homes with which I am familiar are well run and I do not receive complaints about them. In that context, however, it is hugely important for the Department of Health and Children and the Government to ensure that what I call "flying squad" inspections take place at the drop of a hat. Inspectors should be able to call to nursing homes in any part of the country, on any day of the week and at any hour to ascertain who is responsible for what and to determine whether everything is above board. That is the only way for us to ensure that the system that serves the elderly people of this country, for whom we are striving today to do the best we can, remains straight, honest and proper. I know some people will think that is a heavy-handed way of doing business, but I do not accept that. If the system is working as well as I think it is, nobody other than the cowboys who

[Mr. Connaughton.]

are operating in this sector should have any problems with “flying squad” inspections. An episode of “Prime Time Investigates” that was broadcast some months ago showed that not all nursing homes are being run as well as they should be. I would like to refer to two other matters, but my time is up.

Dr. Cowley: I am glad to have an opportunity to speak on this important Bill. It is difficult to know where to start when speaking about an issue of such fundamental importance to everyone concerned. As we are all getting older, it is inevitable, unless something happens to us in the meantime, that we will all need some support in our old age. I use the term “support” because nursing care is a subset of support. The basic difficulty in this regard is that the Government has lacked vision in its efforts to give older people the support they deserve. Its handling of the elderly support system has succeeded in medicalising and institutionalising the care and, more appropriately, the support of older people.

When the Minister of State, Deputy Seán Power, introduced the Bill before the House, he said there was a legal imperative to sort out the private nursing homes subvention payment system, which no more than 5% of the population will require. The debate on older people should not start without a recognition that 95% of older people will not end up in nursing homes and, therefore, will not require the services of such a home. If one were to arrive from Mars to examine the debate in this country, one would swear that there was very little in this country other than nursing homes. That is the reality of the situation. I accept that massive resources are being invested in nursing homes to remedy the mismanagement that has taken place. I accuse the Government of medicalising the care and support of older people. Perhaps I will have a chance to speak about another way of approaching this issue later in my contribution.

We need to bring some order to the total chaos in the elderly support system. Older people who require the services of a nursing home, as 5% of the population will do at some time, are caught between the devil and the deep blue sea when they try to work out where exactly they stand. The Department of Health and Children and successive Governments stand indicted in this matter. There is no clarity in the system. Anyone who knows older people as I do is aware that they like to be well organised, to have everything clearly set out, to cause as little trouble as possible and to have everything in order. I refer to a wonderful generation of people who have done so much for this country. The system that is in place to support them is totally chaotic, unfortunately. No matter where one goes in this country, one will not have a clue about one’s entitlements in this regard.

I pay tribute to the many excellent and professional people employed by the Health Service Executive, particularly in my locality, who do a really excellent job, for example in assessing older people for subvention payments etc. The same praise cannot be given to the system as a whole, unfortunately, because it suffers from a lack of direction and vision, through no fault of the staff I have mentioned. I sincerely believe that one gets a different subvention rate in one part of the country than in another. I accept there are three basic categories, but we should bear in mind a further category, the enhanced subvention that may or may not be paid. This Bill refers to the enhanced subvention, but I would be happier if it brought some order to the chaos that exists in this regard. I know the Minister of State plans to introduce an amendment, which will outline the exact subvention rates, later in the legislative process. Older people need to know for certain exactly how much they will pay.

I am not criticising private nursing homes in any way. Many of them have been developed in recent years as a result of Government policy. Such nursing homes are profit-driven, however. Communities have a large part to play in supporting older people. The desire of people to turn a bob has been prioritised in this sector, as it has in many other facets of life in modern Ireland. It has taken precedence over the wonderful potential of communities to look after their own people. As someone who is involved in supporting older people in their own communities, I have to say the supports which are available to communities do not incentivise them to get involved in such activity. The needs of the vast majority of people — the 95% of people who do not end up in nursing homes — are being totally and utterly ignored. We need to take an overall view of the support of older people in modern Ireland, rather than concentrating on the 5% of people who end up in nursing homes, who represent just one aspect of the issue.

We should think about investing from the start, for example, by supporting the 85% of people who wish to remain in their own homes. No more than lip service has been paid to the well recognised group of people who need to be supported at home, although that has started to change in recent times. Just half a dozen home care packages were available in County Mayo last year, which was not enough to satisfy any home care arrangement.

As I said, the system has developed in the way it has as a consequence of the Government’s policy of making the rich even richer. I am not in any way criticising nursing homes. I believe there are some really excellent nursing homes and the vast majority of people running them are very professional and do a good job. There are a few, however, as mentioned in this Chamber today, which are not as good. As in any calling there will be rogues and people who do what they should not do. The system encourages people to make

profits. Private nursing homes are profit-driven enterprises. There is an alternative, namely, not-for-profit community-based facilities. I look forward to continuing this debate.

Debate adjourned.

Ceisteanna — Questions.

Priority Questions.

Social Welfare Code.

1. **Mr. Stanton** asked the Minister for Social and Family Affairs his views on whether the social welfare system supports the needs of men and women equitably; his proposals to ensure same; and if he will make a statement on the matter. [17794/06]

Minister for Social and Family Affairs (Mr. Brennan): The social welfare system is designed to provide income supports and access to relevant services in a timely manner to all our customers. The system is neutral with regard to how it treats men and women; receipt of payment is dependent on contingency and other conditions being met. Levels of payment and how they apply are exactly the same for men and women. However, while there is equity in access to the social welfare system for men and women, the impact of past labour market experience and the traditional roles of women in the home can mean that they may indirectly be impacted upon within the system.

With regard to social insurance schemes, this may relate to insufficient or incomplete social insurance records. As regards means tested payments, the structure of the payments system could have had the effect of excluding certain categories, mainly women, from labour market supports and prevented them from becoming financially independent. As society has changed so too has the social welfare system and these impacts have been seen and continue to be, addressed by my Department.

The policy of Government over the years has been the expansion of the social insurance system to ensure that it is as inclusive as possible. A range of measures has been taken to facilitate access to insurance for those with incomplete records and to make the system more flexible to recognize the pattern of people's lives and the introduction of new payments reflecting caring responsibilities. These include the extension of social insurance cover to part-time workers, introduction of the home maker's disregard, extending coverage for maternity and adoptive benefits to the self-employed and the introduction of a carer's benefit. With regard to access to pensions, men and women are treated in exactly the same way under the qualifying conditions for old age

contributory and retirement pensions. However, in the past many women left, or were forced to leave the workforce to care for family members and consequently have gaps in their insurance records. A number of measures have been introduced over the years to facilitate those with incomplete insurance records to receive payment. These include a reduction in the yearly average number of contributions required for pension purposes from 20 to ten and special half rate pensions based on pre-1953 insurance contributions. *Pro rata* pensions are also available to allow people with mixed rate insurance records to receive a payment.

The Government will continue with the aim of making the social insurance system as inclusive as possible and reflecting the life changing and evolving experiences of men and women. In terms of means tested payments, the ending of the use of qualified adult allowances in social assistance is one of the major recommendations in the report I recently launched in Proposals for Supporting Lone Parents and Low Income Families.

Additional information not given on the floor of the House.

The report recommends the ending of the one-parent family payment and qualified adults in social assistance and the introduction of a parental allowance which would be payable to all low income families. This will both facilitate the person's financial independence and enable supports and services to be made available to the individual. At a broad level my Department is carrying out a technical review of the entire social welfare code to examine its compatibility with the Equal Status Act 2000, as amended. The review will identify any instances of direct or indirect discrimination, on any of the nine grounds under the Act that are not justified by a legitimate social policy objective.

The social welfare system must adapt so as to reflect the attitudes and expectations of society. In consultation with groups representing women and men my Department is and will continue to plan and implement reform which reflects these changing needs and to ensure equity in the system.

Mr. Stanton: I thank the Minister for his response. Does he recall the commitment given in An Agreed Programme for Government, 2002, to introduce a personal entitlement for pensioners' spouses currently in receipt of the qualified adult allowance, set at the level of a full non-contributory pension? What progress has been made in that regard and does the Minister still believe that it can be achieved?

Does he agree that the social welfare system is based on the male breadwinner model, which reinforces women's dependence on men? Does he agree, for instance, that the economic dependence of women creates high levels of poverty, as

[Mr. Stanton.]

shown by the CSO report, Women and Men in Ireland 2002, where 23% were found to be living in poverty compared to 18% of men, and older women in particular were at high risk of poverty? What has he done regarding the administrative and legislative implications of making changes to the system to ensure that the more qualified adults can receive a direct payment? In this regard, how many are receiving this direct payment?

Does he agree that the home maker's scheme provides only disregards and lasts for merely 12 years, which means that many women may still not qualify for a pension? Does he not agree that if disregards were changed to credits, this would give the role of women more career recognition?

What has the Minister been doing as regards pension coverage for women? What has happened in the past year since he began to talk about it? Does he agree that individualising the carer's allowance would help a great many more carers and that at present only 14% of carers are in receipt of the carer's allowance? What is he doing as regards the introduction of a part-time unemployment benefit for parents with children aged up to 12? Does he agree that would give financial assistance to many women currently looking for part-time work as quality affordable child care is not really available to them?

Mr. Brennan: There are 40 questions there. The main thrust of what the Deputy is saying, under these different headings, is that we need to take more action as regards the position women find themselves in under the social welfare code, and I accept that. It is mainly women who are in receipt of qualified adult allowances. The issue of paying that directly is under examination. I have met representatives from the National Women's Council of Ireland and discussed that point with them. I am in favour of making that payment directly. I have asked the Department to work out the logistics of that and how we might make it happen. It is currently doing precisely that.

Poverty is more prevalent among women. One of the reasons, I suppose, is the proportion of those in receipt of contributory as opposed to non-contributory State pensions. Some 57% of those receiving the non-contributory State pension are women whereas on the contributory side, it is about 37%. It is clear from this that poverty is more prevalent among those in receipt of the means tested non-contributory pension. It is true that poverty has been affecting women more heavily, particularly those on non-contributory pensions.

Having said that, over the years substantial increases have been made in all pensions, as well as significant increases in disregards, particularly as regards allowing increased amounts of capital to be kept and so on. As regards poverty, this has contributed substantially towards improving the position of women.

The Deputy asked about the home maker's allowance. Every time there is a budget, and at other times, too, we look closely at the home maker's scheme to see whether it can be expanded. It has been expanded on a number of occasions and I will certainly consider whether it may be again. It has made a big difference to many women through ensuring they were able to get contributory pensions. By being given credit under the home maker's scheme they were allowed to get those pensions by qualifying for them.

The final point the Deputy made was about occupational pensions. I do not have a precise figure as regards how they have improved over the past 12 months. However, the number of people taking out PRSAs has increased and is now up to about 70,000, as against approximately 60,000 a year ago. These are very rough figures, however. I assume that a fair proportion of that increase in PRSAs may be accounted for by women. The participation rate of women in the workforce is now almost 53%, which is a dramatic increase, and that is bound to be reflected in the occupational pensions.

Family Support Services.

2. **Mr. Penrose** asked the Minister for Social and Family Affairs the response he has received to his recent discussion paper on proposals for supporting lone parents; if his attention has been drawn to concerns expressed by lone parents groups that some of the proposals contained in his recent discussion paper could create new poverty traps and the particular concerns expressed regarding the proposed withdrawal of the new parental allowance in respect of children over eight; his views on these concerns; and if he will make a statement on the matter. [17552/06]

Mr. Brennan: 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. This is due mainly to the direct costs of rearing children, including child care costs, and the opportunity costs related to the reduced earnings 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.

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 examined obstacles to employment for lone parent families, with particular emphasis on income supports,

employment, education, child care and support programmes and information.

As part of the process, a working group established in my Department reviewed the income support arrangements for lone parents, looking at issues including the contingency basis of the one parent family payment, co-habitation 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 recently launched 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 and improvements to 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 introduction of a new parental allowance for low income families with young children.

The Government has asked the senior officials group on social inclusion to draw up an implementation plan to progress the non-income recommendations of the discussion paper, including those related to child care, education, training and activation measures. Work on this has already commenced in consultation with the Departments and agencies concerned. As a follow-up to the publication of the discussion paper, I hosted a national consultative forum on 27 April 2006. This forum was attended by social partners, representatives of organisations dealing with lone parents and the unemployed, representatives of Departments and State agencies who will be responsible for the implementation of the proposals in the discussion paper and Members of the Oireachtas.

Additional information not given on the floor of the House.

At the forum, I heard the views of each organisation on the proposals, including their comments on the proposed parental allowance, and invited them to make formal written submissions setting out those views. The Government will listen closely to the views expressed and will give serious consideration to them. As soon as I am satisfied that we have reached conclusions that are sensible, fully workable and clearly thought out, it is my intention to bring forward proposals for legislation during the course of this year.

Mr. Penrose: The Labour Party supports the initiation of such discussions and proposals to get them out in the open. Supports must be as simple and understandable as possible and adequate to prevent poverty and ensure individuals' rights to

be treated equally. The co-ordination of supports of a consistent standard across Departments must also be pursued. It is important that lone parents would be treated as individuals, not as dependent on someone else. It is also important that the structures and systems would change to facilitate the full and equal participation of those who are parenting alone.

The main issue is access to quality, affordable child care. This is critical for lone parents who wish to participate in the labour market. How will the child care needs of lone parents living in areas where child care is minimal or unavailable be met? Will after-school care be provided and will school holidays be covered? Will assistance be provided for the transport of the children of lone parents to school if lone parents cannot do so because they are participating in education, training or employment? It is only fair that educational and training options and community employment schemes are flexible. A significant number of lone parents participate in CE schemes because they are flexible, locally based, part-time and do not bring about a decrease in income by allowing the preservation of secondary benefits.

I compliment Frances Byrne and Camille Loftus, in particular, for the excellent work they have done in analysing this issue. They have stated that the welfare to work proposal will, ironically, and despite the Minister's best efforts, create a major poverty trap, and they have serious reservations about the practical impact of the proposed reforms. The withdrawal of the parental allowance will create serious poverty traps unless significant reform takes place of other elements of social welfare and the tax system. They stated poverty traps would arise, primarily because of the re-application of the limitation rule when the parental allowance finishes and the more stringent means of assessment applied to unemployment payments. These poverty traps will mostly affect the people who are doing what the Minister and society want of them, namely, going out to work for a living.

Has the Minister studied the submission from OPEN, which illustrates the disparity in income of two lone parents living next to each other, one with a child aged five and one with a child aged eight, both working the same hours on the minimum wage? If they both work 12 hours a week, one person's income will be €74.31 per week or €3,864 per annum lower than the other. If both work 20 hours a week, the income of one person will be €88.93 per week or €4,624 per annum less than the other. This is owing to the involvement of age limitations. The early child care supplement will go at age six. The parental allowance will go at age eight and we will create a major poverty trap. I say this to the Minister, not in a—

An Ceann Comhairle: The Deputy should confine himself to a question.

Mr. Penrose: I will summarise this. Is the Minister aware——

An Ceann Comhairle: Six minutes of the time allocated to this question have elapsed and I wish to give the Minister an opportunity to reply.

Mr. Penrose: ——of this and what can he do to ensure this does not happen to defeat the proposals?

Mr. Brennan: We are having a national debate on this matter. We have had a number of fora and public discussions. As he is Chairman of the Joint Committee on Social and Family Affairs, I have listened carefully to what the Deputy said and I will take it on board as part of the discussion we are having. As soon as I am satisfied that we have reached some conclusions that are sensible and workable, then I will go back to Government with proposals for legislation in this area.

If the Deputy is indicating that the present proposals where the cut-off is at age eight could throw up a kind of trap, we will certainly look at that. It was proposed in the recommendations that there would be a five-year lead-in time which would give people a fair length of time to adjust to the new circumstances. People on existing schemes would continue, as it were, until we got to that stage.

The age of eight referred to in the report is not one on which I am necessarily stuck. If there is a better age at which to do it, I would certainly consider that option. The reality is that the current one parent family payment provides long-term income support until a child is 18 or 22. We have all agreed in this House that it is not good for those young people aged 18 to 22 years or their parents for there not to be some State intervention or support. There is general agreement that if we are to tackle child poverty, which is especially prevalent with lone parents, we really must get to grips with that situation and have that interaction with the State at regular intervals as the child grows up.

I agree with the Deputy also that child care is critical to all of this. A total of €500 million has been invested in the equal opportunities child care programme. Almost 41,000 new child care places have been created and by 2011 a total of 91,000 child care places will have been created. We should look at this and the additional funding which has been invested. The Deputy is aware of the new child care supplement of €1,000 per annum. However, I acknowledge that the subject of lone parents is a particular issue because we cannot get them back to work or training or education — if that is their wish — without addressing the child care issue. We are working closely on these initiatives with other Departments which have a direct role in the child care area.

I join Deputy Penrose in complimenting OPEN, and Frances and Camille and all those

who work there in the different organisations. I had a very good meeting with them recently. They are quite right to raise issues and I will listen carefully to them because they are in the front line of all these reforms. I am trying not to be political about this but I genuinely appreciate the open mind that has been shown in this House on this issue. If this were not the case or this issue became a political football, we simply would not make any progress. Whatever political advantage would be gained, we would be unfair to many thousands of people. It is important that we try to push on with this as best we can.

Social Welfare Benefits.

3. **Dr. Cowley** asked the Minister for Social and Family Affairs if he will extend free travel to older Irish emigrants, at the very least to Irish pensioners living in the UK, when they return here on their holidays in view of the fact that a common travel area has always existed between Ireland and the UK which predates the formation of the EU, thus meaning no discrimination against other EU citizens; his views on whether there is no legal, moral or financial impediment to grant this concession to emigrants in view of the fact that they are already in receipt of an Irish pension and in further view of the recent announcement that Irish persons abroad will receive the President's 100th birthday cheque. [17718/06]

Mr. Brennan: The free travel scheme is available to all people living in the State aged 66 years or over. All carers in receipt of carer's allowance and carers of people in receipt of constant attendance or prescribed relative's allowance, regardless of their age, receive a free travel pass. It is also available to people under age 66 who are in receipt of certain disability type welfare payments, such as disability allowance, invalidity pension and blind person's pension. Persons 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 cur-

rent arrangements significantly and hope to be in a position to make an announcement about this soon.

There have been a number of requests for 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, especially in the UK, when they return to Ireland for a visit. I am continuing to explore all aspects of a possible approach and hope to have a definite answer soon.

In regard to centenarians' bounty, the Government has approved in principle the extension of the scheme for the payment of the centenarians' bounty to any Irish citizen who was born in the island of Ireland, regardless of where he or she may currently reside. Up to now the bounty, which amounts to €2,500, was payable only to centenarians living in the State. The bounty is a discretionary grant and not a service or scheme and accordingly does not come within the scope of the EU treaty. In this way, it differs from the proposed extension of the free travel scheme.

Dr. Cowley: I thank the Minister for his reply. I hoped he would have news on a breakthrough in the North-South free travel issue. However, he is also anxious to do something regarding the east-west dimension. The common travel area between Ireland and the UK predated the EU but his legal advice is that providing free travel between both countries would discriminate against citizens of other EU states who could not avail of this concession. This common travel area was jealously guarded by Ireland under the Schengen Agreement and that should have precedence.

A European Parliament spokesman stated legal advice had been provided that if Ireland did not provide free travel to the 37,000 pensioners living in the UK who are in receipt of an Irish pension, it would discriminate against them. They could launch a legal challenge at the European Court of Human Rights, the UN Human Rights Tribunal or the European Court of Justice. The emigrants in receipt of pensions will also receive the centenarian bounty from now on and he would not discriminate against them if he extended the free travel scheme to cover them. It would be great to do that.

What is the Minister's thinking on this? I appreciate he is anxious to extend the scheme but this is a moral debt. These pensioners contributed £2 billion sterling between 1975 and 1995. The task force placed great symbolic significance on this because it said it would mean so much to emigrants, particularly when they return on holidays. The common travel area provision is the Government's out on this, particularly since these people are in receipt of an Irish pension and will receive the bounty.

Mr. Brennan: I compliment the Deputy on his great work in this area. He does a great deal of

work with our emigrants in the UK and elsewhere and he is genuine about this issue, like everybody else. The legal position is that it would not be possible under EU legislation to extend free travel to all Irish citizens in the UK because that would mean discriminating in favour of our own nationality. That remains the EU position, although I have asked for it to be re-examined. However, thanks to Members pushing the issue, I have had a number of discussions on whether it would be possible to extend the scheme to the 37,000 emigrants in the UK who are in receipt of an Irish contributory pension and the 3,000 elsewhere. I am waiting on an EU ruling in this regard but I noticed a reply to the Sinn Féin Member of the European Parliament recently, which indicated clearly it would be possible to do this. I cannot be definitive but I am confident that I will be able to extend free travel to those in receipt of Irish contributory pensions around the world. The European Commission should make a ruling on this in the next few weeks. If I can resolve that, I can return to the broader battle, but the legal advice is strong on it.

4. **Mr. Stanton** asked the Minister for Social and Family Affairs, further to Question No. 19 of 2 February 2006, if his Department has completed its examination of Barnardos research into young carers; if his Department has come to conclusions on supports for young carers as a result of same; the action he intends to take; and if he will make a statement on the matter. [17795/06]

Mr. Brennan: I have examined the research in question by Barnardos and the Children's Research Centre, which was published in September 2004. I was struck that of the estimated 3,000 young carers providing care, more than 300 aged between 15 and 17 provide full-time care. It is clear this group needs appropriate supports.

The Barnardos report recommended that further research should be undertaken on numbers of young carers, the supports available to them, their needs and the impact of their caring role on their education and general development; policy relating to young carers should be a matter for the Department of Health and Children with services being delivered by the Health Service Executive; the physical and sensory database should record cases where significant care responsibility is being undertaken by a young carer; care supports should be provided where families rely on young carers to enable them to participate fully in their studies, social life and social contacts with their peers; emotional and psychological support should be made available to young carers; pilot schemes should be established to see how services could be best developed; and a public awareness programme and an information campaign directed at health, education and social services professionals should be undertaken.

[Mr. Brennan.]

Special help, advice and support is essential for young carers who are often caring for a parent and, in particular, that services must be put in place to support the household and to ensure young carers remain at school. These include the services of home helps, public health nurses and home care packages generally, which are a matter for my colleague, the Tánaiste and Minister for Health and Children. The report of the long-term care working group is being considered by the Government. This group was established by the Minister for Health and Children and me in January 2005 to identify the policy options for a financially sustainable system of long-term care. It comprises senior officials of the Departments of Finance, Health and Children and my Department. My officials have brought the issue of young carers to the attention of the working group.

Supports for carers from my Department include the respite care grant and the carers' allowance. The respite care grant, which is an annual payment for carers who look after certain people in need of full-time care and attention, is payable from age 16. The payment is made regardless of the carer's means but it is subject to certain qualifying conditions. The value of the grant will increase from €1,000 to €1,200 from June 2006. Carer's allowance, which provides income support to people who are providing certain older people or people with a disability with full-time care and attention and whose incomes fall below a certain limit, is payable from age 18.

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. I will continue to review the issues raised by Barnardos and the Children's Research Centre and other bodies representing carers and I will strive to bring forward proposals that recognise the valued and valuable contribution of all carers in a tangible way.

Mr. Stanton: I sincerely thank the Minister for following up on this issue but I urge him to do more. How many of the 300 full-time carers aged between 15 and 17 are in receipt of the respite care grant, given that they are eligible for the grant when they turn 16? The Minister said he would discuss this issue with the Ministers for Health and Children and Education and Science when I raised it on 9 February. Has he raised it with them and, if so, what was the outcome of those discussions? Has he examined the supports provided for young carers in other jurisdictions? In the UK, for instance, they are eligible for financial aid and while that is not the answer, at least they are getting support. Does the Minister agree virtually no support is provided to young carers in Ireland? Young carers are provided with great support in Australia.

Mr. Brennan: The Deputy published a document on this issue recently, which I will continue to examine. I pointed out the last time we discussed this matter that we need to be careful. The figures indicate 300 carers are aged between 15 and 17, none of whom is in receipt of the carer's allowance because one must be 18 years to be eligible. However, eligibility for the respite care grant was fixed at 16 years to be helpful. I do not know what proportion of the 300 full-time carers are aged under 16 but perhaps it could be 50%. A third to a half of those would get the respite grant.

Mr. Stanton: Can the Minister find out?

Mr. Brennan: Yes I can. We are dealing with those of the group of 300 between 15 and 17 who are under 16. A third to a half would be a good guess.

There is a senior group of officials looking at long-term care. I raised the issue of young carers with that group and they have taken it into consideration. The bottom line is that young carers should be at school. We need to think long and hard before we have a financial provision in place. A full range of services is needed from several Departments to make sure that they look after their studies and their social life. While it might be good for the person needing the care, it is not in the short-term good for the young carer. Young carers should not have to do this work and should be able to continue with education.

Mr. Stanton: I urge the Minister to press this issue. Does he agree that this is a hidden group? There is virtually no support for them at the moment. It is essential they receive support because their educational, emotional and social development can be damaged by the work that they must undertake because of the lack of support from the State. Can the Minister give a commitment that he will make this a priority at Cabinet level?

Mr. Brennan: Barnardos' first recommendation is to carry out more research on this. We need to get a clear fix on how many people are involved and the circumstances in which they find themselves.

Mr. Stanton: Will the Minister do that?

Mr. Brennan: Yes. It is not just a matter of extending the carers' allowances, because a much broader solution is needed for this.

Community Welfare Service.

5. **Mr. Penrose** asked the Minister for Social and Family Affairs his plans for the future development and administration of the community welfare service; the process by which decisions will be made or have been made; the

consultation to take place with those who deliver the service and service users; if the service will continue to be delivered locally from multiple and diverse locations; and if he will make a statement on the matter. [17553/06]

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 decided to ask an interdepartmental group to examine this issue. The report of the interdepartmental group was subsequently submitted to, and accepted by, the Government. The report recommends, among other things, that income support and maintenance schemes, together with associated resources, should be transferred to my Department. This initiative was 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. This decision provides an opportunity to bring about positive change for customers and staff and it is 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 the supplementary welfare allowance scheme. An interdepartmental implementation working group, comprising of officials from my Department, the Department of Finance, the Department of Health and Children and the Health Service Executive, has been established to assess fully these implications and to implement the transfer of those services to my Department. There are major organisational, human resource and service delivery issues involved in the proposed transfer. The working group will undertake extensive consultation with all relevant stakeholders throughout this programme of change. This will include consultation with those who deliver the service and service users.

The specific issues raised by the Deputy are among a range of issues that will be examined by the working group. A priority of the transfer process will be to support the high standard of service currently provided by staff in the community welfare service. The proposed transfer is a major change for all involved but I am confident it will be embraced successfully and will

enhance the delivery of services to our customers, in particular those who are most disadvantaged in the community.

Mr. Penrose: I thank the Minister for his reply. This is a prime example of putting the cart before the horse. There was no consultation with the people involved in the community welfare service, with the end users or with anyone else. Where is there a copy of the report of the core functions of the health service? Does the Minister realise that some people who implement this scheme have not yet seen the report? There was no negotiation with the trade unions involved.

Is there someone in the Department hell bent on subsuming the community welfare service into that Department? Someone wants it in that Department come hell or high water and I want to know why. When will the Minister consult with those who deliver the service and service users? Will the service continue to be delivered locally? The community welfare officers knew everyone locally and exercised discretion. They have built up a personal relationship with many of the users of the service. It will now be put in the Minister's Department, where discretion is often frowned upon.

Can the Minister guarantee the special nature and the ethos of the service? Can he guarantee that its efforts to alleviate social distress will not be curtailed or frustrated by his Department? Will he consider strengthening the supplementary allowance legislation to enshrine its ability to respond to the needs of users? Such a feature is not characteristic of schemes administered and controlled by the Department. The Labour Party is deeply concerned about this scheme as it was developed by the late Frank Cluskey and it was used by people in extreme difficulties. When it enters the Department, will the dead paw of bureaucracy abolish the discretion that currently exists?

Mr. Brennan: The existing service will not be diluted or changed in any significant way. The role filled by community welfare officers is fundamental. They are at the front line in addressing income supports on a day-to-day basis. There are between 750 to 1,000 community welfare officers in different grades.

This is not some new idea that I thought up. It goes back to the report on the commission on social welfare in 1986 and was reinforced by the review of supplementary welfare allowances carried out by the Combat Poverty Agency in 1991. We are hardly rushing it as the concept has been around for 20 years.

Mr. Penrose: Could the Minister kill it off?

Mr. Brennan: The idea is fundamentally sound. The officers are working for the HSE and reimbursed indirectly by the Department of Social and Family Affairs. Their real work is dealing

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with disadvantage at the front line. They will still maintain their current discretion, but they will work with the Department that is primarily responsible for dealing with the same kind of disadvantage. It is more sensible to have these officers within the Department of Social and Family Affairs than have them working for the HSE and reimbursed through my vote transferred to the HSE. They do fantastic work, but it leaves my Department without direct troops in the field in the fight against disadvantage.

The community welfare officers are a huge asset to the country. There will be full consultation between the working group, the unions and the stakeholders involved in this. It is the right thing to do and I hope we can do it successfully.

Other Questions.

Pension Provisions.

6. **Mr. Mulcahy** asked the Minister for Social and Family Affairs his plans to provide pensions to Irish missionaries who live in developing countries and who do not intend to return to Ireland. [17303/06]

67. **Mr. Durkan** asked the Minister for Social and Family Affairs the position on old age pension payments to Irish missionaries who have served overseas and who propose to remain there; and if he will make a statement on the matter. [17537/06]

124. **Mr. Durkan** asked the Minister for Social and Family Affairs the progress made on paying old age pensions to Irish missionaries who wish to remain abroad after retirement; and if he will make a statement on the matter. [17829/06]

Mr. Brennan: I propose to take Questions Nos. 6, 67 and 124 together.

My Department operates two main types of pension schemes, contributory and non-contributory payments. Contributory payments are paid on the basis of social insurance contributions made over a person's working life. The standard qualifying conditions for contributory pensions require an ongoing commitment to the social insurance system over a sustained period. However, special pensions such as the pre-1953 pension and other types of *pro rata* pensions are in place to cater for people with less than complete records. Missionaries who have made sufficient social insurance contributions can qualify for the State contributory pension. Contributory pensions are payable abroad, so qualifying missionaries who chose to settle overseas can receive payments.

The non-contributory pension is more problematic in that residence within the State is a pre-

condition for receiving this pension. Any move to pay the old age non-contributory pension outside the State could cause difficulties in light of EU regulations on social security arrangements for migrant workers. The question of paying pensions to missionaries who remain abroad was first raised in the context of a submission to the Joint Committee on Foreign Affairs by the Irish Missionary Union. Subsequently, officials of my Department made a presentation to the committee on the issue. Following that presentation, the Chairman of the committee decided to form a working group to look at the issues raised in more detail.

My Department and Irish Aid are jointly drafting a report for the working group which will examine the question of pensions for missionaries and the wider issue of social insurance for volunteer development workers in general. That report will then be submitted to the working group for its consideration. The options for providing pensions for missionaries will be considered in the context of the final report of the joint committee.

Mr. Durkan: Will the Minister indicate when the report will be published? Concerns exist within the working group of the Committee on Foreign Affairs about whether an early response will be received. Has the Minister taken into consideration the suggestions made about crediting people who made contributions prior to leaving this country? What progress has been made on that model?

Mr. Brennan: I do not have a timeframe for the report but I imagine it will be completed within the next few months.

Mr. Stanton: Does the Minister know how many former missionaries find themselves without State pensions because they were not in a position to make PRSI contributions?

Mr. Brennan: We have not compiled statistics on those who might apply if a scheme were put in place. All those who apply for the non-contributory payment are subject to the provisions of the habitual residence condition. Missionaries retiring here are deemed to satisfy the condition and will, subject to a means test, qualify for pensions. Unfortunately, those who return here on visits cannot be deemed to satisfy the condition because their centres of interest are not in this country.

I pay tribute to our missionaries for the fabulous work they have carried out for many generations. Their efforts have become part of our history. If they come home, they are fully entitled to apply for a non-contributory pension or the contributory pension, provided they made the necessary payments before leaving the country. Problems arise, however, with those who return for short periods or on extended holidays because it

is not clear that pension arrangements can be made for such visits.

Mr. Durkan: Does the Minister realise that many of these missionaries spent 40 or 50 years out of the country, often spending their working lives in tropical countries and that they wish to remain abroad? Given that they would qualify if they returned home, is it not possible to work out a formula based on the total number of such people? Can that be done as a matter of urgency? It is not impossible to retrieve that information and the expense would not be great if the people in question could be isolated.

Mr. Brennan: Given the great work the missionaries do, I am sympathetic to that proposal. If they return permanently to Ireland, they will in all likelihood qualify for non-contributory pensions. However, the position of other volunteer development workers must be considered before extending these provisions. Since 1985, social welfare regulations have been modified to provide a measure of assistance by crediting contributions for periods of absence of up to five years.

