



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Tuesday, 30 May 2006.

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DÁIL ÉIREANN

*Dé Máirt, 30 Bealtaine 2006.
Tuesday, 30 May 2006.*

Chuaigh an Ceann Comhairle i gceannas ar 2.30 p.m.

*Paidir.
Prayer.*

Ceisteanna — Questions.

Official Engagements.

1. **Mr. Rabbitte** asked the Taoiseach if an agenda has been received for the June 2006 EU summit; his priorities for the summit; and if he will make a statement on the matter. [14869/06]
2. **Mr. Sargent** asked the Taoiseach if he will report on his 12 April 2006 meeting with the President of Croatia, Stjepan Mesic; and if he will make a statement on the matter. [15132/06]
3. **Mr. Kenny** asked the Taoiseach if he has received an agenda for the June 2006 meeting of the European Council; and if he will make a statement on the matter. [16023/06]
4. **Mr. Kenny** asked the Taoiseach if he will report on his recent meeting with the President of Croatia; and if he will make a statement on the matter. [16024/06]
5. **Caoimhghín Ó Caoláin** asked the Taoiseach his priorities for the June 2006 EU summit; and if he will make a statement on the matter. [16091/06]
6. **Caoimhghín Ó Caoláin** asked the Taoiseach if he will report on his meeting with the President of Croatia; and if he will make a statement on the matter. [16092/06]
7. **Mr. Sargent** asked the Taoiseach his priorities for the June 2006 EU summit; if an agenda has been received for that summit; and if he will make a statement on the matter. [16193/06]
8. **Mr. J. Higgins** asked the Taoiseach his priorities for the June 2006 summit of the European Council. [17720/06]
9. **Mr. J. Higgins** asked the Taoiseach if he will report on his meeting with the President of Croatia. [17721/06]
10. **Mr. Kenny** asked the Taoiseach if he will report on his attendance at the recent EU-Latin America summit in Vienna; and if he will make a statement on the matter. [19089/06]
11. **Mr. F. McGrath** asked the Taoiseach if he will report on the Vienna summit and his meeting with President Chávez of Venezuela. [19373/06]
12. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on his attendance at, and the outcome of, the recent EU-Latin America summit in Vienna. [19449/06]
13. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of his meeting with the Australian Prime Minister, Mr. John Howard. [19450/06]
14. **Caoimhghín Ó Caoláin** asked the Taoiseach if he will report on his meeting with the Prime Minister of Australia, Mr. John Howard; and if he will make a statement on the matter. [20683/06]
15. **Mr. Sargent** asked the Taoiseach if he will report on his attendance at the EU-Latin America summit in Vienna; and if he will make a statement on the matter. [20709/06]
16. **Mr. Sargent** asked the Taoiseach if he will report on his meeting with the President of Venezuela, Mr. Hugo Chávez, in Vienna; and if he will make a statement on the matter. [20710/06]
17. **Mr. Sargent** asked the Taoiseach if he will report on his meeting with the Australian Prime Minister, Mr John Howard; the topics which were discussed; and if he will make a statement on the matter. [20711/06]
18. **Mr. Sargent** asked the Taoiseach the official foreign travel he has planned over the summer recess; and if he will make a statement on the matter. [20713/06]
19. **Mr. J. Higgins** asked the Taoiseach if he will report on his meeting with the Prime Minister of Australia, Mr. John Howard. [20847/06]
20. **Mr. J. Higgins** asked the Taoiseach the matters discussed and conclusions reached at the EU-Latin America summit in Vienna. [20848/06]
21. **Mr. J. Higgins** asked the Taoiseach the bilateral meetings he held on the margins of the EU-Latin America summit in Vienna. [20849/06]

22. **Mr. Kenny** asked the Taoiseach if he will report on his recent meeting in Dublin with the Prime Minister of Australia, Mr. Howard; and if he will make a statement on the matter. [20934/06]

The Taoiseach: I propose to take Questions Nos. 1 to 22, inclusive, together.

The June European Council will consider a wide range of issues. In particular, it will examine how Europe listens and works for its citizens and how the future of Europe debate and the period of reflection on the European constitution are to be carried forward. I expect to receive the finalised agenda following discussions on the draft conclusions for the Council by the General Affairs and External Relations Council on 12-13 June 2006.

I met the President of Croatia, Mr. Stjepan Mesić, on 12 April. We focused our discussions on the growing bilateral relations between our countries and Croatia's negotiations for accession to the EU and the current situation in the Balkan states. I reassured the President of Ireland's continued support for Croatia's accession to the EU.

I attended the fourth EU-Latin America-Caribbean summit in Vienna on 11 and 12 May. The summit was co-chaired by Chancellor Schüssel of Austria, as President of the European Council, and by the President of Mexico, Vicente Fox. The 58 countries from both regions were represented at the summit.

In preparation for the fourth summit, the EU and Latin American-Caribbean, LAC, sides compiled a joint report outlining progress on the commitments made at the last summit in Mexico, which I co-chaired in 2004. The report confirmed that there has been significant progress across the broad agenda of EU-LAC relations, including progress in the areas of democracy and human rights, trade and development co-operation, promoting education and research, energy and environmental protection.

The summit opened with a plenary session that included a key-note address by United Nations Secretary General, Kofi Annan. The work of the summit was then conducted in working groups. I was invited to make an opening statement at the morning working group session on democracy and human rights. In my address, I stressed that the Vienna summit presented a valuable opportunity to assess how best to enhance co-operation between the two regions on key international challenges. Central to the strategic relationship between the EU and the countries of Latin America and the Caribbean is our promotion and protection of democracy and human rights and our mutual commitment to multilateralism in international affairs. I met the British Prime Minister, Mr. Tony Blair, on the margins of the summit. At that meeting, we discussed the imminent return of the Northern Ireland Assembly on 15 May and our hopes for the restoration of the

executive. I had no other bilateral meeting at the summit.

On Monday, 22 May 2006, I was delighted to welcome the Prime Minister of Australia, John Howard, on his official visit to Ireland. This was an ideal opportunity to further strengthen the close political and cultural links between our two countries. In the course of our discussions, Mr. Howard and I noted our excellent bilateral relations, which are positively influenced by historical and family ties. We discussed the strength of our bilateral economic relations. In 2005, two-way trade between our two countries was valued at almost €1 billion. We were also pleased to note that our people to people contacts continue to grow. I mentioned the working holiday visa scheme, which continues to be very successful with more than 10,000 Irish young people visiting Australia every year. We agreed that greater potential exists to further develop our trade, economic and tourism links. I briefed the Prime Minister on the current situation in Northern Ireland and I thanked him for Australia's support. I told him that we are also grateful for Australia's support for the International Fund for Ireland over the years.

The Prime Minister and I also discussed the ongoing WTO negotiations, which are now at a critical stage. I stressed in this context that there was a need now for significant advances on the non-agricultural aspects of the negotiations. On the international front, we noted the development of both our countries' relations with India and China. Other international issues including the Middle East, Iraq, UN reform and regional issues in south east Asia, including East Timor, were discussed in more detail at the meeting between the Prime Minister and the Minister for Foreign Affairs later that day. For our part, the Prime Minister and I strongly welcomed the formation of the Iraqi Government of national unity and expressed the hope that it would help bring stability and unity to Iraq and its people.

I will travel to New York tomorrow to attend the UN high level special summit on Aids. and will attend a meeting of the European Council on 15-16 June in Brussels. I will travel to Helsinki on 30 June for a bilateral meeting with the Prime Minister of Finland, Matti Vanhanen, who will assume the EU Presidency. I will also attend the ASEM VI summit in Helsinki on 11 September.

Mr. Rabbitte: I am unsure if I heard the Taoiseach correctly but he appeared to say that the agenda for the June meeting of the European Council is not yet clear. Does he agree there is a danger now that we have entered a period of drift in the EU? Judging from the latest reports, the majority of the electorate in France is still opposed to the EU constitution and it appears nobody believes the question can be re-opened before 2008. Will the Government take any initiative in this regard or bring any proposal to the June meeting?

What is the Government's response to European Commission President Barroso's proposal, which linked the debate on the constitution to the planned review of the budget in 2008? Does the Taoiseach expect the admission date for Romania and Bulgaria to be decided at the summit? Will their admission proceed on 1 January? Has the Government considered the issue of giving them open access to Ireland's labour market on their admission and what is the Government's position in this regard?

The Taoiseach: Deputy Rabbitte asked a number of questions. On the constitution, following the French and Dutch referendums, the June 2005 European Council decided to initiate a period of reflection. It will clearly be a significant item on the agenda. While the matter has not been circulated yet, it must come back to the Council this June.

The intention was for member states to avail of the opportunity to hold national debates on European issues, which happened among a great number of organisations, at conferences, the National Forum on Europe, in the House and elsewhere in this country. Under the Austrian Presidency, we must take stock of the outcomes of these national debates and reflect on the future of Europe.

Since we last discussed this matter in the House, two or three more countries have ratified the constitution. A total of 15 states comprising a clear majority of the Union's citizens have ratified it. Finland is likely to ratify it shortly, bringing the number to 16. The pressure on the existing constitution is being maintained. As the Deputy said, the French are having some debates on how to deal with this issue. The Netherlands is not having a debate because it has said it will not return to this issue.

To answer the Deputy's question on the Government's position, during recent months I have consistently argued that we need to convince our people that the European Union is dealing with their daily concerns. This means we must see progress in such areas as jobs, social solidarity and the fight against drugs and crime. I have supported the Austrian Presidency's programme in this regard. Rather than bring our own proposals, I will support what Chancellor Wolfgang Schäussel has been doing and the initiatives he has picked up on, including ours from last autumn.

It is not possible to divorce the debate on the European constitution entirely from day-to-day business in the Union. If we can show citizens that the Union is working to address their issues and concerns, it improves in the broad economic climate, confidence is recovered and we create more jobs, which is a major issue in many European countries. In this way the prospects for a European constitution will improve.

I contend that the constitution is far from dead. The majority of people in Europe support it. The

reality is that the constitution cannot enter into force without being ratified by all member states. The decision of the Netherlands means ratification is not imminent. Deputy Rabbitte is correct in that I do not see anything major occurring in 2007 because the German Presidency will have a short period after the French presidential election to bring forward any initiative. Germany's chancellor has indicated that her country continues to be firmly in support of the constitution.

I will not fall for linking the constitution issue with the mid-term financial review, nor should anyone. That would be an attempt to broker an arrangement to have a more extensive review in 2008 and 2009. The position should be bluntly put: we have finished dealing with the issue until 2013. We should not get into discussions with the minority of people who lost badly last year and are trying to have a review carried out before 2013. I was glad to hear the Commissioner for Agriculture and Rural Development state that position clearly here a few weeks ago on Europe Day.

Deputy Rabbitte is right, some people never lie down on these issues and will continue to pursue this. They do not have a leg to stand on in their argument, however, and we should not get into that. As I have said many times, there are some groups that ignore the fact that on the other side of 2013 there will be a fundamental review of the whole financing and agricultural arrangements. That is clear.

Mr. Rabbitte: In 2013.

The Taoiseach: It will not take effect until 1 January 2014 but all of those issues must be faced. It will be a fundamental review; there is no doubt about that, as I have said consistently to agriculture groups here for some years. It is important that people do not think there is some way to avoid it. The agriculture lobby is now a small group and it will be even smaller when President Chirac steps down because he has been a strong component of it. This country will always have that agenda but the argument is limited. It will come back to a fundamental review. We can see what is happening at the WTO, where many of our colleagues have moved substantially beyond the strong line we have held in the small group within the European Union.

Bulgaria and Romania must be looked at carefully. The conclusions in June will probably state that 1 January 2007 will be the accession date, provided they have fulfilled the criteria and there are still doubts about whether that will happen. One way or the other, as that becomes clear, we will have to reflect on opening up our labour market. There are issues to influence that. We must watch what happens in the UK carefully because the common travel area means it will have a huge effect on us one way or another. We must also take account of what others are doing. We have taken an open, fair and positive line on

[The Taoiseach.]

this and we must reflect on what everyone else has done. We should not state our final position until we see what happens in Britain, where there will be far greater numbers.

I have said many times that people should not automatically assume that we will take exactly the same attitude as Britain. There are different ways of dealing with this. We have seen how other countries have dealt with it and we should reflect on it. I have kept in touch with the British side on this and they have moved up and down several times in the past year. We will have to take into account where they will ultimately go because of the common travel area. Even if we said “no” the common travel area would have a significant impact.

Mr. Kenny: How much did the case cost that went to the UN about the closure of Sellafield? Does the Taoiseach not consider this a very embarrassing episode, where the advice given to the Government to take this route to the UN was deemed a breach of the law by the European Court of Justice, which stated that European matters should be dealt with within European structures? Why did the Government decide to go to the UN when it surely understands that? Is there a cost involved?

Does the Taoiseach have a view on the position of Montenegro following the vote of the people there for independence from Serbia? Is that matter likely to be discussed at the next leaders' meetings in terms of further expansion of the European Union? They have said clearly they want freedom and independence.

The services directive has to be discussed again by the Parliament. Is the Taoiseach happy with the changed draft in so far as country of origin is concerned, which gave rise to serious concern here from business interests in that it would have made it easier for countries in new member states to undercut rivals in more developed or richer states? Is the Taoiseach happy that the references to country of origin in the services directive will not lead to the possibility of what might have happened before in the Irish Ferries case, as raised by Deputy Rabbitte and others?

The Taoiseach: On the first issue, I am not aware of the legal costs around it, but it was the right thing to do. The reason we took the case is obvious. Both the United Kingdom and Ireland are parties to the convention and, as correctly urged, we were proactive in this matter. If we are party to a convention we should abide by the convention and our view was that the British were not doing that. It is not unreasonable to seek to avail of the speedy dispute resolution mechanism that it provided. The other main reason is that it was unclear where competency lay on this issue. The European Union sat nicely on the fence on some of these issues and, thankfully, it is now nicely off it. The implications of the EU treaties

for international conventions are only now being clarified by this judgment, and the legal team is very happy that it forced that position. Both the international tribunal hearing and Sweden, which strongly supported our case at the European Court of Justice, shared our view, as did their lawyers.

We welcome the clarity now provided by this judgment for the first time. The Commission has now placed itself at centre stage, which it avoided doing for many decades. We have an obligation to co-operate with the EU institutions and we will certainly do so. The Government will now seek to determine the Commission's response to the judgment and explore how we will handle this issue in the future with the Commission in the driving seat. We remain fully committed to utilising all the legal and diplomatic avenues open to us to bring about the safe and orderly closure of Sellafield. This judgment does not alter that position. The court's decision is being studied by the legal team which has been reviewing the potential future litigation strategy open to the Government. It is important to remember that the EU Commission is seeking to establish its competence through this case. It has now placed itself at centre stage and the Government will seek to ensure that the Commission exercises its competence in respect of the continued operation of the Sellafield plant by the UK Government, a situation which has not pertained to date. It always avoided that position.

On the issue of the Balkans, a number of countries were committed including Croatia, Bulgaria and Romania. There are probably about ten other countries, in one form or another, interested in European Union membership. In the debate we have had over the past year on the financial perspectives, the issue of the constitution arose. It must be remembered that the reason for the constitution was to ensure Europe could administer itself properly in a far wider Union than under the old system, which was the Union of 12. That issue must be addressed. In its financial and administrative systems, the Community will not be able to take on any more members. I have, for a good few years, emphasised to colleagues at every hand's turn — as I am sure the Deputy has heard within his group — that we should look at initiatives such as the new neighbourhood policy and dealing with new member state applications in that regard. This would be in preference to charging ahead and running into difficulties. It has slowed down a bit, and some of these countries which believe this to be the solution to everything have been hauled back a bit. It is not just not possible to do it. It will only end up with grief for everyone if people continue to do that.

Deputy Kenny asked me a third question.

Mr. Kenny: I asked about the services directive.

The Taoiseach: Much progress has been made since the beginning of this year on the services directive. Most of the issues we were concerned about have been addressed. We continue to support at the meetings the services directive with safeguards to ensure there will not be a race to the bottom. That was our central point throughout. The directive, as amended by the Commission, is now being considered by the Competitiveness Council. That meeting was held yesterday, but I did not get a brief.

In excess of 70% of Europe's economy now comprises trade in services, so a services directive makes complete economic sense. Most people agreed on this in the European debate. We must work to dispel the myths surrounding the services directive, of which there are many. We must convince the social partners that a directive, properly drafted, is in Europe's long-term interests, which it is. That is accepted by most of them.

With regard to the debate on the issues which the Commission put forward, most of the amendments have been taken on board. There is a broad consensus on the directive. Subject to what occurred at yesterday's meeting of the Competitiveness Council — I did not get an opportunity to see the debate — there was broad consensus on the current draft of the directive.

Caoimhghín Ó Caoláin: Is the Taoiseach aware of the growing concern among the public, given that the Government has recently presided over the extension of genetically modified crop development in this jurisdiction, something which the majority of the people would oppose?

Last week, the EU's Agriculture Ministers discussed the GM issue. Will this matter be included on the agenda of the upcoming European Council meeting in June? It is clearly an issue of great import to the people of this island. Will the Government revise its own policy and proactively seek to encourage a GM-free——

An Ceann Comhairle: That is a question for the Minister for Agriculture and Food. The Deputy should confine himself to questions relating to the European Union at this stage.

Caoimhghín Ó Caoláin: My question concerns the European Council meeting. The questions do not relate only to the European Union. I would prefer if the grouping of questions did confine us, but the Taoiseach has——

An Ceann Comhairle: We will not have a debate on that.

Caoimhghín Ó Caoláin: For the Chair's consideration, we also have questions in the grouping on the Australian Prime Minister, Croatia and a raft of other issues.

An Ceann Comhairle: The Chair would like the Deputy to confine himself to the subject matter.

Caoimhghín Ó Caoláin: I will not confine myself as the Ceann Comhairle seeks. I will confine myself all too gladly, however. Once again, there were no interjections on any of the other Deputy's questions. Mine are just as valid and relevant.

An Ceann Comhairle: The Deputy should confine himself to the Order Paper.

Caoimhghín Ó Caoláin: Here we go for another week. Is the Taoiseach prepared to revisit the Government's policy on this matter and bring it to the attention of the European Council, encouraging not only an Ireland free of GM foods but also a Europe free of them? That is very important.

Is the Taoiseach aware the Government, on behalf of this State, last week signed a deal between the European Union and Morocco which will allow EU factory ships to plunder — not too excessive a word — the waters off the western Sahara?

The consequence of this is the further impoverishment of the poor people of Morocco. Does the Taoiseach accept it is hypocritical of the Government to be party to the exploitation of those waters while continuing to recognise the right of the people of the western Sahara to sovereignty and independence? Morocco is not a country with which Ireland or the EU should make international agreements, whether they be in our own interest or in that of Morocco, which is an unwelcome invading force in that region of Africa.

Did the Taoiseach raise the current troubles in East Timor with the Australian Prime Minister during his visit last week? Did he avail of the opportunity, in recognition of the significant awareness among Irish people of events there, not least because of the deservedly acclaimed work of Tom Hyland, to ask the Prime Minister about Australia's continued exploitation of Timorese gas and oil rights? What response, if any, did the Prime Minister make?

It struck me, as it did other Deputies, that the Taoiseach almost boasted in Mr. Howard's presence about the Government's role in facilitating the US forces' occupation of Iraq through the use of Shannon Airport. It came across as a most distasteful utterance on the Taoiseach's part. He should chew very carefully on such matters before boasting about them because, like the people of Australia——

An Ceann Comhairle: The Deputy will restrict himself to questions or I will call another speaker.

Caoimhghín Ó Caoláin: ——a majority of people on this island reject the illegal occupation of Iraq.

The Taoiseach: Genetically modified food is not on the agenda; it is an issue for the EU Agricultural Council. We support the EU agreed approach on agricultural issues, to be discussed at the World Trade Organisation talks which will seek balanced but ambitious measures across the core areas of the Doha development agenda. The main focus has been on obtaining tariff reductions on agricultural and industrial goods, under the Non-Agricultural Market Access, NAMA, Agreement. Ireland is keen for a development dimension to remain to the fore, especially in service liberalisation and in a strengthening of WTO rules. Genetically modified food is not relevant to the issue.

I raised the issue of East Timor with the Australian Prime Minister. The Australian Government did much to bring peace to that region. Irish soldiers, in the form of Army rangers, were stationed on the Indonesian border at the start of the decade and played a prominent role. They carried out a few terms of mission in the area and Australian troops continue to serve in the area. The issues centre on the rights to the national reserve assets, for which the local Timorese Administration is fighting, as is its right.

Our position on western Sahara has always been very strong, which has been acknowledged by the UN. We have always been committed to assisting the region and will continue to be so. An EU position on the situation in Morocco has been agreed by the General Affairs and External Relations Council.

Deputy Ó Caoláin suggested I was boastful about our position on Iraq. I was asked a question, namely, why I did not take the same view as Prime Minister Howard, and I explained that the Irish Government did not take that view because we believed there should be a clear UN resolution before there was a war. That was our position throughout. I stated that was the Irish Government's position and that once there was a resolution that we accepted — one was passed some time afterwards — we would consider that the coalition forces had a UN mandate but not until then. I mentioned that our only involvement during the interregnum or since concerned the use of Shannon Airport. There was no question of being boastful and the Deputy could not take that attitude if he had watched the press conference. I said no more than that.

Mr. J. Higgins: It is very unsatisfactory that EU questions have again been lumped in with questions on more general international issues, each of which deserves a separate reply.

An Ceann Comhairle: The Deputy is taking up time.

Mr. J. Higgins: This point was made previously by other Deputies and the situation improved for a period but we are back to the unsatisfactory earlier position.

With regard to the proposed European Union constitution, two trains of thought are clearly emerging in the EU member states. One is that no suggestion of a change in the proposed constitution should be tolerated, while the other, which is apparent particularly in countries such as France, is that changes will be essential if the proposed constitution is to be put to the people again. Leaving aside the suggestion that deciding not to call it a constitution next time around might do the trick, which I doubt, what is the Government's view on this critical issue? Will it side with those who favour no change or seek a renegotiation?

On the services directive, what position will the Government take at the forthcoming summit on the suggestion that the European Commission should be able to vet all national legislation with regard to services to determine whether it is in compliance with the Commission's view? Does the Taoiseach see the problem that will arise if the European Union, which favours neoliberal policies, privatisation and attacks on workers' pension rights, adjudicates on whether providers of services in this country should have decent wages and conditions for their workers, rather than operating to the lowest common denominator? What is the Taoiseach's view on this matter?

Two camps also emerged at the European Union-Latin American summit. Did the Taoiseach make his views known at the summit and, if so, with which countries did he side? Did he side with Bolivia, for example, which has insisted on re-taking control of its natural resources, such as water, gas and oil, from the multinational corporations which had taken them under previous regimes, in order that it might use them for the benefit of its people, or with those who want to continue the theft by multinational corporations of the natural resources of the Latin American people? I doubt the Taoiseach told President Chávez he had given all the oil and gas off the west coast to multinationals for nothing.

The Taoiseach: The President was asking for the Deputy.

On the European constitution, the issue is that 15 countries — the figure will soon be 16 or 17 — have ratified the constitution. France and the Netherlands have strongly indicated their positions. The Netherlands have said they will not return to the matter, while France said it would in certain circumstances, but it did not outline those circumstances. It said it would seek renegotiations. Obviously, a country could come back, as Ireland did, and we got the Seville declaration, which changed some of the issues from our point of view. If somebody was to come back with that kind of arrangement for something that was important to their economy, it would be examined. Hopefully that will be what happens. If somebody wanted to totally renegotiate the European constitution, that would put back the

project for four or five years. The work on the convention started in 1999 and ran until 2001, while the convention continued for two or three years after that. It would create a major difficulty for the Union for the next ten years if that happened.

If somebody tries to cherry-pick and take out those aspects they like and which suit them — there are those who would like that, too, although not many in number — that is the worst of all. They would just take out parts that would suit their own interests but would move away from all the balances that were in the constitution. I would certainly be totally against that. If France or the Netherlands say there is some important issue for them that they need as an annexe to the agreement, I do not see that as a great difficulty, depending on what it is. We cannot predetermine that. However, if somebody wants to start on the constitution again I am totally opposed to that because I think it would be unworkable. If somebody wants to cherry-pick, I would be even more opposed to that. That is the Government's position. As I told Deputy Rabbitte, I do not think that debate is going to happen until 2008. We will not return to that issue.

I have already said that we support a services directive with safeguards to ensure there is not a race to the bottom. It has been agreed by practically all groups — there is consensus — that the amended directive, which is being considered by the competitiveness council, takes into account the key issues. As I told Deputy Kenny earlier, we will have to await what will happen in that debate, which will continue for much of the summer, on the issues under consideration by the competitiveness council. The services directive has proper balances to protect our interests and is not against the long-term interests of workers in Europe. That is what we have argued for throughout this process.

The major issue at the EU-LAC summit was not resources. I attended the two sessions with the Latin-American Council and took the lead in one of those debates. The concern of the Caribbean countries in particular and smaller countries generally was that the European Union should help them. They have major difficulties as trade liberalisation has affected many of their crops, while climatic change has affected their land base. They are under severe threat from global warming and other issues. They genuinely require support and need Europe to interact with them on trade and infrastructural matters. Their big complaint about Europe is that even when we designate resources for them they are supplied over too long a timespan to get the resources in place quickly. They have a fair point in that many of those countries are small with low populations and they need resources swiftly from Europe.

We supported that line and many of those initiatives emerged from the Irish EU Presidency which did this work over two years ago. The initiatives were in the 2004 agreement but its

implementation has been very slow. President Barroso undertook to examine why these delays occur and why more progress is not made on these issues. That was the countries' central complaint, although they are fighting other issues with multinationals at home. The European Union has nothing to do with those strategies, however.

Mr. F. McGrath: As regards my Question No. 11 on the Vienna summit, did the Taoiseach have an opportunity to have a proper meeting with President Chávez? The Taoiseach said earlier he was asking for Deputy Joe Higgins. Will the Taoiseach consider inviting President Chávez to Ireland to develop trade and diplomatic relations? Did the Taoiseach raise with President Chávez the issue of natural resources, how Venezuela uses its natural resources to assist the poorer sections of society, and whether there are lessons we in Ireland can learn from that?

The Taoiseach referred to challenges with regard to education and health. Did anyone at the summit come up with new and constructive ideas to tackle poverty and educational disadvantage? Did these issues arise?

Did the issue of the elections in Colombia arise at the summit? The Taoiseach will note that Colombia has a population of 41 million.

An Ceann Comhairle: The Deputy should give way to the Taoiseach. It is past 3.15 p.m. The Deputy submitted three questions. I would like the Taoiseach to have an opportunity to reply.

Mr. F. McGrath: Some 60% of the people did not bother to vote in the election.

Mr. J. Higgins: The Taoiseach is way to the left of Hugo Chávez.

The Taoiseach: I had two short discussions with President Chávez. I did not include them in my reply as comprehensive meetings. He is anxious to see the European Union working with him on some of the central issues he wants progressed. He would hold the view that Europe has not done that to a sufficient degree. It is an issue on which he campaigned strongly before and since the LAC meeting.

On issues of educational disadvantage, we have been very strong on the EU-UN agenda and have invested significant resources in it, and many of our models are considered to be very good. To be fair, in the first instance we took some of our models on these issues from the OECD, which did much good work in this regard. A number of these countries have in recent years examined issues with which Deputy McGrath will be very familiar, moreso than I, including with regard to the training institutes in St. Patrick's, which has developed many projects for disadvantaged education, and the Department of Education and

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Science, which has been very good at exchanging programmes.

People in these countries experience horrendous difficulties, disadvantage and marginalisation. One hears the horrendous plight of people in these countries in the submissions. These countries are still very underdeveloped and face huge difficulties. Without help, many of them will face an appalling future. That was their real plea to Europe.

Priority Questions.

Tourism Industry.

66. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources with regard to the €1,000 which has been allocated to tourism angling in the Revised Estimates for 2006, the reason such a small amount has been allocated considering that an indicative budget of over €30 million of Exchequer funding was identified for the tourism and recreational angling measure of the National Development Plan 2000-2006; as state aids clearance for the launch of this measure was received from the European Commission in March 2002, the reason no funding been allocated to the scheme since 2003; the location the €30 million, which was due to be spent under TRAM, has been re-directed to; his views on the economic depression that the downturn in the tourism angling industry is having on many parts of the country; and if he will make a statement on the matter. [20961/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): Originally, indicative funding of €30.476 million was allocated to the tourism and recreational angling measure, TRAM, over the period of the National Development Plan 2000-2006. However, as the Deputy is aware, the launch of the measure was delayed until 2002 pending clearance from the European Commission on the issue of state aids. Unfortunately, economic conditions changed and a reduced financial allocation of €1.775 million was agreed by the Department of Finance for 2002-03. This reflected the Department of Finance and Estimate review committee adjustment of public expenditure in light of the changed economic climate and global national budgetary priorities.

The mid-term review of the NDP by the ESRI concluded that the external environment with regard to the tourism sector had deteriorated to the extent that the likely return to further investment in the sector was unlikely to have high returns. As a result, funding for TRAM was diverted to higher priority tourism projects.

The report of the tourism policy review group to the Minister for Arts, Sport and Tourism in

September 2003 observes a decline in activity holidays that is not confined to angling but includes cycling and hill walking. Fáilte Ireland is carrying out research among tour operators involved in promoting special activity holidays and special activity holidaymakers. Problems identified include rising costs and access to activities. Fáilte Ireland has also identified angling among main areas of activity for which detailed marketing plans have been agreed, targeting the markets offering the best short-term return.

The Marine Institute is separately drafting a strategy for the development of marine tourism, including angling tourism, into the future, which will be agreed with Fáilte Ireland in the context of the new national development plan.

The Deputy is aware of the Government's policy for the restructuring of the inland fisheries sector. Discussions are ongoing between the Department and the Department of Arts, Sport and Tourism with a view to specifying the role of the inland fisheries sector in support of the areas of angling tourism and leisure development. I am confident this particular element of the reform decided by Government is necessary to ensure our tourism and recreational angling sector thrives and reaches its full potential. This reform will allow for the development of a more coherent policy and strategy for tourism and recreational angling which will retain all that is best in the sector while at the same time making the role of the State in delivering on its objectives in this area more focused and effective.

Mr. Perry: Will the Minister of State explain the higher priority tourism issues given that a reduced financial allocation of €1 million was agreed at the Estimates meeting last week? He indicated clearly that was in line with the Farrell Grant Sparks report on inland fisheries. In 1999, 54,000 anglers came to Ireland while the number has now reduced to 20,000. The State can allocate only €1 million to tourism angling for 2006-07 yet €30 million which was ring-fenced for the BMW region was diverted to higher priority tourism projects. What could be more important than tourism angling?

Mr. Naughten: The Minister of State did not explain that when he was in Roscommon.

Mr. Browne: I was in Roscommon recently where I launched a few good tourism projects. I was surprised the Deputy did not turn up although his colleague, the Senator, turned up and got into all the photographs.

Mr. Naughten: He had other priorities.

Mr. Browne: Obviously the priority was for the Department of Arts, Sport and Tourism, and the money went into that area. I am sure that a substantial amount of the money allocated by the Minister went to the west. There is not much

point in looking back at this stage. I remind the Deputy that €38 million has been allocated this year to the central and regional fisheries boards which are involved in a certain amount of tourism promotion. I intend to have discussions with the Minister for Arts, Sport and Tourism, Deputy O'Donoghue, in the next few weeks as we prepare the national development plan 2007-13. Tourism angling cannot be treated in isolation of all the other tourist products but should be treated on a regional basis. The money was taken back three or four years ago for a genuine reason. I certainly hope we can find a mechanism to develop tourism angling into the future. I agree with Deputy Perry that it is an important sector of the tourism industry.

In recent weeks I attended various tourism angling projects throughout the country, a few of which were in my own county, which were developed by local hoteliers and business people, in conjunction with anglers from England, Wales and other parts of Europe, without State aid. There is a need for State aid but there is also a need for private investment in this area and I think that will be forthcoming.

Mr. Perry: With respect, the Minister of State said €38 million was allocated but I note from the Estimate that €28 million was allocated to marine and natural resources for inland fisheries. I appreciate the Minister of State is new to the portfolio although he held the portfolio previously but was the money diverted to other Fáilte Ireland activities and a notional payment of €1 million allocated for 2006-07? In light of the Farrell Grant Sparks report on inland fisheries CEOs and staff do not know where they are going. Will the Minister of State agree that when it comes to tourism angling we are dead in the water on this issue?

Mr. Browne: I accept I said €38 million was allocated, but I should have said €28 million was allocated. I do not accept that tourism angling is dead in the water.

Mr. Perry: It is very much dead in the water.

Mr. Durkan: It is like the mayfly.

Mr. Browne: It is being developed around the country. We are preparing the national development plan 2007-13. It is intended to have discussions with the Minister for Arts, Sport and Tourism, Deputy O'Donoghue, because of the need for an inter-linking between the two Departments if tourism is to be developed into the future. Tourism angling cannot be developed in isolation of other tourist products. I hope to develop a proper tourism angling—

Mr. Perry: The Minister of State talks the talk but when it comes to walking the walk he has diverted the money. Will he agree that to develop

tourism angling, money is needed? To put €1 million into the Estimate for 2006-07 is an insult to the whole industry.

Mr. Naughten: Hear, hear.

Mr. Browne: If one adds up the amount of money that has been spent — Deputy Naughten mentioned it earlier — by the regional fisheries boards on the promotion of tourism angling one will find it is far greater than €1 million.

Mr. Perry: The Minister of State lost €10 million in half an hour.

An Leas-Cheann Comhairle: I call Question No. 67. Order, please.

Telecommunications Services.

67. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources if he will report on the recently established digital terrestrial television pilot; the timeframe for a national roll-out of DTT; the way in which he intends to manage spectrum space as the digitisation process advances; if he will confirm that 2012 is the date for analogue switch-off; and if he will make a statement on the matter. [20861/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I hope Deputies opposite will not complain about not getting through too many questions at the end of this Question Time given that they will not allow answers to be given.

The digital terrestrial television, DTT, pilot programme is being implemented by my Department. The purpose of the pilot is to bring further momentum to the transition to digital terrestrial broadcasting and to test and trial various aspects of the service. Detailed procurement processes, inviting expressions of interest and tenders for various aspects of the infrastructure build programme, were recently completed by my Department. The infrastructure for the DTT pilot is in the roll-out phase and is expected to be operational by autumn 2006.

The initial transmission sites are at Clermont Carn in the north east and Three Rock covering parts of the Dublin region. The trial is planned to continue over a two-year timeframe and will provide the opportunity for technical and user testing of both existing and new broadcast services.

In regard to spectrum for DTT, a major conference under the auspices of the International Telecommunications Union is taking place in Geneva between European, African and Middle Eastern countries, which will set the rules to ensure that each country gets equitable access and protection for spectrum for digital broadcasting. Ireland is represented at the conference by a delegation headed by an official of my Department and includes representatives from ComReg,

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the Broadcasting Commission of Ireland and RTE.

Once the conference has concluded we may begin to develop a plan to manage the digitisation process to ensure protection to our existing analogue services and to manage any moves to digital terrestrial television in Ireland.

The DTT pilot project under way demonstrates my commitment to the long-term provision of free-to-air DTT in Ireland. I expect the pilot will generate awareness and discussion among broadcasters, investors and other interested parties with a view to moving towards a full national roll-out of DTT in time.

As the pilot is developed and proposals for a national DTT roll-out emerge, I will outline my intentions regarding possible dates for a switch-off of analogue to digital terrestrial television broadcasts. Switch-off of analogue television services is being strongly advocated by the European Commission, with 2012 a target date suggested by the Commission. While the pilot is under way, I intend to hold discussions with all relevant stakeholders around the issue of analogue switch-off. When decisions have been taken about the nature and timing of analogue switch-over, it will be necessary to ensure that Irish viewers are fully informed of all the issues arising. All stakeholders will have a role in so informing viewers.

Mr. Broughan: I thank the Minister for his reply and the fact that from August there will be a pilot DTT scheme. Why is the Minister just launching a pilot in the dying days of the Government and why has he not carried out the necessary research and preparation for the digital switch-over? What impact will the digital switch-over have on households? How many households will be affected? What percentage of total TV viewing households will be affected? Why has the Minister not decided on a switch-off date? He has been talking of the EU date, but the UK has a definite switch-off date for of 2012 and Northern Ireland and Wales will switch from analogue to digital in 2009, just three years away. In the committee discussion, I said the Minister was an analogue politician in a digital age. Is there a danger we will have a re-run of the broadband disaster? We are at the bottom of the EU league for broadband and will be the same for digital TV and broadcasting. Has the Minister's lethargy in recent years laid the basis for this?

Has the Minister given ComReg any role in this area? What is ComReg doing? Where are the reports such as we read from Ofcom, the BBC and the British Government, regular reports on public broadcasting in the digital age, for example? We have nothing similar here. It is a complete wasteland.

When we move to digital, the analogue spectrum will be very valuable. Has the Minister any plans in this area, or has he evaluated the best

approach towards the management of our spectrum as the digital age develops? Will the Minister adopt a market-led approach with TV companies bidding, or how will he maximise the value to the country? For what uses should the switched-off spectrum space be made available? Will the Minister put the bulk of it into high-definition TV, mobile TV, or what? Within eight or nine months of a general election, has the Minister thought about any of these matters?

Mr. N. Dempsey: I try not to allow the date of a general election to dictate what I might or might not do.

Mr. Durkan: It is very hard not to think about it.

Mr. N. Dempsey: As far as I can, I try to develop policy very carefully, do the background work and then make decisions on what is in the national interest, rather than from party political reasons or anything else.

I am delighted to tell the Deputy that everything he has started thinking about——

Mr. Broughan: We have been thinking about these matters for a long time, even before the Minister was appointed.

Mr. N. Dempsey: The only indication I have that the Deputy has been thinking about these matters is during the past three or four months.

Mr. Broughan: The Minister should look back at the parliamentary questions.

Mr. N. Dempsey: We have carefully thought about all the matters the Deputy mentioned. Various bodies with responsibilities in the area are developing their policies and working on recommendations and advice.

Deputy Broughan asked about the pilot project in 2002-03. My predecessor launched a competition for DTT in the private sector to gauge a response. There was no response to that from the private sector. The UK ploughed ahead in a similar experiment and lost some €2 billion. When I came into office I set about asking ComReg to put in place the regulation that would allow us to set up a pilot scheme. We carefully laid out all the tendering procedures and allowed people to tender for the pilot, to construct the platforms. From autumn we will be in a position to roll out the pilot scheme. I have done the research and organised a pilot scheme because I want to ensure that when we do this, we do it properly. A pilot scheme is a fairly conventional way of ensuring that.

If we are going to full digital television, DTT, every house will be affected. If we go that route, everybody will have to change from analogue televisions to digitised sets.

Mr. Broughan: Has the Minister estimates on costs? What about the digital boxes?

Mr. N. Dempsey: It is quite a simple sum. One must add up the cost of the televisions that will have to be bought, perhaps one or two per household. That is a matter for the individual householder.

We are using the 2012 date as a guideline. Clearly there is no point in putting out a pilot, seeing how successful it is, finding out what the difficulties might be and ignoring all of that by setting a date which is not realistic.

Mr. Broughan: Will it be rolled out before 2012?

Mr. N. Dempsey: I am trying to inform the Deputy. He has asked me a series of questions which I have noted.

As Deputy Broughan noted, ComReg has a role with regard to broadcasting and the use of spectrum and so on. We had to consult with it with regard to getting regulations in place as part of the lead-in, so we could roll out a pilot scheme. ComReg is considering the use of spectrum. Tomorrow I will address an OECD conference with regard to spectrum use into the future. The ITU is also involved in this. When that conference is finished in Geneva we will have a much clearer picture.

Broadcasting Legislation.

68. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources further to recent comments by the European Commissioner for Media, Ms Viviane Redding, that the regulation of transnational satellite broadcasters should be addressed by member states acting on a bilateral, amicable basis and her further comments that the codification of the European Court of Justice case law in this area would allow member states to take measures against an audiovisual media service provider established in another member state that directs, for fraudulent purposes, all or most of its activity to this member state, the measures he intends to take to ensure that satellite broadcasters who are inserting local advertising into their main programme schedule can be subject to regulations set by the State on such advertising. [21058/06]

Mr. N. Dempsey: I am aware of the useful comments made by the commissioner and her recognition of the concerns of a substantial number of member states on this issue.

While I appreciate there is scope for some resolution of the issue through the recommendations of the Commissioner, my objective is to ensure that the regulatory framework at EU level provides a formal basis for national measures to have meaningful reach.

The key issue concerns jurisdiction over broadcasters along with the application of national

rules. Throughout the Commission's consultation over the past two years, and at a recent Council meeting, Ireland, along with a number of other member states, has consistently argued for a fundamental shift in the approach to determining which member states' national rules should apply to any given broadcasting service. We have argued that in the case of a television channel that primarily targets Ireland, it is Ireland's national measures that should apply to that channel. Each broadcasting service should only be subject to one set of national rules, but it makes sense that the one set of rules that should apply to any broadcasting service should be the broadcasting standards of the member state primarily targeted by that service.

Ireland will continue to work with other member states and the Commission with a view to progressing consideration of the proposed revised directive. The approach agreed on jurisdiction will impact on Ireland's position on other elements of the proposal.

Mr. Eamon Ryan: I thank the Minister and apologise for the cumbersome nature of my question.

It seems clear the Commissioner does not agree with Ireland in this case and that the new television frontiers directive will not accept the points that Ireland and other members have made, that broadcasters which are inserting advertising into broadcasts into particular countries should be subject to regulations in those countries. Going by her statement, the Commissioner is clearly not going to take a strong line and will leave the matter to bilateral, amicable approaches. Where they do not work, she agrees codification of law may apply, but only where broadcasting is carried out for fraudulent purposes. Given that nobody would say that companies such as Sky or Nickleodeon are engaging in fraudulent broadcasting, how are we to implement our broadcasting regulations on such advertising since the Commissioner will not include such provisions in an updated televisions without frontiers directive? Where do we go from here?

Mr. N. Dempsey: The Deputy has given quite a succinct statement of the commissioner's position, but in the end of the day, commissioners do not make the final decision on directives. They have to go to EU Council, Parliament and so on. As that process continues, Ireland will clearly maintain its position. We have the support, on a consistent basis — in many respects we have led this — of 12 other member states which have argued for this fundamental approach to determining which member states' national rules should apply to any given broadcasting service. A solution will have to be worked out. On more than one occasion I have told the Commissioner and the UK Presidency that we would like serious and meaningful engagement by the Commission

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on the matter. The Deputy is correct that the Commissioner has taken a trenchant view on this aspect of the directive. We also have an equally strong position on it. Unless there is some movement on both sides, there will be difficulty in getting the directive through. We will not be bullied into this but will use whatever means are available to achieve our aims or a reasonable compromise.

Mr. Eamon Ryan: Does the proposal for an updated directive require unanimity from all 25 member states? Is it possible for Ireland to force the issue so that we have such control? If 12 member states are in support of such a position, is the major obstacle to the proposal from neighbouring countries, active in satellite broadcasting? At the committee on communications, marine and natural resources, the head of Sky Broadcasting was asked if it would commit to the basic and simple standards on children's advertising in place in Ireland. We failed, however, with such a bilateral and amicable approach to reach an agreement that Sky Broadcasting would be bound by Irish regulations. Has the Department approached any company inserting children's advertising into satellite programming to agree to abide to our codes on a voluntary basis?

Mr. N. Dempsey: Twelve member states support the Irish position, making it a total of 13 member states. I do not have the list of those member states but I can forward it to the Deputy. The Commission has been pursuing the particular line referred to earlier. Several other member states, including our neighbour, the UK, have been advocating the Commission's line. There is a clear divide. It will not be decided by unanimity as the new rules on voting strengths will apply. However, 13 member states can make a sufficient blocking minority in this case. Although both sides are trenchant, I hope a reasonable compromise on this matter will be reached.

Telecommunications Services.

69. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he will use the occasion of the transfer of ownership of Eircom to set out new ground rules with precise targets and review dates for the development of the telecommunications sector with particular reference to the provision of broadband, fixed-line and mobile services in all areas in the shortest possible time; if he will use his powers of direction through the regulator to set out a precise programme of investment in the telecommunications sector, with a view to extending a full range of modern information technology services to all areas, urban and rural; if he will set out precise guidelines and objectives for the investment in and upgrading of the sector with a view to setting the highest possible standard as befits a developing economy in a competi-

tive market; and if he will make a statement on the matter. [21038/06]

Mr. N. Dempsey: The sale of Eircom, which is not a State company, does not affect or change the regulatory environment in the telecommunications sector. The provision of telecommunications services, including broadband, fixed-line and mobile services is a matter in the first instance for the private sector companies operating in a fully liberalised market, regulated by the independent Commission for Communications Regulation, ComReg, in accordance with the requirements of the Communications Regulation Act 2002, and the transposed EU regulatory framework for electronic communications networks and services. I have no powers to directly influence the behaviour of private sector companies.

The telecommunications sector employs approximately 14,500 people and is worth over €4 billion. The Central Statistics Office's consumer price index shows that between 1997 and January 2006 telephone and communications prices have fallen by almost 25%. The price of fixed calls in Ireland is better than the EU average for both national and international calls for residential and business customers. Ireland has a mobile telephone penetration rate of 102%, which shows the appetite for consumers for these types of services and the variety of mobile services in the market including 3G services.

In comparison to other European states, broadband providers in Ireland, including the incumbent Eircom, were slow in launching competitive and affordable broadband services. However, the situation is improving rapidly and the current level of take-up is consistent with the stage of development of the market. Ireland is now the fastest growing broadband economy in the EU.

The Government is addressing the infrastructure deficit in the regions by building high-speed open access metropolitan area networks, MANs, in 120 towns and cities on a phased basis in association with the local and regional authorities. The Department also offers funding assistance for smaller towns and rural communities to become self-sufficient in broadband through the county and group broadband scheme. To date, over 150 projects have been approved for funding. A joint industry-Government fund of €18 million has been established for the broadband for schools programme, which will provide every school with broadband. This programme is almost complete with over 90% of schools broadband enabled.

Mr. Durkan: Is the Minister aware of public concern over the lack of speedy provision of broadband? Is he aware of the concerns over the lack of progress in the development of the IT sector since Eircom was privatised? Will the Minister accept that the degree of investment in the infrastructure in the intervening period has not

been sufficient, satisfactory or in keeping with the requirements of a modern economy? Will he accept that the opportunity has been presented for him to stamp his authority on the development of the telecommunications sector through ComReg? Is the Minister aware of the fundamental part that the services provided by the telecommunications sector will play in the economy and the need for the rapid provision of such services?

Mr. N. Dempsey: Anyone who has read all my statements as the Minister for Communications, Marine and Natural Resources will be in no doubt that I am well aware of the importance of broadband provision and a good telecommunications infrastructure. I am sure Deputy Durkan reads them avidly on a daily basis.

Mr. Durkan: I stay up all night reading them.

Mr. N. Dempsey: They probably keep him up all night.

Mr. Broughan: He does not read fiction.

Mr. N. Dempsey: Over the past several years, the Government has been committed to the roll-out of broadband. The policies put in place have been successful in increasing the numbers in broadband take-up. I agree with the Deputy on private sector investment in the services. That is why the MANs programme, the group broadband scheme and so forth were put in place. In the past several years there has not been the investment from the private sector that there should have been. This hindered the development of the market and left Ireland much further down the list than it should have been for such a thriving economy. The portrayal by others of Ireland as a backwater in IT and broadband is bad for the country's image. It is also false. If there was a truth in it, then the Government would be held to account for it. There is no truth in such a claim. One would not get all of the top companies in IT and in broadband setting up in this country if one did not have a proper telecommunications structure. We have a top class telecommunications structure but there are the difficulties to which the Deputy referred.

Mr. Broughan: Some of the companies are leaving.

Mr. N. Dempsey: There is none of the top companies leaving this country because of broadband. There are still many of them coming in. We have the top 50 in the first flight initiative — like Yahoo, Google and Amazon — operating here and in second flight, we have ten of the top 15 companies. I am merely making the point that I do not let that blind me to the fact that there are blackspots where broadband is difficult, if not impossible, to achieve, and it can be very costly. The Government's approach to this is to try to tackle those particular problems.

The thrust of the Deputy's question was to try to see if I can give directions directly to ComReg so that it can give directions directly to the private companies.

Mr. Durkan: The Minister can.

Mr. N. Dempsey: There are certainly areas about which we have spoken such as local loop unbundling where ComReg has attempted to issue directives. It has not been very successful in that regard to date. It is for that reason that we are inserting the extra powers into the electronic communications Bill currently being drafted. I accept there is a need for action in that particular area. However, there are areas to which the Deputy refers in which neither ComReg nor I, as Minister, can directly interfere because it would be in breach of EU and Irish law. Wherever we can do something to improve the situation, we do so and will continue to do so.

Mr. Durkan: Would the Minister accept it is not necessarily a good idea for him to announce publicly that he cannot interfere and can do nothing as that gives a *carte blanche* for getting nothing done? In those circumstances will he make it clear to all investors in that area that the economy depends heavily on the investment, updating and speed with which the technology is introduced and provided to the wider community and that has a bearing on economy prosperity, and will he insist that those guidelines are kept to the fore at all times?

Mr. N. Dempsey: I would not like Deputy Durkan to interpret what I said earlier as an indication that I think I can and will do nothing.

Mr. Durkan: Like the Meath team the other day.

Mr. N. Dempsey: I am doing things. I have met frequently, officially and unofficially, with some of the companies to which the Deputy refers. I have stressed, time and again, the important national interest involved in ensuring a speedy roll out of broadband and a top class telecommunications network.

One of the frustrations in attempting to deal with this was that commercial interests took precedence over the national interest. I hope that will change. It is a little ironic. Whereas often we get lectures in this House from people on the left and from trade unions etc., about the importance of worker participation and full involvement in companies, in one company in which the workers had a 25% stake they did not seem to influence policy in the national interest at all and I hope that will change when they own 35% of it.

Energy Regulation.

70. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources

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if he will bring forward measures to establish a consumer panel or a mechanism within CER to strengthen the representation within the regulatory body of the interests of consumers and businesses; and if he will make a statement on the matter. [20860/06]

Mr. N. Dempsey: Under EU regulations on the internal energy markets the Commission for Energy Regulation — CER — has a direct legal obligation in relation to electricity and gas consumers. These include the requirement to protect the interests of final customers and to take account of the needs of vulnerable customers. The regulator is also required to ensure that all customers are supplied with electricity and gas of a specified quality at reasonable prices.

I welcome the stronger focus on consumer protection as part of the move to liberalised markets. The interests of customers are now better safeguarded within the regulatory regime. In carrying out this function the CER regularly engages with customers and customer representative organisations.

The CER had intended to develop specific consumer panels for the gas and electricity sectors. This proposal has been superseded by the establishment of the National Consumer Agency — NCA — by my colleague, the Minister for Enterprise, Trade and Employment. The agency's remit is to represent and progress consumers' interests across all economic sectors. It is also envisaged the agency will provide a strong consumer voice in the regulated sectors including energy.

The CER is working closely with the NCA to set up appropriate arrangements including a memorandum of understanding on information sharing and consultation and co-operation. The CER is also establishing a dedicated consumer complaint handling team which will handle all complaints about energy suppliers. The CER is also working to ensure that those licensed suppliers which supply domestic customers develop and comply with a customer charter. These are positive steps forward in the interests of energy consumers and I commend the CER and the NCA for their collaboration to date.

As we move towards the establishment of the single all-island electricity market next year, CER and the Northern Ireland regulator are working closely together to ensure the optimum market arrangements are in place to the benefit of consumers, North and South.

Mr. Broughan: Is it not a fact that householders, citizens and businesses are waiting with trepidation to see what energy — electricity and gas — price rises will occur this year, with the gas industry obviously looking for a 40% price rise and the electricity industry looking for increases? Given that over the past four or five years there have been increases of the order of 60%, prices

will have more than doubled in their period in Government. Is not the net result of this that businesses are threatened with inefficiency and householders, particularly in the case of senior citizens, end up being vulnerable, living in cold homes? The Minister will have noted the recent UCD study, for example, which showed that almost 20% of Irish households were considered not to have sufficient heat because often people felt they could not afford to turn it on. This results in senior citizens going around their homes in overcoats.

Would the Minister agree there is a serious problem and his answer is too blasé? Will he issue a directive to CER? Will he amend his Energy (Miscellaneous Provisions) Bill 2006 to allow for a statutorily based consumer panel within CER representing householders and business? Will he agree this is what is needed?

For example, each of the British regulators, Ofgem, Ofcom and PostCom, has a strong consumer lobby which does its best for consumers. Will the Minister agree he has failed Irish consumers? Will he agree it is shameful for the Government that last year's UCD study on household heating showed that up to 650 elderly people may have died because of cold because of the Government's failure to bring forward stronger measures to protect them?

Has the Minister spoken to the Minister for Finance about excise, VAT and indirect taxation on electricity, gas and oil? Is he undertaking any such discussions in the context of the final budget of this Government? Many citizens feel there should be intense discussions about how to hold the price of energy in this difficult time.

Has the Minister spoken to his United Kingdom counterpart on the problem with wholesale gas prices in the UK? Given the Irish gas market is effectively part of the UK gas market, is the Minister, Deputy Noel Dempsey, having any input into it? Has there been any talk about the problems the UK has experienced with its gas market?

Does the Minister accept the view of distinguished economists such as Paul Hunt that there is an element of gold-plating in the gas network roll out and, indeed, possibly even in electricity roll outs, and that this is an area in which the Minister should take a pro-active role?

The Minister will probably agree that last winter was one of the coldest in our lifetime. For the sake of vulnerable households such as the elderly, would the Minister agree it is time he took a vigorous role on behalf of citizens, householders and businesses in energy pricing? It is not good enough to merely take a blasé, almost bystander, approach which is so characteristic of the Taoiseach and which the Minister is now adopting.

Mr. N. Dempsey: I do not believe in taking a Don Quixote role either——

Mr. Broughan: That is better again.

Mr. N. Dempsey: —where one tilts at windmills as the Deputy is doing. The Deputy can make all the rhetorical speeches he likes about gas, electricity and oil prices. It does not matter how many Labour Party Members are on this side of the House — if they ever get over here again——

Mr. Durkan: The Minister should take it easy.

Mr. N. Dempsey: —they will not be able to affect the price of international commodities, except perhaps for the worst if they adopt some of the left wing policies so espoused by their predecessors.

Mr. Broughan: Will the Minister answer the question?

Mr. N. Dempsey: I am answering the question. If the Deputy is entitled to wander off and make all sorts of wild allegations about people dying as a result of price increases and so on, I am entitled to answer in the same tone.

In regard to what Deputy Broughan said about oil and gas prices, they are not set in the United Kingdom, they are set much further afield. They are international commodities and the price of gas and oil obviously affects the price of electricity in this country. We do not have a great deal of control over that element of our costs but we have and should have some control. About 70% of the cost of electricity is external to this country and the other 30% is internal. That is a sizeable amount. I hope when we come to deal with electricity costs and so on in terms of a future energy policy, we will get full and enthusiastic backing from the Labour Party and it will not, as it usually does, take the side of people who do not want change in that industry and who have succeeded——

Mr. Broughan: The Minister should tell us what he will do.

Mr. N. Dempsey: I will tell the Deputy later this year and I will look for his enthusiastic support for the changes that will be necessary to ensure we can reduce some of the cost of electricity in this country.

Mr. Broughan: I asked the Minister if he would make a simple amendment to the Energy (Miscellaneous Provisions) Bill in terms of having a consumer component in the CER. On this side of the House we read the consultations held by the CER and, depressingly, we believe consumers were not taken into account. The Minister could do this in the coming weeks before we conclude the Energy (Miscellaneous Provisions) Bill. He could also issue directives in regard to the CER and refer to fiscal measures. What he said is not true, there are things the Minister can do. He is

not just a bemused bystander, although he appears to be one.

Mr. N. Dempsey: I am far from it. I hope the Deputy will support me in my efforts to reduce the cost of electricity when the time comes and that he will not find some excuse——

Mr. Broughan: We will see what the Minister does.

Mr. N. Dempsey: —to go off in a different direction just to placate some of his friends who are among the vested interests in this area——

Mr. Broughan: I told the Minister who I represent.

Mr. N. Dempsey: —who are keeping up the price of electricity.

Mr. Broughan: I represent householders.

Mr. N. Dempsey: The Deputy also represents some union members. He might have a chat with them in the meantime.

Mr. Broughan: I represent householders first and foremost.

Mr. N. Dempsey: I am pleased to hear that is who the Deputy represents. I look forward to vigorous support from him during the summer if that is the case and thank him for his pledge of support in that regard.

The National Consumer Agency, which has been set up by the Minister for Enterprise, Trade and Employment, Deputy Martin, will undertake this role and examine future price applications in this area on behalf of consumers. The CER will also have its customer panels and customer charters in place. It has an obligation to take the customer into account as well as the market.

Other Questions.

Fisheries Protection.

71. **Mr. Quinn** asked the Minister for Communications, Marine and Natural Resources if he has received and reviewed a report (details supplied) on the management and conservation of fish stocks on a global basis; his views on whether the present regional fisheries management system is adequate; the measures the Government is proposing at EU and UN levels to respond to the problem of overfishing and the potential extinction of certain fish species; and if he will make a statement on the matter. [20623/06]

Mr. Browne: I have received the report in question which has been prepared by the World Wild-

[Mr. Browne.]

life Fund and Traffic, a wildlife trade monitoring organisation. It makes a useful contribution to the important task of continually enhancing approaches to fisheries management.

Regional fisheries organisations, RFOs, are multilateral organisations operating under a UN framework which primarily manage fish stocks outside exclusive fisheries zones or fish stocks that straddle those zones. Ireland's participation in international fisheries management takes place in the context of our membership of the EU, within the framework of the Common Fisheries Policy, CFP. The CFP governs the management of all fisheries in which Ireland participates and Ireland contributes to the work and development of regional fisheries organisations within that framework.

The current regional fisheries management system is developing on an ongoing basis. The developing regional management system offers the best system for the development of fisheries management on the high seas. Where RFOs have developed, they promote agreement across international boundaries, reflecting the migratory nature of many fish stocks, which necessarily involves reconciling the views of a number of different nations.

For the eastern Atlantic waters, the main regional fisheries organisations are the North-East Atlantic Fisheries Commission, based in London, and the International Convention for the Conservation of Atlantic Tunas, based in Madrid. Both organisations make an important contribution to fisheries management.

In European waters, it has been clear for some time that there are problems in regard to certain stocks. However the CFP, through its review in 2002 in which Ireland played a prominent part, has put strategies in place to address these difficulties. These measures include strengthened control and enforcement, recovery plans for stocks outside safe biological limits and catch and effort limitations.

Mr. Broughan: The clear conclusion of the report by the World Wildlife Fund and the Traffic organisation, Follow the Leader, is that regional approaches such as the European Common Fisheries Policy have failed dismally to protect worldwide fishing stocks. What is the Minister of State's response to this conclusion? Since the enactment of the Sea-Fisheries and Maritime Jurisdiction Act, has anything changed in terms of the information we receive from the Commodore of the Naval Service on the monitoring of non-Irish vessels fishing in our waters?

Will the Minister of State indicate what is happening in regard to the EU fisheries control agency? Is it now up and running in Vigo where it was supposed to be established and is it in contact on a real time basis with Haulbowline? Is any new system in place and has anything changed? The Minister, Deputy Noel Dempsey, played a

dramatic role in the passing of that legislation. What has changed in recent months since the debate on fisheries control?

Where is it intended to site the new Irish fisheries protection agency? Will it be in one of the five fishery ports of Howth, Killybegs, Castletownbere, Dunmore East or Rossaveal? Is it intended to locate it within a fishery harbour? When will it be established and what resources will be made available to it?

Mr. Browne: To answer the last question first, the office will be based in Clonakilty and the service will be rolled out over the next six months. I read the document to which the Deputy referred, Follow the Leader. I suppose some of us follow the leader occasionally. Many of the issues raised in that report refer to the problems within the organisations to which the Deputy referred. We have dealt with many of the issues raised through the UN fisheries laws. During the Presidency of the EU we led the way in regard to conservation in terms of fishery stock management and putting in place measures to deal with the breach of international agreements and so on. Ireland is complying reasonably well with many of the issues raised in the report. Reference is made in the report to political will, sustainability, transparency—

Mr. Broughan: The report stated that the Common Fisheries Policy is a failure.

Mr. Browne: It does not really state that.

Mr. Broughan: In regard to key stocks.

Mr. Browne: A total of 16 recommendations are made in the report, some of which we have already put in place through the UN, the Common Fisheries Policy and the system in Europe. Ireland is reasonably compliant with many of the suggestions and ideas outlined in the report. Reference is made in the report to regional fisheries management organisations, RFMOs, and the need to become more accountable, transparent and upfront. We deal with two of these RFMOs — the North-East Atlantic Fisheries Commission and the International Convention for the Conservation of Atlantic Tunas. We have complied, and will continue to comply, with many of the environmental measures introduced by it in recent years.

Mr. Perry: Will the Minister of State explain the allegations made by the former Minister to Commissioner Borg in respect of alleged fishing by Irish fishing vessels in Scottish waters? The former Minister alleged he had information on file which he would bring to the attention of Commissioner Borg. Why was this information not put on the record in the Dáil? If the Minister of State is in possession of this information, could he place it in the public domain?

Mr. Browne: This information is in the public domain and is being dealt with under Scottish jurisdiction.

Mr. Perry: It is not on record in this House. No proof has been offered to support these allegations, which have led to 30,000 tonnes being cut from the quota this year. Claims that Irish vessels are fishing in Scottish waters are merely allegations. The issue was debated in this House so why was this information not put on the record of the Dáil? If this information is in the possession of the Department, why has it not been placed in the public domain?

Mr. Browne: The information is in the public domain.

Mr. Perry: It is not in the public domain.

Mr. Browne: I attended a meeting with Commissioner Borg. The Commission intends to take 6,500 tonnes of stock back from Irish fishing. The matter is being dealt with under Scottish jurisdiction so we cannot interfere.

Mr. Perry: On a point of clarification, Irish fishing vessel owners are facing a cut of 30,000 tonnes; the cutback of 6,000 tonnes related to 2003. The cutback of 30,000 tonnes relates to the 2005 catch and has come about as a result of unproven allegations. Why was this matter reported to the EU without any proof being offered?

Mr. Browne: The actual figure is 37,500 tonnes. A total of 6,500 tonnes is being deducted at the moment while the remainder is up for negotiation. The information about matters being dealt with over recent months by the Scottish authorities is in the public domain.

Mr. Eamon Ryan: Deputy Perry has only to ring the Irish or Scottish authorities to find out about the several hundred million fish sitting in the illegal hidden tank. This information is as much a part of the public domain as it needs to be.

The Minister of State claims that we have complied with all the various regulations. Does he not acknowledge that our scientists stated in a committee this year that they no longer believe the figures used for quotas under the Common Fisheries Policy, which is the most fundamental and important system? The scientists do not believe the figures because they do not believe the reporting. As the Minister pointed out earlier this year, the system is characterised by widespread illegal landings, overfishing and disregard for conservation measures.

It became clear from the dealings we had earlier this year that the only system on which scientists believe sustainable policies can be based is one involving immediate reporting of catching and landing of quotas. I understand the French

Government is seeking the introduction of such a system and that it has already been raised at European level. Will the Minister of State inform the House when this system will be introduced? If immediate recording of stocks and landings is not introduced, the system will encourage corrupt and illegal fishing and the widespread cleaning of our seas.

Mr. Browne: I agree with Deputy Eamon Ryan's call for immediate reporting, a measure we hope will be introduced and towards which we are working.

Mr. Eamon Ryan: What is the progress of these efforts at European Council level?

Mr. Browne: We have held discussions on this issue with Commissioner Borg and have intimated to him that while we are putting our house in order, we expect him to put the European house in order and that immediate reporting should be introduced across the EU.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters.