To clarify my earlier response to Deputy Stanton, while my Department has not made an official estimate, the Irish Missionary Union, in its submission to the Committee on Foreign Affairs, estimated that approximately 800 missionaries could immediately receive pensions at an estimated cost of €7 million per year. The IMU believed the numbers would peak at 1,000 per year and annual costs at €9 million. We understand that this could be an underestimation and Irish Aid has been in contact with missionary organisations to clarify the position.

Problems arise in terms of habitual residence clauses, volunteer workers and a pension system which does not easily lend itself to exemptions on the basis of the type of work people have done. It is difficult to extend pensions to people who come for short periods but, if they return permanently, they will almost certainly qualify for non-contributory pensions.

Social Welfare Code.

7. **Mr. Naughten** asked the Minister for Social and Family Affairs the steps he is taking to increase the take-up rate of the family income supplement; the estimated numbers who are eligible for but not availing of the scheme; and if he will make a statement on the matter. [17301/06]

16. **Mr. O'Shea** asked the Minister for Social and Family Affairs the response received to date 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 the maximum possible take-up; if his attention has been drawn

to a number of drawbacks identified by the St. Vincent de Paul as an obstacle to people claiming family income supplement; his plans to address these obstacles; and if he will make a statement on the matter. [17382/06]

25. **Mr. McCormack** asked the Minister for Social and Family Affairs the number of applications his Department has received for the family income supplement for each of the past six months; the number of applications approved and granted for same; and if he will make a statement on the matter. [17682/06]

31. **Mr. Gogarty** asked the Minister for Social and Family Affairs if there has been an increased level of take-up in the family income supplement payment since his Department's launch of an awareness campaign on the scheme. [17543/06]

66. **Mr. McCormack** asked the Minister for Social and Family Affairs his views on the success of his Department in publicising the family income supplement; if the take-up rate by eligible families has improved in recent months as a result; and if he will make a statement on the matter. [17683/06]

68. **Ms C. Murphy** asked the Minister for Social and Family Affairs the impact the recent media campaign had on the take-up rate of family income supplement; if this campaign has concluded; the cost of the campaign; and if he will make a statement on the matter. [17662/06]

127. **Mr. Durkan** asked the Minister for Social and Family Affairs his proposals to improve the qualification guidelines and level of payments for the family income supplement; and if he will make a statement on the matter. [17832/06]

128. **Mr. Durkan** asked the Minister for Social and Family Affairs the extent to which he and his Department have evaluated the family income supplement payment and the need for an update in line with requirements; and if he will make a statement on the matter. [17833/06]

Mr. Brennan: I propose to take Questions Nos. 7, 16, 25, 31, 66, 68, 127 and 128 together.

The family income supplement is designed to provide support for people with families on low earnings to preserve the incentive to remain in employment in circumstances where families might only be marginally better off than if they were claiming other social welfare payments. Family income supplement is a central element of a programme of reforms targeted specifically at addressing child poverty. Currently, just over 18,000 families and more than 35,000 children benefit directly from these weekly top-up payments. Families can get top-up supports of between €20 and €400 per week depending on

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income and family size. The average weekly payment is €105.

Improvements to the family income supplement scheme, including the new increased income limits announced in the 2006 budget, have made it easier for families to qualify under the scheme. To ensure that families are made aware of these improvements, my Department undertook a nationwide awareness campaign last March to promote and encourage take-up of the family income supplement scheme. This extensive week-long campaign included advertising on television, 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 LoCall helpline to answer public inquiries regarding eligibility under the improved scheme. The helpline responded to more than 2,800 calls and the total cost of the advertising campaign was €272,000.

In addition, the scheme was promoted through my Department's network of local offices, citizen's information centres and citizen's information phone services and by Comhairle, the national information support agency. Information was also made available through my Department's website.

I am pleased with the response to the campaign so far. For example, in March and April this year my Department received 3,013 new FIS claims. This compares with 1,337 received in the same two months in 2005. My Department has received 4,880 new claims so far this year compared with 2,590 for the corresponding period in 2005. The general trend for both new claims and renewals is for numbers to continue to rise. The advertising campaign has resulted in a higher than normal number of claims awaiting decision on their entitlement, that is in excess of 2,000, and I would expect a high percentage of these to translate into awards. The full impact of the campaign will not be known until all of these claims have been decided.

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. My Department will continue to work with Revenue on other initiatives to ensure that people are made aware of their entitlements in a timely manner. The increase in the numbers of persons receiving FIS is a positive development, reflecting the success of a range of measures which have improved net incomes for the low paid. Efforts are continuing to be 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.

The Government is determined to eradicate child poverty and I am confident that improve-

ments to the FIS scheme will contribute to targeting resources at low-income households. It is not possible to estimate from administrative sources the number of families who would be eligible but do not apply for their FIS entitlements. However, research undertaken by the Economic and Social Research Institute, ESRI, in 1997, which was based on the results of the Living in Ireland Survey 1994, suggested that fewer than one in three of potentially eligible claimants were actually in receipt of the payment. Since those with a higher entitlement are more likely to avail of the scheme, the take-up in expenditure terms was estimated to be somewhat higher, between 35% and 38% of potential expenditure.

I am aware of the issues raised by the Society of St. Vincent de Paul regarding obstacles facing people resuming work. I recently met representatives of the Society of St. Vincent de Paul and discussed a wide range of issues of concern to them including FIS. On taking into account the trend towards more forms of atypical work, FIS is currently designed to assist families mainly dependent on full-time low-income employment. In this context, full-time employment is defined as work of as little as 19 hours per week or 38 hours per fortnight, both parents' employment combined, if necessary, and which is expected to last for three months. An integral feature of the scheme is that once the level of the FIS payment is determined, it continues to be payable at that level for a period of 52 weeks provided the claimant remains in employment. However, the rate of payment can be amended where an additional child is born in the course of the 52 weeks. A key advantage of this approach, which is unique to the FIS scheme, is that customers can be certain that they will receive a guaranteed level of income support throughout the year. This certainty is important to the success of the scheme in providing a real incentive to workers with families to avail of employment opportunities.

An Ceann Comhairle: As more than three of these questions are oral questions, not more than 18 minutes are provided for the three questions. Deputies Catherine Murphy and Stanton have questions in their names. We will hear Deputy Catherine Murphy first and Deputy Stanton second.

Ms C. Murphy: I thank the Minister for his response. I welcome the family income supplement scheme and I encourage people to take it up. I do not know if the Minister is aware of the problem that one cannot get more than one copy of the booklet. I have checked this with the CIC and the Resource Centre for the Unemployed. The Department sends them individually and one cannot get a bundle of 30 or 50. I have a display of information leaflets in my constituency office and I hand them out where appropriate.

Will the Minister ask the Department why that approach is taken, given that approximately €272,000 has been well spent on an information campaign? The smaller matters are also useful means of advertising it, and that means having the brochures available to people.

Mr. Brennan: I was not aware that people are confined to one book. We are keen to give out as many as we can and Deputies should have a supply. I will look into it.

Mr. Stanton: Does the Minister agree that the increase in numbers can be attributed to the change in thresholds as much as to his campaign? Has he any way to ascertain how effective was his campaign? How many of those 2,800 people who phoned in applied and how many will be awarded a family income supplement as a result? Is he aware of the similar scheme in New Zealand, entitled family assistance, which is administered through the inland revenue and which has a take-up rate of approximately 90%? Does he agree that the take-up rates here are abysmal and that the administration and bureaucracy involved is off-putting and makes it difficult for people to access the scheme?

The problem outlined by Deputy Catherine Murphy is an example. Will the Minister, as a matter of urgency, write to everybody who receives child benefit and inform them in a clear and simple way of the existence of this, and how they might be eligible for and apply for it? I suggest that he includes a simple leaflet outlining this when the Department sends out the early child care supplement in August or September.

Mr. Brennan: We are considering rerunning the FIS campaign, which we ran for one week. It is clear from the thousands of people who immediately called the helpline and the numbers that escalated in the week or two after the advertising campaign that it had a dramatic effect. I gave the Deputies the percentage take-up and the ESRI statistics, and it is clear that we have a distance to travel. The increased thresholds would have brought a new tranche of people in and would account for some of the increase. I have not examined the New Zealand system but if the Deputy wants me to I will. We can consider writing to those in receipt of child benefit. There is no difficulty circularising our database on such issues.

One area where we can do more work is in paying FIS through the tax system. That was examined by a group set up under the Programme for Prosperity and Fairness and was chaired by the Department of Finance. It examined this matter in some detail and the number of families eligible for FIS is not directly comparable with the income statistics compiled by the Revenue Commissioners for a number of reasons, including that the Revenue data does not gener-

ally take into account the number of hours worked, the number of children in a family and its social welfare income, which might not be taxed but would be taken into account for FIS. That group concluded that FIS should continue to be paid through the social welfare system and not through the tax system. It is some time since that was done and I would like to look at it again because the Revenue is bound to finesse its data to the point where it can be of some assistance to us.

I agree with Deputies who say FIS was a good scheme. Deputy Catherine Murphy pointed this out and all Deputies agree. It is a significant figure. Taking the example of a two-parent family with two children in which one parent works, if the gross earnings of the family amount to €20,000 the FIS would be €4,233. Child benefit would be €3,600, if both children are under six years the early child care supplement would come to €2,000 and the back-to-school allowance would be €240. An individual with two children, on an income of €20,000, will have further welfare top-ups of €10,000, giving a net disposable income of €30,000. There are many such examples and the figures bear no resemblance to those of many years ago. That shows how critical is family income supplement. Of the extra €10,000 a person on an income of €20,000 gets, €4,000 is made up of FIS and €3,600 comes from child benefit if the couple has two children. I hope to expand this area. FIS has great possibilities in the assault on child poverty.

Mr. Penrose: I thank the Minister for his reply and for taking up the Labour Party suggestion to advertise the scheme. Since the Revenue are virtually in everyone's house now, would it be simpler if it submitted the detailed information to each taxpayer, since clearly someone must be earning income to qualify for family income supplement?

Maev-Ann Wren recently wrote an excellent article in the *Irish Independent*, of which the Minister should get a copy. Is it true that one would want to be Einstein to fill in the form for the family income supplement and that it contains 12 or 14 pages of dross and nonsense? One should not ask applicants whether they eat wheaten or white bread. That is a load of nonsense. The biggest impediment is the superfluity of the information being sought. The article also notes that many people do not like traipsing to their employers to get them to sign for the four weeks' work or whatever. It is almost a signal to them to depress their income further. Many people like the privacy of their own information. If they provide their weekly income figure, that should be accepted. Under the Payment and Wages Act, is a payslip given by an employer a legal document and should that be sufficient? One would then not have to go to a nosey

[Mr. Penrose.]

employer who knows his or her employee's business. Let us cut out the nonsense and stop the charade. Let us ensure people get what they are entitled to.

Mr. Brennan: I read that article and I agree it was excellent. As a result, I sent for the form, instructed the Department to review it and suggest what could be dropped from it. However, when one wants to cut out red tape, everyone approves, and then someone suggests dropping question No. 42, for example, but is told it is a health and safety matter, and question 39 might be to do with a child's income and cannot be dropped, and so on. In the end, one often makes little progress towards a return to simplicity.

I acknowledge the form is lengthy and extensive, but 17,000 people are getting FIS. A similar further number might well qualify for it. We continue to examine what is possible through the tax system, although many people in receipt of FIS would not be in the tax system at all because they would often be close to the minimum wage. We will continue to promote the scheme vigorously and might re-run the campaign. I will look closely at Deputy Stanton's suggestion to have regard to our database in this regard. I am very committed to the scheme because of the numbers of people who benefit. It makes a real difference to many people and I hope to expand it.

Mr. Boyle: Even if the Minister's most recent initiative is successful, and the trend seems to be where he and his officials hoped it would end up, we are still talking of between 30% and 40% of the people who might be entitled to family income supplement not receiving it. Because of the success of the initiative, I presume the Minister will have to introduce a Supplementary Estimate to the House, because his way of recording family income supplement in the budget is to rely on last year's figures and repeat that for the following year. If more people are being paid it, I presume we will have to take account of that in this House.

One particular anomaly I have experienced relates to family income supplement being paid largely to the woman in the family, with the woman being involved in casual employment. This follows through on the point that Deputy Penrose made. The assessment of the working hours is over such a short time period and the nature of casual employment might mean that a person working with a supermarket chain, for example, might be working 16 hours one week and 24 hours the next week, with work on a Sunday sometimes counting as time and a half in terms of income but counted only in hours in the given week because of the use of the employment by the employer. Will the Minister accept that such anomalies make it difficult for people to

apply for family income supplement? Moreover, while being assessed after having made an application, such people often find themselves turned down needlessly.

Mr. Brennan: I do not anticipate a Supplementary Estimate being required. Social welfare schemes are almost all demand-led and as such they are provided for in the system. If demand goes up, the funds are forthcoming. Quite often, savings may well be made in schemes or other aspects of the Department, but if a Supplementary Estimate is required, once the scheme is demand-led, rather than a new policy initiative, there is usually no difficulty in securing that.

I take the Deputy's point with regard to the number of hours and the need for more flexibility in the scheme, particularly to take account of part-time and casual workers, and an increasing number of women workers doing part-time work. We will continue to try to finesse the scheme so that part-time and casual workers can avail of it. We will continue to bring it to their attention as best we can.

Mr. Stanton: Has the Minister considered extending FIS to self-employed people on low incomes or to people on community employment schemes? Has the Department had many inquiries from self-employed people on low incomes with regard to FIS payments? Does the Minister agree there probably are people who have struck out on their own, who are self-employed but who are experiencing the financial stresses and strains to which the Minister alluded? Does the Minister agree that the fact that so many low-income families now depend on FIS indicates there are very many people in huge need, dependent on the social welfare system, and that there is a growing gap between the very well-off in our society and people not well-off?

Mr. Brennan: I have not given much thought to extending the scheme to the self-employed. I would prefer to concentrate on increasing the number of applicants actually in employment. If one were to extend the scheme to the self-employed one would have to certify accounts and so on, and that would become very difficult. There might be a case for it but I do not propose to move on it now. I prefer to put our energy into expanding the current take-up of the scheme. I have no problem in principle in looking at extending the scheme in the future but it is not a priority now.

The same would hold for community employment schemes. They have a particular focus, and people are meant to move on from them. A greater case could be made than for the self-employed, but I have no current proposals to extend the categories of those eligible for FIS and would prefer to increase the take-up.

I suppose the large numbers claiming FIS indicate that many people are on the minimum wage, are working part-time and are on low incomes. The function of FIS, which is now beginning to click in greatly, was to make it worth one's while to get off welfare and back to low-paid employment. We have been trying to bridge this gap for many years. Some people stated that it was not worth while for them to go to work because they were taking home less than on welfare, and that is why FIS was introduced, so that low pay became higher pay, so to speak, and it also meant employers could take on people directly from welfare and give them the opportunity to get back to work.

Social Welfare Benefits.

8. **Mr. Allen** asked the Minister for Social and Family Affairs his views on the NESC opinion that although unemployment has been massively reduced in recent years, dependence on means-tested social welfare by people of working-age has increased (details supplied); the figures for same; and if he will make a statement on the matter. [17669/06]

37. **Mr. Hogan** asked the Minister for Social and Family Affairs his views on the finding of the NESC report (details supplied) that many people in receipt of means-tested payments become long term dependents on social welfare; the implications of same; the efforts he is making to counteract it; and if he will make a statement on the matter. [17667/06]

Mr. Brennan: I propose to take Questions Nos. 8 and 37 together.

In May 2005, the National Economic and Social Council published a report entitled *The Developmental Welfare State* in which it examined the evolution of the Irish welfare state, considered the issues that remain despite Ireland's economic progress and proposed a framework in which these might be addressed. The report raises a number of important issues and, in the shorter term, will inform the current social partnership discussions and influence thinking on a successor social partnership agreement.

The sustained economic progress of recent years has driven unemployment to historically low levels and significant levels of inward migration are now required to fill job vacancies and sustain economic development. Despite this, significant numbers of people of working age are not economically active and are at risk of or experiencing poverty. The proportion of people of working age who are receiving a weekly social welfare payment has remained more or less constant at approximately 20% for the past 15 years during which the economy was transformed. While the numbers unemployed have fallen, the number of lone parents and people with dis-

abilities has risen. This is partly as a result of societal changes such as greater acceptance of lone parenthood and improvements in social provision such as the introduction of disability allowance. The introduction of and improvements to the carers schemes recognises a significant group of people of working age and beyond.

There has been a substantial increase in the number of people receiving the means-tested disability allowance payment over the past ten years. The number of recipients has more than doubled since the scheme was transferred to my Department from the health boards in 1996, from 37,054 in that year to more than 77,000 currently in payment. The number of carers in receipt of a carers payment has increased by almost 190%, from 9,200 to 26,625, since 1997, while the numbers in receipt of the one parent family payment have increased from 57,200 in 1997 when the scheme was introduced to 80,366 in 2005.

The main focus of my Department is to provide income support to persons who cannot provide for themselves. The newer policy orientation will seek to deliver these supports in a way that reduces the risk of dependence and allows people, including people with disabilities, to move from a position of income dependence to one where they can meet their income needs from employment to a greater extent. In this regard, there are a number of specific incentives to encourage people with disabilities to take up or return to employment or to undertake education and training options, including an income disregard of €120 per week from the means-tested disability allowance and blind pension payments. There are more than 6,000 people currently availing of this disregard. For similar reasons, it is estimated that as many as 60% of people in receipt of a lone parent payment are engaged in part-time employment.

The question of long-term dependency on social welfare transfers must be considered on a scheme by scheme basis. For instance, a carer would have no control over the duration of the contingency for which the carers allowance is in payment. On the other hand, family income support policy is designed to encourage low-income families to remain in employment rather than become fully dependent on social welfare payments. Recipients of other payments, such as one parent family payment and, to some extent, the disability allowance would also benefit substantially in both a social and financial sense from an approach more focused on employment.

The NESC report points out that, while social welfare income support remains crucial and must be adequate to meet needs, passive income support alone is not sufficient if poverty and social exclusion are to be comprehensively addressed and people are to have financial independence and reach their potential. While many of the recommendations in this regard resonate with

[Mr. Brennan.]

efforts to make the social welfare system more active since the early 1990s, the NESC model allows these efforts to be seen in a more integrated fashion and strengthens the arguments for intensifying them. The proposed approach involves treating all people of working age in a similar way whether they present as unemployed, lone parents, people with a disability or in some other category. This puts less emphasis on contingencies and more on activation, facilitating progression, regardless of the circumstances that led the person to require income maintenance. In line with this approach, my Department is considering a number of options with a view to increasing activation for all people of working age.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters.

An Ceann 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 McGinley — the need to have Bunbeg Garda station, Donegal, open on a 24-hour basis and the PULSE system installed there; and (2) Deputy Cowley — that the Minister intervene to ensure that the people of Ballycroy get a supply of clean water.

The matter raised by Deputy McGinley has been selected for discussion.

Adjournment Debate.

Garda Deployment.

Mr. McGinley: Gabhaim mo bhuíochas leis an Cheann Comhairle as deis a thabhairt domh an cheist thábhachtach seo a thógáil ar an Athló sa Dáil tráthnóna inniu. Is cinnte go bhfuil inní agus míshásamh ar fud cheantar Ghaoth Dobhair faoin méid iompair mhíshóisialta atá sa cheantar le cúpla mí anuas. Chuir pobal Ghaoth Dobhair é sin in iúl go neamhbhalbh tá coicís nó trí seachtaine ó shin ag ábhalchruinniú a bhí sa seanséipéal ansin. Chuir siad a n-inní in iúl, agus ba mhaith leo go nglacfaí céimeanna chun deireadh a chur leis an iompar seo. Caithfear é a dhéanamh gan mhoill.

Bunbeg Garda station is the busiest in the Glenties Garda district, which serves a densely populated rural area. Moreover, the population doubles during the summer months with the influx of visitors. Bunbeg station has five gardaí and one sergeant and is open to the public from 10 a.m. to 1 p.m. This has led to local people going to the homes of gardaí in emergencies. The station must be open longer hours. Given the

escalation of criminal behaviour, it is essential that the station be open 24 hours per day.

The station is not equipped with the PULSE system. Gardaí from Bunbeg must travel to Dunloe or Glenties to update records, wasting valuable time that could be spent on the beat. It is not surprising we have seen an increase in crime when, as revealed to me in response to a recent parliamentary question, fewer gardaí are serving in Donegal now than in 1997 when the Government's predecessor took over. Incidences of serious anti-social behaviour have escalated. Schools have been vandalised and one, Meenacaddy school, has been set on fire and damaged. The pupils have had to move to other premises while it is being repaired. Public and private property has been vandalised and cars have been stolen and crashed. Much disorderly behaviour has occurred on the weekends, a new development that is causing concern to the law-abiding local community.

More than 300 people attended a public meeting three weeks ago to voice their anxiety at the spread of loutish behaviour. The Minister for Justice, Equality and Law Reform must ensure a greater Garda presence in the area before the current difficulties escalate. I make no criticism of the serving gardaí, who are available as often as possible. They are badly resourced and need assistance. The station should be open 24 hours per day and the PULSE system should be installed to avoid gardaí travelling hour-long round journeys to input information in other stations in the county. More patrols by unmarked Garda cars are needed to stem the tide of anti-social behaviour. I call on the Government to adopt Fine Gael's proposals to establish a local community Garda forum that would enhance co-operation between gardaí and local people, ensuring that a one size fits all approach is not foisted on the community in Gweedore.

Tá an cheist seo go dona i láthair na huair, agus sin an fáth ar thóg mé sa Dáil í tráthnóna inniu. Caithfear rud éigin a dhéanamh chun deireadh a chur leis an iompar míshóisialta i gceantar Ghaeltachta. Tá sé ag cur isteach ar phobal na háite, agus beidh sé ag cur isteach ar chuairteoirí fosta. Is beag duine atá ciontach, since it is confined to half a dozen people or fewer. However, it must be tackled and nipped in the bud. Unless we get the extra resources to support the Garda and longer opening hours, the problem will escalate. I appeal for immediate action before the influx of visitors during the summer holidays.

Perhaps I might make so bold as to say that I know that the Ceann Comhairle is very familiar with that area and its peace-loving people. We would not like to see the current anti-social behaviour taking hold up there.

Minister for Social and Family Affairs (Mr. Brennan): Thar ceann an Aire Dlí agus Cirt,

Comhionannais agus Athchóirithe Dlí, táim buíoch den Teachta as ucht seans a thabhairt dom an t-ábhar tábhachtach seo a phlé. Cuirfidh mé an méid a dúirt sé in iúl don Aire.

The Garda Commissioner is responsible for the detailed allocation of Garda resources, including personnel. The Minister for Justice, Equality and Law Reform has been informed by the Garda authorities that the personnel strength, all ranks, of the Garda Síochána on 31 March 2006 was 12,439. That compares with a total strength of 10,702, all ranks, on 30 June 1997 and represents an increase of 1,737, or 16.2%, in the personnel strength of the force during that period.

The Minister of State, Deputy Gallagher, last week spoke to the Minister, Deputy McDowell, and the Garda Commissioner about Bunbeg Garda station and the situation in Gweedore generally. I understand that local Garda management will attend a meeting in Gweedore tomorrow with public representatives to discuss the outcome of a recent public meeting regarding policing in the area. The number of gardaí, all ranks, stationed in the Donegal division was recently increased from 417 at the end of December 2005 to 433 at 31 March 2006. The divisional resources are further augmented by a number of Garda national units such as the Garda National Immigration Bureau, GNIB, the Criminal Assets Bureau, CAB, and other specialised units.

As part of the accelerated recruitment campaign to facilitate the record expansion of the Garda Síochána to 14,000 members, 1,125 Garda recruits were inducted into the Garda College during 2005. The college will induct a further 1,100 recruits this year and again in 2007 by way of intakes to the Garda College of approximately 275 recruits every quarter. The first incremental increase of newly attested gardaí under the current programme of accelerated recruitment took place on 16 March, and an additional 21 gardaí were allocated to the Donegal division in conjunction with that incremental increase. Further groups of 275 newly attested officers will come on stream every three months henceforth.

Bunbeg Garda station forms part of the Glenties district of the Donegal division. The personnel strength of Bunbeg Garda station on 31 March 2006 was six, all ranks. The Minister is further informed that while Bunbeg Garda station is not open on a 24-hour basis, 24-hour Garda cover is provided in the area. The policing service at Bunbeg is augmented by members attached to Annagry and Dungloe Garda stations. Additional patrols are provided by the Glenties district patrol car and the district detective unit when required.

Garda management reports that there are no plans to extend the opening hours of Bunbeg Garda station to a 24-hour basis because the extension of the opening hours of Garda stations in general necessitates the employment of additional personnel on indoor administrative

duties who might be more effectively employed on outdoor policing duties.

PULSE is available at 231 Garda locations nationwide, including all major city stations and divisional and district headquarters. That represents a significant increase over 2005 figures, as an additional 50 stations were networked during the year. I am pleased to inform the Deputy that the Garda authorities have plans in place to extend PULSE further, and Bunbeg station is included in those plans. Meanwhile, the Garda Síochána has processes and procedures in place to assist gardaí in non-networked stations to access PULSE. Those processes and procedures cover both data entry and inquiry access to the information.

In addition, a major new initiative involving the manner in which data are input to PULSE is under way with the set-up of the new Garda Information Services Centre, GISC, at Castlebar, County Mayo. The centre, which is staffed by civilian personnel, allows for gardaí at the scene of incidents to report them by mobile telephone to call takers at the call centre. That obviates the need for gardaí to return to their stations to report incidents. The system is in operation to great effect in the southern and south-eastern regions, and work has now begun to extend the system nationwide, including to the northern region. These new arrangements will benefit all gardaí, especially those in non-networked stations. The Minister is confident that the measures outlined above, in particular the set-up of the call centre at Castlebar, will ensure that gardaí have access to the requisite information in the most efficient and effective manner possible.

It is the responsibility of Garda management to allocate personnel and resources throughout and within divisions on a priority basis in accordance with the requirements of different areas. The allocation of such resources is determined by several factors, including demographics, administrative functions, crime trends and other operational policing needs.

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 the same as when the Minister announced Government approval in October 2004 for his proposals to achieve that objective. 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 I stated, the Commissioner will have at his disposal 275 newly attested officers every three months henceforth until the strength of the force reaches 14,000. The Garda Commissioner will draw up plans on how best to distribute and manage those additional resources, and in that context the needs of Bunbeg Garda station will be fully considered within the overall context of the needs of Garda stations throughout the country.

**Estimates for Public Services 2006: Message
from Select Committee.**

An Ceann Comhairle: The Select Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs has completed its consideration

of the following Estimates for the public services for the year ending on 31 December 2006: Votes 24, 27, 33 and 35.

The Dáil adjourned at 5 p.m. until 2.30 p.m. on Tuesday, 16 May 2006.

Written Answers.

The following are questions tabled by Members for written response and the ministerial replies as received from the Departments [unrevised].

Questions Nos. 1 to 8, inclusive, answered orally.

Social Welfare Benefits.

9. **Ms C. Murphy** asked the Minister for Social and Family Affairs if there is information to suggest whether the cap on supplementary rent allowance has had the effect of reducing or stagnating private sector rents or whether instead this cap has increased the tendency of tenants to unofficially make up the shortfall between the actual rent charged to them and the level of assistance provided; the way in which such trends are monitored; and if he will make a statement on the matter. [17663/06]

Minister for Social and Family Affairs (Mr. Brennan): The supplementary welfare allowance scheme, which is administered on my behalf by the community welfare division of the Health Service Executive, provides for the payment of a rent supplement to assist eligible people who are unable to provide for their immediate accommodation needs from their own resources and who do not have accommodation available to them from any other source.

Rent supplements are subject to a limit on the amount of rent that an applicant for rent supplement may incur. Setting maximum rent limits higher than are justified by the open market would have a distorting effect on the rental market, leading to a more general rise in rent levels and in landlord income. This in turn would worsen the affordability of rental accommodation unnecessarily, with particular negative impact for those tenants on lower incomes.

Notwithstanding these limits, under existing arrangements the Health Service Executive may, in certain circumstances, exceed the rent levels as an exceptional measure, for example:

- where there are special housing needs related to exceptional circumstances for example, disabled persons in specially-

adapted accommodation or homeless persons,

- where the tenant will be in a position to re-assume responsibility for his/her rent within a short period.

This discretionary power is only used in special cases, but it ensures that individuals with particular needs can be accommodated within the scheme.

In November 2002, when the Central Statistics Office Privately Owned Rent Index first showed signs of continued reductions in rent levels, regulations were introduced to set the maximum amount of rent in respect of which a rent supplement is payable.

Despite recent increases in rent levels, the Central Statistics Office Privately Owned Rent Index shows that, in the period November 2002 to March 2006, rent levels fell by 3.1%. In this context it is fair to deduce that the introduction of rent limits by regulation has had a positive impact on the rental market in general and should not have led to a situation where tenants unofficially make up any shortfall in rents.

My Department is in regular contact with the community welfare staff of the Health Service Executive regarding the various elements of the scheme. In the course of these ongoing contacts, the prescribed upper limits on rent levels supported under the rent supplement scheme have not emerged as having a detrimental impact on the ability of eligible tenants generally to secure suitable rented accommodation to meet their needs.

My officials will again be reviewing the current levels of rent limits later this year in order to determine what limits should apply from January 2007 onwards. The review will take account of prevailing rent levels in the private rental sector generally, together with detailed input from the Health Service Executive on the market situation within each of its operational areas.

The review will also include consultation with the Department of Environment, Heritage and

[Mr. Brennan.]

Local Government. In addition, it is expected a number of the voluntary agencies working in this area will also make detailed submissions. This process will ensure that the new rent limits reflect realistic market conditions throughout the country, and that they will continue to enable the different categories of eligible tenant households to secure and retain suitable rented accommodation to meet their respective needs.

10. **Mr. Naughten** asked the Minister for Social and Family Affairs the steps he is taking to increase the uptake of the respite care grant; the estimated numbers who are eligible but not availing of the scheme; and if he will make a statement on the matter. [17302/06]

Minister for Social and Family Affairs (Mr. Brennan): 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 are caring satisfy certain conditions.

All carers who are in receipt of carer's allowance, carer's benefit, prescribed relative allowance or constant attendance allowance on the first Thursday in June will automatically receive the respite care grant without having to apply for it. Similarly, carers who are getting domiciliary care allowance from the Health Service Executive will automatically receive the respite care grant from the HSE.

A national publicity and information campaign on the scheme was carried out over the past year in order to target effectively those carers providing full-time care and attention and therefore most likely to qualify for the grant. This campaign covered:

- Advertising in the local and national press and on local radio.
- A freephone service operated by my Department.
- Information was distributed to all carers representative groups for use in their publications.
- A presentation was made to the Carers Association's managers network from around the country.
- Application forms, information leaflets and posters were distributed to Local Offices, Branch Offices and to Comhairle for distribution to the Citizen's Information Centres (CICs) network, and a presentation was made to the Department's information officers including those from CICs.

- In addition, from October 2005 to March 2006, information booklets on the respite care grant were on display in over 850 locations including a number of GPs surgeries, Public Health Centres and hospitals.

For this year, all customers who received a respite grant in 2005 are being contacted individually to inform them of their possible entitlement to the grant in 2006 and to verify that their circumstances have not changed since last year.

Following that, the Department will again advertise the scheme in the national and local press. The Department will also provide a Free-phone 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 my Department's local social welfare offices as well as on request from the respite care grant section in Dublin.

In addition, my Department will review, on a case-by-case basis, claims that failed to qualify last year because the carer was working for more than 10 hours per week. People in these circumstances may now qualify as I have extended the maximum number of hours to 15 hours per week from June.

Customers who apply for carer's allowance and who do not qualify for payment as their means exceed the statutory limit, will be contacted in relation to their potential entitlement to the respite care grant payment. They may qualify for that payment as it is not subject to a means test.

In addition to the 2006 scheme, applications will be accepted for the 2005 scheme up to 31 December 2006. A total of some 34,300 respite care grants have been paid by my Department in respect of 2005 and applications for the grant continue to be received. Total expenditure to date is over EUR34 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.

Partnership Agreement.

11. **Mr. Gilmore** asked the Minister for Social and Family Affairs the role of his Department in the negotiations for a possible new partnership agreement, particularly in regard to those areas for which his Department has legislative or administrative responsibility; if he has had discussions with the community or voluntary sector regarding a possible new agreement; and if he will make a statement on the matter. [17369/06]

Minister for Social and Family Affairs (Mr. Brennan): Social partnership has played an important if not pivotal role in Ireland's dramatic economic and social development since 1987. Through the partnership process, over the past eighteen years or so, we have helped to ensure that the policies of Government and the efforts

of the social partners create the right environment for sustainable economic and social development. The prosperity secured in partnership has a purpose — it is to improve the quality of life of our people, including those dependent on social welfare. Ireland needs to put in place the policies and the delivery systems, which will allow us to realise our full potential. Past experience teaches us that is best achieved when there is a reasonable consensus about the choices we face as a country.