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Deenihan — the need for the Minister to introduce a grant scheme for local authorities to provide playground facilities in response to the obesity epidemic; (2) Deputy Crawford — that the Minister change the rules being applied to those in need of a primary certificate; (3) Deputy Finneran — the need for the Minister to provide compensation to farmers in the Shannon and Suck river basin for loss of fodder due to recent flooding; (4) Deputy Healy — that the Minister fully resource youth programmes being delivered in Clonmel; (5) Deputy Pat Breen — that the Minister sanction the proposals made by Iarnród Éireann for phase one of the western rail corridor project; (6) Deputy Costello — the need for the Minister to outline the Government's position on the "triple lock" mechanism for the deployment of Irish troops abroad; and (7) Deputy Neville — the construction of a new second level school at Croom, County Limerick.

The matters raised by Deputies Crawford, Pat Breen and Costello have been selected for discussion.

Leaders' Questions.

Mr. Kenny: As a public representative and a father, I am appalled by today's decision by the High Court which releases a pervert back into society. The fact that a person who deliberately plied a young girl of confirmation age with alcohol and then had sex with her has now been

[Mr. Kenny.]

released back into society at a time when this Government failed to see such a scenario coming is an appalling example of incompetence in respect of protecting young people. Who is in charge on the Government benches? Why did the Minister for Justice, Equality and Law Reform state last week that there was no gaping hole in the law and no need to rush serious legislation?

Thanks to the Taoiseach's breathtaking incompetence, Mr. A has walked free and so might Messrs. B, C, D, E and F. We should think of Mr. B and a pervert who serves four life sentences for having sex with girls aged six, eight and ten years. The court described his case as one of the worst to come before it and described the defendant as manipulative, depraved and cunning. It now appears that he could also walk free.

The people want to know how the Government allowed this to happen when the Attorney General was defending this case in the Supreme Court and when the Government and Department of Justice, Equality and Law Reform did not appear to know what the other arm of Government was doing. This depraved individual can now return to society where the same thing could happen again this weekend. How is it that while the Attorney General was defending this case in court, the other arm of Government did not know what was happening?

I acknowledge that the Taoiseach and Tánaiste both stated that this issue is complex, but the Minister for Justice, Equality and Law Reform stated last week that there was no need to rush serious legislation and that an instant response was not required because there was no gaping black hole in the law. He should tell that to the thousands of parents who have children of confirmation age, one of whom was plied with alcohol and raped by an individual who can now walk free. The Taoiseach, the Minister for Justice, Equality and Law Reform and the Attorney General knew that such a scenario could take place. Of all the mistakes we have witnessed, this is the most scandalous because this Government has failed to put in place protection for young children. This weekend, children will make their Confirmations. Unfortunately, one such child was filled with drink by Mr. A and subsequently had sexual relations. That is not the kind of country in which I want my children to live. Will the Taoiseach say what he will do about this matter?

Mr. Bruton: Hear, hear.

The Taoiseach: Deputy Kenny knows that any new legislation will not deal with the seven cases retrospectively. We cannot have retrospective legislation, which is my first point.

As the House is aware, the Supreme Court struck down section 1(1) of the Criminal Law Amendment Act. I said last Wednesday that I would check to see how many people are involved. Seven people are currently imprisoned

as a consequence of convictions under that section. The Supreme Court decided on the *C.C. v. Ireland & ors* case, which was brought by someone who was not convicted of an offence. The case concerned a person who was charged with the offence but had not been tried. The Supreme Court decision did not, therefore, decide the legal status and position of convicted prisoners.

The issue has, however, given rise to the Article 40 application by Mr. A. This afternoon, Ms Justice Laffoy in the High Court found that Mr. A was not being detained in accordance with the law. Accordingly, she directed his release from detention in Arbour Hill Prison. The Article 40 proceedings were taken against the governor of Arbour Hill Prison. I am informed that the governor intends to appeal the case to the Supreme Court. As the matter is before the courts, I will not say any more about that particular case.

Deputy Kenny raised an important point that I want to address, that is, the fear and concern of parents, teenagers and children. It is important that some reassurance is given in respect of this issue. The striking down of section 1(1) of the 1935 Act does not leave a gaping hole in our laws.

Ms Burton: That is a disgrace.

Mr. Howlin: It is shameful.

The Taoiseach: Our criminal code still prohibits sexual offences against young persons, the crime of rape remains part of our law and the Garda and Director of Public Prosecutions are duty bound to uphold and enforce these laws.

Regarding the laws on sexual assault, there is a 14-year penalty for sexual assault on a minor, the penalty for forced and aggravated sexual assault is life and the charge of rape is addressed in section 4 of the Criminal Law (Rape) (Amendment) Act 1990. The legislation and sentences are in place. It is wrong, misleading and creates a sense of fear to say these Acts do not apply.

There is a significant issue with which we must deal. As I said last week, the matter is complex. I assure Deputy Kenny and the House that we have spent an enormous amount of time on this issue since last Wednesday. I will not get into an argument about whether we know Supreme Court or High Court judgments are coming down the track or whether we know what the Supreme Court will do.

Mr. Perry: The Government should have known.

Mr. English: It should have known 16 years ago.

The Taoiseach: No. People know it is not true that we have a debate with the Supreme Court or

Judiciary before they make their judgments, nor is there an early warning system for the Department of Justice, Equality and Law Reform, the Attorney General or me.

Mr. McCormack: It is obvious.

The Taoiseach: No, the Supreme Court judgment is not obvious.

Mr. McCormack: It is.

Mr. English: What is the commission for?

An Ceann Comhairle: Allow the Taoiseach to continue.

The Taoiseach: I am trying to answer Deputy Kenny's question seriously. In fairness, he raised the matter constructively last week.

Mr. J. O'Keeffe: The matter was signalled 16 years ago. Is that enough time for the Government?

Mr. Sargent: It has been 16 years.

The Taoiseach: I will address that point if I get a minute. Will Deputies allow me to answer Deputy Kenny's question?

We must deal with the issue and we will introduce legislation in this area promptly. We will try to have the legislation by the weekend, if we can. Someone outside the House asked me about this matter today. If we can do that, if the Cabinet sub-committees work through the weekend and if we have the legislation ready, we will bring back the House next week. This is an important issue and we have no problem with dealing with it next week.

The Tánaiste, the Minister for Justice, Equality and Law Reform, the Attorney General and everybody else are committed to trying to do this. However, there are complexities. It is not simple. I am not a trained lawyer but I have listened to many of the legal points in recent days. We will introduce legislation in this area, but it will not deal with the current cases. In the meantime, existing laws will be enforced.

The two main issues with which we must try to deal are to ensure the laws are not discriminatory on grounds of gender — the 1930s Act dealt with boys — and to ensure they provide the defences required by the Supreme Court decision if they are to sustain their constitutional validity. These are the two crucial issues with which we must deal in a way that satisfies the judgment.

There are other offences in the criminal code that I did not mention during the exchange a few minutes ago, namely, false imprisonment, harassment and so forth. A broad range of criminal offences are unaffected by the Supreme Court decision. We are determined that the law will be enforced against those who engage in any kind of predatory sexual abuse of young people. The full

resources of the State will be employed in ensuring that these laws are vigorously enforced.

We will quickly introduce a new law that will deal with the issues pointed out by the Supreme Court's decision. This does not cover the other cases because they involve people who have been convicted. There is a difference in law between those who are convicted and those who are fighting a case about a conviction. We must deal with these issues. The governor will make an appeal to the Supreme Court on the Article 40.1 case today. All the other laws on sexual assault and aggravated sexual offences are in place.

Mr. Kenny: A total of 16 years ago, the Law Reform Commission recommended changes in the legislation. Why has no early warning system been put in place? Would the Attorney General, who defended the case before the Supreme Court and sits at the Cabinet table opposite the Minister for Justice, Equality and Law Reform, not have been able to inform the Government that the case was going before the Supreme Court? In light of the recommendations made by the commission, should there not have been an understanding that this might have been the Supreme Court's decision?

Last week, the Taoiseach said it was important to plug this loophole, which is a serious gap in the law. On behalf of this side of the House, I offered full co-operation in this respect. Deputy Jim O'Keeffe produced a Bill that was never published. Out of courtesy, it was sent by the Bills Office to the Department of Justice, Equality and Law Reform where someone subsequently briefed journalists on its content, which was an unprincipled act of politics.

Mr. Durkan: Hear, hear.

Mr. McGinley: It was despicable.

Mr. Allen: Guess who?

Mr. Kenny: On the same day, the Minister for Justice, Equality and Law Reform dismissed the issue and said that there was no black hole. The Government should tell that to the victims of Mr. A or Mr. B.

Mr. Durkan: Hear, hear.

Mr. Kenny: What will the Government do this weekend to protect society from Mr. A, who is walking free? He filled a young girl of confirmation age with drink and had sex with her. That person will be out in society. What will the State do about protecting children from such people?

It seems that the Minister is not in touch with the mood of the people when he says that there is no need to rush serious law. Will the Taoiseach confirm that the House will return next week and deal with this issue? The Labour Party has produced a Bill to plug the hole in the law, as has the Fine Gael Party. Why are all the great people

[Mr. Kenny.]

in the Government humming and hawing when Mr. A, Mr. B, Mr. C, Mr. D and others like them could be released into society without the protections in place to safeguard the young children of this country from that type of perversion? It is appallingly and horrifyingly incompetent. Unfortunately, young people will pay the price for this incompetence. What will the Government do about Mr. A? What will it do in respect of the House sitting next week and plugging the hole in the law? We must deal with this issue. We must have some measure of unity in our attempt to protect the young boys and girls from that type of perversion.

The Taoiseach: All Deputies will agree with me that the first priority is the protection of children. The Supreme Court judgment is too serious for gamesmanship or point scoring so I will not get into that.

Mr. Naughten: Tell that to the Minister for Justice, Equality and Law Reform.

The Taoiseach: I have to say again to Deputy Kenny that no legislation will plug the cases of Messrs. A, B, C, D, E, F or G. There is no case for seven people. The Supreme Court has given its judgment on that.

Mr. Kenny: What about next weekend when someone else does it?

The Taoiseach: I want to be clear about that point. The case we are talking about, Mr. A, is being appealed to the Supreme Court. Anyone who believes he can go out next weekend and do anything because there is no law is mistaken — offences are stipulated so that the law can protect young people. Sexual assault carries a 14 year penalty, a sexual incident with a minor where force is used carries a penalty of life imprisonment, any case of aggravated sexual assault carries a penalty of life imprisonment and there are penalties for rape. Five Bills were enacted in this House on sexual offences during the 1990s and all of those issues are dealt with. There are other offences covered by the criminal code, such as false imprisonment and harassment, and all of these issues are covered. That is the answer to the question about what could happen next weekend.

I spent some considerable time over the weekend looking back on the position from 1990 because it was suggested that all was spelled out in 1990 and it was obvious to everyone. Deputies will be aware that the change on mistake with regard to age recommended by the Law Reform Commission in 1990 was not based on constitutional issues at all, it was based on the argument that “Irish law in this respect was unduly harsh and wholly out of step with the law in other jurisdictions”.

It is also totally untrue to say that subsequent Governments since 1990, which included practically all parties in this House, did nothing about the Law Reform Commission report recommendations. There were more laws enacted in the 1990s on this than in any other decade since the foundation of the State. The Law Reform Commission report of 1990 on child sexual abuse made a small number of recommendations on the criminal law governing sexual offences against children. A recommendation to decriminalise homosexuality, which was the major issue, was dealt with in the Criminal Law (Sexual Offences) Act of 1993. I have been in the House for long enough to remember that debate. Recommendations that the laws on incest and the criminal liability of under-age girls should not be changed were also complied with.

As I said last Wednesday, the Department of Justice, Equality and Law Reform published a discussion paper on the law on sexual offences in 1997-98. That discussion paper sought views on all topical issues concerning the criminal law protecting children against sexual abuse, including the age of consent and mistake as to age, where the Law Reform Commission recommended changes. Responses to the invitation for views disclosed no appetite for change among those who expressed views on the paper. It was looked at. This assertion that it was all there since 1990 or since 1930 is just not true. All of the groups submitted their views and decided not to change it.

Views received on the paper, however, formed the basis of the Sex Offenders Act 2001 and continue to inform the criminal justice (trafficking and sexual offences) Bill, which deals with the issue of child prostitution addressed in chapter 11 of the paper. Criminal law was strengthened in the 1990s, with Acts in 1993, 1998 and 2001. I have mentioned the Child Trafficking and Pornography Act 1998, the Sexual Offences (Jurisdiction) Act 1996 and provisions in Part 12 of the Children Act 2001. It is untrue to say that this issue was not fundamentally examined.

It might sound odd to people outside the House that the Supreme Court does not ring the Taoiseach or Minister of the day to say that a judgment is coming up.

Mr. Allen: No one said that.

The Taoiseach: It has been said in the House and outside it. It does not happen that way. I had no idea and neither had my colleague.

Mr. Allen: It was a possibility.

The Taoiseach: Everything is possible.

Mr. Allen: The Taoiseach was more interested in leaking documents.

The Taoiseach: I have nothing to do with leaking documents.

Mr. F. McGrath: Ask the Minister for Justice, Equality and Law Reform.

The Taoiseach: I said last week, and I repeat today that Deputy Kenny on this issue last week was fair and reasonable about putting a point and I answered that. I do not leak documents. I do not know anything about the leaking of documents and I do not agree with it.

Mr. Allen: Someone does. It would not be the first time.

Mr. F. McGrath: The Taoiseach should ask his colleagues around the Cabinet table.

The Taoiseach: I would like to say to Deputy Kenny that I can do something about the seven cases. In the Government's view and my view, however, there is a distinction between these cases and someone resisting an offence, as happened in the case the Supreme Court made its judgment on. It was a long drawn out case, the first part of it was heard last summer and it may have been submitted a year before that.

In the seven other cases I mentioned, people were prosecuted for some very serious offences. I am aware of some of the facts. We will appeal this case to the Supreme Court and fight those but we must deal with the loophole. If we can finish this by the weekend we will do it. It is not simple. I say that with the greatest respect to the people who have drafted Bills. There is a difference, however, when the Government drafts Bills that must be based on legal advice. We must deal with the two main issues that I have mentioned. We must ensure the laws are not discriminatory on grounds of gender — the 1930 Act was based on boys — and we must ensure that the law has defences required by the Supreme Court decision to sustain their constitutionality. We will do our best to deal with those issues and I will consult the Opposition. If we have the legislation by the weekend, the Cabinet committee will meet then and we can bring it to the House next week to pass it. I have asked everyone to try to do that.

Mr. Rabbitte: The Taoiseach misunderstands that parents are not interested in a dissertation on criminal law or the contents of the 1990 Law Reform Commission report. They want to know if their children will be safe this weekend.

It is not right to give us a lecture either on the separation of powers between the Supreme Court and this House. The Attorney General does not defend a constitutional action without taking instructions from the line Department and the Attorney General knew in doing so that he might lose the case. Why was no effort made to anticipate the situation if the relevant section was struck down?

Last Thursday I said to the Taoiseach "Quite clearly, if an offence is deemed unconstitutional, the trial and conviction are invalid, as is the subsequent imprisonment". One did not have to be a practising senior counsel to know that was the situation. The Taoiseach told this House in reply that there is no question of people walking free. The situation has turned out otherwise and it seems the Taoiseach does not appreciate its gravity as far as parents are concerned or the gravity of the situation for the Minister for Justice, Equality and Law Reform and for this Government.

The Minister for Justice, Equality and Law Reform, in his weekly appearance on "Today with Pat Kenny", told parents that the Supreme Court decision "is not the gaping void that some people are arguing". Now we know that it is, and there is no point in confusing the past with the future. The past has happened. What we need to do now is protect young people in the future, starting immediately. If the Taoiseach thinks he can fly away to America tomorrow morning and avoid Leaders' Questions and, more disgracefully, put this House into recess for ten days, he really has lost touch with the people of this country because this House, particularly this side of the House, will not tolerate circumstances where an issue like this confronts the parents of this country while he puts this House into recess. That is simply not acceptable.

The Taoiseach's Government has made many mistakes. He has wasted much money. He has bought machines that do not work and he has bought computer systems that do not work, but this is about the protection of our children. This is materially different in character and to confuse and obfuscate about whether there is aggression involved or whether there are other aspects of the criminal law that might be invoked for offences that might be committed tonight, tomorrow night or at the weekend is not dealing with the issue that concerns people.

We published a Bill on this area. The Bill is available to the Minister for Justice, Equality and Law Reform if he wants to take it on board.

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

Mr. Rabbitte: This Bill would seek to reinstate the *status quo* while the broader debate the Minister has opened about the age of consent and the substantive issue could continue but in the interim, the loophole needs to be closed off. This Bill provides for that situation. It allows for the defence of honest mistake but other than that, it reinforces the one section that is now gone and three further sections that are at risk. We can produce such a Bill and I am assured by expert opinion outside the Labour Party that there is no constitutional infirmity in the Bill. The Minister may sneer but how can he explain to our people in this country the lethargy and complacency with

[Mr. Rabbitte.]

which he has confronted this issue since it first became known that this case was stated before the Supreme Court? To imply that there is no contact of any kind with the Supreme Court is quite proper.

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

Mr. Rabbitte: There ought not to be but when the case was stated the Government knew what might have happened and it took no steps to provide for that situation. We are left in the circumstances now where there is a gaping loophole in the law that threatens the protection of our children from predators starting immediately and all the Taoiseach can say is that he is looking at it. He will fly to America tomorrow, he will put the House into recess for ten days, he will then come back and we might or might not have a Bill. That is not acceptable. Whereas many people allege he is losing his touch, he is really out of touch if he thinks he will get away with that on this occasion.

Deputies: Hear, hear.

The Taoiseach: As regularly happens, Deputy Rabbitte did not listen to much of what I said at the outset so I will repeat it.

Mr. McCormack: Not all the waffle again. Keep to the point.

An Ceann Comhairle: Allow the Taoiseach to speak.

The Taoiseach: I will make the points. I said that the Supreme Court has struck down section 1(1) of the Criminal Law (Amendment) Act 1935 and seven prisoners are currently imprisoned in consequences of a conviction under that section. Those cases cannot be dealt with in a new Bill. The C.C. case was brought by a prisoner who was not convicted of an offence. The case concerned a person who was charged with the offence but had not been tried. The Supreme Court decision in the C.C. case did not decide, therefore, the legal status and position of convicted prisoners. That is the point. In our view there is a difference in these cases.

Deputy Rabbitte contends that the Attorney General would not defend a case if it was not consented to by the line Department. That is not how the system works. In this case it was the Director of Public Prosecutions, on behalf of the Attorney General, who fought the constitutional issue in the case. That is a fundamental misunderstanding by Deputy Rabbitte on the key issue.

Deputy Rabbitte wants to put the case that every law is struck down and that I am trying to confuse the position. I am making the point, which he knows well, that matters of sexual assaults, aggravated sexual assaults, rape and

rape contrary to section 4 are covered in Acts passed by this House which are still law. A person dealing with any of our children under any of these Acts is subject to the full rigours of the law and to try to give an impression that that is not the case is wrong, and Deputy Rabbitte knows that.

I will say nothing about the Labour Party lawyers or experts. I am sure they are all top class, but we have to make sure that the laws dealing with this issue, which I have said on two occasions was on two points, are not discriminatory on grounds of gender. We have to ensure that the law has defences required by the Supreme Court in terms of its decision to sustain their constitutional validity. We have to get that right. I have already said, although Deputy Rabbitte obviously did not hear me——

Mr. Quinn: The Taoiseach is misrepresenting him.

The Taoiseach: ——that we will endeavour to have that done by the weekend. It is the view of the people advising the Government, who are all eminent legal people, both inside and outside, that this could take us a week or so to do. I have asked that they have it done by the weekend. Deputy Rabbitte will appreciate that I am unlikely to draft it in the 46 hours or so I am in the United States, but I will be back by the weekend and we can clear it then. If we have it ready, which, as I said to Deputy Kenny, we intend to do, the House will sit and deal with it next week. I am trying to deal with a serious issue in a serious way and not just make partisan points.

Deputy Rabbitte is trying to say that everything is struck out by the Supreme Court or that a child going out tonight can be attacked by every lunatic and there is no law to deal with that.

Mr. Howlin: Nobody said that.

The Taoiseach: Let us try to be serious about serious issues. All those laws are in place. If somebody does that tonight they will end up with perhaps a life sentence or 14 years. We know that. There is an issue we have to deal with. The Supreme Court has made its judgment. That is the end of the argument and there is no point in me making any view about the Supreme Court. The position is clear. There is separation of powers. The Supreme Court made a judgment. I agree with Deputy Rabbitte that some other sections of that legislation may be in danger also and we have to deal with those. We have to look at not only section 1(1) but other aspects also. We are doing that and we will deal with this issue as expeditiously as possible.

Mr. Rabbitte: I told the Taoiseach last week that in my view if an offence is deemed unconstitutional, the trial and conviction are invalid as is the subsequent imprisonment. The Taoiseach

said that nobody would walk free as a result of the Supreme Court judgment. This is the same Taoiseach who asks me now to be assured that other aspects of the criminal law will protect our children from this weekend on. Nothing the Taoiseach has said since this crisis happened lends credence to that assurance. Aspects of the criminal law may indeed protect some children but it goes without saying that what has happened here leaves many children vulnerable to predators without any protection from the law. That is a fact and the Taoiseach knows it is a fact.

I ask the Taoiseach again what he intends to do about it. What is all this confusion about? When it first broke, the Taoiseach did not even know the number of prisoners, for example, who would be affected. He is now trying to say that the age-old convention is that any Minister or head of a Department whose laws under his or her aegis are the subject of contest in the Supreme Court would not know about it. Of course they would know about it. Of course the Minister for Justice, Equality and Law Reform knew this action was in train. If he did not know, he ought to have known. What is more important than the protection of our children? Is the Minister seriously telling this House that such an action was before the Supreme Court and he was completely unaware of it? To suggest the Supreme Court was seized of this matter and the Minister did not know is an act of gross dereliction, if that is true.

Mr. McCormack: The Taoiseach does not know what to say.

Mr. Rabbitte: What is the next step in this process? There should be no slithering, sliding or the Taoiseach stating he will be back in 64 hours and we can meet at the weekend. Will this House be in session next week? Why is it that if my colleagues can draft legislation, it cannot be done in the parliamentary counsel's office on the instructions of the Minister for Justice, Equality and Law Reform?

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

Mr. Rabbitte: How can the Taoiseach explain why this house is not sitting next week? It is a disgrace. It ought to sit. In circumstances where we are confronted with this kind of crisis, to think that this House can be shut down so that the Government can escape accountability is a profound and fundamental mistake.

Mr. McCormack: The Government is afraid of the matter.

Mr. Rabbitte: There is no point in trying to confuse the issue about the seven prisoners. I know the position of the six remaining prisoners.

Mr. Howlin: The Deputy told the Taoiseach.

Mr. Rabbitte: I would be more interested if the Taoiseach told me if it was the intention of the DPP to charge them again under the other legislation he is talking about. I know the position — that, unfortunately, has happened and is in the past. They are the historical cases.

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

Mr. Rabbitte: I want to know about the future. Can the Taoiseach give an assurance to parents that from this weekend their children are safe? That is the issue. All the Taoiseach is saying is that we will have a wide-ranging debate about the age of consent, equality of gender etc. That is an interesting debate that we should have in the future. In the interim we need this loophole shut off.

Deputies: Hear, hear.

Mr. Rabbitte: I am offering one way of doing this. If the Minister believes he has superior advice to bring to bear, let him bring it.

Mr. Howlin: Let him do it tomorrow.

Mr. Rabbitte: This House should sit until we enact interim legislation that protects our children until we have the wider debate.

Deputies: Hear, hear.

The Taoiseach: All the legislation on the Statute Book protects children against sexual abuse—

Mr. English: If Mr. A did it again tomorrow, what would happen? What would we do then?

Mr. Howlin: It does not cover it.

An Ceann Comhairle: I ask the Deputy to allow the Taoiseach to respond.

Mr. McDowell: The man would be charged with sexual assault.

An Ceann Comhairle: The Deputy is not the leader of the Labour Party.

The Taoiseach: The person would be charged with sexual assault.

Mr. English: Under which law?

An Ceann Comhairle: I may have to ask the Deputy to leave the House.

The Taoiseach: It would be under any of the laws relating to sexual crimes.

Ms Burton: The man would have the defence of not being sure about the age of the child.

Mr. English: It is a fair question.

An Ceann Comhairle: There is a time and a place for the Deputy to ask a question. The Deputy owes it to Deputy Rabbitte to let him hear the answer to his question.

Ms Burton: He has a defence if he does it again. It is left open.

An Ceann Comhairle: Deputy Burton is not the leader of her party. Deputy Rabbitte is entitled to hear the Taoiseach.

Ms Burton: I am concerned that children could be raped and this man will have a defence and the Taoiseach will not close it.

An Ceann Comhairle: The Deputy should be quiet. The Taoiseach should be heard without interruption.

The Taoiseach: The answer to Deputy English's question is that all the relevant Acts — including the 1993, 1998 and 2001 Acts, the Child Trafficking and Pornography Act, the Sexual Offences (Jurisdiction) Act and Part 12 of the Children Act — are still law and are not affected by the striking down of section 1(1). This relates even to other dangers in the Criminal Law Amendment Act 1935.

Mr. J. O'Keeffe: Have the heads of the new Bill been agreed?

The Taoiseach: I have listened and I would like to answer. Deputy Rabbitte asked me about confusion, but there is no confusion.

Mr. J. O'Keeffe: Have the heads of the new Bill been agreed?

Mr. D. Ahern: The Deputy should let the Taoiseach answer.

An Ceann Comhairle: I ask Deputy Jim O'Keeffe to allow Deputy Rabbitte to hear the answer to his question.

Mr. J. O'Keeffe: He would be very interested in the answer to my question.

An Ceann Comhairle: This question is already nine and a half minutes over time.

Mr. J. O'Keeffe: Has the Taoiseach got an answer?

An Ceann Comhairle: The Taoiseach is entitled to respond, just as Members are permitted to ask questions. I ask the Deputy to be quiet or he will have to take the consequences.

The Taoiseach: Deputy Rabbitte accused me unfairly of not knowing the number of prisoners last Wednesday morning. I stated in the House

that I would know by lunchtime, and I did. He took an unreasonable position. I stated there was no blanket rule, as the advice had been that there was no blanket rule. That is the reason we opposed the case yesterday. We fought the case, the court ruled as it did today in *habeas corpus* and we lost that case. We did not consider that the same position would apply with regard to seven prisoners who are currently convicted and a case where a prisoner had not been convicted of the offence. As I stated earlier, that case will be fought in the Supreme Court.

With regard to consultation, I can only again outline the system for Deputy Rabbitte who sat at the Cabinet table for a while. In this case, the DPP had the carriage of the case. Under the 1975 Act, the DPP does not discuss these cases, and there is no requirement for him to do so. There is no position where the DPP would discuss an Act. The DPP had carriage of the case and it was taken.

Mr. Naughten: Does the DPP know what is going on?

The Taoiseach: I hope the Deputy knows what is going on. There is a separation of powers and the DPP could not do that.

Mr. J. O'Keeffe: Have the heads of the Bill been agreed?

An Ceann Comhairle: The Taoiseach should be allowed to speak without interruption. I ask Members of the Fine Gael to allow the Labour Party leader to hear the answer to his question.

The Taoiseach: Deputy Rabbitte has accused me of slithering and sliding, of stating that I will be out of the country and of indicating that we will look into the matter next week. I did not say any of those things. I stated that for the limited time I will be out of the country, those who are working with the Minister for Justice, Equality and Law Reform and the Attorney General will try to complete this Bill. It is their view and the view of people outside the issue that it would be very unwise to run with just any old proposal. We must work it out carefully and get the two main points right to ensure that the laws are not discriminatory on grounds of gender, which is what the Supreme Court said, and that the defences required by the Supreme Court decision are dealt with.

Many other people looked at this legislation over the past 15 years, deciding in many reviews, five Acts, a discussion paper and many submissions that the issue need not be dealt with. Experts sending in submissions from the various arms of the law decided this. The Supreme Court has now said that we have to deal with it. To run off a Bill and not check it comprehensively would be a mistake.

Mr. J. O’Keeffe: Have the heads of the Bill been agreed?

The Taoiseach: Will Deputy O’Keeffe stop interrupting? If Deputy Jim O’Keeffe has all these answers, he was there from 1994 to 1997. Why did he not solve this problem then?

Mr. J. O’Keeffe: Have the heads of the Bill been agreed? The Taoiseach does not like to answer my question.

An Ceann Comhairle: Deputy Jim O’Keeffe is not entitled to ask a question.

Mr. D. Ahern: The Deputy should keep quiet.

The Taoiseach: The Deputy was a Minister in the Government then. Why did he not solve it?

An Ceann Comhairle: The Chair will have to take action against Deputy Jim O’Keeffe if he persists.

The Taoiseach: I am trying to answer Deputy Rabbitte. Deputy Jim O’Keeffe’s party had its chance and did not do it.

Mr. Allen: Deputy McDowell thinks the matter is very funny. It seems to be a laughing matter.

The Taoiseach: We will try to have the Bill by the weekend. I cannot say to the legal people working on this that they must have it. The Deputy knows this. We will try to have it by then. If we have it, I have stated that I will consult the Opposition. I will be back on Friday. I will not be gone for too long. The work will go on. The relevant Cabinet committee can meet over the weekend and we will deal with the Bill next week. I stated this very clearly half an hour ago to Deputy Kenny. I am far from slithering and sliding, and the Deputy is ignoring what I have said.

These are the issues that must be dealt with. The Supreme Court struck down a section of an Act and we must deal with it. The Government will do so.

Mr. J. O’Keeffe: The Government has not reached agreement on the terms of it.

Caoimhghín Ó Caoláin: Does the Taoiseach anticipate that others of the seven imprisoned under those parts of the 1935 Act that have been deemed unconstitutional will now also appeal either their convictions or sentences, as with the case decided on this afternoon? Will the Taoiseach advise us if the Government this morning gave consideration to the implications of the High Court decision announced this afternoon relating to the release of this prisoner? Did it consider the consequences, and not only in the terms which have already been spoken of by other voices?

Rather than being repetitious I wish to explore some other elements. Is the Taoiseach aware there is a potential that this person, now released, may sue the State? Are we to face the outrage of one or more individuals taking a case against the State, such as the self-confessed beast who preyed on a 12-year old child and whose case was successful in the High Court this afternoon? Can the Taoiseach advise the House what consequences we may yet face of this issue? Did the Cabinet consider these matters this morning and has it received advice from the Minister or the Attorney General?

What are the implications for the sex offenders’ register of this afternoon’s decision in the wake of the Supreme Court judgment? Will it remain as it is or will one or more individuals, including the man described as “Mr. A”, be able to challenge the inclusion of their names on the register?

An Ceann Comhairle: The Deputy’s time is concluded.

Caoimhghín Ó Caoláin: The leaders of Fine Gael and the Labour Party voiced their concerns on the issue this afternoon. Can the Taoiseach explain why successive Governments, including a previous coalition of Fine Gael and Labour, failed to act on the recommendation of the Law Reform Commission in 1990 that a defence be allowed of making a genuine mistake about a person’s age? Does the Taoiseach accept that if the Law Reform Commission’s recommendations had been acted on in 1990, or at any point since, the 1935 law could not have been challenged as it has and we would have its protection today, averting the crisis we now face and the serious concern that exists?

I welcome the Taoiseach’s confirmation that the new legislation will seek to protect young boys and girls from sexual predators. Can he confirm that the new law will provide——

An Ceann Comhairle: The Deputy’s time is concluded.

Caoimhghín Ó Caoláin: ——that it will be illegal to have sex with either a boy or a girl who is below a specified age? Will he assure the House that the age of consent will not be ditched but will be included in new legislation brought before this House? The Sinn Féin Deputies will do everything in their power to facilitate the earliest possible passage of the proposed legislation in the hope it will address all the issues as speedily as possible.

The Taoiseach: A number of points have been raised. Our highest priority is to deal as quickly as we can with this serious issue for the protection of our children. The Deputy asked me about other cases but I cannot pre-empt the decisions of the courts. The Government intends to appeal the Supreme Court’s decision. Other cases may

[The Taoiseach.]

arise but we cannot instruct the DPP. We can prepare legislation to deal with issues as they arise but cannot consult or influence the courts, whether on last week's case or any other. I thought everyone understood why there is separation of powers but sometimes I wonder.

There cannot be a miscarriage of justice where a person pleaded guilty to very serious offences. The register will need to be looked at on a case by case basis. I agree with the Deputy on the age of consent.

I recently launched a wide-ranging report of the Law Reform Commission on the subject of conveyancing. The chairperson, Mrs. Justice Catherine McGuinness, said its work involved taking a broad view of various aspects of legislation and putting forward views for consideration. The 1990 report on child sex abuse made a small number of recommendations on criminal law governing sexual offences against children. It also recommended decriminalising homosexuality and many of the enactments in the 1993 Act originated from its recommendations. Other work was done in the Department on the laws of incest and the criminal liability of under age girls and it was decided they should not be changed. In 1997 Deputy O'Donoghue became Minister for Justice, Equality and Law Reform and presented a discussion paper on a number of topical issues concerning the criminal law protection of children against sexual abuse. It discussed the age of consent and the changes the Law Reform Commission had recommended on the defence of making a mistake regarding age. Responses were made to the discussion paper from interested bodies so it is not true that nobody has looked at it since 1930, or 1990. The issues were well aired and debated but decisions were made not to change the law. It does not mean that no changes took place. The Sex Offenders Act 2001 was enacted, followed by legislation to combat trafficking for sexual offences. The Supreme Court has made its judgment and now we must deal with it. It is not true that the report was left on a shelf and not read by anybody.

If the Supreme Court makes a decision that strikes down an Act which we all believed was safe it is a serious issue but that is the way the system works. Now we must properly deal with that Act. Deputy Ó Caoláin did not say this but it is impossible to have another Act ready when one is struck down. The Supreme Court makes a judgment on the basis of fact and following its examination of a case. It studied this case for a year and the recent judgment was the second part of a two-case judgment. We must carefully examine how it arrived at its decision and what it recommends, and we must act accordingly.

The Government considered the matter this morning and the Minister for Justice, Equality and Law Reform has done so practically non-stop since the judgment was made a week ago. The Attorney General has also considered it and has

sought counsel. We will deal with it as quickly as possible.

Mr. J. O'Keeffe: The Cabinet cannot agree on how to deal with it.

The Taoiseach: It does not remove all the legislation enacted to deal with anyone who commits serious sexual assaults or aggravated sexual attacks.

Caoimhghín Ó Caoláin: I thank the Taoiseach for his reply. The Sinn Féin Deputies will be happy to facilitate the sitting of the Dáil in the coming week, not to embarrass the Government but because we must.

Is the Taoiseach considering legislation to deal with behaviour other than sex with an underage boy or girl? Should we not include all inappropriate sexual acts and approaches? Will the legislation include the widest possible protection for young people, not only in terms of the understood idea of the sexual act but also in reflecting other activity and approaches? I ask the Taoiseach to confirm he shares the view that the widest possible protection is required and to indicate on behalf of the Minister whether it is his intent to legislate for it.

Does the Taoiseach agree that, in addition to legislation, a raft of other measures which will help to protect vulnerable young people is required? I have in mind educational measures and the need to inculcate greater social responsibility to create a greater awareness of the dangers of alcohol abuse and casual sex. A much more proactive—

An Ceann Comhairle: As the Deputy's time has concluded, I ask him to give way.

Caoimhghín Ó Caoláin: Will the Government, and I ask the Minister to take note, examine the need to protect young people and consider what measures are required to address the worrying growth in human trafficking, which is of concern to citizens and our new brothers and sisters in society?

The Taoiseach: I agree with Deputy Ó Caoláin on a number of points. The human trafficking Bill is being prepared and will come before the House. The broad definition is one of the things with which we must deal and I agree with the point that it more correctly reflects the issue. We have a strong body of legislation and, as the Deputy said, these are serious issues which the House has been addressing. The reason so much legislation on sexual assault, aggravated sexual assault and rape, including the Criminal Law (Rape) (Amendment) Act, has been introduced in the past 15 years was to protect our children and young people. We have a strong base of law, for example, a 14 year penalty can be imposed in cases of sexual assault on a minor and a life term

can be imposed if any degree of force is used in an aggravated sexual assault. That anyone would go into court and state that they are guilty of statutory rape is itself an indication of the seriousness of these offences.

All of this is to protect our children. In this particular case we now have an issue that we have to deal with. It is all about protecting our young people so they can move around freely and their parents can understand they are safe. This is the reason we have far tougher sentencing in this area than in other areas. We will have to deal with the issue arising from the Supreme Court decision and examine any knock-on implications it has for any other Acts. It is not just a question of making a few amendments but of looking at its implications for other legislation and we will do that.

The Government and, I am sure, everybody else, want to protect our children and be seen to do so. We are satisfied that we have a strong body of law.

Mr. J. O’Keeffe: The problem is that the Government cannot agree on how to do it.

The Taoiseach: In this instance, we have to amend an Act of which the Supreme Court has struck down one section. Another one or two sections may be at risk. This does not change any of the other Acts. We will do this quickly and efficiently in the interests of our children and their parents. That is the Government’s commitment. I thank Deputy Ó Caoláin for his support in enacting this legislation as soon as we have it ready.

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. Bruton: I seek the adjournment of the Dáil under Standing Order 31 to raise an important matter of public interest requiring urgent consideration, namely, the lack of investment in health services for Dublin’s north city which, despite having only half the level of GP service per head as the rest of the country, having hospital waiting lists more than three times the national average and losing 48,000 bed days per year in the Mater and Beaumont hospitals because of the lack of convalescent care, receives only a tiny proportion of the Department of Health and Children’s new €900 million investment programme, none of which is being invested in the critical accident and emergency units in the Mater and Beaumont hospitals.

Mr. F. McGrath: I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of national importance and concern, namely, the rise in drugs related murders on the north side of Dublin and the urgent need to provide more

safety and security measures for all our citizens and more community gardaí on the beat and to work closely with all the anti-drugs groups and voluntary community organisations on this priority issue.

Mr. Morgan: I seek the adjournment of the Dáil under Standing Order 31 to discuss the following matter of urgent public concern, namely, on this, the centenary of the death of Michael Davitt, a decent Mayo man, the necessity for the Taoiseach to make a statement to the House outlining the reason the scourge of landlordism has been allowed to continue to plague the Irish people in the form of ground rents; and the reason no legislation to abolish ground rents has been brought forward despite there being no apparent political opposition to abolishing them, when the cost to the Exchequer would be negligible and many people, the elderly in particular, continue to find themselves at the mercy of unscrupulous absentee landlords who are demanding huge sums on the expiration of leases.

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

Order of Business.

The Taoiseach: The Order of Business shall be No. 10, motion re European Communities (Amendment) Bill 2006; No. 11, proposed approval by Dáil Éireann for a Council framework decision on simplifying the exchange of information and intelligence between law enforcement authorities of the member states of the European Union, back from committee; No. 20, Institutes of Technology Bill 2006 — Second Stage, resumed; and No. 21, Planning and Development (Strategic Infrastructure) Bill 2006 [*Seanad*] — Second Stage, resumed.

It is proposed, notwithstanding anything in Standing Orders, that No. 10 shall be decided without debate; and the proceedings on No. 11 shall, if not previously concluded, be brought to a conclusion after 45 minutes and the following arrangements shall apply: (i) the speeches shall be confined to a Minister or Minister of State and the main spokespersons for the Fine Gael Party, Labour Party and Technical Group, who shall be called upon in that order, may share time and which shall not exceed ten minutes in each case; (ii) a Minister or Minister of State shall be called upon to make a speech in reply which shall not exceed five minutes. Private Members’ business shall be No. 32, Courts (Register of Sentences) Bill 2006 — Second Stage, and the proceedings on Second Stage thereon shall, if not previously concluded, be brought to a conclusion at 8.30 p.m. on Wednesday, 31 May 2006.

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

[An Ceann Comhairle.]

Agreed. Is the proposal for dealing with No. 11 agreed? Agreed. Is the proposal for dealing with Private Members' business agreed? Agreed.

Mr. Kenny: I note from a reply given to me by the Minister for Education and Science that the final date for receipt of third level grant applications is 31 August. The Minister promised to introduce new legislation which would streamline payments and make them expeditious. When can we expect the legislation to be published? Will it be implemented in order that it will take effect this September and apply to payment of grants which have been approved?

The Taoiseach: That legislation is being prepared but it will not be taken this year. It will be ready in 2007.

Mr. Rabbitte: Given that the Cabinet was unable to agree this morning and there are no heads of a Bill prepared, will the House sit next week on the matter which has arisen as a result of the Supreme Court case?

An Ceann Comhairle: That is a matter for the House to decide on Thursday morning.

Mr. Rabbitte: In time honoured tradition I am entitled, on the basis of convention, to ask if the House is scheduled to sit next week.

An Ceann Comhairle: The House will make that decision.

Mr. Rabbitte: Why does the Ceann Comhairle not allow the Taoiseach to answer for himself for a change? As he is aware, the decision on whether the House sits is a matter for the Government and he should not engage in games as though it is for the House to decide.

An Ceann Comhairle: The House will decide on that issue on Thursday.

Mr. Rabbitte: It is a matter for the Government. Whether we sit or not is decided by the Government, not by the House.

An Ceann Comhairle: It is not, Deputy. It is a matter for the Members of this House.

Mr. Rabbitte: Let us not play games. I am merely asking the Taoiseach, having regard to the gravity of the situation that has arisen concerning the protection of our children, whether it is proposed by the Government that we sit next week.

An Ceann Comhairle: The Deputy is being repetitive. That question has been dealt with this afternoon.

The Taoiseach: As I have said numerous times, in order to protect and safeguard our children, if

the Government can complete the Bill with the legal people who are working with us on this matter, the Whip will ask the House to sit for a period next week so we can pass the Bill. That is our intention. I must again correct Deputy Rabbitte — it was not a question that the Government could not agree this morning. We must examine all aspects of this matter, as I explained earlier. We want to ensure we protect our children properly with legislation that stands the test of time. We must do it appropriately and we have to make sure we get that right.

Mr. Sargent: I wish to set down a marker that the Green Party will be supporting a sitting of the Dáil next week to close that legal loophole which currently gives an absurd defence for child abuse in legislation. I wish to ask a question on promised, related legislation, namely the Child Care (Amendment) Bill, which was previously the Foster Care Guardianship Bill. Will the Government respect the European ruling that requires the Government to take action before July on outlawing the hitting of children? It is another issue but one that, nonetheless, is governed by European legislation. Will the Government comply with that ruling by July?

I wish to ask another question on promised legislation, which has been asked repeatedly in the House. In the circumstances we have been debating, the public will want to know why the register of persons who are considered unsafe to work with children still languishes with no indication of publication. Surely at this point, there is a need to expedite that legislation, given the immense public concern.

Ms Enright: The Taoiseach said he is satisfied the law is wide-ranging and protects children. The reality is that if Mr. A was released from prison next week, he would be able to get a job working with children in a voluntary or paid capacity.

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

Ms Enright: I do. In light of that, there is another loophole left open by not having that register enacted. Will the Taoiseach try to enact it in this Dáil term?

Ms McManus: Will the Taoiseach acknowledge that there is a breakdown of confidence among parents as to the protection available to their children because of the Government's incompetence? Will the Taoiseach consider examining this particular legislation to ensure that, at the very least, we can deal with the matter? Clearly, there is all-party support for it, yet it has been long-fingered for quite some time.

An Ceann Comhairle: The Deputy has made her point. She should allow the Taoiseach to answer the question.

Ms McManus: Every time this programme comes out, it is on the margins and no publication date is announced.

An Ceann Comhairle: The Deputy cannot make a speech at this stage.

The Taoiseach: Anyone who abuses our children is open to the full rigours of the law.

Ms Enright: We should not make it easy for them to do that.

The Taoiseach: I totally agree with that.

Ms McManus: After the event.

The Taoiseach: That is why we have legislation under which an offender can get 14 years or life imprisonment. We have very tough laws in this area.

An Ceann Comhairle: We are on the Order of Business and have moved on from Leaders' Questions. There is no provision requiring leaders to ask questions.

The Taoiseach: The Child Care (Amendment) Bill is for this session. The Minister of State, Deputy Brian Lenihan, is dealing with the register.

Mr. Sargent: Which legislation?

The Taoiseach: The Child Care (Amendment) Bill.

Mr. Sargent: I asked about two pieces of legislation. Can we get an answer on both?

Ms McManus: Exactly.

Mr. Sargent: We have the register of persons who are considered unsafe to work with children. That requires a separate answer to the question concerning the Child Care (Amendment) Bill. They are separate pieces of legislation.

The Taoiseach: The Child Care (Amendment) Bill is for this session. The legislation for a register of persons who are considered unsafe to work with children will concentrate on developing procedures for vetting convictions through the vetting unit. The development of such a register gives rise to a range of legal, policy and practical implementation issues. The Department of Education and Science and the Department of Health and Children are in discussions on dealing with that issue. The Minister of State, Deputy Brian Lenihan, is handling it.

Mr. Sargent: North of the Border there is no problem. The Taoiseach is dragging his feet again.

Caoimhghín Ó Caoláin: When will Second Stage of the Tribunals of Inquiry Bill be taken?

The Taoiseach: That is a matter for the Whips.

Mr. English: A few minutes ago, I asked that if exactly the same case happened again, as in the case of Mr. A, in the same circumstances, what law is in place—

An Ceann Comhairle: I am not going to hear the Deputy on this matter.

Mr. English: I am going to make my point. My question is about proposed legislation.

An Ceann Comhairle: The Chair was more than lenient today.

Mr. English: I am going to make my point. I am asking a question on proposed legislation.

An Ceann Comhairle: We have spent one hour today on Leaders' Questions, for which 21 minutes are normally allowed, and therefore, I am moving on. I call Deputy Broughan.

Mr. English: The question I am asking is on promised legislation.

An Ceann Comhairle: The Deputy must come directly to the legislation.

Mr. English: If a law is in place to get a conviction—

An Ceann Comhairle: I call Deputy Broughan.

Mr. English: I am asking a question if you do not mind, a Cheann Comhairle.

An Ceann Comhairle: I ask the Deputy to resume his seat. He is not asking a question.

Mr. English: I will not resume my seat.

An Ceann Comhairle: The Deputy is making a statement.

Mr. English: This is a very serious and important issue.

An Ceann Comhairle: I call Deputy Broughan.

Mr. English: I will ask the Taoiseach directly then. What legislation is he bringing forward to protect—

An Ceann Comhairle: The Deputy must name the promised legislation.

Mr. English: Legislation was promised over the weekend—

An Ceann Comhairle: What legislation?

Mr. English: —by the Taoiseach to correct the Supreme Court judgment.

An Ceann Comhairle: That matter has already been dealt with on the Order of Business.

Mr. English: It has not been dealt with.

An Ceann Comhairle: It has been.

Mr. English: Can I ask a very simple question to which the country wants an answer?

An Ceann Comhairle: Yes, provided the Deputy is in order but he cannot drive a coach and four through the Order of Business.

Mr. English: The question is in order. A few minutes ago, the Taoiseach claimed that legislation was in place to prevent exactly the same case from recurring.

An Ceann Comhairle: I am sorry but I am not going to hear the Deputy making a statement. I call Deputy Broughan.

Mr. English: If that is the case, what legislation is the Taoiseach bringing forward this week?

An Ceann Comhairle: I call Deputy Broughan.

Mr. English: We know what is needed but obviously the Government does not.

An Ceann Comhairle: The Deputy is being disorderly.

Mr. English: I am not being disorderly.

An Ceann Comhairle: He is.

Mr. English: The country wants to know.

An Ceann Comhairle: I call Deputy Broughan.

Mr. English: Can the Taoiseach not answer the question? Could this case happen again?

An Ceann Comhairle: That is not a question for the Order of Business.

Mr. English: It arises from the Supreme Court's judgment.

An Ceann Comhairle: The matter was dealt with for over an hour during Leaders' Questions. I call Deputy Broughan.

Mr. English: You should allow the Taoiseach to answer the question, a Cheann Comhairle.

An Ceann Comhairle: If the Deputy will not allow Deputy Broughan to speak, we will move straight on to the next business.

Mr. English: I am asking about legislation. The Taoiseach claimed——

An Ceann Comhairle: It is not a matter for the Taoiseach to answer questions about what legislation. On the Order of Business, it is a matter for Deputies to specify the legislation they want to know about.

Mr. English: The Taoiseach has not named it yet.

An Ceann Comhairle: What is the legislation?

Mr. English: He has not given me the Bill's title yet. I am asking a simple question. Earlier I asked——

An Ceann Comhairle: What is the Deputy's question?

Mr. English: A few minutes ago, the Taoiseach told us that legislation exists to prevent such a case from happening again. I do not believe it does.

An Ceann Comhairle: That does not arise.

Mr. English: I do not believe such legislation exists and if it does not, the Taoiseach has misled the House.

An Ceann Comhairle: I call Deputy Broughan.

Mr. English: What legislation is being brought forward to correct it?

An Ceann Comhairle: I call Deputy Broughan.

Mr. J. O'Keeffe: They cannot agree. That is the problem.

Mr. English: That is not——

An Ceann Comhairle: I call the Taoiseach on promised legislation.

Mr. English: What exactly is the Taoiseach promising?

The Taoiseach: I will try to be helpful. There are two issues. There is a range of sexual offences legislation, and I mentioned the several Acts earlier. The new Bill is about one issue arising from the Supreme Court's judgment. If a sex offender was out tonight, which is the question the Deputy was asking——

Mr. English: In the same circumstances.

The Taoiseach: The individual could be charged under any of the Acts.

Mr. English: I am asking about if he was convicted, that is the question.

An Ceann Comhairle: We are not going back over Leaders' Questions again. That is what the Deputy is doing now. I call Deputy Broughan.

Mr. English: It is okay, the Taoiseach has clarified the matter. It is a charge, not a conviction.

Mr. Broughan: Just before asking the Taoiseach about the minerals development Bill, may I ask him about another matter? Yesterday, in Raheny, we had another Mafia-type assassination.

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

Mr. Broughan: I want a chance to ask the Taoiseach about this. Our chief superintendent has said there is a need for political leadership. In the Taoiseach's view, can the current Minister give that kind of leadership?

Message from Seanad.

An Ceann Comhairle: Seanad Éireann has passed the Road Safety Authority Bill 2004, changed from Driver Testing and Standards Authority Bill 2004, without amendment.

European Communities (Amendment) Bill 2006: Referral to Select Committee.

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

That the Order of the Dáil of 25th May, 2006, referring the European Communities (Amendment) Bill 2006 to the Select Committee on Foreign Affairs, be discharged and that the Bill be referred to the Select Committee on European Affairs pursuant to Standing Order 120(1) of the Standing Orders relative to Public Business and paragraph (1)(a)(i) of that Committee's Orders of Reference.

Question put and agreed to.

Council Framework Decision: Motion.

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): I move:

That Dáil Éireann approves the exercise by the State of the option or discretion provided by Article 1.11 of the Treaty of Amsterdam to take part in the adoption of the following proposed measure:

a proposal for a Council Framework Decision on simplifying the exchange of information and intelligence between law enforcement authorities of the member states of the European Union,

a copy of which proposed measure was laid before Dáil Éireann on 15 May 2006.

I will begin by explaining something of the background to and context of the draft EU framework decision on simplifying the exchange of information and intelligence between law enforcement authorities of the member states of the European Union. The declaration on combating terrorism adopted by the European Council on 25 March 2004 after the Madrid bombings instructs the Council to examine measures aimed at simplifying the exchange of information and intelligence between the law enforcement authorities of the member states. Subsequently, on 4 June 2004, the Kingdom of Sweden sent a proposal for a framework decision on simplifying the exchange of information and intelligence between the law enforcement authorities of the member states of the European Union, in particular as regards serious offences, including terrorist acts, to the Secretary General of the Council. The proposal has been under discussion within the Council structures since then and the Council of Ministers hopes to adopt the measure before the Austrian Presidency ends on 30 June. Thus, it will be seen that this proposal has a long history.

The Swedish initiative predates the Hague programme on strengthening freedom, security and justice in the European Union, which is the European Union's general policy framework in the area of justice and home affairs. This multi-annual programme was approved by the European Council at its meeting on 5 November 2004. However, the draft framework decision on simplifying the exchange of information and intelligence between law enforcement authorities of the member states has the potential to advance the Union's objectives in the Hague programme with regard to the exchange of information. Having said that, the Minister wishes to emphasise that this is a relatively light measure. A much more complex proposal for a framework decision on the exchange of information under the principle of availability is at the early stages of negotiation in Brussels.

The Hague programme urges member states to pursue an innovative approach to the cross-border exchange of information. Specifically, it provides that, with effect from 1 January 2008, the exchange of information should be governed by what is referred to as the principle of availability. This means that, throughout the Union, a law enforcement officer in one member state who needs information to perform his duties can obtain this from another member state, and the law enforcement agency in the other member state which holds this information will make it available for the stated purpose, taking into account the requirement of ongoing investigations in that state. However, the Hague programme also sets important conditions with regard to proposals to implement the principle of availability. It provides that exchanges of information may only take place in order that legal tasks may be performed and that the integrity of data to be exchanged must be guaranteed. The Hague prog-

[Mr. Killeen.]

ramme also emphasises the need to secure the confidentiality of data and respect the principles of data protection.

As I indicated earlier, the draft EU framework decision on simplifying the exchange of information and intelligence between the law enforcement authorities of the member states is a first step in implementing the principle of availability. The purpose and objective of the draft framework decision is to establish the rules under which member states' law enforcement authorities can exchange existing information effectively and expeditiously for the purpose of conducting crime investigations or crime intelligence operations. The Minister stresses that it is concerned with facilitating investigative co-operation.

Information and intelligence provided may be used by the competent law enforcement authorities solely for the purposes for which it has been supplied. It cannot be used for other purposes without the consent of the member state which provided the information. The reference to existing information is also important. The draft framework decision does not impose any obligation on the part of the member states to gather and store information and intelligence for the purpose of providing it to the competent law enforcement authorities of other member states, nor does it impose any obligation to obtain any information or intelligence by means of coercive measures. It establishes a legal obligation to exchange existing information and intelligence for the purposes of criminal investigations and criminal intelligence operations and imposes deadlines for the transmission of such information and intelligence. There are a variety of such deadlines ranging between eight hours and 14 days depending, *inter alia*, on the urgency or otherwise of the request.

Consistent with the conditions specified in the Hague programme relating to proposals to advance the principle of availability, there are also a number of important safeguards, including grounds for refusal of information and intelligence, in the draft framework decision. For example, a request for information may be refused where the provision of information would be harmful to national security interests, or the success of a current investigation or operation, or where it is clearly disproportionate or irrelevant with regard to the purposes for which it has been requested. A request may also be refused where it pertains to a minor offence, specifically an offence punishable by a term of imprisonment of one year or less under the law of the requested member state. Ireland insisted on this provision to protect the individual's constitutional right to privacy. Other safeguards include the requirement to guarantee the confidentiality of information and intelligence and the application of established data protection norms and standards.

The common interest of the member states in fighting cross-border crime must strike the appropriate balance between law enforcement co-operation on the one hand and agreed principles and rules on data protection, fundamental freedoms, human rights and individual liberties on the other. The Minister believes the text of the draft framework decision achieves this objective. The Office of the Attorney General has been consulted during the course of the negotiations and is satisfied the draft framework decision contains all necessary safeguards.

Regarding scope, the draft framework decision does not impinge on instruments of the European Union on mutual legal assistance or mutual recognition of decisions regarding criminal matters. Where a member state wishes to use information or intelligence received in accordance with the framework decision for evidential purposes, it must obtain the consent of the member state that provided the information or intelligence and, where necessary, through the use of instruments governing judicial co-operation between the member states. The draft framework decision is also without prejudice to bilateral or multilateral agreements or arrangements between member states and third countries.

Article 8 provides for the spontaneous exchange of information and intelligence, without it being requested, where there are factual reasons to believe that the information and intelligence could assist in the detection, prevention or investigation of European arrest warrant offences. The modalities of such information exchange shall be regulated by the national law of the member state providing the information, and the provision of information and intelligence shall be limited to what is deemed relevant and necessary for the successful detection, prevention or investigation of the crime or criminal activity in question.

Besides providing for obligatory exchange of information and intelligence between the law enforcement authorities of the member states, subject to the various safeguards I have outlined, the draft framework decision provides for a number of practical matters. For example, it provides that exchanges of information may take place via existing channels for international law enforcement co-operation and states that the language used for the request and the exchange of information shall be the one applicable for the channel used. The draft framework decision also prescribes the forms to be used by law enforcement agencies, for example, when requesting, transmitting and refusing information.

As I stated, the draft framework decision provides for obligatory exchange of information and intelligence between EU law enforcement authorities. This formalisation of the arrangements for exchange of information and intelligence will require domestic legislation. However, informal police-to-police co-operation has always been an

implied function of the Garda Síochána and it is not expected that the formalisation of the existing arrangements will create any administrative difficulties for the Garda Síochána.

I hope I have been of assistance in outlining the background to and content of the draft framework decision. I will endeavour to answer any questions that arise.

Mr. J. O’Keeffe: In the main I support this proposal, with one reservation which I will outline. It is clearly in the interest of a civilised state to support the objective of the proposed framework decision to establish rules which will enable and require member states’ law enforcement authorities effectively and expeditiously to exchange information and intelligence. The purpose of this proposal is to assist in conducting crime investigations or crime intelligence operations. Anyone interested in the rule of law and the establishment and maintenance of law and order will support the framework decision as being a worthy proposal.

The proposal goes back to the declaration by the European Council in 2004 which instructed the Council to examine measures aimed at simplifying the exchange of information and intelligence in the law enforcement authorities of the member states. There is also the Hague programme on strengthening freedom, security and justice in the European Union. I can support these approaches in principle. The proposed framework decision is intended to subject the exchange of information between EU law enforcement authorities to uniform conditions. It makes sense that there would be established procedures for the exchange of information.

During committee discussions, I was not fully satisfied with the Minister’s response which dealt with the effectiveness of the proposal and the question of what would happen if there were not an expeditious response to the request for information. I questioned the Minister on the situation in other countries, which is different from our situation. In Ireland, Northern Ireland and Britain, which are common law jurisdictions, there is an exchange of information and, thankfully, great co-operation between the Garda Síochána, PSNI and the police forces in Britain. There is also co-operation between the Garda Síochána, Europol and Interpol. Effectively, what we are discussing is already in practice as far as this country is concerned.

The difficulty is that the continental system is different. In many cases, the conduct of investigations on the Continent is in the hands of an investigating magistrate rather than the police. I am not sure what is the continental culture with regard to exchange of information but my understanding is that it may be against the exchange of information. My further understanding, arising from the debate, is that there may be different situations, cultures and attitudes in various continental member states of the EU. From that per-

spective, the culture of exchange of information which applies here and in the UK does not apply on the Continent. In that context, it is an advance to have a framework. There are safeguards, including the right to refuse where the provision of information would be harmful to national security or the success of a current investigation. That is subjective. National security can always be pleaded if a country does not want to provide information. Who decides what constitutes national security? It is an escape hatch in some ways.

Another safeguard is one that includes the requirement to guarantee the confidentiality of information and intelligence and the application of established data protection norms and standards. We are dealing here with member states not being prepared to provide information or intelligence unless they receive guarantees of confidentiality in respect of such information or intelligence. This gives rise to a serious issue. What will happen if a Justice Minister is a serial leaker of information? What will happen if he or she, virtually automatically, on receipt of information that he or she considers that he or she can use for political or other purposes, leaks it to somebody in the media? That is the situation in Ireland as far as I can see. It happened in the Frank Connolly case when an official document from an official file was leaked by the Minister for Justice, Equality and Law Reform. Whatever about the rights and wrongs of Frank Connolly and questions he must answer — and there are questions to which he must provide answers — I wish to focus on the actions of Justice Ministers who, under this framework document, are supposed to guarantee the confidentiality of information and intelligence. However, our Minister for Justice, Equality and Law Reform appears to be incapable of so doing. What will happen when a Minister displays an incapacity in this regard? What will happen when he or she is prepared to breach trust or confidence? What will happen when a Minister who, for the sake of publicity and favourable mention in the media, is prepared to breach parliamentary privilege?

I wish to refer to the example mentioned by the Leader of Fine Gael, namely, the Criminal Law (Amendment) Bill 2006, which I prepared last week. There was a brief mention of the Bill on First Stage here last Thursday. It was not circulated because I did not proceed on the basis of allowing the Government time to produce its own legislative proposals. As part of the process, I sent a copy of the Bill to the Bills Office, which, as a matter of courtesy, sent it to the Department of Justice, Equality and Law Reform. There was only one copy available outside of the House. I did not circulate it to anybody else. On the following day, that copy of the Bill had been released to a favoured media gentleman, if I may refer to him as such, who works for Independent Newspapers. It is my opinion that the Bill was leaked to the newspapers by the Minister for

[Mr. J. O’Keeffe.]

Justice, Equality and Law Reform. I am sorry that he is not present to deal with the motion. If that he did leak it, he owes an explanation, not to me but to this House because, apart from the breach of trust and confidence, an Opposition party had guaranteed to try to assist in closing the gap in our legislation. It was a breach of privilege of the House to leak the Bill, particularly as the House had not given approval for its circulation. The Minister for Justice, Equality and Law Reform should come before the House and make a personal statement in respect of that breach of parliamentary privilege.

The motion before us is predicated on the basis that there are Justice Ministers who will respect confidentiality of information and intelligence. Unfortunately, in light of the record and reputation of the Minister for Justice, Equality and Law Reform, other member states might have difficulty in accepting that Ireland can be trusted in this regard.

This is not the end of the process as far as this House is concerned. The proposal will require legislation to underpin what is referred to in the briefing note as an obligatory exchange of information and intelligence between Ireland and the competent law enforcement authorities of other EU member states. Perhaps the Minister of State will provide an indication as to whether any work has been done on the preparation of such legislation and when it might come before the House so that we can comply with our obligations.

Mr. Costello: I welcome the Minister of State at the Department of Enterprise, Trade and Employment, Deputy Killeen. The draft framework decision of the Council of Ministers must be processed and completed before the Austrian Presidency ends on 30 June. It is an unusual directive and one I had not expected to come before the Council of Ministers, particularly as it imposes an obligation on member states to comply with the exchange of information and intelligence that may possess.

The position in terms of cross-border activity and the Schengen arrangements has been one of co-operation. We have all agreed and promoted the idea that maximum co-operation should take place between member states in the pursuit of crime. Crime knows no boundaries or borders, certainly in terms of money laundering and trafficking of women and children, which featured recently in a fine “Prime Time” programme. This fact has also been highlighted in the context of the accession of Bulgaria and Romania to the European Union in 2007 and outstanding issues relating to corruption, particularly in terms of the trafficking of human beings. The latter takes places across borders between member states. There is concern in regard to what will happen during the World Cup in Germany. Various women’s organisations are urging that action be taken against the trafficking of women and young

girls to Germany where they will be exploited. Naturally, member states and members of parliaments are anxious that measures be in place to prevent any exploitation in that manner and any trans-border criminal activity.

Heretofore, the safeguards in place covered the exchange of information and legal tasks and ensured the integrity and confidentiality of material provided. However, member states do not now know whether data can be effectively protected. Deputy Jim O’Keeffe raised a pertinent point in respect of Departments or Ministers that might not protect information that comes to their attention in a manner that is watertight and outlined circumstances where confidential information may, in one form or another, be placed in the public domain to promote a particular purpose or to score political points. That is something we witnessed in recent months on the part of the Minister for Justice, Equality and Law Reform. There are concerns in that regard, even though there is a safeguard in the proposed directive to the effect that any matter that is harmful to national security interests or the success of an investigation or operation need not be divulged. Nevertheless, there is an obligation for the exchange of information and intelligence between the law enforcement authorities of the member states.

The exchange of information takes place between the law enforcement authorities. We have a law enforcement authority that has come under some scrutiny at the Morris tribunal and that has been found wanting in respect of the manner in which it conducted investigations. In other member states, particularly in the new accession countries and in the two states that are about to join, some questions remain regarding the reliability of structures and personnel in place in some of their law enforcement authorities. They come from a tradition in which secrecy, bureaucracy and special activities were part and parcel of the mechanisms used. What if, for example, we were obliged to provide information to a law enforcement authority of another country about which we know little in terms of its credibility and its ability to retain that information without it being employed by people who might use it for a nefarious purpose? What guarantees are there that the law enforcement agencies of all 25 countries in the European Union are in a position to ensure that confidential material and data — which all member states must exchange once this directive is passed — will be used only for the purpose for which it is intended and that it will be preserved in a confidential fashion? While Deputy Jim O’Keeffe inquired about a Minister who may be prone to leaking documentation, what will be the position regarding a law enforcement agency that may not be fully able to protect the information supplied to it and that may use it for purposes for which it was never intended?

Having said that, it behoves us to ensure that maximum co-operation occurs. I understand that such co-operation on investigations currently takes place between the Garda and the PSNI in Northern Ireland, and with the British authorities and Europol. From where is the pressure coming to have this extra dimension of obligatory co-operation? Did the Government or the Swedish Government, which initiated this directive, find other authorities wanting in terms of co-operation or sharing of information? I have not heard the Minister of State indicate — neither did the Minister for Justice, Equality and Law Reform do so when the matter was discussed before the Oireachtas committee — that any government has been critical of other governments regarding their failure to provide information. I know that different law enforcement systems are in place. Are we saying, however, that there are jurisdictions where people have relevant information, on which they are sitting and which they are refusing to share, and that a statute is required to compel them to share it? Surely the relevant Justice Minister would be in a position to inform an enforcement agency in a member state that co-operation should occur in respect of any criminal investigation that might include a cross-border element.

We are moving in a new direction. This is a new dispensation that does not have the safeguards which seem to have been in the Hague programme. In that respect, is the new direction necessary and are the dangers associated with the information that would be exchanged real? Is it possible to operate within the current dispensation. There has been no serious criticism regarding co-operation under the latter and enforcement agencies — for example, Europol — operate across borders under it. In addition, many countries have sought our advice on issues relating to the Criminal Assets Bureau and the proceeds of crime legislation, how we have dealt with that and how we have amended our legislation to ensure that the cross-border aspect has been maximised.

I support every measure that will assist in the pursuit of crime, wherever it may be found, but we are nevertheless citizens of this country as well as of Europe and we must ensure that confidentiality is protected. We must also ensure that we operate under the principle of subsidiarity and beyond it in terms of mutual co-operation. I look forward to the response of the Minister of State as to why this proposal is deemed necessary to encourage law enforcement agencies to co-operate.

Aengus Ó Snodaigh: Ba mhaith liom mo chuid ama a roinnt amach leis na Teachtaí Cuffe agus Finian McGrath.

This debate has been facilitated on foot of our objection to the passage of this motion, but a period of 45 minutes is not adequate for a debate. What passed for a debate at the committee meet-

ing last week was hampered by the fact that the wrong document was circulated. The correct document was issued mere hours before the meeting and only after my office initiated a search for it. There was a fruitless attempt to obtain the proper document from the Minister's office and from agencies inside and outside the House. However, it was eventually discovered.

The Council framework decision is one of many measures from the EU's Hague programme. This vast programme was agreed by the Council of Ministers in 2004 but, despite its far-reaching effects on fundamental rights and Irish society and the fact that I raised the matter on numerous occasions in this House and at committee meetings as various decisions based on the fortress Europe agenda that is the Hague programme were passed, it was never debated in this House. The Minister and the committee have finally agreed with me on the need for a debate on the Hague programme but we are still proceeding with a vote and a discussion on this issue. That is an arse about face approach. Much of the Hague programme is tied to the failed EU constitution and our proceeding in this manner is an affront to democracy.

I have major concerns regarding the measure and the lack of safeguards included in it. As I said at a committee meeting, what is to stop wrong or out-of-date information being circulated, on an obligatory basis, on the foot of this measure? Not long ago, Frank McBrearty was denied entry into the US because his reputation was still blackened by the Garda, which had not corrected the record. In Britain, officials recently admitted that 1,500 innocent people were labelled criminals by its Criminal Records Bureau.

When I raised these issues at the committee meeting last week, the Minister for Justice, Equality and Law Reform dismissed them and basically stated that mistakes happen. He would not guarantee that if such mistakes happen or if wrong entries are made or inaccurate records circulated, a note to that effect would immediately be circulated when discovered to those who sought the information. The Minister has never allowed himself to be hampered by facts or by proof of guilt, as is shown in the case to which Deputy Jim O'Keeffe referred, namely, that involving Frank Connolly.

The Council framework decision motion is a dream for the Minister for Justice, Equality and Law Reform — or the Minister for injustice — because he will be able to leak the privileged information to which he will have access to those nice little journalists who lick up to him. He will also be able, as he did in the case of Frank Connolly, to destroy the careers of other EU citizens without being obliged to take recourse to the Courts or provide any proof of guilt or innocence.

Mr. F. McGrath: All co-operation and exchange of information must be based on trust

6 o'clock

[Mr. F. McGrath.]

and respect for international law. Sadly, many countries have an appalling record in dealing with crimes committed by sections of their security forces. Our history on this island is littered with the issues of collusion, murders, bombings and dirty tricks. One only has to consider the Dublin-Monaghan bombings, the Seamus Ludlow and the Pat Finucane cases. While trust, honesty and quality policing are at the heart of the matter, there are moral and ethical questions for every Member to answer. Is it proper and appropriate to co-operate with states that have been directly involved in acts of violence against their citizens? Is it proper to assist states that have appalling records on human rights abuses?

I raise these questions so we can have an honest and informed debate and ensure the maximum safety and security for all our citizens. These are legitimate questions and all parties must be challenged on these matters. There is also the issue of the sharing of intelligence between Ireland, the EU and Colombia. Yesterday, Alvaro Uribe won the presidential election in Colombia. One must remember his human rights records. Colombia has a population of over 41 million. Some 7.3 million voted for Uribe while 4.6 million voted for the democratic alternative. However, 29 million of its citizens boycotted the election. In other words, 60% of the Colombian people did not vote in yesterday's elections. How can one trust Colombia as a democratic state? How can one trust a country with an appalling record on right-wing death squads? I have met many of the families of lawyers, trade unionists and the Coca Cola workers there who have been shot. How can the Minister for Justice, Equality and Law Reform justify co-operation with people such as this?

One of the EU's core objectives is to provide its citizens with a high level of security within an area of freedom, security and justice while respecting the integrity of that jurisdiction. How will the EU member states guarantee the level of security, freedom and quality of services for their citizens? That objective can be achieved by preventing and combating crime through closer co-operation between law enforcement authorities in member states. I welcome co-operation with states that have an excellent record on equality, policing and human rights. The questions I have raised must be faced up to and answered by the Government.

Mr. Cuffe: I have a profound sense of unease about these type of motions that have come through the Dáil on a regular basis in the past few years. If the Minister for Justice, Equality and Law Reform, Deputy McDowell, cannot keep information in Garda files to himself, what hope do we have when it comes to the EU? It is important that the individual is protected. When we see the kind of leaks emanating from the Minister's office and the Garda Síochána, we

should all be concerned. I know more about the journalist Frank Connolly from the Minister's leaks than from anywhere else. I know more, from Garda leaks to the newspapers, of the intimate details of the families and the cases of the Afghans in St. Patrick's Cathedral last week than from the men and boys themselves. Information can be misused and abused by those in power, whether it be the Fianna Fáil-Progressive Democrats Government, the Garda Síochána or the Minister for Justice, Equality and Law Reform.

When one considers the motion, it is important for stringent safeguards to be in place to ensure only information pertaining to a well-defined group of criminal acts will be made available. There is some need for data exchange in the fight against crime and terrorism. However, the range of offences covered by this framework decision goes far beyond the relative narrow range of offences covered by other EU instruments such as the Europol Convention. I am concerned about the principle of availability and sharing data between law enforcement agencies. It is important that the principle of data protection is in place. However, is the principle of availability taking precedence over the principle of data protection? Is this a case where the cart is being put before the horse? In the times we live in, data protection may become a meaningless concept.

There are also concerns about the Hague programme. Deputy Ó Snodaigh requested a debate in the House on the programme. The Oireachtas Committee on Justice, Equality, Defence and Women's Rights endorsed the call for a debate. The programme sets out strict conditions to be observed when applying the availability principle, such as the need to protect sources and information, the confidentiality of data, the need to guarantee the integrity of the data to be exchanged, the supervision of respect for data protection and appropriate control prior to and after the exchange. The draft framework decision on the other hand does not match these strict conditions. It is important these conditions are developed in the framework decision.

I am concerned with the kind of discussion we continue to have about the war on terror. Would that the world were that easy to comprehend. The fundamental injustices and poverty that exist in many parts of the world demand far more resources and contributions from western governments than the war on terror. If a small fraction of what is being spent on the war in Iraq went into improving the quality of people's lives in Africa and elsewhere, the potential for terrorism would be dramatically reduced. The fight against terrorism is increasingly being used as the justification for new initiatives but many go far beyond the purpose of sharing data. It is important to recognise that a derogation from fundamental rights that might be justified to tackle terrorism will not necessarily be justified where other criminal activity is concerned. Crime must be fought but I am concerned that the scope of this frame-

work decision goes far beyond the types of crime and terrorism that exist.

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): Ba mhaith liom buíochas a ghlacadh leis na Teachtaí a ghlac páirt sa díospóireacht. Deputy Jim O’Keeffe indicated his general support for the provisions to address the issue of international crime. He queried the effectiveness of the proposals, particularly what would happen if there were not an expeditious response from a member state. My understanding is that several timescales are provided for regarding various kinds of information. Normal procedures would apply on a failure to comply with EU provisions, such as recourse to the European Court of Justice. If the situation is different I will return to the Deputy. The Deputy also pointed out that in many continental countries the system of justice is quite different. Having a framework of this nature will be an advantage with regard to that issue. He is concerned that the plea of national security might be used as a reason for not co-operating in circumstances where it would not be justified. Ultimately that will have to be decided upon if the matter were referred to, say, the European Court of Justice.

All Members who spoke on the motion raised the issue of the confidentiality of information and the capacity of the receiving member state to abide by the requirements. Several Members made a political point on this to which I am not in a position to respond. In my view, however, the authorities in the State have proved themselves capable of dealing with confidential information—

Aengus Ó Snodaigh: Except for the Minister for Justice, Equality and Law Reform.

Mr. Killeen: —notwithstanding some of the difficulties that have emerged in the Morris tribunal. There are specific provisions in the framework decision to deal with some of these issues.

Regarding data protection, Article 9 specifies the existing norms and standards which member states must observe. These include the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data of 28 January 1981.

Article 10 deals with confidentiality. It requires competent law enforcement authorities to take due account of the requirements of investigative secrecy and in accordance with their national law to guarantee the confidentiality of all provided information and intelligence determined as confidential.

Deputy Jim O’Keeffe went on to make a number of points on his own legislation and the Frank Connolly case, but the important point to make about these particular provisions is that Ireland has a good record in this regard, has a long history of involvement with Europol and

Interpol, and also has in place a range of bilaterals which have worked particularly well.

Mr. J. O’Keeffe: We had up to a couple of years ago when the current Minister took over.

Mr. Killeen: He also asked about the level of work being done on the new legislation and I understand there may be other legislative requirements in the short term which would certainly postpone that for some time.

Deputy Costello also indicated that there has been long-standing agreement on the need for co-operation. He mentioned the important “Prime Time Investigates” programme on the trafficking of human beings and the concerns which have been raised about the exploitation of women and girls in the context of the World Cup and, indeed, in a range of contexts which really stand to be addressed, perhaps partly through some of the provisions of this and, indeed, through other provisions. Member states, he contended, will not know whether information can be protected and whether it might be used for political purposes. Notwithstanding the findings of the Morris tribunal, he said — I agree strongly — that the Garda Síochána has a good record in general terms. There are, he claims, some question marks about the reliability of law enforcement agencies in other countries and, in common with other Members, he raised the question of how confident we can be that confidentiality can be guaranteed, but it is fair to say the provisions to which I referred in Articles 9 and 10 address these concerns.

He also asked from where the pressure to bring forward these provisions might be coming. As I stated in my opening remarks, they came to some extent from the Madrid bombings and the subsequent proposals by Sweden in that regard. Ultimately, there is agreement on all sides of the House that we are committed to ensuring the best possible provisions are in place to cover a range of circumstances, which we all know arise quite frequently in criminal justice matters. These include co-operation in combating drug-trafficking, money-laundering, organised crime, trafficking in persons, terrorism and a number of other serious offences. I think we have agreement in that regard.

I understand that Deputy Costello believes the current dispensations are sufficient, but that clearly is not the case in that in general quite a number of the current provisions involve bilateral or multilateral agreements and this provides agreement across all the EU states.

Deputy Ó Snodaigh made a number of points about the Hague programme of 2005, and has concerns about how far-reaching it might be and what he sees as a lack of safeguards. In the particular instance with which we are dealing here, however, the provisions are much more limited than are some of the other proposed provisions on available information which are at an early

[Mr. Killeen.]

stage of consideration. He was also concerned about the lack of safeguards, particularly in the use of incorrect or out of date information. Clearly, it would be a matter for the individual police authorities, including our own, to ensure information is updated and corrected when that is required.

Deputy Finian McGrath was of the view that co-operation should be based on trust and that there are moral and ethical questions — of course there are. The European Union has been a strong force for advancing the human rights debate and right across the Union, including the western European states, the impact of initiatives at European level has in general been positive in advancing social provision and the rights of the individual. Clearly, it is a project which cannot be completed overnight but on which work is ongoing. He pointed out that some states have a good record and perhaps others have less so. I point out that Colombia is not one of the states involved in this particular instance.

Deputy Cuffe also has a sense of unease about the protection of the individual. He mentioned a number of cases and that in some instances information has arrived to him and to others through the media rather than through the relevant more appropriate channel. He mentioned a range of criminal justice issues including data protection which are also dealt with in Articles 9 and 10, and he made a general point about the war on terror. Nevertheless, as members of the European Union it is equally as much in our interests as citizens of Ireland as it is in our interests as citizens of Europe that there would be a high level of co-operation which would be under-pinned and guaranteed by the best possible provisions at European level. I commend the draft framework to the House.

Question put: “That the motion be agreed to.”

Aengus Ó Snodaigh: Vótáil.

An Leas-Cheann Comhairle: Will the Deputies claiming a division please rise?

Deputies Cuffe, Ferris, Gregory, Finian McGrath, Catherine Murphy, Ó Caoláin, Ó Snodaigh, Eamon Ryan and Sargent rose.

An Leas-Cheann Comhairle: As fewer than ten Members have risen I declare the question carried. In accordance with Standing Order 68 the names of the Deputies dissenting will be recorded in the Journal of the Proceedings of the Dáil.

Question declared carried.

Institutes of Technology Bill 2006: Second Stage (Resumed).

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

An Leas-Cheann Comhairle: Deputy Pat Breen was in possession. He has nine minutes remaining. Níl sé anseo. I call Deputy Devins.

Mr. Cassidy: I wish to share time with Deputy Devins.

Dr. Devins: I am here but Deputy Cassidy may proceed.

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

Mr. Cassidy: The Institutes of Technology Bill 2006 is one of the most important items of legislation affecting the institutes of technology sector since the Regional Technical Colleges Act 1992. It provides for an improved strategic framework for higher education and by bringing the institutes of technology under the remit of the Higher Education Authority, HEA, it will facilitate the complementary development of our institutes and universities. The achievement of meaningful collaboration in the tertiary sector is essential if the full potential of higher education is to be realised in Ireland.

The institutes of technology have played a major role in regional development over the past three decades. Participation in higher education has increased dramatically in that time and the opportunities for access and progression which they provide have been a major factor in the creation of the highly educated workforce we have in Ireland today.

The institutes of technology have also been central in the promotion of economic and industrial development in the regions. They are catalysts for development, proving to be an important consideration in the decisions of multinationals to locate in an area. They have also responded to the needs of local industries. In all cases, the creation of meaningful partnerships for research and development and knowledge transfer is a top priority.

Those of us who have travelled with the Minister for Enterprise, Trade and Employment, whether on visits to India, China, South Africa, where I accompanied the Minister of State, or Toronto in Canada, in my role as chairperson of the Oireachtas Committee on Enterprise and Small Business, know the greatest challenge facing us in respect of future employment lies in research and development and science. I wish to place on the record of the Dáil our appreciation for the great work done by institutes of technology in respect of future job creation. Athlone Institute of Technology is one such example. The midlands is a favoured location for biomedical companies and Athlone Institute of Technology's programmes in bioscience, biotechnology and toxicology create a pool of talented graduates in these areas, where they are so badly needed. Deputy Devins is present for the debate on this Bill. We know about developments in the area

around Letterkenny and Deputy Devins's area of Sligo, about which he will speak. Deputy Devins was a former chairman of the Institute of Technology Sligo. Areas such as Athlone and Carlow have been transformed and the contribution made by institutes of technology to rural Ireland is immeasurable. They have brought opportunities to rural Ireland which had never been seen before. Their current and future achievements are on a par with the introduction of free transport by the former Minister, Donagh O'Malley.

The Bill will enable Athlone Institute of Technology and all other institutes of technology to respond much faster to changes in the environment. The greater autonomy envisaged by the legislation will enable the institutes to contribute more meaningfully to the technological, scientific, commercial, economic, industrial, cultural and social development of each of their regions.

The transfer of responsibilities relating to the governance, funding and operations of the institutes of technology from the Department of Education and Science to the HEA is in line with international best practice. Furthermore, the changes proposed in the Bill will drastically lighten the load of external regulation on institutes of technology and allow them to deliver what the OECD report in 2004 identified as their pivotal role in addressing the knowledge economy.

I congratulate the Minister for Education and Science who has been very forthcoming and who, along with her senior officials, put a considerable amount of effort into bringing the Bill to this stage. She is energetic and enthusiastic and has a wonderful grasp of her portfolio. I congratulate her on bringing the Bill forward for our consideration.

Dr. Devins: In the interests of transparency, I will declare my interest in this Bill, having spent eight years as chairman of the Institute of Technology Sligo. This Bill is very welcome and will be widely supported. It is most important and timely legislation which should allow our buoyant institutes of technology sector to prosper and grow. The institutes of technology have been widely acknowledged as the success story of higher education over the past 20 years. Their clear focus on supporting the needs of national and regional economic development has been a driving force behind the tiger economy.

The institutes of technology have not only contributed to the economy through the quality and relevance of their graduates and applied research but have led the way in providing better access to higher education to under-represented and disadvantaged groups. A consequence of this strategic decision has been the considerable increase in enrolments to a position where there are approximately 90,000 students in institutes of technology today. This represents a consider-

able increase from the national figure of approximately 4,000 enrolments in the early 1970s.

The growth in student numbers has outpaced the ability of institutes of technology to accommodate them and this, in turn, has led to a deficit in infrastructure, a fact recognised and addressed in the capital programme announced in last year's budget. The publication of this Bill comes less than six months after the Government and Minister addressed this need for investment in facilities in the institutes of technology. By setting up a strategic investment fund and a capital investment package that will help deliver world class infrastructure in the institutes of technology, the Government is helping them to deliver the type and numbers of graduates so essential to Ireland's developing knowledge-based economy.

The financial measures announced in the budget will enable all institutes of technology to address the capital project priorities identified in a 2004 independent review of what was needed. This Bill will give the institutes of technology the freedom and operational independence to plan for the occupation and programmes for these new buildings as part of a restructured HEA.

The significant commitment of funding, and now administrative reform, underscores the Minister's recognition of the essential role played by higher education in national and regional economic development. Across all the institutes of technology, investment plans for facilities have been drawn up which will make a measurable and decisive contribution to regional economic development. The Institute of Technology Sligo will receive funding to refurbish the original engineering wing on the campus.

As this Bill proposes, putting the institutes of technology alongside the universities under the roof of the HEA should also lead to more transparent competition among third-level institutions for the €300 million strategic innovation fund for higher education over the next five years. This fund will stimulate excellence through collaboration and change in the institutes of technology and universities and will enable institutions to address the imperatives of better strategic planning, widening access, flexible provision and life-long learning, restructuring and collaboration and building towards the fourth level in Ireland.

In bringing forward the funding package late last year, the Minister is building on the valuable investment programme in the sector in the late 1990s. The Minister is correctly insisting that the higher education system must substantially change. The institutes of technology have shown over many years that they are among the most flexible and responsive institutions in the State and I do not doubt they will rise to the challenge.

The institutes of technology have worked very closely with industry and employers at regional and national level to enhance research and development capacity and provide specialist skills and competencies education to meet rapidly evolving technological needs. By their very nat-

[Dr. Devins.]

ure and mission, their close work with industry has given them a distinctive understanding of industry needs and the capacity to respond. This is what drives the continued development of research in the sector.

As I mentioned at the outset, I am particularly familiar with the fine work carried out by the Institute of Technology Sligo. A few weeks ago, Sligo Chamber of Commerce named Dr. Richard Thorn, Director of the Institute of Technology Sligo, as Sligo Chamber of Commerce business person of the year. The designation by a business organisation of a figure from higher education as its symbolic business model was unusual, noteworthy and well deserved. It is not common for a public body such as an institute of technology to be accorded this kind of recognition. Rather, higher education institutions have sometimes been perceived as not being business-minded or responsive to the world of business and work.

The honour accorded to the Institute of Technology Sligo is a public recognition of the college's achievements. It reflects the manner and success with which it is fulfilling its mission of supporting industry and the world of work, in particular by developing programmes that are learner-led, such as distance education and life-long learning. It also reflects the social leadership role it plays in supporting the economic, social and cultural development of the region. In its citation, Sligo Chamber of Commerce commended the Institute of Technology Sligo for all its achievements and congratulated Dr. Thorn "for his contribution and unwavering dedication and commitment". It stated that the institute of technology was progressive and forward thinking and one of Sligo's greatest assets, adding that its unprecedented growth and development over the last number of years resulted in it being a leading-edge and innovative institute of technology in both the higher education and commercial arenas.

Sligo was one of the first institutes to draw up a strategic development plan, which clearly maps its aims and priorities over a five year period and sets specific target measurements. A review of IT Sligo's strategic plan is currently under way. Internal auditing and service level agreements have also been introduced. Aside from managing resources, risk-taking and compliancy requirements, they enhance the commercial credibility of the institution.

The institution works closely with renowned companies to design new training programmes. In recent years, it has developed ground-breaking links with Coca Cola, which is based in Ballina. It has also worked closely with local authorities and major regional employers in the north west, such as Abbott and Masonite.

Progressive and forward thinking, Sligo IT is one of Sligo's greatest assets. It has more than 5,500 registered students, more than 500 staff and makes a contribution in excess of €40 million to

the local economy every year. It recently celebrated 35 years of academic achievement, which coincided with the attainment of the right to make awards at doctorate level.

I warmly welcome the publication of this Bill, as it marks a major step forward in the development of higher education. I congratulate the Minister and support the Bill.

Mr. Ferris: May I share time with Deputies James Breen and McHugh?

An Leas-Cheann Comhairle: Agreed.

Mr. Ferris: I am happy to support this Bill, which has been given the broad approval of staff and students in the various institutes of technology. The fact that the ITs will be placed under the Higher Education Authority means they will be under the same overall umbrella as other third level institutions.

The institutes have requested the change, as it will take them out from under the direct control of the Department of Education and Science and allow them greater autonomy in making decisions and designing their courses. The move has also been recommended by other bodies that believe this will facilitate the ITs in strengthening their relationship with the broader economy.

This aspect is important to the Institute of Technology Tralee, especially given that the north campus shares the same site as the Kerry Technology Park. While there is a close relationship between the two, I have at times asked why the IDA has not made more of this in attempting to attract technological industry to the town.

The computer and business courses available at the IT, especially in the area of e-learning, are much praised and geared towards finding graduates employment in these type of industries. It is to be hoped this aspect of its work will be enhanced by its new status under this legislation when it is passed.

The Institute of Technology Tralee is a significant part of the town's life. Currently, there are 3,500 students and 250 staff. That alone is a large contribution to the town and surrounding area, but most of all it provides an opportunity for third level education within the county for many students who might not otherwise get one. It is to be hoped the greater scope given to ITs under the new legislation will see this aspect expanded upon.

As with other educational establishments, there are certain problems. I note the Teachers Union of Ireland has some concerns about the Bill. Hopefully, these will be resolved before the new structures are put into place. Currently, there is a campaign among students in Tralee to be provided with crèche facilities. This is obviously a crucial issue and the fact it is regarded as being so important is indicative of the changing structures of the student population and the increasing role of women in education. This is only one

aspect of the relationship between an educational institution and the community but it is one that needs to be addressed if educational opportunities are to be extended.

One of the successes attributed to the ITs is their role in providing education to communities where participation has traditionally been low. To some extent, this has helped to address the problems faced by those who find themselves in a situation whereby they are unable to access jobs because of their lack of skill levels and may also lack the resources to enable them to return to education. Some of these deficiencies may be directly related to their educational levels, such as computer skills and so on, but others are economic and social in nature. As such, it is important those in danger of falling into a situation of long-term poverty are given the opportunity to return to education and, in that way, acquire the necessary skills to access employment.

One of the issues is the type of grants available. We are all familiar with the problems that have arisen in this respect. Many will also be aware of the large number of young mothers who wish to return to education and the importance of their being able to have child care services. Part of that has to do with finance, but as the campaign in Tralee illustrates, much of it could be addressed if the crèche facilities were provided within the institution. Therefore, I hope this issue is quickly addressed in the interests of all concerned.

Mr. J. Breen: Like previous speakers, I welcome the Bill and the part it will play in furthering higher education. Since the inception of regional technical colleges in 1970, the development and participation of students has grown to the point of 50% of all students entering third level education now doing so by enrolling in institutes of technology and more than 20,000 students attending part-time courses in ITs.

However, awareness of the number of ITs and the programmes they offer is still low among the general public. By placing them alongside universities under the umbrella of the Higher Education Authority, this will improve, funding to ITs will increase and the "second class citizen" attitude still adopted by a minority of the general public will be removed.

The role institutes of technology have played in the development of industry cannot be overstated. The specialist areas of catering, hospitality and tourism would not have advanced as far without the certifications and qualifications provided by ITs. Centralising administration under the Higher Education Authority will help to secure the long-term future of these industries and their staffing requirements. Equally, the boom in the arts and creative design industries would never have been so strong without the availability of honours level courses in ITs, which are not available in universities.

The role ITs play in attracting industry to a region, where companies are aware of the avail-

ability of highly skilled and highly qualified personnel, should also be recognised. In that regard, I hope the Minister does something to secure the establishment of an institute of technology in County Clare, where currently four of five students who finish third level education must leave the county to gain employment. Will the Minister take note of this fact?

Until now, each institute operated as its own entity answerable only to the Department of Education and Science. The Bill, through the establishment of a governing body to formulate policy and a director to implement policy, would remove this hitherto flaw. One area that I hope the governing body immediately tackles is the poor rate of participation in IT education by the disabled sector of the community. The immediate placement of a disability liaison officer in ITs and a concerted and co-ordinated approach to attract and increase the number of students with disabilities is of paramount importance.

Traditionally, institutes of technology adopted a fluid approach to the transfer of students from one institute to another where personal circumstances may have necessitated such action. I welcome the fact the Bill will make this measure even more accessible. ITs have always attracted students from across the social classes and, with the high staff-student ratio, they helped further the education of those that might never have accessed university education.

I welcome that institutes of technology and universities will not be amalgamated as in other countries, but one concern is the difference in job security in both areas. Staff of universities have tenure enshrined in law but the same does not apply to those in ITs. Will the Minister address this anomaly immediately? I will support the Bill's passage through the House.

Mr. McHugh: I welcome the publication of the Bill, which will provide for a major restructuring of the third level education sector. The Bill's main purpose is to provide for the transfer of a range of responsibilities relating to the governance, funding and operations of the institutes from the Department of Education and Science to the Higher Education Authority.

It is welcome that the Bill contains many of the recommendations of both the expert working group report on the future position and roles of the institutes of technology and the 2004 OECD review of higher education policy in Ireland. The provisions of the Bill will allow the institutes to continue to respond efficiently to meet national and regional economic and social needs.

The story of our institutes of technology is one of total success. They started life as regional technical colleges, the first of which was opened in 1970. At the time, it was determined the colleges were required to ensure technically qualified people were produced to ensure demands arising from planning and industrial developments were met. After a shaky start, the RTCs developed into

[Mr. McHugh.]

high level institutions, awarding their own degrees under delegated authority from HETAC. Most of the institutes can now make awards to masters level, while four have authority to make awards at doctoral level, clearly illustrating the progress made by them and indicating the excellent academic standards in the sector.

One of the greatest features of the institutes is their regional remit. This is important because we in the west are continually fighting a battle to get the Government to give real meaning and expression to its verbalising on balanced regional development. Almost in spite of Government policy the institutes, by their regional basis, have set a framework in education that should be pursued in other areas. Unfortunately, the Government has not yet learned from the success story that has brought so many benefits to the regions. The benefits of the regional focus cannot be overstated. Many of the institutes have formed community and commercial links in their regions and the success of these links and the resultant benefits for the regions are enormous.

Placing the institutes of technology under the control of the Higher Education Authority and removing them from the Department of Education and Science is a true recognition of the important role of the ITs. It is also a recognition of the progress made by the ITs in educational terms since the foundation of the RTCs. From a shaky start, the institutes can now offer diverse courses in science, engineering, business, music, art, tourism, software development, nursing and agriculture among others.

I acknowledge the contribution made by the Galway-Mayo Institute of Technology located in my county. It has made a major contribution to the west. I commend the Bill to the House.

Mr. F. McGrath: I welcome the opportunity to speak on this Bill. I thank and commend the staff working in the institutes of technology for their valuable work and the major contribution they have made to society. It is important we remind ourselves that many of those people and their former students were the driving force of the economic success we enjoy today.

We must also focus on those who have been left behind, the children who do not get that far. We have moved on in recent years, increasing the numbers in third level education and I commend the Minister and those involved for encouraging such progress. We must focus on those in poverty, however, and education as a way to escape it and the institutes of technology are vital in achieving this. We must also listen to the concerns of those who work in the institutes of technology. I pay particular tribute to the members of the TUI.

This Bill facilitates the designation of the institutes of technology under the Higher Education Authority, providing an improved strategic framework for higher education. It substantially amends the Regional Technical Colleges Acts

1992 to 2001, the Dublin Institution of Technology Acts 1992 to 2001 and amends the Higher Education Act 1971.

Section 4(a) amends section 3(1) of the Regional Technical Colleges Act to specify the colleges to which the Bill applies, declaring that the Crawford College of Art and Design, the Cork School of Music and the National Maritime College of Ireland are schools of the Cork Institute of Technology. Those involved in art and design, which are such an important component of education, must be encouraged. As a society, taxpayers and Members of the Oireachtas, we must support those involved in this area of education. I pay tribute to the artists in our society who have made such a massive contribution to the nation and put Ireland on the map. A society that does not look after its artists is going nowhere. I say the same about the Cork School of Music and the National Maritime College of Ireland.

When dealing with these issues, we should consider the students. They must be given a voice and I urge the Minister to take on board the views of those students who want to be directly involved in the governing bodies of these organisations. Students have a major contribution to make towards the development of education.

I welcome the debate on this Bill and commend those involved with it.

Minister for Education and Science (Ms Hanafin): I thank Deputies for their contributions and co-operation on this legislation. It demonstrates the support in this House for the institutes of technology and the value we place on their work, the education they provide, their links with industry, their contribution to individual student development and to the economy. Those of us who have institutes of technology in our areas are aware of the work they have done.

It is significant that today we see the completion rates for students in the sector. They have increased from 57% in 1999 to 75% in 2004. That is an achievement to celebrate because it shows that not only is access succeeding but student support structures are also working. I commend the staff and directors for that.

This significant Bill has broad support. It brings the institutes of technology within the higher education system. It is of critical strategic importance for the future development of higher education in general, not just the institutes of technology. We want to see the institutes reach their full potential, ensuring they will have the opportunity to continue to compete for research funding under SFI and the PRTL. It will also ensure the entire education system can move forward in an integrated and strategic fashion.

By coming under the umbrella of the HEA, the institutes will move away from the clutches of the Department of Education and Science, giving them more autonomy and managerial freedom. They will be able to meet their institutional objec-

tives and will have the freedom to maximise their contribution to social and economic progress. It will also give an opportunity to put in place more modern, transparent and coherent institutional governance because the Bill defines the roles of the governing body, director and president and ensures there is accountability. It brings modern management practices into higher education institutions, something the directors welcome.

In recent months, I have been privileged to be able to announce a number of initiatives on higher education: the strategic innovation fund for research, the national plan for access, this legislation and the increased investment of almost €8 billion on third level over the next five years. The aim is to make it available to as many as possible while meeting the needs of students and society. I take on board what has been said about the broad base of disciplines offered, it is not all about technology, it is also about art, design and music, the rounded education offered by the institutes of technology.

This Bill is a contribution to the future of higher education but it also recognises the role our vocational education committees, in nurturing the institutes of technology, have played over the years and the contribution they have made in each of the regions and to the economy. As we look forward to Committee and Report Stages, I know there will be full support for the Bill. I thank the Deputies and commend the Bill to the House.

7 o'clock

Question put and agreed to.

Institutes of Technology Bill 2006: Referral to Select Committee.

Minister for Education and Science (Ms Hanafin): I move:

That the Institutes of Technology Bill 2006 be referred to the Select Committee on Education and Science under Standing Order 120(1) and paragraph 1(a)(i) of the Orders of Reference of that committee.

Question put and agreed to.

Private Members' Business.

Courts (Register of Sentences) Bill 2006: Second Stage.

Mr. J. O'Keeffe: I move: "That the Bill be now read a Second Time."

I propose to share time with Deputies Durkan, Naughten and English. The purpose of this Bill is to create a comprehensive register of sentences so that sentencing norms can be assessed and to introduce greater transparency in the sentencing process within the criminal justice system. Essentially, therefore, what I propose is the establish-

ment of a nationwide database of criminal sentences. Apart from anything else, last week's Supreme Court decision on under age sex showed the urgent need for such legislation. Following that case, information on all offences of a similar nature was not available. That information should have been available to the Taoiseach, the Minister for Justice, Equality and Law Reform, the Attorney General and legislators. That information should be available at the touch of a button and, if my Bill is accepted, we will establish a database which will prevent a repeat of last week's disturbing situation where, effectively, the Taoiseach did not know the number of sexual offenders who would be released on foot of the Supreme Court ruling on unlawful carnal knowledge.

The effect of this Bill will be to provide a one-stop shop for information on criminal sentences in the Four Courts and otherwise throughout the country and to have that available, ultimately, online. The idea is to have long-awaited transparency in the sentencing process which will then allow professionals, the public and policy makers to determine whether criminal sentences are being imposed in a fair and rigorous manner.

The question of the reality and the perception of the situation arises and what is needed is more transparency and openness. The establishment of a national database is the first step in that direction. As far as I and Fine Gael are concerned, we have a number of other proposals in the sentencing area. This is just the first of a number of key measures we want to bring into effect but it is an essential platform upon which many of the other measures will be built.

Last week's case served as a case in point in terms of the need for this kind of register. As the crisis surrounding the Supreme Court judgment on unlawful carnal knowledge unfolded, a shocking loophole in the law was exposed. That loophole related to the need to protect minors from sexual predators. The Fine Gael leader asked the Taoiseach the number of people who were currently in prison under the law that was ruled unconstitutional by the Supreme Court and essentially the Taoiseach could not answer the question—

Mr. Durkan: That is right.

Mr. J. O'Keeffe: —because the information was not available. He had to refer to the Irish Prison Service which checked records and warrants from the courts and hoped to present a clear picture in due course. My approach is that such information should be available regularly and at the touch of a button and it will be available if the kind of information I want to establish through the database and the register is accepted and put in place.

We are facing a legally anomalous situation now where one serious sexual offender has been released into society and where another six could

[Mr. J. O'Keeffe.]

be released free to re-offend. I understand that count has changed and it is now two. It is essential that we have a central record of sentences and that such information be easily accessible by the Government and the public.

The Fine Gael Bill will create a comprehensive register of sentences that will detail every sentence handed down for any crime committed in Ireland. The database will be invaluable to legal professionals, the Judiciary, who will want to refer to it from the point of view of maintaining consistency in sentencing, something to which I will return, legal researchers, policy makers, academics and legislators in this and the other House. It will provide also the public with a snapshot view of sentencing practices in the courts. That information is available if it can be collated by people in the Civil Service but it is not available generally.

Such a database would include the case number, the offence and its particulars, mitigating factors relied on by the defence, previous convictions, sentencing details including probation Act applications and time already served. There is no need for the names to be included. This is not an effort to load continuing opprobrium on somebody who has served or is in the process of serving a sentence. This can be done without including the names of the persons on the register. The intention is to bring transparency to the process and not to single out individuals. It is on that basis I propose that the Bill be read a Second Time.

On the background to the Bill, at the Fine Gael Ard-Fheis we launched a number of policies in the justice sphere on issues such as bail, home defence and sentencing. The approach is to address the legitimate fears people have regarding the criminal justice system and its ability to protect them in their homes, estates and communities. The Bill I propose is one of several which will introduce sensible and much-needed legislation that will improve the effectiveness, accountability and transparency of our criminal justice system.

Of all the complaints I get about sentencing, the issue of perceived inconsistency is probably the greatest. Fine Gael wants a new approach to sentencing. I emphasise that this approach will respect judicial discretion but it will involve the Members of the Legislature accepting their duty and responsibility to establish and prescribe parameters within which sentences should apply to serious crimes. I am talking about consistency, coherence and appropriate sentences for serious crime.

From that point of view a database and a register of sentences is essential because we cannot build on any platform even to try to establish tariffs for crimes without such a register. I will come to that aspect shortly. Through the mechanism of such a register, sentencing norms can be assessed and trends in sentencing easily iden-

tified. I put much emphasis on the issue of greater transparency through the sentencing process within which the criminal justice system should operate. I also put much emphasis on access for all people. Why should the public not have access? They can read about individual decisions in the local and national newspapers but this gives them a microscopic view of the sentencing process. There is no reason they should not have an overall view of the kind of sentences that apply to certain cases.

The Bill I present is important from that point of view. It is reasonable and straightforward and I urge the Government to accept it. It represents a simple change in procedures that will have a positive effect and there is no reason its implementation should be delayed. That is provided for in section 3. Since I will ask the Courts Service to maintain the register, there will be little time to prepare but there should be no continuing delay in the implementation of the register.

The Bill states:

This Act shall come into force on such day as the Minister shall by order appoint, but shall come into force within one year of its passing into law.

The reference is to the Minister for Justice, Equality and Law Reform, whoever he or she may be.

It should not be left on the shelf. Responsibility for maintenance of the register will lie with the Courts Service, which will be obliged to update the register on at least a weekly basis when the courts are sitting. This information is already gathered by the Courts Service and will not involve any significant additional onus on its part. It will simply involve the orderly organisation of the data into one digestible resource.

The register will remain subject to the provisions of the Freedom of Information Acts, but my essential approach is that the register should be a public document as far as possible, so everybody can have easy access to it. Ultimately I would hope to see it available on-line.

In many ways, the register and the information contained on it is already in the public domain, which is right. Under *Bunreacht na hÉireann*, specifically Article 34.1, it is required that justice be dispensed in public. Although there are clearly some exceptions, sentences are almost always a matter of public record. I emphasise that there is no need for the names of the individuals to be included in the register. The object of the exercise is to bring transparency to the process rather than single out individuals for scrutiny and further public opprobrium.

I propose that the register include the following information in respect of each sentence passed for crimes in Ireland: the case number, proceeding to the offence; the particulars of the offence; any mitigating factors; previous convictions; details of the sentence, including sentences where the Probation Act was applied or no custodial

sentence was given; details of the sentences with regard to whether they were consecutive or concurrent; if there were non-custodial elements; if time had already been served and its length; and if early release was granted or if there was any remission of the sentence. This is laid down in the Bill.

The rationale is clear and unambiguous. We must ensure consistency of sentencing. To achieve this we must first understand where the sentencing process is being inconsistent. Anecdotal evidence is not a sufficient basis for any kind of substantial reform, and we cannot expect this House or any legislature to base decisions on the strengths of reports from constituents or correspondence as to what appeared to be enormous discrepancies, however numerous or seemingly common they are. I accept that each case is different, but sometimes the inconsistencies are so enormous that they arouse a reaction among the public. Justice is not being served in that case. Judges will be able to access the register and ensure that such inconsistencies do not arise.

The Bill is self-explanatory. The information should be available to everybody at the touch of a button. Cases such as that which occurred last week would not occur again. In that case, nobody — including the Taoiseach — knew how many people could be released into society arising from a particular court decision, free to offend again. Nobody even knew how many challenges to expect.

This Bill is a base on which I hope to introduce a number of other changes in the sentencing process. I want to see a system of sentencing tariffs introduced. A range should be laid down through this House for serious crime. That is our responsibility. Although I respect judicial discretion, this House also has a responsibility to establish what a crime is in law, and establish in broad terms the type of tariff which would apply if somebody is convicted of a crime.

Judicial discretion will be retained, as it will be a matter for the judge to adopt two courses of action. The judge, on conviction, will apply a sentence within that tariff, depending on the circumstances of a particular case. In exceptional circumstances, the judge will be able to apply a sentence which may be outside the tariff. What I want this House to agree to is that in due course if the judge does this, he or she will explain in open court the reasons for going outside the tariff. That is the minimum the public is entitled to expect.

There are other major issues in the sentencing area which need to be touched upon. We should consider the matter of consecutive and concurrent sentences. In general, we should not have concurrent sentences unless the offences before the court are related to a particular issue or if there is a relationship between the offences. If they are separate offences they must be dealt with separately. It is a matter for the Legislature to establish this.

A further area relating to sentencing which needs to be looked at is the current automatic remission of sentences. A person leaving the Central Criminal Court having received a four-year sentence will arrive in Mountjoy or Portlaoise with his sentence down to three years. That is not the correct way to do business and it is a matter for the Oireachtas to change it. Although I am not against remission, it should be earned.

I accept entirely that remission is a tool that should be used in prisons. The issue of good behaviour arises. I have been made aware of various rehabilitative courses provided for prisoners in prisons, but prisoners do not bother to attend them because there is no incentive to do so. I would have a scenario where remission of sentences would be dependent on prisoners availing of whatever rehabilitative measures were provided in prisons. It all depends on the broad approach to a change in the philosophy of sentencing. This change would involve, in that instance, the requirement that the prisoner cooperate fully with prison authorities, be on good behaviour and, importantly, be prepared to adopt the rehabilitative measures provided for him or her in prison.

We have lost sight of the whole process of rehabilitation. We can just accept the position that prisons are universities of crime, throwing up our hands and locking prisoners up for a certain period before giving them remission so they can come out to commit more crimes. That fight has been given up, and I would like to restore an approach where a significant honest effort would be made so at least some people — young offenders in particular — would be rehabilitated. If this is to be done it will have to operate on a carrot and stick basis. The carrot would be the offer of various rehabilitative courses, educational and otherwise, and the stick would be that a prisoner does not get remission unless an honest effort is made to participate in such courses.

This new approach relating to sentencing is predicated on us knowing, on a general basis, the overall position on the matter. As of now, nobody seems to know, not least the Taoiseach in the Dáil last week, when the crisis on the Supreme Court decision erupted. That is an outrage in a modern society. We demanded action and the Taoiseach was telling us there was no problem, and that nobody was going to walk free. He had no clue and did not know. He should have been able to come into the House armed with information which should have been available from a register system. He could not do so because we have no register. I ask the Government to accept what is a good and necessary idea. It may contain a few technical holes but the Bill has been carefully prepared. It is open to amendment if the Government sees fit but it should be accepted in principle. I do not know if the Government has any ideas left but we certainly have ideas, both as an Opposition and as a future Government, and

[Mr. J. O’Keeffe.]

many are predicated on establishing a register of sentences so I urge the House to accept this Bill.

Mr. English: I compliment my colleague, Deputy Jim O’Keeffe, for introducing this Bill. It is a simple and straightforward Bill to which I cannot find any objection, though I have no doubt the Government will find something and will reintroduce it in six months’ time under a different name. I ask the Government not to do that because people are questioning the whole justice system this week, especially today. There is an onus on Members of this House to bring clarity to the justice system. What happened today is amazing to the average person and would not occur in another country. The justice system is complicated and difficult for anybody to understand, including those in this House who are responsible for legislation. There is a duty on us to make it as simple and straightforward as possible. This Bill does that by requiring a list of the type and length of sentences handed down for what offences without giving names. We live in the information era where people should be able to press a button to access a list of sentences handed down for drug offences, sexual offences etc. People want information but most of all they want a system in which they can have faith. The events of this week and last have eroded that faith and it is up to us to restore it.

This is a simple Bill, a step in the right direction that will make it easier for all of us to follow what happens in the system. It will give us the opportunity to make use of the information to bring about needed changes in sentencing policies. It allows for the recording of information that is easy to follow. As well as Members, the public will be able to see what sentence a criminal convicted of a certain offence can expect to receive and will know if justice is being done. If the public feels justice is not being done, if sentences are too short or too long members of the public can bring it to our attention.

The Bill will also enable us to follow the progress of a person’s sentence and to know when it will end, by providing for a case number in each case. Professionals from the probation service often arrive at a prison only to find the prisoner they wished to visit has been released for no recorded reason. Those people should be able to tap into the information and find out when a person was released. If a prisoner was released early, they should be able to find out why.

Deputy Jim O’Keeffe made an important point about the necessity for a range of tariffs, which we might be able to discuss at a later date. It would give us an idea what each crime warrants by way of a sentence and would create some sort of system. We cannot tell judges what to do but we can give them our opinion and set standards that are easy to follow. A person’s address should not decide his or her sentence. Just because a person lives in Cork and faces a particular judge does

not mean he or she should get two years less than somebody living in County Meath.

Mr. J. O’Keeffe: That is a moot point.

Mr. Durkan: It is debatable.

Mr. English: It depends on what the sentence is for. We will not bring sport into the discussion.

There should be standards that are easy to follow. Victims need to know if justice is being done. The victim of a crime should be able to tap into the system and see the sentences other perpetrators of similar crimes received, so as to determine the norm. The Bill provides for a tool, a register. It represents a chance to order information in a way that is easy to follow. It will enable us to monitor trends and learn from them.

The process of sentencing must be accelerated. Concurrent sentences were discussed earlier. If a person is in prison for a certain offence other charges against him or her should be dealt with during that time, so that when a person completes one sentence they can continue on another. At the moment young people leave prison after a sentence and undergo a rehabilitation programme. They are retrained and placed in work with, for example, the linkage programme. Then they are summoned back to court to face another charge relating to a crime committed some years before, which puts the offender back to square one. All the sentences should be dealt with at once so that only one period of retraining is necessary.

Another area to be considered relates to drugs crimes and the minimum sentence of ten years for dealing in drugs worth more than a certain amount of money. Either it is a mandatory sentence or it is not. Most offenders do not receive ten years but are given two or three. There is no point in our passing legislation if it is not implemented. If ten years is too high a sentence for a drug dealer dealing in drugs worth more than €10,000 we should be told, so that we can change the minimum to five years. Without a register to highlight what is happening we will not be able to make the necessary changes. Such a situation leaves people questioning what we do and how we do it. They believe the system is failing them. After today’s events, I do not wonder. Convincing the public that the justice system works properly is a major challenge. This Bill is a small step in the right direction toward tidying up the system. I urge the Government to vote for the Bill and I ask any Deputy who decides not to do so to explain clearly what they find wrong with it. I do not say that just because it is an Opposition Bill.

Mr. Durkan: I support this legislation, proposed by my colleague, Deputy Jim O’Keeffe. It is a timely intervention and a realistic response to some of the things that have happened in recent years. The purposes of the Bill are manifold but

it will enable the Oireachtas and the general public to monitor what is happening. Without recognising trends it is impossible to respond as legislators. We in this House have limited access to information but the general public has even less. To monitor progress in this area it is important there be a charter such as provided for in this Bill, whereby a person can look on a list and judge if consistency is being applied, because some consistency is necessary. I mean no disrespect to the legal profession or to the Judiciary but the public is not interested in extenuating circumstances. It sees a murder as a murder, a rape as a rape. I do not say there should be total consistency because some flexibility is required, but people's perception is stark and they expect some consistency.

In the current circumstances we must reassure the general public that we are on their side. The public can receive peculiar messages at times, the current message being that we seem to be unwittingly setting up a charter for perverts. The Taoiseach announced to the House last week there would be no gaping chasm in the legislation allowing the release of a number of serious criminals into the community. I do not know where the problem lies, but the Government should have known what was about to happen because others did. Even as the Taoiseach spoke last week, the case which came before the courts this week was already being prepared. Incidentally, it is astonishing how quickly the case was heard.

I would not be regarded as being on the right wing of the political spectrum in this House but there comes a time when a halt must be called. The House sends a peculiar message when a case can be made to release a person who has illicit sexual relations with a minor in dubious circumstances. The sooner we cop on to ourselves, the better. Deputies, however, are not in a position to respond because legislation is needed. Unfortunately, the Minister and the Taoiseach do not appear to be able to respond either. One way or other, the Oireachtas has overall responsibility in this area and regardless of what happens and under whose watch, someone will be to blame.

Deputies are not over-reacting to the recent Supreme Court decision. The serious problem to which it gave rise was heralded a week or ten days ago. Surely the Attorney General or someone else knew what was about to take place. Did the Attorney General inform the Cabinet as is standard procedure when such matters arise and if not, why not? Was someone trying to embarrass the Government and the Oireachtas? What is the reason for this extraordinary scenario? Members of the public expect Parliament to provide answers. It is no good arguing that this serious matter was well handled in accordance with certain procedures.

We have all had access to information relating to inconsistencies in sentencing, for example, in cases in which severe penalties were imposed for minor offences and *vice versa*. The public asks

how this can be. While the reasons may be complex and the detail intricate, ordinary members of the public will not go behind the scenes or examine the book of evidence to find them. For this reason, a means such as that outlined in the Bill must be found to reassure the Houses of the Oireachtas and members of the public, particularly at a time when the need for reassurance was never greater. Ministers, too, need reassurance because they must know what they are doing.

Mr. Naughten: I compliment Deputy Jim O'Keeffe on bringing before the House this legislation which sets out to introduce greater transparency in the sentencing process in the criminal justice system. As Deputy English noted, it is a simple, straightforward Bill which places a statutory duty on the Courts Service to maintain a register which will show, over time, the sentences handed down by the courts. The monitoring of sentences is critically important. Sentencing policy only comes to public attention when there is an outcry about a person being let off with a lenient sentence. It is vital, therefore, that the Legislature does not respond by taking a sledgehammer to crack a nut, the typical reaction when such controversies arise.

The introduction of a register of sentences would allow trends to be identified over time. In addition, judges who deviate from the median length of sentence should explain in open court the specific reasons for imposing a more lenient or severe sentence than is the norm. This would allow members of the public to inform themselves as to the basis for the judge's decision, which they cannot do at present. Consistency of sentencing is critical.

In this more than in any other week we need reassurance regarding the operation of the courts system. Deputy Jim O'Keeffe proposes the establishment of a national database on criminal sentences which would provide up-to-date information. He highlighted the inadequacies of the current system when he noted that the Taoiseach was unable to answer a question on the number of cases for which last week's Supreme Court decision has implications, information which could only be found by carrying out a trawl of the relevant paperwork.

It is disappointing that, as a result of the Supreme Court decision, the High Court today released an individual convicted in a similar case. As a legislator who has debated many Bills before the House, I found this decision grotesque and gut-wrenching, one which has sickened me to the core. I plead with the Minister of State to ensure emergency legislation is brought through the House this week to remove the loophole created by the Supreme Court decision. While I accept other factors must be taken into account and this is a complex issue which will take time to address, a gaping loophole has been created. If the House must sit on Friday, Saturday, Sunday and Monday

[Mr. Naughten.]

to close it, the public will demand that we do so. To maintain public confidence it will be critical that the House does not rise until the issue is finally addressed.

It is a matter of considerable concern that six individuals convicted of the offence of having unlawful carnal knowledge plan to bring cases before the courts and a further seven cases involving the same offence are before the District Courts. I also understand a number of individuals are awaiting sentencing, including one this Thursday, under the legislation struck down by the Supreme Court. The Minister of State, like every Deputy present, will have received telephone calls from members of the public and parents pleading with him to ensure this loophole is closed immediately so that the seven individuals currently before the courts do not get away with abusing children and taking away their innocence.

Deputy Kenny referred to two individuals, Mr. A and Mr. B, the latter of whom is serving four life sentences for having sex with girls aged six, eight and ten years. We cannot allow him to walk free. I plead with the Minister of State to ensure legislation is drafted immediately to prevent such an eventuality.

Deputy Jim O'Keeffe's proposal to introduce a register of sentences is commendable and I hope the Government will support it. This raises another proposal to establish a register of persons considered unsafe to work with children. Legislation to provide for this register is still outstanding and it is critical, particularly in the context of this discussion, that it is introduced immediately. In the United Kingdom, where a register is in place, offenders have gained access to employment in schools. Last year, it was revealed that a convicted sex offender was employed here as a bus driver for special needs children.

The name of the individual whose case was dismissed in the High Court today will not be placed on any register. Moreover, if the six court challenges I mentioned proceed and are successful, the names of the individuals in question will not be placed on a register. It is also possible that the names of seven individuals currently before the District Courts on charges of unlawful carnal knowledge and some of those already convicted and awaiting sentence will not be placed on a register.

In the interests of our children, we must ensure that those individuals do not have access to children. That is another gaping loophole. We do not want a situation whereby some of the anomalies that have occurred in the United Kingdom could happen here. I plead with the Minister of State to expedite that legislation. He should return to the House before the end of this week to ensure that that major loophole is closed. Last week, the Minister for Justice, Equality and Law Reform did not believe there was such a loophole, but it exists and the public wants it to be addressed now.

Minister of State at the Department of Justice, Equality and Law Reform (Mr. B. Lenihan): I welcome the initiation of this Bill as it affords the House an opportunity to debate the subject of sentencing, which is one well worthy of discussion here. I welcome the civilised tone with which the principal Opposition party has introduced the measure. While I would not describe it as a pleasure, I had the experience of listening to the Leader of the Opposition addressing his party's annual conference. I did not detect a similarity between the tone of his address then and what I have heard this evening. It is worthwhile having a debate on this subject. Before I address the merits of the debate, I am glad to see that the principal Opposition party does not simply rely on a base appeal to popular prejudice when engaging in arguments in this House, whatever might happen at their annual conference.

Mr. Durkan: We do not engage in semantics concerning a serious issue like this one.

Mr. B. Lenihan: Before I examine the Bill and explain the position of the Government on it, I would like to deal with some issues that have been raised in the course of this debate. Deputy English suggested that recent developments in the Supreme Court had eroded the faith of the public in the courts system. Deputy Naughten referred to a loophole which we must reassemble later this week to address.

Mr. Naughten: We should reassemble later this week to address it.

Mr. B. Lenihan: I would like to deal with that point because it is important that the public are not misled by the Deputy on this issue. The position is that the decision that was arrived at today is subject to appeal. Were that decision to stand, however, it would stand only by virtue of the fact that it is an essential and necessary consequence of the Supreme Court decision. It has nothing to do with the deliberations of or advices received by the Government. If persons are instituting cases seeking release from prison on foot of conviction under a section which the Supreme Court has declared unconstitutional, clearly there is nothing these Houses can do about it.

Mr. Howlin: It is tomorrow's offender we need to guard against.

An Ceann Comhairle: Allow the Minister of State to continue without interruption. Deputies will have another opportunity to comment.

Mr. B. Lenihan: Deputy Naughten took the latitude of commenting on that issue. It is a serious one because if it is the view that these persons have to be set at liberty, it is because the Supreme Court has decided that the section of this Act became spent in 1937. It did not become spent at a Government meeting last week or in a

statement made on the Order of Business by the Taoiseach this afternoon.

Mr. Durkan: Yes, but the Supreme Court decided it last week.

Mr. B. Lenihan: The Supreme Court made a decision last week and we have to address its consequences. Under our Constitution, we cannot retroactively declare conduct to be offences which were not offences at the time of their commission.

Mr. Howlin: The Minister of State can restate the conduct for an offence that might happen tomorrow, however.

An Ceann Comhairle: Please allow the Minister of State to continue. Deputy Howlin will have an opportunity to speak later.

Mr. B. Lenihan: All that remains for us to do is to provide a sound legislative framework in this area for the future. I have no doubt that the Government and the House will express their views on that in due course.

Mr. Durkan: Does that mean we will let out people who are already in prison?

Mr. B. Lenihan: As regards the cases that are already in the courts system——

Mr. J. O’Keeffe: The Government cannot agree.

An Ceann Comhairle: I ask Deputies to allow the Minister of State to continue. If Deputies want to have a serious debate on this issue, they should listen to what he has to say. They will have another opportunity to comment on it.

Mr. B. Lenihan: Deputies are well aware of the fact that the trial, conviction and punishment of criminal matters are exclusively reserved for the courts. They are not matters in which we can interfere.

Mr. Durkan: Correct.

Mr. B. Lenihan: So there is no point in demanding emergency sessions to plug loopholes that we do not have power to plug.

Mr. Durkan: We cannot be seen to be open to ridicule outside.

Mr. B. Lenihan: There are important issues we can address, however, and the Taoiseach has made it quite clear that he is prepared to recall the House to address them.

I want to refer to the question of registers of offenders, which Deputy Naughten understandably and rightly raised. In truth, there is no register of offenders as such in this State. There

are two distinct and very different processes. One relates to sex offenders and allows such offenders to be put on a register for the purposes of supervision by the probation service after their release from custody for a defined period. The other issue is the accessibility of Garda criminal records for checking purposes for employers who wish to engage persons who have substantial exposure to children in their employment. I will have the pleasure of opening the Garda central vetting unit in Thurles in a few weeks’ time. A planned extension of the unit is under way.

A third issue rightly raised by Deputy Naughten concerned the question of more general legislation dealing with a register of persons unsafe to work with children. A few weeks ago, a Government decision asked me to process this legislation which will be done on a North-South basis.

As regards the subject of the Bill, I regret to have to advise Deputy Jim O’Keeffe that the Government takes the view that the legislation is premature——

Mr. Durkan: If that is premature, I would hate to think of anything else that might be.

Mr. J. O’Keeffe: It will have to await the change of Government, obviously.

Mr. B. Lenihan: ——pending the outcome of work which has been undertaken by a working group established by the board of the Courts Service on sentencing.

An Ceann Comhairle: The Minister of State, without interruption.

Mr. B. Lenihan: The Bill has two functions, first, to create a comprehensive register of sentences; and, second, to introduce greater transparency to the sentencing process within the criminal justice system. I certainly agree that these are worthy objectives. The Bill details the information that would be required in the register, which would be subject to the Freedom of Information Acts. It also provides that certain designated persons and organisations would have access, by right, to the register. The courts service would be obliged to maintain the register.

I note Deputy Jim O’Keeffe introduced the Bill on the basis that the identity of the offender would be concealed in this particular exercise. I agree with him that there is a need for more data on sentencing, both for use by the Judiciary themselves, as he advocated, and for the purposes of public oversight. The Minister is not convinced that a register, as proposed on these lines, is the way to do it. The courts service has advised the Minister that a proposal on the lines suggested by the Deputy would present significant logistical and resource problems.

The information required under this Bill would be extremely difficult for the courts service to col-

[Mr. B. Lenihan.]

late and maintain. It would be a huge undertaking for the Courts Service to collect this level of detail and a vast drain on staff resources, while other elements of the register are simply not within the remit of the Courts Service.

The register envisaged by the Bill would require details of each and every sentence. This would include cases which had been held *in camera*, the details of which cannot be made public by law. In practical terms, this means that details of almost all criminal cases would have to be maintained, including details which the Courts Service does not have. For example, the mitigating factors taken into consideration in determining sentence are not available, other than from a recorded transcript of the proceedings. Such records of transcripts are only prepared in the event of an appeal to the Court of Criminal Appeal. There is no transcript of District Court proceedings so the requirement suggested in the legislation that the mitigating factors should be part of the public record would be impossible to implement. This level of detail would mean a huge increase in the amount of manual compilation of information. The criminal case tracking system maintained by the District Court does not contain anything like this amount of detail.

The Courts Service does record the outcome of each case brought before the courts. The service does not record the reasons for the sentence because it very seldom knows them. It does not record any background details, such as mitigating factors taken into consideration or the person's previous convictions. These may form part of the defence presented in court and may or may not be factors taken into account by the judge in determining sentence.

The accused or, indeed, counsel on his or her behalf might raise a myriad of groundless arguments in mitigation. To keep a record of all such information would be a fruitless exercise at the expense of the public purse. Other details suggested in the register, such as how much time had already been served by the accused, the length of time served by the accused, the executed elements of any non-custodial elements of the sentence, the granting of early release and the remitted portion of a sentence, are not available to the Courts Service. This information is available to other agencies such as the Prison Service and the Garda Síochána.

Turning to the sections proposed, section 4 provides that the register shall hold certain information pertaining to each and every sentence handed down in Ireland. It is simply not practical nor feasible to record all the details set out in the Bill. Section 4(2)(d), dealing with recording any mitigating factors, goes too far in suggesting that the sentencing judge may not take any mitigating factors into account in imposing sentence. Section 4(2)(g)(iii) deals with the amount of time served. Time served is usually taken into account but warrants only specify date from which sentence is

to run. Section 4(2)(g)(iv) deals with the length of time served. This information is not necessarily known to the court as the accused may have been on bail for all or part of the remand period. Section 4(2)(g)(vi) deals with whether early release was granted. This information would not be known to the Courts Service. Section 5(1) states that maintenance of the register shall be the responsibility of the service but the Minister is advised that it would be more practicable to keep a separate register in each court. Section 6(2) states that the register shall be publicly available. However, if the register is to be publicly available, section 6(2), outlining what class of persons would have a statutory right of access to the register, would appear to be redundant.

I appreciate that Deputy Jim O'Keeffe may maintain that these are essentially Committee Stage points but so many debilities are identified in the Bill that surely they invalidate the purpose of giving it a second reading.

Mr. J. O'Keeffe: I am open to amendment. It is not a problem.

Mr. B. Lenihan: Looking at the bigger picture, we all agree that few aspects of our criminal justice system generate as much controversy as the sentences handed down by our courts. From time to time there are cases which attract particular public attention which result in sentences which may be generally regarded as too harsh or too lenient or as inconsistent with sentences given in what are regarded as similar cases.

The traditional approach to sentencing in the Houses of the Oireachtas has been to lay down by statute a maximum penalty. The court, having considered all the circumstances of the case, may then impose an appropriate penalty up to that maximum. This approach reflects the doctrine of the separation of powers. The Legislature lays down the possible punishment range but it is for the courts to decide the punishment, taking account of all the circumstances of the case and of the offender.

I doubt if any person would like to see a system of criminal justice where all sentencing is determined by preordained mandatory tariffs or where sentences are influenced by the hue and cry of public comment. That is not to suggest that there should not be systems and procedures to ensure that sentences handed down by our courts are generally seen as and believed to be fair, predictable and consistent. In that respect, the Minister supports the overall aim of Deputy Jim O'Keeffe's Bill.

Mr. J. O'Keeffe: That is good.

Mr. B. Lenihan: Sentencing is a complex matter and, as the Deputy is aware, there are many variable factors to be taken into account in each case. To address this issue, the board of the Courts Service established a steering committee in

October 2004 to plan for and provide a system of information on sentencing. The initiative of the board is designed to provide some systemic form of information as a reference point for judges. The terms of reference are to plan for and provide information on sentencing. I am sure Deputy Jim O'Keeffe is glad to learn work is under way to meet the objective.

Mr. Howlin: Is the steering committee separate from the working group?

Mr. B. Lenihan: The membership of the committee comprises Mrs. Justice Susan Denham as chairperson, Mr. Justice Kevin O'Higgins, Mr. Justice Esmond Smyth, Judge Miriam Malone, President of the District Court, and Professor Tom O'Malley.

The steering committee reviewed sentencing systems worldwide and identified those of Scotland and New South Wales as the most relevant to our situation. Professor Cyrus Tata, director of the Centre for Sentencing Research at Glasgow, made a presentation to the committee on the sentencing system which has been operating in the Scottish High Court for the past decade. Professor Tata played a leading role in the development of the Scottish sentencing information system.