Consulting and listening to our customers and their representatives is an integral part of my Department's business and is the key to informing our policy and service delivery approach. As part of this consultative approach I, and representatives from my Department meet on a regular basis with organisations from the Community and Voluntary Pillar. However, my Department has not had discussions with the Community and Voluntary Pillar regarding a possible new agreement outside the formal negotiations on a new National Agreement.

The discussions with all the Social Partners, under the chairmanship of the Department of the Taoiseach, are ongoing and it would not be appropriate for me to comment specifically on the proposals put forward by the Community and Voluntary Pillar at this stage. The outcome of the new social partnership negotiations will provide a positive framework for addressing the issues of poverty and social exclusion in a comprehensive, focussed and integrated manner. The implementation of the new Social Partnership Agreement, allied to the achievement of the targets set out in the National Action Plan against Poverty and Social Exclusion will ensure that we will make real and tangible progress towards the achievement of a fair and inclusive society.

Pension Provisions.

12. **Ms B. Moynihan-Cronin** 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. [17379/06]

34. **Ms McManus** asked the Minister for Social and Family Affairs the action his Department has taken arising from the recent report by Mercer Human Resources Consulting which made a number of recommendations as to actions his Department could take to ensure full compliance with the construction industry pension fund; and if he will make a statement on the matter. [17378/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 12 and 34 together.

The Construction Federation Operatives Pensions Scheme operates as a Registered Employ-

ment 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 relation to the scheme in so 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 in relation to the scheme and compliance with its terms, the Pensions 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 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.

In relation to my own 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 in relation to self-employment in the industry, as also proposed in the Mercer report, are in my view the ways forward. 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, hav-

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ing regard to the powers it has available to visit and inspect employers' records. My Department is planning to carry out 7,000 employer inspections in the current year, and in this context, a greater emphasis will be placed on the construction sector.

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 Revenue need to review their guidelines in relation to 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, in relation to 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. The draft contracts, which are subject to consultation with the industry, include provisions that require contractors to ensure that pay and conditions of employment comply with the law and are not less favourable than the terms of the Registered Employment Agreements for those employees to whom the agreements apply. I think this provides a good opportunity to strengthen enforcement in relation to the pension scheme in question.

Anti-Poverty Strategy.

13. **Mr. Bruton** asked the Minister for Social and Family Affairs if his attention has been drawn to the claims made by CORI (details supplied) that in 1994 just 10.4 per cent of people receiving social welfare payments for illness or disability were at risk of poverty whereas in 2006 the figures for same is 49.4 per cent; his views on the claim; the reasons for this occurrence; the implications for society; and if he will make a statement on the matter. [17665/06]

80. **Mr. Bruton** asked the Minister for Social and Family Affairs if his attention has been drawn to claims made by CORI (details supplied) that in 1994, 29.5 per cent of households headed by a person with an illness or a disability were at risk of poverty whereas in 2006 the figure for same is 54 per cent; his views on this claim; the implications for society; and if he will make a statement on the matter. [17664/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 13 and 80 together.

The barriers faced by people with disabilities and indeed other groups who are vulnerable to

poverty are multi-faceted and require a multi agency response. The National Action Plan Against Poverty and Social Exclusion (NAP/inclusion) sets out the framework for the Government's response to these problems and comprises the range of policies and programmes, along with specific targets and actions for such areas as income and employment supports, health and education, aimed at reducing or ideally eliminating poverty and social exclusion.

The plan specifically targets people with disabilities as one of a number of groups who are particularly vulnerable to poverty and social exclusion. The overall aim for people with disabilities is to increase their participation in work and society generally, and to assist them and their families to lead full and independent lives. The Plan details specific targets and actions which include: rehabilitative training provision and skills development; increased participation in third level education; specific employment supports for people with disabilities and employers; access to health care; and, care of people with disabilities.

The Office for Social Inclusion, which is based in my Department, has overall responsibility for developing, co-ordinating and driving the National Action Plan. Following an extensive consultation process, a new Action Plan (2006-08) is being prepared at present. The consultation process confirmed that persons with disabilities still constitute a group that is vulnerable to poverty and social exclusion and services for the disabled require to be improved and to be delivered in a more integrated fashion. The approach to be set out in the new plan will take account of these findings.

The Office for Social Inclusion is also developing a data strategy, designed to ensure that the necessary data is available for monitoring, evaluation, policy prioritising, targeting and overall policy development. One element of this strategy is the identification and filling of data gaps which prevent accurate measurement of progress against targets contained in the NAP/inclusion. The Office for Social Inclusion is currently consulting with other Government Departments to identify how these gaps can be filled.

The Government remains committed to continuing efforts to alleviate poverty, especially for those who have not been in a position to benefit from the employment opportunities afforded by high economic growth. Over the past five years, social welfare payments have actually increased by 55.5%, well ahead of the 16.4% increase in the Consumer Price Index, and the 28.2% increase in gross average industrial earnings. This represents an increase in real terms of 33.6%, in comparison to a real increase industrial earnings of 10.1%.

However, households where a person has moved from inactivity to employment will of course have seen a more significant rise in their income and many households have indeed moved

from having one income to two. As a result, while many people with disabilities who are not in employment saw their living standards improve, their position relative to other people fell back. Thus, whilst the buoyancy in the labour market may benefit people with disabilities, as part of the wider population seeking employment, it is clear that more specific measures may be required if their employment rates are to substantially increase.

There has been a significant increase in spending on disability services, with over EUR2.9 billion, representing almost 7.5% of gross public expenditure spent in 2005 in this way. This compares with expenditure of just under EUR0.8 billion in 1997 and represents an almost four fold in eight years. This does not include the EUR2 billion spent by Government in 2005 on income supports for people with disability, illness and their carers.

The Government has also guaranteed a multi-annual Investment Programme totalling over EUR900 million, comprising both capital and current funding for high priority disability support services over the years 2006 to 2009. The funding is focused mainly in the health and education sectors and will enhance service levels where they are most needed.

The National Disability Strategy represents a further commitment by Government to drive forward a significant evolution in policy and provision for people with disabilities. The Disability Act, 2005, is one element of this Strategy and gives a statutory basis to the policy of mainstreaming public service delivery. In addition the Act establishes an innovative system for sectoral planning which will ensure that key mainstream sectors will have clear goals for delivering services to people with disabilities and plans to implement these goals in a transparent way. My Department is in the process of completing its sectoral plan, to be laid before the Houses of the Oireachtas in July 2006, and includes actions for inter-departmental co-operation in relation to the development of services for people with disabilities.

The National Disability Strategy thus presents an opportunity for Government to consider the needs of people with disabilities in a more comprehensive and coherent way. Clearly, the main focus my Department is to provide income support for people with disabilities who cannot provide for themselves and thereby tackle the underlying problem of the relatively high level of poverty amongst people with disabilities. In line with the current policy orientation, my Department will seek to deliver these supports in a way which reduces the risk of dependence and allows more people to move from a position of income dependence to one where they can, to a far greater extent, meet their income needs from employment.

Social Welfare Benefits.

14. **Mr. Noonan** asked the Minister for Social and Family Affairs if, in relation to unemployment assistance claims by wives who are actively seeking work, he plans to individualise the means assessment process, thus enabling the husbands income to be disregarded; and if he will make a statement on the matter. [17687/06]

Minister for Social and Family Affairs (Mr. Brennan): The spouses and partners of workers or those in receipt of social welfare payment may apply for unemployment assistance in their own right provided they fulfil the conditions for such payment. These conditions include being capable of and actively seeking work as well as satisfying a means test. In the latter regard, the means of the other spouse/partner is taken into account. Where the spouse/partner is engaged in employment the first EUR100 per week of earnings is disregarded and half of the balance is assessed as means. This means that an unemployment assistance claimant (with no children) can still qualify for a reduced rate of unemployment assistance where the spouse/partner's earnings are up to EUR431 per week.

Full personal payments within the social welfare system involves separate and independent treatment of persons in relation to means and other conditions of entitlement and separate payments to each. There are no plans, at present, to introduce full such payments in relation to means testing arrangements.

In this regard, the question of personal payments was considered by a Working Group in 1999 which examined the treatment of married, cohabiting and one-parent families under the tax and social welfare codes. The Group examined the social welfare code including the independent treatment of couples for means testing purposes. The Group concluded that personal payments could best be achieved through the expansion of the social insurance system to enable people establish their own direct rights and social welfare entitlement. The Group also concluded that some form of administrative arrangement appeared to be desirable, as it does not involve any change in the rules and conditions of entitlement but provides for arrangements whereby payments, which include increases in respect of a qualified adult, are split in some form between the parties involved.

A Working Group, chaired by my Department, was established in 2002 and recommended proposals for the implementation of a system which would involve the payment of the qualified adult allowance directly to a spouse, on a consensual basis, with both parties agreeing to the splitting of the personal and qualified adult rates. The Group envisaged a phased implementation of this arrangement.

In October 2002, my Department introduced administrative arrangements to provide an option

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to have the qualified adult allowance paid directly to the spouse for all new applicants to retirement and old age contributory pension (OACP/RP). To last December, some 1,100 couples have indicated their preference to have the qualified adult allowance paid directly to the spouse. This represents about 6.75% of approx 16,300 OACP/RP pensions awarded with a qualified adult allowance since October 2002.

I am aware of the desire of certain sectors of the community to have full personal payment 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 financial administrative and legislative issues that require further examination before extending or modifying these arrangements. These issues are under active consideration by my Department and I intend to progress the matter in the coming year.

Proposed Legislation.

15. **Mr. Sargent** asked the Minister for Social and Family Affairs if it has been agreed to change the name of the organisation Comhairle; the reason for such a change; and if the making of this decision has been the sole delaying factor in stopping the Comhairle Bill 1999 from being debated in Dáil Éireann. [17549/06]

32. **Mr. Broughan** asked the Minister for Social and Family Affairs if the consent of his Department was sought for the name change of the Comhairle organisation and the proposed re-branding of the agency; if his Department's approval was given; if he has received from Comhairle an estimate of the cost of the exercise; his views on whether this is the best use of public money; and if he will make a statement on the matter. [17363/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 15 and 32 together.

Comhairle was established under the Comhairle Act, 2000. Its functions include the provision of independent information, advice and advocacy in relation to social services. Comhairle also has a particular responsibility to assist people with disabilities to identify their needs and access their entitlements.

Comhairle carries out its functions in the provision of information primarily through a nationwide network of Citizen Information Centres (CICs). The CICs are voluntary bodies which provide full-time or part-time information services to the public at some 235 locations throughout the country.

Over the past three years, Comhairle has engaged in developing a strategy to strengthen the public profile of the information services provided by the CICs, by the Citizen Information

Phone Service and via the OASIS website. A key element of strengthening its profile is the development of the 'Citizens Information' brand as a common identifier for all three services. Comhairle engaged in discussion with the CICs about raising the profile of the information services and about proposals for the redesign of the Citizens Information brand to achieve this purpose.

The approval of my Department is not required for the adoption of a new logo and brand for these services. Comhairle is responsible for providing greater access to and public awareness of information services on social entitlements and this initiative is in keeping with that responsibility. Furthermore, the adoption of a new logo and brand is a matter for the CICs themselves in consultation with Comhairle as the main funder of their services.

The Board of Comhairle must take into consideration the cost implications of such an undertaking, whether such costs are justified and if they can be met from within existing resources. Any additional resources sought by Comhairle would fall to be considered by my Department in the context of the normal process of the annual estimates and budgetary process.

I have asked the Board of Comhairle to consider whether its name should be changed or adapted in the light of the strong collaborative link between the statutory body and the CICs. The response of the Board and a number of suggestions in this regard are under consideration in my Department. If a name change or amendment is considered appropriate, following consultation with the Board of Comhairle, it is my intention to bring forward the necessary legislative amendment in the context of the Comhairle (Amendment) Bill.

The Bill, which was published in September 2004, seeks to amend the Comhairle Act 2000 so as to confer additional and enhanced functions on Comhairle involving, primarily, the introduction of a personal advocacy service for people with disabilities. Meetings have been held with a number of disability interested groups, in the context of my Department's obligations under the Disability Allowance Act 2005. The Bill is on the Government's legislative programme for the current parliamentary session. I can assure the Deputy that it is my intention to have the Bill progressed at an early date so that the personal advocacy service, which is a key element of the Government's National Disability Strategy, can be established by Comhairle without delay.

Question No. 16 answered with Question No. 7.

Child Support.

17. **Caoimhghín Ó Caoláin** asked the Minister for Social and Family Affairs his views on whether the back to school clothing and footwear

allowance is adequate; and if he will increase this allowance. [17558/06]

71. **Mr. Ferris** asked the Minister for Social and Family Affairs if he intends to increase the back to school clothing and footwear allowance in view of increasing related expenses faced by parents on low income. [17562/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 17 and 71 together.

The back to school clothing and footwear allowance scheme (BSCFA) operates from the beginning of June to the end of September each year and is administered on behalf of my Department by the Community Welfare division of the Health Service Executive. Applications for the allowance may be made between the beginning of June and the end of September each year. Neither I nor my Department has any function in relation to decisions on individual claims.

The BSCFA scheme provides a one-off payment to eligible families to assist with the extra costs when their children start school each autumn. The allowance is intended as a contribution towards meeting the full cost of school clothing and footwear. From June 2006, an allowance of EUR120 is payable in respect of qualified children aged from 2 to 11 years, or EUR190 in respect of qualified children aged from 12 to 22 years.

A person may qualify for payment of an allowance if they are in receipt of a social welfare or Health Service Executive payment, are participating in an approved employment scheme or attending a recognised education and training course and have household income at or below certain set levels.

My Department established a Working Group to undertake a review of the back to school clothing and footwear allowance scheme as part of its Expenditure Review Programme. The Working Group published its report in August 2004. In relation to the adequacy of the payment rates of the scheme, the review noted that while the value of the BSCFA had increased by 152% for children under 12 and by 194% for children over 12 since 1990, the Consumer Price Index figure for clothing and footwear dropped by over 24% in the same period. The review concluded that payment rates did not warrant adjustment.

In the recent budget the rates of BSCFA were increased by EUR40 from the previous rates of EUR80 and EUR150. This represents an increase of 50% and 26% respectively. In addition to the increase in BSCFA rate, I also made provision in the budget to increase the additional income disregard for entitlement to the scheme from EUR50 to EUR100. Budget 2006 also extended entitlement to the back to school clothing and footwear allowance to recipients of orphan's allowance or pensions for the first time.

I intend to keep the adequacy of back to school clothing and footwear allowance payments under regular review, as I consider it to be an important support for parents at a time of particular financial strain.

Family Support Services.

18. **Mr. McGinley** asked the Minister for Social and Family Affairs his Department's input in the action plan for lone parents being developed by FÁS (details supplied); if same has been completed; and if he will make a statement on the matter. [17675/06]

Minister for Social and Family Affairs (Mr. Brennan): 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 examined obstacles to employment for lone parent families, with particular emphasis on income supports, employment, education, child-care and support programmes and information.

As part of this process, a working group established in my Department reviewed the income support arrangements for lone parents, looking 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 recently launched 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 for low income families with young children.

Since 1993 the Department has been supporting the return or entry of long term unemployed people and other long term social welfare recipients into the labour force through the employment supports schemes. The introduction of the Employment Action Plan in 1998 also facilitated greater support to those unemployed in terms of joining or rejoining the labour market.

Relationships with FÁS have been developed significantly since the introduction of the Plan and a Memorandum of Understanding in 2004

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has facilitated even further improvement in those relationships at the regional and local levels. While acknowledging that there is scope for even more enhanced co-operation it is clear that existing arrangements assist in bringing greater focus to DSFA customer needs, particularly unemployed claimants. At present Department officials are examining the recommendations of an independent review of the Plan which recommends inter alia the expansion of it to other welfare groups including lone parents.

The Government has asked the Senior Officials Group on Social Inclusion to draw up an implementation plan to progress the non-income recommendations of the discussion paper, including those related to childcare, education, training and activation measures and work on this has already commenced in consultation with the Departments and agencies concerned. FÁS are working with the Senior Officials Group on Social Inclusion to progress the recommendations of the proposal which fall within their remit. I have asked that my Department provide FÁS with details of the geographical location of recipients of the one parent family payment to help them in their work. My Department will work with FÁS to assist in the development of an integrated activation plan for lone parents.

Social Welfare Benefits.

19. **Ms Lynch** 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. [17376/06]

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 1st 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 on 22 December 2004 raising a number of issues concerning its compliance with EU law in relation to workers and their families. Officials from my Department and the Attorney-General's Office

met with Commission officials on 15 May 2005 to discuss the issues raised.

The formal process of the Commission's examination of the matter was completed on 4 April 2006 and the Commission is satisfied that Ireland complies with the European Court of Justice case law in applying the habitual residence condition.

Furthermore, in the decision making process, full consideration is given 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. In November 2005, a clarification was issued to Community Welfare Officers explaining that supplementary welfare allowance is considered under EU legislation to be a social advantage and must therefore 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 their own, or becomes unable to work through illness, is entitled to claim supplementary welfare allowance.

The operation of the habitual residence condition has been and continues to be monitored constantly by my Department, and a full review of its operation is currently being finalised. If I consider that it is necessary to make changes as a result of this review, I will bring forward proposals to Government.

20. **Mr. Allen** asked the Minister for Social and Family Affairs his views on the assertion by the NESC (details supplied) that significant minorities in the population here are currently experiencing one or multiple forms of social disadvantage, and present strategies and policies are not proving adequate in helping them; the different forms of social disadvantage that these people face; the figures for same; the steps he is taking to counteract this; and if he will make a statement on the matter. [17668/06]

Minister for Social and Family Affairs (Mr. Brennan): The NESC report on the Developmental Welfare State, referred to by the Deputy, constitutes an important contribution to the development of policy, particularly in relation to combating poverty and social exclusion. The report has also significantly informed the NESC's latest strategy report, People, Productivity and Purpose, which is a key input to the current social partnership negotiations.

The NESC report recognises that the causes of poverty and social exclusion are multi-faceted and can result in those affected experiencing multiple forms of disadvantage. These can include unemployment; lack of adequate education and training; incapacity or reduced capacity for work; age; lone parenthood or having a large family, which can make it difficult to reconcile employ-

ment and caring responsibilities; sexual orientation; and, being an immigrant, member of an ethnic minority or Traveller.

Since 1997 with the first National Action Plan against poverty (NAPS), the Government has been adopting a strategic approach to combating poverty and social exclusion, which involves an integrated, multi-policy response at national, regional and local levels. This process has now been aligned with that being coordinated by the EU, following the pledge by the European Council at Lisbon in 2000 for Member States “to make a decisive impact on poverty” by 2010. The third plan under the EU process is currently being drawn up and a summary streamlined version is due to be submitted to the EU Commission by September.

Ireland’s major achievement in the period since 1997 has been the reduction in unemployment to a rate that is now the lowest in the EU. This has been combined with a major increase in employment participation, particularly in the case of women, which has increased from 40% in 1994 to 56% in 2004. The major increases in economic and employment growth has made possible significant improvements in income support and other services.

My Department plays a key role in this whole process. It is the largest spending Government Department with almost one in every four euro spent by the State being on social welfare. Spending on social welfare has risen from 5.7 billion euro to 13.6 billion euro between 1997 and 2006. Each week welfare payments go out to over 976,000 people benefiting some 1.5 million persons. Over the period 2001 to 2006 the lowest social welfare rates have increased by 55.5% while the Consumer Price Index has increased by just over 16.4%. In Budget 2006, the average increase in payments was 10.5%, which is almost four times the projected rate of inflation for 2006.

In 1997, for example, some 7.8 per cent or 283,000 persons were in consistent poverty, as measured by the Living in Ireland Survey (LIS). In 2001 the figure had reduced to 4.1 per cent, or 149,000 persons, a reduction of some 134,000 people, based on 1996 census figures. As a result of new features in the EU Survey on Income and Living Conditions (EU-SILC) which replaced the LIS, there was an increase in the percentage classified as in consistent poverty, but the results from the latest EU — SILC show that the downward trend has continued, with a significant reduction of 2 per cent in consistent poverty from 8.8 per cent in 2003 to 6.8 per cent in 2004. Using 2002 Census figures, this would equate to a reduction of some 78,000 people. Therefore, the results show that the greatly increased resources being devoted to social welfare and other social services are having a significant impact on poverty.

However, the minorities referred to by the NESC, while experiencing significant improvements in their standards of living, especially in

recent years, have not benefited from our economic success to the same extent as the majority. This is mainly because they were unable to take up employment or employment that provided an adequate income. This occurred during a time of unprecedented employment growth and when we have had to rely on immigration to fill many jobs here.

The recent EU SILC survey shows, for example, that lone parent households had the highest consistent poverty rate in 2004 at 31.1%, compared to the national rate of 6.8%. Ill or disabled persons and unemployed persons also experienced higher than average rates of 21.7% and 19.2% respectively. There was a higher incidence of consistent poverty in the Border, Midland and Western region (8.6%) than in the Southern and Eastern region (6.2%), and in urban areas (7.6%) than in rural areas (5.5%).

In light of this, a major strategic priority in the coming years is to remove barriers to employment that exist for these minorities. It will also require greater coordination of policies and their implementation at local and regional levels as well as at national level to achieve better outcomes, not just in terms of employment, but also in relation to income support, access to services and living standards generally. For example, households with children require a combination of improved child care, education, more family friendly employment and other services as well as income support. Other minorities require different combinations of policies with coordinated implementation.

The overall thrust of the next National Action Plan on inclusion, therefore, will be to mainstream social inclusion policies. This will involve all relevant policy areas being progressively developed and adapted to ensure that, as far as practicable, the same outcomes will be achieved in each policy area for the minorities referred to by NESC, as for the majority. This will be accompanied by the progressive development of greater coordination of policy and of its implementation at all levels of Government. I am confident that through this approach the Developmental Welfare State recommended in the NESC report will be achieved and that it will more effectively meet the needs of minorities in the years ahead.

Family Support Services.

21. **Ms Burton** asked the Minister for Social and Family Affairs the outcome of his consultative forum with lone parent groups held at Farmleigh House regarding his recent discussion paper on proposals for supporting lone parents; and if he will make a statement on the matter. [17365/06]

28. **Mr. Broughan** asked the Minister for Social and Family Affairs the response he has received to his recent discussion paper on proposals for

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supporting lone parents; and if he will make a statement on the matter. [17364/06]

58. **Mr. Penrose** asked the Minister for Social and Family Affairs if his attention has been drawn to concerns expressed by lone parents groups that some of the proposals contained in his recent discussion paper on proposals for supporting lone parents could create poverty traps and the particular concerns expressed regarding the proposed withdrawal of the new parental allowance in respect of children over eight; his views on these concerns; and if he will make a statement on the matter. [17362/06]

63. **Mr. Cuffe** asked the Minister for Social and Family Affairs if he will give assurances that the proposed supports for lone parents will not result in new complexities and poverty traps, age related or otherwise in view of the fact that OPEN, the national network of lone parent groups, has produced figures that show that a working lone parent with a child over eight would stand to lose almost €90 a week or €4,624 per annum. [17540/06]

78. **Mr. Boyle** asked the Minister for Social and Family Affairs the way in which he envisages lone parents under the Government's discussion paper on proposals to support lone parents be prioritised in terms of accessing flexible childcare provision; and if he has consulted with the Department of Health and Children to allow for measures to address this issue under the new childcare programme 2006-2010. [17538/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 21, 28, 58, 63 and 78 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.

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 examined obstacles to employment for lone parent families, with particular emphasis on income supports, employment, education, childcare and support programmes and information.

As part of this process, a working group established in my Department reviewed the income support arrangements for lone parents, looking 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 recently launched 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 childcare, improved information services for lone parents and the introduction of a new Parental Allowance for low income families with young children.

The Government has asked the Senior Officials Group on Social Inclusion to draw up an implementation plan to progress the non-income recommendations of the discussion paper, including those related to childcare, education, training and activation measures and work on this has already commenced in consultation with the Departments and agencies concerned.

As a follow-up to the publication of the discussion paper, I hosted a National Consultative Forum on 27th April 2006. This Forum was attended by social partners, representatives of organisations dealing with lone parents and the unemployed, representatives of Government departments and State agencies who will be responsible for the implementation of the proposals in the discussion paper and members of the Oireachtas. At the Forum, I heard the views of each organisation on the proposals including their comments on the proposed parental allowance and invited them to make a formal written submission setting out those views.

The Government will listen closely to the views expressed and will give very serious consideration to them. As soon as I am convinced that we have reached conclusions that are sensible, fully workable and clearly thought out, it will be my intention to bring forward proposals for legislation during the course of this year.

Pension Provisions.

22. **Mr. S. Ryan** 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. [17374/06]

54. **Ms O. Mitchell** asked the Minister for Social and Family Affairs the situation regarding women's access to pensions; the figures for female pension coverage; and if he will make a statement on the matter. [17676/06]

59. **Ms Lynch** 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. [17375/06]

73. **Ms O. Mitchell** asked the Minister for Social and Family Affairs the situation regarding pension coverage for part-time workers; and if he will make a statement on the matter. [17677/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 22, 54, 59 and 73 together.

The most recent results from the CSO Quarterly National Household Survey (QNHS) show a 0.9% point 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 2005. The decline is within the margin of error for the survey so the position appears to be that there was little change in the rate of supplementary pensions coverage over the period in question. 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 March 2006, 73,322 PRSAs had been taken out with a total asset value of EUR522 million. This equates to about 4% of those at work. 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 from 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.

Part-time workers have particularly low levels of coverage. Only 4.9% of those working less than 10 hours per week have a pension while the coverage rate for those working 10 to 19 hours per week is 15.3%. That said, part-time workers are fully insured for social welfare pension purposes.

Because of 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 the Pensions Board regularly does promotional work around women's events such as the women's mini marathon and devoted a section of the National Pensions Action Week, which took place last week, to women and pensions.

As the Deputies will be aware, 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 in January.

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 and made further significant progress towards achieving the target in Budget 2006.

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 measures introduced 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

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National Pensions Review. As the House may be aware, 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 in the next two months.

The issue of pensions has achieved a very high profile over the last year or so but I think we have yet to have an engaging debate on exactly how we will tackle the difficult questions we face in the years ahead. The Pension 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.

As a contribution to that debate, last week I convened a National Pensions Forum to look at the central issues raised in the Review. The Forum was a very successful event which included presentations on international experiences of pension reform together with the views of various stakeholders and interested parties on the way forward for this country. It is clear from the contributions to the Forum that there are very different views out there on how we should proceed. The challenge in the months ahead will be to agree on a set of reforms which will deliver on the objective of an adequate income for all in retirement. The contributions made to the Forum and the further work I have asked the Pensions Board to undertake in the area of mandatory pensions will be important inputs into the decision making process.

Social Welfare Benefits.

23. **Mr. Quinn** asked the Minister for Social and Family Affairs the number of people who are claiming reduced rent supplement under the terms of SWA Circular 8 of 2000; the number in years one, two, three and four; the steps which are being taken to ensure that all those eligible are aware of the provision; and if he will make a statement on the matter. [17385/06]

41. **Mr. M. Higgins** asked the Minister for Social and Family Affairs the number of persons in receipt of rent supplement in respect of each of the past five years; the amount paid out in rent supplements; the number of landlords to whom rent supplement was paid; the average annual payment; and if he will make a statement on the matter. [17371/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 23 and 41 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 relation to decisions on individual claims.

My Department is very conscious of the need to facilitate persons in receipt of social welfare payments to take up employment opportunities and to ensure that the social welfare supports are structured to support this objective.

In this regard, where a person in receipt of rent supplement wishes to take up employment, advice is provided by the 700 community welfare officers who administer the scheme from over 1,000 different locations throughout the country as to the likely impact this employment will have on a persons rent supplement.

Under existing legislation, supplementary welfare allowance is not normally payable to people in full time employment. However, special arrangements, outlined in Circular 08/00, are in place which allow individuals who have been unemployed for 12 months or more and who move from a welfare payment to a full-time job, to retain their rent supplement on a tapered basis for up to 4 years i.e. 75% in year 1, 50% in year 2 and 25% in years 3 and 4. This retention is subject to a weekly household income limit of EUR317.43. Back to work allowance and family income supplement, in cases where one or both of these are in payment, are disregarded in the assessment of the EUR317.43 weekly income limit. PRSI contributions and reasonable travelling expenses are also disregarded in the means test. My Department does not maintain a record of the number of individuals who have availed or are currently availing of this arrangement.

Under the rent supplement scheme there is no direct relationship between the State and the landlord. Entitlement is based on the tenants income support needs with payment generally made directly to the tenant. Accordingly my Department does not keep a record of the number of individual landlords who benefit indirectly under the scheme.

The number of tenants benefiting under the scheme has increased from 45,028 in 2001 to 60,176 at the end of 2005 with expenditure increasing from EUR179m in 2001 to almost EUR369 in 2005. At 28 April 2006, there were 60,526 in receipt of a payment.

During the same period, the average weekly payment increased from EUR80.30 in 2001 to EUR101.77 in 2005 and average monthly payments increased from EUR495.30 in 2001 to EUR768.47 in 2005. At December 2005, 71% of rent supplement payments were weekly. The fol-

following tabular statement shows details of the number of recipients, the annual expenditure and

average weekly and monthly payments for each of the years 2001 to 2005 for information.

Recipients and Expenditure on Rent Supplement and Average Rent Supplements, at end 2001 to Date

Year	Recipients	Annual Expenditure	Average Weekly Supplement	% paid weekly	Average Monthly Supplement	% paid monthly
		€m	€		€	
2001	45,028	179.40	80.30	79	495.30	21
2002	54,213	252.34	94.88	78	651.65	22
2003	59,976	331.47	97.07	75	715.96	25
2004	57,874	353.76	100.00	72	752.91	28
2005	60,176	368.70	101.77	71	768.47	29
28/4/06	60,526	*96.40	102.38	71	770.54	29

* End March 2006.

Partnership Agreement.

24. **Mr. Costello** asked the Minister for Social and Family Affairs the views on 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. [17368/06]

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 constructive and broad ranging document which has, I understand, been forwarded to all parties to the partnership negotiations. It would not be appropriate for me, by commenting on the submission, to pre-empt these negotiations which are still in progress.

The outcome to these negotiations will be fully taken into account in 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 is being co-ordinated by the Office for Social Inclusion which is based in my Department.

Question No. 25 answered with Question No. 7.

Family Income Support.

26. **Mr. Ó Caoláin** asked the Minister for Social and Family Affairs if he intends to progress with the granting of free travel to all beneficiaries of an Irish pension; and when he proposes to do so. [17559/06]

49. **Mr. Crowe** asked the Minister for Social and Family Affairs the progress which has been made regarding the granting of free travel to all beneficiaries of an Irish pension. [17554/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Question Nos. 26 and 49 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 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 over 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 significantly improving the North/South element of the current arrangements and hope to be in a position to make an announcement about this soon.

There have been a number of requests and enquiries in relation to 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. I am continuing to explore all aspects of a possible approach within, of course, legal parameters.

In relation to centenarian's bounty, the Government has approved in principle the extension of the scheme for the payment of the centenarians' bounty to any Irish citizen who was born

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in the Island of Ireland, regardless of where he or she may currently reside. Up to now the bounty, which currently amounts to EUR2,500, was payable only to centenarians living in the State. The bounty is a discretionary grant and not a service or scheme and accordingly it does not come within the scope of the EU Treaty. In this way, it differs from the proposed extension of the free travel scheme.

Social Welfare Code.

27. **Mr. McGinley** asked the Minister for Social and Family Affairs his plans to make changes to the social welfare system to make it more equitable for women; and if he will make a statement on the matter. [17674/06]

Minister for Social and Family Affairs (Mr. Brennan): The social welfare system is designed to provide income supports and access to relevant services in a timely manner to all our customers. While there is equity in access to the social welfare system for men and women, the impact of the traditional roles of women in the home and the labour market has meant that women may, in some instances, be indirectly impacted with regard to access to schemes and support. This reflects the historical development of the social welfare system, which in turn reflected the views of society at the time. Issues in this regard are being tackled in a number of ways by my Department.

At a broad level my Department is carrying out a technical review of the entire social welfare code to examine its compatibility with the Equal Status Act 2000 (as amended). The review will examine the schemes and services provided for both in social welfare legislation and the administrative schemes operated by the Department. It will identify any instances of direct or indirect discrimination, on any of the nine grounds under the Act, including gender, marital status and family status, that are not justified by a legitimate social policy objective, or where the means of achieving that objective are either unnecessary or inappropriate.

The work is being carried out in two Phases. Phase 1 involves the undertaking of a scoping exercise to establish the most appropriate approach and methodology to carrying out the main review. This work is currently underway and is due to be completed in July 2006. Phase 2 of the work involving the undertaking of the main review, is due to commence in the latter part of 2006.

Focusing on access and eligibility to current social welfare payments and schemes, the policy of the Government over the years has been the expansion of the social insurance system to ensure that it is as inclusive as possible. Social insurance is important in that people can build a direct entitlement to social welfare payments in

times of need regardless of their family, household or marital status. In 1991 those in part-time employment were brought into full social insurance cover, in 1995 community employment workers became insurable for all benefits and pensions, in 1997 coverage for maternity and adoptive benefits was extended to the self-employed and in 2002 there were changes to the PRSI contribution conditions which facilitated atypical workers and notably those worksharing.

With regard to recognition of caring, the maternity benefit scheme has been significantly improved over the past four years, in terms of both the duration of payment and the level at which it is paid. The means test for the carers allowance has been eased significantly in the past few years, while a carers benefit was introduced in 2001.

With regard to access to pensions, men and women are treated in exactly the same way under the qualifying conditions for old age contributory and retirement pensions. However, in the past many women left or were forced to leave the workforce to care for family members and consequently have gaps in their PRSI insurance records. A number of measures have been introduced over the years to facilitate those with incomplete insurance records. These include the introduction of the homemakers disregards, the reduction in the yearly average number of contributions required for pension purposes from 20 to 10 and the introduction of special half-rate pensions based on pre-53 insurance contributions. Pro rata pensions are also available to allow people with mixed rate insurance records to receive a payment. This set of measures is of particular benefit to women who may have less than complete social insurance records due to working in the home.

There are, of course, those who cannot qualify for a pension in their own right. In this regard, the Government is committed 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.

In terms of means tested payments the ending of the use of qualified adult allowances in social assistance is one of the major recommendations in the report I recently launched on Proposals for Supporting Lone Parents and Low Income Families. The report recommends the ending of the one-parent family payment and qualified adults in social assistance and the introduction of a parental allowance which would be payable to all low income families. This will both facilitate the person's financial independence and enable supports and services to be made available to the individual.

The social welfare system must reflect the environment in which it operates and meet the changing needs of citizens. One of the most sig-

nificant changes which has taken place in Irish society is the changing role of women in society. In consultation with groups representing women my Department is and will continue to plan and implement reform which reflects these changing needs and to ensure equity in the system.

Question No. 28 answered with Question No. 21.

Departmental Website.

29. **Mr. Gormley** asked the Minister for Social and Family Affairs the reason there is no link to the Office for Social Inclusion on the homepage of his Department's website. [17544/06]

Minister for Social and Family Affairs (Mr. Brennan): My Department provides a comprehensive information service to the public through a range of media such as publications, advertisements, Community Information centres etc. The Department's website, www.welfare.ie, which was launched in 1996 plays a key role in providing information to the public. Over 100,000 people visit the site every month, with 2.5 million page visits so far this year. It provides a valuable resource to customers with regard to the range of entitlements to social welfare schemes and services.

The homepage of the web site provides access through the 'links' icon to all the agencies under the aegis of my Department. The Office for Social Inclusion (OSI) www.socialinclusion.ie is directly accessible from this link. Other agencies accessible through this icon include Comhairle, The Pensions Board, Office of the Pensions Ombudsman, the Combat Poverty Agency and the newly launched Family Support Agency website. Information on the Money Advice and Budgeting Service (MABS) and Reach, both of which come under the remit of my Department, is also available via the 'links' icon on the homepage.

In addition to links with websites of agencies of my Department, the page includes links to other government agencies in the State and to social security web sites from around the world. The page receives an average of over 2,000 visits per month.

Ensuring that services are accessible to people with different needs and abilities is a key priority in the development of electronic information services. My Department's website has been developed to be fully compliant with international standards for people with disabilities. One such development allows people with visual impairment to use special screen reading software to have the text read out by their computer.

Ensuring 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 is also a key priority for my

Department. A close relationship has been developed with The National Adult Literacy Association, (NALA) to help us achieve these objectives. The Guide to Social Welfare Services is available on our website in both Irish and English and has recently been made available in Arabic, Chinese, French, Polish, Russian and Spanish.

My Department encourages feedback on the website through customer comments, updates the website as necessary and takes on board suggestions for improvements received from users of the site. A Strategic Review of its website is currently being undertaken. The review is focused on ensuring the provision of a quality information service to customers, particularly those seeking access to social welfare schemes and services. I will have the Deputy's observations looked at in the context of the review.

While I am satisfied that the approach being adopted by my Department to providing information services to customers, including the approach to the web site, is appropriate and progressive, I welcome all comments and suggestions that further improve access to what is a constantly evolving and expanding information system.

Departmental Schemes.

30. **Mr. G. Murphy** asked the Minister for Social and Family Affairs the progress to date on the abolition of all peak time restrictions under the free travel scheme (details supplied); and if he will make a statement on the matter. [17671/06]

Minister for Social and Family Affairs (Mr. Brennan): The free travel scheme permits a recipient to travel free on most CIE public transport services, Luas and a range of services offered by a large number of private operators in various parts of the country. A pensioner can also travel for free on cross border journeys between the Republic of Ireland and Northern Ireland. There are currently circa 640,000 customers in receipt of the free travel scheme at an annual cost of some €58.3 million.

Peak time access restrictions apply on Dublin Bus and on Bus Éireann provincial city services in Cork and Limerick. The restrictions are imposed from Monday to Friday between 7am and 9.00am and from 4.30pm to 6.30pm. There are also restrictions on Friday evening travel from 4pm to 7pm within a 20 mile radius of Dublin, Cork and Limerick cities. The operators who apply these restrictions have advised that they do so mainly because of pressure on bus capacity at peak commuter times.

With the agreement of the relevant operators, the Department issues unrestricted passes permitting free travel at peak times to certain customers with disabilities, primarily for the purposes of attending educational, long-term rehabilitative and therapeutic courses recognised by the Department. In addition, following negotiations

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with the Department, CIE, in exceptional circumstances, issues temporary unrestricted passes for a limited period of six to twelve months, to facilitate unavoidable hospital appointments.

The question of removing restrictions for all free travel passholders has been raised with CIE by my Department on a number of occasions and are being actively followed up. CIE officials have advised that an assessment is currently being undertaken by them in response to my Department's approaches. When I have the results of the assessment by CIE, I will further examine the scope for extending the current arrangements.

Question No. 31 answered with Question No. 7.

Question No. 32 answered with Question No. 15.

Social Welfare Benefits.

33. **Mr. Connaughton** asked the Minister for Social and Family Affairs further to Parliamentary Questions Nos. 90 and 96 of 22 March 2006, his progress in consultations with the Department of Health and Children, to remove the remaining restrictions for disability allowance on persons in residential care; the number of people affected by these restrictions; and if he will make a statement on the matter. [17681/06]

Minister for Social and Family Affairs (Mr. Brennan): My Department took over responsibility for the Disabled Person's Maintenance Allowance scheme in October 1996 under the new title of Disability Allowance (DA). Since then, the restrictions on payment to persons in residential care have been progressively relaxed and from 1999, Disability Allowance recipients who have been living at home can retain their entitlement on entering a hospital or residential care.

In Budget 2005, I took a significant 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 Services Executive to people who were in residential care since prior to August 1999 at a higher and consistent rate of EUR35 per week.

Following the introduction of the measure, there are now over 2,800 people in residential care 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.

I have stated that I intend to move beyond payment of partial Disability Allowance (Personal Expenses Rate) 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. The issue of the extension of eligibility for Disability Allowance to all those in residential care is under discussion at present with the Department of Health and Children and I hope to be able to make progress on this matter in the near future.

Question No. 34 answered with Question No. 12.

Social Welfare Appeals.

35. **Ms Enright** asked the Minister for Social and Family Affairs his plans to improve the transparency of the decision making process regarding the awarding of claims by deciding officers and the appeals process; and if he will make a statement on the matter. [17685/06]

Minister for Social and Family Affairs (Mr. Brennan): Decisions on statutory social welfare schemes are made by statutorily appointed Deciding Officers. They determine entitlement to social insurance and social assistance payments and liability for Pay Related Social Insurance contributions in accordance with the Social Welfare Consolidation Act, 2005 and associated regulations. Decisions on supplementary welfare allowance are made by officers appointed by the Health Service Executive.

Guidelines are issued by my Department in relation to the legislation concerned to ensure consistency of decision making by Deciding Officers throughout the Department. In line with my Department's policy to promote the provision of information, these guidelines are also available on the Department's website (www.welfare.ie) and on request from any social welfare local office.

Training is provided to Deciding Officers on their statutory obligations and on the application of principles of natural justice and fair procedures in making decisions on entitlements. The need for transparency in the decision-making process by Deciding Officers is also reflected in legislation. Regulations provide that decisions on social welfare claims must be set out in writing and, where the decision is unfavourable, the reasons for the decision must also be recorded and included in the notification to the person concerned. The rules of natural justice and fair procedures are applied by Deciding Officers when making decisions that could have an adverse effect on the person concerned. The Deciding Officer must satisfy him/herself that the person is aware of all

the information that could adversely affect his/her entitlement; the person was notified that his/her entitlement was under review; the person was given an opportunity to comment and to submit any facts or information to correct any inaccuracy or incompleteness in the information; and any comments made by the person are clearly and fully considered before a decision is made.

Every person who is dissatisfied with a decision made by a Deciding Officer, on a claim to a social welfare payment, has a statutory right of appeal to the Social Welfare Appeals Office. The Social Welfare Appeals Office provides an independent adjudication service to members of the public who are dissatisfied with decisions made by Deciding Officers in relation to their social welfare entitlements. The Office deals with approximately 12,000 appeals annually. The Appeals Office fully recognises the importance of transparency in the provision of its service and the appeals process is designed to ensure that it provides that service in an open and transparent way consistent with protecting the privacy of individual appellants. There is a statutory requirement for Appeals Officers to give reasons in every case where the outcome is unfavourable to the appellant. The Appeals Office provides information on its decisions at a number of different levels.

The annual report of the Chief Appeals Officer provides detailed information on appeals outcomes, broken down over the full range of departmental schemes and services. The report also includes a number of case studies which are representative of the types of cases received and decisions given or where the issue is noteworthy. The purpose of selecting cases for publication in this way is to provide an insight into the issues that give rise to appeals and to clarify the process by which appeals are determined, whether by way of summary decision or following an oral hearing.

In addition to a right of appeal to the Social Welfare Appeals Office, a claimant may seek in the first instance a review of the decision by a Deciding Officer of the Department, if there are any new facts or evidence that have not been taken into consideration when the initial decision was made. This facility was introduced in 2002 and provides a means of having any adverse decisions reviewed quickly where new evidence becomes available. The Deciding Officer, following a re-examination of the case, may revise it without it having to go through the formal appeals process. To this end, persons are advised of their right to seek a review of the initial decision. The person retains the right to have his or her claim dealt with by way of appeal if they are dissatisfied with the decision following the review.

Where a person is dissatisfied with a decision on a supplementary welfare allowance claim, s/he may appeal in the first instance to the Health Service Executive Appeals Officer and if dissatis-

fied with the decision, can then appeal to the Social Welfare Appeals Office.

Social Welfare Benefits.

36. **Mr. Coveney** asked the Minister for Social and Family Affairs his views on whether social assistance payments based on means tests are effectively targeting poverty (details supplied); and if he will make a statement on the matter. [17673/06]

Minister for Social and Family Affairs (Mr. Brennan): The Report titled ‘Out of the Traps’ Ending poverty traps and making work pay for people in poverty” published by the European Anti Poverty Network and Open last December is a valuable contribution to the development of the Irish social protection system.

The Report focuses on a range of means testing and delivery issues, including, in particular, issues relating to rules and provisions governing the move from welfare to work.

In Budget 2006, I was particularly anxious to ensure that the Budget reflected the evolving new social agenda that has at its core a social welfare support system that is active instead of passive, that assists people to live with dignity and enables them to make a valuable contribution towards society. A key objective of this reform agenda is the removal of employment disincentives and the avoidance of welfare dependency.

In this context, I was pleased to be able to announce a number of significant and focused reforms and improvements to a range of means testing arrangements, as follows: I introduced a tapered withdrawal rate for disability allowance and blind pension recipients who engage in rehabilitative employment or self employment and have a weekly income over EUR120 and under EUR350. This measure which will take effect from June 2006 is specifically designed to incentivise those with a disability to take up employment; The income disregards for the means test for carer’s allowance are to be increased from next April to EUR290 for a single person and EUR580 for a couple. As a result a couple with two children can earn up to EUR32,925 and the carer will retain entitlement to the maximum rate of carer’s allowance. This increase in the means disregards also fulfils the commitment in the Programme for Government to enable all those earning up to average industrial earnings to qualify for carer’s allowance; The upper income limit for the one parent family payment will increase from EUR293 to EUR375 per week in June 2006. This substantial increase will encourage employment and ensure financial security for these parents and their children; The introduction of a 50% tapered withdrawal of earnings between EUR60 and EUR90 per week for persons in receipt of rent and mortgage interest supplement from January last, thereby increasing the incentive to take up employment

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or training or to pursue maintenance payments; An increase by next September in the spouse's income disregard for entitlement to the qualified adult allowance (QAA) from EUR88.88 to EUR100 a week, as well as an increase of EUR30 per week to EUR250 for entitlement to a tapered QAA rate; Significant changes in January last to the family income supplement (FIS) thresholds designed particularly to boost child income support for larger low income families. As a result of these improvements a family with 4 children has seen its weekly FIS payment rise by up to EUR64.80 a week while the payment for a family of 6 children has risen by nearly EUR117 a week; The qualifying period on the Live Register for access to the Back to Work Allowance was reduced to 2 years, from 3 years for the self employment strand and 5 years for the employment strand.

The EAPN/OPEN Report also highlighted the multiplicity of schemes and associated individual means testing arrangements. In this regard, I was anxious to make initial progress in reforming the social welfare system.

I announced the establishment, from next September, of a single standard enhanced non-contributory pension scheme (to be known as the State Pension non-contributory) with an improved means test, thereby simplifying the structure of supports for older people.

Key features of the new scheme will be a weekly means disregard of EUR20 per week, up from the EUR7.60 per week which dates back to the 1970s and a special earnings disregard of EUR100 per week. This latter measure is intended to facilitate those older people who wish to continue in employment. As a direct result of the enhanced means test arrangements, over 30,000 pensioners will benefit directly from increased payments of up to EUR12.50 per week and, where a QAA is in payment, by a further EUR8.30 per week.

The measures I have just outlined constitute a significant reform of the means assessment arrangements and I look forward to making further progress in future Budgets.

Question No. 37 answered with Question No. 8.

38. **Ms Shortall** asked the Minister for Social and Family Affairs if, in view of the fact that the proportion of contributory old age pensioners qualifying for the fuel allowance has decreased significantly, he will consider increasing the maximum amount which such categories are allowed to earn before losing entitlement to the fuel allowance as this limit has not been increased since Budget 2000; and if he will make a statement on the matter. [17389/06]

Minister for Social and Family Affairs (Mr. Brennan): The aim of the national fuel scheme is

to assist householders on long-term social welfare or health service executive payments with meeting the cost of their additional heating needs during the winter season. Fuel allowances are paid for 29 weeks from end-September to mid-April and are not intended to meet the full cost of heating.

Budget 2006 provided for an increase in the rate of fuel allowance of EUR5.00 from EUR9.00 to EUR14.00 (EUR17.90 in designated smokeless areas). Some 274,000 customers (151,000 with basic fuel allowance and 123,000 with smokeless supplement) will benefit in 2006 at an estimated cost of EUR125.1m.

The main conditions that apply to the scheme are that a person must be in receipt of a qualifying payment, satisfy a means test and must either be living alone or only with a qualifying dependant. The household composition and means test rules for fuel allowance scheme qualifying purposes is to ascertain the ability of applicant households to meet their normal heating requirements out of their own resources and to ensure the maximum amount of support is targeted at those most in need of the fuel allowance support.

People who already qualify for means-tested pensions or allowances such as old age (non-contributory) pension, long-term unemployment assistance or one-parent family payment do not have to undergo a further means test to qualify for fuel allowance. The majority of people who receive fuel allowances qualify because they satisfy the relevant means test for their primary weekly payment.

In the case of contributory pensions such as old age contributory, retirement and invalidity pensions, which are not means tested, a person may have a combined household income of up to EUR51 per week, or savings/investments of up to EUR46,000, over and above the maximum old age contributory pension rate and still qualify for fuel allowance. The fuel allowance income limits increase each season in line with the increases in the old age contributory pension rate.

In addition to the fuel allowance, over 320,000 pensioner and other households qualify for electricity or gas allowances through the household benefits package, payable towards their heating, light and cooking costs throughout the year, at an overall cost of EUR109 million in 2005. These allowances are linked to unit energy consumption, so that these people are protected against unit price increases in electricity or gas.

Fuel allowances are incorporated in the recipient's weekly social welfare payment and are not intended to meet heating costs in full. The Government's objective is to ensure that the recipient's total weekly income, including the fuel allowance, is sufficient to meet all of their income needs, including heating costs. Budget resources have been concentrated on providing significant real increases over and above inflation each year in all primary social welfare pension, benefit and

assistance rates. This is a more costly approach than increasing fuel allowances because the increase is paid for the full year and not just for the 29 weeks of the winter heating season. This approach delivers a better outcome for pensioners and others by substantially increasing their income in real terms over the whole year, to better assist them in meeting their normal basic living costs, including heating.

Any changes in the means rules or other conditions of the scheme would have cost implications and would have to be considered in the context of the Budget and in the light of the resources available to me for improvements in social welfare generally.

Poverty Impact Assessments.

39. **Mr. Gormley** asked the Minister for Social and Family Affairs when he expects the new guidelines on poverty impact assessment to be finalised; and the policy application which they are designed to have. [17545/06]

Minister for Social and Family Affairs (Mr. Brennan): Poverty proofing was introduced in 1998 as a result of a commitment in the first National Anti-Poverty Strategy and is defined as “the process whereby Government policies and programmes are assessed at design and implementation stages in relation to their impact on poverty and on inequalities which are likely to lead to poverty, with a view to poverty reduction”. Since 1998 it has been a requirement for significant policy proposals to indicate clearly the impact of a proposal on persons in poverty or at risk of falling into poverty.

The original poverty proofing guidelines were produced in 1999 by my Department to assist all Government Departments in carrying out poverty proofing exercises. The guidelines were reviewed by the National Economic and Social Council (NESC) in 2001. The review, which took account of the experience of operating poverty proofing, made a series of recommendations across a range of areas, designed to strengthen the proofing process.

The Office for Social Inclusion, which is based in my Department, has now produced a revised set of guidelines for what is now termed Poverty Impact Assessment. This change of name is intended to underline the fact that the emphasis in the process should be on outcomes. It also aims to ensure that poverty impact assessment will be mainstreamed into the policy making process, and not be an ‘add on’ to the end of this process.

The revised guidelines are based on the earlier NESC recommendations and on the results of a process of consultation with users of the guidelines and with other relevant stakeholders which took place in 2005. They have been published on the website of the Office for Social Inclusion and are currently being presented to individual Government Departments. When this process is

complete the guidelines will be finalised and published in booklet form.

The new guidelines are designed to better assist policy makers across all levels of Government in evaluating policy proposals in terms of their potential impacts on poverty. The guidelines include a number of new steps to make the process more useful and transparent and a requirement to monitor the impacts of any policy change.

I am confident that the new guidelines will serve as an effective tool in ensuring that the fundamental priority of combating poverty and social exclusion is kept to the fore in policy making at all times by requiring a rigorous assessment of the impact of policies on those most vulnerable and in need.

Social Insurance.

40. **Ms B. Moynihan-Cronin** 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. [17380/06]

Minister for Social and Family Affairs (Mr. Brennan): Since 2000, a total of 2,590 PRSI exemption certificates has 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 set out in the following table.

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.

My Department 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 actually been made during the period

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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.

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, my Department 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 report.

Question No. 41 answered Question No. 23.

Anti-Poverty Strategy.

42. **Mr. Penrose** asked the Minister for Social and Family Affairs his views on the recent ESRI report which found that between 8 per cent and 10 per cent of the population were living in consistent poverty; his further views on the validity of these findings; his further views on whether such a level of consistent poverty is acceptable; the steps he intends to take arising from the report; and if he will make a statement on the matter. [17361/06]

44. **Mr. Eamon Ryan** asked the Minister for Social and Family Affairs his views on the new measure of deprivation devised by the ESRI; and if his Department will be considering these indicators of consistent poverty levels in the policies which it devises. [17546/06]

46. **Mr. G. Murphy** asked the Minister for Social and Family Affairs his views on the findings of the ESRI report (details supplied) that up to 10 per cent of the population live in consistent poverty; if he will provide the figures for the number of people and a profile of same; and if he will make a statement on the matter. [17670/06]

48. **Mr. Hogan** asked the Minister for Social and Family Affairs his views on the recent figures by the Central Statistics Office and Eurostat that Ireland's risk-of-poverty levels are 21.7 per cent in comparison to the EU average of 14.6 per cent; the implications this high level of poverty risk has for society here; the steps he is taking to reduce

Ireland's levels to the EU average; and if he will make a statement on the matter. [17666/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 42, 44, 46 and 48 together.

I launched the recent ESRI report "Reconfiguring the Measurement of Deprivation and Consistent Poverty in Ireland" on 10 April. The report re-assesses how poverty is measured in the light of the rapid economic progress in recent years and current living standards and expectations. The existing 'consistent poverty' measure was developed by the ESRI in 1987 and the report examines if a more up-to-date system of measurement should now be adopted.

I welcome the ESRI report as an important contribution to the debate on how best to measure, monitor and report on poverty in Ireland. The primary objectives of the consistent poverty measure is to clearly identify those who are most deprived and vulnerable in Irish society in relation to basic living standards, and to measure the progress being made in reducing that deprivation.

In relation to this objective, the ESRI has revised somewhat the indicators of deprivation to ensure that they provide a better reflection of what are regarded currently as basic living standards. The revised measure shows that virtually the same categories of people are most at risk of poverty. These include lone parents, households with large numbers of children, those lacking educational qualifications, the unemployed and the ill or disabled. These groups also represent those most vulnerable to poverty in other developed countries.

The measurement of progress in reducing poverty using this indicator is somewhat more problematic. In 1997, some 7.8 per cent or 283,000 persons were in consistent poverty, as measured by the Living in Ireland Survey (LIIS). In 2001 the figure had reduced to 4.1 per cent, or 149,000 persons, a reduction of some 134,000 people, based on 1996 census figures. The results from the new EU Survey on Income and Living Conditions (EU-SILC) for 2003 showed that 8.8 per cent were in consistent poverty, although there had been no changes in policy or in economic and social conditions that could have explained this apparent reversal in the downward trend. On the contrary significant improvements in social welfare rates and in services had been made in the intervening period. It appears that the main reason was the changed methodology adopted under EU SILC. The downward trend resumed in 2004 which showed a significant reduction to 6.8 per cent of persons in consistent poverty. Using 2002 Census figures, this would equate to a reduction of some 78,000 people.

On the basis of the revised range of indicators proposed by the ESRI, the percentages of persons living in consistent poverty at 8% to 10%

would not differ greatly from the current figures based on the original set of indicators. Both the EU Social Protection Committee and the OECD are currently examining the possibility of using a common set of deprivation indicators, akin to Ireland's consistent poverty measure. Preliminary findings show that the percentage of Irish households experiencing deprivation is below that of most other developed countries included in the study and well below that of some of these countries. In an EU study of 14 countries, Ireland had the 6th lowest level of deprivation.

Another poverty measurement relates to what is termed the "at risk of poverty" threshold, which in the EU is set at 60% of median income. As a result of high levels of economic and employment growth in the 1990s there was an almost unprecedented increase in average incomes. This resulted from the sharp decline in unemployment, an increase in employment participation, particularly in the case of women, and the lowering of tax levels. As a result median income increased by 97% in the period 1994 to 2001, with a further increase of 12.9% in the period to 2004. Despite substantial increases in social welfare payments, this resulted in the paradoxical situation of an increase in the numbers classified as at risk of poverty, while the living standards of the same people were improving significantly.

The most recent EU-SILC results are showing that the numbers classified as at risk of poverty may have peaked and are beginning to decline. The percentage for 2003 at 19.7 per cent declined to 19.4 per cent in 2004. The findings also show that a high proportion of those classified as being at risk of poverty are actually just being below the 60% threshold. For example, 26% of older persons are classified as being at risk of poverty, but 18% are above the 50% threshold.

Each set of indicators yields important information for the purposes of combating poverty and social exclusion. The consistent poverty indicator shows that we are making steady progress in reducing basic poverty, a fact reflected in the emerging comparisons with other developed countries. One of the main keys to removing significant numbers of people in the working ages from being in poverty or at risk of poverty is through further increasing participation in employment. This involves removing barriers to employment, especially through the provision of services, such as child care, education and training, thus enabling people such as lone parents, the second parent in larger families, and people with disabilities who may have significant capacity for work, avail of the many current job opportunities. This approach may also need to be accompanied by more targeted income supports and services to significantly improve the position of those most in need.

These issues are being addressed in the preparation of the next National Action Plan on social

inclusion, being coordinated by the Office for Social Inclusion in my Department, and due to be finalized by September. The findings on poverty levels in the surveys, the ESRI report and the international comparisons becoming available on both deprivation levels and the percentages at risk of poverty will be of great assistance in devising the appropriate policies to more effectively combat poverty and social exclusion.

Post Office Network.

43. **Mr. Cuffe** asked the Minister for Social and Family Affairs his views on the claim made by the president of the Irish Postmasters Union that the survival of the country's remaining sub-post offices could be reliant on them continuing to process social welfare payments; and the action which is being taken by his Department to address this matter. [17541/06]

Minister for Social and Family Affairs (Mr. Brennan): The Government is committed to maintaining a viable network of post offices throughout the country and my Department is to the forefront in upholding this commitment. In 2005, over 37.8 million payments were issued to social welfare customers through post offices at a cost of EUR47.4 million. At present, 416,000 customers on long-term schemes are paid by means of a book of personalised payable orders which are encashable each week at a post office designated by the customer. Another 313,000 Child Benefit customers receive their payments by personalised payable order books on a monthly basis at post offices. A further 169,000 customers, mainly on unemployment and one-parent family payments, are paid by means of an electronic or manual postdraft, which is issued to the customer's designated post office each week. The introduction of the Early Childcare Supplement, later this year, will result in some 115,000 customers receiving their Childcare Supplement at their local Post Office on a quarterly basis.

My objective is to ensure that a wide choice of payment options is available to customers of my Department and that service is continually improved by providing access to an increasing range of payment services. Customers opt for a particular payment method. Currently 55% of customers have chosen to receive payment through their local post office, 9% are paid by cheque through the postal system and 36% have chosen to be paid electronically by direct payment to their bank or building society account.

It is Government policy to facilitate the greater use of electronic payment systems in the economy in the interests of developing a world-class payments environment in Ireland. In this context, I have initiated a strategic review of my Department's payment requirements with the aim of identifying a payment solution for the future, which will be flexible, cost-effective, customer

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focused, manageable and accountable. The study, which is ongoing, will take account of current market offerings in the financial services sector and advances in card-based technologies with a view to seeing how future needs might best be met.

I know that An Post is conscious of the need to introduce modern payment systems. My expectation is that An Post will respond to developments and product innovation in the money transmission market so that it can maintain its position as a leading player in this area of commercial activity and thus ensure a viable network of post offices serving the needs of local communities throughout the country.

An Post and my Department have been partners in the delivery of social welfare payments since the foundation of the State and there is no reason to believe that An Post and the network of post offices will not continue to play a significant role in the delivery of social welfare payments in the future.

Question No. 44 answered with Question No. 42.

Care of the Elderly.

45. **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. [17381/06]

50. **Mr. Neville** asked the Minister for Social and Family Affairs the progress on improving the situation for young carers; and if he will make a statement on the matter. [17689/06]

56. **Mr. S. Ryan** 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 broad based group to develop a national strategy for carers; and if he will make a statement on the matter. [17373/06]

65. **Mr. Connaughton** asked the Minister for Social and Family Affairs further to Question No. 19 of 2 February 2006, if his Department has completed its examination of Barnardo's research into young carers; if his Department has come to conclusions on supports for young carers as a result of same; the action he intends to take; and if he will make a statement on the matter. [17680/06]

74. **Mr. Neville** asked the Minister for Social and Family Affairs the discussions he or his

Department officials have had with other Departments in relation to young carers; the issues discussed in these discussions; and if he will make a statement on the matter. [17688/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 45, 50, 56, 65 and 74 together.

Supporting and recognising carers in our society 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. I have examined the Joint Oireachtas Committee's Report on 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, who stated that the greatest need identified by family carers is the need for a break from caring, I made provision to improve and extend the respite care grant in the following ways:

- Provision was made in 2005 for the extension of the grant to all carers who are providing full time care to a person who needs such care regardless of their source of income or their means.
- The grant is now paid in respect of each person receiving care.
- Most recently in Budget 2006, provision was made to increase the amount of the respite care grant from EUR 1,000 to EUR 1,200, from June 2006.

To date, over 34,000 respite care grants have been paid by my Department and applications for the grant continue to be received.

The Joint Oireachtas 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 'Care for Older People'. The Carer's Association have published a strategy document "Towards a Family Carer's Strategy" which outlines a range of objectives and actions covering a range of areas and Government Departments. The issues raised in the NESF's report and in the Carer's Association's Strategy were included in the deliberations of the Long-Term Care Working Group. The report of this Working Group is being considered by the Government. However, work has already commenced in implementing the recommendations of this report with the announcement in Budget 2006 by the Tánaiste and Minister for Health and Children of EUR150 million in funding for 2006/7 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 biggest ever increases in the rates of payment to carers:

- the rate of carer's allowance increased by EUR26.40 to EUR180 per week for a carer under age 66, and
- the rate for carers over age 66 increased by EUR30.20 to EUR 200 per week, making it the largest single welfare support payment,
- the rate of carer's benefit increased by EUR17.00 to EUR180.70 per week.

These represent increases of over 17% for recipients of 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 10 to 15 hours per week. I have extended the duration of the carer's benefit scheme from 15 months to two years. The duration of the associated carer's leave scheme has also been extended to two years. In line with the Government commitment to expanding the income limits for the carer's allowance so that all those on average industrial incomes can qualify, I increased the weekly income disregards to EUR 290 for a single person and to EUR 580 for a couple from last month. This means that a couple with two children can earn up to EUR 32,925 and receive the maximum rate of carer's allowance while the same couple can earn up to EUR 54,400 and receive the minimum rate of carer's allowance, free travel, the household benefits package of free schemes and the respite care grant.

With regard to younger carers, I have studied the relevant Barnardo's research and I was particularly struck by the fact that of the estimated 3,000 young carers who are providing some care, there are over 300 carers between the ages of 15 and 17 years of age who are providing full-time care. I accept that special help, advice and support is essential for these younger carers who are caring for a parent and in particular, that services must be put in place to support the household and to ensure that young carers remain at school. These include the services of home helps, public health nurses and home care packages generally, which are a matter for my colleague, the Tánaiste and Minister for Health and Children. As I already stated, there has been a significant increase in the funding for these services in the last Budget.

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 Joint

Oireachtas Committee and other bodies representing carers and I will continue to strive to bring forward proposals that recognise and support the valued and valuable contribution of all carers in a tangible way.

Question No. 46 answered with Question No. 42.

Departmental Schemes.

47. **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.

[17383/06]

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 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 EUR3.3m; my Department pays EUR2.9m and the remaining EUR0.4m 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. The proposed scheme has been discussed at the British/Irish Inter-governmental Conferences of 27 June 2005 and 2 May 2006. I have also met with the Parliamentary under-Secretary of State at the Northern Ireland Office to discuss the

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introduction of a scheme. In addition, 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. Intensive discussions in relation to 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. Significant progress has been made in addressing the issues and agreement has been reached with the Northern Authorities on the introduction of such a scheme. However, technical and other considerations remain to be resolved. I expect to be able to make an announcement on the matter later this year.

Question No. 48 answered with Question No. 42.

Question No. 49 answered with Question No. 26.

Question No. 50 answered with Question No. 45.

Traveller Community.

51. **Mr. G. Mitchell** asked the Minister for Social and Family Affairs the efforts he is making to combat the social exclusion experienced by the travelling community; and if he will make a statement on the matter. [17679/06]

Minister for Social and Family Affairs (Mr. Brennan): Members of the travelling community are recognized as being among the groups in Irish society which are most vulnerable to poverty and social exclusion. Since 1997, when the first National Action Plan against poverty (NAPS) was introduced, a strategic approach has been taken to combating poverty and social exclusion which recognizes their multifaceted nature and the need for a coordinated multi-policy response at national, regional and local levels of government. The need for such a response is particularly evident in the case of groups such as the Travellers, many of whom experience multiple deprivation. The national strategic process has been aligned with the similar EU strategic process designed to assist Member States in meeting the pledge made at Lisbon in 2000 "to make a decisive impact on poverty". This requires Member States to produce National Action Plans against Poverty and Social Exclusion (NAPs/inclusion).