The committee decided to establish a pilot project in the Circuit Court in Dublin. Two researchers have been selected to collect and collate information on sentencing outcomes in cases on indictment in designated courts in accordance with criteria specified by the committee. The objectives of the project are to identify criteria and other information employed by the Judiciary in sentencing for particular offence types in criminal proceedings; record and retrieve such information in individual cases; design and develop a database to store the information retrieved and enable its retrieval in accordance with various search criteria; share or disseminate the information, utilising information and communications technology, via a judicial intranet or other means; and assemble appropriate material on sentencing for a benchbook and website.

Briefing meetings to explain the project have been held with the judges of the Dublin Circuit Criminal Court and court registrars who will be involved in the initial phase of the pilot project. It is proposed to commence a pilot project shortly in the Dublin Circuit Criminal Court. It is anticipated that this project will run for a six-week period and that it will be evaluated prior to a further pilot in October 2006 in the Circuit Criminal Court. Work will also commence on an information system on the Court of Criminal Appeal.

Apart from the pilot project, one must not ignore the current position which is that the law enables judges to exercise their discretion, within the maximum penalty, by reference to the conclusions they reach after trying a case, hearing all the evidence and assessing the culpability and cir-

cumstances of the accused. Judges, on appointment, have a wide knowledge of the law and its application and bring to the bench their experience and training as legal practitioners. The Minister is reluctant to depart from this approach but there are exceptions, especially in the case of murder where there is a mandatory sentence of life imprisonment.

With regard to the Minister's proposals on sentencing, the House may be aware that he is proposing the introduction of new statutory sentencing powers by way of Committee Stage amendments to the Criminal Justice Bill 2004. In general, the proposals will provide a wider range of sentencing options to the courts, including alternatives to custodial sentences. The first of these will give a court power to suspend or partially suspend sentences subject to certain conditions. The purpose is to provide an incentive to offenders to deal with issues giving rise to the offence and to stay away from crime. The conditions include a condition that the person keeps the peace and is of good behaviour during the period of imprisonment and during the period of suspension. The court may also make its order subject to such other conditions. For example, an order may include a condition that the person undergoes substance abuse treatment or psychological counselling or other treatment, or that the person co-operates with the probation and welfare service for the purposes of his or her rehabilitation and the protection of the public.

Deputy Jim O'Keeffe touched on this issue in his contribution. I agree with him that the giving of rehabilitative options to the courts which can be implemented in the context of sentencing is an important issue.

The Minister also proposes that the courts can, in certain circumstances, impose a fine but defer the custodial sentence pending an assessment of the offender's behaviour during the period of deferment. The court may defer sentence for a period of not more than six months. The court may make the deferment subject to such conditions as the court deems appropriate, including a condition that the offender be of good behaviour and keep the peace. Before making such an order the court must be satisfied that a number of requirements have been met, including that the offender consents to the deferral of the sentence of imprisonment and that the offender undertakes to comply during the period of deferral with any conditions as to his or her conduct which the court specifies.

In commenting on this area, Deputy Jim O'Keeffe made the point that he would like to see the area of rehabilitation on the part of the offender factored into the issue of parole when a sentence of imprisonment is imposed. In fact, the question of the issue of remission can only arise in two circumstances. One of these is in the context of the administration of the prison system itself in that the prison authorities, if satisfied with the good conduct of the offender while a

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prisoner, can recommend and attach to the prisoner a designated period of one quarter remission. In more serious cases involving a longer sentence, the parole board advises the Minister whether there should be remission. These are delicate and difficult decisions. I know the Minister values the existing procedure which enables him to be guided by advice from the parole board.

It is also intended to give the courts the power to impose restriction of movement and electronic monitoring orders instead of imprisonment for certain offences. This is a matter on

8 o'clock which the leader of the principal Opposition party, Deputy Kenny, caused a frisson of excitement at the annual conference but it is in fact envisaged in legislation before the House. The power to impose restriction of movement and electronic monitoring orders is intended to be conferred upon the courts under the Criminal Justice Bill.

Mr. J. O’Keeffe: Not for those released on bail, the area to which we want to extend monitoring.

Mr. B. Lenihan: They are very dangerous people. It is proposed the orders will be available in circumstances where the offence is a scheduled offence—

Mr. J. O’Keeffe: We need to be intent on dealing with these people in a proper manner.

Mr. Howlin: It cannot get any worse — cloudless days without tall buildings and no trees the Minister told the committee. It was a sunny day in the midlands.

Mr. B. Lenihan: —certain lesser offences under public order legislation and the Non-fatal Offences Against the Person Act 1997, and the court considers it appropriate to impose a sentence of three months or more. A restriction of movement order may impose such restrictions as the court thinks fit including a requirement that the offender be in a specified place at a certain time. The period for which an order may be in force may not exceed six months. The court can impose a restriction of movement order and it can also impose, for the purpose of monitoring compliance with a restriction of movement order, an order for the electronic monitoring of the offender in the community. A court can only make an order for electronic monitoring if the convicted person consents to the order being made and consents to the attachment of the electronic monitoring device to his or her person.

Mr. Howlin: There are no tall trees or tall buildings.

Mr. B. Lenihan: In this regard, the Minister is also providing that the granting of temporary

release from prison can be subject to the restriction of movement and electronic monitoring.

As I mentioned earlier, the traditional approach to sentencing is for the Oireachtas to lay down by law the maximum penalty appropriate to a particular offence and for the courts, having considered all the circumstances of a case, to impose an appropriate penalty up to that maximum. There are a small number of circumstances where statute has intervened to create exceptions to this approach. One such provision is the mandatory sentencing provision contained in the Misuse of Drugs Act 1977, as inserted by section 5 of the Criminal Justice Act 1999, in respect of an offence related to the possession of drugs with a value of €13,000 or more for the purpose of unlawful sale or supply. The provision provides for a mandatory minimum sentence of ten years’ imprisonment for the offence unless exceptional and specific circumstances exist in regard to the offence or the offender which would make it unjust in all the circumstances to impose a sentence of not less than ten years. Factors to which the court may have regard include whether the person pleaded guilty, taking account of the stage at which such an intention was indicated and the circumstances surrounding the indication, and whether the person materially assisted the investigation of the offence.

It is well known that the Minister has in the past been critical of the extent to which the mandatory sentence of ten years has been availed of by the courts. The Minister and I believe that the increasingly adverse impact of certain offences, such as serious drug offences, on our communities, merit the Oireachtas providing sentencing guidelines to the courts to the effect that a specified minimum sentence should be imposed unless to do so would be unjust in all the circumstances. In the circumstances, a number of amendments have been brought forward to the provisions contained in the 1999 Act by way of Committee Stage amendments to the Criminal Justice Bill 2004. It is intended to provide that when considering whether the imposition of a mandatory minimum sentence would be unjust the courts may not only have regard as at present to certain mitigating factors such as the stage at which the offender pleaded guilty and whether the offender materially assisted in the investigation, but also to the public interest in preventing these offences and to whether the offender has been previously convicted in respect of these offences.

Neither I nor the Minister consider that the Judiciary can be said to be pursuing an excessively lenient sentencing policy. While this may be the public perception based on a small number of cases which may be the subject of public criticism, we do not believe this perception reflects reality. It is worth quoting the observations of the Court of Criminal Appeal in the case of *Director of Public Prosecutions v R.*, 2001:

Even where exceptional circumstances exist which would render the statutory minimum term of imprisonment unjust, there is no question of the minimum sentence being ignored. Perhaps the most important single factor in determining an appropriate sentence is the ascertainment of the gravity of the offence as determined by the Oireachtas. Frequently an indication as to the seriousness of the offence may be obtained from the maximum penalty imposed for its commission. . .

What is even more instructive is legislation which, as in the present case, fixes a mandatory minimum sentence. Even though that sentence may not be applicable in a particular case the very existence of a lengthy mandatory minimum sentence is an important guide to the courts in determining the gravity of the offence and the appropriate sentence to impose for its commission...

If the court is satisfied that factors exist which would render the mandatory minimum sentence unjust then the court is not required to impose it but the existence of such matters or circumstances does not reduce the inherent seriousness of the offence. It remains the task of the court to impose a sentence which is appropriate having regard to the relevant circumstances and also the fundamental gravity of the offence as determined by the Oireachtas and reflected in the sentences which it has prescribed.

Those are the view of the Court of Criminal Appeal.

The Committee Stage amendments to the Criminal Justice Bill also include provisions which will add to the statutory exceptions providing for mandatory sentences. The proposals include a new offence of importation of drugs to the value of €13,000 or more which will attract the ten year mandatory minimum sentence and provision for mandatory minimum sentences of between five and ten years for certain firearm offences.

Provision is also included in the Criminal Justice Bill 2004 for the introduction of a fixed charge procedure for certain public order offences. Section 29 of that Bill amends the Criminal Justice (Public Order) Act 1994 to provide for a fixed penalty procedure for certain public order offences under that Act. The procedure will apply to an offence under section 4, intoxication in public place, and section 5, disorderly conduct in a public place. It is intended the fixed penalty procedure will be an alternative to criminal proceedings being taken in the first instance.

In general, the section provides that a member of the Garda Síochána, who has reasonable grounds for believing that a person who is not less than 18 years of age is committing, or has committed, an offence under these sections of the 1994 Act, may serve on the person personally or

by post a fixed charge notice. In default of payment the person will be prosecuted for the offence.

The fixed charge notice will be in a prescribed form and will state specified matters including when and where the fixed charge offence was alleged to have been committed, that a prosecution for it will not be instituted if within 28 days the person pays the prescribed amount and how the payment may be made. Various consequential provisions deal with the ancillary regulations.

The complex question of sentencing policy was addressed at length by the Law Reform Commission in 1996 in a report which specifically recommended against the introduction of statutory sentencing guidelines. Its report pointed out a number of differences of opinion among members of the commission in relation to some of the recommendations in the report which tends to underline the obvious complexities which arise in sentencing policy.

The Minister supports the recommendation made by the Law Reform Commission against the introduction of statutory sentencing guidelines.

Mr. J. O’Keeffe: Statutory or non-statutory guidelines.

Mr. B. Lenihan: Or Ard-Fheis guidelines.

Mr. J. O’Keeffe: Is he in favour of guidelines?

Mr. B. Lenihan: Statutory guidelines would involve an undue interference in the independence of the Judiciary. The decision on what kind of sentence to impose is a judicial determination, not an Ard-Fheis determination—

Mr. J. O’Keeffe: Whoever wrote this waffle wandered all over the place.

Mr. B. Lenihan: The Deputy should have no fear. Servants of the State were not required to compile the entirety of this script. The decision on what kind of sentence to impose is a judicial determination and, save only in exceptional circumstances, I hold the view that the Oireachtas should be cautious in prescribing mandatory sentences.

Deputy Jim O’Keeffe is no doubt aware that the Law Reform Commission opposed the idea of statutory guidelines. It is useful to consider what the commission said about non-statutory guidelines. The commission recommended that non-statutory guidelines should be introduced to the effect that the severity of the sentence to be imposed on a person found guilty of an offence should be measured in proportion to the seriousness of the offending behaviour and that the seriousness of the offending behaviour should be measured by reference to the harm caused or risked by the offender in committing the offence

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and the culpability of the offender in committing the offence.

This comes back to the basic position whereby the law enables the judge to exercise his or her discretion, within the maximum penalty, by reference to the conclusions he or she has reached after trying the case, hearing all the evidence and assessing the culpability and circumstances of the accused. In general, the Minister concurs with the thinking behind these recommendations on statutory guidelines. The point was made in the commission's report that the more detailed the requirements of any statutory sentencing procedure, the more likely it was that mistakes would arise leaving sentences open to challenge on technical grounds only.

While the working group on the jurisdiction of the courts was unable to examine the issue in sufficient depth to make detailed recommendations, it found there was a need for some system of objective guidance for sentencing judges at all levels. One option proposed by the working group could be accommodated within the current system—

Mr. Howlin: Is this another working group?

Mr. B. Lenihan: —the more effective dissemination of decisions which are regarded as being authoritative in nature, especially decisions of the Court of Criminal Appeal. I understand the Courts Service and Supreme Court Judiciary are operating a pilot database of judgments of the Supreme Court and Court of Criminal Appeal which has been launched on the Courts Service website along with High Court judgments.

Mr. J. O'Keefe: That is very nice; strange thinking.

Mr. B. Lenihan: Perhaps they could be displayed at the Fine Gael Ard-Fheis rather than the extensive reviews and sentencing promises of Deputy Kenny.

As I mentioned earlier, the steering committee, in reviewing sentencing systems, worldwide identified those of Scotland and New South Wales as the most relevant to our situation. In this regard, New South Wales has a judicial commission whose major function is to assist the courts in achieving consistency in approach in the sentencing of offenders.

Over the years, the courts have developed a substantial body of case law setting out general principles of sentencing. Statute law provides that any sentence of imprisonment for an offence committed while on bail should be ordered to run consecutively to any previous sentence. The courts are in the best position to see just what is the proper sentence in a particular case.

Mr. J. O'Keefe: They are operating in the dark.

Mr. B. Lenihan: They alone can take all the circumstances in a particular case into account and the Courts Service board has put in place a highly skilled committee to look at sentencing. If Deputy Jim O'Keefe examines the impressive membership of this committee, he will agree the Minister should await the conclusion of its work before coming to decisions on the issue which is the subject matter of Deputy Jim O'Keefe's Bill.

Ms Burton: I wish to share time with my colleagues, Deputies Howlin and Penrose. I congratulate Fine Gael on putting forward this Bill. I am delighted the Minister of State with responsibility for children is present because I have some questions for him.

I heard the Minister for Justice, Equality and Law Reform speak at some length about the development of a statutory sentencing policy. Following today's events, could the Minister of State, or his senior colleague, the Minister for Justice, Equality and Law Reform when he is next in the Chamber, please explain to me and to other parents how a man who raped a 12 year old child, having plied her with drink, ended up with a sentence of three years for statutory rape? I have heard this question repeatedly today. I am not a lawyer but we have been told by the Taoiseach that such offences carry substantial sentences up to life imprisonment.

I want to bring to the attention of the Minister for Justice, Equality and Law Reform an article by Mr. Kieron Wood, a well known legal journalist, commenting on the issues in one of the weekend papers. The article includes quotes from an interview which the Minister gave to Pat Kenny to a few days ago on RTE. He expressed the view that no appalling vista arose from the Supreme Court judgment.

The Minister made some very strange statements which, if they accurately reflect what he is reported in the newspapers as having said, should be explained by him to interested parents. He said:

We must also ask ourselves if we have to protect 15 year olds from randy 23 year olds, if I can use that phrase. It is not an easy one to legislate for on the back of a beer mat.

The Minister said his view was that the notion that 16 year olds could be criminalised and theoretically face prison and so on for having sexual intercourse was no longer sustainable in this day and age.

The quotes are from a long interview. They are attributed to the Minister and I do not know if they are correct. However, I do not understand the following. The Supreme Court delivered a judgment the other day which changed the law as people understood it. The Labour Party has offered a temporary measure to plug the gap. As the Minister said in the interview that this is a complex issue. He said that if one is talking of a 24 year old man and a 12 year old girl or what-

ever, especially if there is a question of them being related, that is not a runner, if one can imagine.

There is a very clear division between the Government parties on this issue. The remarks attributed to the Minister for Justice, Equality and Law Reform are from what I think is called in American jurisprudence a libertarian point of view. The Minister is an esteemed lawyer, but if that is the Progressive Democrats libertarian view, what is the Fianna Fáil view with regard to the protection of children and the very difficult issue of seeking to protect children, because young teenagers are still children? We know some 13 year olds can be quite advanced but most of them cannot safely undertake sexual adventures and emerge the better for them.

Mr. B. Lenihan: The problem with the narrow approach mentioned by the Deputy is that it does not address the issue of the protection of young men as well as young women.

Ms Burton: I accept that when the law is revised, there will be gender issues to address which did not exist in the 1930s. I do not think there is any disagreement about that on this side of the House—

Mr. B. Lenihan: It could pose constitutional problems.

Ms Burton: —or with the fact that, from time to time, a woman may be involved in completely wrong sexual conduct with an under age boy, or that men may have completely inappropriate conduct towards young boys. We all know that. We live in the 21st century and must legislate for it. To me, the views expressed by the Minister for Justice, Equality and Law Reform are profoundly libertarian. They do not necessarily reflect the kind of views I would have expected from Fianna Fáil.

I want to raise a local matter I have raised several times before. Bus Éireann uses taxi drivers to provide school transport for special needs children. Those taxi drivers employed by Bus Éireann are not subject to any vetting. The children are on their own in taxis.

I have another issue to raise with the Minister of State. Mr. A could be driving a taxi tomorrow while Mr. B and Mr. C could be driving school buses next week. I hope the Minister understands that people feel very vulnerable as a consequence of what has emerged.

Mr. B. Lenihan: I have secured the agreement of the Department of Education and Science in excluding all those categories of persons from that area.

Mr. Howlin: I am sorry the Minister of State is abandoning ship although I am sure he must attend other business.

I welcome the Bill and the debate on sentencing on what is a bleak day for the criminal justice system in Ireland. Families and individuals throughout our State despair at the failures that led to the release of a convicted child predator this day. My colleague has already pointed to the fact that people will already be in despair that somebody guilty of such a heinous crime, plying a young child of 12 with drink and then predated on that child to have a sexual relationship with her, ended up with a sentence of three years. That will surprise many people. The notion is objectionable that that individual, in the eyes of the law, has committed no offence, walks free, is not subject to any account and is not on any register. The matter is being appealed but it beggars belief that amending legislation was not ready in the event of the Supreme Court reaching the conclusion it did.

All this provides us in this House with a number of cautionary tales. One is that we take great care in how we handle criminal legislation. Bluntly, the Criminal Justice Bill now trundling through Committee Stage is not being handled with care. The Minister for Justice, Equality and Law Reform has already instanced that one of the proposals which came in among the 220 pages of amendments was that there would be mandatory sentences for the possession of drugs in excess of the old value of £10,000, now some €13,000. However, in the new legislation, it is not a defence that one does not know what the drugs are worth. That is surely now frail and suspect in the same way as the 1935 Act because one must be able to present that defence. We need the time to ensure we do not have more dark days like today with criminals walking free because we were not robust in carrying out our constitutional duties to enact proper legislation to protect the citizens of the State.

This Bill is worthy and important, particularly its proposal to have a central and accessible register of sentences. To have such a database would be invaluable. It is depressing to see the knee-jerk reaction from the Minister of State. It was clear he had not read his speech before he attended the Chamber. He smiled as he read, "I am opposing the Bill on behalf of the Government on the basis it would be premature". Again another working group will be reporting to a steering committee or another pilot scheme is in place. It is always a step away from a decision in any area, which I regret.

The main issues of concern among the public are the need for effective policing and the inconsistency of sentencing practices where the punishment does not always fit the crime. In some instances lawyers will say there is fishing for certain judges. This must stop. Public faith in the judicial system and the criminal justice system must be restored. The tariffs that accrue to a particular offence should be standard. I accept no case is the same. A separation of powers exists that allows the courts to interpret the law to

[Mr. Howlin.]

determine appropriate sentences that match individual cases. There cannot, however, be vast disparities when the outline shapes of two separate cases are the same.

Many years ago, when I last held this spokespersonship, there was a debate on training, accountability, structured peer review with organised discussion and specialisation in the Judiciary. All this now happens on an *ad hoc* basis. During the debate, the proposals were to be put by constitutional amendment. I argued against the then Minister's proposals. The mechanism he proposed for disciplining a judge would have made it even more difficult to remove a judge from office. A simple majority of the House enacts a law and elects a Taoiseach. The then Minister for Justice, Equality and Law Reform, Deputy O'Donoghue, proposed the removal of a judge would require a two thirds majority of the House. It struck me as a move in the wrong direction. We did not take advantage of the debate to put in place a structure for judicial conduct. We are now in a situation on such matters where we have no structure. Instead we are inventing structure with the help of the Supreme Court to map our way through a minefield which we should have done many years ago. The promised return to judicial accountability never happened.

Under the Bill the Courts Service would have a duty to bring into being and maintain a comprehensive database of sentencing. The service has done sterling work since it was put in place. It has reformed the facilities available to the courts system in many places. I will be parochial in saying that one of the gaping holes of its infrastructure is the Wexford courts building. I hope the promised new courts building there will come on-stream soon. By and large, the service provides good facilities with good case and document management. It would be well able to carry out the duties, given the resources, laid out in the Bill.

The database would do much good. It would aid judges by providing information on indicative sentencing which they could examine and know whether the norms they propose to apply are correct. It would be proper information that would restore public confidence in that the public could see what is happening in sentencing. It would provide information for us as law-makers to know how legislation is being enacted. Several years ago mandatory sentencing of a minimum of ten years was introduced for drug importation. Up to two years ago in over 90% of all cases, the mandatory sentence was not applied. It was only applied in 2% of cases which I understand has increased to 20%. However, it remains that in the majority of cases, the decision of the House in mandatory sentencing is not applied. The House must know these facts. Such a database would aid researchers in being able to compare Irish norms to international practice. It is a pity that good ideas from this side of the House are ignored.

Mr. Penrose: The Bill's provision for a database would provide a useful and valuable tool. As Deputy Howlin outlined, it would have several important uses, not least in its use in the sphere of judicial training. Information for judges could be dissipated from the High Court to the District Courts. It is important the public has confidence in judicial sentencing. I have deep reservations about mandatory sentencing or tariffs. As one practising in criminal law, no two cases I have encountered are the same. Neither can we make laws in response to frenzies or outcries. It must always be ensured that the law is consistent with the Constitution. It must be tested in a cool and rational atmosphere to ensure it withstands the attacks to which it may well be subject. These are the protections we have and why the separation of powers exists.

I accept mandatory sentencing for murder and various serious crimes. For lesser crimes, if a minimum sentence of five years were imposed, we would be flying in the face of the *diktat* which has been provided by the courts. The Court of Criminal Appeal has set out various *indicia* to which we and the lower courts must adhere. It always takes account of the nature and circumstances of the crime and the individual that committed it. Those matters have to be balanced when it comes to sentencing.

One problem with Deputy Jim O'Keeffe's Bill is that in mitigation, often when the defence counsel makes a plea, the judge considers it from the societal point of view taking into account the sentence acting as a deterrent and retribution. The judge then must consider the personal circumstances of the individual who committed the crime and his or her rehabilitation, the light at the end of the tunnel. We cannot just throw away the key or just put people into prison for the sake of it. Often people come out of prison with greater degrees of knowledge in how to pursue more vicious crimes than the one for which they were originally sentenced.

The failure to have a properly resourced rehabilitation system in the prison system is an absolute scandal. Society must be protected from the dangers of the particular crimes committed by individuals through the deterrence aspect of sentencing. However, since the 1970s the Supreme Court has laid down that there must be a rehabilitation aspect to sentencing. In this the State has failed miserably. The rehabilitation resources in the prison system are non-existent. I have known of individuals entering prison with psychiatric problems. Very often the psychiatrist is operating on already tight resources. This area must be focused on in the debate on sentencing. The points made by Deputies Jim O'Keeffe and Howlin are worthy of debate and should not be lightly dismissed.

Debate adjourned.

Message from Select Committee.

An Leas-Cheann Comhairle: The Select Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs has completed its consideration of the National Sports Campus Development Authority Bill 2006 and has made amendments thereto.

Adjournment Debate.

Disabled Drivers.

Mr. Crawford: I thank the Ceann Comhairle for allowing me raise this important matter and the Minister of State at the Department of Transport, Deputy Gallagher, for taking it.

There is an urgent need to change the rules being applied to those in need of a primary medical certificate. In spite of their clear need, seriously disabled people who must use a car with automatic transmission with necessary alterations are being refused primary certificates because they still possess their legs and hands.

I raise this serious matter because last week I received another representation in this regard, on this occasion from a young lady aged 23. She was the victim of a serious hit-and-run accident ten years ago, the effects of which were virtually those of a stroke, and she has never fully recovered. This lady has been brought through the driving test system by the association for those with such handicap and she got through the test on her first attempt, only by using a car with automatic transmission and the necessary alternations.

Although it was clear this young lady could not drive an car which was not properly fitted to allow her use the limbs of which she has full use, the regulations deem her ineligible because she has not lost either a leg or an arm. The system has gone crazy and something needs to be done about it.

I spoke to this young lady's mother. This family has come through a traumatic time, to put it mildly. Now the young girl has a job she desperately needs the car for her independence and to go to work, and the only type of car she can drive is one with automatic transmission, properly fitted. Yet when she goes in front of the doctors, who know all about her history and all about what she has come through, she is torn down on technicalities. It is just not funny.

Given that this city saw the launch by the Taoiseach and many Ministers of entirely new regulations in the area of disability, surely this is one of the typical instances where, in spite of the promise of much money, no changes have been made.

I beg the Minister of State to take this matter seriously. If this girl lacked the determination to go through rehabilitation and take up a job, what would she cost the State if she needed permanent

residential care? While she is trying her best, needs to get the alternations made and wants her independence, she cannot get the support she needs. This is not an isolated case, but one that has come to my attention most recently.

I encountered another case of a middle-aged man who lives on the road from Emyvale to Monaghan which the Minister of State and I travel regularly. He has no power in one arm. Although he got a primary medical certificate while his wife was dying of cancer, the minute she died the certificate was revoked because it was issued to him on the basis of her inability to walk.

I encountered yet another case, where a man underwent surgery 24 times following a serious accident. While he still has some movement in his leg, he cannot drive without alterations to his car and yet his primary medical certificate application has been refused. What he cannot understand is that his friend who has a frozen leg is allowed a primary medical certificate. There is a need to apply some degree of common sense. This man's friend, who did not lose a leg but has a frozen leg, has a primary medical certificate and this man, who cannot use his leg because of the extent of his injuries, is ineligible.

While I appreciate the Minister of State will not have the answers I want tonight, our reasonably well-off economic climate should permit him the opportunity to re-examine this problem and ensure that those with a disability who want to work get the support they need.

Minister of State at the Department of Transport (Mr. Gallagher): I thank Deputy Crawford for raising this important issue relating to the disabled drivers' and disabled passengers' tax concessions scheme. The Minister for Finance, Deputy Cowen, who had another engagement in the west tonight, asked me to convey his apologies.

The scheme dates back to 1968 when relief from road tax was made available, under legislation, for persons with a disability meeting specific medical criteria. Since then, the scheme has been extended and amended on many occasions.

The statutory basis for the current scheme is section 92 of Finance Act 1989. The principal regulations are from 1994, with subsequent amendments. Access to the scheme is on the basis of six medical criteria which are set out in section 3 of the 1994 regulations.

A person who qualifies under the criteria set out in section 3 is issued with a primary medical certificate by the senior medical officer of the local Health Service Executive administrative area. Possession of this certificate qualifies the holder to claim the benefits of the scheme, either as a qualifying driver or a qualifying passenger. Where the medical certificate is not granted, the legislation provides for an appeal procedure operated by the Disabled Drivers Medical Board of Appeal, an independent body, whose decision is final. From my experience as a Deputy in my

[Mr. Gallagher.]

county, I am aware that it had a long waiting list until recently but I would hope it has shortened somewhat since. The board's members are appointed by the Minister for Finance on the advice of the Minister for Health and Children. The regulations also provide for inclusion in the scheme of non-profit organisations involved in the transport of persons with a disability.

The benefits of the scheme for qualifying persons are set out in the legislation. They consist of the following. First, there is full relief in the year of purchase of an adapted vehicle of VRT and VAT, subject to limits of €9,525 for a qualifying driver and €15,875 for a qualifying passenger or organisation. In the case of passengers, there is a requirement that the adaptation to the car must amount to at least 10% of the cost of the car. In the case of both drivers and passengers, the vehicle must be retained for at least two years. Second, there is relief from excise duty up to a maximum of 600 gallons per year, or 900 gallons in the case of an organisation. Third, there is exemption from road tax.

The average total annualised value of these benefits is estimated at around €5,500 per claimant. In the year of purchase of a car a claimant receives benefits relating to the purchase of the car, fuel relief and road tax, and in the other years the benefits received are fuel relief and road tax.

In terms of the overall scale and scope of the scheme, the most recent data available from the Revenue show that the total number of claimants in the system in 2005 is around 9,500, made up of approximately 3,750 drivers and 5,750 passengers. The total cost of the scheme excluding road tax in 2005 was €49.5 million. When road tax is included the total cost is estimated to be over €56 million. Given the generosity of the scheme, strict medical criteria are set down to qualify for it. The scheme is not open to all people with a disability, only to people with certain serious physical disabilities. The medical eligibility criteria for the scheme is set out in legislation. Time does not permit me to go into detail in this regard but Deputy Crawford can read the information in the written reply which I will make available.

It is a fundamental requirement for admission to the scheme that the applicant meets the specified medical criteria and is in possession of a primary medical certificate to that effect. As the Deputy may be aware, a special inter-departmental group reviewed the operation of the disabled drivers' scheme. The group's terms of reference 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, which was published on the Department of Finance'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, the 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, given the scale and scope of the scheme, further changes can only be made after careful consideration. The issues raised in the interdepartmental review group report are complex. Fundamental questions were raised. The Government decided 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. I have taken note of the specific issues raised by Deputy Crawford and will bring them to the attention of the Minister.

Rail Services.

Mr. P. Breen: I welcome the Minister of State at the Department of Transport, Deputy Gallagher. He will be aware that rail services are the poor relation to our road network when it comes to investment. No new rail lines have been built in the past decade despite the millions poured into our roads infrastructure in that period.

There was finally some recognition of the potential of the existing rail network in the proposals contained in Transport 21 which were unveiled last November. There is much that is flawed about the Transport 21 plan, most of which involves a re-packaging of previously announced plans. The interests of the west, the south and the north west were not served by the failure to provide for motorways in the Atlantic corridor roads plan. The Western Development Commission's recent report underlined that the gap between the west and the east is greater now than it was seven years ago and that single carriageway roads and other bad infrastructure would cause long-term decline.

The name Atlantic corridor is a misnomer because it ignores a huge chunk of the country that faces onto the Atlantic — west Clare, north Kerry, south Kerry and west Cork. In the same vein, it was shocking to learn that the planned spend on the long-neglected western rail corridor of between €300 million and €400 million is around 1% of the total €34 billion spend.

The decision to re-open the line is a victory for the campaigners on the issue, for people who believe in train services as a viable means of transport, and for the people of County Clare and the west in general. The Minister may be aware of the success in my constituency of the re-opening of the Ennis to Limerick rail line in 1988.

Many services are provided to Limerick and an increased frequency of trains travel onward to Dublin, Cork and Waterford.

As someone who uses the service from time to time I can vouch for its comfort. The rail service is preferable to driving through traffic chaos. The story of the remainder of the western rail corridor is a sadder one. Passenger services between Limerick and Claremorris ceased in 1976. Just as with the earlier closure of the west Clare railway in 1952, people were given empty assurances by the Government of the day that they would be compensated with other infrastructural projects.

I urge the Minister of State at the Department of Transport, Deputy Gallagher, and his colleague, the Minister, Deputy Cullen, to sanction immediately the proposals submitted by Iarnród Éireann for the re-opening of the Ennis to Athenry section, which is phase one of the rail corridor project. These proposals have been with the Department for more than three months. The delay in sanctioning them has cast doubts on the Government's assurance that phase one of the project would be complete by the end of 2008. That was the timetable agreed by the Taoiseach when he stated that Transport 21 would be completed on time and on budget.

I do not wish to hear that the timetable for the Athenry to Tuam section is for it to be completed in 2011 and that the Tuam to Claremorris section is to be completed in 2014. I already know that. I also do not wish to hear that the cost of the project is commercially sensitive until the public procurement process is complete. I wish to hear the Minister of State at the Department of Transport state whether EU Structural and Cohesion Funds are available for the project, how much is available, whether the Department has applied for such funds and, if not, when it plans to do so. It is my understanding that the Department has until the end of this year to make an application and a further two years to complete the project.

Despite the small investment involved, this project is of great importance to the people of County Clare and the west in general. Phase one of the rail project will provide a valuable regional link between Limerick and Galway via Ennis, which will be of significant benefit to Shannon Airport.

I seek an assurance from the Minister of State that the timetable will be adhered to, that the investment will be made as planned and that the Government will avail of EU grant assistance. I also seek assurances that a bedding down period for the project will be provided when it is up and running so that passengers will be able to avail of low fares as an inducement to use the service and that, subsequently, passenger subsidies will be the same as apply to the rest of the Iarnród Éireann network.

I am delighted the Minister of State at the Department of Transport is in the House and I look forward to hearing positive answers from

him in regard to this project. It is vital for infrastructure in County Clare and the west.

Mr. Gallagher: I thank Deputy Pat Breen for raising the issue of the western rail corridor. He knows many of the answers already. The position has not changed. We aim to ensure that the timescale of which he is aware and which has been made clear will be adhered to.

Transport 21 provides for the re-opening of the western rail corridor between Ennis and Claremorris on a phased basis and the preservation of an alignment as far as Collooney. The plan also provides for the upgrade of commuter services on the Athenry to Galway line.

When completed, the western rail corridor will provide a rail link between the cities of Limerick and Galway with onward connection to Claremorris. The new line will also facilitate the provision of intra-regional services within the Border, midlands and west region. The line between Ennis and Athenry will be the first section to be developed. Subject to progress in planning, the indicative timescale for completion of this first section is 2008.

Mr. P. Breen: Is it expected that the Government will adhere to that?

Mr. Gallagher: An Opposition Deputy may hope it will not because, otherwise, there is no political benefit.

Mr. P. Breen: I hope the Government will adhere to it. That is why I raise the matter.

Mr. Gallagher: We are the party which is committing itself to this project. We are doing it and we will deliver. The only benefit for the Opposition is to hope it may slip off the agenda.

Mr. P. Breen: I hope not. I am with the Minister of State all the way.

An Leas-Cheann Comhairle: The Minister of State should be allowed to reply without interruption.

Mr. Gallagher: As the Deputy outlined, the indicative timescale for completion of the Athenry to Tuam section is 2011 and the Tuam to Claremorris section is 2014. We will do our utmost to ensure that we adhere to that timeframe.

The current position on the project is that Iarnród Éireann has submitted proposals to my Department relating to phase one and phase two. These are being finalised in my Department and the Minister and I expect to be in a position to make a decision on Iarnród Éireann's applications and the allocation of funding in the coming weeks. Transport 21 includes a financial provision to cover the anticipated cost of the project. It would be wrong for me to release this commercially sensitive information until the public pro-

[Mr. Gallagher.]

curement process for this project is completed. I fully appreciate and understand this business-like attitude. I understand that the necessary steps to preserve the section of line between Claremorris and Collooney will be taken this year. Irrespective of where the funding comes from, the Deputy

can take comfort from the knowledge that funding will be provided for the western rail corridor on a phased basis, which I, as a man from the north-west, fully support.

The Dáil adjourned at 8.50 p.m. until 10.30 a.m. on Wednesday, 31 May 2006.

Written Answers.

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

Questions Nos. 1 to 22, inclusive, answered orally.

Questions Nos. 23 to 65, inclusive, resubmitted.

Questions Nos. 66 to 71, inclusive, answered orally.

Communications Masts.

72. **Mr. Hayes** asked the Minister for Communications, Marine and Natural Resources if he has satisfied himself regarding the adequate and safety standards and requirements in relation to mobile phone masts or other masts with particular reference to non-ionising radiation; and if he will make a statement on the matter. [20748/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Ireland participates in the relevant bodies that monitor and set guidelines for limiting exposure to electromagnetic energy from such installations. These bodies continuously review the relevant research, and periodically meet to decide whether or not the guidelines continue to be appropriate in the light of the most up-to-date reports. The international limits on exposures for non-ionising radiation, developed by the International Commission for Non-Ionising Radiation Protection (ICNIRP), have been adopted in Ireland on the basis of EU Council Recommendation 1999/519/EU on the limitation of exposure of the general public to electromagnetic emissions.

Broadcasting Services.

73. **Ms O'Sullivan** asked the Minister for Communications, Marine and Natural Resources if he will report on the EU Education, Youth and Culture Council on 18 and 19 May 2006 wherein a revision of the TV Without Frontiers Directive was discussed; his views on whether there may be a problem of relocation due to the country of origin principle; if he has assented to the sugges-

tion by Belgium to hold an informal Council in June 2006 to advance the issue; and if he will make a statement on the matter. [20625/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The EU Commission published its proposal for a Directive amending the Television Without Frontiers Directive in December 2005. This revision had been brought about by the need to put in place a new regulatory framework for audiovisual services which will take account of advances in technology and market developments over the past decade. The recent Education, Youth and Culture Council, held on the 18th May 2006, was the first opportunity for Member States to discuss this proposal at Ministerial level.

Jurisdiction over Broadcasters along with the application of national rules were amongst the issues raised by Ireland in the Council discussion. Ireland, together with a number of other Member States is concerned about the number of broadcasting services that are regulated in one Member State but are primarily intended for reception in another Member State. Ireland expressed the view that the set of rules that should apply to any broadcasting service should be the broadcasting standards of the Member State that is primarily targeted by that service.

I am aware that Belgium is considering holding a seminar on the jurisdiction issue. Ireland has already indicated to the Belgian Authorities that it would be interested in attending such a seminar should Belgium decide to arrange one. Ireland will continue to work with other Member States and the Commission with a view to progressing consideration of the proposed revised Directive. The approach agreed in relation to jurisdiction will impact on Ireland's position on other elements of the proposal.

Offshore Exploration.

74. **Ms O. Mitchell** asked the Minister for Communications, Marine and Natural Resources

[Ms O. Mitchell.]

the extent to which all outstanding matters in relation to difficulties surrounding the delivery of supply from the Corrib gas field have been addressed and resolved; and if he will make a statement on the matter. [20726/06]

128. **Ms O'Sullivan** asked the Minister for Communications, Marine and Natural Resources when he expects the Corrib gas pipeline mediation process led by Mr. Peter Cassells will be concluded; his views on recent comments by Shell on their earlier actions in this dispute; when he will implement the recommendations of the TAG report that he has fully accepted; and if he will make a statement on the matter. [20624/06]

141. **Mr. G. Mitchell** asked the Minister for Communications, Marine and Natural Resources the progress to date in regard to the delivery of supply from the Corrib gas field; and if he will make a statement on the matter. [20727/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 74, 128 and 141 together.

As the Deputy will be aware, as a result of local concerns over the safety of the pipeline Corrib gas pipeline, I commissioned a comprehensive independent safety review last August. Following a long and detailed review process, including two separate phases of public consultation, Advantica, the international consultants contracted to do the work, provided me with their report earlier this year. This review found that proper consideration was given to safety issues in the selection process for the design option and route. Moreover, the review found that if a number of additional provisions were made, there will be a substantial safety margin in the design.

The most important of these provisions was that an additional pressure limitation mechanism, to ensure that the pressure in the pipeline can never go above 144bar, be incorporated into the design. Other recommendations included the drawing up of an integrity management plan and the use of PD8010 as the design code for the project.

The Review was published earlier this month, along with a report to me on the Advantica report by my Technical Advisory Group or 'TAG'. This Group accepted the recommendations of the Advantica Report and made a number of recommendations of their own. In turn, I have accepted these recommendations, and any future consents to conduct further work on the project will be dependent upon the developer meeting the requirements set out in these reports.

I also appointed Mr. Peter Cassells, to act as mediator between the various parties. Specific terms of engagement were agreed between the parties for the mediation process and it is ongoing. The developer, Shell, has already

accepted the recommendations made by both Advantica and TAG and has committed itself to cooperating fully with the mediation process. I understand that Shell have also apologised for their role in the jailing of the individuals from the Rosspoint area, a development I wholeheartedly welcome.

Given the sensitivities involved, I am not willing to comment on the progress of the mediation, however, I remain hopeful that a successful conclusion will be reached without undue delay. I understand that once an outcome has been reached through the mediation process and the additional requirements made of Shell are met, a significant construction period will be required before gas can be brought ashore.

Apart from the huge benefits this will bring to the State as a whole, there will also be significant benefits locally. An Bord Gáis has recently had its new connection policy approved by the energy regulator. This policy will frame a feasibility study of connections to towns in Co. Mayo with a view to providing services as soon as the Corrib field is on stream.

Energy Conservation.

75. **Mr. G. Murphy** asked the Minister for Communications, Marine and Natural Resources his plans to encourage energy conservation; if he has in mind the identification of specific targets; and if he will make a statement on the matter. [20704/06]

113. **Mr. Coveney** asked the Minister for Communications, Marine and Natural Resources if he intends to introduce new measures on energy conservation, directly or in conjunction with the relevant Ministerial colleagues; and if he will make a statement on the matter. [20705/06]

342. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his plans to encourage energy conservation; if he had in mind the identification of specific targets; and if he will make a statement on the matter. [20829/06]

343. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he intends to introduce new measures on energy conservation, directly or in conjunction with the relevant Ministerial colleagues; and if he will make a statement on the matter. [20830/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 75, 113, 342 and 343 together.

The Government is giving high priority to energy efficiency as a key national imperative right across industry, SMEs agriculture, transport, the construction sector and the public sector as well as individual energy consumers. Energy

efficiency and demand management strategies have a critical contribution to make to sustainable energy objectives. Reducing the high percentage of wasted energy is a crucial part of the global EU and Irish energy challenge. I fully endorse the EU Commission's priority focus on energy efficiency as articulated in the Green Paper and as reflected in existing and new Directives. There is a clear potential to save 20% of energy consumption across the EU by 2020.

The Energy Performance of Buildings Directive comes into effect next year. It sets minimum energy performance requirements for new buildings and major renovations and the introduction of energy performance ratings for buildings. Renewable energy options must be considered for new large scale public or private buildings. I am keen in that context to ensure that the Government's decentralisation building programme is an exemplar in terms of energy efficiency and renewable energy usage and we are continuing to liaise with OPW in support of this objective.

The EU Directive on energy end-use efficiency and energy services, sets indicative targets for Member States to improve energy efficiency by 1% each year over 9 years, from 2008. I intend to set the bar high in terms of national energy efficiency goals. A number of initiatives are being developed to underpin delivery of ambitious efficiency targets. I will be launching a national energy efficiency campaign later this year. The multi annual campaign will target individual energy consumers, businesses, the public sector and transport. The campaign will aim to change behaviour and achieve demonstrable reductions through awareness of the costs and environmental impacts of inefficient energy use.

Sustainable Energy Ireland (SEI), has just launched a new energy agreements programme, targeted at some of the country's biggest industrial energy users. This new programme will build on progress to date through the Large Industry Energy Network by requiring and supporting firms to work towards certification to the new Irish Standard on Energy Management.

Postal Services.

76. **Mr. McCormack** asked the Minister for Communications, Marine and Natural Resources if he has satisfied himself that sufficient services of a nature complimentary to those already available to and through An Post are being developed; his plans to encourage or incentivise such development; and if he will make a statement on the matter. [20724/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have no function in this matter. Decisions relating to products and services are operational matters for the Board and management of An Post.

Broadcasting Services.

77. **Mr. Gogarty** asked the Minister for Communications, Marine and Natural Resources further to recent comments by the European Commissioner for Media, Ms Viviane Redding, that the regulation of transnational satellite broadcasters should be addressed by Member States acting on a bilateral amicable basis and her further comments that the codification of the European Court of Justice case law in this area would allow Member States to take measures against an audiovisual media service provider established in another Member State that directs for fraudulent purposes all or most of its activity to this Member State, the measures he intends to take to insure that satellite broadcasters who are inserting local advertising into their main programme schedule can be subject to regulations set by the State on such advertising. [20774/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I am aware of the useful comments made by the Commissioner and her recognition of the concerns of a substantial number of Member States on this issue. While I appreciate there is scope for some resolution of the issue through the recommendations of the Commissioner, my objective is to ensure that the Regulatory Framework at EU level provides a formal basis for national measures to have meaningful reach.

The key issue concerns jurisdiction over broadcasters along with the application of national rules. Throughout the Commission's consultation over the past two years and at a recent Council meeting, Ireland, along with a number of other Member States, has consistently argued for a fundamental shift in the approach to determining which Member State's national rules should apply to any given broadcasting service. We have argued that, in the case of a television channel that primarily targets Ireland, it is Ireland's national measures that should apply to that channel. Each broadcasting service should only be subject to one set of national rules but in my view it makes sense that the one set of rules that should apply to any broadcasting service, should be the broadcasting standards of the Member State that is primarily targeted by that service.

Ireland will continue to work with other Member States and the Commission, with a view to progressing consideration of the proposed revised Directive. The approach agreed in relation to jurisdiction will impact on Ireland's position on other elements of the proposal.

Alternative Energy Projects.

78. **Mr. Gormley** asked the Minister for Communications, Marine and Natural Resources if his Department has carried out an analysis on the possible conversion of the former Mallow sugar factory to bio-ethanol production; and the Government support which would be available

[Mr. Gormley.]

for fuels that could be derived from such a facility. [20775/06]

80. **Mr. Howlin** asked the Minister for Communications, Marine and Natural Resources if his Department has undertaken a feasibility study on the possibility of converting the recently closed sugar plants in Carlow and Mallow for biofuel production; and if he will make a statement on the matter. [20635/06]

92. **Ms Enright** asked the Minister for Communications, Marine and Natural Resources if he intends to create further incentives to encourage all aspects of the alternative fuel industry with particular reference to the need to reduce this country's dependence on imported fuels such as oil, gas and coal; and if he will make a statement on the matter. [20732/06]

107. **Ms B. Moynihan-Cronin** asked the Minister for Communications, Marine and Natural Resources his views on the possible mandatory biofuel targets for EU Member States and on his Department's research plans for a possible bio-refinery for Ireland; and if he will make a statement on the matter. [20649/06]

133. **Mr. Connaughton** asked the Minister for Communications, Marine and Natural Resources his intentions for the development of all aspects of the bio-fuel industry with particular reference to the need to ensure the ready availability of all forms of renewable energy in line with best practice throughout Europe; and if he will make a statement on the matter. [20729/06]

135. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources if the imposition of biofuel support measures which require the sourcing of the raw materials for such fuels within the European Union would be in possible breach of World Trade Organisation regulations; and if he will make a statement on the matter. [18475/06]

142. **Mr. Ring** asked the Minister for Communications, Marine and Natural Resources if he has in mind proposals to develop the alternative energy sector with a view to a reduction in fossil fuel importation and a higher degree of compliance with the Kyoto principles; and if he will make a statement on the matter. [20738/06]

165. **Ms Shortall** asked the Minister for Communications, Marine and Natural Resources when he will bring forward his proposals to encourage the development of the biofuels sector; his views on whether the steep increase in the number of closures of petrol stations here and the decimation of the petrol station network will limit the availability of an accessible and affordable

network of biofuels centres; and if he will make a statement on the matter. [20617/06]

323. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his intentions for the development of all aspects of the bio-fuel industry with particular reference to the need to ensure the ready availability of all forms of renewable energy in line with best practice throughout Europe; and if he will make a statement on the matter. [20807/06]

327. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he intends to create further incentives to encourage all aspects of the alternative fuel industry with particular reference to the need to reduce this country's dependence on imported fuels such as oil, gas and coal; and if he will make a statement on the matter. [20811/06]

333. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has in mind proposals to develop the alternative energy sector with a view to a reduction in fossil fuel importation and a higher degree of compliance with the Kyoto principles; and if he will make a statement on the matter. [20818/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 78, 80, 92, 107, 133, 135, 142, 165, 323, 327 and 333 together.

Building on the success of the 2005 Mineral Oil Tax relief scheme which allows for 16m litres per annum of biofuels on the market, and following extensive discussions with industry and relevant Government Departments and agencies, I agreed with the Minister for Finance a further targeted package of excise relief valued at €205m, which was announced in the Budget. The new excise relief programme will be rolled out from this year to 2010 and will enable us to reach the initial target of 2% market penetration by biofuels by 2008. When fully operational the relief is expected to support the use and production of some 163 million litres of biofuels each year. The scheme will achieve CO₂ savings of 257,000 tonnes by 2010 and represents 52% of the annual CO₂ reductions to be achieved through vehicle and fuel tax measures identified in the National Climate Change Strategy.

I expect to launch the Scheme in the coming weeks as soon as requisite State-Aid clearance has been processed. The Government is also providing funding towards the capital cost of developing biofuels processing facilities, which will critically underpin the excise relief package.

One of the aims of the Biofuels mineral oil tax relief scheme is to mainstream the availability of biofuels within the existing fuel station supply network. Biofuels are not generally available through the network at present. I do not consider that current trends in the petrol station network,

which is a commercial matter for the companies concerned, will adversely affect ambitions to progressively mainstream biofuels within the fuel supply system. In addition to the support programmes in place for current technologies, we will continue to support research and development in this area. The resulting biofuels and bio-products, while not yet at commercial stage, will have significant economic potential once fully developed.

My Department has not carried out a feasibility study on the possible conversion of the former sugar factories in Mallow or Carlow to biofuel production. The potential for using any existing facilities for the production of biofuels is ultimately a commercial decision for developers. The new biofuels excise relief programme, which is subject to State-aid approval, will provide a market framework in which potential developers can consider all options.

The sourcing of biofuels under the scheme is subject to the relevant World Trade Organisation rules. Within that context one of the aims of the new scheme is to stimulate the development of biomass/feedstock production in Ireland to support a sustainable domestic biofuels industry. There are considerable potential benefits to be accrued from a cohesive approach to bio energy and biofuels for both the demand and supply sides. The Government is committed to ensuring that all relevant Departments and Agencies deliver collectively to best effect.

The EU Commission will review the Biofuels Directive later this year and has launched a public consultation process. The consultation outlines a range of potential future policy options including mandatory targets. We are participating actively in the review of the Directive with a view to ensuring an outcome that reflects Ireland's specific objectives to accelerate development of biofuels as a strategic alternative. Biofuels policy is a critical component of overall energy policy objectives to significantly enhance the contribution of renewable energy sources to electricity, heat and transport.

Salmon Management.

79. **Mr. Gogarty** asked the Minister for Communications, Marine and Natural Resources the rivers here which have recording systems to accurately monitor the number of salmon returning to the river each year; and his plans and timetable for the expansion of such monitoring systems. [20773/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): The objective of the National Fish Counter programme is to assess the status of populations of salmon in key index rivers and provide scientific input to salmon stock management for use by the fisheries boards, the Marine Institute, the National Salmon Commission and the Department. It is also intended to contribute

towards fulfilment of Ireland's international commitments to the EU, ICES and NASCO, to establish conservation limits and other biological reference points for all Irish salmon stocks and to maintain Irish stocks above these conservation limits by means of appropriate management targets.

I am advised that fish counting systems have been installed on the following Irish salmon and sea trout rivers identified by district: Dee (Dundalk), Boyne (Drogheda), Liffey (Dublin), Slaney (Wexford), Suir (Waterford), Bandon (Cork), Lee (Cork), Kerry Blackwater (Kerry), Laune (Kerry), Waterville (Kerry), Feale (Kerry), Casla (Connemara), Gowla, Invermore, Erriff, (Ballinakill), Moy (Ballina), Munhin (Bangor), Ballysadare (Sligo), Garravogue (Sligo), Eany (Ballyshannon), Eske (Ballyshannon) Finn, Culdaff and Dungloe (Donegal), Clady (Letterkenny), Erne (Donegal).

I am advised that the Marine Institute has installed the majority of these counters in conjunction with the regional fisheries boards, fishery owners, engineers from the Department and consultants/ contractors. In some instances counters have been installed by the fisheries boards, the ESB, or the Loughs Agency and there are also a number of fish counters on privately owned fisheries.

The overall management of the National Fish Counter Programme has, to date, been primarily the responsibility of the Marine Institute, which has operated directly or by sub-contracting where necessary in order to maintain the objectives of the programme. There has been considerable investment in the counter programme over the past number of years and I expect the regional fisheries boards and the Marine Institute to collaborate closely in managing the fish counter programme in the most effective and efficient way possible.

The Marine Institute and the Central and regional fisheries boards are currently reviewing the arrangements in respect of the operational, data management, quality assurance issues and any necessary expansion of the national fish counter programme. I expect this review to be completed shortly so that the national management programme will be enhanced, within available resources.

Question No. 80 answered with Question No. 78.

Offshore Exploration.

81. **Ms Harkin** asked the Minister for Communications, Marine and Natural Resources his views on whether Shell and its partners would be better advised to adopt an approach similar to that proposed by another company (details supplied) where there will be no production pipeline or inshore refinery and where the local community will benefit greatly compared to the poor

[Ms Harkin.]

return for County Mayo and its residents, which will result from the Corrib gas project as proposed presently by Shell and its partners; and if he will make a statement on the matter. [20490/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The matter of how a commercial field is developed is in the first instance a matter for determination by the developer so it is hypothetical for any company to suggest how they would develop a field before the field has been discovered, let alone before the circumstances of the field are known, or in this case before the company has an exploration licence. Each commercial discovery will be developed in the light of the particular circumstances of the field including inter alia distance from shore, depth of water, size of field, nature of hydrocarbons — oil /gas/condensate etc.

In the case of the Corrib Gas Field the selected development option as determined by the developers was for: A subsea installation over the gas field; An import pipeline to bring the gas to the landfall and to the terminal; and, Onshore gas terminal at Bellanaboy and this is what was covered by the statutory approval granted.

I believe that the Corrib Gas Field has the potential to play a significant role in the economic and social regeneration of Mayo and the north-west region and I have outlined the potential benefits to the House on numerous occasions.

Alternative Energy Projects.

82. **Mr. Cuffe** asked the Minister for Communications, Marine and Natural Resources the support contracts he has re-allocated from projects in the AER 5 and AER 6 schemes which have not been progressed in sufficient time; and if he will make a statement on the matter. [20771/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I can advise the Deputy that there was no reserve list in the AER 5 Scheme. Approximately 140MW of capacity has been reallocated with the agreement of developers from AER 5 and 6 to projects on the AER 6 reserve list. The current target is to increase the installed capacity of renewable energy powered electricity generating plant to 1450 megawatts or 13.2% by 2010.

On 1st May last I launched a new support mechanism (REFIT) to ensure this target is delivered. The opening date for receipt of applications is early June. The new support programme, REFIT, will underpin the construction of at least a further 400 megawatts of new renewable energy powered electricity generating plant.

Once the initial tranche of applications in REFIT is processed my Department will review progress on projects under AER 5 and 6. Any additional capacity withdrawn from AER 5 and 6 will be reallocated to REFIT which will help to

ensure that we meet the overall target of 1450 MWs by 2010. We are well on track to deliver, and surpass the Government's present target for 2010, in line with the overall objective to significantly increase the contribution of renewable energy to Ireland's energy mix.

Energy Resources.

83. **Mr. McGinley** asked the Minister for Communications, Marine and Natural Resources his policy in regard to the provision of adequate and sustainable energy in the future; and if he will make a statement on the matter. [20707/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I can advise the Deputy that I intend to publish an Energy Policy Green Paper shortly which will set out the framework for national energy policy and which will address the challenges of environmental sustainability, security of supply and competitiveness.

Irish energy policy is firmly set in the global and EU context. Global demand for energy is growing and sustained high oil and gas prices are probably here to stay. Security of supply concerns are not helped by supply disruption and instability. All economies must address the environmental challenges notably climate change. As a consequence there is a world wide focus on fuel diversity and renewable energy technologies as part of the answer to ensuring sustainable energy resources into the future.

The European Union has a growing dependency on energy imports and there is a renewed focus in Europe on energy issues in light of security of supply concerns, climate change and risks to competitiveness. We welcome the new impetus at EU level to develop a framework for a common energy strategy while noting that certain decisions including energy mix remain the prerogative of individual Member States.

Ireland has similar energy challenges to those facing EU and other economies. We also have specific structural characteristics including strong economic growth, small market size and peripherality. We have little in the way of domestic fossil fuel resources. We are however well placed to develop renewable energy as an important contributor to energy diversity. We must also ensure the timely planning and delivery of interconnection up to 2012 and beyond as crucial for security of supply. We are also working to deliver the Single All-Island Energy Market by 2007 which will contribute to security of supply.

Existing and proposed policy actions will be set out in the Energy Policy Green Paper which will give us the framework for national sustainable energy policy for the medium to longer term.

Employment Rights.

84. **Mr. Wall** asked the Minister for Communications, Marine and Natural Resources if he will

ensure all workers currently involved in projects undertaken by semi-State companies which are the responsibility of his Department, are receiving pay and working conditions that fully comply with all aspects of employment law here; and if he will make a statement on the matter. [20638/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The issue to which the Deputy refers is a day-to-day operational matter for the Management of the semi-state companies and for contractors and sub-contractors who are direct employers. I have no immediate function in this matter.

My Department has, however, requested the commercial state bodies under its aegis to confirm that they have procedures in place to ensure all contractors and sub-contractors employed by them are compliant with labour law and are abiding by terms as may be covered by relevant industry agreements. I am also ensuring the non-commercial state bodies under the aegis of my Department are requested to confirm their compliance.

Broadcasting Services.

85. **Mr. Kehoe** asked the Minister for Communications, Marine and Natural Resources when he proposes to outline his plans for the development of the broadcasting sector in the future with particular reference to the needs of national and local broadcasting; and if he will make a statement on the matter. [20755/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): My core policy objectives for the development of the broadcasting sector are detailed in my Department's Statement of Strategy, 2005-2007. These objectives are: to create an environment that encourages the maintenance of high quality Irish radio and television services by both independent broadcasters and RTÉ; to secure a viable future for high quality public service broadcasting; to seek to retain access to a range of high quality programming in analogue and digital form, on a universal and free-to-air basis.

My key priorities for achieving these objectives include the following: developing the regulatory framework by bringing forward a Bill to provide for the establishment of a single content regulator for both public and private broadcasters and restructuring RTÉ from a corporate point of view; ensuring adequate public funding for RTÉ and TG4 so that they can deliver on their statutory mandate; building on progress made in maximising the effectiveness of television licence fee collection; facilitating the successful establishment of a Digital Terrestrial Television platform on a pilot basis in 2006. I am of the opinion that Irish viewers will be best served by a broadcasting environment that includes a strong public service

broadcasting presence together with private broadcasters.

Offshore Exploration.

86. **Mr. G. Mitchell** asked the Minister for Communications, Marine and Natural Resources his intentions in regard to ensuring ongoing oil and gas explorations, on and off shore with particular reference to the need for the continuation of exploration and the recognition of the interest of the taxpayer and consumer; and if he will make a statement on the matter. [20728/06]

322. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his intentions in regard to ensuring ongoing oil and gas explorations, on and off-shore, with particular reference to the need for the continuation of exploration and the recognition of the interests of the taxpayer and consumer; and if he will make a statement on the matter. [20806/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 86 and 322 together.

The shared objective of my predecessors over the last 30 years and myself has been to realise the full potential of oil and gas reserves onshore and offshore Ireland. The following factors have been obvious to every Government and most observers over the last 20 years: that the industry does not regard Ireland's record of prospectivity as attractive, with 4 commercial finds out of 121 exploration wells drilled; that offshore conditions are challenging, with deep waters, long distance of prospective acreage from shore, and lack of infrastructure. The effect of these conditions makes both exploration and development very expensive; that as a result of the prospectivity and conditions, exploration has been low in recent years.

In the light of these factors, licensing terms were introduced in 1987 and fiscal terms were added in 1992 to encourage and promote exploration. The detailed provision of the taxation legislation recognise the operational characteristics of the sector while the regime as a whole achieves a risk/reward balance which reflects Ireland's circumstances and acknowledges the realities of competition for internationally mobile exploration/production investment. That said I am, as I have recently said, about to conduct a review of the present fiscal terms.

This Government, as with previous Governments, has and will continue to promote exploration through licensing opportunities for the petroleum industry. In this way the work, the risks and the cost is undertaken by the private sector at no expense to the taxpayer. Last year there was a licensing round over the North East Rockall area for which two licences were issued. This year a licensing round was held for licences in the Slyne/Erris/Donegal area. The closing date for

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applications was 15th March and I expect to receive the assessments and recommendations shortly.

While the potential for significant hydrocarbon finds is rather limited in the onshore area, there is a very considerable potential for further commercial discoveries offshore. Unfortunately, Ireland has been viewed by many exploration companies as not being particularly attractive for oil or gas exploration on account of a low discovery rate. However, since much of the region is only lightly explored it must be viewed as an immature petroleum province. To address any negative perceptions and to underpin future licensing strategies, the Minister commissioned a major assessment of the yet-to-find hydrocarbon resource potential for the basins west of Ireland. This assessment, part of which was published last year and the balance nearing completion, is based on the latest data and petroleum system analysis techniques. The work will provide up-to-date and reliable information on the likely distribution and quantity of undiscovered hydrocarbon resources for a large part of Ireland's continental shelf.

Telecommunications Services.

87. **Mr. O'Shea** asked the Minister for Communications, Marine and Natural Resources if he will bring forward measures to ensure that this State is 100 percent broadband-enabled; and if he will make a statement on the matter. [20636/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The provision of telecommunications services, including broadband, is a matter in the first instance for the private sector companies operating in a fully-liberalised market, regulated by the independent Commission for Communications Regulation, ComReg, using a range of different technologies. Ireland's broadband take-up is growing very strongly. By end-2005, there were over 270,000 broadband subscribers, which was equivalent to 6.6% of the population or almost 19% of households. Ireland's broadband take-up grew by 106% during 2005, which was more than twice the EU growth rate.

It is estimated that there were approximately 325,000 broadband subscribers by end-March 2006, which is approximately 8% of the population or over 22% of households with broadband. This growth in broadband take-up is supported by Government telecoms regulation and infrastructure policy. The Government is addressing the infrastructure deficit in the regions by building high-speed, open-access Metropolitan Area Networks (MANs) in 120 towns and cities nationwide. Phase One of this Programme has delivered fibre optic networks to 27 towns and cities throughout the country.

This Programme has been extended to over 90 towns in various locations nationwide. It is expected that these MANs will be completed during 2006 and 2007. These networks will allow the private sector to offer world-class broadband services at competitive costs. My Department also offers funding assistance for smaller towns and rural communities through the County and Group Broadband Scheme. The scheme is technology-neutral, allowing the community to select the most suitable broadband delivery platform for the area. To date, over 150 projects have been approved for funding under this Programme.

Furthermore, a joint industry/Government fund of €18 million has been established for the Broadband for Schools Programme, which should provide every school in the country with broadband in 2006. This is a crucial strand in the strategy of integrating ICT into teaching and learning, and in my Department's wider vision of promoting the use of broadband technologies in local communities around the country. The installation phase is now almost complete, with 3,532 schools broadband enabled.

Today there are 68 broadband providers, a mixture of DSL, fixed wireless, satellite and cable, offering almost 300 different types of broadband products. Wireless broadband technology is improving rapidly, and the lowering of equipment prices has made this technology much more attractive of late especially in rural areas that cannot obtain ADSL connectivity, and the development of Wi-Max offers considerable potential in the future.

Energy Resources.

88. **Ms B. Moynihan-Cronin** asked the Minister for Communications, Marine and Natural Resources the developments on plans for a strategic gas reserve; if the Kinsale reservoir will be utilised in this regard; and if he will make a statement on the matter. [20650/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Responsibility for monitoring the security of Ireland's natural gas supply lies with the Commission for Energy Regulation (CER). The CER publishes annually a 7-year rolling forecast of capacity, flows and customer demand ('the Gas Capacity Statement'). The forecast also assesses whether projected supplies of gas from indigenous sources, imports and storage, are sufficient to meet forecast demand. A key finding of the 2005 Gas Capacity Statement is that, even under unusually cold weather conditions, the Irish gas transmission system can cope with forecast demand.

The issue of a strategic gas reserve is one of the issues to be addressed by means of an all-island study, which will assess the potential for natural gas storage on the island and the possible contribution of LNG to security of supply on an all-

island basis. While Ireland does not currently maintain a strategic gas reserve, commercial reserves of natural gas are held by licensed natural gas shippers and suppliers, including Bord Gáis Éireann (BGÉ). Indeed, at current levels, BGÉ's Kinsale reserves can supply 50% of non-daily metered customer requirements, i.e. small business and domestic for up to 50 days. This is in addition to stocks held by BGÉ in the UK, which operates a similar regime to Ireland.

Also, BGÉ, as the natural gas Transmission System Operator, has developed contingency plans in the event of any curtailment in gas supplies. These plans include switching gas-fired power generation plant to alternative fuels, voluntary reductions from large industrial gas consumers and using its reserves from the South-West Kinsale reservoir.