The Office for Social Inclusion (OSI) in my Department is currently coordinating the preparation of the third such plan to cover the period, 2006 to 2008, from which a shorter streamlined version is due to be submitted to the EU Commission in September.

Members of the Travelling community are already recognized in this strategic process as a vulnerable group. The current plan includes the objective of improving their life experience through the provision of appropriate education, health and housing services and removing remaining barriers to their full participation in the work and social life of the country. The plan also includes a number of specific targets in relation to Traveller health, education and accommodation. Progress in achieving the objectives and targets in the plan is monitored and evaluated. The OSI has reported on progress in relation to all the targets in the plan, most recently in an Implementation and Update report which was submitted to EU in June 2005. The Report was published on the OSI website. Progress was reported on the objectives in relation to Travellers.

Lack of comprehensive data specifically on Travellers has created difficulties in measuring the progress achieved and, as a consequence, in developing the policies and determining the resources required to fully and properly meet their needs. As part of their work on a developing and implementing a data strategy for social inclusion, the OSI has engaged the ESRI to produce a series of data profiles in respect of vulnerable groups, including Travellers, which will provide a more detailed picture of their socio-economic situation and that of other such groups. As part of preparation for the next NAP/inclusion, the OSI undertook an extensive consultation process, which included contributions and the involvement of Travellers and their representatives. My Department is represented on the high level group of senior officials which is overseeing progress on Traveller issues and which will also have a major input to the next NAP/inclusion on how to achieve a more effective, co-ordinated response to the needs of Travellers. The next National Action Plan will aim to build on the progress already made and I am confident that it will make possible significant improvements in the quality of life and well being of Travellers.

As far as the Social Welfare system specifically is concerned, Travellers have the same entitlements as other citizens. My Department has set out in its Customer Service Charter and action plans the commitments, in terms of service delivery, for all customers including those who are members of the Traveller community. Travellers also have the same entitlements to access services such as the employment support services, including the back to education and the back to work schemes. These supports aim to help people

access employment or to enhance their education so as to improve their opportunities for employment and training.

Anti-Poverty Strategy.

52. **Mr. Costello** asked the Minister for Social and Family Affairs if his attention has been drawn to the fact that up to one third of landlords advertising on the internet state that rent allowance will not be accepted; the action he intends to take arising from the increasing refusal of landlords to rent property to persons in receipt of rent allowance; and if he will make a statement on the matter. [17367/06]

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. 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 relation to decisions on individual claims. The amount of accommodation available for rent has increased significantly in recent years and this has had a positive long term impact on rent levels. Despite recent increases in rent levels the Central Statistics Office Privately Owned Rent Index shows that in the period November 2002 to March 2006 rent levels fell by 3.1%. These trends are favouring tenants in their search for accommodation and increase the range of accommodation available to them.

Under the rent supplement scheme their entitlement is based on the tenant's income support needs with payment generally made directly to the tenant. The tenant's engagement with the Executive usually takes place after the tenant has reached an agreement with the landlord. As such it is not possible to identify if the fact that landlords are refusing to accept rent supplement tenants is causing difficulties for those trying to find accommodation.

I am aware that some landlords who advertise their property on the internet or in the newspapers state that they are unwilling to accept rent supplement recipients as tenants. However, the fact that there are currently over 60,500 rent supplement recipients, an increase of around 15,000 recipients since 2001, indicates that there are significant numbers of landlords who are willing to accept people in receipt of rent supplement as tenants. This is further evident in the fact that more than 14,500 new rent supplements have been awarded so far this year.

Nonetheless, I am concerned that landlords would refuse a tenancy purely because someone

is on a social welfare payment. Consequently I have asked officials in my Department to carry out an assessment of this issue and to report back to me on any options that might be available to me to address the matter.

Family Support Services.

53. **Mr. Eamon Ryan** asked the Minister for Social and Family Affairs the location of the outstanding family resource centres which are to be funded by the Government in order to meet its target of funding 100 centres here by the end of 2006. [17547/06]

Minister for Social and Family Affairs (Mr. Brennan): Over the past three years, thanks to the considerable amount of work which has been done by the Family Support Agency, the number of Family Resource Centres under the Family & Community Services Resource Centre Programme has increased from 53 to 91. Government funding under the Programme has increased in the same period from €6.9m. to €12.9m.

I have approved a further nine groups to join the Programme and they are currently working with their Regional Support Agencies in preparation for their inclusion. The locations of these nine groups are two in Kerry, three in Mayo and one each in counties Longford, Donegal, Kildare and Waterford.

I am confident that these groups will be included in the Programme before the end of 2006, thereby meeting the target of 100 Family Resources Centres in place by the year end which was set in the National Development Plan 2000-2006.

Question No. 54 answered with Question No. 22.

Social Welfare Benefits.

55. **Mr. Morgan** asked the Minister for Social and Family Affairs his plans to revise and shorten the time period that people have to be in receipt of social welfare payments for before they can apply for a back to education allowance. [17561/06]

79. **Aengus Ó Snodaigh** asked the Minister for Social and Family Affairs if he intends to examine the proposal of reducing the 12 month time criteria that certain social welfare recipients, such as unemployed persons, single parents and people with disabilities, have to be in receipt of social welfare payments for before they are deemed eligible to apply for the back to education allowance. [17556/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 55 and 79 together.

The back to education allowance is a second chance education opportunities programme

[Mr. Brennan.]

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. The BTEA scheme benefits people who have difficulty finding employment because of a lack of education qualifications. In many cases, people who have not completed second level education are held back in their efforts to obtain employment because of this. The qualification period for people who wish to pursue second level education has remained at 6 months. The conditions for entitlement to the third level option of the back to education allowance scheme were revised by my predecessor with effect from 1 September 2004. From that date, the qualifying period was increased from 6 months to 15 months for new applicants intending to commence third level courses of study. As the Deputies are aware, I reduced the qualifying period for access to the third level option of the scheme to 12 months in the 2005 Budget. At this time, I also increased the annual cost of education allowance, paid to people on BTEA, from €254 to €400. These changes came into effect from 1 September 2005. Following an undertaking to the Dáil and the Social Affairs Committee, I further reduced the qualifying period for access to the third level option to 9 months for persons who are participating in the National Employment Action Plan (NEAP) process and where a FÁS Employment Services Officer recommends pursuance of a third level course of study as essential to the enhancement of the individual's employment prospects. This new condition also came into effect from 1 September 2005.

In addition to these improvements, in the last Budget I announced that time spent in receipt of supplementary welfare allowance can count towards the qualifying period for back to education allowance in circumstances where the person establishes an entitlement to a relevant social welfare payment prior to commencing an approved course of study. This new provision will come into effect from September 2006.

The requirement to be in receipt of a relevant social welfare payment for a minimum period of time has always been a feature of the back to education allowance scheme and is considered necessary in order to ensure that limited resources are targeted at those who are most in need of second chance education. The scheme is intended to assist people with a history of dependence on social welfare and is recognition of the special difficulties which such persons can face when attempting to equip themselves for the modern labour force. I am satisfied that, overall, the current arrangements ensure that my Department's back to education allowance scheme continues to support those people who are most distant from the labour market and whose need is greatest, but I will continue to keep the situation under review.

Question No. 56 answered with Question No. 45.

Social Welfare Appeals.

57. **Mr. G. Mitchell** asked the Minister for Social and Family Affairs his views on whether the social welfare system here discriminates against the self-employed; and if he will make a statement on the matter. [17678/06]

Minister for Social and Family Affairs (Mr. Brennan): The Irish social protection system provides significant access and coverage for insurance based and means tested payments for employed and self-employed workers in the event of a range of contingencies arising. The level of coverage available to self-employed workers has increased particularly significantly since the Commission on Social Welfare in 1986 recommended that social insurance coverage should be extended to self-employed workers. The social insurance system in Ireland is based on the payment of compulsory PRSI contributions to the Social Insurance Fund, in return for which, and subject to the fulfilment of certain prescribed conditions, contributors become eligible for a range of income-replacement benefits. Where both may be eligible for a particular benefit, the same contribution conditions apply to both employed and self-employed workers without discrimination. Workers are insured under the Social Welfare Acts as either employed or self-employed contributors. Employees and their employers generally pay contributions at PRSI Class A at 14.05 per cent of reckonable earnings whereas self-employed individuals pay approximately one fifth of this at 3 per cent of reckonable income. Self-employed contributors may accrue entitlement to Widow's/Widower's (Contributory) Pension, Orphan's (Contributory) Allowance, Old Age (Contributory) Pension, Maternity Benefit, Adoptive Benefit and the Bereavement Grant under the same contribution conditions that apply to employed contributors.

Self-employed workers are not, however, insured against short-term benefits such as unemployment and disability benefits, nor can they claim credited contributions during breaks in their working activity. These limitations reflect the nature of the need for coverage for various contingencies, the rate of contributions which the self-employed are paying, the practicalness of administering and controlling access to short-term payments and the annualised system of contributions for the self-employed. A system of separate arrangements for employed and self-employed workers in a social protection context is not exceptional by comparison to other European social protection systems.

Self-employed workers also enjoy enhanced access to the old age (contributory) pension over their employed counterparts. A special pension, payable at 50 per cent of the standard maximum

rate, is available since 1999 to self-employed persons who were aged 56 or over in 1988, when social insurance cover was extended to them and who are unable to satisfy the standard qualifying condition of commencing social insurance payments ten years prior to attaining pension age.

All social assistance payments, other than FIS, are equally available to both to the self-employed and workers or former workers. Eligibility depends on satisfying the relevant scheme conditions such as unemployment or disability and all social assistance schemes are means tested. In this regard, there are a number of targeted earnings and income disregards depending on the individual scheme and the needs of individual groups experiencing the relevant contingency. Some are available to employees only, some to the self-employed only and some to both groups.

The self-employed also benefit from enhanced arrangements in relation to the Back to Work Allowance. While the allowance is payable for a period of three years to persons taking up employment, it is available for four years for those taking up self-employment, including a first year entitlement to 100%, in comparison with 75% for employees, of the relevant rate of their qualifying payment.

Finally, universal payments such as Child Benefit and the Early Child Care Supplement are available to all qualified persons, regardless of employment status. In all, I consider that these arrangements are not discriminatory and represent a positive and reasonable response to the social security requirements of self-employed workers which recognize the nature of and occasional fluctuations in annual income and their need for protection and income security as it arises. There are no immediate plans to alter the arrangements outlined above.

Question No. 58 answered with Question No. 21.

Question No. 59 answered with Question No. 22.

Social Welfare Fraud.

60. **Ms McManus** asked the Minister for Social and Family Affairs the steps he is taking to prevent bogus applications for PPS numbers and to ensure the integrity of the PPS number system; and if he will make a statement on the matter.

[17377/06]

Minister for Social and Family Affairs (Mr. Brennan): My Department assumed sole responsibility for the allocation of Personal Public Service (PPS) Numbers in June 2000. Since then my Department has put in place and continuously improved operational structures and processes. Last year just over 270,000 PPS Numbers were allocated, up from approximately 220,000 in 2004.

It is necessary to have effective controls around the PPS No. registration process to guard against fraud and to protect the integrity of data under my Department's control. Processes are in place to ensure that a person receives only one number, and that the number is allocated based on information that is accurate and verified. Applicants for PPS Numbers are asked to complete an application form and supply documentation to establish their identity. Evidence of identity is a vital element of the allocation process.

My Department has a dedicated section dealing with identity fraud in PPS No. allocations. The staff in this section receives training in the area of document fraud from a number of sources, including the relevant issuing authorities, via their embassies, and from the Garda National Immigration Bureau (GNIB). This section operates a full time help desk facility for front line staff and provides training and support to them in dealing with identity issues.

Whenever doubts arise as to the authenticity of documentation presented by an applicant, staff contact this section for assistance and can, if necessary, refer the identity documents for further examination. In 2005, a total of 1,393 documents were referred to the central help desk for checking. 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 No is allocated.

In addition to the central help desk facility, equipment has been installed in each of my Department's local and branch offices to assist in the identification of forged or altered documentation.

As part of a continual review of the PPS Number allocation process, my Department is putting in place measures to reduce the number of centres dealing with applications for PPS Numbers, along with modernising the technical and communication structures supporting the process. This will lead to improved expertise at local level and to more effective controls.

Plans are in place to expand the role of my Department's inspectorate identity work, in order to increase its focus on the issue of hijacked and bogus identities, as well as improving the support to local offices involved in registering applications for PPS numbers.

The PPS Number is the individual's unique reference number for dealings with Government Departments and public bodies. I am committed to the highest standards of control in the allocation of the numbers and to an efficient and effective management of the issue of identity fraud. I am satisfied that the actions of my Department to date demonstrate this commitment.

Social Welfare Appeals.

61. **Mr. Sargent** asked the Minister for Social

[Mr. Sargent.]

and Family Affairs if he intends introducing changes to the Social Welfare Appeals Office practice of only partially publishing its decisions. [17548/06]

Minister for Social and Family Affairs (Mr. Brennan): The Independent Social Welfare Appeals Office deals with approximately 14, 000 appeals annually and, in the context of that volume of cases, it would not be feasible to publish cases in the level of detail implied by the Deputy's Question. However, it does currently provide information on its decisions at a number of different levels.

The annual report of the Chief Appeals Officer contains detailed statistical information on appeals outcomes broken down over the full range of Departmental schemes and services. In addition to that quantitative analysis, a number of case studies which are representative or of particular note are included in the report. The purpose of selecting cases for publication in this way is to give an indication of the issues that give rise to an appeal and to clarify the process by which appeals are determined, whether by way of summary decision or following an oral hearing.

The format for publishing these cases involves a statement of the question at issue, a summary of the evidence given at the oral hearing, the consideration given to the evidence by the Appeals Officer, followed by the Appeals Officer's decision. The basis for the Appeals Officer's decision is outlined in each case, as are questions raised in relation to current legislative provisions or the requirements of natural justice and fair procedures.

A further channel is now available through which appeals cases can be published. The new website for the Social Welfare Appeals Office (www.socialwelfareappeals.ie) will allow interested parties to gain access to many more reports than is currently available in the annual report. However, before any case is published on the website, all information which might compromise the privacy of an individual appellant must be removed.

An Appeals officer, in line with statutory requirements, gives the individual the reasons for his/her decision in every case where the outcome is unfavourable to the appellant. The Social Welfare Appeals Office provides an independent adjudication service to members of the public who are dissatisfied with decisions given in relation to their social welfare entitlements. I am keen to ensure that it provides that services in an open and transparent way consistent with protecting the privacy of individual appellants.

Income Continuance Scheme.

62. **Mr. Gogarty** asked the Minister for Social and Family Affairs the action he intends to take to rectify the absence of a source of recourse for

employees in the event of a dispute between an employer and an employee under an income continuance scheme leaving employees uncovered by a regulator or ombudsman. [17542/06]

Minister for Social and Family Affairs (Mr. Brennan): Income continuance plans provide cover to individuals in the event of long term illness or disability which prohibits the person from following their own normal occupation. These plans are insurance policies and the providers of the products are regulated by the Financial Regulator since May 2003.

There are different types of products in the market, those sold directly to individuals by insurance companies and those that are employer sponsored. I am aware of issues arising in relation to the latter type of product in regard to access to an ombudsman in the event of a complaint or dispute and I propose to discuss these issues with my colleague the Minister for Finance, who has the main responsibility in the financial services area.

Question No. 63 answered with Question No. 21.

Social Welfare Benefits.

64. **Mr. Durkan** asked the Minister for Social and Family Affairs if he will have examinations made into the possibility of awarding an appropriate employment related payment to sufferers of pneumoconiosis in view of the permanent nature of the illness and its causes; and if he will make a statement on the matter. [17536/06]

122. **Mr. Durkan** asked the Minister for Social and Family Affairs the number of people currently in receipt of occupational injury or other disability or disablement payment on the grounds of suffering from pneumoconiosis if he will consider improving such payments to take account of the occupational nature of the illness and award those so affected with a specific payment; and if he will make a statement on the matter. [17827/06]

131. **Mr. Durkan** asked the Minister for Social and Family Affairs if he will review the number of people receiving a payment on the grounds of suffering from pneumoconiosis the number of such people who are not receiving a full payment on the basis of suffering from other ailments; if he will consider awarding full payment on the basis of having contracted pneumoconiosis in view of the fact that coalmines in the UK have had their illness similarly recognised; and if he will make a statement on the matter. [17836/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 64, 122 and 131 together.

Pneumoconiosis is a prescribed disease for the purpose of the Occupational Injuries Benefit scheme administered by my Department. 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 in relation to that disease. In addition, benefits may be payable if the claimant can show that the disease was contracted through an employment not specifically prescribed in relation 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.

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 test result. The degree of disablement is expressed as a percentage of loss of faculty and the compensation payable varies accordingly.

Loss of faculty may be determined within a range of less than 1% to 100%, depending on the severity of the condition. A person must be assessed as having a minimum of 20% loss of faculty before they may be considered as being incapable of work due to his or her disablement. There is no reason, medical or otherwise, to award 100% disablement automatically in the case of Pneumoconiosis.

There are 21 persons currently in receipt of Disablement Benefit under the Occupational Injuries scheme as a result of pneumoconiosis and 19 of these are former coal workers. Of this number, 7 are also in receipt of Retirement Pension, 4 are receiving Old Age (Contributory) Pension, 7 are in receipt of Invalidity Pension, 1 is in

receipt of Unemployment Assistance and 2 are in employment.

An issue has been raised as to whether Chronic Emphysema and Bronchitis and/or asthma now known as Chronic Obstructive Pulmonary Disorder (COPD) should be not included in the list of occupational prescribed diseases. COPD is a serious clinical condition and is not specifically linked to any particular occupation.

No EU State, other than the United Kingdom, includes COPD in their schemes equivalent to our occupational injuries scheme. The position in the United Kingdom is that their equivalent of Occupational Injuries Benefit may be paid to coal miners who have worked underground for at least 20 years and who are diagnosed as having Pneumoconiosis with considerable lung function loss. The effect of prescribing COPD was to enable a higher rate of payment to be made to some Pneumoconiosis sufferers in certain circumstances.

Where a person has qualified for occupational injuries benefits, the rate of benefit payable 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.

Question No. 65 answered with Question No. 45.

Question No. 66 answered with Question No. 7.

Question No. 67 answered with Question No. 6.

Question No. 68 answered with Question No. 7.

Social Welfare Benefits.

69. **Mr. Gilmore** asked the Minister for Social and Family Affairs the steps he will take to end the anomaly whereby emigrants who return are not entitled to the living alone allowance or free fuel allowance on equal terms as Irish pensioners; and if he will make a statement on the matter.
[17370/06]

Minister for Social and Family Affairs (Mr. Brennan): The living alone allowance, or living alone increase as it is now known, is an additional payment of EUR7.70 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 increase is intended as a contribution towards the additional costs people face when they live alone. The increase is not a payment in its own right but one that is paid as a

[Mr. Brennan.]

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. In relation 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, increases 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 increase 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 increase 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. In order to qualify for the old age non-contributory pension a person must satisfy a means test. The pension, including, where appropriate, a living alone increase, 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 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 EUR9.00 per week to EUR14.00 per week (EUR17.90 per week in designated smokeless areas).

In order 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 Ireland has a bilateral agreement are qualifying payments for the purposes of the scheme. In order 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.

70. **Mr. Noonan** asked the Minister for Social and Family Affairs his plans to introduce a part-time unemployment payment; and if he will make a statement on the matter. [17686/06]

Minister for Social and Family Affairs (Mr. Brennan): The Unemployment Benefit scheme provides income support for people who have lost work and are seeking alternative employment. A fundamental qualifying condition for unemployment benefit is that a person must be available for full-time work. Where a person is employed for up to three days in a week, s/he may claim Unemployment Benefit in respect of the remainder of the week, subject to being available for full-time work. Benefit is not payable where a person is available for part-time work only. I recognise the development of a changing labour market with people wishing to have a choice of more flexible work patterns. In this context and to inform future policy in this area, a group has been set up under the Expenditure Review process to examine a number of issues, including the application of the unemployment payment scheme conditions to workers who are not employed on a full-time basis, including those available for part-time work only. The group is currently finalizing its report which I look forward to receiving in the near future.

Question No. 71 answered with Question No. 17.

72. **Mr. Boyle** asked the Minister for Social and Family Affairs if his Department intends to reassess the criteria for the entitlement to the blind pension allowance in view of the nature of the case involving a person who is travelling to Scotland for their studies and has therefore been denied the right to the pension (details supplied). [17539/06]

Minister for Social and Family Affairs (Mr. Brennan): To qualify for a blind pension from my Department, a claimant must satisfy a number of conditions. She/he must be age 18 years of age or over and must be so blind that she/he either cannot perform any work for which eyesight is essential or cannot continue in his/her ordinary occupation. In addition, the claimant must be habitually resident in the State and satisfy a means-test. A person who satisfies these conditions has an entitlement to the blind pension. However, the pension itself can only be paid when the claimant is present in the State. There is one exception to this rule. If a person in this State is getting a blind pension and she/he goes to reside in Northern Ireland, there is provision in legislation to allow the Department to continue to pay the blind pension for up to 5 years or until such time as she/he receives an equivalent payment from the appropriate authority of Northern Ireland, whichever occurs sooner. This provision has been in our legislation for many years.

The person concerned applied to my Department for a blind pension in September 2005. Her circumstances were investigated by a social welfare inspector who subsequently reported that she was a student at a third level college in Scotland where she was undertaking a four-year degree course. It was noted that she returns to the family home in Ireland during holiday periods and that she had to attend an eye specialist in Dublin every six weeks. Following examination of her case, a deciding officer of my Department determined that her application for pension had to be disallowed on the basis that she was not residing in the State. She was notified of this decision as well as her right of appeal against it to the independent social welfare appeals office. Following various representations received in this case, my Department is currently reviewing the entitlement to blind pension in this particular case. This review is expected to be finalised shortly at which stage I will be in touch with the Deputies concerned to advise them of the outcome.

Question No. 73 answered with Question No. 22.

Question No. 74 answered with Question No. 45.

75. **Mr. Sherlock** asked the Minister for Social and Family Affairs if he will give a commitment that the special nature and ethos of the community welfare service will not in any way be curtailed or frustrated; his views on strengthening SWA legislation to further enshrine its unique flexibility and ability to respond to need, as this feature is not always a characteristic of schemes administered and controlled by his Department; and if he will make a statement on the matter. [17388/06]

Minister for Social and Family Affairs (Mr. Brennan): The supplementary welfare allowance scheme is administered by the Community Welfare Service of the Health Service Executive on my behalf. The scheme is provided for under the Social Welfare Consolidation Act. That legislation currently provides that the scheme is administered by the Health Service Executive, under my general direction and control. The positive attributes of the service, to which the Deputy refers, reflect the values and objectives that I and my predecessors have set out over the years in giving the community welfare service that general direction and control. Policy is set by my Department and the scheme is funded in its entirety through the Social and Family Affairs Vote. As the Deputy is aware, the Government has decided that income support and maintenance schemes currently administered by the Health Service Executive, together with associated resources, should be transferred from the Executive to my Department. I welcome this decision as

it provides an opportunity to bring about positive change for users of these services and for 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 it is logical approach to provision of these services.

The community welfare service plays a very important role within the overall social welfare system. It ensures that no person in the state faces destitution for want of basic minimum resources. The service is responsive, flexible and the outcome focused. These are attributes for which there will be a continuing need into the future. I can assure the Deputy that the new arrangements will maintain and, where possible, enhance the service in those respects. This initiative will have major implications for my Department's existing services and for the future delivery of the supplementary welfare allowance scheme. A working group, comprising officials from my Department, Finance, the Department of Health and Children and the Health Service Executive, has been established to fully assess these implications and progress implementation of the transfer. This will include consideration of the legislative changes that will be needed and, in that regard, I will consider any recommendations that may be made for strengthening the legislation with a view to improving the service.

The transfer is a major change for all involved but I am confident it will be embraced successfully and will ultimately further enhance the delivery of services to our customers, in particular those who are most disadvantaged in the community. The supplementary welfare allowance 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 includes representatives of the Department of Finance and of the Health Service Executive. 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.

Social Welfare Benefits.

76. **Mr. Ferris** asked the Minister for Social and Family Affairs the average amount of time a one parent family payment takes to process after all relevant documentation has been produced. [17563/06]

77. **Aengus Ó Snodaigh** asked the Minister for Social and Family Affairs the average time period for a one parent family payment claim to be processed; and if he has satisfied himself with this timescale. [17557/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 76 and 77 together.

The one-parent family payment is a means tested payment that is intended to assist a lone parent who is bringing up a child or children without the support of a partner. In order to qualify for the one-parent family payment, an applicant must satisfy a number of statutory conditions. He or she must have the main care and charge of at least one child, must not be cohabiting, must, if earning, have gross earnings of less than €293.00 per week (as a result of Budget 2006, this limit will rise to EUR375.00 from 29 June 2006) and must satisfy a means test. In addition, in appropriate cases, it is necessary to establish that efforts have been made to obtain maintenance from the former spouse or partner before a payment can be put into effect.

The administration of the one-parent family payment is in the process of being devolved to my Department's network of local offices around the country. There are currently 38 offices processing one-parent family payment applications. The scheme is being devolved with the primary aim of making it more accessible to lone parents. It will also be of value in helping lone parents to access information about employment, education and training opportunities in their own area, through my Department's local employment support services. Furthermore, devolving administration of the scheme has assisted in reducing claim processing times through closer linkage with the local investigative officer network. There are currently 38 offices processing one-parent family payment applications.

A priority of my Department is to provide the best possible service to customers across its schemes and to process new claims in the fastest possible times. In the four month period from the 1st January to 30th April 2006, the average number of weeks to decide a claim was 10.58 weeks. These statistics are based on the offices currently offering this service. A large majority of one-parent family payment applicants receive another social welfare payment while their claim is being processed. The main form of such support is supplementary welfare allowance or unemployment assistance while some claimants receive maternity benefit, unemployment benefit or disability benefit payments. The provision of these supports does not obviate the need to provide an efficient, courteous and speedy claim processing service to all one-parent family payment applicants.

I believe that the measures now being put in place will bring about a measurable improvement in the quality and timeliness of service to one-parent family payment applicants in the future.

Question No. 78 answered with Question No. 21.

Question No. 79 answered with Question No. 55.

Question No. 80 answered with Question No. 13.

81. **Mr. Sherlock** asked the Minister for Social and Family Affairs if his attention has been drawn to instances where claims authorised by community welfare staff have been withheld, delayed or stopped by officials from within his Department; the procedures used in such cases; and if he will make a statement on the matter. [17387/06]

Minister for Social and Family Affairs (Mr. Brennan): The supplementary allowance (SWA) scheme is the "safety net" within the overall social welfare system in that, subject to qualifying conditions, it provides assistance to any persons in the State whose means are insufficient to meet their needs and those of their dependants. SWA provides a minimum weekly allowance to eligible people who have insufficient means. The supplementary welfare allowance scheme is administered on my behalf by the Community Welfare division of the Health Service Executive (HSE). There are almost 700 Community Welfare Officers and 53 Superintendent Community Welfare Officers from over 1,000 sites responsible for the administration of the scheme. The administration of the scheme by the Health Service Executive is subject to my general direction and control in accordance with guidelines and circulars issued by my Department. The Health Service Executive can avail of informal advice and guidance from my Department. However, neither I nor my Department has any function in relation to decisions on individual claims.

There is however one area in which my Department is involved in the day-to-day administration of the scheme. This is in relation to financial controls in particular circumstances, for audit and security purposes. These arrangements affect a very small proportion of payments. If the Deputy has a particular case in mind, I will have the matter examined if he provides the relevant details. I would again reiterate that the arrangements I have outlined are purely an administrative control function and the actual decision as regards entitlement to supplementary welfare allowance rests solely at the determination of the Health Service Executive.

Hospital Services.

82. **Ms McManus** asked the Tánaiste and Minister for Health and Children the improvements which have been made at St. Vincent's Hospital to provide for cystic fibrosis sufferers following on the publication of the Pollock Report on the needs of cystic fibrosis sufferers; and if she will make a statement on the matter. [17700/06]

Tánaiste and Minister for Health and Children (Ms Harney): In acknowledgement of the need to enhance services for persons with cystic fibrosis, additional revenue funding of €4.8m has been allocated specifically for the development of services in 2006. It is expected that a significant number of additional medical, nursing and allied health professional posts will be created which will greatly improve the delivery of specialist care to cystic fibrosis patients throughout Ireland. As part of the implementation process I asked the HSE to address in particular the identified deficits at the national adult referral centre at St Vincent's University Hospital in Dublin. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the specific issue raised by the Deputy investigated and to have a reply issued directly to her.

Health Services.

83. **Ms McManus** asked the Tánaiste and Minister for Health and Children if she will ensure that the Health Service Executive insurers pay the cost of the specialised treatment for a person (details supplied) in County Wicklow; and if she will make a statement on the matter. [17701/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

84. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the reason a full reply has not been received to date to Parliamentary Question No. 138 of 25 April 2006. [17702/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): My Department has been informed by the Parliamentary Affairs Division of the HSE that a full reply to Parliamentary Question No. 138 of 25 April 2006 has been finalised, a reply issued to the Deputy on the 10th May 2006.

Eating Disorders.

85. **Ms McManus** asked the Tánaiste and Minister for Health and Children the amount which was spent by her Department or the Health Service Executive on the treatment of eating disorders in 2004 and 2005; and if she will make a statement on the matter. [17703/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): As part of a

comprehensive community-oriented psychiatric service, persons presenting with eating disorders are generally treated in their area. Where inpatient treatment is deemed necessary, it is provided in child and adolescent psychiatric inpatients units or the local acute psychiatric unit or hospital. Outpatient services are provided from hospitals, health centres, day hospitals and day centres.

With regard to the level of expenditure on the treatment of Eating Disorders, my Department has requested the Parliamentary Affairs Division of the Health Service Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Service Staff.

86. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if she will support the Irish Nurses Organisation in their efforts for better pay and conditions of service. [17713/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Irish Nurses Organisation and the Psychiatric Nurses Association have recently lodged a number of claims for increases in pay and changes to working conditions. The unions concerned have signed up to the current national agreement — Sustaining Progress. A management team led by the Health Service Executive — Employers Agency met with the unions on 10 February 2006. They reminded the unions that under section 19.6 of Sustaining Progress cost increasing claims for improvements in pay or conditions are precluded during the lifetime of the agreement.

The parties to Sustaining Progress had agreed that the Benchmarking exercise was an important initiative in developing a better system of pay determination in the public service. The parties further agreed that this process is an appropriate way of determining public service pay rates in the future. Following on from this a new Public Service Benchmarking Body (PSBB) was established on 13 January 2006 by the Minister for Finance. This new PSBB is the sole mechanism for the determination of the pay of public servants, including nurses.

I understand that there will be a Labour Court hearing on the claims on 20 June 2006. It remains Government policy that it is not open to the nursing unions or any other public service unions to pursue pay claims otherwise than in accordance with the terms of the prevailing national pay agreement.

Accident and Emergency Services.

87. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children the position regarding improvements in the accident and

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emergency department at Beaumont Hospital; and the number of new beds in 2006. [17714/06]

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.

Mental Health Services.

88. **Mr. Noonan** asked the Tánaiste and Minister for Health and Children the average waiting period for children seeking psychiatric assessment by the child and adolescent mental health service in Limerick; the additional facilities she will provide to reduce the waiting time; and if she will make a statement on the matter. [17729/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The future direction and delivery of all aspects of our mental health services, including child and adolescent psychiatry, were considered by the Expert Group on Mental Health Policy. The Government has accepted and published the Group's report entitled "A Vision for Change" and €25 million has been provided this year for the further enhancement of mental health services.

The development of child and adolescent psychiatric services has been a priority for my Department in recent years. Since 1997, additional funding of almost €20m has been provided to allow for the appointment of additional consultants in child and adolescent psychiatry, for the enhancement of existing consultant-led multi-disciplinary teams and towards the establishment of further teams. This has resulted in the funding of an extra 23 child and adolescent consultant psychiatrists. Nationally there are now 56 such psychiatrists employed.

With regard to the issue of waiting times for psychological assessment, I am informed that currently the Health Service Executive is conducting a review of services nationally to identify and address gaps in service, where they exist, and to identify opportunities for additional capacity, in line with recommendations in "A Vision for Change".

With regard to the waiting period for children seeking assessment by the child and adolescent mental health service in Limerick, I have requested the Parliamentary Affairs Division of the Health Service Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

89. **Ms McManus** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that the Health Service Executive is using a two tier rate of refund payment to cover the cost of electricity used to run the oxygen concentrators; if the Health Service Executive are using a directive drafted 4 July 1980 to establish the maximum rates of refund payable to cover the cost of electricity used to run the oxygen concentrators (details supplied); and if she will make a statement on the matter. [17737/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to have this matter investigated and to have a reply issued directly to the Deputy.

90. **Mr. Stagg** asked the Tánaiste and Minister for Health and Children the waiting times for eye tests for children at each of the health centres in County Kildare. [17751/06]

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.

91. **Mr. Stagg** asked the Tánaiste and Minister for Health and Children the reason the review of the optical service in Kildare and west Wicklow in relation to the assessment of staffing requirements is looking at internal procedures carried out by clerical administrative staff on a daily basis rather than the provision of additional opticians. [17752/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

92. **Ms Shortall** asked the Tánaiste and Minister for Health and Children the plan to relocate

patients from unit three of James Connolly Memorial Hospital to an alternative facility within the hospital complex as promised; and the timescale for same. [17753/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): As part of the overall development of Connolly Hospital, an enhanced service for Psychiatry of Old Age patients will be provided at an upgraded facility within the campus. It is anticipated that the development will be completed in mid 2007. Patients from Unit 3 will be accommodated in upgraded Unit 5 within the campus during 2007.

I am informed by the Health Service Executive that pending the re-development of Unit 5 it may be necessary on an interim basis to re-locate the current unit. The hospital is currently engaged with the relevant stakeholders in developing a range of options taking account of the complex needs of the patients and the need for continuity in care. A process of consultation with the families is also underway.

Services for People with Disabilities.

93. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if a person (details supplied) in County Meath qualifies for a grant to modify their car for a disabled person; and if she will make a statement on the matter. [17754/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

94. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children further to previous parliamentary questions, if she will arrange appropriate treatment under the treatment purchase fund for a person (details supplied) in County Kilkenny; and if she will make a statement on the matter. [17755/06]

Tánaiste and Minister for Health and Children (Ms Harney): Arrangements for the provision of the necessary health services to be provided in this case are being dealt with directly by the Health Service Executive, South Eastern area. Therefore, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have a reply issued directly to the Deputy.

Housing Aid for the Elderly.

95. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children the status of an application under the housing aid for the elderly for a person (details supplied) in County Clare; and if she will make a statement on the matter. [17756/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. This includes responsibility for the provision of the Housing Aid Scheme for the Elderly, on behalf of the Department of Environment, Heritage and Local Government. Accordingly, the Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Services for People with Disabilities.

96. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in County Mayo was refused the mobility allowance; and if this decision will be reviewed in view of their isolated location. [17757/06]

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.

Hospitals Building Programme.

97. **Mr. Stagg** asked the Tánaiste and Minister for Health and Children if she will approve the Health Service Executive capital plan for 2006 and specifically phase 3C of Naas Hospital. [17781/06]

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 considering new capital proposals or progressing those in the health capital programme. Accordingly, my Department is requesting the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

98. **Mr. Stagg** asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No. 278 of 25 April 2006, the number of additional home help hours which will be allocated to County Kildare in 2006. [17782/06]

Minister of State at the Department of Health and Children (Mr. S. Power): As the Deputy is aware, additional funding of €150m was allocated to Services for Older People/Palliative Care in the 2006 Budget. This is a full year cost, €110m of which is for 2006 with the remaining €40m for 2007. This is the largest ever increase in funding for Services for Older People and the package has a strong focus on community based supports. Of this investment, an extra €33m (full year cost), was allocated to the Home Help Service. Of this total, a sum of €30m is provided for 2006 and will deliver approximately 1.75 million additional home help hours. The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospitals Building Programme.

99. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children the hospital sites earmarked to date for the development of private hospitals under her scheme to gift land at public hospital sites to developers of private hospitals; and if she will make a statement on the matter. [17789/06]

100. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children if proposed projects under her scheme to gift land at public hospital sites to developers of private hospitals are approved or otherwise in her Department upon the proposal of the Health Service Executive; and if she will make a statement on the matter. [17790/06]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 99 and 100 together.

I wish to reject categorically the Deputy's assertion that I propose to "gift" public hospital land to any private entity. The aim of the policy direction that issued to the Health Service Executive (HSE) last July is to free up for public patients beds in public hospitals that are currently reserved for private patients. Any transaction in relation to public land, be it lease or sale, will be done on a commercial basis and will fully protect the public interest. The HSE has been asked to develop an implementation plan which will identify where private hospital facilities might be

located and to prioritise proposals with reference to the public hospital requirement for additional bed capacity.

The Executive has also been requested to undertake a detailed evaluation of any such proposals. This will have regard to a detailed assessment of need, and existing and planned capacity on a particular site and within the relevant region. It will also provide for a rigorous value for money assessment of any proposal which will take account of the value of the public site and the cost of any tax expenditure. In addition, there will be full adherence to public procurement law and best practice. Since the publication of the policy document, the Executive has received expressions of interest from a number of companies for the development of private hospitals co-located with public hospitals. I expect to see progress in this regard in the near future.

Medical Expenses.

101. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if assistance will be offered in respect of the hospital bill in the case of a person (details supplied) in County Waterford; and if she will make a statement on the matter. [17824/06]

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.

Medical Cards.

102. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if a medical card will issue in the case of a person (details supplied) in County Dublin; and if she will make a statement on the matter. [17825/06]

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.

Garda Stations.

103. **Ms Shortall** asked the Minister for Finance the position regarding the projects to provide new Garda stations at Ballymun and Finglas; and if he will make a statement on the matter. [17791/06]

Minister of State at the Department of Finance (Mr. Parlon): Tenders for the erection of the Garda Divisional Headquarters at Ballymun will be invited in early June, 2006. In regard to Finglas Garda Station contract documents will be completed following the Planning Consultation under Part 9 which commenced today. It is expected that tenders for the new Station will be invited in September, 2006 with construction commencing on site by the end of the year.

Disabled Drivers' Scheme.

104. **Mr. G. Mitchell** asked the Minister for Finance if there have been changes to the medical criteria for eligibility for the tax concessions under the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994 since their introduction (details supplied); the changes he has made or proposes to make to the regulations; and if he will make a statement on the matter. [17696/06]

Minister for Finance (Mr. Cowen): The Disabled Drivers and Disabled Passengers (Tax Concessions) Scheme provides relief from VAT and VRT on the purchase of a car adapted for the transport of a person with certain physical disabilities, as well as relief from excise on the fuel used in the car up to a certain limit. The disability criteria for eligibility for the tax concessions under this scheme are set out in the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994. A person must be severely and permanently disabled and satisfy one of the following conditions: (a) be wholly or almost wholly without the use of both legs; (b) be wholly without the use of one leg and almost wholly without the use of the other leg such that the applicant is severely restricted as to movement of the lower limbs; (c) be without both hands or without both arms; (d) be without one or both legs; (e) be wholly or almost wholly without the use of both hands or arms and wholly or almost wholly without the use of one leg; (f) have the medical condition of dwarfism and have serious difficulties of movement of the lower limbs. The scheme has been in operation in some form since 1968. As regards changes to the medical/disability criteria: only criterion (a) was in place up to 1989, when they were expanded by the addition of (b), (c), (d) and (f); and in 1994, the final criterion at (e) was added.

A special Interdepartmental Review Group reviewed the operation of the Disabled Drivers Scheme. The terms of reference of the Group were to examine the operation of the existing scheme, including the difficulties experienced by the various groups and individuals involved with it, and to consider the feasibility of alternative schemes, with a view to assisting the Minister for Finance in determining the future direction of the scheme.

The Group's Report, published on my Department's website in July 2004, sets out in detail the genesis and development of the scheme. It examines the current benefits, the qualifying medical criteria, the Exchequer costs, relationship with other schemes and similar schemes in other countries. The Report also makes a number of recommendations, both immediate and long-term, referring respectively to the operation of the appeals process and options for the future development of the scheme.

In respect of the long-term recommendations, which included the qualifying disability criteria, I should say that given the scale and scope of the scheme, further changes can only be made after careful consideration. For this reason, the Government decided in June 2004 that the Minister for Finance would consider the recommendations contained in the Report of the Interdepartmental Review Group in the context of the annual budgetary process having regard to the existing and prospective cost of the scheme.

The best way of addressing the transport needs of people with disabilities including the effectiveness, suitability or otherwise of the Disabled Drivers Scheme in that regard will be progressed in consultation with the other Departments who have responsibility in this area. In any event, a car tax concession scheme can obviously play only a partial role in dealing with this serious issue.

Tax Code.

105. **Mr. F. McGrath** asked the Minister for Finance the number of low paid workers that are outside the tax net. [17698/06]

Minister for Finance (Mr. Cowen): After Budget 2006, it is estimated that there are over 741,000 income earners, representing almost 36% of all earners, who are outside the tax net. This compares with a figure of about 380,000 or 25% of earners in the income tax year 1997/98. These numbers are estimates from the Revenue tax forecasting model using actual data for the year 2002 adjusted as necessary for income and employment growth for 2006. These figures are, therefore, provisional and likely to be revised. It should be noted that a married couple who has elected or has been deemed to have elected for joint assessment is counted as one tax unit. It should be also noted that the term "income earners" includes employees, pensioners and those taxed on a self-assessment basis.

Farm Waste Management.

106. **Mr. P. Breen** asked the Minister for Finance further to Parliamentary Question No. 319 of 25 April 2006, if the revised costings structure sought in the standard costs for the farm waste management and other related schemes is before his Department for approval purposes; and if he will make a statement on the matter. [17699/06]

Minister for Finance (Mr. Cowen): Questions relating to individual expenditure programmes are a matter for the individual Minister concerned — in this instance the Minister for Agriculture and Food. Variations in the parameters covering certain programmes require my approval and the outcome of that process is in turn a matter that can be addressed to the Minister concerned.

Schools Building Projects.

107. **Mr. Stagg** asked the Minister for Finance if the contact documents for the purchase of a site for Ardcrough National School, Ardcrough, County Kildare are near resolution. [17772/06]

Minister for Finance (Mr. Cowen): I refer to my responses to Parliamentary Questions 14035/06 of 6 April and 15542/06 of 25 April 2006. The conveyancing process is still ongoing.

Flood Relief.

108. **Mr. Stagg** asked the Minister for Finance further to Parliamentary Question No. 329 of 25 April 2006, when the catchment flood risk assessment for the Rye River will commence; and if tenders are to be sought from consultants. [17774/06]

Minister of State at the Department of Finance (Mr. Parlon): The Catchment Flood Risk Assessment will be undertaken as soon as possible. It is one of many flood defence related projects being promoted by the Office of Public Works, who have limited staff resources available for the work and I am not therefore in a position to say precisely when it will commence. The studies will be undertaken by consultants who will be appointed following a competitive process.

Departmental Advertising.

109. **Mr. Gregory** asked the Minister for Finance the reason the Office of Public Works advertised the Phoenix Park traffic study in one newspaper only (detail supplied); and in view of the fact that the purpose of the advertisement is to obtain submissions from interested parties and the general public if the advertisement will be placed in independent newspapers and the time limit for submissions extended for a further two weeks. [17784/06]

Minister of State at the Department of Finance (Mr. Parlon): In addition to the advertisement in the Saturday edition of the Irish Times dated 15th April, the advertisement was displayed in a number of prominent locations in the Phoenix Park and a range of interested parties, including local community interests, were invited to make submissions. The Commissioners are satisfied therefore that all reasonable efforts have been made to bring this matter to the attention of the

public and there are no proposals to advertise further.

I can confirm also that the issue was covered in a popular radio programme on Friday 5th May and in the course of that programme it was mentioned that the deadline for receipt of submissions was being extended to facilitate the public.

Tax Code.

110. **Mr. Timmins** asked the Minister for Finance the position in relation to the payment of stamp duty by GAA clubs particularly as they pay 21 percent VAT on materials for use in the development of pitches and so on; if in view of the cost of these developments or improvements and as the clubs are run on a voluntary basis with huge efforts to fundraise at a local level and in many areas the only facilities for all age groups, he will abolish stamp duty for organisations like GAA clubs; and if he will make a statement on the matter. [17804/06]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that an exemption from stamp duty is provided for in the exemption code in respect of a conveyance, transfer or lease of land made for charitable purposes to a body of persons established for charitable purposes only. This exemption is confined to bodies of persons which are recognised under law as having been established for charitable purposes only in which case the entirety of the activities carried on by the body in question must be charitable in nature.

I have no plans to introduce exemptions or reliefs in the stamp duty code for voluntary sporting bodies who do not have this charitable exemption. However, there are separate relieving provisions in the tax code for not-for-profit and member-controlled sporting bodies. Although the reliefs are not as extensive as in the case of charities, there is still generous capital gains tax exemption available to sports bodies where they dispose of a property and the proceeds are reinvested in new assets for the promotion of the sport in question. In this situation, capital gains tax is not payable. In addition, sporting organisations can avail of the special donations scheme.

Garda Stations.

111. **Mr. J. O’Keeffe** asked the Minister for Finance the reason the commitments to replace the existing unsatisfactory temporary Garda station at Dunmanway in Cork west have not been met; and the position in relation to this project, which has been ongoing for ten years. [17809/06]

Minister of State at the Department of Finance (Mr. Parlon): The intention is to extend and upgrade the existing State owned Garda Station

in Dunmanway and in the process to improve, for health and safety reasons, access to the rear of the building. The privately owned strip of land adjacent to the Garda Station needs to be acquired to facilitate this important access. A number of issues in relation to the acquisition of the strip of land emerged but these have now been resolved.

The Commissioners of Public Works are currently in discussions with the owner of the strip of land with a view to agreeing a price for it. When these discussions have been concluded, and a satisfactory outcome has been achieved, the land will be acquired and the refurbishment of the station will proceed.

Natural Resources.

112. **Mr. F. McGrath** asked the Minister for Communications, Marine and Natural Resources if he will ensure that all of Ireland's natural wealth is fully benefited by the citizens of this State. [17712/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): In relation to the natural wealth which is within my remit, viz: minerals and hydrocarbons, I am satisfied that current policies and practices governing their exploration and exploitation are appropriate to current circumstances. It is, of course, appropriate to review the economic terms from time to time and one such review is planned to take place shortly.

Offshore Exploration.

113. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources if he will provide this Deputy with a copy of rules and procedures manual 2002 for offshore petroleum productions. [17785/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I hope to be in a position to furnish the Deputy with a copy of the document. The document may have an impact on legal proceedings, in which I have been joined as a party, and I am anticipating legal advice on this shortly. I will be in touch with the Deputy in this regard.

Sports and Recreational Development.

114. **Mr. G. Mitchell** asked the Minister for Arts, Sport and Tourism the discussions he has had in relation to the suggestion that St. Patrick's Athletic FC should move from Inchicore's, Richmond Park; the persons with whom he had such discussions; the content of these discussions; and if he will make a statement on the matter. [17707/06]

115. **Mr. G. Mitchell** asked the Minister for Arts, Sport and Tourism his views on the sugges-

tion that St. Patrick Athletic FC should move from Inchicore's Richmond Park; and if he will make a statement on the matter. [17738/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I propose to take Questions Nos. 114 and 115 together.

The Genesis report on the eircom league highlighted the need for Dublin clubs to consider ground sharing as a means of securing the significant public investment required to provide modern city stadia necessary to attract higher attendances. St Patrick's Athletic FC is one of the four main Dublin clubs with which FA Ireland have sought to discuss this concept with, to identify the main issues for the clubs concerned.

The Chief Executive of the FAI has kept me informed on this matter and advised me at our meeting earlier this year, that discussions are ongoing with the clubs involved. It is my understanding that St Patrick's Athletic FC has agreed to explore a number of options including ground sharing at Tallaght. Any proposal involving St Patrick's Athletic FC moving from Inchicore will be a matter for the club itself to decide.

Sports Capital Programme.

116. **Mr. Naughten** asked the Minister for Arts, Sport and Tourism if approval will be given for funding for a project (details supplied) in County Roscommon under the sports capital programme; the status of the application; when he intends to make a decision on the project; and if he will make a statement on the matter. [17799/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The national lottery-funded sports capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and national level throughout the country. The programme is advertised on an annual basis.

Applications for funding under the 2006 programme were invited through advertisements in the Press on November 27th and 28th last. The closing date for receipt of applications was January 20th 2006. All applications received before the deadline, including one from the organisation in question, are currently being evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed.

117. **Mr. Naughten** asked the Minister for Arts, Sport and Tourism if approval will be given for funding for a project (details supplied) in County Roscommon under the sports capital programme; the status of the application; when he intends to make a decision on the project; and if he will make a statement on the matter. [17801/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The national lottery-funded sports capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and national level throughout the country. The programme is advertised on an annual basis.

Applications for funding under the 2006 programme were invited through advertisements in the Press on November 27th and 28th last. The closing date for receipt of applications was January 20th 2006. All applications received before the deadline, including one from the organisation in question, are currently being evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed.

Job Sharing.

118. **Mr. O'Shea** asked the Minister for Enterprise, Trade and Employment his proposals to give workers in the private sector the right to job-share; and if he will make a statement on the matter. [17748/06]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): The question of the introduction of job-sharing arrangements in the workplace is a matter for negotiation between employees or a trade union acting on their behalf and employers. I have no plans to introduce job sharing on a statutory basis for private sector employees.

Departmental Properties.

119. **Mr. Ring** asked the Minister for Enterprise, Trade and Employment if he will ascertain from the IDA if a factory (details supplied) in County Mayo has been sold; if so, the price for which it was sold; if that sale took place, the way in which the IDA extracted themselves from the lease agreement; and if the property was not sold, the position in relation to locating jobs at the location. [17749/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): The management of IDA Ireland's industrial property portfolio, including the purchase and disposal of property, is a day-to-day operational matter for the Agency as part of the statutory responsibility assigned to it by the Oireachtas and not a matter in which I have any function. I understand that IDA Ireland is currently at the final stages of negotiations with the owners of the factory premises at Ballinrobe, County Mayo with a view to making the property (building and associated lands) available for further development.

The Board of IDA Ireland has considered and approved a proposal to surrender the lease on the property and IDA is currently finalizing the contract with the owners of the premises on the proposed transaction. Meanwhile, the building and associated lands continue to be available for marketing purposes for appropriate projects interested in locating in County Mayo.

Work Permits.

120. **Mr. Penrose** asked the Minister for Enterprise, Trade and Employment the steps he will take to have an appeal against a refusal for a work permit by a person (details supplied) expedited as all the necessary information in relation to statutory requirements have been submitted; and if he will make a statement on the matter. [17786/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): It is Government policy that employers should be able to source their workforce needs from within the European Economic Area, except in cases where high levels of skills and qualifications are required for the job and such skills are not available within this area.

An application for a work permit in respect of the individual concerned was received on 3rd April 2006. A decision was made to refuse the application on the grounds that it was not a highly skilled highly paid position. The employer was notified of the decision in writing and of his or her right to appeal the decision.

Pension Provisions.

121. **Mr. Bruton** asked the Minister for Social and Family Affairs if his views on extending back the concession introduced some years ago whereby persons who dropped out of the insured workforce on order to undertake caring duties for children under 12 years or other persons in need of long-term care, would have those years of absence ignored for the purpose of averaging contributions, whereby such years would be ignored regardless of when they occurred and not only in more recent years. [17747/06]

Minister for Social and Family Affairs (Mr. Brennan): The social welfare pension rights of those who take time out of the workforce for caring duties are protected by the home-maker's scheme which was introduced from 1994. The scheme allows up to 20 years spent caring for children or incapacitated adults to be disregarded when a person's social insurance record is being averaged for pension purposes. However, the scheme will not of itself qualify a person for a pension. The standard qualifying conditions, which require a person to enter insurance 10 years before pension age, have a minimum of 260 paid contributions and achieve a yearly average of at least 10 contributions on their record from

the time they enter insurance until they reach pension age must also be satisfied.

For any year to be disregarded, a home-maker must be out of the workforce for a complete year (52 weeks) from 6 April 1994. Provision is also made for the award of credited contributions in the year in which a person commences or ceases to be a home-maker. Proposals to change the operative date of the home-maker's scheme and to replace the disregard system with one based on actual credited contributions are contained in the review of the qualifying conditions for old age (contributory) and retirement pensions. In relation to the question of changing the disregard system to one based on credits, this is at present under consideration by my Department.

In general, changes to insurability of employment are not backdated and the same principle was applied to the home-maker's scheme in 1994. The question of backdating the home-maker's scheme gives rise to difficult and complex issues, not least of which is the position of other groups excluded from social insurance cover over the years and who do not qualify for contributory pensions. Apart from that, there would be very practical difficulties in certifying periods of caring and very significant costs involved. In relation to the latter, a significant part of any cost will involve improved payments to those who may already be receiving reduced rate pensions.

The Government is anxious to ensure that as many people as possible can qualify for pensions in their own right. A number of measures have been introduced over the years which make it easier for people to qualify for contributory pensions. These include the reduction in the yearly average number of contributions required for pension purposes from 20 to 10 and the introduction of special half rate pensions based on pre-1953 insurance contributions. Pro-rata pensions are also available to allow people with mixed rate insurance records to receive a payment. This set of measures is of particular benefit to women who may have less than complete social insurance records due to working in the home.

There are, of course, those who will not benefit from the home-maker's scheme and who cannot qualify for a pension in their own right. In this regard, the Government is committed 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.

In relation to the non-contributory pension, in Budget 2006, I made changes to the income disregards allowed under the means test. The basic income disregard was increased by €12.40 per week to €20 and I also introduced an earnings disregard of €100 per week. These allowances are doubled in the case of couples and will allow more people to qualify for social welfare pen-

sions. I will continue to look for ways, within the current social welfare structure, in which the needs of older people who are at present outside the social welfare pensions system may be addressed further.

Question No. 122 answered with Question No. 64.

Social Welfare Code.

123. **Mr. Durkan** asked the Minister for Social and Family Affairs if he will consider easing qualification limits for payment of carer's allowance; and if he will make a statement on the matter. [17828/06]

133. **Mr. Stanton** asked the Minister for Social and Family Affairs the cost to his Department of paying a half rate carers allowance to all widow or widower pensioners who are engaged in full-time care; and if he will make a statement on the matter. [17838/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Question Nos. 123 and 133 together.

The carer's allowance is a social assistance payment which provides income support to people who are providing certain elderly or incapacitated persons with full time care and attention and whose incomes fall below a certain limit.

In Budget 2006, I provided for a significant increase in the rate of carer's allowance. From January this year, the rate of carer's allowance increased to €200 per week for carers aged 66 years and over. This rate of payment may be higher in many instances than the rate of old age pension or widow(er)'s pension payable to a person. Such a person who is providing full time care and attention to a person who requires such care may be entitled to receive this higher rate of carer's allowance. I would strongly urge any person in this position to make enquiries with my Department.

In addition, from June 2005, the annual respite care grant was extended to all carers who are providing full time care to a person who needs such care regardless of their income. Those persons in receipt of other social welfare payments, excluding unemployment assistance and benefit, are entitled to this payment subject to meeting the full time care condition. This arrangement was introduced to acknowledge the needs of carers especially in relation to respite. Provision was made in Budget 2006 to increase the amount of the respite care grant from €1,000 to €1,200, from June 2006.

In line with other social assistance schemes, a means test is applied to the carer's allowance so as to ensure that limited resources are directed to those in greatest need. This means test has been

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eased significantly over the years, most notably with the introduction of the disregards of spouses' earnings. Following Budget 2006, from last month, 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 the free travel, the household benefits package and the respite care grant.

Complete abolition of the means test for carer's allowance would cost an estimated €140 million in a full year. 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.

The primary objective of the social welfare system is to provide income support and, as a general rule, only one weekly social welfare payment is payable to an individual. This ensures that resources are not used to make two income support payments to any one person. Persons qualifying for two social welfare payments always receive the higher payment to which they are entitled.

According to Census 2002 there are over 48,000 people providing personal care for over 4 hours per day. Over 26,600 of these are in receipt of either carer's allowance or carer's benefit. It is likely that a proportion of the balance is in receipt of a different social welfare payment, for example an old age pension. It is not possible to estimate the number of people who are in this situation and it is therefore not possible to estimate the cost of the Deputy's proposal in relation to paying half rate carer's allowance to widow or widower pensioners who are engaged in full time care.

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. Those recommendations involving additional expenditure can only be considered in a budgetary context.

Question No. 124 answered with Question No. 6.

125. **Mr. Durkan** asked the Minister for Social and Family Affairs if he will review the qualification requirements for the back to education allowance with particular reference to standardising such requirements throughout the country in order that all applicants are treated equally; and

if he will make a statement on the matter. [17830/06]

Minister for Social and Family Affairs (Mr. Brennan): The back to education allowance is a second chance education opportunities programme 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. The qualification requirements for access to the back to education are the same throughout the State.

At present, to qualify for participation in the BTEA scheme an applicant must be, prior to commencing an approved course of study, at least 21 years of age (18 for people with disabilities). Lone parents and unemployed persons may access the scheme at 18 years if they are out of formal education for 2 years or more. An applicant must also be in receipt of a relevant social welfare payment for at least six months, in the case of people wishing to complete a second level course, or twelve months in the case of people wishing to pursue third level qualifications. I recently made arrangements to change the twelve month requirement to nine in the case of people who wish to attend a third level course and who are participating in the National Employment Action Plan.

The back to education allowance is a non-statutory scheme and the eligibility criteria, as described above, are contained in my Department's Freedom of Information Guidelines. Such guidelines are issued to Deciding Officers to ensure consistency of decision with regard the scheme being administered.

126. **Mr. Durkan** asked the Minister for Social and Family Affairs the number of categories of people currently entitled to contribution credits; the extent to which he intends to improve or extend this in the future with particular reference to mothers working in the home and carers who have given up employment to care for a family member; and if he will make a statement on the matter. [17831/06]

Minister for Social and Family Affairs (Mr. Brennan): Credited contributions (credits) form an integral part of the social insurance system. The primary purpose of credits is to protect the social insurance entitlement record of insured workers who, for reasons relating either to incapacity, ill-health, unemployment or the provision of care are not in a position to make PRSI payments.

In order to qualify for credits, a person must be an employed contributor insured under PRSI classes A, B, C, D, E or H. These include those who work in the industrial and commercial sector, public and civil servants, certain ministers of

religion and members of the defence forces. These workers account for over two million insured persons or 82 per cent of the insured population. A recent attachment to the work force is necessary to avail of credits in that the person must have paid or credited contributions made in the last 2 complete income tax years to re-establish entitlement to credits once 26 contributions have been paid.

It is not possible to determine the total number of contributors who are currently availing of credited contributions. However, the main situations where contributions are credited are listed below and indicate the wide range of situations which may attract the award of credits: Pre-entry credits are awarded to individuals who have become an employed contributor for the first time and are designed to assist in qualification for short-term benefits; Change of status credits are awarded to employed contributors who commence in an employment which is insurable for old age (contributory) pension and retirement pension where they were previously insured at a modified rate of insurance; Periods during which employees avail of statutory maternity, adoptive, health & safety or carer's benefit; Workers who are entitled to statutory parental leave or spend time homemaking, caring, subject to certain conditions; Employed contributors are generally awarded credits when a person is receiving either unemployment or disability payments; Training credits are awarded to persons who are taking part in specified employment schemes or approved training/educational programmes. Student credits are awarded to students aged 23 or under who have completed their full-time education and are commencing an employment that is insurable for Old Age (Contributory) Pension.

For mothers working in the home, arrangements have been put in place through the homemakers scheme to protect the long-term pension rights of those who take time out from the workforce to care for children (up to the age of 12) or incapacitated relatives. The scheme — introduced in April, 1994 — works by disregarding up to 20 full years spent on caring duties when a person's social insurance record is being averaged for pension purposes. Provision is also made for the award of credited contributions in the year in which a person commences or ceases to be a homemaker.

Those in receipt of carer's benefit are entitled to credited contributions. Where there is no entitlement to carer's benefit, but carer's allowance is being paid, the legislation allows credits to be awarded if the person switched to the payment from another credit-bearing payment i.e. unemployment benefit.

Credited contributions will not, of themselves, establish entitlement to a social welfare benefit or pension but will assist towards it. The range of opportunities available to contributors to main-

tain and build a contributions record is comprehensive. My department constantly monitors the need for amendments or modifications to existing provisions to ensure the social insurance system continues to meet social protection needs in a changing work and social environment. In this context, a proposal to replace the system of disregards provided for under the homemakers scheme with one based solely on credited contributions is currently under consideration by my Department.

Question Nos. 127 and 128 answered with Question No. 7.

129. **Mr. Durkan** asked the Minister for Social and Family Affairs his proposals to extend or improve the qualification requirements for free schemes with a view to eliminating anomalies; and if he will make a statement on the matter. [17834/06]

Minister for Social and Family Affairs (Mr. Brennan): The household benefits package, which comprises the electricity/gas allowance, telephone allowance and television licence schemes, 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.

A range of proposals have been made to extend the coverage of the household benefits package of free schemes. These proposals are being kept under review in the context of the objectives of the scheme and budgetary resources.

130. **Mr. Durkan** asked the Minister for Social and Family Affairs if he intends to improve widows' pension payments for widows or widowers with dependent children; and if he will make a statement on the matter. [17835/06]

Minister for Social and Family Affairs (Mr. Brennan): Widows and widowers can qualify for one of a number of different schemes depending on their particular circumstances. The contributory widow(er)s pension is available to those who satisfy the necessary PRSI contribution conditions, either on their own record or that of the

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deceased spouse. Those qualifying for this benefit are not subject to any means test.

Those without the necessary PRSI contributions can, if they have qualifying children, receive the one-parent family payment. This is a means tested payment but it does feature a reasonable earnings disregard which is designed to assist with the extra costs those with children face in trying to access training or employment. Up to EUR146.50 of earnings per week is completely disregarded, while earnings in excess of that and up to EUR293 per week are assessed at 50%. In Budget 2006, I increased the upper threshold to EUR375 per week from end June 2006.

Widows and widowers with dependent children can benefit from the widowed parent grant, introduced in 2000, to provide additional assistance following a bereavement. The grant is currently valued at EUR2,700 and is paid in addition to the usual after death payments.

Increases in the rates of child benefit are also of benefit to widows and widowers with children. Since 1997, the monthly rates of child benefit have been increased significantly in accordance with Government commitments. The current rates of child benefit are EUR150.00 per month for each of the first and second children and EUR185.00 per month for the third and subsequent children. Furthermore, children under 6 years of age will also qualify for the annual EUR1,000 Early Childcare Supplement (ECS) announced in Budget 2006.

Widows and widowers are also entitled to the fuel allowance, back to school clothing and footwear allowance, and other secondary benefits, on the same basis as other social welfare recipients.

The adequacy of payments for widowed people, and for welfare recipients in general, is kept under review and, where appropriate, increases are granted in annual budgets. In Budget 2006, I was glad to provide increases for widowed people received increases of between EUR14 and EUR17 per week. This is well ahead of the rate of inflation.

I will continue to look for opportunities in the context of future Budgets to improve the position of widows and widowers and other groups with dependent children.

Question No. 131 answered with Question No. 64.

Anti-Poverty Strategy.

132. **Mr. Stanton** asked the Minister for Social and Family Affairs the progress on the introduction of the second-tier payment to help target poverty in low-income families and children; and if he will make a statement on the matter. [17837/06]

Minister for Social and Family Affairs (Mr. Brennan): Child poverty is a complex area requiring coordinated action across a range of government services and income support payments. The development of income supports which can make the most effective contribution to child poverty lies within my Department's responsibilities and a series of budgets have increased considerably in real terms the level of resources which are going to families with children.

While the solutions to the problem of child poverty cover a wide range of measures, including income supports and services, I am committed to reviewing the role of child income supports in this regard. The National Economic and Social Council was asked to examine the feasibility of merging the family income supplement and child dependant allowance into a second tier child income support. Such a payment would be aimed specifically at targeting child poverty by channelling resources to low-income families without creating significant disincentives to employment.

The NESCC is currently considering its draft report and I look forward to receiving a finalised report which will be of significant assistance in informing the future direction of child income support policy. I am determined to advance this issue in the coming months.

Question No. 133 answered with Question No. 123.

Social Welfare Appeals.

134. **Mr. Stanton** asked the Minister for Social and Family Affairs his progress in ensuring timely, accurate and efficient systems of decision, appeal and redress for social welfare entitlements as contained in his Department's Statement of Strategy; the targets he has set for his Department in relation to same; if these targets are being met; and if he will make a statement on the matter. [17796/06]

Minister for Social and Family Affairs (Mr. Brennan): My Department is committed to delivering a high quality customer service to all its customers. This includes ensuring that applications are processed and that decisions on entitlement are issued as expeditiously as possible having regard to the eligibility conditions that apply. These conditions vary from scheme to scheme and may include establishment of a customer's social insurance record, the provision of medical evidence, verification of identity, satisfying residency conditions and an assessment of means where appropriate.

In 2005 decisions were given in respect of some 2 million new or repeat claims. Revised decisions were also given in respect of ongoing claims where the person's circumstances had changed. In addition some 14,000 appeals are dealt with by

the Social Welfare Appeals Office on an annual basis.

My Department has adopted challenging performance targets in relation to claim processing and these are set out in its customer action plan. The actual standard achieved is measured by calculating the elapsed time from the date the claim is made until the date of decision. No account is taken of the many factors outside my department's control which impinge on the time it takes to make a decision e.g. the supply of relevant information by the customer, employers, other third parties or the provision of medical reports. Each month my department reports on actual performance against the relevant targets. The report for the month of March, a copy of which I will make available to the deputy, shows that the relevant targets were met or exceeded in 14 out of 27 areas during the month and it also shows an improvement over 2005 for most areas.