The CER is in the process of issuing a licence to Marathon Oil Limited to operate a storage facility at the depleting gas fields off the Kinsale Head in Co. Cork. This facility, the first such in the country, with considerable storage capacity, will come into operation in the coming weeks. It will be an important enhancement of security of supply.

Work is well advanced in finalising transposition of EU Directive 2004/67 on measures to Safeguard Security of Natural Gas Supply. This will serve to further define the roles and responsibilities of gas market players relative to security of supply in the context of the liberalised natural gas market.

Another welcome development is the announcement on 22 May last that Shannon Development has entered into an 'option-to-purchase' agreement with Shannon LNG. This Irish subsidiary of Fortune 500 Company Hess LNG Limited is developing a project to build a €400 million liquefied natural gas (LNG) receiving terminal near Tarbert on the Shannon Estuary. The project could potentially provide up to 40% of Ireland's gas requirements and I am certainly interested in exploring the scope for realising that potential with all concerned, bearing in mind that this is a commercial venture. The estimated date for completion of the project is 2011.

Electricity Generation.

89. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources if there are plans to implement a net metering system, to incentivise domestic energy production; and if he will make a statement on the matter. [20768/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The introduction of metering for domestic electricity production requires a range of technical safety and systems issues to be addressed and resolved. Sustainable Energy Ireland (SEI) in a report on "Metering Options for Small Scale Renewable

and CHP Electricity Generation in Ireland" identified a range of areas to be addressed including the ability of micro-generators to secure adequate payment for their exports, as well as a review of connection standards and processes for smaller generators. It also identifies the need to assess the implications of the single electricity market for small-scale electricity generation. This further analysis is underway and will inform decisions in due course.

In tandem with this analysis, the Commission for Energy Regulation (CER) is examining the issue from the regulatory and grid code perspective. CER will launch a consultation process shortly with a view to establishing an appropriate way forward fully informed by input from all stakeholders.

I am fully in favour of encouraging domestic electricity production subject to all the technical, safety and quality assurance requirements being in place in the interests of all concerned.

Mobile Telephony.

90. **Mr. Bruton** asked the Minister for Communications, Marine and Natural Resources if he has in mind proposals to encourage the abolition of all mobile telephone roaming charges in line with the wishes of the EU Commission; and if he will make a statement on the matter. [20698/06]

95. **Mr. Gilmore** asked the Minister for Communications, Marine and Natural Resources the position regarding EU measures to ban mobile roaming charges; when the legislation will be brought in; his views on whether this will lead to increased costs for mobile handsets as leading mobile operators have recently alleged; and if he will make a statement on the matter. [20619/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 90 and 95 together.

Since my appointment as Minister in this Department I have made the abolition of roaming charges on the island a priority. In addition I raised the issue at EU level at Council. The Taoiseach pursued the issue of roaming at the recent Spring council, following which the European Council emphasised the importance for competitiveness and ease of travel, of reducing roaming charges.

This is an issue that affects many people travelling throughout the EU and is a clear example of impediments to the single market negatively affecting the citizens and businesses. The roaming charges for voice calls, text messages and data are very significant and we would like to see them reduced or preferably eliminated.

We strongly welcome the announcement by Commissioner Viviane Reding of her draft proposals for a Regulation to tackle roaming, which will require approval by the European Parliament

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and the Council of Ministers. It is my understanding that the Commission expects to propose a Regulation on roaming to Parliament and Council before their summer break in August 2006. We look forward to working with her towards the implementation of the Regulation. I am particularly pleased that the Commission is taking action following my requests to Commissioner Reding.

In the all-island context, roaming is an issue that both this Government and the UK Government have highlighted in the context of enhancing North/South co-operation. Pending the introduction of a new EU Regulation, the implementation of revised prices for international roaming is primarily a matter for the mobile phone companies. I welcome recent announcements by Vodafone Ireland, O₂ Ireland and 3Ireland to tackle roaming charges and I would hope that they would now address text messaging and data transfer.

These initiatives followed interventions with the operators by myself and my former Northern Ireland counterpart, Minister Angela Smith, as well as Ofcom and ComReg.

I have no function in the setting of the cost of handsets. This involves commercial decisions for the companies.

Fishing Industry Development.

91. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources further to his recent announcement that he plans to develop a comprehensive strategy to take the marine sector forward, the timeframe in place for the development of such a strategy; the persons who will be involved in developing said strategy; if a public consultation process will be implemented; and if he will make a statement on the matter. [20602/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): I believe that there is an urgent requirement to develop a comprehensive strategy to ensure a sustainable and profitable future for the Irish seafood sector. The sector is currently experiencing considerable difficulties, due in particular to the necessity to implement strengthened conservation measures to address declining fish stocks as well as greatly increased fuel costs as a result of developments in international oil markets.

These factors dictate the importance of proceeding quickly with the proposed strategy and I intend therefore that it should be completed by this Autumn. This timeframe will, in particular, permit its results and conclusions to be fully considered in the context of the National Strategic Plan, which will be required under the European Fisheries Fund covering the period 2007 to 2013. It is proposed to appoint an independent leader

of this strategy initiative and I would hope to be in a position to announce details in this regard at an early date.

The process of developing this strategy will be highly consultative. It will embrace all of the key stakeholders including fishermen, processors, aquaculture interests and also local community representatives generally. I am also pleased to inform the Deputy that public consultation meetings will be held at a number of locations around the country, and I have already asked BIM to begin the necessary preparations.

Insofar as the terms of reference are concerned, these are currently being finalised. I have invited comments from sectoral representatives as well as from the Oireachtas Committee on Communications, Marine and Natural Resources. I believe that this inclusive approach is extremely important and will contribute to an effective outcome to this initiative.

Question No. 92 answered with Question No. 78.

Departmental Bodies.

93. **Mr. Sherlock** asked the Minister for Communications, Marine and Natural Resources when he plans to establish the new Energy Research Institute; if Sustainable Energy Ireland will be merged into this new institution; the reason he chose not to enhance SEI but establish a completely new body; and if he will make a statement on the matter. [20644/06]

144. **Mr. J. O’Keeffe** asked the Minister for Communications, Marine and Natural Resources his plans to co-ordinate research and development in the energy sector; and if he will make a statement on the matter. [20741/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 93 and 144 together.

I am establishing an Irish Energy Research Council, as a forum to advise on priorities for Irish energy research both in the medium and the longer term. The Council will co-ordinate existing energy RTDI activities, provide analysis and advice on research capacity and facilitate positioning of energy research policy with overall energy policy as well as with policies for transport, environment, agriculture enterprise, science and education. It will also play a key role in linkages with the EU and appropriate international bodies and advise on coordinating the Irish engagement with the energy elements of programmes including the EU Framework Programmes.

Consistent with this enhanced structural approach and the new funding provision for Energy RTDI 2006 is a commitment to substantially expand national funding for energy research, development and innovation. The Energy Research Council will be independently

chaired and will comprise leading players from the Research Community and relevant agencies as well as including representatives from Northern Ireland and the UK.

The Council is being established on a non statutory basis and the model is informed by other Councils and fora in place across the wider national research and development arena. There are no proposals to establish an Energy Research Institute. Sustainable Energy Ireland (SEI) is the statutory body charged with promoting and assisting development of sustainable energy in Ireland. In that context SEI has specific functions in relation to supporting and stimulating energy research and development. SEI will have a key role to play in the context of the work of the Energy Research Council.

Radio Broadcasting.

94. **Mr. Penrose** asked the Minister for Communications, Marine and Natural Resources if in view of recent problems with local community and religious broadcasting he will request ComReg and the Broadcasting Commission of Ireland to re-examine their policy on local and community radio licensing and spectrum management; if he has satisfied himself regarding the present level of community radio licensing; and if he will make a statement on the matter. [20628/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Commission for Communications Regulation (ComReg) is the statutory body responsible for the management of the radio spectrum in Ireland. A safety issue arose recently when ComReg were notified by the Irish Aviation Authority, of interference with Air Traffic Control systems. ComReg are required by statute to investigate any interference with services, particularly where critical safety issues are concerned. As a result of their inquiries the unlicensed relay of local church services was identified as the likely source of the problem.

ComReg fully understands the importance of such local community services and intends to permit wireless public address systems to meet the needs of religious and other community organisations. ComReg has drafted regulations permitting the transmission of such services. These Regulations will require my consent as Minister for Communications, under the Wireless Telegraphy Act 1926 and should be in place shortly.

Both ComReg, who have expertise in the technical area of radio spectrum safety, and I take our duties in relation to potential safety issues very seriously and I have no plans to ask ComReg to re-examine their policy in this regard.

Question No. 95 answered with Question No. 90.

Mobile Telephony.

96. **Mr. Deenihan** asked the Minister for Communications, Marine and Natural Resources when he expects mobile telephone costs here to become the lowest in Europe; and if he will make a statement on the matter. [20743/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have no function in setting the prices for the mobile phone market. The setting of prices for mobile phone users is a matter in the first instance for the private sector companies operating in a fully liberalised market.

The regulation of telecommunications operators, including regulatory issues surrounding pricing in the mobile phone market is the responsibility of the Commission for Communications Regulation (ComReg) in accordance with the requirements of the Communications Regulation Act 2002 and the Regulations which transpose the EU Regulatory Framework for Electronic Communications.

I have no information to say that Irish mobile charges are generally the highest in Europe. The information I have indicates the following: Ireland has a mobile phone penetration rate of 102%, which shows the appetite for Irish consumers for these types of services and the variety of mobile services in the Irish market including 3G services. Revenue Market shares: Vodafone 46.5%, O₂ 39.7%, Meteor 13.8%. The price of fixed calls in Ireland is better than the EU average for both national and international calls for residential and business customers. '3 Ireland' which is Ireland's newest mobile network, launched its '3 Pay' product (i.e. its new Pre-pay service) on 16 May last, this launch should increase competition and give consumers more choice.

Telecommunications Services.

97. **Mr. Morgan** asked the Minister for Communications, Marine and Natural Resources his views on the low level of broadband availability in many towns here. [20681/06]

130. **Mr. Hogan** asked the Minister for Communications, Marine and Natural Resources the estimated number of waiting applicants for broadband services throughout the country; his plans to ensure such requirements are met in early date; and if he will make a statement on the matter. [20699/06]

131. **Mr. Noonan** asked the Minister for Communications, Marine and Natural Resources if he or his Department directly or through the Regulator will draw up an emergency plan for the rapid delivery of broadband and similar state of the art information technology service throughout the country and ensure that the customers can avail of the benefits of competition in the indus-

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try; and if he will make a statement on the matter. [20734/06]

140. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources if he will make a statement regarding the lack of broadband roll-out around many towns here, which has contributed to job losses. [20679/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 97, 130, 131 and 140 together.

The provision of telecommunications services, including broadband, is a matter in the first instance for the private sector companies operating in a fully-liberalised market, regulated by the independent Commission for Communications Regulation, ComReg. I do not have access to figures for the number of waiting applicants for broadband services. My Department regularly reviews all aspects of the broadband market and holds discussions with the Regulator and relevant stakeholders. These discussions are ongoing and cover a range of issues relevant to broadband supply and demand nationally.

A principal reason for the slow rollout of broadband services generally has been the lack of investment by the private sector in the necessary infrastructure to deliver broadband to all areas. The Government in partnership with the Local Authorities is addressing the broadband infrastructure deficit in the regions by building high-speed, open-access Metropolitan Area Networks (MANs) in 120 towns and cities nationwide. Phase One of this Programme has delivered fibre optic networks to 27 towns and cities throughout the country.

When designing the networks, the Local Authorities, in co-operation with the IDA, Enterprise Ireland and other relevant development agencies, take account of existing and proposed business parks and areas zoned for industrial development. The route of each MAN incorporates all these elements where economically and technically feasible. These networks are offering these towns opportunities to attract inward investment in advanced technology and knowledge based enterprises.

This Programme has been extended to over 90 towns in various locations nationwide. It is expected that these MANs will be completed during 2006 and 2007. These networks will contribute to balanced regional development and allow the private sector to offer world-class broadband services at competitive costs.

My Department also offers funding assistance for smaller towns and rural communities through the County and Group Broadband Scheme. The scheme is technology-neutral, allowing the community to select the most suitable broadband delivery platform for the area. To date, over 150

projects have been approved for funding under this Programme.

Energy Resources.

98. **Mr. Connaughton** asked the Minister for Communications, Marine and Natural Resources his preferred options for the development of the energy sector in the event of the implementation of recommendations contained in the Deloitte and Touche report; and if he will make a statement on the matter. [20730/06]

154. **Ms Enright** asked the Minister for Communications, Marine and Natural Resources his proposals for the future of the ESB with particular reference to the need to encourage competition and maintain security of supply; and if he will make a statement on the matter. [20733/06]

180. **Mr. McCormack** asked the Minister for Communications, Marine and Natural Resources when he expects to publish the Deloitte and Touche report; and if he will make a statement on the matter. [20731/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 98, 154 and 180 together.

Future possible directions for the electricity sector, taking into account all relevant considerations including the development of the Single Electricity Market, competition, security of supply, generation adequacy and consumer needs, will be articulated in the forthcoming Energy Policy Green Paper. I intend to publish the report by Deloitte & Touche into the electricity sector in that context.

Broadcasting Services.

99. **Mr. Deasy** asked the Minister for Communications, Marine and Natural Resources his intentions to ensure the availability of RTÉ services outside this jurisdiction have particular regard to modern technology and its likely role and the need to meet the needs of the Irish diaspora; and if he will make a statement on the matter. [20751/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my reply to questions number 18 and 27 on 6 April 2006.

Alternative Energy Projects.

100. **Mr. Crawford** asked the Minister for Communications, Marine and Natural Resources his intentions for the development of the various forms of alternative energy with particular reference to wind, hydro and bio-mass; and if he will make a statement on the matter. [20757/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): On 1st

May I launched a new renewable energy support mechanism to support the construction of new renewable energy powered electricity generating plants powered by biomass, hydro-power or wind-power. Applications will be accepted from early June.

This programme will support the construction of at least a further 400 megawatts of new renewable energy powered electricity generating plant by 2010. The overall target is to increase the installed capacity of renewable energy powered plants to 1450 megawatts by 2010 thereby more than doubling the contribution from these technologies to electricity production from approximately 5% to 13%.

Postal Services.

101. **Mr. Kenny** asked the Minister for Communications, Marine and Natural Resources if he intends to issue guidelines in regard to the use of postcodes with particular reference to excluding the use of socio-economic or personal information; and if he will make a statement on the matter. [20740/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Following from the recommendations of the Working Group report on postcodes, I asked the Commission for Communications Regulation (ComReg) to appoint project managers to support the postcode project by providing technical and economic advice including assessing the costs and benefits of the introduction of a postcode. The terms of reference for the project managers stipulate that the code be structured spatially and consequently the code will not be based on any socio-economic or personal information.

Mobile Telephony.

102. **Mr. Bruton** asked the Minister for Communications, Marine and Natural Resources if he or his Department has had discussion with service providers with a view to the abolition of call divert mobile phone charges; if he proposes to have discussions with the Regulator in this regard; and if he will make a statement on the matter. [20697/06]

106. **Mr. Sherlock** asked the Minister for Communications, Marine and Natural Resources his views on issuing a new directive to ComReg in relation to costly termination charges for mobile phones; if he has requested the regulator to examine bill and keep or other mobile billing systems which greatly reduce or eliminate termination charges; and if he will make a statement on the matter. [20645/06]

110. **Mr. Neville** asked the Minister for Communications, Marine and Natural Resources if sufficient emphasis has been placed on the need

to reduce mobile telecommunication costs here in line with other countries but also in order to set a new standard of economic and efficient delivery of services for the customer; and if he will make a statement on the matter. [20736/06]

158. **Mr. Hayes** asked the Minister for Communications, Marine and Natural Resources when he expects an even spread of mobile telephone signal and service in all areas throughout the country having particular regard to the existing patchy nature of services in some areas; and if he will make a statement on the matter. [20749/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 102, 106, 110 and 158 together.

I have no function in regulating pricing, delivery or quality of services in the mobile phone market. The regulation of telecommunications operators, including regulatory issues surrounding pricing, quality and delivery of services in the mobile phone market is the responsibility of the Commission for Communications Regulation (ComReg) in accordance with the requirements of the Communications Regulation Act 2002 and the Regulations which transpose the EU Regulatory Framework for Electronic Communications.

Salmon Management.

103. **Mr. Boyle** asked the Minister for Communications, Marine and Natural Resources the consultation process that is planned for the three person working group he has established to investigate the future of commercial drift netting for salmon; the administration system which has been established to assist this work; and the proposed timetable for the presentation of the groups recommendations and the implementation of a new salmon management regime. [20769/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): I established the Independent Group to examine the implications for the commercial sector in 2007 and beyond arising from alignment of the management of the Irish wild salmon fishery with the scientific advice for 2007. The group will make recommendations on the options available to address any financial hardship arising for individuals involved in commercial salmon fishing from the course of action determined.

The specific remit of the Group requires them to draw on the reports already generated through the National Salmon Commission, by the National Fisheries Managers Executive and the Standing Scientific Committee and engage in appropriate consultation with relevant stakeholders. In this regard, I understand the group has recently invited submissions from interested parties, the closing date for receipt of which is

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30th June 2006. The independent group is expected to present its report in September 2006. Secretariat services are being provided by BIM over their period of office.

Telecommunications Services.

104. **Mr. Hogan** asked the Minister for Communications, Marine and Natural Resources the degree to which broadband is available on a county basis with particular reference to industrial and commercial needs in the various towns and villages throughout the country; if he intends to issue specific direction in this regard; and if he will make a statement on the matter. [20700/06]

339. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the degree to which broadband is available on a county basis with particular reference to industrial and commercial needs in the various towns and villages throughout the country; if he intends to issue specific direction in this regard; and if he will make a statement on the matter. [20825/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 104 and 339 together.

The provision of telecommunications services, including broadband, is a matter in the first instance for the private sector companies operating in a fully-liberalised market, regulated by the independent Commission for Communications Regulation, ComReg. A principal reason for the slow rollout of broadband services generally has been the lack of investment by the private sector in the necessary infrastructure to deliver broadband to all areas.

The Government in partnership with the Local Authorities is addressing the broadband infrastructure deficit in the regions by building high-speed, open-access Metropolitan Area Networks (MANs) in 120 towns and cities nationwide. Phase One of this Programme has delivered fibre optic networks to 27 towns and cities throughout the country.

When designing the networks, the Local Authorities, in co-operation with the IDA, Enterprise Ireland and other relevant development agencies, take account of existing and proposed business parks and areas zoned for industrial development. The route of each MAN incorporates all these elements where economically and technically feasible. These networks are offering these towns opportunities to attract inward investment in advanced technology and knowledge based enterprises. This Programme has been extended to over 90 towns in various locations nationwide. It is expected that these MANs will be completed during 2006 and 2007. These networks will contribute to balanced regional development and allow the private sector to offer world-class broadband services at competitive costs.

My Department also offers funding assistance for smaller towns and rural communities through the County and Group Broadband Scheme. The scheme is technology-neutral, allowing the community to select the most suitable broadband delivery platform for the area. To date, over 150 projects have been approved for funding under this Programme.

My Department's website *www.broadband.gov.ie* gives full details of broadband availability in all areas, including ADSL, cable, fibre, satellite and fixed wireless. The website also lists prices of the various service levels on offer and contact details for each service provider.

Postal Services.

105. **Mr. Allen** asked the Minister for Communications, Marine and Natural Resources if he has in mind proposals to encourage the development of the extent and scale of services available through An Post; and if he will make a statement on the matter. [20702/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have no function in this matter. Decisions relating to products and services are operational matters for the Board and management of An Post.

Question No. 106 answered with Question No. 102.

Question No. 107 answered with Question No. 78.

Digital Hub.

108. **Dr. Twomey** asked the Minister for Communications, Marine and Natural Resources if he has in mind proposals to further enhance the development of the Digital Hub; and if he will make a statement on the matter. [20760/06]

117. **Mr. P. Breen** asked the Minister for Communications, Marine and Natural Resources the costs to date associated with the Digital Hub; the likely ongoing costs; and if he will make a statement on the matter. [20758/06]

169. **Dr. Twomey** asked the Minister for Communications, Marine and Natural Resources the investment to date in the Digital Hub; the degree to which original targets have been realised; and if he will make a statement on the matter. [20761/06]

176. **Mr. P. Breen** asked the Minister for Communications, Marine and Natural Resources if he or his Department have evaluated the economic impact and benefit of the Digital Hub; and if he will make a statement on the matter. [20759/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 108, 117, 169 and 176 together.

Expenditure at the Digital Hub since 2000 is approximately €127.3 million to date. This includes a €76 million investment in property and infrastructure as well as €51.3 million in operational costs. The Digital Hub Development Agency has been and will continue to be successful in developing a digital industry cluster, as well as in regenerating an historic community area in the heart of Dublin by operating a number of significant community and educational initiatives as part of its role in the Digital Hub district.

During 2005 my Department provided €3.35 million to the Digital Hub Development Agency. Future costs will continue to be kept under review by the Department. The Digital Hub's primary function is to 'procure, secure the provision of and to promote and facilitate the development, including the carrying out of construction or maintenance works, of the digital hub as a location for digital enterprises and related activities'. On 5th October 2005, the Agency announced a competition to develop land in the Digital Hub. This land is to be developed as a mixture of residential, commercial and retail properties, in addition to public spaces. The private developers competed on the basis of bids of cash plus office space.

On 22nd November 2005, I announced the acceptance of tenders for two sites, with a combined area of almost 5.6 acres for approximately €118 million. In return for the land, the State will receive a combination of €72.4 million in cash and €45.7 million in high quality offices, which will accommodate digital enterprises as the Digital Hub grows. The break down of the tenders means that the Digital Hub will receive over 13,000 square metres (140,000 sq.ft.) of office space.

In relation to industry development, the Agency has been successful to date in growing the cluster with about 50 companies now employing approximately 500 employees in the Hub. These enterprises are involved in a range of activities including games software development, mobile technology, animation and TV production. The Digital Hub has engaged with local community interests on the project from the very beginning and continues to do so on an ongoing basis.

Fishing Industry Development.

109. **Mr. Naughten** asked the Minister for Communications, Marine and Natural Resources the overall budget in the National Development Plan within the Border Midland Western region for the development of the angling sector; the projected spend for 2006; and if he will make a statement on the matter. [20111/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): As I outlined to the Deputy in response to his question No. 274 on 28 February 2006, an indicative budget of €30.47 million in total was originally identified for the Tourism and Recreational Angling Measure (TRAM) of which €21.58m was allocated under the Border, Midland and Western Operational Programme of the National Development Plan (2000-2006). The launch of the measure was delayed pending State aids clearance from the EU Commission, which was received in March 2002. I understand that a decision was made in the context of other budgetary priorities to curtail the actual allocation to the measure at that time. No expenditure has been provided for under the measure, in the Department's budget for 2006.

Question No. 110 answered with Question No. 102.

111. **Mr. Naughten** asked the Minister for Communications, Marine and Natural Resources the steps which he is taking to develop the angling sector; and if he will make a statement on the matter. [20112/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): Under the Fisheries Acts, primary responsibility for the conservation, protection, management and development of the inland fisheries resource rests with the Central and regional fisheries boards. The fisheries boards devote considerable effort and resources to the promotion of angling and, in collaboration with the tourist authorities, to angling tourism.

The Central Fisheries Board is currently undertaking a review of coarse fish policy in Ireland with a view to advising me on developing an informed national policy for the management, development and protection of this important natural resource. I understand that the group expects to complete its work shortly and intends to forward its report to me, following due consideration by the fisheries boards.

I understand that Fáilte Ireland is carrying out research among tour operators involved in promoting special activity holidays and special activity holidaymakers. Fáilte Ireland has also identified angling among main areas of activity for which detailed marketing plans have been agreed, targeting the markets offering the best short-term return. Several other supporting activities are identified across all products including greater understanding of international trends in demand for special interest products.

The Deputy will also be aware that in November 2005, I published details of the Government's policy for the restructuring of the inland fisheries sector. Discussions are ongoing between the Department and the Department of Arts, Sport and Tourism with a view to specifying

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the role of the inland fisheries sector in support of the areas of angling, tourism and leisure development.

I am confident this particular element of the reform decided by Government is necessary to ensure that our tourism and recreational angling sector thrives and reaches its full potential. I believe this reform will allow for the development of more coherent policy and strategy for tourism and recreational angling which will retain all that is best in the sector while at the same time making the role of the State in delivering on its objectives in this area more focused and effective.

Telecommunications Services.

112. **Caoimhghín Ó Caoláin** asked the Minister for Communications, Marine and Natural Resources his plans to utilise the State's infrastructure by ensuring that broadband ducting is placed along ESB lines, on railway lines and on motorways. [20682/06]

125. **Mr. Crowe** asked the Minister for Communications, Marine and Natural Resources if he or his Department has had meetings with the ESB, Railway Procurement Agency, Iarnród Éireann or the National Roads Authority in relation to placing broadband ducting along ESB lines, on railway lines and on motorways; and if he will make a statement on the matter. [20678/06]

139. **Ms Burton** asked the Minister for Communications, Marine and Natural Resources if plans have advanced for the establishment of a new semi-State telecommunications company reportedly entitled Project Dingle; the proposed timeframe for the project; and if he will make a statement on the matter. [20643/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 112, 125 and 139 together.

The Government is addressing the regional broadband infrastructure deficit by building high-speed open access Metropolitan Area Networks (MANs) in 120 towns and cities nationwide, on a phased basis in association with the local and regional authorities. Phase One of this Programme has delivered fibre optic networks to 27 towns and cities throughout the country, which were built on time and under budget. This Programme has been extended to a further 90 towns in various locations nationwide. Design and procurement has already commenced in several regions and construction is due to start in the coming weeks. It is expected that these MANs will be completed during 2006 and 2007. The designs are incorporating backhaul options for a number of towns where there is currently no choice of backhaul provider. These Metropolitan Area Networks will allow the private sector to

offer world-class broadband services at competitive costs and will complement the considerable government and EU supported investment that has been made in backbone infrastructure in recent years.

However, it is recognised there are still obstacles in ensuring that customers in some regional towns can gain access to quality broadband services at competitive prices. Although the newly constructed Metropolitan Area Networks (MANs) ensure that there is significant capacity available at extremely competitive rates in the urban areas of these towns (where this was previously not the case), there is still limited national competition on backhaul, that is the onward transportation of this traffic to other destinations and on to the international internet exchanges in Dublin, to enable businesses in regional locations attain an affordable quality of service. This imbalance in regional connectivity needs to be addressed by exploring all options, including those in respect of state owned companies/agencies that currently own telecommunications infrastructure. In this regard, my officials hold regular meetings with the agencies referred to, in the context of ensuring broadband infrastructure is included along the power lines, railways and motorways where this is technically and economically feasible. Our aim is to improve cost and promote choice and competition amongst the various regional backhaul providers.

It is now clear to me from discussions with people involved in the MANs and Group Broadband Scheme (GBS) initiatives that backhaul pricing and availability is a critical issue for regional Ireland. Backhaul charges are making affordable high-capacity broadband in the regions difficult to achieve. This undermines the prospects for employment growth in regional and rural Ireland. If the market does not provide affordable national backhaul, this is a strategic weakness for Ireland, which we ignore at our peril.

In relation to Project Dingle, a team of advisors was engaged in April 2005 to examine the various issues and they submitted a Feasibility Report last December setting out the available options. The team reported that, while technically feasible, there would be considerable financial, legal and management challenges in harnessing and enhancing the existing State owned infrastructures. My officials and I are considering the report's conclusions in the context of developing strategies to improve backhaul connectivity to the regions.

Question No. 113 answered with Question No. 75.

Offshore Exploration.

114. **Mr. Coveney** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to recent discover-

ies of oil, gas or other minerals arising from previous or current explorations; and if he will make a statement on the matter. [20706/06]

344. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to recent discoveries of oil, gas or other minerals arising from previous or current explorations; and if he will make a statement on the matter. [20831/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 114 and 344 together.

There have been no discoveries of oil and gas in the past three years. The last potential discovery was on the Dooish prospect 125 km off the Donegal coast in the Rockall Basin. This prospect was drilled in 2002 by Enterprise Energy Ireland (now Shell E&P Ireland) and discovered a gas condensate accumulation. The well was re-entered and deepened in 2003. Both my Department and Shell E&P are continuing to analyse the well results and integrate them with other data from the area. To date this discovery has not been declared as commercial.

I am aware that there has been some licensed exploration activity for gas in the North West Carboniferous Basin, in counties Leitrim and Cavan. Interest in this area derives from gas shows in previous exploration but to date there has been no commercial discovery.

With regard to non-petroleum minerals, I would refer the Deputy to my reply to similar questions number 67 on 21st February 2006 and number 386 on the 6th April 2006. New exploration is continuously undertaken as part of my requirements to holders of Prospecting Licences, of which there are currently 262. All exploration results are furnished to my Department as a condition of the Prospecting Licences and I am kept up to date on developments.

Details of Prospecting Licences can be found in the six monthly report to the Oireachtas which I am obliged to lay before the House under the Minerals Development Acts, 1940 to 1999. The latest such report, in respect of the six-month period ended 31 December 2005, was recently laid before this House.

Broadcasting Services.

115. **Mr. P. McGrath** asked the Minister for Communications, Marine and Natural Resources the extent to which he intends to encourage the development of both the public and private broadcasting sector; and if he will make a statement on the matter. [20752/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my reply to Parliamentary Question Number 85 of 30 May 2006.

Telecommunications Services.

116. **Mr. Boyle** asked the Minister for Communications, Marine and Natural Resources if he intends to amend the regulatory system for ComReg in view of the recent failure by the Regulator in its legal bids to progress the local loop unbundling of the Eircom network and the opening of the mobile phone operators networks to other retail operators and will he comment; and if he will make a statement on the matter. [20770/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Commission for Communications Regulation, ComReg, is independent in the exercise of its functions under the provisions of the Communications Regulation Act of 2002 and the transposed EU Regulatory Framework. However, as part of my overall policy-making role for the sectors for which I am responsible, I keep the operations of all the bodies under the aegis of my Department under review and where improvements are necessary, to develop the overall environment in which the sector operates, they will be made.

It is in this context that I have recently brought forward legislative proposals, which will, among other things, give enhanced enforcement powers to ComReg. These powers will allow ComReg to enforce regulatory decisions to support the development of competition in the market. I also recently announced proposals to give ComReg concurrent competition law powers in the telecoms sector, which will allow them to investigate and take action in issues such as abuse of dominance.

Question No. 117 answered with Question No. 108.

118. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if in the aftermath of the sale of Eircom he intends to use his statutory powers to ensure the rapid progression of local loop unbundling, broadband provision and an accelerated programme for the upgrading and updating of the telecommunications sector with a view to taking this country to the leading edge in the European league; and if he will make a statement on the matter. [20695/06]

334. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if in the aftermath of the sale of Eircom he intends to use his statutory powers to ensure the rapid progression of local loop unbundling, broadband provision and an accelerated programme for the upgrading and updating of the telecommunications sector with a view to taking this country to the leading edge in the European league; and if he will make a statement on the matter. [20820/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 118 and 334 together.

The provision of telecommunications infrastructure and services is a matter in the first instance for the private sector companies operating in a fully-liberalised market, regulated by the independent Commission for Communications Regulation, ComReg. In addition, Local Loop unbundling is a matter for the Commission for Communications Regulation, ComReg, under the Communications Regulation Act of 2002 and the transposed EU regulatory framework for Electronic Communications Networks and Services.

The sale of Eircom, which is not a State company, does not affect or change the regulatory environment in the telecoms sector.

Fishing Industry Development.

119. **Ms Lynch** asked the Minister for Communications, Marine and Natural Resources his position on budget proposals for the European Fisheries Fund; the areas he is prioritising for the 2007 to 2013 regime; if he is seeking national specific measures on fisheries to be included; and if he will make a statement on the matter. [20626/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): The European Regulation to establish the European Fisheries Fund (EFF) was discussed at last week's EU Fisheries Council but agreement was not reached. I understand that the proposal will be considered again by the Council in the early autumn. There was broad support for many of very many of the actions provided for in the proposal and I am satisfied that the new legislative framework will support the necessary restructuring and development of Ireland's seafood sector.

The period of the 2000-2006 NDP has seen the beginning of the process of restructuring and transformation of the fisheries industry across all its sectors as it adapts to changing conditions. Our key strategic goal to 2013 must be to ensure the long-term economic, social and environmental sustainability of this industry, and maintain the value of its activity to the coastal and rural communities who rely on it, as well as to the economy as a whole. This will require the targeting of investment so as to achieve the highest possible level of value generation within the seafood industry. To achieve this, it will be necessary to take integrated, market led action to improve competitiveness and profitability across all sectors of the industry — sea fishing, aquaculture, processing and marketing, and at each stage of the value chain.

The next step is to develop a detailed programme of investment for the seafood industry as a whole, through which the funds to be available

under the forthcoming EFF can be utilised to best advantage and, which is in line with our commitments under the European Common Fisheries Policy. This will be done in consultation with the key industry stakeholders.

In order to inform this process, I have announced plans for the development of a comprehensive strategy to take the sector forward and inform funding priorities for the 2007-2013 period. The development of this strategy will involve a number of key elements including, the appointment of an independent leader of the strategy team, and the holding of regional meetings to hear views from all parts of the sector. There will also be a forum which will bring together industry representatives, key sectoral players and experts from the food and related sectors.

I have forwarded draft terms of reference for this strategy to industry representatives and the Joint Oireachtas Committee for their comments.

Broadcasting Services.

120. **Mr. Stanton** asked the Minister for Communications, Marine and Natural Resources his progress to date on the national roll-out of digital terrestrial television; when the roll-out will commence; the timescale for completion of the roll-out; and if he will make a statement on the matter. [20764/06]

166. **Mr. Deasy** asked the Minister for Communications, Marine and Natural Resources the progress to date in the provision of digital television; if he has in mind specific targets in this regard; and if he will make a statement on the matter. [20750/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 120 and 166 together.

The rollout of infrastructure for the Digital Terrestrial Television (DTT) Pilot in Ireland is currently underway. Following detailed procurement processes, the DTT pilot is currently in the build phase and is expected to be operational by autumn 2006. It is planned to continue the pilot over a two-year timeframe, during which time broadcasts will transmit from the Three Rock site in Dublin and the Clermont Carn site in County Louth.

The pilot project will bring further momentum to the transition to digital terrestrial broadcasting and create an opportunity to test and trial various aspects of the service. The aim of the pilot is also to generate awareness and discussion among interested parties in a full national roll-out of digital terrestrial television. As proposals are developed for a national rollout of digital terrestrial television the question of possible analogue switch-off dates will be considered.

Electricity Generation.

121. **Mr. Rabbitte** asked the Minister for Communications, Marine and Natural Resources his views on whether the carbon emissions system will significantly impact on the future price levels of electricity; his further views on proposals to restructure the electricity market; and if he will make a statement on the matter. [20633/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Under current arrangements the Commission for Energy Regulation (CER) permits ESB generating stations to only recover the cost value of carbon allowances purchased under the Emissions Trading Scheme. This approach minimizes the impact of the scheme on electricity prices. Taking this into account, the total impact of emissions trading on electricity prices for the period 2005-2007 should be a little over 1%.

It should be noted however, that the All-Island Single Wholesale Electricity Market (SEM) is due to come into operation in July 2007. The CER and the Northern Ireland Authority for Energy Regulation (NIAER), who are jointly responsible for the design and implementation of the new market trading arrangements, are considering how emissions trading allowances will be treated in the new SEM wholesale market and will determine the scope for measures to minimise the impact on prices.

Accordingly it is not possible at this time to predict the precise impact that the emissions trading scheme might have on prices in the 2008-2012 period. Future directions for the electricity market, will be set out in the Energy Policy Green Paper, taking account of the single electricity market arrangements as well as EU developments and in light of inter alia competition and consumer considerations.

Postal Services.

122. **Mr. Neville** asked the Minister for Communications, Marine and Natural Resources his preferred option for the development of the postal services in the future; and if he will make a statement on the matter. [20723/06]

127. **Mr. McEntee** asked the Minister for Communications, Marine and Natural Resources his policy, plans and ambitions for the enhancement and development of rapid, efficient and cost effective postal and parcel service in the future; and if he will make a statement on the matter. [20762/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 122 and 127 together.

I believe that there will continue to be a key national role for An Post in delivery of mails and parcels. However, over the coming years competition can be expected to increase in these sectors,

whether from the privately owned express sector, from the large European public operators now looking for international business or from electronic substitution.

Already the parcels business is liberalised, with major international players operating in the Irish market. An Post now holds only 25% of the parcels market in this country. Liberalisation of the mail market in Ireland has already commenced and the second Postal Directive proposes that the postal sector is to fully liberalise across the EU on 1 January 2009 subject to political agreement, which, if achieved, would open up the letter post area to full competition. Therefore, in terms of dealing with the challenges facing An Post in the coming years, company management in conjunction with the trade unions, must deliver on restructuring agreements particularly in the mails area.

The development of the postal market requires the availability of competitive, high quality products. The current level of market opening has introduced new players with offerings that meet consumer needs and further market opening will provide further opportunities for new and existing players. The development of further competition allied with a modernised and customer-focussed An Post will provide the basis for the further development of the postal sector here.

Electricity Generation.

123. **Mr. Howlin** asked the Minister for Communications, Marine and Natural Resources if the recent comments by Mr. David Hanson MP, Minister of State at the Northern Ireland Office regarding the future position of the ESB in the all-island market will affect the development of plans for same; and if he will make a statement on the matter. [20634/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I am aware of the statement made by Minister Hanson in the course of the recent Westminster Debate. There are market power considerations to be addressed both North and South in the creation of the single wholesale electricity market, which is acknowledged by both sides.

Both Governments have jointly set out their ambitions for the all island Energy Market in the All-island Energy Market Development Framework, published in 2004. The key immediate priority within the Framework is to deliver the all-island wholesale electricity market by 1 July 2007. That work is intensively underway.

Implementation of the Single electricity market by July 2007 presents a range of complex challenges for the two Regulators, the two Transmission System Operators, market participants North and South as well as the two Departments. Both Governments are committed to ensuring that the requisite legislation is in place to underpin the new market. Following Government

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approval for the priority drafting of the Single Electricity Market Bill, work is proceeding intensively and in consultation with Northern Ireland colleagues to progress the legislation to schedule.

Telecommunications Services.

124. **Mr. Stanton** asked the Minister for Communications, Marine and Natural Resources his views on the success of broadband take up here; the efforts he is making to improve availability and eliminate barriers to the take-up of broadband; and if he will make a statement on the matter. [20765/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The provision of telecommunications services, including broadband, is a matter in the first instance for the private sector companies operating in a fully-liberalised market, regulated by the independent Commission for Communications Regulation, ComReg. Broadband subscriber numbers have increased hugely in the last year. Almost 140,000 new broadband subscribers were added in 2005, a growth rate of 103% in 2005. This compares to 100,000 new broadband subscribers in 2004. The latest ComReg quarterly report states there are 270,700 broadband subscribers as of end-2005. This is equivalent to 6.6% of the population. ComReg estimate that there are 320,000 subscribers to the end of the first quarter of 2006.

Home Internet penetration figures currently stand at 18.7% of households. DSL dominates the Irish broadband market (75% market share). However, Fixed Wireless Access (FWA) and Cable are growing very strongly, albeit from a small base.

The Government is addressing the infrastructure deficit in the regions by building high-speed, open-access Metropolitan Area Networks (MANs) in 120 towns and cities nationwide. Phase One of this Programme has delivered fibre optic networks to 27 towns and cities throughout the country. This Programme has been extended to over 90 towns in various locations nationwide. It is expected that these MANs will be completed during 2006 and 2007. These networks will allow the private sector to offer world-class broadband services at competitive costs.

My Department also offers funding assistance for smaller towns and rural communities through the County and Group Broadband Scheme. The scheme is technology-neutral, allowing the community to select the most suitable broadband delivery platform for the area. To date, over 150 projects have been approved for funding under this Programme.

Furthermore, a joint industry/Government fund of €18 million has been established for the Broadband for Schools Programme, which should provide every school in the country with broadband in 2006. This is a crucial strand in the

strategy of integrating ICT into teaching and learning, and my Department's wider vision of promoting the use of broadband technologies in local communities around the country. The installation phase is now almost complete, with over 90% of all schools broadband enabled.

Today there are 68 broadband providers, a mixture of DSL, fixed wireless, satellite and cable, offering almost 300 different types of broadband products. Wireless broadband technology is improving rapidly, and the lowering of equipment prices has made this technology much more attractive of late especially in rural areas that cannot obtain ADSL connectivity, and the development of Wi-Max offers considerable potential in the future.

Question No. 125 answered with Question No. 112.

Broadcasting Services.

126. **Mr. Kehoe** asked the Minister for Communications, Marine and Natural Resources his preferred options for the development of the broadcasting industry, radio and television, with particular reference to international best practice; and if he will make a statement on the matter. [20754/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my reply to Parliamentary Question Number 85 of today.

Question No. 127 answered with Question No. 122.

Question No. 128 answered with Question No. 74.

Telecommunications Services.

129. **Mr. Noonan** asked the Minister for Communications, Marine and Natural Resources his plans for the delivery of broadband and mobile telephone services to all areas throughout the country including such areas at the Black Valley, County Kerry and similar areas currently serviced by outdated technology; and if he will make a statement on the matter. [20735/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The provision of broadband and other telecommunications services is, in the first instance, an operational issue for the service providers concerned. Responsibility for the regulation of electronic communication service providers rests with the independent regulator, the Commission for Communications Regulation (ComReg), in accordance with the requirements of the Communications Regulation Act 2002 and the Regulations, which transpose the EU Regulatory

Framework for Electronic Communications. Accordingly I have no function in this matter.

Questions Nos. 130 and 131 answered with Question No. 97.

132. **Mr. O'Shea** asked the Minister for Communications, Marine and Natural Resources if he has reviewed the recent statistics by a company (details supplied) on broadband pricing across the EU in view of his statement that broadband pricing here is 20 percent below the EU average; and if he will make a statement on the matter. [20637/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I am aware of the Forrester Research and I would point the Deputy towards figures produced by the independent Commission for Communications Regulation, ComReg, in their Quarterly report for March 2006, which supports my statement that broadband pricing here is below the EU average. In fact, the figures clearly demonstrate that in November 2005, Ireland ranked 6th out of the EU-15 countries and was 5 places better than the EU average in terms of price per megabyte for monthly ADSL rental.

Question No. 133 answered with Question No. 78.

Fisheries Protection.

134. **Mr. Cuffe** asked the Minister for Communications, Marine and Natural Resources when he intends to re-sign the Bass by-laws; and the restrictions he will be placing on them. [20772/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): The Bass (Conservation of Stocks) Order, in place since 1990, prohibits the commercial fishing of sea bass by Irish sea fishing boats. The domestic conservation measures for sea bass are kept under review on an annual basis, in light of scientific assessments by the Central Fisheries Board and the Marine Institute of the state of sea bass stocks as well as assessments of the impact of commercial fishing effort on sea bass stocks by other Member States.

Last year, having reviewed the scientific assessments relating to sea bass, the Bass (Restriction on Sale) Order was renewed for a further year. The effect of this Order is to prohibit the sale or offer for sale of bass (other than bass which has been imported into the State) from 1st day of July, 2005 to 30th day of June, 2006. The Bass Fishing Conservation Bye Law which imposes a bag limit on anglers of two bass in any one period of twenty four hours and provides for a ban on angling for bass during the spawning season was also renewed last year.

I am awaiting updated scientific advice on the current state of the Bass stock and I will make a decision on the matter before the expiry of the current provisions.

Question No. 135 answered with Question No. 78.

Telecommunications Services.

136. **Mr. Gilmore** asked the Minister for Communications, Marine and Natural Resources if he will report on the MANs; the take-up on the MANs; the long-term strategy for managing the MANs in the context of the overall communications infrastructure; if the operator suffered losses of as much as €4 million for 2005 as has recently been reported; and if he will make a statement on the matter. [20618/06]

145. **Mr. Sargent** asked the Minister for Communications, Marine and Natural Resources if he will provide details on the usage of each of the metropolitan area networks that have been introduced to date; and the revenue received from transactions on the MAN system up to the end of the latest accounting period. [20777/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 136 and 145 together.

The Government is addressing the local infrastructure deficit by building high-speed open access Metropolitan Area Networks (MANs) in 120 towns and cities nationwide, on a phased basis in association with the local and regional authorities. Phase One of this Programme has delivered fibre optic networks to 27 towns and cities throughout the country, which were built on time and under budget. This Programme has been extended to a further 90 towns in various locations nationwide. Design and procurement has already commenced in several regions and construction is due to start in the coming weeks. It is expected that these MANs will be completed during 2006 and 2007. These Metropolitan Area Networks will allow the private sector to offer world-class broadband services at competitive costs.

Further to a competitive, public tender process, E-Net was awarded the contract to manage, maintain, market and operate the Phase 1 MANs for a period of 15 years in June 2004. E-Net is an independent company based in Limerick established solely for this purpose. Under Phase 1 of the MANs programme, all twenty-seven networks have now been completed and handed over to E-Net. There is activity on the networks with several customer contracts being signed by E-Net, including arrangements for backhaul and twenty-two of the twenty-seven MANs have been lit to date. The details of these contracts are commercially sensitive and are a matter for E-Net.

E-Net's contractual obligations for the management, operation and maintenance of the MANs

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are set out in the Concession Agreement between my Department and E-Net. Tight controls exist within the Concession Agreement E-Net's contractual obligations for the management, operation and maintenance of the MANs are set out in the Concession Agreement between my Department and E-Net. Tight controls exist within the Concession Agreement to closely monitor E-Net's performance. E-Net formally reports to my Department on a quarterly basis and is obliged to file various documents throughout the contract term dealing with its activities. E-Net also publishes an annual set of accounts. I can assure the Deputy that my officials closely monitor E-Net to ensure that they are fulfilling their obligations, in line with the Concession Agreement.

Electricity Generation.

137. **Mr. Wall** asked the Minister for Communications, Marine and Natural Resources if a company (details supplied) establishes its proposed electricity supergrid connecting windfarms around the Mediterranean, the Atlantic, the Bay of Biscay, the North Sea and the Baltic Sea, the way in which this new grid will interact with the established Irish electricity grid; and if he will make a statement on the matter. [20639/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I am aware that a number of companies have expressed interest in the proposition of a European "super-grid" for wind energy but none has as yet made any specific approach to the Commission for Energy Regulation (CER) nor to the Transmission System Operator who have responsibility for licensing connection to the national grid and planning the national grid, respectively.

Broadcasting Legislation.

138. **Mr. P. McGrath** asked the Minister for Communications, Marine and Natural Resources if he intends to legislate to ensure the retention of maximum free to air broadcasting or transmission; and if he will make a statement on the matter. [20753/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): My core policy objectives in relation to broadcasting as outlined in my Department's Statement of Strategy published in July 2005 are as follows: to create an environment that encourages the maintenance of high quality Irish radio and television services by both independent broadcasters and RTÉ; to secure a viable future for high quality public service broadcasting; and, to seek to retain access to a range of high quality programming in analogue and digital form, on a universal and free-to-air basis.

My intention in framing the legislative proposals that will form the basis of the new Broadcasting Bill is to ensure that the broadcasting regulatory environment continues to reflect these policy objectives, in particular the need to ensure continued access for Irish viewers to a range of high quality programming on a universal and free-to-air basis.

The priority issues to be addressed by the Broadcasting Bill are as follows: the establishment of a single content regulator for commercial, community and public service broadcasters; the establishment of RTÉ as a company under the Companies Acts; the provision of a statutory mechanism for future adjustments to the level of the television licence fee; and, the development of the Right of Reply mechanism, allowing persons whose reputation and good name have been damaged by an assertion of incorrect facts in a television or radio programme to gain redress.

Question No. 139 answered with Question No. 112.

Question No. 140 answered with Question No. 97.

Question No. 141 answered with Question No. 74.

Question No. 142 answered with Question No. 78.

Energy Resources.

143. **Mr. Stagg** asked the Minister for Communications, Marine and Natural Resources if he will give an assurance to the Houses of the Oireachtas that the advice put forward in the Forfás Report, A Baseline Assessment of Ireland's Oil Dependence that Ireland should consider building a nuclear power plant, has been dismissed by the Government, that no Department officials within his remit are looking at this option; and if he will make a statement on the matter. [16520/06]

153. **Mr. O'Dowd** asked the Minister for Communications, Marine and Natural Resources his views on whether Ireland will have at anytime a nuclear power plant; the likely effect of such a plant on the environment; and if he will make a statement on the matter. [16618/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 143 and 153 together.

I am aware of the Forfás Report to which the Deputy refers. The Report acknowledges the explicit Government policy position on nuclear generation in Ireland while commenting that consideration of the option should not be precluded in light of international developments. The use of nuclear fission for the generation of electricity in Ireland is statutorily prohibited under the Elec-

tricity Regulation Act, 1999. The option is not on the table and is not being looked at by my Department. International developments will continue to be monitored, as it is in Ireland's interests to be fully appraised of trends and policy directions in other jurisdictions in this area, but there will be no change in long-standing Government policy on nuclear energy generation in Ireland in line with the national consensus and the statutory prohibition.

Question No. 144 answered with Question No. 93.

Question No. 145 answered with Question No. 136.

Telecommunications Services.

146. **Mr. Deenihan** asked the Minister for Communications, Marine and Natural Resources the extent to which action can be taken to prevent bullying or predatory sexual activity through the use of the mobile telephone service; and if he will make a statement on the matter. [20744/06]

318. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which action can be taken to prevent bullying or predatory sexual activity through the use of the mobile telephone service; and if he will make a statement on the matter. [20799/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 146 and 318 together.

As I have told the Deputy in response to similar questions, I have no role or responsibility for the actions of persons conducting bullying or malevolent activities over electronic communications networks. I refer the Deputy to recent replies given to Questions Numbers 14 and 31 of 6 April, 2006.

Coastal Erosion.

147. **Mr. O'Dowd** asked the Minister for Communications, Marine and Natural Resources the level of coastal erosion that has occurred over the past five years on Irish coasts; and if he will make a statement on the matter. [16629/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): Coastal erosion is a widespread process at locations right around the coastline and this Department in association with maritime Local Authorities monitors the process generally. Of the 5,800km of coastline in the Republic, some 3,000km comprises "soft coastline" consisting of sandy beaches, sand dunes and clay cliffs. Erosion rates around the coast range from 0 at stable

locations to a maximum of about 1 to 2 metres per annum in some areas of the east coast. In general, erosion of a coastline takes place gradually but in some cases an individual storm or a cliff collapse will lead to sudden spectacular changes.

The types of land and property under threat from coastal erosion are as diverse as the locations in which the problem is occurring. Areas under threat include private land, land of marginal agricultural value, public infrastructure, areas of ecological importance and natural heritage areas. The rate of coastal erosion can also be affected by economic and amenity activities and usages in the coastal zone. For example pressure on beach and dune systems through large numbers of visitors can accelerate the process of erosion.

The approach to coast protection works in Ireland was until recently based primarily on "hard" solutions involving heavy civil engineering works, for example, rock armour revetments. Such works are very expensive. These cost considerations, coupled with concerns about the potential physical impacts of such works on the coastline have led in recent years to a greater emphasis on "soft" engineering solutions and environmentally friendly coast protection schemes, for example, sand fencing, beach nourishment.

A Value for Money report in March 2002 highlighted the need for a more strategic focus in addressing the problem of coastal erosion in Ireland. In the light of this the Department initiated a coast protection strategy study in 2003. The study addresses the nature and extent of erosion at various locations and different types of coastline in Ireland and seeks to identify the most effective means, technically, financially and environmentally, in responding to particular instances and types of erosion. As part of this study detailed surveys are carried out of the coastline and will form a baseline for accurately calculating coastal erosion levels. The pilot phase of this study is scheduled to be completed in summer 2006.

Energy Resources.

148. **Ms O. Mitchell** asked the Minister for Communications, Marine and Natural Resources if he has in mind a set of procedures to develop and deliver rapidly and efficiently, oil, gas or other mineral discoveries with a view to maximisation of benefit to the economy and the Exchequer; and if he will make a statement on the matter. [20725/06]

319. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has in mind a set of procedures to develop and deliver rapidly and efficiently, oil, gas or other mineral discoveries with a view to maximis-

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ation of benefit to the economy and the Exchequer; and if he will make a statement on the matter. [20803/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 148 and 319 together.

There are already procedures in place for developing and delivering oil and gas discoveries. It must be understood that the area of developing oil and gas fields is a very complex area and is dependent on factors such as the location of the discovery and whether the discovery is oil or gas. Issues such as existing infrastructure in the area and the environment of the area will have a major influence on how development takes place. For example, the Seven Heads Gas field off the south coast was developed using the existing facilities available at the Kinsale gas field. On the other hand, in the case of the Corrib Gas field off the west coast, there was no existing infrastructure and new infrastructure has to be developed.

It should be pointed out that there would be no discoveries without exploration taking place first. It is therefore the Government's policy to actively encourage petroleum exploration. This is done through both the licensing terms and fiscal and taxation terms on offer for the exploration and development of oil and gas offshore and onshore Ireland. These terms are available to licensees in Frontier areas through Licensing Rounds such as the recent Slyne/Erris/Donegal Licensing Round.

There is also an 'open door' policy in respect of non-frontier areas whereby companies may apply for authorisations in these areas at any time. It is hoped that such exploration will lead to the discovery and development of new oil and gas resources and reduce Ireland's present high level of dependency on imported energy.

It is Government policy that mineral development be undertaken in an environmentally responsible fashion by private enterprise, under Lease or Licence from the State. By providing employment in rural areas and by direct contribution to the State through royalties and taxes, minerals development contributes to the local and National economy. A new Minerals Development Bill is currently being prepared to consolidate and update the Minerals Development Acts, 1940 to 1999. This Bill, if enacted, will streamline procedures for permitting exploration for and development of mineral deposits. I hope to obtain Government approval shortly for the General Scheme of the Bill to be drafted and introduced in the Oireachtas as soon as possible.

Electricity Generation.

149. **Mr. Timmins** asked the Minister for Communications, Marine and Natural Resources his plans to cease the public service obligation

charge on ESB bills; and if he will make a statement on the matter. [20766/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The opening of the electricity market to competition has meant that, in order to create a level playing field between all market participants, the Government's public service requirements need to be transparently identified and costed. ESB has in the past been obliged to provide these services.

In pursuance of key energy policy objectives of security of supply, fuel diversity, environmental protection and the use of indigenous energy sources, the Government has identified certain public services that it requires ESB, in its function as Public Electricity Supplier, to continue to provide in a liberalised market. These public services relate to the provision of peat-fired generation, renewable/alternative generation and peaking capacity, for reasons of security of supply and environmental protection, in accordance with Article 3(2) of the EU Electricity Directive, and Section 39 of the Electricity Regulation Act, 1999.

In providing these public services, ESB incurs extra-competitive costs given that, unlike gas, both peat and, as yet, renewable energy sources are not competitive forms of electricity generation. Therefore, these additional costs over and above the costs of a best new entrant are recouped by way of a levy on all electricity customers.

The Commission for Energy Regulation (CER) is the independent statutory body that regulates the Irish electricity and gas markets. It calculates the PSO levy, with the sanction of the European Commission, on an annual basis. The levy compensates ESB solely for the additional costs it incurs when complying with the Order.

All monies collected under the PSO levy go to achieving the objectives of the PSO; the main objectives being to ensure reasonable self-sufficiency in electricity generation capacity by utilising peat as a primary fuel source, to promote renewable energy sources to help protect the environment and to cover the cost of generation capacity that is needed to ensure that customers' demand can be met in times of peak demand.

To achieve these objectives the projects that have been supported by the PSO to date are:

- Alternative Energy Requirement (AER) contracted projects,
- ESB Power Generation peat stations,
- Edenderry Power Limited's peat plant,
- Peaking plant.

Section 39(6) of the Electricity Regulation Act 1999 requires that the additional costs incurred in providing these public services must be recovered in respect of a specified number of years. Therefore in the case of each public service obligation,

a definitive timeframe for its continuance is set out in the legislation. The public service relating to the provision of renewable/alternative generation, for example, is based on legally binding contracts of 15 years duration between the generators and the ESB.

Therefore, while the amount of the public service obligation charge may vary from time to time, the cessation of the public service obligations can only occur in the event of a change in policy direction on the provision of the public services detailed. This is neither warranted nor envisaged for the foreseeable future.

150. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources the stage which the plan to develop an east west Interconnector is at; if a decision been taken on whether it will be developed on a regulated or hybrid regulated or merchant basis; if there are plans to develop a further north south or east west interconnector; and if he will make a statement on the matter. [20653/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The small size of the Irish electricity market underlines the need for greater interconnection as a means of enhancing security of supply, promoting competition and integrating the Irish electricity market into the wider European market. In this context, the East-West electricity interconnector project is a key priority for the Government.

I will be bringing the matter to Government in the coming weeks for final decision as to the mechanism to secure East-West interconnection in terms of financing and developer selection, informed by the advice of the Commission for Energy Regulation. Decisions are needed now in order to ensure that the target date of no later than 2012 for operation of the interconnector is met.

In this context, the Deputy will have noted that the second stage of the Energy (Miscellaneous Provisions Bill) 2006 concluded in the House last week. The Bill provides the necessary legislative powers for the CER, with my consent, to secure the construction of an interconnector by means of competitive tender, authorisation process, or inclusion in the development plans of the transmission system operator. The Bill further provides for the possibility that costs related to the interconnector can be recouped through the transmission use of system charge.

As regards North-South interconnection, both Governments today jointly endorsed the project underway by the Transmission System Operators for the construction of a second electricity interconnector. The new interconnector, which will more than double the current cross-border electricity trading capacity, is scheduled to be operational by 2012 or sooner. The additional

East/West and North/South interconnectors will substantially augment system security and reliability and facilitate more competition. The North/South interconnector development will also critically underpin the all-island single electricity market.

Telecommunications Services.

151. **Mr. Crawford** asked the Minister for Communications, Marine and Natural Resources if competing potential service providers have been impeded in their proposals to provide broadband or other forms of modern telecommunications; his plans to address this issue; and if he will make a statement on the matter. [20756/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The telecoms market is fully liberalised and is regulated by the Commission for Communications Regulation, ComReg. ComReg is independent in the exercise of its functions, in accordance with the provisions of the Communications Regulations Act 2002 and the transposed EU Regulatory Framework.

Post Office Network.

152. **Mr. McEntee** asked the Minister for Communications, Marine and Natural Resources the number of post offices closed throughout the country on a county basis; and if he will make a statement on the matter. [20763/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The opening, conversion and closure of individual post offices is a matter for the board and management of An Post. With regard to the post office network, as clearly set out in the Programme for Government, this Government and the Board of An Post are committed to the objective of securing a viable and sustainable nationwide post office network. Notwithstanding the commercial remit of An Post, there is a clear Government recognition of the social benefits of maintaining the nationwide post office network. Accordingly, An Post development strategies for the network continue to take full account of these benefits.

It is the Government's objective to maintain the largest, economically sustainable post office network possible. The challenge for all stakeholders in An Post is to generate sufficient profitable business to maintain the network at its current size. While the Government will support the network in any way it can, the way forward is for An Post to enhance existing services and building on existing strengths, to develop new product offerings.

I would refer the Deputy to the table which outlines the information requested on the

[Mr. N. Dempsey.]

number of post offices closed on a county basis in the past four years.

Post Office Closures and Conversions in the past four years

County	Office Closures	Conversions to Agents	Agent Closures
Carlow	1	2	1
Cavan	7	18	6
Clare	4	5	0
Cork	9	31	12
Donegal	3	15	11
Dublin	7	3	3
Galway	7	10	3
Kerry	2	8	1
Kildare	2	3	0
Kilkenny	5	12	1
Laois	3	3	1
Leitrim	0	13	4
Limerick	5	14	6
Longford	3	5	2
Louth	5	2	0
Mayo	12	26	9
Meath	5	5	2
Monaghan	7	5	1
Offaly	4	6	2
Roscommon	7	12	2
Sligo	4	17	9
Tipperary	10	13	9
Waterford	1	3	0
Westmeath	6	12	7
Wexford	8	12	3
Wicklow	3	5	0

Question No. 153 answered with Question No. 143.

Question No. 154 answered with Question No. 98.

Electricity Generation.

155. **Mr. J. O’Keeffe** asked the Minister for Communications, Marine and Natural Resources the way in which it is intended to ensure adequacy or security of supply in the context of the future development of the ESB; and if he will make a statement on the matter. [20742/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Security of supply in relation to electricity is a matter for the Commission for Energy Regulation in accordance with the provisions of the European Communities (Internal Market in Electricity) Regulations 2005. These Regulations give the CER formal responsibility in law for security of supply of elec-

tricity with powers to act to secure and enhance supply.

The CER has been empowered to take any measures necessary to protect security of supply. In particular, it can host a competition to acquire the necessary generation or it can direct the Transmission System Operator (TSO), ESB or any licensed undertaking to implement any arrangements that the CER considers necessary to protect the security of supply. Possible future directions for the electricity sector, in light of all relevant considerations, will be set out in the Energy Policy Green Paper which will be published mid-year.

Regulatory Bodies.

156. **Ms Shortall** asked the Minister for Communications, Marine and Natural Resources when he proposes to give ComReg concurrent competition powers; if he has plans for an overall review of the performance of the two main regulators within his remit, ComReg and CER; the way in which he benchmarks the performance of both regulatory bodies; and if he will make a statement on the matter. [20616/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I recently announced my intention to provide the Commission for Communications Regulation (ComReg) with concurrent competition law powers in the telecoms sector, which will allow them to investigate and take action in issues such as the abuse of dominance. These proposals are being progressed within my Department in conjunction with the Office of the Attorney General. I intend to bring these proposals to Government for approval along with the proposals for the Electronic Communications (Miscellaneous Provisions) Bill, which are currently being drafted by the Parliamentary Counsel. This Bill is a priority for me in the communications area.

In line with Government policy, the sectoral regulatory institutions and frameworks are subject to ongoing monitoring. Aside from these new and enhanced powers for ComReg, I have no plans at this juncture to initiate a specific performance review. While my Department and I are in regular contact with the Regulator on many issues, ComReg is independent in the exercise of its functions under the provisions of the Communications Regulation Act of 2002.

The Commission for Energy Regulation (CER) is also independent in the performance of its functions under the Electricity Regulation Act 1999. The CER and the Competition Authority have signed a co-operation agreement under the Competition Act, 2002 in relation to avoidance of duplication and ensuring consistency, as far as practicable between decisions made by the two bodies. In fulfilment of the requirement to operate within a policy framework set out by me as Minister, the CER has prepared and published

a strategic plan setting out its goals and objectives for the electricity and natural gas sectors. The latest plan covers the period of 2005 to 2010, while ComReg's latest Strategy Statement covers the period of 2005 to 2007.

In fulfilment of their statutory requirements both Regulators report to me each year on the performance of their functions and their proposed work programmes for the following year. Annual reports and accounts for each of the Regulators are laid before each House of the Oireachtas, and their financial performance is measurable from these accounts which are audited by the Comptroller and Auditor General.

Scrutiny of the performance of the regulators is enhanced by appearances before the Joint Committee on Communications, Marine and Natural Resources and the Public Accounts Committee. This Committee has, at its discretion, the statutory power to request either ComReg or the CER to account for its performance at any time. In addition, the performance of Ireland's regulatory regimes in general, including the effectiveness of the regulators is regularly reviewed by the European Commission in comparison to other European regulatory regimes. The outcome is published each year and available to the Committees and any other interested party.

As regards an overall review of the performance of the CER, relevant regulatory issues including the appropriateness and efficacy of the energy regulatory framework will be addressed in the Energy Policy Green Paper currently being finalised.

Telecommunications Services.

157. **Mr. M. Higgins** asked the Minister for Communications, Marine and Natural Resources if he will bring forward measures for the regulation of the content of mobile phone products and services; his views on ending the self-regulation of this sector and incorporating the functions of RegTel into ComReg; and if he will make a statement on the matter. [20641/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have no plans for the regulation of the content of mobile phone products and services. The Office of the Regulator of Premium Rate Telecoms Services, RegTel, already authorises and supervises the content and promotion of premium rate telecommunications services within the Irish market and is independent.

RegTel does not report to me as Minister for Communications, Marine and Natural Resources and I have no plans to amend its status, nor have I received any request to do so. The area of consumer protection within which RegTel operates falls mainly under the remit of my colleague the Minister for Enterprise, Trade and Employment

and the Office of the Director of Consumer Affairs. In addition, the Commission for Communications Regulation, ComReg has no role in relation to content.

Question No. 158 answered with Question No. 102.

Energy Resources.

159. **Mr. McGinley** asked the Minister for Communications, Marine and Natural Resources the storage capacity of oil, gas, coal or other fuels; his plans to improve same in line with economic development requirements; and if he will make a statement on the matter. [20708/06]

346. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the storage capacity of oil, gas, coal or other fuels; his plans to improve same in line with economic development requirements; and if he will make a statement on the matter. [20833/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 159 and 346 together.

As a member of the International Energy Agency Ireland is required to maintain emergency oil stocks equivalent to at least 90 days of net imports of crude oil equivalent in the previous year. The EU imposes a similar requirement based on consumption. The National Oil Reserves Agency (NORA) is responsible for holding Ireland's strategic oil reserves.

Ireland meets its obligations through a combination of stocks owned by NORA both at home and abroad, stocks 'ticketed' by NORA and operational stocks held in Ireland by the oil industry and large companies. At 1 April 2006 Ireland's oil stock reserves were estimated at 108 days net imports of which NORA stocks accounted for 37 days. It is estimated that oil storage capacity held by the Irish oil industry and oil consumers amounts to 98 days. The question of increasing the capacity of oil companies and oil consumers is one for the companies themselves.

I am satisfied that Ireland's emergency oil stock levels are sufficient to ensure that we would be in a position to participate effectively in any internationally coordinated response in the event of an international oil supply disruption, or manage any short-term disruption specifically impacting on the Irish market.

The Irish gas transmission system is designed to cope with a 1-in-50 peak day, or the coldest day likely to occur once in 50 years. A new Unified Code of Operations introduced by the Commission for Energy Regulation (CER) in April 2005 sets out standards for the protection of non-daily metered customers (including households) in the event of disruption of supply or extreme

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climatic conditions. This is a robust standard which takes account of the scarcity of indigenous resources. Within the pipeline system itself (i.e. interconnectors and ring-main) there would be a stock level of 20-30 mscm (otherwise known as linepack).

The CER is currently in the process of issuing a licence to Marathon Oil Limited to operate a storage facility at the depleting gas fields off the Kinsale Head in Co. Cork. This facility, with a storage capacity of 7bcf, will come into operation on the 1st of June 2006. The CER has the statutory function of licensing natural gas storage facilities. In carrying out its functions, the CER must have regard to the need to secure that there is sufficient capacity in the natural gas system to enable reasonable expectations of demand to be met, and to secure the continuity, security and quality of supplies of natural gas.

One of the strategic objectives of the All-island energy development framework for natural gas is a common approach on natural gas storage and LNG. An All-island study is being commissioned to assess the medium to long-term position with regard to security of natural gas supply and consider the scope for a common approach on storage and LNG. It will also have regard to industry views, any existing capacities as well as to planned or proposed developments for storage on the island.

In the case of peat, Bord na Móna holds stocks of approximately 7 million tonnes of peat. This equates to almost twice the Board's annual contracted sales of milled peat for electricity generation at three power plants and sales by two briquette factories.

Alternative Energy Projects.

160. **Mr. Sargent** asked the Minister for Communications, Marine and Natural Resources the number of applications he has received to date under the SEI greener homes scheme for each of the product categories that are covered; if there are limits on the number of applications that can be approved in any one year; if the amount of grant approved to each application is flexible or is fixed dependent on the size and type of heating system that is being has decreased since the introduction of the scheme; and when is the projected exhaustion of moneys allocated to the scheme. [20778/06]

294. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources if he will consider introducing carbon credits for private dwellings using solar, geo thermal, wood pellets, wind energy or insulation; and if he will make a statement on the matter. [20573/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 160 and 294 together.

The Greener Homes grant aid package for the domestic sector is being rolled-out over a five-year period from 2006 to 2010. The scheme supports investment in renewable energy heat technologies. The level of funding currently available under the package is €27m overall for the three technologies covered, flexibility will be maintained regarding the transfer of funding within the package subject to demand. Subject to funding availability there is no limitation on the number of applications which can be approved in any one year and my Department will keep funding under review throughout the year in light of demand. The programme will be monitored closely to ensure that it delivers on objectives to meet and stimulate demand for renewable energy.

There has been a very high level of interest in the scheme so far. In the eight week period since the scheme was launched Sustainable Energy Ireland (SEI) has received 2,500 applications for grant aid broken down as in the table.

Technology	Number of applications received
Heat Pumps	1,275
Wood Chip and Wood Pellet Stoves and Boilers	725
Solar Panels	500

Grants under the scheme, which are available to all homeowners meeting the conditions of the scheme, are at fixed levels in the case of heat pumps and wood pellet/ chip boilers and stoves. For solar technology grant support is at a level of €300/m² subject to a maximum of 12 m². In certain circumstances, where particular eligible technologies are used in combination, grant levels applying may be adjusted.

In addition to the Greener Homes scheme SEI also runs a number of other schemes directed at improving the energy efficiency of private dwellings. The issue of carbon credits for private dwellings using renewable energy products or insulation is not feasible or appropriate in the current context of tradeable carbon credits and EU parameters. Currently the only market available in Europe for carbon is underpinned by the EU Emissions Trading Scheme Directive. This Directive is explicitly targeted at large industry and high carbon emitters, and only companies identified as meeting the requirements to participate are given permits to trade.

Fisheries Protection.

161. **Mr. S. Ryan** asked the Minister for Communications, Marine and Natural Resources

if he will report on the three person expert working group on salmon; if he has decided to comply fully with the scientific advice and precautionary approach in relation to ending mixed stock fishing for salmon in 2006; and if he will make a statement on the matter. [20647/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): As the Deputy is aware, I announced on 24th March that I had decided to adopt the recommendations made to me by the National Salmon Commission in relation to the total allowable salmon catch for 2006. This will involve reductions in the quota available to both commercial fishermen and anglers in 2006. In doing so I have also reaffirmed the Government's commitment to fully align with the scientific advice provided on the management of the wild salmon fishery by 2007. Reductions in the overall fishing effort are required in order to sustain and rebuild salmon stocks nationwide.

I established the Independent Group, to which the Deputy refers, to examine the implications for the commercial sector in 2007 and beyond arising from the course of action determined and to make recommendations on the options available to address any financial hardship that may arise. The group is currently engaged in its task and I understand has recently invited submissions from interested parties, the closing date for receipt of which is 30 the June 2006. The group is due to submit its report to me in September 2006.

Offshore Exploration.

162. **Mr. Quinn** asked the Minister for Communications, Marine and Natural Resources the position regarding the review of the State's fiscal regime for the exploration and exploitation of Ireland's offshore natural resources that his Department is currently undertaking; when he expects the review to be concluded and made public; and if he will make a statement on the matter. [20622/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I recently announced that I have put a review of the current fiscal regime in motion and that my Department will shortly seek tenders to have independent experts assist in this review. Improvements to the fiscal terms will be examined in the context of the current Exploration & Production (E&P) industry climate, taking account of terms applied in other comparable jurisdictions. This process is at an early stage.

Broadcasting Services.

163. **Mr. M. Higgins** asked the Minister for Communications, Marine and Natural Resources when the consultants Deloitte and Touche and

William Fry Solicitors will report on an implementation plan for the establishment of TG4 as an independent statutory body; and if he will make a statement on the matter. [20640/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have examined the consultants' report on the implementation plan for the establishment of TG4 and have formulated my proposals, which I will circulate shortly to Government.

Harbours and Piers.

164. **Dr. Upton** asked the Minister for Communications, Marine and Natural Resources the Government's views and estimates of the capital development programme for fisheries harbours here to the end of 2007 and during the next National Development Plan; and if he will make a statement on the matter. [20651/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): The funding available to the Department under the Port Infrastructure Improvement Programme of the National Development Plan 2000-2006 is directed at projects that improve infrastructure and facilities (including ice plants, landing and storage facilities) at key strategic fishery harbours and the construction and improvement of berthage and related facilities at smaller harbours and landing places, with a key role in maintaining jobs in fishing, aquaculture and ancillary activities.

Funding of €22.5 million is available for the Fishery Harbours Development Programme in 2006, of which approximately €2 million is being assigned to the programme for funding of small fishery harbours. A number of projects under the Fishery Harbours Development Programme are at various stages of development. This year the extension to the pier at Clogherhead, Co Louth will be completed at a total estimated cost of €11 million. The development at Castletownbere will be partially completed by 2006 and €12 million has been allocated this year. Funding will be required post 2006 to complete this development. Funding of smaller pier improvement projects that are currently being partially funded by the Department within the overall programme will be required post 2006.

Development works will continue to be required to improve fishery harbour infrastructure and increase safety for the fishing sector. The safety issue is still a priority at the major state owned fishing centre. The financial envelope including funding requirements for the Fishery Harbours Measure under the NDP 2007 to 2013 is currently being formulated. A list of projects approved under the Fishery Harbours Development Programme for 2006 is shown in the table.

[Mr. Browne.]

Fishery Harbour Programme 2006

Location	Project	Total Cost	DCMNR Contribution
		€	€
Castletownbere FHC, Cork	Dinish Wharf extension & offices	12,000,000	12,000,000
Castletownbere FHC, Cork	Effluent treatment	700,000	700,000
Castletownbere FHC, Cork	Mainland Quay	100,000	100,000
Clogherhead, Co Louth	Port Oriel development	5,503,268	4,127,451
Greencastle, Donegal	Harbour development	3,200,000	2,400,000
Ros-a-Mhíl FHC	Gear store	250,000	250,000
Ros-a-Mhíl FHC	Development	1,000,000	0
Cromane, Kerry	Development	266,667	200,000
Dunmore East FHC, Waterford	Development	600,000	600,000
Dunmore East FHC, Waterford	Repair to East Pier	300,000	300,000
Knightstown, Kerry	Co funded with DCRGA	800,000	400,000
Buncrana, Donegal	Construction of breakwater	300,000	225,000
Burtonport, Donegal	Harbour dredging Phase 2	780,000	585,000
Total		25,799,935	21,887,451

Question No. 165 answered with Question No. 78.

Question No. 166 answered with Question No. 120.

Fishing Fleet Modernisation.

167. **Mr. Costello** asked the Minister for Communications, Marine and Natural Resources the Government's position, in view of rising fuel prices, on the recent EU proposal at the Agriculture and Fisheries Council for €4 billion to be spent over 2007 to 2013 on the installation of more efficient engines on boats of less than 12 metres in length; and if he will make a statement on the matter. [20621/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): I assume that the Deputy is referring to the €3.849 billion allocation under the proposed European Fisheries Fund (EFF) for the period 2007-2013. This is in fact the total allocation for the EFF, for all measures and for all 25 Member States, for the period in question, and does not relate to any individual proposal under the ambit of the Fund.

The increased cost of fuel to fishing vessels is a matter of serious concern and has been discussed at a number of recent Fisheries Councils. Given the general expectation that fuel prices are unlikely to revert to their previous lower levels, I believe that there is a clear economic imperative, in addition to an environmental dividend, that all fishing vessels irrespective of their size should be installed with the most energy-efficient engines and I supported proposals in this regard during the Fisheries Council discussions on the new European Fisheries Fund. Council did not

achieve the necessary support for the new Fisheries Fund Regulation and I understand that it will be back for consideration at Council again in the early Autumn. I will continue to support the grant aiding of such engines in the forthcoming negotiations.

Discussions to date have indicated that considerable research activity is required in this area and I have pressed strongly at Council for this area to be prioritised under the EU's seventh Framework Programme for Research (2007 - 2013).

Alternative Energy Projects.

168. **Ms Burton** asked the Minister for Communications, Marine and Natural Resources if he will report on the recently launched Ocean Energy Strategy; and if he will make a statement on the matter. [20642/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I recently launched a new ocean energy strategy, which aims to put Ireland at the forefront of ocean energy development and position us to capitalise on this resource. The strategy was developed by Sustainable Energy Ireland (SEI) and the Marine Institute.

As the first stage in implementing this strategy, we have recently upgraded the Hydraulics and Maritime Research Centre in UCC as well as opening an ocean energy test site a mile and a half off the coast of Spiddal, Co Galway. This 37-hectare site will be open to test prototype ocean energy devices. The first wave energy device, 'WaveBob' has been deployed on the Spiddal site. SEI and the Marine Institute are also cur-

rently supporting a number of other ocean energy research and development initiatives.

The second phase of the strategy will see the development of pre-commercial grid connected devices and provide for a grid connection to the Galway Bay test site. Ireland has one of the most promising ocean energy resources in the world and the ocean energy strategy aims to position Ireland to take full advantage of this resource in the future.

Question No. 169 answered with Question No. 108.

Television Licence Fee.

170. **Ms McManus** asked the Minister for Communications, Marine and Natural Resources if he is reviewing the television licensing regime; his views on whether the digitisation process may necessitate a re-examination of the present licensing system; and if he will make a statement on the matter. [20631/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my reply to Questions nos. 343 and 344 on 25 April, 2006.

Fisheries Protection.

171. **Mr. S. Ryan** asked the Minister for Communications, Marine and Natural Resources if he will report on the implementation of the Sea Fisheries and Maritime Jurisdiction Act, 2006 including the establishment of the Sea Fisheries Protection Authority; his plans to improve the monitoring of Ireland's waters and developments in the EU fisheries control regime administered from Vigo; and if he will make a statement on the matter. [20646/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): The Sea Fisheries and Maritime Jurisdiction Act, 2006 was enacted on 4 April 2006. Following the enactment I introduced secondary legislation, as provided for in the Act, to bring into force EU and national control and conservation measures. I have also put in place arrangements, as provided for in the Act, for quota management and the granting of authorisations to fish for certain fish stocks. I have asked the Department to put in place the necessary structures and arrangements to allow for the establishment of the Sea Fisheries Protection Authority at an early date.

The European Fisheries Council agreed in 2005 to establish a Community Fisheries Control Agency to improve cooperation and coordination between the control authorities of Member States. The Agency is to be based in Vigo, Spain

and is expected to become operational before the end of 2006.

Matters relating to the Naval Service are for my colleague, the Minister for Defence.

Post Office Network.

172. **Mr. G. Murphy** asked the Minister for Communications, Marine and Natural Resources if he has monitored the extent to which post offices have been downgraded or closed in the past four years; [20703/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne):

I have no statutory function in relation to this matter. It is an operational issue for the Board and Management of An Post. The table outlines the information requested with regard to the closure and downgrading of post offices in the past four years.

Post Office Closures and Conversions in the past four years

County	Office Closures	Conversions to Agents	Agent Closures
Carlow	1	2	1
Cavan	7	18	6
Clare	4	5	0
Cork	9	31	12
Donegal	3	15	11
Dublin	7	3	3
Galway	7	10	3
Kerry	2	8	1
Kildare	2	3	0
Kilkenny	5	12	1
Laois	3	3	1
Leitrim	0	13	4
Limerick	5	14	6
Longford	3	5	2
Louth	5	2	0
Mayo	12	26	9
Meath	5	5	2
Monaghan	7	5	1
Offaly	4	6	2
Roscommon	7	12	2
Sligo	4	17	9
Tipperary	10	13	9
Waterford	1	3	0
Westmeath	6	12	7
Wexford	8	12	3
Wicklow	3	5	0

Departmental Programmes.

173. **Dr. Upton** asked the Minister for Communications, Marine and Natural Resources if he will report on the Lost at Sea scheme in view of the reported intention of the Information Commissioner Ombudsman to investigate this

[Dr. Upton.]

programme; and if he will make a statement on the matter. [20652/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): The position in relation to the Lost at Sea Scheme was outlined in previous replies to questions, most recently, Question No. 86 on 21 February 2006. The Department was informed by the Ombudsman in February 2006 that she has decided to proceed to a formal investigation of a complaint made to her Office by a person whose application was refused under the Scheme and that a statement of complaint would issue to the Department in due course. The Department will cooperate fully with any such investigation.

Fishing Industry Development.

174. **Mr. Costello** asked the Minister for Communications, Marine and Natural Resources if he will provide details of his recent meeting with representatives of the sea-fishing industry; his proposals for a comprehensive strategy for the sea-fishing sector; the challenges it faces; and if he will make a statement on the matter. [20620/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): There was a wide-ranging and constructive discussion on a variety of issues of importance to the sector at the recent meeting with representatives of the Irish fishing industry. The discussion focused on current difficulties facing the industry covering quota allocations, fuel prices and declining fish stocks. There was a very good discussion on possible steps that might be taken to alleviate the situation for vessel owners and processors. There was a recognition that many of the current problems affecting the industry were of a structural nature that needed to be tackled in a concerted and focused manner.

Consensus was reached at the meeting on the need for the development of a comprehensive strategy to address these problems. The primary objective of this strategy will be to secure a sustainable and profitable Irish seafood sector that delivers the maximum possible returns to fishing communities around the coast. I anticipate that the strategy will be completed by this Autumn and that it will map out, on a prioritised basis, all necessary initiatives from both the public and private sectors to deliver this objective.

The sector currently faces a number of significant challenges and it is clear that it is not operating at present in an economically optimal way, due mainly to the adverse impacts of high fuel costs and reduced quotas. I believe, however, that this situation can be resolved satisfactorily. I would consider that the main challenge facing the

sector is to deliver an environmentally sustainable seafood sector that maximises employment and economic activity in Ireland's communities dependent on fisheries.

Offshore Exploration.

175. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the position in regard to registration of exploration interests outside the 200 mile limit with particular reference to the porcupine basin and this country's potential entitlement; and if he will make a statement on the matter. [20696/06]

335. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the position in regard to registration of exploration interests outside the 200 mile limit with particular reference to the Porcupine Basin and this country's potential entitlement; and if he will make a statement on the matter. [20821/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 175 and 335 together.

The Porcupine Basin and the Goban Spur both lie entirely within Ireland's 200-mile Exclusive Economic Zone and therefore the issue of entitlement does not arise. Ireland made a submission under the United Nations Convention on the Law of the Sea to extend its continental shelf beyond 200 miles into the Porcupine Abyssal Plain area last year, and beyond 200 miles into the Biscay Abyssal Plain area (together with France, Spain and the UK) earlier this month. Both submissions are now before the UN Commission on the Limits of the Continental Shelf. Based on the recommendations from the Commission, Ireland will then establish the outer limits of its continental shelf in these two areas. Recommendations are expected on the Porcupine Abyssal Plain later this year and on the Biscay Abyssal Plain next year.

Once the outer limits are established, Ireland can proceed to licence these areas for exploration in the normal way.

Question No. 176 answered with Question No. 108.

Alternative Energy Projects.

177. **Aengus Ó Snodaigh** asked the Minister for Communications, Marine and Natural Resources the incentives there are for people to choose to use alternative energy. [20680/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): There are a number of incentives available to those who wish to use alternative energy. The multi-annual financial package for renewable energy

announced in Budget 2006 provides funding of up to €65m over a 5 year period for renewable energy schemes that will include grants for a range of renewable heat, electricity and transport initiatives. The programmes cover the biofuels, biomass heating, combined heat and power (CHP) and domestic energy sectors. The first part of this package, the Greener Homes Scheme, which provides funding of €27m for renewable energy heat technologies for the domestic sector, was launched in March this year.

In the area of renewable electricity our immediate programme is to increase the contribution from renewable energy to electricity to 13.2% by 2010. This requires capacity of 1,450 megawatts (MW) and we are on track to achieve this target: In the last two years alone, Ireland has doubled its renewable generating capacity to 846MW. A further 630MW has signed connection agreements. To ensure that these projects are delivered, I have launched the Renewable Energy Feed in Tariff (REFIT) programme. This Programme, which will cost in the region of €119m over fifteen years, will underpin the viability of these projects by offering 15 year contracts to developers.

These measures will ensure we reach the target. Not only will we achieve our 2010 renewable electricity targets — we intend to surpass them. In support of this aim, an additional 1,300 MW of wind projects were released into the connection process in the last few weeks.

Telecommunications Services.

178. **Mr. Crowe** asked the Minister for Communications, Marine and Natural Resources the cooperation there has been with his northern counterparts regarding the roll-out of broadband throughout the island; and if he will make a statement on the matter. [20684/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The telecommunications sectors in both jurisdictions on the island of Ireland are fully liberalised but regulated, by ComReg in this jurisdiction and by OFCOM in Northern Ireland. My Department and Northern Ireland's Department of Enterprise, Trade and Investment are jointly implementing the €7.56 million, EU supported, Interreg IIIa initiative, which is funding a number of projects to improve broadband connectivity in border areas.

The Departments enjoy an excellent working relationship and will be launching a cross border 'Broadband Awareness Campaign' during the summer. Both Departments are continuing to work with the SEUPB (Special European Union Programmes Body) on the formation of the next phase of EU border programmes.

Electricity Generation.

179. **Mr. Gormley** asked the Minister for Communications, Marine and Natural Resources the reason he has limited the feed in fixed price traffic system for renewable electricity supplies to 400MW of new supplies; if he will approach the European Commission to ascertain if a larger amount of power supplies could be covered under the support scheme; and his Department's views on the amount of wind power that can be introduced into the electricity market here before extensive constraining of wind power supplies becomes necessary. [20776/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The overall target is to more than double the current contribution from renewable energy technologies in electricity production to 13% by 2010. The target of 13.2% approximates to 1450 Megawatts of installed generating capacity operational by 2010. This target will be delivered by projects built under the preceding AER V and VI support programmes and the recently announced REFIT programme.

The volume of wind powered electricity generating stations which can contribute positively to electricity production at any time, is dependent on technological developments within the technology, electricity demand, the size and mix of technologies on the electricity network and the development of interconnectors. The constraints to the greater deployment of wind technology in the electricity market at this time is a combination of concerns about system stability and the technical status of and market interest in the technology as well as cost. A major all-island grid study is already in development to examine the implications of significantly increased renewables in the electricity mix on the island by 2020.

The 400 MWs is a minimum target which will be subject to ongoing reviews. It is agreed this volume of capacity can be accommodated without compromising the overall electricity network and under operational conditions acceptable to investors.

Question No. 180 answered with Question No. 98.

Post Office Network.

181. **Mr. Stagg** asked the Minister for Communications, Marine and Natural Resources the post offices which have closed in 2006; his views on a separate new regulator for An Post and other postal operators, in view of the unique features of the postal market; and if he will make a statement on the matter. [20648/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Com-

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mission for Communications Regulation, ComReg, in accordance with the provisions of S.I. 616 of 2002 European Communities (Postal Services) Regulations, is responsible for the monitoring, measurement and regulation of the postal sector including measuring the levels of service to be achieved by An Post and ensuring that the company abides by its statutory universal service obligations. ComReg is responsible for monitoring An Post's quality of service performance and for setting and publishing quality of service standards.

On the issue of a separate new regulator for the postal sector, I have no intention at this time of making any changes to the designation of ComReg as the postal regulator. The model of a joint regulator for the telecommunications and postal sectors is common one throughout Europe, especially for the smaller countries where the scale does not exist to justify a separate regulator for each sector.

Finally, the day-to-day operation of the post office network, including expansion, is an operational matter for the Board and management of An Post. The table outlines the information requested on the post offices that have closed in 2006.

Post Office Closures in 2006

Sub-Office	County
Kildinan	Cork
Church Cross	Cork
Cranford	Donegal
Brandon	Kerry
Fortel	Offaly
Boholas	Roscommon
Crosspatrick	Tipperary
Drumcree	Westmeath
Tomhaggard	Wexford
Grangecon	Wicklow

Participation in Farming.

182. **Mr. P. Breen** asked the Taoiseach the number of full time and part time farmers in Ireland in 1946, 1956, 1966, 1976, 1986, 1996 and 2006. [20890/06]

Minister of State at the Department of the Taoiseach (Mr. Kitt): Comparable figures are not available on the numbers of full-time and part-time farmers for all the years requested during the period 1946 to 2006. Up to 1991 the focus of agriculture surveys was on the land holding, without distinguishing between the holder's full-time or part-time involvement in farming. Table 1 shows the number of Agricultural Holdings over 1 acre for available years during the period 1945-1980.

Table 1.

Year	No. of Holdings over 1 acre
1945	321,800
1950	317,900
1955	313,300
1960	290,300
1965	283,500
1970	279,500
1975	269,800
1980	263,600

In the 1991 Census of Agriculture, a new system was introduced which focused on the operational aspects of farming. All farms over one hectare (about 2.5 acres) were surveyed. It distinguished whether the farmer was involved full-time (i.e. his or her sole occupation was farming) or part-time (i.e. farming was a major or subsidiary occupation for him or her). Table 2 shows the total number of active farms from 1991 to 2003 (the latest data available), broken down into full-time and part-time.

Table 2.

Year	No. of Farms		
	Full Time (000)	Part Time (000)	Total (000)
1991	124.7	45.2	169.9
1993	106.0	52.9	158.9
1995	101.2	51.8	153.0
1997	98.3	49.3	147.6
2000	78.7	62.6	141.3
2003	77.9	57.2	135.1

The comparable estimate of the total number of active farms over one hectare in 1980 was 193,000, of which 158,000 were full-time and 35,000 part-time.

Departmental Bodies.

183. **Mr. Naughten** asked the Taoiseach the public bodies under the control of his Department; their function, role, location and establishment date; the administration costs of each body in the year 2005; and if he will make a statement on the matter. [20464/06]

The Taoiseach: Central Statistics Office The function of the Central Statistics Office (CSO) is to collect, compile, analyse and disseminate statistical information relating to the economic, social and general activities and conditions in the State. It is also responsible for co-ordinating official statistics produced by other public authorities and for developing the statistical potential of administrative records.

The CSO has offices in Cork, Dublin and Swords as follows:

Central Statistics Office, Skehard Road, Cork.

Central Statistics Office, Ardee Road, Rathmines, Dublin 6.

CSO Census Centre, Unit 4D, Swords Business Campus, Balheary Road, Co. Dublin.

The Central Statistics Office (CSO) was established in 1949 and is an independent Office under the aegis of the Department of the Taoiseach. The CSO gross expenditure (provisional out-turn) for 2005 was €46,578,000. The final out-turn for 2005 will be available on publication of the Appropriation Account for 2005.

National Statistics Board

The function and role of the National Statistics Board is to establish priorities for the compilation and development of official statistics; to assess the human, financial and equipment resources to be made available for the compilation of official statistics and to arbitrate on any conflicts which may arise with other public authorities on the extraction of statistics from records or the co-ordination of statistical activities.

The National Statistics Board is located in Ardee Road, Dublin 6. It was initially set up on a non-statutory basis in 1986 and was established on a statutory basis in November 1994 when the Statistics Act, 1993 came into operation. Its gross expenditure for 2005 was €51,328 (of which €48,989 was in relation to stipend fees).

Law Reform Commission

The function of the Commission is to keep the law under review and in accordance with the provisions of the Law Reform Commission Act, 1975 undertake examinations and conduct research with a view to reforming the law and formulate proposals for law reform.

The role of the Commission is to keep the law under independent, impartial and expert review and to make consequent recommendations for law reform. The location of the Commission is 35-39 Shelbourne Road, Ballsbridge, Dublin 4. It was established on 20 October, 1975. The Administration cost for 2005 was €2,171,170. This will be audited by the Comptroller and Auditor General.

All-Party Oireachtas Committee on the Constitution

The function of the All-Party Oireachtas Committee (APOCC) on the Constitution is to act as an informal Oireachtas Committee. It is funded from the Vote of the Department of the Taoiseach. Its terms of reference charge it with a full review of the Constitution, having regard to the Report of the Constitution Review Group.

The location of the Committee's Secretariat is Phoenix House, 7-9 South Leinster Street, Dublin

2. Following the election of the Twenty-Ninth Dáil and Seanad in May 2002, the present committee, chaired by Denis O'Donovan T.D., was re-constituted by the Taoiseach with the concurrence of the leaders of the political parties and the independent members.

The total costs for the Committee for the year 2005 was €338,639.38. The sum of €164,725.80 related to pay costs. Administration costs amounted to €173,913.58, of which €35,107.50 related to the publication of the Committee's Tenth Progress Report: The Family. The balance of €138,806.08 related to normal administration costs such as IT services, telephone, fax and internet charges, electricity, publications and office machinery.

National Economic and Social Development Office

The National Economic and Social Development Office Bill, 2002, which has passed all stages in the Dáil and is due in Committee Stage in the Seanad tomorrow (Wednesday, 31 May, 2006), establishes the National Economic and Social Development Office (NESDO), comprising three bodies, the National Economic and Social Council (NESC), the National Economic and Social Forum (NESF) and the National Centre for Partnership and Performance (NCPP).

NESDO and its three constituent bodies have been in existence and operating on a non-statutory basis for various lengths of time. The Bill when enacted will place them on a statutory basis for the first time. The Bill provides that the Taoiseach may by order appoint a day to be the Establishment Day for the purposes of the Act. This will be the date when all the provisions of the Bill, when enacted, will come into force.

The National Economic and Social Council was established in 1974, the National Economic and Social Forum in 1993 and the National Centre for Partnership and Performance in 2001. The NCPP is the successor to the National Centre for Partnership and arose from the commitment in the Programme for Prosperity and Fairness that it would be located with the NESC and the NESF, within the National Economic and Social Development Office, where it would work with IBEC and ICTU in supporting the deepening of partnership. The functions of the Bodies are as follows:

National Economic and Social Development Office

To advise the Taoiseach on all strategic matters relevant to economic and social development in the State by facilitating and promoting complementary programmes of research, analysis and discussions by the NESC, NESF and the NCPP; providing shared administration and support services for the NESC, NESF and the NCPP; submitting to the Government any reports, recommendations or conclusions of the NESC, NESF

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and the NCPP which may arise from any research, survey or study carried out by such a Body, and arranging for the publication of such reports, recommendations or conclusions of such Body.

National Economic and Social Council

To analyse and report to the Taoiseach on strategic issues relating to the efficient development of the economy and the achievement of social justice and the development of a strategic framework for the conduct of relations and the negotiation of agreements between the Government and the social partners.

National Economic and Social Forum

To monitor and analyse the implementation of specific measures and programmes identified in the context of social partnership arrangements, especially those concerned with the achievement of equality and social inclusion and to facilitate public consultation on policy matters referred to it by the Government from time to time.

National Centre for Partnership and Performance

To support and facilitate organisational change and innovation based on partnership in order to bring about improved performance and mutual gain, and to contribute to national competitiveness, better public services, higher living standards, a better quality of life and the development of the workplace of the future. To advise the Taoiseach on such matters relating to the deepening of workplace partnership in the public and private sectors as he or she may, from time to time, specify.

NESDO and its constituent bodies are located at 16 Parnell Square, Dublin 1. The provisional outturn for 2005 for these bodies is as follows:

NESDO €1.064 million; NESD €0.79 million;

NESF €0.689 million; NCPP €1.041 million.

Information Society Commission

The Information Society Commission was established as an independent advisory body to Government. The first Commission's term of office was from May 1997 to December 2000, the second Commission ran from November 2003 to December 2004. The Secretariats of the respective Information Society Commissions were located at the Department of the Taoiseach, Upper Merrion Street, Dublin 2 and at 2-4 Merrion Row, Dublin 2. The amount spent in respect of the Information Society Commission for the year 2005 was €333,900.

Marriage Statistics.

184. **Mr. Kehoe** asked the Taoiseach the number of people here who are in their second marriage, third marriage and so on; and the

breakdown of the figures involved for the past ten years. [20173/06]

Minister of State at the Department of the Taoiseach (Mr. Kitt): The information requested by the deputy is not available. However information from the Census of Population 2002 does provide some details in relation to the numbers of people in their first marriage, and numbers of people who have remarried. The relevant information is outlined in the following table:

	Total	Male	Female
First Marriage	1,423,884	711,302	712,582
Remarried	30,529	17,042	13,487

Legal Fees.

185. **Mr. Ring** asked the Taoiseach if he will set out in tabular form the brief fee for prosecuting junior counsel in respect of indictable trials in the Circuit Court for each year from 2001 to date in 2006; and where there is an increase, the yearly percentage increase on a yearly basis. [20086/06]

The Taoiseach: A table showing the standard brief fee paid to junior counsel for the prosecution of indictable offences in the Circuit Court from 2001 to date is set out below. This table shows increases paid and the effective dates of those increases. No increase has been paid in 2006 although an increase of 2.5% is planned from 1 June, 2006.

Effective From	£	€	Increase %
01/10/2000	865.00	1,100.00	
01/04/2001	883.00	1,122.00	2.0
01/10/2001	932.00	1,184.00	5.5
01/10/2002		1,232.00	4.1
01/07/2004		1,294.00	5.0
01/12/2004		1,320.00	2.0
01/06/2005		1,340.00	1.5
01/12/2005		1,360.00	1.5

186. **Mr. Ring** asked the Taoiseach the amount paid to prosecuting counsel in the conducting of criminal business appearing on behalf of the Director of Public Prosecutions in respect of areas (details supplied) hereto for the year 2005 distinguishing between the amount paid to prosecuting junior counsel and prosecuting senior counsel. [20090/06]

The Taoiseach: Details of the amounts paid to prosecuting counsel appearing on behalf of the Director of Public Prosecutions are not recorded in respect of the areas for which details were sup-

plied. Rather such payments are recorded on a county-by-county basis. Information with regard to payments made to junior and senior counsel in 2005 for prosecutions in the Circuit and Central Criminal Courts are shown below. Extracting information with regard to payments made to counsel for District Court prosecutions would involve a manual examination of all payment records and would be prohibitively expensive. I can inform the Deputy, however, that payments to counsel for prosecution work in the District

Court would only occur in exceptional circumstances.

In most cases, the areas specified by the Deputy correspond to counties. While payment information is not recorded for the specific areas referred to by the Deputy, it has been possible in the cases of three counties where a more detailed breakdown was sought to provide additional information. Details of this expenditure for the year 2005 are set out below.

County	B.L. Fee Circuit Court	S.C. Fees Circuit Court	B.L. Fees Central Criminal Court	S.C. Fees Central Criminal Court	Total
Carlow	27,607				27,607
Cavan	35,857	3,025			38,882
Clare	105,530		10,001	15,002	130,533
Cork	534,715	20,655	19,387	29,081	603,838
Donegal	97,775	29,130			126,905
Galway	105,100	8,960			114,060
Kerry	140,714				140,714
Kildare	111,417	1,491			112,908
Kilkenny	39,402				39,402
Laois	18,974				18,974
Leitrim	2,263				2,263
Limerick	324,454	1,936	38,929	58,088	423,407
Longford	10,500				10,500
Louth	99,396	12,540			111,936
Mayo	107,601		14,772	22,939	145,312
Meath	85,390				85,390
Monaghan	40,721				40,721
Offaly	23,270				23,270
Roscommon	22,694				22,694
Sligo	110,099	32,276			142,375
Tipperary	56,187	182			56,369
Waterford	103,742	17,122			120,864
Westmeath	38,209				38,209
Wexford	122,609	49,610			172,219
Wicklow	40,369	318			40,687
	2,404,595	177,245	83,089	125,110	2,790,039

In the case of five counties (Kildare, Limerick, Cork, Galway and Tipperary), the Deputy has requested a further breakdown by region but this information cannot be obtained for all these counties. The counties for which a breakdown is available with regard to Circuit Court fees are as follows;

(i) Kildare where 63% of fees paid relate to Kildare South and 37% relate to Kildare North/Wicklow.

(ii) Limerick where 91% of fees paid relate to Limerick City and 9% to Limerick County.

(iii) Cork where 79% of fees paid relate to Cork City and 21% to Cork county (no break-

down is available for the four separate regions of Cork County).

(iv) Galway — no breakdown by region is available.

(v) Tipperary — no breakdown by region is available.

I would further inform the Deputy that the figures for Limerick include a deferred payment of approximately €150,000 made in 2005 in respect of prosecutions in Limerick city in earlier years.

Departmental Bodies.

187. **Mr. Bruton** asked the Tánaiste and Minister for Health and Children the number of meetings the Working Group on Financing Long-

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Term Care, chaired by her Department, has had in the past twelve months; the date of the most recent meeting; and if she has set a deadline for the report of the working group. [20395/06]

Minister of State at the Department of Health and Children (Mr. S. Power): In the past twelve months the Long Term Care Group, which was chaired by the Department of the Taoiseach, has met on 21 occasions. The most recent meeting took place on the 16th May 2006. The report was submitted to Government earlier this year and is currently being considered by the Cabinet.

Anti-Poverty Strategy.

188. **Mr. Bruton** asked the Tánaiste and Minister for Health and Children the indicators she uses to judge progress against poverty in health and the way in which they have progressed in the past five years. [20397/06]

Minister of State at the Department of Health and Children (Mr. S. Power): Work is ongoing in relation to the National Anti-Poverty Strategy (NAPS) targets for the reduction of health inequalities. Actions are being pursued in conjunction with a range of stakeholders both within and outside the health services e.g. the HSE, the Institute of Public Health, the Office for Social Inclusion (OSI), the Combat Poverty Agency, the Equality Authority, the Social Partners (as represented on the Working Group on NAPS and Health) and communities themselves. However, the nature of the targets is such that major improvements are not expected to be observable in the short term.

Analysis of the available data by the Institute of Public Health revealed that gaps continue to exist between the highest and lowest socio-economic groups for low birthweight and for death rates for circulatory diseases, cancers and injuries and poisoning which are two of the three NAPS health targets. However, lack of baseline data for comparison means that progress to date is not easily measured.

The third NAPS health target is the reduction in the difference in life expectancy between the Traveller community and the general population. A Traveller health study is being funded by my Department and this will be used to identify the causes of Traveller health inequalities and inform policy.

A pilot programme under the Cardiovascular Health Strategy to test standards for demographic and socio-economic data of cardiac patients is underway. If the pilot study is successful the next step will be to consider the possible use of such data in other health information systems, particularly in patient care settings.

Work is underway in my Department to select health indicators for inclusion in the forthcoming National Action Plan against Poverty and Social

Exclusion (NAPincl). The soon to be established Health Information and Quality Authority will also facilitate the collection and processing of health information in such a way as to be able to identify and address health inequalities and their causes.

Lottery Funding.

189. **Mr. Wall** asked the Tánaiste and Minister for Health and Children the number of applications for capital lottery funding received by county for the past five years; the number of successful applications per county for the same period; and if she will make a statement on the matter. [20530/06]

190. **Mr. Wall** asked the Tánaiste and Minister for Health and Children the mechanisms to be put in place or are in place to assist those successful in their applications for capital lottery funding but who have been unable to draw down their allocation. [20531/06]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 189 and 190 together.

Capital lottery funding provided for my Department has remained constant over the past five years at €2.539m. In the years 2005 and 2006 the funding is within Vote 40 for the HSE. This lottery funding forms part of the overall Capital Programme for that Vote. It is not available for the provision of discretionary grants to individual voluntary groups by way of general application submissions.

Mental Health Services.

191. **Mr. Gilmore** asked the Tánaiste and Minister for Health and Children the number of patients likely to be discharged from mental hospitals due to the intended closures. [20944/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Report of the Expert Group on Mental Health Policy, "A Vision for Change" was launched on 24th January. This policy envisions an active, flexible and community-based mental health service where the need for hospital admission will be greatly reduced. The report recommends that steps be taken to bring about the closure of all psychiatric hospitals and to re-invest the resources released by these closures in the mental health service. The closure of large mental hospitals and the move to modern units attached to general hospitals, together with the expansion of community services, has been Government policy since the publication of Planning for the Future in 1984.

In “A Vision for Change”, a four-stage process is recommended for the closure of the hospitals as follows:

Stage 1 — identify measures required to enable admission to cease and put these measures in place;

Stage 2 — cease admissions to the hospital and draw up plans for relocation of existing patients;

Stage 3 — implement plans for the relocation of existing patients; and

Stage 4 — final closure of hospital.

The Report emphasises that this process should take place on a phased basis with wards closing sequentially. The Health Service Executive has stated that it anticipates the closure of mental hospitals and the reinvestment of the proceeds to take place on a phased basis. It has also emphasised that hospitals can only close when the clinical needs of the remaining patients have been addressed in more appropriate settings such as additional community residences, day hospitals and day centres together with a substantial increase in the number of the well-trained, fully staffed, community-based multidisciplinary Community Mental Health Teams as is recommended in “A Vision for Change”.

According to the census of inpatients in psychiatric hospitals and units there were 12,484 inpatients in 1984. This figure has been significantly reduced to 3,556 inpatients in 2004. The number of patients likely to be discharged from mental health hospitals, either home or to more appropriate treatment settings, will be a matter for clinical decision at the appropriate time and is a matter for the Health Service Executive.

General Medical Services Scheme.

192. **Mr. Quinn** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that notwithstanding the shortage of general practice doctors available to provide primary care, those who provide a GMS service are being forced to cease their work on reaching retirement age despite the fact that they may be willing and fit to continue providing a primary care medical service; if this policy will be changed; and if she will make a statement on the matter. [20387/06]

210. **Mr. Gormley** asked the Tánaiste and Minister for Health and Children the reason the situation exists which forces general practitioners over seventy years of age to retire from the GMS scheme in view of the shortage of GPs generally; when there will be a review of this ageist policy; and if she will make a statement on the matter. [20556/06]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 192 and 210 together.

Under the GMS Scheme general practitioners hold one of two contract types i.e. the Fee per Item contract (first introduced in 1972) or the Capitation contract (effective from 1989). These contracts reflect the agreed outcome of negotiations between the Department of Health and Children and the GP representative body, the Irish Medical Organisation. Both contract types contain provisions which were agreed between the parties on a range of issues, including retirement age.

Under the Fee-per-Item contract it was agreed that a GP might hold the contract up to age 70. The terms of the Capitation contract which was agreed between the parties provides that GPs who entered into contracts on the date of its commencement could hold the contract up to age 70 and in all other cases the GP would hold the contract to age 65. Doctors may, of course, continue to practise as private practitioners and treat private patients following retirement from the GMS Scheme.

I am committed to ensuring that there is an adequate supply of doctors to meet the future manpower needs of the GMS Scheme. Following consultation with the Irish College of General Practitioners, in 2004, on the issue it was agreed to increase the number of GP trainee places on GP vocational training schemes nationally from 84 to 150, on a phased basis. I have provided additional funding of €2 million in 2005 and an additional €4 million in 2006 for this measure.

Child Support.

193. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children the cost and breakdown of each cost, of informing parents of the new early childcare supplement; and if she will make a statement on the matter. [20388/06]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): As the Deputy will be aware, there has been great interest from the public regarding the Early Childcare Supplement, and a number of Questions have been asked in this House about the arrangements for this payment. The payment has also been the subject of a large number of telephone queries, both to my Office, and to the Department of Social & Family Affairs which will be administering it on an agency basis.

In keeping with the commitment to deliver high standards of customer service, the recipients of Child Benefit in respect of children under the age of six, who would therefore be entitled to the Supplement, were written to in a mailshot earlier this month to inform them of the arrangements regarding the payment of this entitlement. This information is of significant interest to a great

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many parents who are looking forward to this additional support.

Printing costs of the mailshot have amounted to €28,014, and postage to a further €101,045, making the total cost €129,059. There will be a further mailshot closer to the date of the first payment which it is anticipated will amount to a similar sum. On this basis, the total costs for both mailshots are expected to be just under €260,000. I am satisfied that this represents a relatively small amount in the context of the overall cost of the payment, estimated at more than €350 million in a full year.

In addition, I am informed by the Department of Social & Family Affairs that, from the experience of similar mailshots in the context of Child Benefit, one of the results of the exercise is likely to be that there is no net cost, but rather a potential for savings arising which would exceed the costs involved. In the case of this initial mailshot, some 4,500 were returned to the Department of Social & Family Affairs as the addressees were no longer resident at the listed address.

While I understand that approximately 17% of these have subsequently transpired to be living at new addresses in the State, and therefore still entitled to Child Benefit and the Early Childcare Supplement, past experience suggests that a substantial percentage of the remaining addressees will transpire to be no longer entitled to either benefit, for example as a result of their having left the country.

Until the exercise of this control measure is concluded, it is not possible to say what the net cost, if any, will be of informing parents of these arrangements, but I remain confident that this exercise will both maximise customer service, and ensure the greatest level of value for money.

Nursing Home Charges.

194. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children when it is envisaged that repayment of illegal nursing home charges will commence; and if she will make a statement on the matter. [20389/06]

Tánaiste and Minister for Health and Children (Ms Harney): It is currently envisaged that repayments will commence shortly after the Health (Repayment Scheme) Bill 2006 is approved and signed into law and an outside company has been appointed to administer the repayment scheme.

The Health (Repayment Scheme) Bill 2006 provides a clear legal framework for a scheme to repay recoverable health charges for publicly funded long term residential care. The Bill was published on 16 March 2006 and committee stage of the Bill was completed in the Dáil on 24 May 2006. Report stage and final stage of the Bill are scheduled to take place on 31 May 2006. It is my wish that the important legislative proposals con-

tained in the Bill have a speedy passage through the Oireachtas prior to the summer recess.

The current public tendering process for the appointment of an outside company is at a very advanced stage and it is expected that a decision on the appointment of a preferred service provider will be made when the Board of the Health Service Executive meet on 1 June 2006. It is anticipated that the company will begin work on the scheme before the end of June 2006.

Adoption Services.

195. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if she will reply to a query (details supplied); and if she will make a statement on the matter. [20406/06]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): The Deputy has raised a number of matters which relate to legislation currently being drafted to update the arrangements for adoption in Ireland in line with best practice, current administrative arrangements and Ireland's commitment to the ratification of the Hague Convention on the Protection of Children and Co-operation on Intercountry Adoption.

I will first outline the current administrative arrangements that pertain regarding the release of adoption records in Ireland.

- The Adoption Board can and does release original birth certificates to adopted people based on applications received from adopted persons and the co-operation of the original placing agency. In only a small number of cases are such applications refused. The process involves contacting the original agency and working to support the applicant with the support of HSE services.
- In 2003, 39 applications were approved, 55 were awaiting further information from elsewhere and 3 were refused.
- In 2004, 53 applications were approved, 30 were awaiting a report from the placement agency and 4 were refused.

In addition, to these administrative arrangements, the Adoption Board operates an administrative mechanism which allows people affected by adoption to register their preferences on whether they want to be contacted. Joining the Contact Register does not preclude an adopted person from applying for the release of their original birth certification. In fact, many adopted people have been made aware of their right to apply for the release of their original birth certificate when making inquiries to the Board about joining the register.

This is a single register which allows the Adoption Board to identify individuals whose names are entered on the register who have expressed a

preference to have contact with one another. This is operating successfully. There is no “veto” register and no offences related to an individual’s choice of whether to be included on the register or not or whether to agree to contact subsequently. The Register is an addition to the existing tracing/reunion services run by the HSE Regional Adoption Services and registered adoption societies. It is anticipated that the legislation currently being drafted will reflect these administrative arrangements.

It is also proposed that the legislation will include a provision in relation to the role of the proposed new Adoption Authority vis-à-vis requesting information relating to any information or records held by anyone in relation to past adoptions. It is also intended that the Authority will have significant powers to inspect and copy records as well as to seize records not being properly maintained. Consideration is also being given to appropriate offences relating to the denial or obstruction of access to such records, or the tampering, interfering with or destroying of such records. The intention is to allow the Authority sufficient powers and access to records to carry out a range of functions associated with information and tracing for individuals affected by adoption.

The current administrative provisions relating to contact were drawn up with regard to the views of adopted persons, natural parents, adoptive parents, professionals working in the private and public adoption agencies as well as international best practice. The Register has been widely endorsed.

I believe that the Government’s actions to date and its intention to place these arrangements on a statutory footing should allay any fears related to the inappropriate withholding of information by third parties or any prosecution of persons seeking information.

Nursing Home Subventions.

196. **Mr. Bruton** asked the Tánaiste and Minister for Health and Children further to her reply to Parliamentary Question No. 198 of 4 April 2006, the way in which a refund can be obtained where a patient has been charged for extra services which are not permitted to be made under Article 16.1 of the Nursing Home Subvention Regulation, by the nursing home management; if her Department or the Health Service Executive will take the necessary action for recovery of the costs involved on behalf of a patient who has been in receipt of nursing home subvention; and if she will make a statement on the matter. [20431/06]

Minister of State at the Department of Health and Children (Mr. S. Power): Article 16.1 of the Nursing Homes (Subvention) Regulations 1993 provides that individuals resident in private nursing homes who are in receipt of a subvention

from the Health Service Executive may not be charged extra for any service which is considered to be essential to their maintenance in the home and common practice in most nursing homes. Such services include bed and board, nursing care appropriate to the level of dependency of the person.

As the management and delivery of health and personal social services are the responsibility of the Health Service Executive under the Health Act 2004, 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.

197. **Mr. Timmins** asked the Tánaiste and Minister for Health and Children the position in relation to the means assessment for the awarding of subvention for elderly people in nursing homes; if there has been a change in the assessment in relation to the patients homes under the value of €350,000; if the patient can still retain their house; if this will be assessed against them often resulting in the person having to sell the house in order to qualify for subvention; and if she will make a statement on the matter. [20447/06]

Minister of State at the Department of Health and Children (Mr. S. Power): As the Deputy may be aware, the Health (Nursing Homes) Act 1990 and the Nursing Homes Regulations 1993 provide for the payment of subvention for private nursing home care for applicants who qualify on both medical and means grounds. General rules for the Assessment of Means in respect of an application for Nursing Home subvention are set out in the Second Schedule of the Nursing Homes Regulations 1993 and as amended by the 2005 Regulations.

Under the Regulations the Health Service Executive when considering an application for subvention carries out a means test which takes into account the means of the applicant and his or her spouse/cohabiting partner, where appropriate and the assets of the applicant. The means test is carried out by the Health Service Executive and involves looking at the applicant’s income for the previous twelve months. Income from all sources is taken into account and is assessed net of PRSI, income tax and the health contribution and the income of a married or cohabiting person is taken to be half the total income of the couple. In assessing an applicant’s assets the first €11,000 of such assets is disregarded. The HSE may refuse to pay a subvention if an applicant has assets exceeding €36,000, (excluding their principal residence).

In relation to the principal private residence of an applicant, the HSE, under the 1993 Nursing Home Regulations may impute an income of 5% of the estimated market value of the principal residence of an applicant for subvention, unless

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the residence is occupied by a spouse or son or daughter aged less than twenty one years or in full time education or in receipt of a social welfare pension/allowance as set out in the 2005 regulations and generally does so unless there are exceptional circumstances.

The HSE may refuse to pay a subvention if the value of the applicant's principal residence is in excess of €500,000 or more (where the residence is located in the Dublin area) or €300,000 or more (where the residence is located outside the Dublin area) and the residence is not occupied by a spouse, a son or daughter aged less than twenty one years or in full time education or a relative in receipt of a social welfare pension/allowance as set out in the 2005 regulations.

The recently published Health (Nursing Homes) (Amendment) Bill 2006 is designed 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. It includes a provision to vary the 5% income imputation. I will be considering the issue of housing assets and long-term residential care following the enactment of this Bill and in the light of the report of the long-term care working group.

Health Services.

198. **Mr. Timmins** asked the Tánaiste and Minister for Health and Children the position in relation to home help or home care services for the South Eastern Health Board area; if there have been reductions in the allocation of funding (details supplied); if there has been a change in the funding; and if she will make a statement on the matter. [20448/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

199. **Mr. Timmins** asked the Tánaiste and Minister for Health and Children the position in relation to patients who have been brought to hospital after an accident and who later want to get their records, x-rays and so on to seek another opinion from a different doctor; if the patient needs the files as a matter of urgency, the steps the patient can take to secure their files; and if she will make a statement on the matter. [20449/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to have a reply issued directly to the Deputy.

Departmental Bodies.

200. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children the public bodies under the control of her Department; their function, role, location and establishment date; the administration costs of each body in the year 2005; and if she will make a statement on the matter. [20465/06]

Tánaiste and Minister for Health and Children (Ms Harney): The information requested by the Deputy is currently being compiled by my Department and will be forwarded to him as soon as it is finalised.

Nursing Education.

201. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children the reason An Bord Altranais are considering the removal of a midwifery qualification as a prerequisite for registration as a public health nurse; if this will impact on the care of mothers and babies in the community; and if she will make a statement on the matter. [20504/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Commission on Nursing, (Report of the Commission on Nursing, 1998), considered that registration as a midwife should no longer be a mandatory requirement for entry to the higher diploma in public health nursing or registration as a Public Health Nurse (PHN), as follows:

“ . . . in light of the range of services offered by public health nurses and the ongoing development of nursing and midwifery services in the community, registration as a midwife should no longer be a mandatory requirement for entry to the higher diploma in public health nursing or registration as a public health nurse. An alternative education programme relating more closely to the core generic maternal and child care service requirements of public health nursing should replace the mandatory midwifery requirement. The Commission recommends that the Board establish a working party composed of PHNs, health service providers and nurse educators to determine the content and duration of a course in maternal and child health, as an alternative to the mandatory midwifery qualification. (8.30).”

Accordingly, An Bord Altranais, which is broadly representative, consisting of 29 members, including 17 elected nurses from all divisions of the Register of Nurses, unanimously decided to remove the mandatory Midwifery requirement for Public Health Nursing, in July 2002. This change was reflected in the Nurses Rules which were signed by me in December 2004.

A Working Group was subsequently established by An Bord Altranais which included key stakeholder representation including Public Health Nursing course leaders, managers and clinicians. The purpose of this group was to develop the Maternal and Child Health module for nurses who do not have a midwifery qualification, and thereafter the Requirements and Standards for Public Health Nurse programmes which were published in August 2005. This will ensure that the removal of the mandatory midwifery requirement for public health nursing will not adversely impact on the care of mothers and babies in the community.

The new requirements will be implemented in the third level colleges from September 2007. I am confident that the ongoing development and regulation of the nursing profession which draws on the expertise and experience of nurses is in the best interests of those cared for by the health services.

Cancer Screening Programme.

202. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children when cervical screening will be rolled out nationally; when quarterly cervical smear clinics will be re-instated for persons living in County Roscommon; and if she will make a statement on the matter. [20505/06]

Tánaiste and Minister for Health and Children (Ms Harney): I am fully committed to the national roll out of a cervical screening programme in line with international best practice. My Department has requested the Health Service Executive to prepare a detailed implementation plan for a national programme. The plan is to have cervical screening managed as a national call/recall programme via effective governance structures that provide overall leadership and direction, in terms of quality assurance, accountability and value for money. All elements of the programme, call/recall, smear taking, laboratories and treatment services must be quality assured, organised and managed to deliver a single integrated service.

Significant preparatory work is well underway involving the introduction of new and improved cervical tests, improved quality assurance training and the preparation of a national population register. The Vote for the Health Service Executive includes an additional €9m for cancer services development in 2006, including the continuation of preparations for the roll out.

I consider that the programme should be best rolled out in the primary care setting, subject to affordable and acceptable arrangements being agreed. A review of the contractual arrangements for the provision by general practitioners of publicly-funded primary care services is being conducted at present, under the auspices of the Labour Relations Commission. I have requested that the general practitioner elements of a national cervical screening programme be tabled at these discussions. Any remuneration arrangements agreed must be capable of delivering a high uptake among women. Payments must be primarily based on reaching acceptable targets.

I am convinced that we must also have in place tailored initiatives to encourage take up among disadvantaged and difficult to reach groups. I wish to see the programme rolled out as quickly as possible but only when the essential infrastructure, organisation and services are in place that are quality assured and meet international standards.

The Deputy's question in relation to cervical smear clinics for persons living in County Roscommon 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 Staff.

203. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children if she intends to fulfil a written commitment to establish a no fault compensation scheme for psychiatric nurses; and if she will make a statement on the matter. [20509/06]

Tánaiste and Minister for Health and Children (Ms Harney): Psychiatric nurses can currently avail of the Revised Physical Assault Scheme 2001 which provides support to nurses who have suffered serious injury. This scheme provides for enhanced sick pay arrangements and medical expenses. In circumstances where a nurse is certified permanently unfit to resume duty they may be paid 5/6 of full salary until retirement. However, the psychiatric nurses have sought an additional compensation scheme for assaults in the course of their work. In 2002 a Taskforce was established to: examine the incidence of assaults on nurses and the level of injury therefrom; investigate the reasons for such assaults with a view to putting in place of effective preventative measures; put forward proposals for an appropriate compensation scheme for nurses injured through assault at work, such proposals to have regard to the special position of psychiatric nurses; and, prepare and present a report of its

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findings and recommendations to the Minister for Health and Children.

The then Minister for Health and Children undertook to accept and progress the findings of the Taskforce within an agreed time scale. The PNA acknowledged the complexities associated with the introduction of a Compensation Scheme for nurses assaulted in the course of their work. The Minister confirmed that the Government would have regard to the findings of the Taskforce as part of the decision making process on an appropriate compensation scheme.

In considering the Report of the Taskforce, complex legal and financial issues emerged in relation to aspects of the proposed scheme and their implications for the health service and the wider public service. As a result the Government decided in July 2005 not to introduce a “no fault” compensation scheme for psychiatric nurses. I confirmed this position to the nurses’ representatives at a meeting on 13 July 2005.

Following the Government decision it was decided to request the State Claims Agency (SCA) to examine the possibility of amending the Revised Serious Physical Assaults Scheme (2001) to include a fixed redress fund for physical injury caused by assault at work. The SCA was requested to report on the feasibility, implications and estimated costs of this option. The report of the SCA was received by my Department in December 2005.

Further consultations have taken place with the Department of Finance, the SCA and the Office of the Attorney General. This issue was recently discussed at the Labour Relations Commission (LRC) and a further meeting under the auspices of the LRC will take place on July 5th 2006. I expect to be in a position to bring the matter to Government for further consideration in the next few months.

Drug Costs.

204. **Mr. Callely** asked the Tánaiste and Minister for Health and Children the reason some prescription medications cost significantly more here than in Ireland’s European neighbours such as Spain and Portugal. [20516/06]

205. **Mr. Callely** asked the Tánaiste and Minister for Health and Children the action which is being taken to address the price disparity of some prescription medications when comparing prices in Ireland’s European neighbours such as Spain and Portugal. [20517/06]

206. **Mr. Callely** asked the Tánaiste and Minister for Health and Children her plans to adjust the formula agreed with the Irish Pharmaceutical Health Care Association and the Department of Health and Children that links Irish prices of prescription medications to Denmark, France, Germany, the Netherlands and Britain which

reflects Ireland’s proximity but means that the cost structure here reflects Northern European prices which are much higher than the EU average; and if she will make a statement on the matter. [20518/06]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 204 to 206, inclusive, together.

As, through their national reimbursement schemes, EU member states are the main purchasers of medicines in their domestic markets, they naturally seek to control drug prices, but the extent of this control varies widely. Higher priced countries, such as the UK and Germany, rely more on market forces to set prices. Spain and Portugal, on the other hand, closely regulate and control prices. Ireland’s pricing policy is somewhere in the middle of the European league as, with its relatively small market, it must seek to balance value for money in state drug spending with reliability and continuity of supply for essential products.

Price comparison in different markets is difficult. Patent protection in Ireland allows originator companies exclusive rights to the market for ten years for new medicines. In Spain, until 1992 there was no intellectual property protection for medicines and no patent protection for new products. This has kept prices down, but may change with patent and intellectual property exclusivity, although the long lead-in time for product development and patenting will inevitably delay this. In addition, some products that are prescription-only in Ireland are available without prescription in Spain. While the removal of prescription status for certain products may produce lower prices in Ireland, these products would no longer be reimbursed by the State.

I have previously expressed concern about the sustainability of the increasing cost to the Exchequer of drugs and medicines. It is essential to secure maximum value for money for this spending. All aspects of the drug delivery system, from the manufacturer to the patient, are being reviewed by my Department and the HSE. A number of possible measures to address the rapidly rising medicine costs being incurred by the State are being considered. These include greater access to the benefits of post-patent competition and addressing supply chain costs, such as wholesale and pharmacy mark-ups.

Negotiations are currently underway with the Irish Pharmaceutical Healthcare Association (IPHA) on a new national pricing and supply agreement for the supply of medicines to the health service. The agreement covers all reimbursable prescription medicines in the GMS and community drug schemes and all medicines supplied to hospitals and the HSE. The level at which Irish prices are indexed to those in other EU member states is among the issues being addressed in these negotiations.

I must stress that no single measure will contain the rate of increase in expenditure on medicines and drugs. Indeed, international experience has shown that this is a very difficult task, as the sophistication and range of treatments continue to increase along with increased expectations on the part of patients.

Hospital Staff.

207. **Mr. Callely** asked the Tánaiste and Minister for Health and Children the progress of talks with the Irish Hospital Consultants Association on a new contract for specialist doctors; when she expects the talks to conclude; if the outcome will have a positive effect on the waiting times in accident and emergency; and if she will make a statement on the matter. [20519/06]

Tánaiste and Minister for Health and Children (Ms Harney): Talks on a new contract commenced on 24th November 2005 under the independent chairmanship of Mr. Mark Connaughton SC. At that meeting, and at a further plenary meeting in December, both the IHCA and the IMO indicated that they required a number of issues to be addressed before they could engage in substantive negotiations on a new contract.

A position paper outlining proposals on a new employment contract for consultants working in the public health system was tabled by management at a plenary meeting on 26 January 2006. This paper includes such items as:

Consultant-provided service — a service delivered by teams of consultants, where the consultants have a substantial and direct involvement in the diagnosis, delivery of care and overall management of patients.

As part of a consultant-provided service, consultants will treat all patients and will be remunerated exclusively on a salaried basis. i.e they will not receive additional remuneration for treatment delivered to insured patients.

A commitment to public sector service alone will mean that consultants will treat patients only within the public hospital or public community facility.

Each consultant's commitments will be set out in an Annual Work Plan — supported by a series of performance indicators and review mechanisms. Work Plans will be in line with clinical need, the nature and volume of clinical workload and the 24/7 nature of health services.

Consultants will work a 39-hour commitment over the 24/7 period agreed and detailed in the Work Plan — varying by speciality and location. Work Plans will follow a framework developed at national level and will be agreed/reviewed annually by consultants, Clinical Managers and management.

Each Work Plan will detail specific duties — for example; emergency commitments, operating time, ward rounds, outpatient clinics and diagnostic work; regular on-call commitments and involvement in supporting professional activities, audit and competence assurance.

Each consultant will work as an integral part of a multi-disciplinary team which is led and managed by a Clinical Director.

As a member of the team, consultants will make decisions regarding the care, treatment and discharge of patients during the absence of a consultant colleague who has lead responsibility for such patients. As a member of a team, each consultant will be incentivised to increase productivity through a performance-related awards scheme.

The primary role of a Clinical Director will be to manage and plan how services are delivered. Clinical Directors will be appointed by the employing authority; develop and implement protocols for service delivery; will have significant responsibility for how services are delivered and will be accountable for the use of resources.

Medical Education and Training — Contracts can be constructed for certain Consultants that will allow for a defined and measurable commitment to medical education and training/research.

The medical organisations have thus far not engaged in substantive discussions on these proposals. At a further meeting on 9 February the talks were adjourned without any further date being set for their resumption. The independent chairman has, however, maintained contact with both sides.

I met a delegation from the IHCA on 12th May 2006. At that meeting, I indicated to the delegation that any outstanding issues would be most appropriately addressed in the context of direct discussions with management. To this end, I emphasised the need for talks to resume as soon as possible. I understand that in response to this, the IHCA has now made contact with the independent chairman with a view to arranging a further meeting with health service management.

As I have mentioned, management will be seeking the provision of a consultant-delivered service, as opposed to the existing consultant-led service, on a 24/7 basis. The introduction of such a service will result in a decrease in waiting times in many areas, including Accident and Emergency.

Health Services.

208. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children the reason older people resident in County Mayo have to wait five months for a basic eye test, while persons in Sligo

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and Galway have to wait only one week; her views on whether this is a disgraceful situation with terrible consequences for older people and is not acceptable; and if she will make a statement on the matter. [20543/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Medical Cards.

209. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in County Clare has not qualified for a medical card; and if she will make a statement on the matter. [20555/06]

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.

Question No. 210 answered with Question No. 192.

Legislative Programme.