These performance reports measure new claims and do not reflect the significant work involved in maintaining existing claims such as effecting changes to addresses, bank account details or family composition.

In the past few years my department has coped with increasing demands arising from significant changes to the social welfare code and in the numbers of persons accessing the system. While these factors have impinged on the ability to achieve the targets set, continuous efforts are made to improve the turnaround times for deciding claims.

Against a background of increased workloads and scheme complexities, my department undertook a number of initiatives designed to improve customer service. The most significant of these is its service delivery modernisation (SDM) project which is currently being put in place for retirement and contributory old age pension schemes. The project involves radical business, organisational and IT changes to the way these pension schemes are administered. A number of manual procedures and calculations will be automated thus improving timeliness, accuracy and efficiency. The IT system will also have the facility to automatically generate and issue communications to the customer thus providing an improved level of information. Business procedures are being revised and the organisation of work is being restructured to maximise the benefits of the new IT System.

My Department is also developing enhanced management reporting systems as part of its Management Information Framework project. These reporting systems will provide detailed management information that will facilitate improved resource allocation and thus a better response to customer needs.

Apart from these developments, there is continued emphasis on providing staff with the necessary training and development so as to

ensure they have the required knowledge and skills to carry out their work. Deciding officers are supported by the department's Decisions Advisory Office which issues regular briefings and advice to staff.

As a matter of course all claimants are advised of their right to an appeal or a review if they are unhappy with the decision on their claim. A claimant may seek a review by the deciding officer, if any new fact or evidence becomes available. The Deciding officer can give a revised decision without the claimant having to formally appeal against the decision. The claimant retains the right to an appeal if he or she is not satisfied with the revised decision.

I am conscious of the need to provide a quality service to our customers and, with my officials, I am working towards ensuring that my Department continues to deliver a first class service.

Public Transport.

135. **Mr. Stagg** asked the Minister for Transport if he has concluded his review of the reform of the bus market; and when he will make a decision in relation to the Dublin Bus application for funding. [17775/06]

Minister for Transport (Mr. Cullen): I am committed to the delivery of a high quality, effective public transport system and Transport 21 is testimony to this. I am also committed to modernizing the regulatory framework governing public transport, not just in Dublin, but nationally.

In particular, at the launch of Transport 21, I said that I was convinced that we need a new approach to transport in the Greater Dublin Area, delivered through a single authority with the power to ensure joined-up thinking and delivery across all transport modes.

In advancing the regulatory agenda, discussions have taken place with the key stakeholders. These discussions form part of a process of engagement that will facilitate and inform the determination of the appropriate structure for the new framework and supporting legislation.

This process will also be informed by the work of the Team which was appointed to finalise the remit, structures and human resource requirements of the proposed Dublin Transport Authority. I have now received the report of the team and am currently reflecting on its recommendations. I will finalise my consideration of how best to proceed with public transport reform in the context of the institutional structures recommended by the Team. I would hope to be in a position to publish legislation on the matter in the current year.

My Department is currently considering an application from Dublin Bus for funding for 200 additional buses to be delivered over the period 2006/2007. The application is being considered in

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the context of Transport 21, the bus network review completed recently by Dublin Bus and the bus market reform process. I will make a decision on the application having regard to the outcome of my deliberations on the reform of the bus market, which I intend to conclude in the coming weeks.

Rail Network.

136. **Mr. Stagg** asked the Minister for Transport if he has received the inspectors report in relation to the public inquiry into the Kildare route project; and when he is likely to either confirm or reject the Railway Order. [17776/06]

Minister for Transport (Mr. Cullen): I received the Inspector's report of the public inquiry in relation to this project on Friday 5 May 2006. In making my decision as to the granting of the Railway Order, I am obliged under Section 43 (1) of the Transport (Railway Infrastructure) Act 2001, to consider the report of the Inquiry as well as the submissions I received in respect of the project, CIE's application for a Railway Order, and the draft Order and documents that accompanied the application. I will make a decision on the matter when I have considered the inspector's report and the other documents mentioned above.

Community Development.

137. **Dr. Cowley** asked the Minister for Community, Rural and Gaeltacht Affairs if there is funding available from his Department for youth groups or organisations; if his attention has been drawn to a group (details supplied) in County Mayo and the fact that the youth of Westport town have no place to meet; his views on whether this is an essential area which needs funding in many small towns across County Mayo; and if he will make a statement on the matter. [17723/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I refer the Deputy to my reply to PQ No. 191 of 30 March 2006, which gave details of the funding available from my Department for youth groups and organisations in County Mayo.

Grant Payments.

138. **Mr. N. O'Keeffe** asked the Minister for Agriculture and Food the position regarding the payment of the EU single farm payment due to a person (details supplied) in County Cork. [17731/06]

Minister for Agriculture and Food (Mary Coughlan): As indicated in my reply of 16 February 2006 to the Deputy's previous question on this case, an official from my Department was

in direct contact with the person named and, following receipt of evidence which confirmed that the application had been submitted on time, I am now satisfied that an application under the 2005 Single Payment Scheme may be deemed to have been received within the time frame allowed. This application is, therefore, now being processed with a view to payment issuing shortly.

139. **Mr. G. Murphy** asked the Minister for Agriculture and Food if his Department awarded area aid payment to a person (details supplied) in County Cork for 2003 and 2004; the amount which was awarded; and if she will make a statement on the matter. [17758/06]

Minister for Agriculture and Food (Mary Coughlan): The eligibility for Extensification Premium is dependent on an applicant's stocking density level being less than 1.8 Livestock Units per hectare.

The person named received payment in respect of Extensification Premium 2004 at the high rate of €80 per animal applied on based on a stocking density level of 1.2837 animals per hectare. A payment of €2,800.00 issued on 25 May 2005, in respect of 25 Suckler Cows and 11 Special Beef animals.

As the stocking density level of the person named in 2003 was 1.9384 Livestock Units per hectare, the person named therefore did not qualify for payment. Under the Disadvantaged Areas Scheme, the person named was paid in full in both 2003 and 2004, the amounts being €2,657.26 and €3,993.38, respectively.

140. **Mr. G. Murphy** asked the Minister for Agriculture and Food if all moneys due to a person (details supplied) in County Cork will be awarded; the amount of moneys to be awarded; and if there is a hold up with the contract clause side of payment. [17759/06]

Minister for Agriculture and Food (Mary Coughlan): An application under the Single Payment Scheme was received from the person named on 16 May 2005 and payment of €9,674.57 in respect of the consolidated and transferred entitlements issued on 1 December 2005. However, as the Dairy Premium element of the Single Payment was not included, a further payment of €3,514.58 is due to the person named and will issue shortly.

141. **Mr. Nolan** asked the Minister for Agriculture and Food when a transfer in a herd number will be completed for persons (details supplied) in County Carlow. [17760/06]

Minister for Agriculture and Food (Mary Coughlan): Transfer of the herd number to the persons referred to by the Deputy was approved

on 15 May 2005 and they were advised of this in writing at that time. The persons named applied for payment under the Inheritance measure of the Single Payment Scheme. They were notified on 10 May that their application was successful and payment will issue shortly.

142. **Mr. Naughten** asked the Minister for Agriculture and Food the reason for the delay in issuing a single farm payment to a person (details supplied) in County Leitrim; and if she will make a statement on the matter. [17800/06]

Minister for Agriculture and Food (Mary Coughlan): The person named initially applied under the Inheritance measure of the Single Payment Scheme. In processing this application, it became apparent that the transfer was appropriate to the Private Contract Clause procedure. A PCC application to transfer in entitlements under the 2005 Single Payment Scheme was subsequently received from the person named. The application has now been successfully processed, and payment will issue shortly.

Veterinary Medicines Regulations.

143. **Mr. Naughten** asked the Minister for Agriculture and Food the status of her application to the EU Commission for an exemption list under the animal remedies regulations; and if she will make a statement on the matter. [17803/06]

Minister for Agriculture and Food (Mary Coughlan): As I indicated in my reply to Question No. 12047 on 29 March, my Department made a submission to the Commission on 17 March with a view to having the draft exemption criteria published by the Commission on 9 February adapted to better reflect the risk/benefit profile of veterinary medicinal products and to facilitate decisions on the route of supply to be taken on a scientific basis. However, the Commission has not yet come forward with formal proposals for the exemption criteria. My Department will engage fully with the Commission and other Member States in the course of the deliberations in the regulatory Committee on the formal proposals, when adopted by the Commission. My best estimate is that the process will not be completed at least until late Summer.

As I have already stated publicly, I will review the national prescription and distribution arrangements in consultation with stakeholders when the final shape of the EU exemption criteria is clearer. In particular I will, depending on the likely outcome, consider whether persons other than vets should be permitted to prescribe veterinary medicines. My intention is to complete the consultative process in time to permit decisions on this issue to be taken well in advance

of the 1 January 2007 deadline provided for in the EU legislation.

Grant Payments.

144. **Mr. Neville** asked the Minister for Agriculture and Food the position concerning an application for extra suckler cow quota under force majeure for a person (details supplied) in County Limerick. [17805/06]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application, on 06 February 2004, for consideration of her circumstances under the Force Majeure/Exceptional Circumstances measure of the Single Payment Scheme. Having assessed the application, the Single Payment Entitlements Unit informed the person named that her application could not be accepted as she did not fulfil the Force Majeure criteria laid down in Article 40 of Council Regulation (EC) No 1782/2003. The person named was advised to submit an application under the National Reserve measure of the Single Payment Scheme.

The person named submitted an application for an allocation of entitlements from the Single Payment Scheme National Reserve under Category B. Category B caters for farmers who, between 1 January 2000 and 19 October 2003, made an investment in production capacity in a farming sector for which a direct payment under Live-stock Premia and/or Arable Aid schemes would have been payable during the reference period 2000- 2002. Investments can include purchase or long-term lease of land, purchase of suckler and/or ewe quota or other investments.

The person named has been deemed successful under Category B of the reserve on the basis of an investment in suckler cow quota during the reference period. My Department has issued a formal letter setting out the details of the allocation.

If the person named is dissatisfied with my Department's decision she has the opportunity to appeal the decision to the Independent Appeals Committee. An appeals application is available from any of my Department's offices or on the Department website at www.agriculture.gov.ie

Animal Welfare.

145. **Mr. J. O'Keefe** asked the Minister for Agriculture and Food the organisations and persons who made submissions on the practice of electro immobilisation to her, her Department and the Scientific Committee on Animal Health and Welfare prior to her decision to ban the practice; the organisations she consulted with; and the consequences for safety on farms in circumstances where labour is scarce and suckler breeds are increasingly wild and dangerous. [17823/06]

Minister for Agriculture and Food (Mary Coughlan): In 2004 the Farm Animal Welfare Advisory Council requested the Scientific Advisory Committee on Animal Health and Welfare to evaluate the physical and psychological effects of electro-immobilisation on live farm animals subjected to this procedure and furnish a view.

The Committee examined all aspects of this issue and recommended that the practice should be prohibited. My Department also sought the considered views of various stakeholders on the recommendation, in particular from; Veterinary Ireland; the Irish Farmers Association; Compassion in World Farming; Irish Creamery Milk Suppliers Association; Irish Co-operative Organisation Society Ltd; Teagasc and the Irish Society for the Prevention of Cruelty to Animals. Having considered all of the views received, I decided to accept the recommendation of the Committee to prohibit the use of electro-immobilisation on live farm animals. The ban will come into effect on the 1st June 2007.

While I was aware of the possible risks to operators in the handling of large and difficult animals, I felt that the continued use of electro-immobilisation could not be justified on animal welfare grounds. I was also aware that there may be numbers of animals on farms at present that require interventions and which are of an age and size which could cause risk to operators. That is why I delayed introducing this ban and the interval between now and 1 June 2007 should allow adequate time for those animals to be dealt with. My Department will also undertake an information campaign to promote early intervention in relation to dehorning, disbudding etc. of animals. It is also proposed to circulate information on these matters to the persons most directly involved i.e. farmers and veterinarians.

Commissions of Investigation.

146. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform the position regarding the Stardust fire investigations; and if the families will be given the maximum support on this matter. [17711/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I can inform the Deputy that the position remains as set out in my response to Parliamentary Question No. 352 (ref:11568/06) of 28th March, 2006.

Road Traffic Offences.

147. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform the agreement reached between the Chief Superintendent of the Garda traffic corps and traffic management officials from Dublin City Council regarding enforcement measures at East Wall Road, Dublin 3; the number of fines issued to drivers of heavy

goods vehicles at East Wall Road, Dublin 3 between Annesley Bridge and the junction with the Alfie Byrne Road to date in 2006; if the City Council closed circuit television at this location has been utilised to serve fines as required; if further enforcement measures will be put in place; and if he will make a statement on the matter. [17739/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that to date in 2006 five offences of drivers of heavy goods vehicles have been detected proceeding beyond a specified weight sign at East Wall Road between Annesley Bridge and Alfie Byrne Road.

I am further informed that in recent months the 3 tonne restriction sign at this location was removed and replaced with a "cars only" sign. This is not a designated prohibitory sign in accordance with the Road Traffic (Traffic and Parking) Regulations 1997, and as such has resulted in difficulties in intercepting HGVs in the area. I am further informed that Dublin City Council CCTV cameras maybe used for traffic management purposes only.

Anti-Social Behaviour.

148. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform the measures available to the Garda to deal with persons who are engaged in ongoing harassment of a person (details supplied) in Dublin 7; the measures which have been implemented to date; the further measures that will be utilised; and if he will make a statement on the matter. [17740/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that they are aware of the ongoing problems with anti-social behaviour being experienced by the person concerned. Local pre-teenage children have been identified by the Garda authorities as the cause of this anti-social behaviour.

I am further informed that local community Gardaí are liaising between the local residents and the parents of the children involved to address and prevent this anti-social behaviour.

I am advised that given the age of the children involved, the measures available to An Garda Síochána include the use of the Juvenile Diversion Programme and, to this end, consideration is being given to holding a restorative justice conference, as provided for in the Children Act 2001, to include the injured party, the children involved and their parents.

I am assured by the Garda authorities that the neighbourhood in question is regularly patrolled by uniform and detective units from Mountjoy

Garda Station with a view to ensuring a concentrated and visible Garda presence in the area.

Garda Deployment.

149. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform the number of community gardaí assigned to the Cabra district of Dublin 7 from each of the Bridewell, Mountjoy, Cabra and Blanchardstown Garda stations; the areas involved and the number of community gardaí assigned to each area. [17741/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I presume that the Deputy is referring to the Cabra area of Dublin 7. There is no Garda Cabra District. Cabra Garda station is within the 'K' District of the DMR West Division.

I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength (all ranks) of An Garda Síochána as at 31 March 2006 was 12,439. This compares with a total strength of 10,702 (all ranks) as at 30 June 1997 and represents an increase of 1,737 (or 16.2%) in the personnel strength of the Force during that period.

I have been further informed by the Garda authorities that the number of Community Gardaí (all ranks) attached to the Bridewell, Mountjoy, Cabra and Blanchardstown Garda Stations as at 31 March, 2006 was as set out in the table hereunder:

Station	Community Gardaí
Bridewell	13
Mountjoy	11
Cabra	4
Blanchardstown	15

Garda management further informs me that 2 Community Gardaí from each of the Bridewell and Mountjoy Garda stations have Community Policing duties in the Cabra area.

I should also say that the current recruitment drive to increase the strength of the Garda Síochána to 14,000 members in line with the commitment in the Agreed Programme for Government is fully on target. This will lead to a combined strength, of both attested Gardaí and recruits in training, of 14,000 by the end of this year. I am pleased to inform the Deputy that the first group of newly attested Gardaí under the accelerated recruitment programme came on stream in March and a further 275 newly attested Gardaí will come on stream every 90 days from here on in.

The Garda Commissioner will now be drawing up plans on how best to distribute and manage

these additional resources, and in this context the needs of the areas referred to by the Deputy will be given the fullest consideration.

Closed Circuit Television Systems.

150. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform if a decision has been made arising from the request of residents at Montpelier Hill and Arbour Hill, Dublin 7 for the installation of closed circuit television to help curtail the problem of street prostitution in the area. [17742/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities that the CCTV Advisory Committee (that was established by the Garda Commissioner to advise on CCTV matters) has received a report from the Chief Superintendent D.M.R. North Central Division which outlines the CCTV requirements of the Division. The Montpelier Hill and Arbour Hill areas form part of the D.M.R. North Central Division.

The report has been considered by the CCTV Advisory Committee who are currently in consultation with the Divisional Officer for DMR North Central with a view to establishing the priority areas for the installation of CCTV cameras in that area of the city. The policing need for installation of CCTV in the Montpelier and Arbour Hill areas will be considered in this context.

In addition, as the Deputy may be aware, I launched the Community Based CCTV Scheme last year in response to a demonstrated demand from local communities across Ireland for the provision of CCTV systems. The purpose of the Scheme is to support local communities 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 closing date for receipt of applications was 20th September, 2005.

Under this Scheme, communities could apply for grant aid funding of up to €100,000 from the Department to install a CCTV system in their area. In addition, the Department of Community, Rural and Gaeltacht Affairs gave a commitment to provide successful applicants from RAPID areas with a further grant to a maximum of €100,000 subject to the total grant aid from both Departments not exceeding €200,000 or 100% of the capital costs of the project, whichever is the lesser.

The Community Based CCTV Scheme offered two Stages or options that were designed to meet the requirements of communities in both of these situations. Stage 1 offered pre-development supports and possible funding for organisations/groups who were not yet ready to develop their proposals fully or utilise funds. The Stage 2 process offered a direct Application Pro-

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cess, to access funds, to those organisations who could demonstrate an ability to develop and deliver a CCTV Programme immediately. I am informed that the Dublin 7 CCTV Action Group made a successful application for Stage 1 funding of €5,000 in respect of the Montpelier and Arbour Hill areas. This grant was paid to the Group on 21 April 2006.

I plan to make a further call for proposals under the Scheme in the coming months and it is open to the Dublin 7 CCTV Action Group or any other community groups in the area to submit an application for funding under the Scheme when it is announced.

Refugee Status.

151. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he will review the decision not to grant refugee status in the case of a person (details supplied) in County Dublin in view of the existence of clear evidence to suggest a danger to their life and well being if returned to their homeland; and if he will make a statement on the matter. [17743/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to Parliamentary Question No. 326 of Thursday, 6th April, 2006 (ref: 14070/06) and the written reply to that Question. The position is unchanged.

Residency Permits.

152. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform when an application for a person (details supplied) in County Westmeath which was sent to his Department some time ago will be dealt with; and if he will make a statement on the matter. [17744/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned was granted residency to remain in the State until 23 May 2007 as a dependent of his spouse. There is no record of any other application for permission to remain in the State from the person in question.

Garda Stations.

153. **Mr. Stagg** asked the Minister for Justice, Equality and Law Reform if the new Garda station in Derrinturn, County Kildare is fully operational. [17773/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The new station at Derrinturn/Carbury has been completed by the Office of Public Works. I am advised by the Garda authorities that preparations are being finalised so that the station will be fully operational within the next few weeks.

154. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the Garda strength and opening hours of the station in Castletownbere, County Cork; the number of Garda stations in Beara; the Garda strength in each and the opening hours. [17792/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength (all ranks) of An Garda Síochána as at 31 March 2006 was 12,439. This compares with a total strength of 10,702 (all ranks) as at 30 June 1997 and represents an increase of 1,737 (or 16.2%) in the personnel strength of the Force during that period.

I have been further informed that the personnel strength (all ranks) of each Garda station in Beara, County Cork as at 10 May, 2006 was as set out in the table hereunder:

Station	Strength
Castletownbere	5
Adrigole	0
Glengarriff	2

Local Garda management states that applications have been sought to fill the vacancy at the official accommodation attached to Adrigole Garda Station.

Garda management further states that the official opening hours of all three Garda stations are from 11 a.m. to 1 p.m. daily depending on the rostered tour of duty of members attached to each Garda station.

Garda personnel assigned throughout the country, together with overall policing arrangements and operational strategy, are continually monitored and reviewed. Such monitoring ensures that optimum use is made of Garda resources, and the best possible Garda service is provided to the general public.

I should also say that the current recruitment drive to increase the strength of the Garda Síochána to 14,000 members in line with the commitment in the Agreed Programme for Government is fully on target. This will lead to a combined strength, of both attested Gardaí and recruits in training, of 14,000 by the end of this year. I am pleased to inform the Deputy that the first group of newly attested Gardaí under the accelerated recruitment programme came on stream in March and a further 275 newly attested Gardaí will come on stream every 90 days from here on in.

The Garda Commissioner will now be drawing up plans on how best to distribute and manage these additional resources, and in this context the needs of Beara will be given the fullest consideration.

Visa Applications.

155. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform if he will look favourably on a visa appeal of a person (detail supplied) in County Cork. [17793/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The application referred to by the Deputy was received in the Ukraine on 29th March, 2006. The decision of the visa officer to refuse this application was made on 21st April, 2006. To date, no appeal in respect of this application has been received. All appeals must be submitted within two months of the initial refusal decision.

Garda Stations.

156. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact the Garda station at Ballinhassig in Cork west has been classified as one of the worst in the country and is said to be leaking and rat infested, as mentioned in Parliamentary Question No. 434 of 4 May 2005; and the progress which has been made in the meantime towards the provision of suitable and proper accommodation. [17808/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that local Garda management has confirmed that there are no problems with leaks or with rat infestation in the Station at Ballinhassig. I am also advised by the Garda authorities that a Brief of Requirements for the proposed new station at Ballinhassig will be prepared shortly. When the Brief is received in my Department it will be sent to the Office of Public Works for appropriate action. As with any new station, construction depends on a number of factors, including overall priorities within the Garda Building Programme.

Visa Applications.

157. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the position in regard to the application for family reunification in the case of a person (details supplied) in County Cork; and if he will make a statement on the matter. [17810/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The refugee in question made an application for family reunification in respect of five family members in January 2004. A decision has been recently made on this application and the person in question will be informed of same shortly. The above named made another application in respect of her husband in November 2005. My Department has recently been in correspondence with the legal

representative of the person concerned requesting further documentation in support of the application.

Asylum Applications.

158. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he will consider granting extended residency in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [17811/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on 30 June, 2003 and applied for asylum. Her application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal. Subsequently, in accordance with Section 3 of the Immigration Act, 1999, as amended, she was informed by letter dated 10 May, 2005, that the Minister proposed to make a deportation order in respect of her. She was given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons why she should be allowed to remain temporarily in the State; leaving the State before an order is made or consenting to the making of a deportation order. Representations have been received on behalf of the person concerned.

This person’s case file, including all representations submitted, will be considered under Section 3(6) of the Immigration Act, 1999, as amended, and Section 5 of the Refugee Act, 1996 (Prohibition of Refoulement). I expect the file to be passed to me for decision in due course.

Refugee Status.

159. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if the circumstances have been fully examined in the case of persons (details supplied) in County Dublin in view of the evidence submitted; and if he will make a statement on the matter. [17812/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy will be aware, applications for refugee status in the State are determined by an independent process comprising of 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 as to whether such status should be granted. The persons in this case are a husband and wife and their daughter who was born in the State. I have been informed by the Refugee Applications Tribunal that the husband in this case is currently the subject of Judicial Review proceedings, and I am therefore not in a position to comment further on his case.

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In relation to the wife and child, the wife arrived in the State on 15 April 2005 and applied for asylum. She subsequently gave birth to a child in the State on 23 June 2005. Under the Irish Nationality and Citizenship Act 2004 which came into force on 01/01/2005 the child is not an Irish citizen. This person's application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal. Her son was included in this consideration.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999, as amended, she was informed by letter dated 28 April 2006, that the Minister proposed to make a deportation order in respect of her and her child. She was given three options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons why she and her child should be allowed to remain temporarily in the State; leaving the State before orders were made or consenting to the making of deportation orders. To date, no representations have been received on behalf of the person concerned.

This person's case file, including all representations submitted, will be considered under Section 3(6) of the Immigration Act, 1999, as amended, and Section 5 of the Refugee Act, 1996 (Prohibition of Refoulement), as amended. I expect the file to be passed to me for decision in due course.

160. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he has seen sight of sworn affidavits supporting serious life threatening intimidation in the case of a person (details supplied) in County Dublin; further to his reply to Parliamentary Question No. 722 of 25 April 2006, if he or his Department re-examined their case in view of such evidence with a view to a deferred proposed action on humanitarian grounds; and if he will make a statement on the matter. [17813/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I would refer the Deputy to my Replies to Dáil Question No. 1188 of 25 January 2006, No. 179 of 9 February 2006, No. 321 of 6 April 2006 and No. 722 of 25 April 2006. The position in the State of the person concerned remains as outlined in those Replies. My Officials have advised me that there is no record in my Department of the receipt of sworn affidavits supporting serious life threatening intimidation in the case of the persons concerned.

Residency Permits.

161. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the residency status in the case of persons (details supplied) in Dublin 1;

and if he will make a statement on the matter. [17814/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question currently has residency status in the State until 9 June 2006 on the basis of family dependency.

Asylum Applications.

162. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he will review his decision to refuse asylum in the case of a person (details supplied) in Dublin 24 in view of the political situation in the Democratic Republic of Congo and the possible implications for their health and safety in the event of deportation; and if he will make a statement on the matter. [17815/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on 14 April, 2004 and applied for asylum. Her application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal. Subsequently, in accordance with Section 3 of the Immigration Act, 1999, as amended, she was informed by letter dated 11 November, 2005, that the Minister proposed to make a deportation order in respect of her. She was given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons why she should be allowed to remain temporarily in the State; leaving the State before an order is made or consenting to the making of a deportation order. Representations have been received on behalf of the person concerned.

This person's case file, including all representations submitted, will be considered under Section 3(6) of the Immigration Act, 1999, as amended, and Section 5 of the Refugee Act, 1996 (Prohibition of Refoulement). I expect the file to be passed to me for decision in due course.

Residency Permits.

163. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the residency status in the case of persons (details supplied) in Dublin 24; and if he will make a statement on the matter. [17816/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am pleased to inform the Deputy that permission to remain has been granted to the persons in question under the revised arrangements for parents of Irish born children and a letter has issued informing them of the decision.

164. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform when passports and other documentation will be returned in the case of a person (detail supplied) in County Dublin; and if he will make a statement on the matter. [17817/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am pleased to inform the Deputy that permission to remain has been granted to the person in question under the revised arrangements for parents of Irish born children. All valid documentation relating to the person concerned has been returned.

Asylum Applications.

165. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the likely danger to the life and well being in the event of deportation in the case of a person (details supplied) in Dublin 8; and if he will make a statement on the matter. [17818/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on 22 October, 2001 and applied for asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Office of the Refugee Appeals Tribunal. The person concerned was informed by letter dated 25 June, 2003, that the Minister proposed to make a deportation order in respect of him and afforded him three options in accordance with Section 3(3)(b)(ii) of the Immigration Act, 1999, as amended, namely to leave the State voluntarily, to consent to the making of a deportation order or to submit, within 15 working days, representations to the Minister, in writing, setting out the reasons why he should be allowed to remain temporarily in the State.

His case was examined under Section 3 (6) of the Immigration Act, 1999 as amended, and Section 5 of the Refugee Act, 1996 on the Prohibition of Refoulement. Consideration was given to representations received on his behalf from the Refugee Legal Service for temporary leave to remain in the State. On 3 August 2004, I refused temporary leave to remain in the State and signed a deportation order in respect of him. Notice of this order was served by registered post requiring him to present himself to the Garda National Immigration Bureau (GNIB), 13/14 Burgh Quay, Dublin 2, on 27 January 2005, in order to make travel arrangements for his deportation from the State. The person concerned presented as required and was given further presentation dates throughout 2005. He is due to present again on 8 June 2006.

The Deputy might wish to note that, in addition to the eleven factors contained in Section 3 (6) of the Immigration Act, 1999 (as amended), I must, as stated earlier, also have regard for Section 5 of the Refugee Act, 1996 (as amended) on the Prohibition of Refoulement before making a deportation order. This essentially means that the safety of returning a person, or refoulement as it is commonly referred to, is fully considered in every case when deciding whether or not to make a deportation order i.e. that a person shall not be expelled from the State or returned in any manner whatsoever to a State where, in my opinion, the life or freedom of that person would be threatened on account of his or her race, religion, nationality, membership of a particular social group or political opinion. My Department uses extensive country of origin information drawn from different independent sources, including the UNHCR, in evaluating the safety of making returns to Angola and other third countries. In this case, I am entirely satisfied that there are no refoulement related reasons to prevent the deportation of the person concerned.

The person concerned is awaiting deportation following a comprehensive examination of his asylum claim and of his application to remain temporarily in the State. Late representations made on 26 January 2005 regarding his medical condition were considered but were deemed not to constitute sufficient grounds for revoking the deportation order. The decision to deport therefore remains unchanged.

An application for re-admission to the asylum process, pursuant to the provisions of Section 17 (7) of the Refugee Act, 1996 (as amended), was submitted on behalf of the person concerned by his legal representatives in November 2005. A decision was taken by my Department that the new evidence presented was not such as to warrant re-admittance to the asylum process and consequently the re-admission request was refused. I am satisfied that the applications made by the person concerned for asylum and subsequently for temporary leave to remain in the State, together with all refoulement issues, were fairly and comprehensively examined and, as such, the decision to deport him is justified. The enforcement of the deportation order is now an operational matter for the Garda National Immigration Bureau.

Deportation Orders.

166. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 721 of 25 April 2006 and response thereto, if he will reply to the points raised as to whether or not he is personally aware of the situation in Nigeria, the homeland of the person concerned; if his further attention has been drawn to international, including EU and

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UN opinion as to the situation there; if bearing in mind the opinion of his colleague, the Minister for Foreign Affairs, regarding the situation there, he is satisfied that there is no threat to life or well being of the persons concerned (details supplied) in the event of returning them to their homeland; and if he will make a statement on the matter. [17819/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I would refer the Deputy to my Replies to Dáil Questions concerning the persons concerned, specifically Question No. 155 of 26 January 2006 and Question No. 191 of 9 March 2006 concerning the husband, together with Question No. 185 of 9 March 2006 concerning the wife and Question No. 219 of 30 March 2006 and Question No. 721 of 25 April 2006 relating to both of the persons concerned. In light of the comprehensive replies given in those answers and having regard to the extensive legislative and administrative procedures dealing with the examination of claims for international protection, which procedures have the approval, *inter alia*, of the UNHCR, I am satisfied that this case has been properly decided.

Visa Applications.

167. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he will review the application for reunification in the case of a person (details supplied); and if he will make a statement on the matter. [17820/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I wish to refer the Deputy to my reply to his Parliamentary Question of 8th February 2006 in this matter. There is no change in the position as my Department has not yet received a request for a review of the application for family reunification. If such a request is received it will be considered in the normal manner.

Asylum Applications.

168. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the residency status in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [17821/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on 16 January, 2003 and applied for asylum. Her application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal. Subsequently, in accordance with Section 3 of the Immigration Act, 1999, as amended, she was

informed by letter dated 23 November, 2004, that the Minister proposed to make a deportation order in respect of her. She was given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons why she should be allowed to remain temporarily in the State; leaving the State before an order is made or consenting to the making of a deportation order. Representations have been received on behalf of the person concerned.

This person's case file, including all representations submitted, will be considered under Section 3(6) of the Immigration Act, 1999, as amended, and Section 5 of the Refugee Act, 1996 (Prohibition of Refoulement). I expect the file to be passed to me for decision in due course.

169. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the basis on which he has come to the conclusion that deportation in the case of a person (details supplied) in Dublin 15 will not in any way affect their life, safety or well being in view of the situation in the Democratic Republic of Congo as reported by the UN, EU and his colleague the Minister for Foreign Affairs; and if he will make a statement on the matter. [17822/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on 10 November, 2001 and applied for asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal. Subsequently, in accordance with Section 3 of the Immigration Act, 1999, as amended, he was informed by letter dated 5 January, 2006, that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State; leaving the State before an order is made or consenting to the making of a deportation order. Representations have been received on behalf of the person concerned.

This person's case file, including all representations submitted, will be considered under Section 3(6) of the Immigration Act, 1999, as amended, and Section 5 of the Refugee Act, 1996 (Prohibition of Refoulement). I expect the file to be passed to me for decision in due course.

School Curriculum.

170. **Mr. Crowe** asked the Minister for Education and Science her proposals to place poverty issues on the school curriculum. [17693/06]

Minister for Education and Science (Ms Hanafin): In the early stages of primary schooling

activities related to the child's immediate environment are central to teaching and learning. Through these, children learn how to interact fairly with others along with the importance of sharing, of accepting differences and of treating people with dignity and respect. As the curriculum progresses, broader community issues are brought into play in terms of how individuals and groups contribute to their community, practise justice and promote fair play in everyday interactions. Social awareness and poverty are themes which feature as part of this approach.