211. **Mr. Gormley** asked the Tánaiste and Minister for Health and Children when the draft of the proposed Insurance Bill in relation to those infected with Hepatitis C or HIV through contaminated blood or blood products by the State will be released; the reason for the delay in enacting this legislation; the further reason a meeting between her Department and a group (details supplied) scheduled for 11 May 2006 did not take place; the reason no alternative date was fixed; and if she will make a statement on the matter. [20557/06]

Tánaiste and Minister for Health and Children (Ms Harney): The process of drafting the legislation to establish the insurance scheme, which is both complex and innovative, is almost complete. As soon as I receive the final agreed text from my legal advisors I will submit it to the Government for approval and will publish it as soon as Government approval is received. The legislation is included as a priority in the Government's Legislative Programme for the current session

and it is my firm intention that the enabling legislation will be enacted before the Summer recess. In relation to the enquiry from the Deputy regarding the meeting on 11th May, the meeting was postponed because I did not have the final text of the legislation at that point but I have assured the representative groups that I will set a date to meet them as soon as I have the final text.

Health Services.

212. **Mr. Wall** asked the Tánaiste and Minister for Health and Children the status of a nursing home facility (details supplied) in County Carlow; and if she will make a statement on the matter. [20568/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Services for People with Disabilities.

213. **Mr. Bruton** asked the Tánaiste and Minister for Health and Children if she will confirm that the Health Service Executive are allowing buses which carry adults with intellectual disability to training centres, workshops, and day activity units to travel throughout the country without proper escorts; if she will confirm that this practice is taking place; and if she will make a statement on the matter. [20575/06]

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.

214. **Mr. Bruton** asked the Tánaiste and Minister for Health and Children the action she has taken to implement the National Disability Authority's National Standards for Disability Services; the action she has taken to put in place the relevant authority to oversee the standards for same; and if she will make a statement on the matter. [20576/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Draft National Standards for Disability Services developed jointly by the Department of Health and Children and the National Disability Auth-

ority have been received by the Minister who has referred them to the interim Health Information and Quality Authority (HIQA) for attention.

As the Deputy may be aware a public consultation process on the draft Heads and General Scheme of the Health Bill 2006 which provides for the establishment of the Health Information and Quality Authority (HIQA) and the Office of the Chief Inspector of Social Services, as an office within HIQA, on a statutory basis, concluded on Friday 26th May, 2006. The draft Heads of the Bill provide for:

- the establishment of HIQA,
- the establishment, within HIQA, of the Office of the Chief Inspector of Social Services,
- the establishment of a registration system for residential services for children in need of care and protection, for persons with disabilities and for older people.

It is intended to bring the final draft Scheme and Heads of a Bill to Government as soon as possible to seek approval to draft the Bill. It is intended to bring the Bill before the Oireachtas later in the year.

Hospital Services.

215. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the position regarding the provision of x-ray facilities at a location (details supplied) in County Mayo; the progress which has been made in this matter since the last reply by the Health Service Executive of 16 February 2006; and if she will make a statement on the matter. [20587/06]

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.

216. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children the number of people receiving methadone maintenance treatment; the year in which methadone maintenance was first introduced into our treatment services here for heroin misuse; the amount spent on such treatment each year to date since its introduction; and if she will make a statement on the matter. [20592/06]

217. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children the number of persons who have begun methadone maintenance

treatment nationally in each of the past five years; the number of persons who have successfully completed methadone maintenance programmes and are now completely drug free in each of these years; and if she will make a statement on the matter. [20593/06]

218. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children if the methadone maintenance programme has been independently evaluated; the main findings of such evaluation; and if she will make a statement on the matter. [20594/06]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 216 to 218, inclusive, together.

The Deputy's questions relate to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

In relation to the Deputy's question regarding the issue of evaluation, a Report on the Review of the Methadone Treatment Protocol was published by my Department in May 2005. This report reviews the operation of the methadone protocol, the relevant regulations, and the report of the Methadone Treatment Services Review Group (1997). It also reviews the role and working relationships between the various service providers. A number of significant recommendations are made in the Review — aimed mainly at General Practitioners, Pharmacists, and the Implementation Committee, with an overall objective of acquiring a more structured input from the various stakeholders. The Review noted that the majority of submissions made to it acknowledge the success of the protocol and its implementation.

In addition, the National Advisory Committee on Drugs has commissioned and funded, a national longitudinal study, entitled the 'Research Outcome Study in Ireland' (ROSIE), to evaluate the effectiveness of drug treatment, including methadone, in Ireland from an outcomes' point of view. It is anticipated that twelve month preliminary findings of this study will be published later in the year.

Hospital Staff.

219. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children the number of surgeons in each acute hospital in the Health Service Executive western area; the number of procedures under each surgical category performed in each hospital in each of the past five years; the staffing compliment in each Department; her plans to develop these facilities and range of sur-

[Mr. Naughten.]

gical procedures; and if she will make a statement on the matter. [20601/06]

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 Service Staff.

220. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the number of speech and language therapists employed in County Monaghan; and if she will make a statement on the matter. [20610/06]

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.

221. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the number of speech and language therapists employed in County Cavan; and if she will make a statement on the matter. [20611/06]

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.

222. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the future of hospital facilities in Drogheda; if it is proposed to build a replacement hospital for Our Lady of Lourdes Hospital, Drogheda on a greenfield site; the possible locations under consideration for this project; and if she will make a statement on the matter. [20612/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and per-

sonal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Nursing Home Subventions.

223. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if nursing home subvention will be reviewed in the case of a person (details supplied) in County Kildare on foot of recent correspondence set down in the previous parliamentary question raised on this matter; and if she will make a statement on the matter. [20658/06]

Minister of State at the Department of Health and Children (Mr. S. Power): I have been advised that the Health Service Executive (HSE) issued a reply to the Deputy on the 15th May, 2006, in relation to Question No. 184.

Medical Cards.

224. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children when a medical card will issue to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [20659/06]

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.

Suicide Prevention.

225. **Mr. O'Connor** asked the Tánaiste and Minister for Health and Children her Department's plans to introduce a special action plan dealing with suicide; and if she will make a statement on the matter. [20685/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): "Reach Out" — A National Strategy for Action on Suicide Prevention was launched by the Tánaiste on 8th September 2005. This Strategy builds on the work of the National Task Force on Suicide (1998) and takes account of the efforts and initiatives developed by the former health boards and voluntary sector in recent years. In the course of the development of the Strategy, wide-ranging consultation took place throughout the country to draw on the experience, perspectives and ideas of the key stakeholders and interested parties. I

believe that this consultation process, combined with continuous monitoring of evidence and best practice has allowed for both an evidence-based and pragmatic approach to be taken in order to effect real change over the next 5 to 10 years.

The Strategy takes a combined public health and high-risk approach to the issue of suicide prevention. Four levels of action comprise the main body of the Report. These can be categorised as: a general population approach, a targeted approach, responding to suicide and information and research. At each level, Action Areas have been identified (26 in total) and specific points of action have been identified to be implemented in three phases over the coming years.

The National Office for Suicide Prevention was established by the Health Service Executive in September 2005 immediately following the publication of "Reach Out". This office oversees the implementation of the Strategy. This includes coordinating suicide prevention activities across the State, consulting widely in relation to the planning of future initiatives and ensuring best practice in suicide prevention.

In addition to existing funding, a further €0.5m was allocated in 2005 and €1.2m in 2006 to commence the implementation of the National Strategy for Action on Suicide Prevention.

Health Services.

226. **Mr. Morgan** asked the Tánaiste and Minister for Health and Children when speech therapy and physiotherapy will be provided to a person (details supplied) in County Louth as both were deemed necessary in 2004; the reason for the delay in providing treatment to this person; and if she will make a statement on the matter. [20866/06]

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.

227. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No. 109 of 1 March 2006, if three hours home help will be allocated to a person (details supplied) in County Clare; and if she will make a statement on the matter. [20867/06]

Minister of State at the Department of Health and Children (Mr. S. Power): I have been advised that the Health Service Executive (HSE) issued a reply to the Deputy on the 2nd May, 2006 in relation to Question No. 109.

228. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if an assessment for a cataract operation will be arranged for a person (details supplied) in County Kilkenny; the reason this person has been waiting eight months for the assessment which was requested by their general practitioner; if she will expedite the matter. [20898/06]

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.

229. **Mr. Ring** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Mayo will be called for an appointment in the ear, nose and throat clinic. [20899/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

Hospital Accommodation.

230. **Mr. O'Dowd** asked the Tánaiste and Minister for Health and Children the number and location of vacant intensive care beds in County Louth in the past month; if general practitioners have not been directly notified by the Health Service Executive alerting them to the situation as claimed in a newspaper article (details supplied); and if she will make a statement on the matter. [20900/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Charges.

231. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if the charges for hospital care at the Department of Psychiatry in St. Lukes, Kilkenny, will be set aside for a per-

[Mr. McGuinness.]

son (details supplied) in County Kilkenny in view of the circumstances and the fact that they are awaiting an outcome to their application for a medical card; and if she will expedite a positive response. [20901/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

Consultancy Contracts.

232. **Ms McManus** asked the Tánaiste and Minister for Health and Children in view of the fact that the reply to Parliamentary Question No. 172 of 5 April 2006 referred by her to the Health Service Executive and the reply to which was received in this Deputy's office on 19 May 2006 from the HSE does not give a response to the full extent to the question sent to her on 30 March 2006, if she will have same replied to in full; and if she will make a statement on the matter. [20921/06]

Tánaiste and Minister for Health and Children (Ms Harney): As was indicated in the Health Service Executive's reply to the Deputy which issued on 18th May, the National Hospitals Office commissioned a company, Tribal Secta, to conduct a process mapping exercise across ten acute hospitals nationally. The consultancy was procured under EU tendering regulations, which ensured openness and transparency. My Department is advised by the Executive that Tribal Secta and Mercury Healthcare, which provides stand-alone treatment centres at various locations in the United Kingdom, are both members of the Tribal Group plc.

Social Welfare Benefits.

233. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children when a supplementary welfare allowance will be processed for a person (details supplied) in County Clare; and if she will make a statement on the matter. [20922/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Community Welfare Service of the Health Service Executive (HSE) administers the supplementary welfare scheme on behalf of the Department of Social and Family Affairs. My Department has been in contact with that Department and I understand that arrangements are being made for a reply to issue to the Deputy.

Medical Cards.

234. **Ms McManus** asked the Tánaiste and Minister for Health and Children the number of persons holding medical cards broken down on a county basis in respect of the latest month for which figures are available. [20923/06]

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.

235. **Ms McManus** asked the Tánaiste and Minister for Health and Children the number of persons holding general practitioner only cards broken down on a county basis in respect of the latest month for which figures are available. [20924/06]

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.

236. **Mr. Ring** asked the Tánaiste and Minister for Health and Children if, in view of the situation of persons (details supplied) in County Mayo, home help within the region will be found; and if a further effort will be made to try and find somebody to provide the extra service to these people. [20930/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Orthodontic Treatment.

237. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children if it is proposed to change the 1985 Guidelines for Orthodontic Treatment; the reason crowding was not included in the 1985 Guidelines; if it is proposed to include

crowding as a requirement necessitating professional treatment; and if she will make a statement on the matter. [20931/06]

Tánaiste and Minister for Health and Children (Ms Harney): The aim of my Department is to promote the development of the treatment capacity of orthodontics in a sustainable way over the longer term. Given the potential level of demand for orthodontic services, the provision of those services will continue to be based on prioritisation of cases based on treatment need — as happens under the existing guidelines. These guidelines were issued in 1985 and are intended to enable the Health Service Executive (HSE), to identify in a consistent way those in greatest need and to commence timely treatment for them.

The HSE has informed my Department that it has established an Orthodontic Review Group. The terms of reference for the Group are:

- to review the recommendations of the Joint Oireachtas Committee Reports;
- to examine the recommendations within the operational remit of the HSE and to establish their status;
- to conduct an analysis of the HSE's existing orthodontic delivery structure and capacity. Based on that analysis, to make recommendations in that regard;
- the recommendations thus made to be costed and a time-frame for their implementation proposed.

The Orthodontic Review Group will report on its findings, including the issue of crowding raised by the Deputy, to the Chief Executive Officer of the HSE.

Medical Aids and Appliances.

238. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No. 125 of 6 April 2006, when a person (details supplied) in County Clare will be facilitated with a special armchair; and if she will make a statement on the matter. [20956/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has again requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

239. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No. 151 of 22 March 2006, when a person (details supplied) in County

Clare will be facilitated with an electric wheelchair; and if she will make a statement on the matter. [20957/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Investigations were made with the Parliamentary Affairs Division in the HSE and my Department has been informed that a reply was issued to the Deputy on 31st March 2006.

240. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No. 269 of 25 January 2006, when a person (details supplied) in County Clare will be facilitated with a wheelchair; and if she will make a statement on the matter. [20958/06]

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. 269 of 25 January 2006 is being finalised and will issue to the Deputy shortly.

Housing Aid for the Elderly.

241. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No. 142 of 28th March, 2006, when repairs will be carried out to a house under the housing aid for the elderly scheme for persons (details supplied) in County Clare; and if she will make a statement on the matter. [20981/06]

Minister of State at the Department of Health and Children (Mr. S. Power): I have been advised that the Health Service Executive (HSE) issued a reply to the Deputy on the 31st March, 2006 in relation to Question No. 142.

242. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No. 275 of 25 April 2006, when an application for housing aid for the elderly will be processed for a person (details supplied) in County Clare; and if she will make a statement on the matter. [20982/06]

Minister of State at the Department of Health and Children (Mr. S. Power): I have been advised that the Health Service Executive (HSE) issued a reply to the Deputy on the 5th May, 2006 in relation to Question No. 275.

243. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No 212 of 25 April 2006 when an application for housing aid for the elderly will be processed for a person (details

[Mr. P. Breen.]

supplied) in County Clare; and if she will make a statement on the matter. [20983/06]

Minister of State at the Department of Health and Children (Mr. S. Power): I have been advised that the Health Service Executive (HSE) issued a reply to the Deputy on the 5th May, 2006 in relation to Question No. 212.

244. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No. 213 of 25 April 2006, when works will be inspected for a person (details supplied) in County Clare under the housing aid for the elderly scheme; and if she will make a statement on the matter. [20984/06]

Minister of State at the Department of Health and Children (Mr. S. Power): I have been advised that the Health Service Executive (HSE) issued a reply to the Deputy on the 5th May, 2006 in relation to Question No. 213.

245. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No. 190 of 25 April 2006, the status of an application under the housing aid for the elderly scheme for a person (details supplied) in County Clare; and if she will make a statement on the matter. [20985/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has again requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

246. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No. 173 of 26 April 2006, the status of an application under the housing aid for the elderly scheme for a person (details supplied) in County Clare; and if she will make a statement on the matter. [20986/06]

Minister of State at the Department of Health and Children (Mr. S. Power): I have been advised that the Health Service Executive (HSE) issued a reply to the Deputy on the 5th May, 2006 in relation to Question No. 173.

247. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children the status of an application under the housing aid for the elderly scheme for a person (details supplied) in County Clare; and if she will make a statement on the matter. [20987/06]

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.

Medicinal Products.

248. **Ms McManus** asked the Tánaiste and Minister for Health and Children if, in view of the fact that there is an alternative treatment other than Methadone for opiate misuse, namely Buprenorphine, she will make Buprenorphine available to patients recovering from opiate abuse; and if she will make a statement on the matter. [20989/06]

Tánaiste and Minister for Health and Children (Ms Harney): The current position is that Buprenorphine can be prescribed to opiate users by addiction service consultants in specialist drug treatment clinics, where the prescription and dispensing of Buprenorphine is tightly controlled. The Irish Medicines Board has recently amended the authorisation for Buprenorphine to allow it to be prescribed by General Practitioners who have specialist training in its use. My Department is considering the implications of this revised authorisation, especially in view of the diversion potential of Buprenorphine in its current form.

Mental Health Services.

249. **Mr. Neville** asked the Tánaiste and Minister for Health and Children if she will provide details of the list of properties which will be disposed of under her policy of sale of assets in the mental health services; and the valuation of these properties. [20991/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I have been informed that the information requested by the Deputy is not available at this time. The identification of property assets which may be in excess of known HSE requirements and assessment of their value will be a key responsibility of the HSE National Director of Estates. It is understood that the HSE is currently in the process of recruiting for this position. Preliminary interviews for the post are scheduled for mid-June and the HSE intends that this key post will be filled as soon as practicable.

Health Services.

250. **Mr. O'Dowd** asked the Tánaiste and Minister for Health and Children the number and location of respite care beds available for the elderly in County Louth; the number available for the years 2004 and 2005; and if she will make a statement on the matter. [20992/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

251. **Mr. Wall** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Kildare will receive an appointment date for dental treatment, in view of the fact that the person was assessed as a priority case; and if she will make a statement on the matter. [20993/06]

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.

252. **Mr. Wall** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Kildare will receive an appointment date for dental treatment, in view of the fact that the person was assessed as a priority case; and if she will make a statement on the matter. [20994/06]

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.

253. **Ms O'Sullivan** asked the Tánaiste and Minister for Health and Children the number of long-stay elderly care public beds in the Health Service Executive mid western area; the number of such beds in 1997 and 2004; and if she will make a statement on the matter. [20995/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Cancer Screening Programme.

254. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children when breast screening will be available to women in the west and north west; and if she will make a statement on the matter. [21042/06]

Tánaiste and Minister for Health and Children (Ms Harney): I have met with representatives of BreastCheck and they are fully aware of my wish to have the programme rolled out to the remaining regions in the country as quickly as possible. For this to happen, essential elements of the roll out must be in place including adequate staffing, effective training and quality assurance programmes. Capital funding in the region of €21m has been made available to provide static screening units and five mobile units. My Department made additional revenue funding of €2.3m available to BreastCheck this year and approval has been given for an additional 69 posts to facilitate roll-out. BreastCheck is in the process of short-listing applicants to construct the new clinical units at the South Infirmary/Victoria Hospital, Cork and University College Hospital Galway. BreastCheck recently interviewed for Clinical Directors for both regions and has commenced the recruitment process for other essential staff.

The BreastCheck clinical unit in the Western Area at University College Hospital Galway will have two associated mobile units. The area of coverage is counties Galway, Sligo, Roscommon, Donegal, Mayo, Leitrim, Clare and Tipperary North Riding. 57,588 women are in the target population for invitation to screening, or 28,794 per annum. This is expected to result in the detection of in excess of 141 cancers per year in the first round of screening and a minimum of 71 per year in the subsequent rounds. BreastCheck is confident that the target date of next year for the commencement of roll out to the Southern and Western regions will be met.

255. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children when she will publish the Strategy for Cancer Control in Ireland; her plans to introduce a screening programme for bowel cancer for 60 to 69 year olds; and if she will make a statement on the matter. [21043/06]

Tánaiste and Minister for Health and Children (Ms Harney): National population based screening programmes for cancer are considered where clear evidence exists of benefit to the health of the whole population to be screened. There is evidence in relation to some specific cancers which show that population based screening can improve population health in terms of survival, morbidity and quality of life. Population based screening programmes for two specific cancers, breast and cervical, have demonstrated their efficacy and planning is underway for the national roll out of these two programmes to all regions in the country.

I have received a Strategy for Cancer Control in Ireland 2006 from the Chairman of the National Cancer Forum. As part of this work, the Forum developed a framework for evidence based decision making in relation to the introduction of population based screening programmes and applied the agreed criteria to colorectal cancer screening. My Department is currently examining the Strategy with a view to bringing proposals to Government shortly. I will publish the Strategy shortly thereafter.

Mental Health Services.

256. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No. 166 of 21 March 2006 regarding the number of children who are currently awaiting psychiatric assessment, the longest waiting time and average waiting time for assessment; and if she will make a statement on the matter. [21054/06]

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.

257. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No. 83 of 26 April 2006 the location of each of the 56 child and adolescent psychiatrists employed by the Health Service Executive; the number of those who are working full time in the public sector; the composition of the back-up teams available to each psychiatrist; and if she will make a statement on the matter. [21055/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): According to the National Hospitals Office, the location of child and adolescent psychiatrists employed by

the Health Service Executive is as shown in the table.

Child and Adolescent Psychiatrists	2005	2006
Eastern Region — East Coast	6	8
Eastern Region — North	10	11
Eastern Region — South West	16	16
Mid-West	4	6
Midland	2	4
North East	4	4
North West	3	3
South East	4	6
South	3	7
West	4	5
Total	56	70

I have asked the Health Service Executive to reply directly to the Deputy in relation to the number of psychiatrists working full time in the public sector and the composition of the back-up teams available to each psychiatrist.

Social Welfare Benefits.

258. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in County Clare was refused supplementary welfare allowance; and if she will make a statement on the matter. [21068/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Community Welfare Service of the Health Service Executive (HSE) administers the supplementary welfare scheme on behalf of the Department of Social and Family Affairs. My Department has been in contact with that Department and I understand that arrangements are being made for a reply to issue to the Deputy.

Health Services.

259. **Mr. Perry** asked the Tánaiste and Minister for Health and Children when a decision will be made by the Health Service Executive on a person (details supplied) in County Sligo; and if she will make a statement on the matter. [21069/06]

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.

Domestic Violence.

260. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children if she has approached the Department of Finance to request additional funding for the Health Service Executive to apply to frontline services in the violence against women sector; and if she will make a statement on the matter. [21070/06]

Tánaiste and Minister for Health and Children (Ms Harney): Funding for all health services has been provided as part of the HSE's overall vote for health and social services in 2006. Decisions concerning the allocation of resources for specific services such as that specified by the Deputy are a matter for the HSE. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Departmental Reports.

261. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children the date for the publication of the report, Sexual Assault Treatment Services — a National Review; and if she will make a statement on the matter. [21071/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The release of the report, 'Sexual Assault Treatment Services — a National Review' is currently being planned in this Department. A definitive date has yet to be decided. The report will, however, be released very shortly.

Health Services.

262. **Mr. Healy** asked the Tánaiste and Minister for Health and Children if she will remove the funding cap on services addressing violence against women; if she will approve funding to meet the deficit in 2006 to an organisation (details supplied) in County Tipperary; if funding for the necessary development of this service will be provided; and if she will make a statement on the matter. [21072/06]

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.

263. **Mr. Healy** asked the Tánaiste and Minister for Health and Children if she will remove the funding cap on services addressing violence against women; if she will approve funding to meet the €20,000 deficit in 2006 of an organisation (details supplied) in County Tipperary; if funding will be provided for the necessary development of services there including outreach and training needs; and if she will make a statement on the matter. [21073/06]

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.

264. **Mr. McHugh** asked the Tánaiste and Minister for Health and Children if she will liaise with the Health Service Executive west region to ensure that the free transport facility which was heretofore available to dialysis patients be maintained; and if she will make a statement on the matter. [21096/06]

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.

265. **Mr. Timmins** asked the Tánaiste and Minister for Health and Children the breakdown by county of the Health Service Executive capital project spending plan for the period 2006 to 2010; the amount of funding which has been allocated to each county; and if she will make a statement on the matter. [21100/06]

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 expenditure under 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.

Child Care Services.

266. **Mr. Ring** asked the Tánaiste and Minister for Health and Children if environmental health officer reports on early childcare units are outside the scope of Freedom of Information; if so, the reason, in view of the fact that the Health Service Executive report on this matter is site specific and makes reference to EHO reports; the further reason a previous question (details supplied) in this regard was not responded to by the Parliamentary Affairs Division of the HSE; and if she will make a statement on the matter. [21116/06]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): As the Deputy's Question no 72 dated 27th April 2006 related to the delivery of health and personal social services my Department, as indicated in my reply, asked the Parliamentary Affairs Division of the Health Service Executive (HSE) to reply directly to the Deputy. My Department has been informed by the Parliamentary Affairs Division of the HSE that a direct reply was furnished to the Deputy on the 19th of May 2006.

Medical Cards.

267. **Dr. Upton** asked the Tánaiste and Minister for Health and Children the reason a person (detailed supplied) in Dublin 6W has not received a response to their application for a medical card; when a response will be made; and when a decision in this case is likely to be made. [21117/06]

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.

Disabled Drivers.

268. **Dr. Cowley** asked the Minister for Finance the reason a person (details supplied) in County Mayo did not meet the medical criteria in their claim for disabled drivers tax concession; and if he will make a statement on the matter. [20412/06]

Minister for Finance (Mr. Cowen): I understand that the person concerned has applied for the tax concessions under the Disabled Drivers and Disabled Passengers (Tax Concessions) Scheme and that she has been unsuccessful at first instance and on appeal to the Medical Board of

Appeal for the Scheme. I have no direct responsibility for the day-to-day operation of the Medical Board of Appeal for the Disabled Drivers and Disabled Passengers (Tax Concessions) Scheme. Queries regarding individual cases may be addressed to the Secretary of the Disabled Drivers Medical Board of Appeal, c/o the National Rehabilitation Hospital, Dún Laoghaire, County Dublin or alternatively by telephone at 01 2355279.

Departmental Properties.

269. **Mr. Naughten** asked the Minister for Finance if his Department has obtained temporary accommodation for the District Veterinary Office in County Leitrim; the cost of the lease and the period of such a lease; and if he will make a statement on the matter. [20458/06]

Minister of State at the Department of Finance (Mr. Parlon): Following an advertisement in the national & local press seeking temporary office accommodation in Drumshanbo, a number of premises were inspected and evaluated against the Department of Agriculture & Food's requirements. Terms were invited from the owners of the two premises offered, which were judged to be capable of meeting the interim accommodation requirement, and following further evaluation, premises have been selected in consultation with the Department. Subject to valuer advice on the rental terms being sought, it is hoped to finalise the lease of the premises in question for a period of two years, (and quarterly thereafter, if necessary).

270. **Mr. Naughten** asked the Minister for Finance the reason a public tender has not been sought for a project (details supplied) in County Leitrim; and if he will make a statement on the matter. [20459/06]

Minister of State at the Department of Finance (Mr. Parlon): At present the Office of Public Works are arranging for temporary accommodation for their client at this location. Regarding the permanent accommodation various factors including pressure on design resources have prolonged the preparation of tender documents. It is now expected that tenders will be invited later this year.

Financial Services Regulation.

271. **Mr. Penrose** asked the Minister for Finance the profits reported by insurance companies in the non-motor vehicle sections, who operate in the Irish markets for each of the years 2003, 2004, 2005 and to date in 2006 if appropriate; and if he will make a statement on the matter. [21110/06]

Minister for Finance (Mr. Cowen): Information of this nature is submitted to the Financial Regulator and published annually in the Insurance Statistical Review, which is laid before both Houses of the Oireachtas. The most recent figures available were published in September 2005 in the Financial Regulator's Insurance Statistical Review 2004. I assume the Deputy is referring to underwriting profits. The total non-life underwriting profits reported in the State less those on motor insurance, were EUR204 million in 2003 and EUR360 million in 2004. The corresponding figures for 2005 are in the process of being collated and will be published later in the year. The 2006 figures are not yet available.

Pension Provisions.

272. **Mr. Morgan** asked the Minister for Finance the percentage of GDP spent by the State on contributory and non-contributory public pension schemes in each of the past 10 years. [21205/06]

286. **Mr. Morgan** asked the Minister for Finance the direct expenditure by the State on contributory and non-contributory public pension schemes in each of the past 10 years. [21114/06]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 272 and 286 together.

The Deputy will be aware that as Minister for Finance I have primary responsibility for Civil Service pensions. Other Ministers have primary responsibility for pensions in their own respective areas. Nonetheless, the figures set out in the table represent the Exchequer Pensions Bill, net of contributions, for the years 1996 to 2005 and include pensions paid to the following sectors: Health, Education, Civil Service, Garda, Defence Forces and Non-Commercial State Bodies. The figures do not include pension payments to Local Authority staff (whose pensions are paid from the Local Government Fund), Universities, Commercial State Bodies and other miscellaneous bodies.

Exchequer Pensions Bill 1996-2005

Year	€M	% of GDP
1996	463	1.02
1997	532	.79
1998	613	.79
1999	666	.74
2000	750	.73
2001	876	.76
2002	985	.77
2003	1,107	.82
2004	1,256	.86
2005	1,367	.86

Tax Code.

273. **Mr. Haughey** asked the Minister for Finance if the Revenue Commissioners will issue a tax rebate to a person (details supplied) in Dublin 5 who was made redundant four years ago; and if he will make a statement on the matter. [20408/06]

Minister for Finance (Mr. Cowen): I have been advised by the Revenue Commissioners that the taxpayer's claim to repayment which was received on 30 March last has now been processed. A cheque for the refund due will issue shortly.

Departmental Bodies.

274. **Mr. Naughten** asked the Minister for Finance the public bodies under the control of his Department; their function, role, location and establishment date; the administration costs of each body in the year 2005; and if he will make a statement on the matter. [20466/06]

Minister for Finance (Mr. Cowen): The table sets out the name, function, location, and establishment date in respect of bodies under the aegis of my Department. As regards administrative costs funding for 2005 this is shown where provided from Exchequer funding.

Body Name	Function/role	Location and Establishment Date	Administrative Costs in 2005*
Office of the Revenue Commissioners	Collection and administration of all taxes and duties, enforcement of import and export controls. Also advises the Minister for Finance on budgetary and other issues in relation to taxes and duties. Revenue carries out agency work for other Departments and cooperates with other state agencies in the fight against drugs.	Dublin Castle, Dublin 2. Establishment date: 1923	€ 386,402,000
Office of the Appeals Commissioners	Body set up to support the independent Commissioners in the hearing of appeals by taxpayers against decisions of the Revenue Commissioners concerning taxes and duties, i.e. income tax, corporation tax, value-added tax, stamp duty.	8th Floor, Fitzwillton House, Willton Place, Dublin 2 Establishment date: 1923	394,000
Office of Public Works	Management and maintenance of Government property portfolio, project management for building construction, flood relief and arterial drainage projects, including the provision of architectural and engineering services. Provision of office accommodation for the Government decentralisation programme. Responsibility for conservation and maintenance of heritage buildings. The Government Supplies Agency as part of the OPW has responsibility for the central management of Government procurement and publications.	51 St. Stephen's Green, Dublin 2 Establishment date: 1831	42,141,000
Public Appointments Service	The centralised independent provider of recruitment, assessment and selection services for the Civil Service. It also provides recruitment and related human resource advisory services to Local Authorities, the Health Service Executive, An Garda Síochána and other public bodies.	Chapter House, 26-30 Abbey Street Upper, Dublin 1 Establishment date: 2004	12,486,000
Commission for Public Service Appointments	Regulates recruitment to the Civil Service and certain other Public Service Organisations. Grants licences to certain public service bodies to recruit on their own behalf or with assistance of private sector recruitment agencies approved by the Commission.	Chapter House, 26-30 Abbey Street Upper, Dublin 1 Establishment date: 2004	737,000
State Laboratory	Provides a comprehensive analytical and advisory service to Government Departments and Offices, thereby enabling them to implement their regulatory programmes and attain their strategic objectives.	Young's Cross, Celbridge, Co. Kildare Establishment date: 1924	11,781,000
Office of the Ombudsman	Investigates, under the direction of the Ombudsman, complaints about administrative actions, delays or inaction adversely affecting persons in their dealings with Government Departments, local authorities, the Health Service Executive and postal service.	18 Lower Leeson Street, Dublin 2 Establishment date: 1980	2,976,000

Body Name	Function/role	Location and Establishment Date	Administrative Costs in 2005*
Office of the Information Commissioner	<p>Body set up to support Information Commissioner who reviews (on application) decisions made in relation to Freedom of Information requests and makes binding new decisions. The Commissioner keeps the operation of the Act under review with a view to ensuring maximum compliance and prepares and publishes commentaries on the practical operation of the Act.</p>	<p>18 Lower Leeson Street, Dublin 2 Establishment date: 1997</p>	<p>€ 1,908,000</p>
Office of the Standards in Public Office Commission	<p>An independent body which supervises the Ethics in Public Office Acts, 1995 and 2001 insofar as they apply to office-holders (e.g. An Taoiseach, Ministers and Ministers of State), the Attorney General, ministerial special advisers, senior civil servants and directors and executives of specified public bodies.</p>	<p>18 Lower Leeson Street, Dublin 2 Establishment date: 2001</p>	<p>886,000</p>
Valuation Office	<p>Establishment and maintenance of a uniform and equitable valuation base on which commercial rates are raised by local authorities. It also provides a property valuation consultancy service to Government Departments and Offices.</p>	<p>Irish Life Centre, Abbey Street Lower, Dublin 1 Establishment date: 1830</p>	<p>9,547,000</p>
Valuation Tribunal	<p>The Valuation Tribunal is an independent body set up to deal with appeals against decisions of the Commissioner of Valuation on the rateable valuation of commercial properties and appeals against determinations of market value on derelict sites made by local authorities.</p>	<p>Ormond House, Ormond Quay Upper, Dublin 7 Establishment date: 1988.</p>	<p>269,268</p>
Review Body on Higher Remuneration	<p>A standing body which makes recommendations to Government on the remuneration of political office-holders, the judiciary, civil servants from Assistant Secretary level upwards, top local authority and health service posts, the Commissioner ranks in Garda Síochána, the General ranks in the Defence Forces, the chief executive officers of non-commercial state-sponsored bodies and other top public service posts.</p>	<p>7th Floor Lansdowne House Lansdowne Road Dublin 4 Establishment date: 1969</p>	<p>110,000</p>
Public Service Benchmarking Body	<p>The Benchmarking Body is to carry out a benchmarking review, to report in the second half of 2007. It will examine the pay and jobs of specified grades and produce a report containing recommendations on the pay rates for these grades in the second half of 2007.</p>	<p>c/o 73-79 Lower Mount Street Dublin 2 Establishment date: 2000</p>	
Special EU Programmes Body	<p>The Special EU Programmes Body is the Managing Authority of the PEACE II programme as well as the Paying Authority and Managing Authority of the INTERREG IIIA Ireland Northern Ireland programme. The Department of Finance provides 46% towards the running costs of the Special EU Programmes Body. The balance is provided by the Department of Finance and Personnel in Northern Ireland.</p>	<p>Headquarters in Belfast and regional offices in Monaghan and Omagh. Establishment date: 1999 as part of the implementation of the Good Friday Agreement.</p>	<p>1,326,000</p>

[Mr. Cowen.]

Body Name	Function/role	Location and Establishment Date	Administrative Costs in 2005*
Central Bank and Financial Services Authority of Ireland	<p>The Central Bank and Financial Services Authority of Ireland (CBFSAI)</p> <p>The CBFSAI has two component entities:—</p> <p>The Central Bank, which has responsibility for monetary policy functions, financial stability, economic analysis, currency and payment systems, investment of foreign and domestic assets and the provision of central services; and</p> <p>The Irish Financial Services Regulatory Authority (Financial Regulator), which is an autonomous entity within the CBFSAI and has responsibility for financial sector regulation and consumer protection.</p>	<p>Dame St. Dublin 2.</p> <p>Address: Financial Regulator, PO Box 9138, College Green, Dublin 2</p> <p>Central Bank Establishment date: 1943 was re-structured and re-named as the Central Bank and Financial Services Authority of Ireland in 2003.</p>	€
Financial Services Ombudsman Council	<p>The Financial Services Ombudsman Council makes regulations under which the Ombudsman operates and determines the levies to be charged. The Council reviews efficiency and effectiveness, advises the Ombudsman and appoints the Financial Services Ombudsman and all Deputy Financial Services Ombudsmen.</p>	<p>c/o Financial Services Ombudsman Bureau, Regus House, Harcourt Centre, Harcourt Road Dublin 2</p> <p>Establishment date: 2004</p>	
Financial Services Ombudsman Bureau	<p>The Financial Services Ombudsman Bureau deals with eligible complaints from customers of regulated financial service providers by investigation, mediation and adjudication.</p>	<p>Regus House, Harcourt Centre, Harcourt Road, Dublin 2</p> <p>Establishment date: 2004</p>	
Credit Union Advisory Committee	<p>The Committee advises the Minister in relation to the improvement of the management of Credit Unions, the protection of the interests of Credit Unions and other matters relating to Credit Unions.</p>	<p>C/O Department of Finance, Government Buildings, Dublin 2</p> <p>Establishment date: 1966</p>	17,506
Financial Services Consultative Consumer Panel	<p>The Consultative Consumer panel monitors the performance by the Regulatory Authority of its functions and provides the Regulatory Authority with comments and suggestions on a range of other matters.</p>	<p>Financial Services Consultative Consumer Panel, c/o Financial Regulator, PO Box 9138, College Green, Dublin 2</p> <p>Establishment date: 2004</p>	
Financial Services Consultative Industry Panel	<p>The Consultative Industry Panel comments on policy or regulatory documents when requested by the Regulatory Authority and provides comments on levies and fees, on the Authority's draft estimate of income and expenditure and on a range of other matters.</p>	<p>Financial Services Consultative Industry Panel, c/o Financial Regulator PO Box 9138 College green Dublin 2</p> <p>Establishment date: 2004</p>	

Body Name	Function/role	Location and Establishment Date	Administrative Costs in 2005*
National Treasury Management Agency	<ul style="list-style-type: none"> (i) borrows moneys for the Exchequer and to manage the National Debt; (ii) manager of the National Pensions Reserve Fund; (iii) borrows on behalf of the Housing Finance Agency; (iv) provides Central Treasury Services to Local Authorities and VECS; (v) manages the surplus of the Social Insurance Fund; (vi) acts in the event of default by an issuer of securities under the Asset-Covered Securities Act 2001; (vii) manages the Dormant Accounts Fund; (viii) the State Claims Agency; and, (ix) is the body through which the National Development Finance Agency performs its functions. 	<p>Treasury Building, Lower Grand Canal Street, Dublin 2</p> <p>Establishment date: 1990 (under the National Treasury Management Agency Act 1990) State Claims Agency</p> <p>Establishment date: 2001 (under the National Treasury Management Agency (Amendment) Act 2000).</p>	<p>€22 million (of which debt management €11.4m, National Pensions Reserve Fund €4.4m, National Development Finance Agency €2.8m and State Claims Agency €3.4m).</p>
National Pensions Reserve Fund (NPRF) Commission	<p>To control, manage and invest the assets of the National Pensions Reserve Fund.</p>	<p>Treasury Building, Lower Grand Canal Street, Dublin 2</p> <p>Establishment date: 2001 (under the National Pensions Reserve Fund Act 2000)</p>	<p>€4.4million (see entry for NTMA).</p>
National Development Finance Agency (NDFA)	<ul style="list-style-type: none"> (i) To advise State authorities on the optimum means of financing the cost of public investment projects in order to achieve value for money; (ii) to advise State authorities on all aspects of financing, refinancing and insurance of such projects; (iii) to advance moneys and to enter into other financial arrangements in respect of projects approved by State authorities; (iv) to form companies for the purpose of securing finance for public investment projects; and, (v) to act as a Centre of Expertise to undertake the procurement of PPP projects (on an interim non-statutory basis in the first instance, pending legislation). 	<p>The National Development Finance Agency performs its functions through the National Treasury Management Agency, located at Treasury Building, Grand Canal Street, Dublin 2.</p> <p>Establishment date: 2003 (under the National Development Finance Agency Act 2002)</p>	<p>€2.8 million (see entry for NTMA).</p>

[Mr. Cowen.]

Body Name	Function/role	Location and Establishment Date	Administrative Costs in 2005 *
Ordnance Survey Ireland	The OSI is mandated under the OSI Act 2001 to provide a national mapping service in the State and provides and maintains spatial information to a range of private and public sector customers. The organisation is a leader in the use and development of mapping technologies and is a key player in the rapidly developing geographic information industry in Ireland.	Phoenix Park Dublin 8 Establishment date: 2002	€7million Grant-in-Aid
An Post National Lottery Company	An Post National Lottery Company is a limited liability company established under the Companies Acts, 1963 to 1986. It is a subsidiary of An Post. 80% of the issued share capital of the Company is held by An Post while the remaining 20% is held by the Minister for Finance. The Company's function is to operate the National Lottery in accordance with the provisions of the National Lottery Act, 1986.	Abbey Street Lr. Dublin 1 Establishment date: 1986	
Disabled Drivers Medical Board of Appeal	To process appeals, on medical grounds, under the Disabled Drivers and Disabled Passengers (Tax Concessions) Scheme	National Rehabilitation Hospital, Rochestown Avenue, Dún Laoghaire, Co. Dublin	€276,520
Sealúchais Árachais Teoranta	A holding company which oversees the business of Icarom plc (previously Insurance Corporation of Ireland under administration).	Establishment date: 1989 C/O Department of Finance, Government Buildings, Dublin 2 Establishment date: 1985	€1,597 paid to A&L Goodbody for secretarial fees in relation to Sealúchais Árachais Teoranta.

* Exchequer funding only.

Tax Code.

275. **Mr. Wall** asked the Minister for Finance the reliefs available to a person (details supplied) in County Carlow in regard to the cost of eye operations; and if he will make a statement on the matter. [20564/06]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that according to their records the taxpayer has not paid any tax since 2002. Therefore no relief is due to him for the medical expenses incurred.

Decentralisation Programme.

276. **Mr. Wall** asked the Minister for Finance the number of officials designated to decentralise to the information technology sector in Kildare as part of the decentralisation programme; the number of each category of official needed to have the office functional; and if he will make a statement on the matter. [20566/06]

Minister for Finance (Mr. Cowen): The Central Applications Facility identified the following posts as decentralising to Kildare to discharge certain functions of my Department. These staff are required to discharge the work of the units decentralising.

Principal	Assistant Principal	Higher Executive Officer	Executive Officer	Clerical Officer	Total
2	7	16	6	2	33

277. **Mr. Wall** asked the Minister for Finance the complement of officials designated to decentralise to Athy, County Kildare as part of the decentralisation process; the number of each

category of official needed to have the office functional; and if he will make a statement on the matter. [20567/06]

Minister for Finance (Mr. Cowen): The Central Applications Facility identified the following posts as decentralising to Athy to discharge the functions of the Office of the Revenue Commissioners. These staff are required to discharge the work of the decentralising units.

Principal	Assistant Principal	Higher Executive Officer	Executive Officer/ Staff Officer	Clerical Officer	Others	Total
7	25	47	74	92	5	250

Departmental Staff.

278. **Mr. Hogan** asked the Minister for Finance the number of civil servants employed by each Department for each year from December 1988 to 2005 inclusive; and if he will make a statement on the matter. [20598/06]

Minister for Finance (Mr. Cowen): The data in the table is based on information on serving non-industrial civil servants, on whole time equivalent basis, supplied by Departments/Offices to my Department. The figures for 2005 are provisional pending confirmation by Departments/Offices. Variations in the figures for individual Departments/Offices will be affected by the transfer of functions between Departments and from Departments to other state bodies over the period. In addition to these figures there is another 2,000 (approximately) industrial civil servants. This number is subject to seasonal factors and are mainly concentrated in the Office of Public Works and the Department of the Environment, Heritage and Local Government.

Total Wholetime Equivalents Serving Numbers of Non-industrial civil servants by Departments Dec 1988 — Dec 2005

(based on present Departmental structures)

Department/Office	31-Dec-88	31-Dec-89	31-Dec-90	31-Dec-91	31-Dec-92	31-Dec-93	31-Dec-94	31-Dec-95	31-Dec-96	31-Dec-97	31-Dec-98	31-Dec-99	31-Dec-00	31-Dec-01	31-Dec-02	31-Dec-03	31-Dec-04	31-Dec-05
Agriculture & Food	3,688.5	3,610	3,557	3,588	3,642.5	3,693.5	3,762	4,048	3,961	3,927.5	4,077.5	4,115	4,173.5	4,452	4,522.58	4,490.20	4,536.82	4,442
Arts, Sport & Tourism	66	65	64	69	71	98.5	102	117	116	107.5	114.5	107	113.5	109	429.4	436.60	407.13	166
Attorney General	29	30	32	34	32	35	37.5	53	61.5	61.5	69	73	81	97	113.5	111.50	105.9	116.73
Central Statistics Office	495	437.5	473	612.5	667.5	622.5	554	615	776	631	509.5	549	641.5	654	742.8	688.15	649.53	776
Chief State Solicitor	99	96	114	122	123	134	134.5	153	159.5	185	203.5	216	199.5	240.5	203	223.30	216.7	229.6
Civil Service Commission	28.5	70	104	106.5	95.5	92	96.5	103.5	96.5	101.5	125.5	164	173	193	171.8	150.45	144.9	148.3
Communications, Marine & Nat Resources	393.5	391.5	410	427.5	450	473.5	448	355	298.5	389	402.5	418	431	457	692.7	686.20	596.1	658
Community, Rural & Gaeltacht Affairs	228	228	244	236.5	258	286.5	304.5	328	551	615	610.5	714	751.5	857.5	220.83	244.43	251.46	247.7
Comptroller & Auditor General	80	68	79	78	76	82	115	130	127	126	124	120	131.5	116.5	151.8	159.80	156.8	162
Courts Service	684	690.5	684.5	691	715	756	759.5	790.5	824.5	844.5	851.5	886.5	924.5	1,010.5	1,033.91	1,059.27	1,097.11	1,026.2
Defence	457.5	443	436	439	445	437	439.5	434	422.5	425.5	431.5	434	423	427	415.1	410.10	403.25	393.41
Director of Public Prosecutions	16	16	16	20	21	24.5	26	27	30.5	30	32.5	33	38.5	61	162.9	166.50	173.8	168.53
Education & Science	841	815	807.5	814	832	801.5	780.5	919	905	899	950.5	965.5	1,104.5	1,180.5	1,287.7	1,326.80	1,381.01	1,613.13

Department/Office	31-Dec-88	31-Dec-89	31-Dec-90	31-Dec-91	31-Dec-92	31-Dec-93	31-Dec-94	31-Dec-95	31-Dec-96	31-Dec-97	31-Dec-98	31-Dec-99	31-Dec-00	31-Dec-01	31-Dec-02	31-Dec-03	31-Dec-04	31-Dec-05
Enterprise, Trade & Employment — Total	818.5	756	769	804.5	809	818	869.5	831	839.5	888	898.5	950	958	1,008.5	1,072.4	1,081.73	1,009.56	973
Environment & Local Government	763.5	741.5	789.5	804	790.5	789.5	812	813	800	797.5	797.5	829	860	910	1,344.54	1,361.28	1,238.29	1,255.73
Finance	552.5	524.5	550	562.5	531	533.5	514.5	527	513	511.5	508	531.5	571.5	627.5	644.19	600.81	579.49	587.09
Foreign Affairs — Total	725	726	771	768	793	793	862	978.5	1,056	970	989.5	1058.5	1,086	1,210.5	1,360.3	1,483	1,371.7	1,408.8
Health & Children	329.5	339	335	353	362.5	383	394	448.5	439.5	433	433	464	483.5	565	645.18	649.06	623.62	635.5
Justice, Equality & Law Reform — Total	3,532.5	3,652	3,995	4,263	4,446	4,428.5	4,645	4,670.5	4,709	4,868	5,187.5	5,619	6,073	6,418.5	6,741.88	6,869.23	6,898.83	6,726.42
National Gallery	13	13	12	12	12	13	16	19	19	19	18	18	17	17	31	30.00	25	25
Office of Public Works	918	832.5	821.5	803	830	833	812.5	812	581.5	538	525.5	536	562.5	556	562.83	559.76	620.39	653.69
Oireachtas	185	178	196	205	219	225	241.5	249	241	251	255.5	259.5	274	313.5	321.3	331.73	323.1	365.54
Ombudsman	27	33	34	33	33	32	30	36	38.5	42	51.5	56.5	61.5	68	75.7	74.20	73.7	75.86
Ordnance Survey	311	295	298	292	295	287	287	281	276	263.5	255.5	283.5	273.5	314	0	0.00	0	0
Presidents Establishment	9	10	10	13	13	13	14	13	12	14.5	17	16.5	16.5	19.5	20.5	22.50	21.5	22.5
Revenue Commissioners	6,066	6,035.5	6,017.5	6,136.5	6,106	6,009.5	6,038	6,211.5	6,040.5	5,977	5,926	6,032.5	6,175	6,451	6,441.6	6,425.72	6,515.14	6,362.15
Social & Family Affairs — Head Office	3,659.5	3,629	3,716.5	3,819	4,092	4,197	4,296	4,414.5	4,267	4,173.5	4,098.5	4,173.5	4,221	4,443.5	4,419.8	4,310.76	4,382.33	4,280.98
State Laboratory	60	58	61	67	66	73	75	74	72	71	72.5	72.5	75.5	86	89.1	92.70	90.4	91.3
Tánaiste	0	0	0	0	0	0	0	23	23	0	0	0	0	0	0	0.00	0	0
Taoiseach	117	114	119.5	118.5	126	125.5	126.5	178.5	179	164	162.5	186	186	207.5	218	224.40	219.6	213.28
Transport	581	584	585	584.5	587.5	595.5	624.5	685	655	618	612	600.5	626.5	655.5	499.67	501.35	471.21	504.74
Valuation Office	156	147	149	153	158	157.5	152.5	153	145.5	141.5	134	127.5	127	132	132.1	132.70	150.3	149.6
Overall Total	25,930.00	25,628.50	26,250.50	27,029.50	27,698.00	27,823.00	28,370.00	29,491.00	29,236.50	29,084.00	29,445.00	30,609.50	31,834.50	33,859.00	34,768.11	34,904.23	34,734.67	34,478.78

Flood Relief.

279. **Mr. Naughten** asked the Minister for Finance the 22 groups or persons who received a copy of the pre-feasibility report on Shannon flooding in October 2004; if he has received a response from any of the 22 groups; and if he will make a statement on the matter. [20600/06]

Minister of State at the Department of Finance (Mr. Parlon): A copy of the River Shannon Pre-Feasibility Study was issued to the following:

ESB
 ESB International
 Waterways Ireland × 3
 IFA
 Shannon Regional Fisheries Board
 Bord na Mona
 National Parks and Wildlife Service
 Shannon River Basin Management Project
 Central Fisheries Board
 Limerick County Council
 Clare County Council
 Roscommon County Council
 Limerick City Council
 South Tipperary County Council
 North Tipperary County Council
 Galway County Council
 Leitrim County Council
 Longford County Council
 Offaly County Council
 Westmeath County Council

To date, no responses have been received by OPW in respect of the report.

Pension Provisions.

280. **Mr. Deenihan** asked the Minister for Finance if he will amend existing legislation to allow persons who have invested in AVCs to a refund of their contributions in special circumstances such as serious illness; and if he will make a statement on the matter. [20891/06]

Minister for Finance (Mr. Cowen): I have been informed by the Revenue Commissioners that where an occupational pension scheme does not provide its members with maximum pension entitlements (i.e. two thirds of final remuneration at normal retirement age) an employee may top up his or her benefits by paying what are known as Additional Voluntary Contributions, or AVCs. An employee can contribute 15-40% of salary as between contributions to the occupational pension scheme and AVCs, depending on age, and claim full tax relief, subject to an overall annual earnings limit which is currently set at €254,000. Overall benefits as between the main scheme and

the AVCs may not exceed the maximum benefits permissible.

The Revenue Commissioners have also indicated that in the case of serious illness, provision already exists in the tax legislation governing pensions to facilitate the payment of early retirement benefits on ill-health grounds. This applies to benefits funded through AVCs as well as to the main scheme benefits. Whilst the level of ill health retirement benefits payable in any particular case will depend on the particular scheme rules and the type of scheme involved i.e. defined benefit or defined contribution, the legislation permits such benefits to be paid straight way, irrespective of the employee's age. In addition, the benefits to be paid in such circumstances are based, not on the actual service record of the employee, but on the service record that the individual could have attained if he or she had continued in service until normal retirement age.

An employee retiring on ill health grounds with AVCs need not use all of them to top-up main scheme benefits but has the option of using part of the AVCs to maximise his or her tax free lump sum under the main scheme and, where AVC funds remain, to avail of the ARF Option under which he or she can invest the AVCs in an approved retirement fund or take them as a lump sum taxable at the individual's marginal rate of tax. An individual availing of the ARF option is the beneficial owner of the assets in the ARF and has greater control and flexibility as to how the assets are invested and used.

The Revenue Commissioners also permit approved pension schemes to include a rule allowing for full commutation of a pension (including AVCs) if at the time it becomes payable the recipient is in exceptional circumstances of ill-health where the expectation of life is very short. A portion of the commuted pension in such cases will be exempt from tax with the remainder being taxed at 10%. In light of the fact that current legislation already facilitates the early payment of pension benefits, including AVCs to individuals with serious or terminal illness, I see no reason to change the legislation as suggested.

Tax Code.

281. **Mr. Noonan** asked the Minister for Finance the controls put in place by the Revenue Commissioners and the inspections carried out to ensure that cars being imported are valued at market value for the purposes of calculating Vehicle Registration Tax and that the value of extras are also taken into account; and if he will make a statement on the matter. [20978/06]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that there are a range of controls and procedures in place to ensure that imported cars are correctly valued for Vehicle Registration Tax (VRT) purposes. Legislation provides that motor distribu-

tors declare their opinions of the market value, known as the open market selling price, of cars, and of extras, supplied by them. These distributor declarations are subject to checks by Revenue to ensure their accuracy. Chargeable extras are also required to be declared as part of the registration process and VRT audit guidelines identify the non-declaration of extras as a risk area to be managed.

Registrations of new cars imported for supply through the motor distributor and motor dealer network, being the vast majority of new car importations, are subject to importation inspection in many cases. Motor distributors and motor dealers are also subject to the audits and inspections applicable to all businesses on an ongoing basis. Second hand cars are charged by reference to Revenue's current determinations of market value. The data is validated on an ongoing basis in a number of ways, including by reference to trade publications, price lists, trader opinions, actual selling prices and information collected during the course of audits. In addition, Revenue maintains records, from information supplied by distributors, of the types and values of the chargeable extras available. Revenue is therefore in a position to validate the values of extras declared and also to establish the value of undeclared extras. The VRT mainframe computer system is also programmed to depreciate the values of extras for second hand cars.

Used cars, and new cars imported outside the franchised networks, are assessed for VRT and subject to controls at the time of their declaration for registration in the State. Chargeable extras are required to be declared as part of the registration process. All cars presented for registration at vehicle registration offices are liable to inspection. In administering this control system it is however necessary to strike a balance between addressing all potential risks to Revenue and providing a fast and efficient service to customers. Consequently, not all cars are physically examined. Selection for physical examination is made on the basis of certain criteria, relating essentially to the age and value of the vehicle. All cars below a certain age and above a certain value are required to be examined. In addition a proportion of lower value, older cars are selected for discretionary checks on a part risk analysis, part random, basis. The declaration or otherwise of extras is dealt with as part of such examination.

The Revenue Commissioners are satisfied that the control and inspection arrangements currently in place are adequate and appropriate and that they achieve a reasonable balance between the requirements of customer service and the prevention of VRT evasion.

Decentralisation Programme.

282. **Mr. Naughten** asked the Minister for Finance if he will confirm that the Office of Public Works have purchased a site (details supplied);

the price paid for the site; when planning permission will be sought; if the OPW is seeking or has obtained temporary accommodation; and when will such accommodation be available; and if he will make a statement on the matter. [21044/06]

Minister of State at the Department of Finance (Mr. Parlon): The Commissioners of Public Works have informed me that they have agreed terms on a site in Roscommon Town for the decentralisation of the Land Registry. The contracts for sale are being processed by the Chief State Solicitor. Because the contracts have yet to be completed by both parties, it is not considered prudent to reveal the purchase price at this stage. The indicative date of the Decentralisation Implementation Group for completion of the building is mid 2009. The building will be constructed on a design build basis and the successful tenderer will be responsible for obtaining planning permission within the overall framework of the D.I.G.'s indicative timescale. Temporary accommodation has been located in a State owned property in the town. This is available immediately and will accommodate a small advance party.

State Property.

283. **Ms Enright** asked the Minister for Finance if, further to his parliamentary question response of 16 May 2006, the agencies which have raised concerns with regard to the main stairwell of the National Gallery of Ireland, Millennium Wing; if there have been incidents on the main stairwell which have given rise to concerns regarding the stairwell; and if so, the number and nature of these incidents; if the State Claims Agency, or other agency has been in contact with the Commissioners of Public Works with regard to any incident relating to the main stairwell or have raised any concern regarding the stairwell with the Commissioners of Public Works; and if he will make a statement on the matter. [21075/06]

Minister of State at the Department of Finance (Mr. Parlon): In December 2002, Ruairí Quinn, T.D. wrote to the Commissioners of Public Works on behalf of a constituent who expressed concerns regarding the main stairwell of the Millennium Wing building. At that time, the Commissioners of Public Works requested a detailed report from the Gallery's architects, Benson & Forsyth who advised that the stairs were in compliance with the relevant building regulations. Given that at that time, approximately 700,000 people had used the stairs without incident and that the day to day management of the building and stairs was a matter for the National Gallery, the Commissioners of Public Works asked the Gallery to monitor usage and revert if they encountered any problems.

[Mr. Parlon.]

In November, the State Claims Agency wrote to the National Gallery of Ireland in the context of a claim which had arisen. The National Gallery of Ireland forwarded a copy of this letter to the Commissioners of Public Works in December 2005. The National Gallery of Ireland has confirmed that, to date, four incidents concerning the Millennium Wing stairwell had been recorded. None of these incidents required hospital treatment. As advised in my previous answer, I have asked the Commissioners of Public Works to assess the main stairwell of the National Gallery and if necessary, take any action to ensure not only compliance with all relevant regulations but “best practice”.

Garda Stations.

284. **Caoimhghín Ó Caoláin** asked the Minister for Finance if he will assure residents on Lower Main Street, Buncrana, County Donegal that their arrangement to go through the Office of Public Works land currently occupied by the Garda station to gain access to the rear of their homes will be enshrined and safeguarded in any future sale agreement. [21095/06]

Minister of State at the Department of Finance (Mr. Parlon): The Commissioners of Public Works have no objection to local residents at Lower Main Street, Buncrana accessing their properties, from time to time, by entering the Garda Station in Buncrana. There are no plans to change this arrangement subject to local approval by the Garda Síochána at Buncrana Garda Station.

There are no plans at present to sell the property. Should it be decided to dispose of the property at a future date the issue of access will be considered at that stage.

Tax Code.

285. **Ms Shortall** asked the Minister for Finance the rate of VAT currently applying to a driving test; and the estimate of receipts from that source

in the last year for which figures are available. [21113/06]

Minister for Finance (Mr. Cowen): VAT does not apply to driving tests and consequently no VAT receipts arose from that source in 2005. I should explain that, in general, public bodies are exempt from VAT under the Sixth VAT Directive with which Irish law must comply. As such, public bodies do not charge VAT on their services and cannot recover VAT on goods and services which they purchase.

Question No. 286 answered with Question No. 272.

287. **Mr. Morgan** asked the Minister for Finance the cost of tax relief for private pensions in each of the past 10 years; and the average number of people who availed of such tax relief in each of those years. [21115/06]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that the relevant available information relates to the cost of tax relief on pension contributions by employers, employees and self-employed and the exemption from tax of income and gains in the pension funds. This information, together with the numbers of employee and self-employed contributors, is provided for the ten income tax years 1993-94 to 2002, the latest year for which it is available. The estimates of cost in relation to contributions by employers and contributions by employees are particularly tentative as this information is not captured in such a way as to enable more precise estimates to be compiled.

It should be noted that as PAYE taxpayers were charged to tax on their earnings in the period from 6 April to 31 December 2001 and self-employed taxpayers were assessed to tax for that short year on 74% of the profits earned in a 12 month accounting period, the cost figures will not be directly comparable with those of earlier or later years.

A married couple who has elected or has deemed to have elected for joint assessment is counted as one tax unit.

Income Tax relief relating to pension contributions

Estimated Cost	1993/94	1994/95	1995/96	1996/97	1997/98	1998/99	1999/00	2000/01	2001	2002
Cost of tax relief on contributions by employers and employees and exemption of income and gains in the pension funds*	€565m	€750m	€902m	€1.2bn	€1.5bn	€1.8bn	€2.2bn	€2.4bn	€1.8bn	€2.5bn
Numbers of employees contributing to approved superannuation schemes**	n/a	n/a	n/a	n/a	n/a	n/a	569,220	629,800	670,500	709,300
Cost of tax relief on 'Retirement Annuity Contracts' available to the self-employed and to employees not in occupational pension schemes	€54m	€66m	€72m	€91m	€91m	€116m	€181m	€205m	€185m	€251m
Numbers	52,200	59,200	62,800	67,000	72,200	92,900	104,500	109,300	109,600	110,600

*These are extremely tentative estimates.

**Calendar year figures sourced from annual reports of the Pensions Board.

Alternative Energy Projects.

288. **Mr. Gogarty** asked the Minister for Communications, Marine and Natural Resources the grants available for approved solar and solar heat panels on the front roof of standard three bedroom detached houses; and if he will make a statement on the matter. [20454/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Under the Greener Homes Scheme the level of grant aid available to domestic householders for the installation of solar panels is €300 per m² subject to a maximum of 12 m².

International Agreements.

289. **Dr. Upton** asked the Minister for Communications, Marine and Natural Resources if he will provide this Deputy with a copy of the separate statement issued pursuant to the EU Council of Ministers qualified majority vote to adopt a regulation on the conclusion of the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco; and if he will make a statement on the reason Ireland voted for the regulation. [20862/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): The statement Ireland made to the Council setting down its position on the Fisheries agreement in relation to the Western Sahara situation is as follows.

Ireland supports the conclusion of the Fisheries partnership Agreement between the European Community and the Kingdom of Morocco on the basis that it does not prejudice the long-standing position of the EU on the status of the Western Sahara. The EU continues to support the efforts of the UN Secretary General to encourage a negotiated solution which will allow the people of the Western Sahara to exercise their right to self-determination.

Ireland emphasises the importance of the future dialogue within the EU-Morocco Joint Committee foreseen under this agreement. It is essential that the Joint Committee make use of all instruments under the Agreement to ensure that the Agreement is implemented to the benefit of all the people concerned and in accordance with the principles of international law.

Ireland has been a firm supporter of the right to self-determination of the people of the Western Sahara, and the Government remains firmly committed to this principle. The legal advice of the Council's legal service is that the agreement does not entail a de jure recognition of Morocco's legal rights in respect of the area. Therefore there is not a conflict between Ireland's position on Western Sahara and its support for the agreement.

Alternative Energy Projects.

290. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he will take the necessary steps to develop the alternative energy sector to the extent required to ensure adequate and continuity of supply, maximum use of renewable and sustainable resources, the development of natural resources such as natural gas, oil or other mineral deposits, on or off-shore, reducing dependency on imported fuels and the need for compliance with the Kyoto principles having particular regard for this country's current and future economic needs; and if he will make a statement on the matter. [21039/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Government is fully committed to major development of renewable energy sources as well as to increasing energy efficiency and managing energy demand in order to reduce fossil fuel dependence, enhance environmental sustainability and limit carbon emissions.

We currently have a target to increase the amount of electricity from renewable energy sources to 13.2% by 2010. This target approximates to 1450 Megawatts of installed generating capacity. At present we have approximately 850 MW of renewable capacity connected to the grid and given that we have a further 3700 MW in the grid application process, we will exceed this target.

A further targeted package of excise relief for biofuels valued at €205m was announced in the Budget and will be rolled out from this year to 2010, enabling us to reach the initial target of 2% market penetration by biofuels by 2008. The scheme is calculated to achieve CO₂ savings of 257,000 tonnes by 2010 and represents 52% of the annual CO₂ reductions to be achieved through vehicle and fuel tax measures identified in the National Climate Change Strategy. We are also providing funding of up to €65m over a 5 year period for renewable energy schemes that includes grants for a range of renewable heat, electricity and transport initiatives.

Further challenging targets for renewable energy will be proposed in the forthcoming Energy Green Paper which will also take full account of the sustainable energy agenda as a shared ambition for the island as a whole. We are working closely with Northern colleagues in delivering joint approaches to renewable energy.

It is the Government's policy to actively encourage exploration for oil, gas and other minerals, through appropriate licensing and fiscal terms for the exploration and development of oil, gas and minerals both offshore and onshore.

Fisheries Protection.