At second level, Civic Social and Political Education (CSPE) is a mandatory for junior cycle students and it is an examinable subject for the Junior Certificate. CSPE aims to develop skills for critical awareness, ethical decision making and participatory citizenship based on an understanding of human rights and social responsibilities. The course is designed to allow students and teachers the scope and flexibility to select and deal with such issues as work and unemployment, poverty and homelessness. The concepts of democracy, rights and responsibilities, human dignity, interdependence, development, law and justice, and stewardship of the environment are all inter-related in the programme, and learning is set in the context of the roles of individuals, communities, Ireland and the wider world.

Opportunities to develop students' understandings of poverty-related issues can also be made available in a school's Transition Year programme. Community-based activities can be particularly beneficial in this regard.

Since poverty can be a sensitive topic to deal with in a classroom context, specific resources have been developed in collaboration with Combat Poverty Agency to support teaching and learning in this area. These are Counted Out: Challenging Poverty and Exclusion which can be downloaded at www.citizenship2005.ie and Opening Doors: School and Community Partnerships in Poverty Awareness and Social Education Initiatives. Copies of these resources can be obtained from the Curriculum Development Unit, Sundrive Road, Crumlin, Dublin 12.

Higher Education Grants.

171. **Mr. Hayes** asked the Minister for Education and Science if a person (details supplied) in County Tipperary should have qualified for a higher education grant. [17694/06]

Minister for Education and Science (Ms Hanafin): The Maintenance Grant Scheme for Students attending Post Leaving Certificate courses is administered by the Vocational Educational Committees on behalf of my Department. Under the Scheme eligible students may continue to receive grant assistance for the normal duration of an approved course subject to the

usual terms and conditions of funding. In this regard clause 6.3 provides, *inter alia*, that a grant is tenable for the normal duration of the approved PLC Course and is renewable annually subject to satisfactory participation, attendance and the approval of the Vocational Education Committee. Grants may not be paid in respect of a second period of attendance at the same level for a course approved for the purposes of this scheme, irrespective of whether or not a grant was paid previously. The Vocational Educational Committee will have discretion to waive this provision in exceptional circumstances such as serious certified illness.

I understand from Tipperary SR VEC, the awarding body in this case, that the candidate referred to by the Deputy has entered two previous PLC Courses at FETAC level 5 (formally known as FETAC level 2) and did not complete either. I regret that under the above provisions of the PLC Scheme the candidate in question is ineligible to receive any PLC funding in respect of her current course.

Where funding in respect of a repeat period of study at the same level is awarded on the basis of exceptional circumstances, such as serious certified illness, it would generally be where the student has suffered from a serious illness that has directly impacted on their ability to successfully complete the period concerned. The medical grounds submitted to date in respect of the candidate do not justify consideration under the exceptional circumstance provision of the scheme.

Applications for Assistance.

172. **Cecilia Keaveney** asked the Minister for Education and Science the position in relation to an application for a person (details supplied) in County Donegal; and if she will make a statement on the matter. [17695/06]

Minister for Education and Science (Ms Hanafin): My Department has approved the application in relation to the person referred to by the Deputy. Approval was conveyed by letter dated 11th August 2005 to the authorities of the school in which the pupil is enrolled.

In accordance with the terms of the scheme under which applications for such assistance are processed, schools are required to submit receipted invoices in order to receive payment from my Department. This was conveyed to the school in question in the aforementioned letter. My Department awaits submission of the relevant documentation in this case.

School Transport.

173. **Mr. Neville** asked the Minister for Education and Science if she will facilitate a free bus service for children to Adare primary schools

[Mr. Neville.]

(details supplied) in County Limerick.
[17697/06]

Minister of State at the Department of Education and Science (Miss de Valera): Under the terms of the Primary School Transport Scheme, only eligible children qualify for free transport. In order to be eligible, children must reside 3.2 kilometres or more from, and be attending, their nearest national school. As a rule primary school transport routes are planned so that, as far as possible, no eligible pupil will have more than 2.4 kilometres to travel to a pick up point.

If the Deputy forwards the names and addresses of the pupils involved to the School Transport Section of my Department a report on the background to the case will be requested from Bus Éireann, which is responsible for the day to day operation of the school transport scheme. The case can be fully considered on receipt of the report.

Sexual Offences.

174. **Ms McManus** asked the Minister for Education and Science if her Department received reports or allegations of child sexual abuse that may have occurred during the period 1950 to 1970 at a school (details supplied) in County Wicklow; if so, the number of same; and the action which was taken. [17704/06]

Minister for Education and Science (Ms Hanafin): In the short period of time available I have asked my Department to examine records available for the 20 year period as thoroughly as possible and as a result of that examination no records have been found of allegations of child sexual abuse in the school mentioned by the Deputy.

Special Educational Needs.

175. **Mr. F. McGrath** asked the Minister for Education and Science if assistance will be given to pupils with special educational needs in second level schools here. [17715/06]

Minister for Education and Science (Ms Hanafin): My Department provides a range of supports to second level school management to enable schools to cater for pupils with special educational needs. The supports in question include remedial and resource teaching support, special needs assistant support and funding for the purchase of specialised equipment.

As the Deputy is aware, there has been enormous progress made over the past number of years in relation to increasing the number of teachers in our schools who are specifically dedicated to providing education for children with special educational needs. At second level,

approximately 1,654 whole time equivalent additional teachers are in place to support pupils with special educational needs. This compares to the approximately 200 teachers that were in place in 1998 for such pupils. In addition, there are 532 whole-time equivalent learning support teachers and approximately 1,102 whole-time equivalent special needs assistants (SNAs) in our second level schools.

The precise model of provision made available at second level will depend on the assessed needs of the pupils involved. Some pupils are capable of attending ordinary classes on an integrated basis with additional teacher and/or special needs assistant support. In other cases, placement in special dedicated classes or units attached to the school may be the more appropriate response. Such special classes operate at significantly reduced pupil-teacher ratios. Pupils attached to these special classes may be facilitated in attending ordinary subject classes on an integrated basis wherever possible.

With effect from 1 January 2005, the National Council for Special Education (NCSE) has taken over key functions from my Department in relation to special educational provision. The NCSE was formally established as an independent statutory body on the 1st October 2005 under the Education for Persons with Special Educational Needs Act 2005. The Council acts under the broad policy direction of my Department but has the resources and the remit to play the leading role in the delivery of education services to children with disabilities/special needs.

The NCSE co-ordinates with the health services, schools and other relevant bodies regarding the provision of education and related support services to children with disabilities/special needs. The responsibilities of the NCSE include the following: deciding on applications for additional teaching support in respect of children with disabilities with special educational needs at second level; deciding on applications for special needs assistant (SNA) hours; and processing applications for school placement in respect of children with disabilities with special educational needs.

Under the new arrangements, the Council, through the local Special Educational Needs Organiser (SENO) will process the relevant application for resources and inform the school of the outcome. It is important to note that in the case of decisions on additional teaching and SNA support, the SENO will outline the process to the school and parents, where appropriate, and will at the end of the process outline the basis on which the decision was made.

In addition, my Department's Teacher Education Section has developed a strategy designed to meet the continuing professional development needs of personnel working with children with special educational needs. This involves a major

expansion of the range of post-graduate professional training programmes available to teachers in the special needs area and the ongoing development of the Special Education Support Service (SESS) to support schools staff locally.

My Department will continue to ensure that the necessary resources are made available for the education of children with special needs. I am confident that the advent of the NCSE will prove of major benefit in ensuring that all children with special educational needs receive the support they require, when and where they require it.

School Staffing.

176. **Mr. F. McGrath** asked the Minister for Education and Science the position regarding improving class size in national schools here. [17716/06]

Minister for Education and Science (Ms Hanafin): Major improvements in school staffing have been made in recent years with the hiring of more than 5,000 additional primary teachers. This represents the largest increase in teacher numbers since the expansion of free education. Today, there is one teacher for every 17 children, the lowest pupil-teacher ratio in the history of the State.

Aside from decreasing average class size, the unprecedented increase in school staffing in recent years has also greatly improved the services provided for children with special needs and those from disadvantaged areas. Under DEIS (Delivering Equality of Opportunity in Schools) the action plan for educational inclusion that I launched in May, 2005, there will be a reduction in class sizes to 24:1 at senior level and 20:1 at junior level in the 180 primary schools serving communities with the highest concentrations of disadvantage. With more than 600 extra resource teachers put in place in this school year, children with special needs are getting more support than ever before. It should be acknowledged how much progress has been made in this area in recent years.

Recently I announced that I have secured sufficient funding to provide even smaller classes in our primary schools in the next school year, and the Minister for Finance has committed to a further reduction in class size in the following year. Accordingly, over the next 2 years, my Department will put 500 extra teachers into primary schools to reduce class size and to tackle disadvantage.

The mainstream staffing of a primary school is determined by reference to the enrolment of the school on the 30th 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.

At present the general rule is that the schedule provides at least one classroom teacher for every 29 pupils in the school. Of course, schools with only one or two teachers have much lower staffing ratios than that — with two teachers for just 12 pupils in some cases and so on — but the general rule is that there is at least one classroom teacher for every 29 children in the school. Next year this is being reduced to 28 children per classroom teacher and in 2007/2008 it will be reduced to 27 children per classroom teacher. Circular 0023/2006 outlining the revised staffing schedule for the 2006/2007 school year is available on my Department's website.

In speaking about staffing in our schools, we have consistently said that priority would be given in the first instance to children in disadvantaged schools and those with special needs. We have done this, and now, in line with the Government commitment, mainstream class sizes are also being reduced.

Schools Building Projects.

177. **Mr. N. O'Keeffe** asked the Minister for Education and Science the position regarding the building of a new school (details supplied) in County Cork; and if her attention has been drawn to the urgency regarding this project in view of the substantial increase in housing developments in the area and the expected increase in pupil enrolment numbers. [17730/06]

Minister for Education and Science (Ms Hanafin): I wish to inform the Deputy that contracts have been signed for the acquisition of a school site in the area referred to, for the provision of a new school building. The long-term projected staffing on which the long-term accommodation needs of the school will be based has recently been finalised and notified to the school authority. The next step in the process is the appointment of a design team to carry out the architectural planning of the project.

The Deputy will be aware that I have made a number of announcements already this year in relation to the School Building Programme 2006. I will be making further announcements in this regard over the coming months. The building project for the school in question will be considered in this regard.

Departmental Communications.

178. **Mr. McHugh** asked the Minister for Education and Science if protocols and arrangements will be put in place to ensure that national school principals needing to contact officials in her Department by telephone are enabled to do so in an organised formal efficient manner without difficulty and time wasting; and if she will make a statement on the matter. [17732/06]

Minister for Education and Science (Ms Hanafin): Staff in my Department aim to provide high quality services to all customers, including schools and to continually improve the standards of service provided. My Department's Customer Charter, published in October 2004, sets out the standard of service customers can expect to receive. Over 80% of customers prefer to make contact with the Department by telephone, resulting in over one million incoming telephone calls per annum. Telephone numbers for all our services are published in the Green Pages section of the Eircom Directory. Customers who dial one of the three mainline numbers will be connected to the required extension in any of our main office locations. A direct dial inwards facility is also available on all our extensions.

We are committed to providing a telephone service from 9.15 to 5.30 Monday to Friday. We aim to answer at least 80% of telephone calls received, within 20 seconds. Voicemail is used for times when individual members of staff are unavailable to take calls and voicemail messages are returned within one working day. We have a complaints procedure in place to assist customers who feel the service provided was not in line with our Customer Charter commitments. If the Deputy is aware of particular difficulties experienced by any schools, I would be grateful if he would bring them to my attention.

Our website www.education.ie has an A-Z guide to services and a huge range of information on all aspects of the work of the Department. We aim to provide as much information as possible, in clear and accessible formats. In addition, the network of Regional Offices of my Department enhance communication with schools and the wider community and facilitate a greater engagement by my Department with those involved in the planning and delivery of educational services at local level.

School Accommodation.

179. **Mr. McHugh** asked the Minister for Education and Science her plans to provide designated offices for national school principals recognising that 45 per cent of school principals have no principal's office; and if she will make a statement on the matter. [17733/06]

Minister for Education and Science (Ms Hanafin): When undertaking building projects in schools, my Department generally makes provision for office accommodation for school principals. It is generally my Department's experience that it is the smaller primary schools that do not have dedicated offices for principals. In these schools the Principal has full-time teaching duties and has a number of days per year for administrative work. Building projects in these schools are generally delivered on a devolved basis by the

school management authorities who have a key role in prioritising their accommodation needs.

Education Schemes.

180. **Mr. Penrose** asked the Minister for Education and Science when her Department will complete the amended action 32 and in doing so extend to primary and special schools in areas of disadvantage outside of the local drugs taskforce areas, the supports offered by the walk tall programme support service; and if she will make a statement on the matter. [17762/06]

Minister for Education and Science (Ms Hanafin): Amended Action 32 of the National Drug Strategy 2001-2008 (June 2005) recommends that the support services provided to Local Drug Task Force (LDTF) area schools, through the existing 'Walk Tall' Support Service, should be extended to other areas of disadvantage.

I understand that the Steering Committee of the Substance Misuse Prevention Programme (SMPP) or "Walk Tall" Programme has submitted to my Department a proposal of expansion in line with the recommendation of the Mid-Term Review, with a number of options for extending the Programme to other areas of disadvantage which are outside the local drugs taskforce areas.

The proposals are currently under examination by my officials and this examination involves consultation with the "Walk Tall" Support Programme personnel to explore, amongst other issues, the feasibility of extending the Programme to areas disadvantage which are outside the local drugs taskforces. Once this examination has been completed, I have been assured that a range of options in relation to any proposed extension of the "Walk Tall" Programme will be provided for my consideration in the context of demands for the service and available resources.

Early School Leavers.

181. **Ms Shortall** asked the Minister for Education and Science the retention rate of students to leaving certificate for the second level schools in Finglas, Dublin 11; and the breakdown of the average, the highest and the lowest rates recorded. [17763/06]

Minister for Education and Science (Ms Hanafin): Retention data on individual schools or on schools in a particular local area are not made available by my department. However, as the Deputy will be aware a lot of investment is being made by the Government both in initiatives to encourage more young people from disadvantaged areas to finish school and in providing greater second chance opportunities for those who left school early.

The total provision for educational inclusion programmes in 2006 is more than 640m across all

levels of education, as compared with almost €600m in 2005. The wide variety of measures in place for tackling educational disadvantage and social exclusion range from pre-school interventions, supports for tackling children's literacy problems, reduced pupil teacher ratios, increased capitation grants, measures to tackle early school leaving and strengthen ties between the school, the family and the community.

With regard to curriculum, my Department's strategies have included widening the educational experience available to students, which aim to achieve a greater level of inclusiveness in curricular provision and meet the needs of the diversity of pupils in our second level schools, by expanding funding for programmes such as the Leaving Certificate Vocational Programme (LCVP), Vocational Preparation Training (VPT) and the Leaving Certificate Applied (LCA).

The School Completion Programme was implemented to directly target those in danger of dropping out of the education system and is a key component of my Department's strategy to discriminate positively in favour of children and young people who are at risk of early school leaving, and in line with current thinking favours an integrated cross-community and cross-sectoral approach based on the development of local strategies to ensure maximum participation levels in the education process. It entails targeting individual young people aged 4-18, both in and out of school, and arranging supports to address inequalities in education access, participation and outcomes.

The Home School Community Liaison (HSCL) Scheme is concerned with maximising active involvement of children in the learning process, in particular those who might be at risk of failure; promoting active co-operation between home, school and relevant community agencies in promoting the educational interests of the children; raising awareness in parents of their own capacities to enhance their children's educational progress and to assist them in developing relevant skills; enhancing the children's uptake from education, their retention in the educational system, their continuation to post-compulsory education and to third level and their attitudes to lifelong learning and disseminating the positive outcomes of the scheme throughout the school system generally.

There is evidence of improvement in the levels of educational attainment of young people from disadvantaged areas in recent years. Indeed, I am pleased to be able to tell the Deputy that a recent report by the HEA showed that the percentage of 17 to 19 year olds from Dublin 11 entering 3rd level institutions in 2004 was twice the 1998 level.

Another positive sign is the CSO data which shows that the number of 20-24 year olds in Ireland that had attained upper second-level education (or equivalent), has improved steadily over

the last five years, as increasing opportunities have been made available in the further education and training sector. The level of educational attainment of Irish young people is ahead of the EU average on that measure.

School Accommodation.

182. **Mr. Gogarty** asked the Minister for Education and Science if her attention has been drawn to the problems facing twin primary schools (details supplied) in County Dublin due to a lack of facilities such as resource rooms, library space and equipment, storage space, sufficient classrooms and staff facilities; if there are plans to provide funding to deal with these issues in the near future; and if she will make a statement on the matter. [17764/06]

Minister for Education and Science (Ms Hanafin): The School Planning Section of my Department is in receipt of an application for capital funding from the schools to which the Deputy refers. Officials recently requested the school authorities to provide updated information on their request. The project will be considered for progress when this information has been received.

Schools Building Projects.

183. **Mr. Stagg** asked the Minister for Education and Science if a design team has been appointed for the extension to a school (details supplied) in County Kildare. [17765/06]

Minister for Education and Science (Ms Hanafin): The process of appointing a design team to the building project referred to by the Deputy is underway. An advertisement seeking design team consultants will be posted on the public procurement portal, www.etenders.gov.ie, shortly.

School Accommodation.

184. **Mr. Stagg** asked the Minister for Education and Science if her attention has been drawn to the fact that there are approximately 400 children being taught in prefabs in national schools in Naas, County Kildare; if she will request the boards of management of each of the schools involved to advise her of the number of children being taught in each school in prefabs; the school year they are in; if any of the teachers teaching these children are temporary; and if she will request the boards of management to contact each of the parents of the children being taught in prefabs to establish if they would prefer their children to continue in their existing school or to be taught in a new permanent building such as a school (details supplied) in County Kildare. [17766/06]

Minister for Education and Science (Ms Hanafin): The new school to which the Deputy refers was provided to meet the growing need for primary education in Naas. It was not provided to replace prefabricated accommodation in the existing schools. Therefore the question of transferring pupils to the newly built school does not arise.

Only one of the existing schools has applied for the replacement of temporary accommodation. The Boards of Management of the other schools have been advised by my Department to make similar applications. My Department will then look at the totality of provision in the area with a view to replacing the temporary accommodation with permanent buildings in accordance with its policy in this area.

The new school to which the Deputy refers opened in September 2005. It currently accommodates two junior infant classes. When fully occupied, the school will operate as a two-stream 16-classroom school. To enable it develop in this manner, it can only enrol two junior infant classes annually. This incremental development is common to all newly established schools to ensure that a shortage of accommodation at the school is avoided by an over enrolment in the early stages and crucially, to ensure that the enrolments and staffing levels in other schools in the area, where older pupils would inevitably be drawn, are not adversely affected. Notwithstanding this position and as an exceptional matter, the school has been given approval to enrol three junior infant classes for the next school year on the grounds that this will not impact negatively on the other schools in question.

Typically, a new school commences in temporary accommodation. Accommodation is provided incrementally, thereafter, to meet the schools junior infant intake level each year in the context of junior infant accommodation available in other schools in the area. A new school would have achieved a certain sustainable growth level without affecting other schools before transferring to its permanent accommodation. Its developmental curve would continue on this basis until all its accommodation is in use.

Because a building is available for the school in question at inception does not mean that an orderly growth can be abandoned given the effect that excessive enrolments will have on other schools in the area which have also been funded by the taxpayer. While enrolment policies are a matter for school authorities, the Department expects the enrolment policies of individual schools to compliment the demand for pupil places in an area and, as in this case, to assist the growth of the new school in an orderly fashion. This is in the best interests of the schools, pupils and wider community alike.

Fundamentally, the existing schools, which have served the community well, particularly by

obliging with extra pupil places when there was severe pressure for such places in recent years, now have a certain level of accommodation and teaching allocations in place. This cannot be ignored because a new school and a new building have come on stream which will, in their own right, cater for the continuing growing needs of the area as time goes by as was always my Department's intention. The question is how to support the new school until it is in a position to operate within the confines of its own current funding resources which will grow year on year. This is under discussion with the Board of Management.

School Enrolments.

185. **Mr. Stagg** asked the Minister for Education and Science if the board of management of a school (details supplied) in County Kildare have agreed on the long term projected enrolment for the school; and the next step in the process. [17767/06]

Minister for Education and Science (Ms Hanafin): I can confirm to the Deputy that the Board of Management of the school to which the Deputy refers has agreed to the long term projected enrolment for its school. Progress on the project is now being considered in the context of the School Building and Modernisation Programme from 2006 onwards.

Schools Building Projects.

186. **Mr. Stagg** asked the Minister for Education and Science if a formal letter of offer has issued in relation to a school (details supplied) in County Kildare; if the letter of offer was accepted; if contracts have been signed for the project; the details of same including cost and building timeframe. [17768/06]

Minister for Education and Science (Ms Hanafin): A letter of intent issued to the main contractor on 4 April, 2006, requesting sight of his bond, Tax Clearance Certificate, CI Pension/Sick Pay Scheme and details of his Employer and Public Liability Insurances. These documents, excluding the bond, were received in my Department on Monday 8th May 2006, and are currently being examined. Once all the documentation requested meets my Department's requirements a formal letter of acceptance will issue to the Contractor. Once the project goes on site it is estimated that it will take 12 to 15 months to complete.

187. **Mr. Stagg** asked the Minister for Education and Science the position in relation to stage four and five submissions of the required extension to a school (details supplied) in County Kildare. [17769/06]

Minister for Education and Science (Ms Hanafin): I am pleased to inform the Deputy that the School in question was authorised to proceed to stages 4/5 (Planning Permission / Fire Certification, Bill of Quantities / Tender Documentation) of architectural planning on 14 March 2006 following a review of their revised Stage 3 documentation which (subject to a number of issues being addressed in the next stage submission) was sufficiently complete to allow the project to proceed. Responsibility for the project and the submission of the stage 4/5 documentation lies with the Board of Management and their Design Team.

188. **Mr. Stagg** asked the Minister for Education and Science when it is likely that the stage two submission in relation to the required phase two extension to a school (details supplied) in County Kildare, will be cleared with a view to progressing the project, in view of the proposed on site meeting with the school authorities and their design team early in May 2006. [17770/06]

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. My Department's officials received the stage 2 (Outline Sketch Scheme) for the school in question in March of this year and following an in-house collaborative meeting decided to meet with the School Authorities and their Design Team in Naas on the 5th May 2006.

When the issues arising out of the meeting are addressed and forwarded to my Department, my Officials will then be in a better position to evaluate the project and will be in further contact with the School Authorities as to the next steps involved in progressing this building project.

School Accommodation.

189. **Mr. Stagg** asked the Minister for Education and Science if her Department has concluded the assessment of the long term accommodation needs of the new Kill National School; the details of same; and if there has been further progress in relation to the acquisition of a site of the new school. [17771/06]

Minister for Education and Science (Ms Hanafin): Officials in my Department are currently examining the demographics of the Kill area to determine the optimum school size required to meet the long term accommodation needs of the school to which he refers. This matter will be finalised as quickly as possible.

With regard to the site issue, the Property Management Section of the Office of Public Works was requested to source a site for the new school. A suitable site has been identified and an agreement on price, subject to contract, has been

reached. The Office of Public Works is now awaiting receipt of the relevant Contract documents. It is my intention to progress the building of the school as soon as the site has been acquired.

Bologna Declaration.

190. **Mr. Coveney** asked the Minister for Education and Science the progress being made here towards reaching the Bologna Accord criteria. [17788/06]

Minister for Education and Science (Ms Hanafin): In May 2005, European Ministers met in Bergen to review progress on the implementation of the Bologna Declaration. As part of the preparation for this meeting, each country produced a national report on progress on implementation and Ireland's report was prepared by a national steering group. The national steering group is chaired by the Department of Education and Science and has nominees from a number of organisations including the Irish Universities Association, the Council of Directors of Institutes of Technology, the Dublin Institute of Technology, the Higher Education Authority and the National Qualifications Authority of Ireland. I am arranging to forward a copy of this report to the Deputy which sets out the progress in relation to the Bologna action lines.

Since the meeting of Ministers in May 2005 in Bergen, my Department has continued to work with stakeholders in higher education in Ireland in facilitating implementation of the Bologna Declaration. If there any specific aspects of the Bologna Declaration that the Deputy would wish to have further information on I would be pleased to arrange to forward these to him.

School Transport.

191. **Mr. N. O'Keeffe** asked the Minister for Education and Science the action she will take in a matter (details supplied) in County Cork regarding the withdrawal of concessionary bus transport to a primary school; and if her attention has been drawn to the fact that this transport was withdrawn without most parents of pupils receiving notification of same. [17797/06]

Minister of State at the Department of Education and Science (Miss de Valera): The position generally is that eligibility for school transport is determined by distance from home to the nearest primary school or post-primary centre. The phasing out of the 3 for 2 seating arrangement on school buses arising from the use of seat belts will not affect the overall seating provision for those who are eligible for transport. However, the availability of concessionary transport depends on the number of spare seats available after all eligible pupils have been accommodated.

[Miss de Valera.]

Bus Éireann has informed my Department that the allocation of seats on the buses operating to the school referred to by the Deputy in the details supplied are being dealt with in accordance with the terms of the school transport scheme. Those seeking transport on a concessionary basis can only be accommodated on the basis of the number of spare seats available.

The Deputy will be aware that significant investment has been made by the Government to address capacity shortfalls arising from the phasing out of the three for two seating arrangement on school buses. A programme for Bus Éireann to acquire a number of new and modern second-hand buses is well advanced. In addition, Bus Éireann has hired-in over 220 additional vehicles from the private sector and the situation is being kept under review.

Fire Service.

192. **Mr. F. McGrath** asked the Minister for the Environment, Heritage and Local Government the position regarding new equipment and additional resources for the fire services here. [17710/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The provision of a fire service, including equipment, training and the employment of both full-time and retained fire-fighting personnel, is a statutory function of the individual fire authorities and my Department has no direct role in this matter. My Department supports the local fire authorities through the setting of general policy, the provision of capital funding, the issue of guidance to fire authorities in relation to fire prevention and operational matters and other such initiatives.

Over the past 25 years, almost €240 million has been provided to local fire authorities under the fire services capital programme for the provision of new and refurbished fire stations and the purchase of fire appliances and other equipment. At this stage, over two-thirds of our fire stations, including almost all of the busiest stations, have been replaced, we have a modern fleet of front-line fire appliances, and we have a modern emergency response communications system. In the current year almost €20m has been allocated to the Fire Services capital programme. This allocation will be used to further modernise and update the resources available to the fire authorities. In addition, since 2001, my Department has provided almost €4.2 billion in general purpose grants to assist the local authorities in carrying out their statutory functions, including the provision of fire services.

Water and Sewerage Schemes.

193. **Mr. Ó Fearghail** asked the Minister for the

Environment, Heritage and Local Government if he has received from Kildare County Council a request to approve contract documents for a new sewerage network for Kildare Town; if he will approve this request; and if he will make a statement on the matter. [17734/06]

194. **Mr. Ó Fearghail** asked the Minister for the Environment, Heritage and Local Government his views on granting approval to Kildare County Council to pre-qualify suitable contractors for the proposed new Kildare Town treatment plant; if his attention has been drawn to the fact that construction of this plant will not start in 2006; the timescale he envisages for the delivery of the project; and if he will make a statement on the matter. [17735/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 193 and 194 together.

The Kildare Town Sewerage Scheme is approved for construction in my Department's Water Services Investment Programme 2005-2007. While Kildare County Council has submitted contract documents for the upgrading of the sewage collection network, my Department needs to complete its appraisal of the scheme as a whole before authorising invitation of tenders by the Council for all or part of the scheme. This is necessary to ensure that the different elements of the scheme are compatible in scale and scope and that, when built, they will meet the overall objectives of the project.

My Department currently awaits a Preliminary Report and Public Private Partnership Applicability Report from the Council for the new wastewater treatment plant for Kildare Town. It is normal practice for local authorities to proceed with the pre-qualification of tenderers for a treatment plant contract when contract documents have been prepared and submitted to my Department for approval.

195. **Mr. Stagg** asked the Minister for the Environment, Heritage and Local Government if he has approved the contract documents for the Lower Liffey Valley sewerage scheme. [17777/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Question No. 426 of 6 April 2006.

196. **Mr. Stagg** asked the Minister for the Environment, Heritage and Local Government if he is in a position to approve the Upper Liffey Valley sewerage scheme. [17778/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Question No. 428 of 6 April 2006.

Housing Grants.

197. **Mr. Stagg** asked the Minister for the Environment, Heritage and Local Government if he will supply the information requested in Parliamentary Question No. 247 of 2 March 2006. [17779/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The following tabular statement gives details of the combined capital allocation for disabled persons and essential repairs grants notified to each local authority, and the combined expenditure on the schemes in 2005 by each local authority.

Of the total expenditure of €64,643,589, €60,208,147 was in respect of disabled persons and essential repairs grants for private dwellings and €4,435,442 was in respect of works of adaptation to make local authority dwellings more suitable for a disabled member of the household. Expenditure on the grant schemes is funded by the two-thirds recoupment available from my Department together with the one third contri-

bution from the revenue resources of the local authority.

The final out-turn reflects the expenditure by local authorities on approved applications. The initial allocations presented the local authorities' best estimate of the likely level of grant approvals during 2005. However, some grant approvals by local authorities may not subsequently be taken up by applicants. In addition, if there are delays in applicants completing the approved works, either due to a delay in getting contractors or for other reasons, the ultimate spend may arise in later years.

Local authorities were notified in June last of their combined capital allocation for 2005 and were requested on a number of occasions to notify the Department if it became evident that the allocation notified was likely to be inadequate or surplus to requirements. Increased allocations were approved for a number of local authorities. The Department stressed the need to ensure that, in the light of the high level of demand for these grants, the available allocation is expended in full and to ensure that the level of their approvals was such that would facilitate expenditure of the full allocation.

Table: Allocations and Expenditure on Disabled Persons and Essential Repairs Grants 2005

	Allocation 2005	Expenditure 2005
	€	€
<i>Local Authority</i>		
Carlow	960,000	515,696
Cavan	1,800,000	1,585,078
Clare	1,660,000	1,645,704
Cork (n)	1,500,000	1,701,530
Cork (s)	2,500,000	2,308,450
Cork (w)	1,000,000	819,518
Donegal	4,300,000	3,084,367
Dún Laoghaire/Rathdown	2,250,000	1,638,240
Fingal	1,520,000	1,202,990
Galway	2,880,000	2,819,084
Kerry	1,760,000	1,891,276
Kildare	1,500,000	1,564,003
Kilkenny	780,000	613,612
Laois	2,100,000	2,094,136
Leitrim	2,600,000	1,297,009
Limerick	1,140,000	1,199,756
Longford	900,000	619,533
Louth	1,120,000	1,478,965
Mayo	1,600,000	1,476,252
Meath	2,880,000	1,780,302
Monaghan	1,450,000	1,463,683
North Tipperary	1,740,000	1,481,116
Offaly	1,255,000	1,765,695
Roscommon	1,800,000	1,792,614
Sligo	505,000	308,826
South Dublin	3,600,000	4,218,987

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	Allocation 2005	Expenditure 2005
	€	€
South Tipperary	3,100,000	1,826,794
Waterford	1,020,000	994,021
Westmeath	1,350,000	994,142
Wexford	1,050,000	841,891
Wicklow	2,000,000	1,631,735
<i>City Councils</i>		
Cork	1,800,000	759,801
Dublin	13,500,000	13,053,836
Galway	1,300,000	809,829
Limerick	900,000	433,838
Waterford	650,000	648,752
<i>Borough Councils</i>		
Sligo	700,000	222,330
<i>Town Councils</i>		
Bray	30,000	60,198
Total	74,500,000	64,643,589

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198. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 272 of 5 April 2006, the status of these regional water schemes; when he will approve funding for the projects; and if he will make a statement on the matter. [17802/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Roscommon County Council's Design Review and Water Services Pricing Policy Reports and Implementation Strategy for these water supply schemes are being further examined in my Department following receipt of additional information from the Council and I expect a decision to issue shortly. Following approval by the Department, the Council will be in a position to prepare Contract Documents for the schemes.

199. **Mr. Neville** asked the Minister for the Environment, Heritage and Local Government if he will approve the revised budget in respect of the appointment of consultant engineers to prepare detailed signed and contract documents in respect of Kilmallock sewerage scheme in County Limerick. [17806/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Kilmallock Sewerage Scheme is included in my Department's Water Services Investment Programme 2005-2007 as a scheme to commence construction in 2007. My Department approved Limerick County Council's brief for the appointment of consultants to prepare Contract Documents for the scheme in July 2005. The Council's proposals in relation to the consultants' fees and Planning Stage Budget for the scheme were received in my Department last month and are being dealt with as quickly as possible.