291. **Mr. Eamon Ryan** asked the Minister for

Communications, Marine and Natural Resources the consultation process that is planned for the three person working group he has established to investigate the future of commercial drift netting for salmon; the administration system which has been established to assist this work; and the proposed timetable for the presentation of the groups recommendations and the implementation of a new salmon management regime. [21059/06]

Minister of State at the Department of Communications, Marine and Natural Resources

(Mr. Browne): Arising from my undertaking to follow the recommendations of the Standing Scientific Committee of the National Salmon Commission to fully align the management of the fishery with their scientific advice for 2007, I established the Independent Group, to which the Deputy refers, to examine the implications for the commercial sector in 2007 and beyond.

The Group will make recommendations on the options available to address any financial hardship arising for individuals involved in commercial salmon fishing from full compliance with the scientific advice for 2007.

The specific remit of the Group requires them to:

- Advise the Government of the implications of fully aligning with the scientific advice and in particular the hardship that may arise for individuals in coastal communities.
- Determine the scale of financial loss which will be experienced as a result of measures imposed on the commercial salmon fishery.
- Make recommendations, if appropriate, to address any financial hardship experienced.

- Consider the extent to which those stakeholders, who would be the main economic beneficiaries of more salmon being returned to the rivers, should contribute to any scheme, whether in cash or in kind including improved tourist access, and to
- Determine the implications for the angling sector.

The Group will be expected to draw on the reports already generated through the National Salmon Commission, by the National Fisheries Managers Executive and the Standing Scientific Committee and engage in appropriate consultation with relevant stakeholders. I understand that the group recently placed advertisements in the media inviting submissions from interested parties. The closing date for submissions is 30th June 2006.

The independent group is expected to present its report to me in September 2006. Secretariat support for the group is being provided by Bord Iascaigh Mhara.

In addition to the report of the group, I expect to receive advice from the National Salmon Commission's Standing Scientific Committee and the National Fisheries Managers Executive in November on which decisions for management of the fishery in 2007 will be made prior to the commencement of the fishing season.

Departmental Bodies.

292. **Mr. Naughten** asked the Minister for Communications, Marine and Natural Resources the public bodies under the control of his Department; their function, role, location and establishment date; the administration costs of each body in the year 2005; and if he will make a statement on the matter. [20467/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The information requested by the Deputy is outlined in the table.

Public Bodies under the aegis of the Department of Communications, Marine and Natural Resources

Body	Established	Function	Location	Admin. cost in 2005
Communications Sector An Post	1st January 1984	An Post is a major commercial organisation whose role is as follows: (i) to provide a national postal service with the State and between the State and places outside the State (ii) to meet comprehensively and efficiently the postal needs of the State and to satisfy the reasonable demand for such services (iii) to provide services by which money may be remitted (iv) to provide counter services for the company's own and Government business	Main Office is situated at the General Post Office, O'Connell Street. The Company also has a nationwide retail network.	€736.7 m
Digital Hub Development Agency	July 2003	The function of the Agency is to procure, secure the provision of and to promote and facilitate the development, including the carrying out of construction or maintenance works, of the digital hub as a location for digital enterprises and related activities;	Digital Hub Development Agency, Digital Exchange, Crane Street, The Digital Hub, Dublin 8	Total: €1,815,604 Travel & Subsistence 13,138 Office Rental 24,647 Office Services 785,738 Office Overhead 199,478 Insurance 113,829 Marketing & Advertising 162,124 Property Related Expenditure 103,582 Professional Services 94,234 Audit Fee 7,200 Depreciation 234,582 Bad Debts 62,363 Sundry 14,689
Marine Sector National Salmon Commission (NSC)	2000	The National Salmon Commission is a Statutory Body established to assist and advise the Minister in relation to the conservation, management, protection and development of the wild salmon and sea trout resource in Ireland	The Central Fisheries Board provides the secretariat for this Commission. See address below	€48,296

Body	Established	Function	Location	Admin. cost in 2005
<p>Central Fisheries Board (CFB) Eastern Regional Fisheries Board (ERFB) Northern Regional Fisheries Board (NRFB) North Western Regional Fisheries Board (NWRFB) Southern Regional Fisheries Board (SRFB) South Western Regional Fisheries Board (SWRFB) Shannon Regional Fisheries Board (ShRFB) Western Regional Fisheries Board (WRFB)</p>	1980	<p>The Central Fisheries Board has the function of supporting and coordinating, where necessary, the performance of the Regional Boards. The Seven Regional Boards have responsibility in relation to management, conservation, protection, development and improvement of fisheries in their regions and for the promotion and development of angling.</p>	<p>CFB: Unit 4 Swords Business Campus, Balheary Road, Swords, Co. Dublin ERFB: 15A, Main Street Blackrock Co. Dublin NWRFB: Ardnaree House Abbey Street, Ballina Co Mayo SWRFB: 1 Neville's Terrace, Masseytown, Macroom Co. Cork SRFB: Anglesea Street, Clonmel Co. Tipperary WRFB: The Weir Lodge Earls Island Galway NRFB: Station Road Ballyshannon, Co. Donegal ShRFB: Ashbourne Business Park, Dock Road Limerick</p>	€21.78m
Fisheries Co-operative Societies	1991	<p>There are eight societies whose principal functions are to participate in the development of the fisheries by raising funds and making grants or payments available for development of fisheries for benefit of public. They are as follows: Eastern Fisheries Development Society; Southern Fisheries Development Society; South Western Fisheries Development Society; Lower Shannon Fisheries Development Society; Upper Shannon Fisheries Development Society; Western Fisheries Development Society; North Western Fisheries Development Society; and Northern Fisheries Development Society.</p>	<p>As they are attached to the individual Fisheries Boards the addresses are the same as the Fisheries Boards above.</p>	€135,000
Loughs Agency	1999	<p>The Loughs Agency is itself an Agency of the Foyle, Carlingford and Irish Lights Commission. It was established under the British-Irish Agreement Act 1999 and its main function is to provide effective conservation and development of the fisheries and marine resources of the Foyle and Carlingford areas.</p>		€1.513m The Agency's administrative costs in the North are met by the Department of Agriculture and Rural Development

[Mr. N. Dempsey.]

Body	Established	Function	Location	Admin cost in 2005
Licensing Authority (Sea Fishing Boats)	1 July 2003	The licensing and registration of sea fishing boats in accordance with the Fisheries (Amendment) Act 2003.	Leeson Lane, Dublin 2.	The administrative costs of this Authority are met by the Department and are not separately identified.
Marine Institute	1992	<p>The Institute's main functions are:</p> <ul style="list-style-type: none"> (i) to provide the Department with information and advice on marine research and development (ii) to support existing marine businesses and related activities through the provision of key scientific services and advice (iii) to provide for wise management decisions to guide the on-going sustainable development of the marine resource iv) to support research, technology development and innovation activity to create further employment and to underpin future innovation, growth and wealth creation in the marine area 	Marine Institute, Rinville, Oranmore, Co. Galway	€18.5 m
An Bord Iascaigh Mhara (BIM)	1952	The development of the Sea Fishing and Aquaculture Industry. B.I.M. is a market led organisation working with the Seafood Industry to maximise the quality and value of output from the sea fishing and aquaculture sectors within the context of EU policy and the National Development Plan	<p>Headquarters: Crofton Road, Dún Laoghaire, County Dublin</p> <p>Other Locations: National Fisheries College, Greencastle, Co. Donegal. Regional Fisheries Centre, Castletownbere, Co. Cork; Offices in Killybegs and Galway. Overseas Offices in Ireland House in Paris, Madrid and Dusseldorf.</p>	<p>Marketing €3,731,864</p> <p>Information & Planning €915,426</p> <p>Administration €4,811,142</p> <p>Total: €9,458,432</p>
Energy Sector				

Body	Established	Function	Location	Admin cost in 2005
Bord Gáis Éireann	1976	The Bord's main functions are: i) the development and maintenance of a system for the supply of natural gas that is both economical and efficient ii) the construction of a natural gas network iii) the supply of natural gas.	Headquarters in Cork	BGE is a statutory corporation obliged under Section 10 Gas Act 1976 to cover its outgoings and earn a reasonable return on capital. In accordance with its Annual Report & Accounts for the year ended 31 March, 2006, its operating costs were €128m
Bord na Móna plc	Established 1946. Bord na Móna became a plc on 1 January 1999	To produce, market and foster the production and use of turf and turf products and the harvesting of peat for supply to the three peat-fired electricity generating stations	Headquarters in Newbridge, Co Kildare	Bord na Móna plc is a commercial body governed by the Companies Acts. In accordance with its Annual Report & Accounts for the year ended 30 March, 2005, its operating costs were €85.5m.
Irish National Petroleum Corporation (INPC)	September 1979	Since the sale of the INPC's businesses and commercial assets in 2001, the INPC has no operational capacity and remains in place to manage residual issues post the 2001 sale, and to act as parent to its sole remaining subsidiary, the National Oil Reserves Agency	7 Clanwilliam Sq, Grand Canal Quay, Dublin 2	€406,000
National Oil Reserves Agency	June 1995	Maintenance and holding of national oil reserves and agent of the Minister for Communications, Marine & Natural Resources in regard to oil stockholding obligations	7 Clanwilliam Sq, Grand Canal Quay, Dublin 2	€732,000
Sustainable Energy Ireland	2002	To promote and assist the development of sustainable energy	Head Office: Glasnevin, Dublin 9	*€6.3m (est)
EirGrid plc	2001	Production of Electricity Transmission System Operator Plan and the running of the national grid	Head Office: 27 Lower Fitzwilliam St, Dublin 2,	* €6.7m (est)
ESB	1927	The generation, supply and sale of electricity	ESB Group Headquarters, Lower Fitzwilliam Street, Dublin 2	**€1,022,783,000 broken down as follows; Payroll 494,749,000 Operations and Maintenance 528,034,000

*Estimate current spend; 2005 Annual Report not yet published.

**2004 spend; 2005 Annual Report not yet published.

Communications Masts.

293. **Mr. P. Breen** asked the Minister for Communications, Marine and Natural Resources if he will request the ESB not to proceed with the erection of a telecommunications mast at Clonroadmore, Ennis, County Clare (details supplied); and if he will make a statement on the matter. [20561/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Issues relating to the physical siting of telecommunication masts are not a matter for me but for the relevant local authorities under the aegis of my colleague, the Minister for the Environment, Heritage, and Local Government. Decisions in this regard are an operational matter for the ESB and not one in which I have a function.

Question No. 294 answered with Question No. 160.

Alternative Energy Projects.

295. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources if research has recently been conducted into the prospects for wave energy in the Shannon Estuary off the Kerry coast; and if he will make a statement on the matter. [20574/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I recently launched a new ocean energy strategy, which aims to put Ireland at the forefront of ocean energy development and position us to capitalise on this resource.

Sustainable Energy Ireland (SEI) has recently completed a Wave Energy Atlas which examines the wave energy resource potential for Ireland including the wave resource off the Kerry coast line. Under the terms of the Ocean Energy Strategy, SEI are currently supporting a company which has been testing a wave energy generator in the Shannon Estuary.

Fishing Vessel Licences.

296. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources if he will grant an extension of time to a person (details supplied) in County Sligo on the licence as they are awaiting financial papers on the discharge of properties taking into consideration the fact that they will lose tonnage if registration does not take place by 9 June 2006; and if he will make a statement on the matter. [20591/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): The matter in question comes under the remit of the Licensing Authority for Sea-Fishing Boats established under the Fisheries (Amendment) Act 2003 (Number 21 of 2003).

The Licensing Authority has informed me that the case is under consideration.

I undertake to revert to the Deputy when subsequent information comes to hand.

Broadcasting Services.

297. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the result of his endeavours to bring about the free to air broadcasting of the Ryder Cup or other sporting events; and if he will make a statement on the matter. [20694/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): On 5th April last, I announced that it was my intention, following consultation with my Cabinet colleagues, to continue to designate the current list of designated events.

This decision was made following a public consultation process conducted by my Department which resulted in close to 190 submissions being received from members of the public and interested parties. The criteria which must be met in order to justify designation are set down in the Broadcasting (Major Events Television Coverage) Act, 1999. In making a decision in the matter, it was clear to me that the Ryder Cup met some, but not all, of the criteria in question.

Apart from the Ryder Cup, my Department also received submissions proposing designation of games involving Irish teams in the European Rugby Cup and provincial games in the All Ireland Football and Hurling Championship. It was considered, however, that notwithstanding the major interest in such events, that they did not meet the criteria laid down in legislation or in the European Directive to allow me to designate them.

Communications Masts.

298. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has satisfied himself regarding the adequate and safety standards and requirements in relation to mobile phone masts or other masts with particular reference to non-ionising radiation; and if he will make a statement on the matter. [20779/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my reply to Parliamentary Question No. 72 of 30th May 2006.

Mobile Telephony.

299. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources when he expects an even spread of mobile telephone signal and service in all areas throughout the country having particular regard to the existing patchy nature of services in some areas; and

if he will make a statement on the matter.
[20780/06]

317. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources when he expects mobile telephone costs here to become the lowest in Europe; and if he will make a statement on the matter. [20798/06]

331. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if sufficient emphasis has been placed on the need to reduce mobile telecommunications costs here in line with other country's but also in order to set a new standard of economic and efficient delivery of services for the customer; and if he will make a statement on the matter. [20815/06]

332. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his plans to encourage competition in the telecommunications areas with particular reference to the need to meeting customer requirements; and if he will make a statement on the matter. [20816/06]

336. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he or his Department has had discussions with service providers with a view to the abolition of call divert mobile phone charges; if he proposes to have discussions with the Regulator in this regard; and if he will make a statement on the matter. [20822/06]

360. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his plans to issue directions to the Regulator with the objective of establishing new grounds rules to being about full deregulation in the telecoms market with particular reference to the completion of local loop unbundling, with the objective of rapid provision of broadband, fixed line and mobile telecommunication services in all areas throughout the country, the encouragement of full competition and the delivery of the benefits accruing therefrom to the consumer; if he will set out prerequisites for investment and development in the information technology sector with precise targets and provision for regular reviews to ensure adequate progress; if he will use the opportunity provided by the sale of Eircom to set out a comprehensive programme to bring this country's telecommunications sector, up to the highest international standards; if he will set out a mission statement in this regard; and if he will make a statement on the matter. [21052/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 299, 317, 331, 332, 336 and 360 together.

I have no function in regulating pricing, delivery or quality of services in the telecoms market. The provision of telecoms services is in the first instance an operational issue for the service providers concerned.

The regulation of telecommunications operators, including regulatory issues surrounding pricing, quality and delivery of services in the mobile phone market is the responsibility of the Commission for Communications Regulation (ComReg) in accordance with the requirements of the Communications Regulation Act 2002 and the Regulations which transpose the EU Regulatory Framework for Electronic Communications. Currently, I have no plans to issue ComReg with a policy direction.

Broadcasting Services.

300. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the progress to date in the provision of digital television; if he has in mind specific targets in this regard; and if he will make a statement on the matter. [20781/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my reply to Question No. 166 of today, 30th May 2006.

301. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his intentions to ensure the availability of RTÉ services outside this jurisdiction have particular regard to modern technology and its likely role and the need to meet the needs of the Irish diaspora; and if he will make a statement on the matter. [20782/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my reply to questions numbers 18 and 27 on 6 April 2006.

302. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which he intends to encourage the development of both the public and private broadcasting sector; and if he will make a statement on the matter. [20783/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my reply to Parliamentary Question Number 85 of today.

303. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he intends to legislate to ensure the retention of maximum free to air broadcasting or transmission; and if he will make a statement on the matter. [20784/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my reply to Parliamentary Question number 138 of today.

304. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his preferred options for the development of the broadcasting industry, radio and television, with particular reference to international best practice; and if he will make a statement on the matter. [20785/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my reply to Parliamentary Question Number 85 of today.

305. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources when he proposes to outline his plans for the development of the broadcasting sector in the future with particular reference to the needs of national and local broadcasting; and if he will make a statement on the matter. [20786/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my reply to Parliamentary Question Number 85 of today.

Telecommunications Services.

306. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if competing potential service providers have been impeded in their proposals to provide broadband or other forms of modern telecommunications; his plans to address this issue; and if he will make a statement on the matter. [20787/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my reply to Parliamentary Question No. 151 on Tuesday 30th May 2006.

Alternative Energy Projects.

307. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his intentions for the development of the various forms of alternative energy with particular reference to wind, hydro and bio-mass; and if he will make a statement on the matter. [20788/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my reply to question number 100 of today.

Digital Hub.

308. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources

the costs to date associated with the Digital Hub; the likely ongoing costs; and if he will make a statement on the matter. [20789/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my reply to Question 108 of 30th May 2006.

309. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he or his Department have evaluated the economic impact and benefit of the Digital Hub; and if he will make a statement on the matter. [20790/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my reply to Question 108 of 30th May 2006.

310. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has in mind proposals to further enhance the development of the Digital Hub; and if he will make a statement on the matter. [20791/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my reply to Question 108 of 30th May 2006.

311. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the investment to date in the Digital Hub; the degree to which original targets have been realised; and if he will make a statement on the matter. [20792/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my reply to Question 108 of 30th May 2006.

Postal Services.

312. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his policy, plans and ambitions for the enhancement and development of rapid, efficient and cost effective postal and parcel service in the future; and if he will make a statement on the matter. [20793/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my reply to Parliamentary Question Nos. 122 and 127 of 30th May 2006.

Post Office Network.

313. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the number of post offices closed throughout the

country on a county basis; and if he will make a statement on the matter. [20794/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my reply to Parliamentary Question No. 152 of 30th May 2006.

Postal Services.

314. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he intends to issue guidelines in regard to the use of postcodes with particular reference to excluding the use of socio-economic or personal information; and if he will make a statement on the matter. [20795/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my reply to Parliamentary Question No. 101 of 30th May 2006.

Energy Resources.

315. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his plans to co-ordinate research and development in the energy sector; and if he will make a statement on the matter. [20796/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my reply to Parliamentary Question No. 144 of 30th May 2006.

Electricity Generation.

316. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the way in which it is intended to ensure adequacy or security of supply in the context of the future development of the ESB; and if he will make a statement on the matter. [20797/06]

324. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his preferred options for the development of the energy sector in the event of the implementation of recommendations contained in the Deloitte and Touche report; and if he will make a statement on the matter. [20808/06]

325. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has studied the Deloitte and Touche report and its implications for the electricity industry in the future; and if he will make a statement on the matter. [20809/06]

326. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources when he expects to publish the Deloitte and Touche report; and if he will make a statement on the matter. [20810/06]

328. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his proposals for the future of the ESB with particular reference to the need to encourage competition and maintain security of supply; and if he will make a statement on the matter. [20812/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 316, 324, 325, 326 and 328 together.

I refer the Deputy to my answer to Questions Nos. 98, 154 and 180 on 30 May 2006.

Question No. 317 answered with Question No. 299.

Question No. 318 answered with Question No. 146.

Question No. 319 answered with Question No. 148.

Offshore Exploration.

320. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which all outstanding matters in relation to difficulties surrounding the delivery of supply from the Corrib gas field have been addressed and resolved; and if he will make a statement on the matter. [20804/06]

321. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the progress to date in regard to the delivery of supply from the Corrib gas field; and if he will make a statement on the matter. [20805/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 320 and 321 together.

As the Deputy will be aware, as a result of local concerns over the safety of the pipeline Corrib gas pipeline, I commissioned a comprehensive independent safety review last August. Following a long and detailed review process, including two separate phases of public consultation, Advantica, the international consultants contracted to do the work, provided me with their report earlier this year. This review found that proper consideration was given to safety issues in the selection process for the design option and route. Moreover, the review found that if a number of additional provisions were made, there will be a substantial safety margin in the design.

The most important of these provisions was that an additional pressure limitation mechanism, to ensure that the pressure in the pipeline can never go above 144 bar, be incorporated into the design. Other recommendations included the drawing up of an integrity management plan and the use of PD8010 as the design code for the project.

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The Review was published earlier this month, along with a report to me on the Advantica report by my Technical Advisory Group or “TAG”. This Group accepted the recommendations of the Advantica Report and made a number of recommendations of their own. In turn, I have accepted these recommendations, and any future consents to conduct further work on the project will be dependent upon the developer meeting the requirements set out in these reports.

I also appointed Mr. Peter Cassells, to act as mediator between the various parties. Specific terms of engagement were agreed between the parties for the mediation process and it is ongoing.

The developer, Shell, has already accepted the recommendations made by both Advantica and TAG and has committed itself to cooperating fully with the mediation process. I understand that Shell have also apologised for their role in the jailing of the individuals from the Rossport area, a development I wholeheartedly welcome.

Given the sensitivities involved, I am not willing to comment on the progress of the mediation, however, I remain hopeful that a successful conclusion will be reached without undue delay. I understand that once an outcome has been reached through the mediation process and the additional requirements made of Shell are met, a significant construction period will be required before gas can be brought ashore.

Apart from the huge benefits this will bring to the State as a whole, there will also be significant benefits locally. An Bord Gáis has recently had its new connection policy approved by the energy regulator. This policy will frame a feasibility study of connections to towns in Co. Mayo with a view to providing services as soon as the Corrib field is on stream.

Question No. 322 answered with Question No. 86.

Question No. 323 answered with Question No. 78.

Questions Nos. 324 to 326, inclusive, answered with Question No. 316.

Question No. 327 answered with Question No. 78.

Question No. 328 answered with Question No. 316.

Telecommunications Services.

329. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he or his Department directly or through the Regulator will draw up an emergency plan for the rapid delivery of broadband and similar state of

the art information technology services throughout the country and ensure that the customers can avail of the benefits of competition in the industry; and if he will make a statement on the matter. [20813/06]

338. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the estimated number of waiting applicants for broadband services throughout the country; his plans to ensure such requirements are met in early date; and if he will make a statement on the matter. [20824/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 329 and 338 together.

I refer the Deputy to my reply to question 97 of 30th May 2006.

330. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his plans for the delivery of broadband and mobile telephone services to all areas throughout the country including such areas as the Black Valley, County Kerry and similar areas currently serviced by outdated technology; and if he will make a statement on the matter. [20814/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my reply to Question No. 129 on 30 May 2006.

Questions Nos. 331 and 332 answered with Question No. 299.

Question No. 333 answered with Question No. 78.

Question No. 334 answered with Question No. 118.

Question No. 335 answered with Question No. 175.

Question No. 336 answered with Question No. 299.

Mobile Telephony.

337. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has in mind proposals to encourage the abolition of all mobile telephone roaming charges in line with the wishes of the EU Commission; and if he will make a statement on the matter. [20823/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my reply to Parliamentary Question No. 90 of today.

Question No. 338 answered with Question No. 329.

Question No. 339 answered with Question No. 104.

Postal Services.

340. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has in mind proposals to encourage the development of the extent and scale of services available through An Post; and if he will make a statement on the matter. [20827/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I would refer the Deputy to my reply to Parliamentary Question No. 105 of 30th May 2006.

Post Office Network.

341. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has monitored the extent to which post offices have been downgraded or closed in the past four years; [20828/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I would refer the Deputy to my reply to Parliamentary Question No. 172 of 30th May 2006.

Questions Nos. 342 and 343 answered with Question No. 75.

Question No. 344 answered with Question No. 114.

Energy Resources.

345. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his policy in regard to the provision of adequate and sustainable energy in the future; and if he will make a statement on the matter. [20832/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my reply to Parliamentary Question No. 83 of 30 May 2006.

Question No. 346 answered with Question No. 159.

Telecommunications Services.

347. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his plans to create 100% availability of broadband as has been achieved in other jurisdictions; and if he will make a statement on the matter. [20834/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the

Deputy to my reply to Parliamentary Question No. 87 of 30 May 2006.

348. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he intends to issue a direction to the regulator with a view to achieving the desired level of development and investment in the telecommunications sector; and if he will make a statement on the matter. [20835/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The provision of telecommunications services in a fully liberalised market is, in the first instance, an operational issue for the service providers concerned. Responsibility for the regulation of electronic communication service providers rests with the independent regulator, the Commission for Communications Regulation (ComReg), in accordance with the requirements of the Communications Regulation Act 2002 and the Regulations, which transpose the EU Regulatory Framework for Electronic Communications.

I have no plans to issue ComReg with a policy direction in this regard. Policy Directions are a tool available to me to direct ComReg in relation to high-level strategic objectives, within the confines European and national law. Investment by private sector companies is a matter for themselves in a fully liberalised market.

Electronic Communications.

349. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if at national or international level, he has taken steps to combat spam on the internet; and if he will make a statement on the matter. [20836/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Due to concerns raised by Member States in relation to the sending of unsolicited emails for direct marketing purposes via the internet, mobile phones and other electronic communications media, the EU introduced Directive 2002/58/EC (Directive on Privacy and Electronic Communications). This Directive was transposed into national law in November 2003 via the Data Protection and Privacy Regulations 2003 (SI No. 535 of 2003). The regulations place restrictions on the sending of unsolicited emails for direct marketing purposes via the Internet, mobile phones and other electronic communications media.

Responsibility for the enforcement of the regulations rests with the Office of the Data Protection Commissioner.

Spam is a global problem and the capacity of an individual Member State to control it in isolation is very limited because spam can originate outside the Member State's jurisdiction. The EU and the OECD set up working groups to explore the options for controlling spam, the EU in the

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context of the Member States and the OECD in the wider global context. My Department and the Office of the Data Protection Commissioner were represented on the aforementioned groups.

Alternative Energy Projects.

350. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his plans to encourage the production of wind generated electricity on and off shore; and if he will make a statement on the matter. [20837/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Renewable Energy Feed-in Tariff programme (REFIT), which was launched on 1st May last, is designed to support the construction of new renewable energy powered electricity generating plants using proven technologies. At least a further 400 megawatts of new renewable energy powered electricity generating plant will be built under the programme by 2010, the vast bulk of which will be wind generation.

REFIT imposes maximum prices by technology, and in the case of wind, capacity, upon which compensation to participating suppliers will be calculated. No differentiation is made between onshore and offshore projects.

The terms and conditions of REFIT are available on the Departments website at www.dcmnr.ie. Applications will be accepted from 1 June.

Television Licence Fee.

351. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his intentions for the distribution of the television licence reserve fund; the full extent of this fund at present; if he expects to bring in the necessary legislation to deal with this issue in early course; and if he will make a statement on the matter. [20838/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Broadcasting (Funding) Act 2003 provides that the Broadcasting Commission of Ireland (BCI) prepare a scheme or schemes for the funding of grants to support certain television and radio programmes.

The first scheme, "Sound & Vision", was approved by me in November 2005. The scheme is designed to support the production and transmission of high quality programming based on Irish culture and heritage and is funded from the allocation of a sum equal to 5% of the net revenue from television licence fee receipts. The amount allocated by the BCI under the first funding round of the scheme was €11m.

The Fund now stands at a total of in excess of €29m.

Telecommunications Services.

352. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if local loop unbundling has developed sufficiently and smoothly to the benefit of the consumer; the steps he intends to take or instructions he might give to the regulator or service providers in this regard; and if he will make a statement on the matter. [20839/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have no function in the matter raised by the Deputy. Promotion and regulation of Local Loop unbundling is the responsibility of the Commission for Communications Regulation, ComReg under the Communications Regulation Act of 2002 and the transposed EU regulatory framework for Electronic Communications Networks and Services.

353. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his plans to enhance the availability of e-technology to the business and domestic sector; and if he will make a statement on the matter. [20840/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The provision of telecommunications services, including broadband, to facilitate the delivery of eCommerce and eGovernment services to domestic and business users, is a matter in the first instance for the private sector companies operating in a fully-liberalised market, regulated by the independent Commission for Communications Regulation, ComReg.

The Government recognises however, that a principal reason for the slow rollout of competitive, affordable broadband services in Ireland, principally in the regions, has been a lack of investment by the private sector in the necessary infrastructure.

The Government is addressing the infrastructure deficit in the regions by building high-speed, open-access Metropolitan Area Networks (MANs) in 120 towns and cities nationwide. Phase One of this Programme has delivered fibre optic networks to 27 towns and cities throughout the country. This Programme has been extended to over 90 towns in various locations nationwide. It is expected that these MANs will be completed during 2006 and 2007. These networks will allow the private sector to offer world-class broadband services at competitive costs.

The Department also offers funding assistance for smaller towns and rural communities through the County and Group Broadband Scheme. The scheme is technology-neutral, allowing the community to select the most suitable broadband delivery platform for the area. To date, over 150 projects have been approved for funding under this Programme.

Furthermore, a joint industry/Government fund of €18 million has been established for the Broadband for Schools Programme, which should provide every school in the country with broadband in 2006. This is a crucial strand in the strategy of integrating ICT into teaching and learning, and in my Department's wider vision of promoting the use of broadband technologies in local communities around the country. The installation phase is now almost complete, with over 90% of all schools broadband enabled.

Broadband subscriber numbers have increased hugely in the last year. The latest ComReg quarterly report states there are 270,700 broadband subscribers as of end-2005. This is equivalent to 6.6% of the population. Home Internet penetration figures currently stand at 18.7% of households. DSL dominates the Irish broadband market (75% market share). However, FWA and Cable are growing very strongly, albeit from a small base. ComReg estimate that there are 320,000 subscribers to the end of the first quarter of 2006.

E-Government Project.

354. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his position in regard to the development of the E-Government project; and if he will make a statement on the matter. [20841/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): This Department's e-Government project consists of the following core elements:

MAPS — Minerals Application and Programme Support

This system provides for the management of activities in Exploration and Mining in the State and for the marketing and promotion of inward investment.

The first on-line web presence supporting the application and payment for a prospecting license and associated GIS Services went live in December 2002 and is located at www.dcmnronline.ie. This on-line website was superseded in January 2004 with an enhanced website located at www.minex.ie.

The initial release of the fully integrated MAPS system including the 'end-to end' processing for Prospecting Licences went live on the 4th April 2005. This system is now fully operational since December 2005 including GIS functionality. A number of further enhancements are planned for 2006 to update the on-line application form and the ability to view application status and customer details.

IFIS — Integrated Fisheries Information System

This system has been developed to support the needs of users across the Sea Fisheries division.

It provides full integration of the business processes of the various sections within Sea Fisheries.

Phase one of the Integrated Fisheries Information System IFIS went live on 3rd March 2005. This included the intranet back-office system for managing sea fisheries and fishing vessel licensing and registration and now includes GIS functionality for interpreting data in a location-based context.

The following e-services for Fisheries Customers are scheduled for delivery in Q2 2006 along with an updated portal called FISHINGNET.IE:

- Fishing Vessel Sea Fishing Licence Application
- Sea Fishing Licence — View Application Status
- Fishing Vessel Closure
- Pressure Stock Licence application
- Gatherers application
- View/Edit Customer details
- View Vessel Details

An interim interface between IFIS and Lirguard (the Naval Service Fishing Vessel Monitoring System), which will provide data transfer of Vessel Positioning data from Lirguard into IFIS, will now be achieved in Q2 2006. This will allow cross-referencing of known vessel positions with fishing logsheet records.

CoZAS — Coastal Zone Administration System

This Application and Licensing processing system enables the Foreshore, Aquaculture and Dumping at Sea section of the Department to issue licences to customers who wish to carry out various activities in the Coastal Zone. The system will also enable clients and customers of the Department to search Coastal Zone licences and applications over the web, and customers will be able to apply for a licence via the Internet.

Phase 1 of the project went 'Live' in the Coastal Zone Division in October 2005. Phase 2, which includes a Geographical Information system and Internet functionality, is scheduled for release in Q2, 2006. Integration of Fees/Receipts information between the COZAS system and the Department's financial system is part of another project [Information Exchange], now underway, which will facilitate better fees management.

The Corporate Vessel Register project

The Corporate Vessel Register will collect, manage and disseminate information intrinsic to seafaring vessels regardless of whether the vessels are engaged in mercantile, commercial fishing, passenger transport, research, defence and/or leisure activities. Phase 1 of this project was completed and went live in January 2006 to service the SafeSeasIreland project.

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SafeSeasIreland Project

The European Maritime Safety Agency (EMSA). EMSA is tasked with coordinating the communication of seafaring activities between EU member states. SafeSeasIreland (SSI) will concern itself with exchanging messages, notifications and alerts between member states related to defined categories.

In the main, system users will be organisations, such as Port Authorities that have been granted responsibility for managing international maritime traffic on behalf of their national authorities.

The system will enable the community and Ireland, using the Internet, to monitor passing and visiting traffic thus leading to targeting of high risk ships which will result in more effective port and coastal state control and in particular lead to an enhancement of maritime safety, security and environmental protection.

The SafeSeasIreland (SSI) system will address these requirements, and is due to go live in June 2006.

Corporate Geographical Information Systems

The Department makes extensive use of Geographical Information Systems at an operational level. As a consequence; a well-developed technical infrastructure and many key datasets have been developed. The Department has built up a spatial database approaching 1 terabyte and has deployed GIS functionality via the Intranet to every PC user in the Department. This GIS System currently underpins the Maps Internet system and will be re-used in the Internet applications for all other on-line systems. It also provides an additional decision-making tool for the Department's IFIS and MAPS users.

IPAS — Integrated Petroleum Affairs System

This new project will provide a system, which will enhance how Petroleum Affairs Division's customers, applications, licences, geophysical data and various associated documents are managed.

The project is currently in the last stage of User-Acceptance Testing. It is scheduled to go live in June 2006.

Broadband.Gov.ie

In order to support the rollout of Broadband services in Ireland, this DCMNR website provides the public with a one-stop shop for Broadband information generally, on it's availability, pricing, benefits etc. It is planned to enhance this site with GIS functionality at a later stage.

Overview

A more comprehensive look was taken at the business processes relating to the On-line e-Services (with regard to change & modernisation) before proceeding, hence the delay on some e-services. The Departments capability to deliver technology solutions is reflected in its new ICT

Strategy (2005-2007), which places a greater emphasis on the business benefits and change management aspects of ICT investments.

Telecommunications Services.

355. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his policy to reduce call or other service charges applicable to the electronic transfer of money, documents or messages with a view to bringing the charges here and the costs on the industry down to those applicable in other European economies; and if he will make a statement on the matter. [20843/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have no function in regulating pricing for services in the telecommunications market. The regulation of telecommunications operators, including regulation of pricing for services is the responsibility of the Commission for Communications Regulations (ComReg) in accordance with the requirements of the Communications Regulation Act 2003 and regulations that transpose the EU Regulatory Framework for Electronic Communications.

The regulation of financial services costs in this State is a matter for the Irish Financial Services Regulatory Authority.

Postal Services.

356. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he is satisfied that sufficient services of a nature complimentary to those already available to and through An Post are being developed; his plans to encourage or incentivise such development; and if he will make a statement on the matter. [20845/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I would refer the Deputy to my reply to Parliamentary Question No. 76 of 30th May 2006.

357. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his preferred option for the development of the postal services in the future; and if he will make a statement on the matter. [20846/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my reply to Parliamentary Questions Nos. 122 and 127 of 30th May 2006.

International Agreements.

358. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources if he will make a statement on the decision to vote in favour of the fishing deal between the EU

and Morocco, despite the implications this may have on the conflict between western Sahara and Morocco and the fact that this State supports the right of self-determination for western Sahara. [20937/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): Negotiations on this proposal concluded at the Agriculture and Fisheries Council in Brussels on 22 May 2006 and Ireland voted for the proposal. Under the terms of the Regulation, Ireland was allocated 2,500 tonnes of pelagic fish per annum. Ireland has been a firm supporter of the right to self-determination of the people of the Western Sahara, and the Government remains firmly committed to this principle. Ireland made a declaration at the Council setting down its position on the Fisheries agreement as follows: Ireland supports the conclusion of the Fisheries partnership Agreement between the European Community and the Kingdom of Morocco on the basis that it does not prejudice the longstanding position of the EU on the status of the Western Sahara. The EU continues to support the efforts of the UN Secretary General to encourage a negotiated solution which will allow the people of the Western Sahara to exercise their right to self-determination.

Ireland emphasises the importance of the future dialogue within the EU-Morocco Joint Committee foreseen under this agreement. It is essential that the Joint Committee make use of all instruments under the Agreement to ensure that the Agreement is implemented to the benefit of all the people concerned and in accordance with the principles of international law.

Telecommunications Services.

359. **Ms McManus** asked the Minister for Communications, Marine and Natural Resources the actual coverage of broadband and the available coverage of broadband in County Wicklow; and the areas of the county excluded from cover. [20966/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The provision of telecommunications services, including broadband, is a matter in the first instance for the private sector companies operating in a fully liberalised market, regulated by the independent Commission for Communications Regulation (ComReg).

My Department's website *www.broadband.gov.ie* gives full details of broadband availability in all areas, including ADSL, cable, fibre, satellite and fixed wireless. The website also lists prices of the various service levels on offer and contact details for each service provider.

Question No. 360 answered with Question No. 299.

361. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he will use the occasion of the transfer of ownership of Eircom to set out new ground rules for investment and development in the telecommunications sector here; if he will use his powers of direction through the Regulator to bring about the completion of local loop unbundling and full deregulation; if he will set out clear guidelines for the provision of broadband throughout the country by virtue of a combination of whatever means are required, including cable, wire, fibre, wireless, mobile or fixed; if he will set out requirements for the ongoing investment and development of the telecoms industry with a view to ensuring the availability and quality of the full modern range of services in all parts of the country as befits the growing economy here in an increasingly competitive world; and if he will make a statement on the matter. [21053/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my reply to Parliamentary Question No. 69 on 30th May 2006.

Human Rights Issues.

362. **Mr. Gilmore** asked the Minister for Foreign Affairs if his attention has been drawn to the case of a person (details supplied) who was detained by the Israeli military on 23 May 2005 and who has been in detention since then; if he has taken action on the case; and if he will make a statement on the matter. [21468/06]

363. **Mr. Boyle** asked the Minister for Foreign Affairs if the Governments attention has been drawn to the circumstances surrounding the detention of a person (details supplied); and if representatives have been made to the Israeli Government concerning this detention. [21517/06]

367. **Dr. Upton** asked the Minister for Foreign Affairs if he will respond to correspondence (details supplied); and if he will make a statement on the matter. [20413/06]

374. **Mr. Andrews** asked the Minister for Foreign Affairs if his attention has been drawn to the case of a person (details supplied) a human rights worker detained for the past 12 months by the Israeli military without being charged; and if he will investigate the circumstances of their detention. [20897/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 362, 363, 367 and 374 together.

I refer the Deputies to my reply of 3 May 2006 to a Question on this matter. The Government has followed this case through the Embassy in Tel Aviv and in cooperation with EU partners. The

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person concerned was arrested on 23 May 2005, and on 16 June 2005 the Israeli authorities ordered his administrative detention for six months. This order was renewed for a further six months in November, but reduced to four months on review in December 2005. On 20 March 2006, the detention was renewed until 20 July. An appeal against the renewal was turned down on 10 May.

I am concerned about this case, which has been raised with the Israeli authorities by our Embassy in Tel Aviv. The Embassy is continuing to monitor the situation closely, in cooperation with the Embassies of other EU Member States.

The Government, and our EU partners, remain very concerned about the practice of administrative detention in Israel and the Occupied Territories. We are working to ensure that these concerns are addressed in the EU's continuing political dialogue with Israel. In direct contacts with Israel, and in cooperation with its EU partners, the Government continues to raise its concerns about the human rights implications of Israeli security policies and the need to ensure full compliance with international law.

Northern Ireland Issues.

364. **Mr. F. McGrath** asked the Minister for Foreign Affairs if he will raise the serious issue of sectarianism in Ballymena with the British authorities; and if he will support the minority in that town. [20382/06]

Minister for Foreign Affairs (Mr. D. Ahern): The ongoing problems with sectarian crime in the North Antrim area are a cause of very serious concern. The most recent manifestation of this was the murder of Michael McIlveen. This incident was a shocking reminder that sectarian hatred and violence still plague communities across Northern Ireland.

Following this tragic death, we raised specific concerns about the security situation in the Ballymena area with the British authorities, particularly regarding the threat of further violence. We also inquired as to the measures put in place to prevent a recurrence of the violence and intimidation witnessed last summer. We have been advised that a number of additional officers and patrols are being deployed in Ballymena to combat sectarian violence. In addition, an intelligence-led police operation initiated in 2005 to tackle sectarian crime is ongoing. Officials from the Department of Foreign Affairs met with local political representatives in Ballymena in the past week to assess the situation at first hand. We will, of course, continue to monitor this situation closely over the summer period.

This horrific incident was only the latest in a very worrying pattern of sectarian attacks in parts of Northern Ireland in recent years. In the context of ongoing sectarian violence last summer,

the Government raised concerns about the situation with the British authorities on a regular basis. Officials from my Department visited the areas most seriously affected throughout the summer months to meet local residents, community and political representatives. In addition, I travelled to West Belfast and North Antrim to meet residents who had been subjected to intimidation or attacks, and to discuss the ongoing situation with them. I also met with another group of residents who travelled to Dublin to convey their concerns to me directly.

At these meetings, local residents in particular sought assurances that sufficient police resources would be deployed to counter these attacks, and we have raised this specific concern with the British authorities. We continue to monitor police resources in the areas most directly affected.

The issue of sectarianism and sectarian violence has been and remains a priority item on the agenda of the British Irish Intergovernmental Conference. In addition, we have also raised these issues directly with the leaderships of the Northern Ireland political parties in our discussions with them, emphasising the importance of providing positive leadership to improve community relations in these areas. As the marching season approaches, the Government will continue to monitor closely the situation on the ground in sensitive areas, including North Antrim, parts of Belfast, Derry, Lurgan and Portadown.

Consular Services.

365. **Mr. F. McGrath** asked the Minister for Foreign Affairs the position regarding the case of a person (details supplied) in England; and if he will raise this issue with the relevant authorities. [20383/06]

Minister for Foreign Affairs (Mr. D. Ahern): The person in question was charged in July 2000. I am aware that, since his trial, he has claimed that he was pressured by his legal team on the day of his trial to change his earlier plea of 'innocent' to one of 'guilty' and that he was informed that if he did not do so he would receive thirty years without parole. He further claims that forensic evidence exists which, if examined, would exonerate him and he remains adamant that if he received a retrial he would be found innocent.

The person has engaged a well-known firm of solicitors. As I am sure the Deputy will appreciate, they are best placed to advise on the options open to avail of appeal procedures in the British Judicial system. There is also an independent body in Britain, the Criminal Cases Review Commission, which has the power to review, and supervise investigations into, possible miscarriages of justice. My Department understands however that, unless there are exceptional circumstances, the Commission is not empowered to consider cases until the normal court appeal system has been exhausted.

The Department of Justice, Equality and Law Reform has advised that a formal application for transfer to a prison in this jurisdiction, under the Council of Europe Convention on the Transfer of Sentenced Persons, in respect of this individual has been received recently from the British authorities. Various reports have been sought by that Department from bodies in this jurisdiction concerning the application, and the current position in this regard is that one report is still awaited. I understand that the Minister for Justice, Equality and Law Reform would expect, upon receipt of this report, to be in a position to make a decision on the application.

A diplomatic officer of the Irish Embassy in London has visited this person on several occasions. The most recent visit was on 11 March 2006. The Embassy remains in contact with the prison authorities and raises any issues of concern to the person.

Foreign Conflicts.

366. **Mr. F. McGrath** asked the Minister for Foreign Affairs if he will raise the issue of Australia's support for the war in Iraq with the Prime Minister, Mr. John Howard; and if he will urge him to end the occupation. [20384/06]

Minister for Foreign Affairs (Mr. D. Ahern): I had a very good meeting with Prime Minister Howard in Dublin on 22 May during his visit to Ireland. We discussed a wide range of foreign policy issues, including the situation in Iraq. We agreed that the confirmation of the new national unity Government in Iraq on 21 May was a very positive and significant step. We also discussed the prospects for progress in meeting the very serious challenges which face the new Government.

Irrespective of the different approaches taken at the start of the war, the presence in Iraq of the multinational force, as the Deputy will be aware, has since been mandated by the United Nations Security Council under a series of Resolutions, and responds to the request of the democratically elected Iraqi Government. It would be entirely inappropriate for the Government to urge another country against contributing to a UN-mandated force.

I look forward to the day when the Government of Iraq judges that it can ensure the security of its citizens without outside assistance. All of Iraq's political leaders have made it clear that they are working to that end. They have also made it very clear that they are not yet ready to request the withdrawal of the multinational force.

Question No. 367 answered with Question No. 362.

Departmental Bodies.

368. **Mr. Naughten** asked the Minister for

Foreign Affairs the public bodies under the control of his Department; their function, role, location and establishment date; the administration costs of each body in the year 2005; and if he will make a statement on the matter. [20468/06]

Minister for Foreign Affairs (Mr. D. Ahern): There are four bodies under the aegis of my Department, namely the Advisory Board of Irish Aid (ABIA), the Development Education Advisory Committee (DEAC), the Ireland — United States Commission for Educational Exchange (the Fulbright Commission) and the Díon Committee.

The Advisory Board for Irish Aid is an independent body which works closely with the Government's Official Development Assistance programme, Irish Aid, in order to maximise the quality, effectiveness and accountability of the Programme. The main functions of the Board are: to oversee and provide advice to the Minister for Foreign Affairs, the responsible Minister of State for Foreign Affairs and senior Irish Aid management on the strategic direction of the Irish Aid Programme; to commission and support research relevant to the Irish Aid policy agenda; to oversee specific and general evaluations of Irish Aid programmes and projects; to organise and manage the Development Forum (which brings together the Minister of State, senior Irish Aid officials, non governmental organisations (NGOS) and missionary organisations for strategic dialogue on development issues. The seventh Development Forum was held on 23 May, 2006); to monitor the overall funding and staffing needs of the Irish Aid programme.

The Advisory Board was established in August, 2002 and is located within the offices of Irish Aid at Bishop's Square, Redmond's Hill, Dublin 2. The administration costs for the Board in 2005 were €31,107.

The function of the Development Education Advisory Committee (DEAC) is to offer policy advice to the Minister for Foreign Affairs, the responsible Minister of State for Foreign Affairs and Irish Aid on development education and on ways of increasing knowledge and understanding of development issues in Ireland. This includes: providing advice to the Minister for Foreign Affairs, the responsible Minister of State for Foreign Affairs and Irish Aid on policy matters and on strategies for promotion of development education; overseeing reviews and evaluation of development education activities; and managing an annual consultation forum on development education.

DEAC was established in 2003 on the recommendation of the Ireland Aid Review Committee. The current Committee, consisting of 16 members, was appointed by the Minister for a two year period in 2005. The Committee meets three times a year at the offices of Irish Aid in

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Bishop's Square, Redmond's Hill, Dublin 2. The only administration cost arising in 2005 related to a payment of €795 for catering costs of the consultation forum on development education.

The role and function of the Ireland-United States Commission for Educational Exchange (Fulbright Commission) is to finance study, research, teaching and other educational activities between Ireland and the United States of America. It is the only official educational programme between the Governments of Ireland and the United States of America. Under the Programme, awards are made annually, through open competition, to post-graduate students and post-doctoral scholars and to established leaders of professional, academic and artistic excellence who are recognised in their fields.

The Fulbright Commission is a statutory body established under the Educational Exchange (Ireland and the United States of America) Act, 1991. The Board of the Commission comprises eight members: four members from Ireland and four from the US, appointed respectively by the Minister for Foreign Affairs and the US Ambassador to Ireland. The office of the Fulbright Commission is located at Brooklawn House, Shelbourne Road, Ballsbridge, Dublin 4.

In 2005, the Department of Foreign Affairs made a grant-in-aid of €254,000 to the Commission. Support from the US Government in the same year amounted to €276,640. According to Commission's Financial Statements for the financial year 2005, which were approved by the Comptroller and Auditor General and laid before both Houses of the Oireachtas, the Commission's administration costs for this period amounted to €76,737.

The Díon Committee was established in 1984 and is based in the Embassy of Ireland in London. It advises the Minister for Foreign Affairs on applications for funding from organisations that support our emigrants in Britain, as well as on issues of interest and concern to the Irish community. Administration expenses relating to the Committee in 2005 amounted to €6,441.

Refugee Policy.

369. **Mr. Kenny** asked the Minister for Foreign Affairs the programmes under which programme refugees have been accepted by Ireland since

1990; the number of refugees accepted by Ireland under each of these programmes since that date; if programmes are under consideration by his Department for future implementation; and if he will make a statement on the matter. [20544/06]

Minister for Foreign Affairs (Mr. D. Ahern):

The term Programme Refugees is the expression that prior to 1996 was commonly given to refugees admitted into Ireland by Government Decision. These Government Decisions each set out the rights and entitlements of those admitted into Ireland. The expression was then used in the Refugee Act of 1996, section 24 of which gives a statutory basis to the rights and entitlements of refugees admitted under these Government Decisions.

In the period referred to by the Deputy, refugees were accepted into Ireland from the Former Yugoslavia, Bosnia and Herzegovina, Kosovo and Vietnam by a series of Government Decisions. Some of these decisions were to accommodate emergency medical evacuations; others gave priority to individuals with relatives already in Ireland. A number of these government decisions were temporary assistance programmes and the refugees in question are no longer programme refugees; many of these refugees have since returned to their countries of origin, though some have chosen to apply for leave to remain in Ireland.

In addition to these programmes for entry into Ireland from the above mentioned locations, in 1998 there was a Government Decision to admit an annual quota of 10 refugee cases for resettlement in Ireland. The bulk of these cases are referred to Ireland by the United Nations High Commission for Refugees. This quota in practice amounted to an average of 40 people per year. In 2005 there was a further Government Decision to increase the quota to 200 persons. The process of admitting the 200 persons under the 2006 quota is well under way.

The UNHCR's resettlement needs for 2007 are expected to be published shortly, at which time planning will begin in order to fill Ireland's 2007 resettlement quota. The decisions on admission will be taken by the Reception and Integration Agency of the Department of Justice, Equality and Law Reform in close consultation with the Department of Foreign Affairs, and will be guided by the stated needs of the United Nations High Commission for Refugees.

Details on the numbers of refugees approved for admission per decision since 1990.

Government decision	Number admitted
April 1991 — Vietnamese Relatives for the period between April 1991 and April 1993	30
July 1992 — First Group from Former Yugoslavia	200
June 1993 — Vietnamese Relatives and spouses for the period from 1993-1996	60
June 1993 — Relatives + refugees from Former Yugoslavia	200
August 1993 — Medical Evacuation from Former Yugoslavia + relatives	23

Government decision	Number admitted
February 1994 — Medical Evacuation from Former Yugoslavia +relatives	58
May 1994 — Medical Evacuation from Former Yugoslavia	67
June 1995 — Medical Evacuation from Former Yugoslavia	39
July 1995 — Medical Evacuation from Former Yugoslavia	20
August 1995 — Second Group + relatives from Former Yugoslavia	380
November 1998 — Bosnians and Vietnamese (relatives)	516
November 1998 — annual resettlement quota of 10 cases	242
April 1999 — Kosovo	1,032
June 2005 — annual resettlement quota increase to 200 persons	116

Diplomatic Representation.

370. **Mr. O'Connor** asked the Minister for Foreign Affairs if he will confirm his plans to further improve relations with Slovenia. [20686/06]

Minister for Foreign Affairs (Mr. D. Ahern): Since Slovenia declared its independence from the former Socialist Federal Republic of Yugoslavia in 1991, Ireland has enjoyed excellent relations with Slovenia both bilaterally and, since May 2004, as fellow Member States of the European Union. In recent years, we have been making a special effort to deepen our relations with the new Member States, including Slovenia, and this will continue to be a priority for us.

As part of the Government's strategy of increasing Ireland's diplomatic network in the incoming Member States, a resident Embassy was opened in Ljubljana in October 2001. There have been a number of high-level visits in both directions including a State Visit by President McAleese to Slovenia in June 2001. I had the pleasure of visiting Ljubljana in April 2005 for discussions related to my role as a Special Envoy of the United Nations Secretary-General. Ministers and senior officials from both countries meet regularly at Council meetings in Brussels.

Our two-way trade with Slovenia totalled €36.6 million in 2005. This is likely to grow in the coming years as the Slovenian economy reaps the benefits of EU membership. The scheduled entry of Slovenia to the eurozone on 1 January 2007 should also assist in this regard.

Middle East Peace Process.

371. **Mr. M. Higgins** asked the Minister for Foreign Affairs the steps Ireland, and the EU, will take to ensure Israel's compliance with international law in view of the Israeli Government's ongoing ignoring of calls made by the Quartet to freeze settlement expansion and the construction of the separation barrier. [20894/06]

372. **Mr. M. Higgins** asked the Minister for Foreign Affairs the role the Government is playing in mobilising the Quartet to give meaning to the vision of two viable states of both Israel and Palestine; his views on whether a lack of inter-

national impartiality will ensure that peace will remain elusive in view of the fact that actions on both sides have contributed to the situation of insecurity and poverty. [20895/06]

373. **Mr. M. Higgins** asked the Minister for Foreign Affairs if, in view of the deepening poverty levels among the Palestinian population, the Government will commit to providing the aid that had been earmarked to the Palestinian Authority, and the Government will call for a full resumption of European Union assistance. [20896/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 371 to 373, inclusive, together.

I refer the Deputy to my replies to Questions on this matter on 17 and 24 May 2006.

The Government shares the concerns about the increasingly difficult situation facing the Palestinian people. We have been consistently active within the EU and the UN in promoting a lasting, peaceful and just settlement of the Israeli-Palestinian conflict, and remain convinced that the only way forward is through negotiations between the parties leading to a viable two-State solution. Within the Union, the Government continues to pursue a policy approach aimed at ensuring that the EU remains fully engaged in the process, with a clear and balanced message for the parties. The EU is playing a vital role in the work of the Quartet to create an environment for the earliest possible return to negotiations.

The events of recent months serve to underline the need for the Israeli Government and the Palestinian Authority to face up to their obligations under the Roadmap, and under international law. The Government has continued to raise directly with the Israeli authorities our concerns about the humanitarian and economic impact of policies and activities in the Occupied Territories. The EU has consistently urged the Israeli Government to end all activities in the Territories which are contrary to international law and which threaten the viability of a solution based on the coexistence of two States. These include the continued expansion of settlements, the construction of the separation barrier on occupied land and the demolition of Palestinian homes.

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Following the Palestinian elections in January, the EU and the Quartet have also made it clear that the new, democratically-elected Hamas Government of the Palestinian Authority must commit to the peace process. It must renounce violence, recognise Israel's right to exist and adhere to agreements already negotiated by the Authority and the PLO. Since April, the EU has been reviewing its assistance against the Hamas Government's commitment to these principles.

The EU has been the strongest supporter of the Palestinian people internationally. It is also the largest donor. Overall EU assistance, including bilateral assistance from Member States, averages €500 million annually. This has covered humanitarian assistance and support for Palestinian institutions, NGOs and civil society, as well as contributions to the UN and other international organisations. In February, the Council approved the urgent release by the Commission of €121 million in humanitarian assistance to the Palestinian people, and a further allocation will be made shortly. In early April, the Commission temporarily suspended direct assistance to the Palestinian Authority.

The Government regrets that Hamas has so far not demonstrated any significant movement towards acceptance of the peace process. While we understand the difficulty of the transition Hamas must now make, I believe it would be unreasonable to expect the EU to continue its capacity-building support for the Government irrespective of its willingness to respect the basic rules of the peace process. I also strongly believe that the Palestinian people should not have to face a humanitarian crisis because of the reluctance of their Government to meet its responsibilities. The EU has made it clear that it is committed to continuing necessary assistance to meet the basic needs of the Palestinian population. Ireland has argued for the widest possible definition of those needs.

Following the meeting of the Quartet on 9 May and the General Affairs and External Relations Council on 15 May, the EU has undertaken the urgent task of developing a temporary international mechanism to channel assistance directly to the Palestinian people. As a matter of priority, it will aim to provide for basic needs, including health services. It will be essential that all international donors cooperate to ensure the effectiveness of these new structures. The EU has also called on Israel to take action to resume the transfer of withheld Palestinian tax and customs revenues, which are essential in averting a crisis in the Occupied Territories.

As the Deputy will be aware, the Government is committed to maintaining the level of Ireland's bilateral assistance to the Palestinians, which amounted to over €4 million in 2005. Already this year €1.5 million has been allocated in humanitarian assistance through the United Nations

Relief and Works Agency (UNRWA). Further allocations will be made in the near future.

Question No. 374 answered with Question No. 362.

Overseas Development Aid.

375. **Mr. Connolly** asked the Minister for Foreign Affairs if it is proposed to provide humanitarian aid to internally displaced people in Burma through Non-Governmental Organisations based in Thailand; and if he will make a statement on the matter. [20979/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): I am aware of the vital role played by Non-Governmental Organisations (NGOs) in Thailand in meeting the humanitarian relief needs of Burmese refugees. Trócaire is one of five recipients of multi-annual funding from Irish Aid. Under this Multi-Annual Programme Scheme (MAPS), Trócaire supports the work of the Thailand Burma Border Consortium (TBBC), which provides essential services to the Burmese refugee population in camps on the Thai-Burma border. Trócaire has allocated over €500,000 of the funding it received from Irish Aid over the last 3 years to the TBBC.

Officials from Irish Aid have met recently with the Thailand Burma Border Consortium in relation to the budgetary needs of the TBBC for provision of relief services. Discussions are ongoing, including with Trócaire, on how best to meet these needs. I wish to assure the Deputy that Irish Aid will continue to respond to the humanitarian needs of the affected population.

Human Rights Issues.

376. **Mr. Connolly** asked the Minister for Foreign Affairs if he proposes to raise human rights violations in Burma at the United Nations Security Council under Article 35 of the UN Charter; and if he will make a statement on the matter. [20980/06]

Minister for Foreign Affairs (Mr. D. Ahern): Ireland takes a consistently strong position on Burma in relevant contacts, in particular in the European Union framework and at the United Nations. Together with our EU partners, we avail of all opportunities to condemn the abuse of human rights and fundamental freedoms in Burma and deplore the lack of progress towards democracy.

I am pleased that the UN Security Council (SECCO) is expected to hear a briefing this week from UN Under Secretary Gambari on his visit to Burma from 18-20 May. The exact date remains to be fixed. SECCO last held a briefing on the situation in Burma in December 2005.

The recent visit by Under Secretary Gambari was the first high-level visit to Burma by a UN representative in more than two years. I welcome

the fact that Mr Gambari was able to meet with the most senior Burmese leaders as well as with Aung San Suu Kyi and representatives of her party, the National League for Democracy, during the visit. I welcome in particular the agreement by the Burmese government that the UN should play a role in promoting common ground between the government and the National League for Democracy so that the National Convention, which is due to resume its work in October, can proceed in a more inclusive way.

While I am not aware of any plans by the UN Security Council, beyond this week's briefing, to consider the question of Burma, we would be very pleased if this were to occur. The UN Secretary General is due to appoint a new Special Representative on Burma in the near future to replace Mr. Razali Ismail who resigned at the end of last year. I hope that the new Special Representative, when appointed, and the UN Special Rapporteur on the situation on Human Rights in Burma, Mr. Sergio Pinheiro, will be given the necessary cooperation by the Burmese government to allow them to discharge fully their mandates.

The EU issued a statement on 26 May which noted with deep concern that the process of democratisation in Burma has recently suffered a worrying setback as the Burmese government has stepped up its pressure against ethnic groups and the two main political parties. The statement noted that these actions contradict the professed intention to establish a genuine democratic nation. The EU remains deeply concerned that Aung San Suu Kyi has been detained continuously for three years without charge and urged the Burmese government to restore fully her freedom and civil liberties. In fact, reports in recent days indicate that her house arrest, which was due to expire on 27 May, has been extended.

The statement also urged the Burmese government to accelerate the democratisation process, a process which should engage all political and ethnic forces in the country in a genuine dialogue and lead to the speedy completion of a constitution under civilian rule, which commands popular support and promotes peaceful and sustainable development. For my part, I will continue to raise concerns about Burma on all possible occasions and to work for real progress there.

Sports Capital Programme.

377. **Mr. Wall** asked the Minister for Arts, Sport and Tourism the number of applications for capital lottery funding received by county for the past five years; the number of successful applications per county for the same period; and if he will make a statement on the matter. [20530/06]

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 levels. The programme invites applications on an annual basis.

The number of applicants and grantees offered provisional grant allocations for each county under the sports capital programme for the period 2001-2005 is contained in the attached schedule as requested. In relation to the 2006 programme, the closing date for receipt of applications was January 20th last. A total of 1,338 applications were received. All of these applications are currently being evaluated against the programme's detailed 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. The number of applications by county under the 2006 sports capital programme is as follows.

County	Applications
Carlow	16
Cavan	26
Clare	29
Cork	154
Donegal	62
Dublin	233
Galway	90
Kerry	86
Kildare	33
Kilkenny	36
Laois	26
Leitrim	28
Limerick	58
Longford	17
Louth	37
Mayo	50
Meath	28
Monaghan	35
Offaly	29
Roscommon	28
Sligo	29
Tipperary	59
Waterford	43
Westmeath	22
Wexford	54
Wicklow	30

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Sports Capital Programme

Applications Received and Provisional Grants Allocated by County 2001-2005

County	2005		2004		2003		2002		2001	
	Apps.	Grants	Apps.	Grants	Apps.	Grants	Apps.	Grants	Apps.	Grants
Carlow	22	11	16	12	23	8	18	14	17	12
Cavan	20	11	25	15	30	8	30	14	33	14
Clare	33	21	25	19	42	21	40	27	48	18
Cork	151	77	128	81	157	68	154	100	164	71
Donegal	59	22	62	26	69	24	115	63	95	42
Dublin	268	92	252	141	192	103	202	126	198	101
Galway	100	35	73	39	81	34	79	50	72	38
Kerry	81	43	90	50	86	48	65	48	76	31
Kildare	44	16	44	27	44	24	45	30	58	38
Kilkenny	26	17	25	18	36	21	30	21	23	15
Laois	22	14	25	19	23	18	23	20	44	21
Leitrim	23	9	27	10	25	8	20	17	25	16
Limerick	59	35	45	28	66	30	69	43	55	24
Longford	19	11	29	10	29	7	22	16	29	15
Louth	42	21	37	22	42	23	37	21	44	26
Mayo	53	19	50	23	51	21	60	27	79	17
Meath	28	21	32	16	31	20	27	15	27	16
Monaghan	39	14	26	17	27	9	36	18	45	13
Offaly	35	25	29	17	31	18	13	9	29	18
Roscommon	32	14	35	19	33	11	25	15	36	17
Sligo	21	10	30	13	28	12	30	16	33	13
Tipperary	56	25	54	27	51	24	61	30	61	33
Waterford	39	21	41	29	34	16	30	23	44	20
Westmeath	25	9	30	18	28	12	41	29	42	26
Wexford	38	20	41	27	46	19	53	34	60	27
Wicklow	27	15	33	15	32	10	39	27	30	14
Totals	1,362	628	1,304	738	1,337	617	1,364	853	1,467	696

378. **Mr. Wall** asked the Minister for Arts, Sport and Tourism the mechanisms to be put in place or are in place to assist those successful in their applications for capital lottery funding but who have been unable to draw down their allocation. [20531/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Under my Department's sports capital programme, grants are allocated to sporting and to voluntary and community organisations for the provision of sporting and recreational facilities and equipment. Through sports capital funding, the Government has provided unprecedented levels of funding for sport and its infrastructure in this country, e.g. since 1998 a total of 4,923 such projects have benefited from €394.8 million in grant allocations.

From the outset, on applying for a grant under the programme, all applicants are issued with the Guidelines, terms and conditions in relation to

the Programme to ensure that they are fully aware of all requirements in applying for a sports capital grant and, even at that stage, of the requirements for drawing down a grant if their application is successful.

Following the announcement of provisional allocations under the programme, grantees are informed in writing by my Department of the full range of requirements in order to draw down the grant. The mechanisms in place for the drawdown of grant payments are in keeping with standards of good practice in relation to the provision of Government funds to assist in the development of capital projects. However, should any grantee have any difficulties at any stage of the drawdown process, officials in my Department are available to them to assist and advise them.

379. **Mr. Kehoe** asked the Minister for Arts, Sport and Tourism if his Department have received an application for lottery funding under

the sports capital programme 2006; when he plans to make an announcement on same; and if he will make a statement on the matter. [20437/06]

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 levels.

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. A total of 1,338 applications for projects costing €670 million and seeking funding of €312 million were received, including one from the organisation in question. All of the applications are currently being evaluated against

the programme's detailed 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.

Departmental Bodies.

380. **Mr. Naughten** asked the Minister for Arts, Sport and Tourism the public bodies under the control of his Department; their function, role, location and establishment date; the administration costs of each body in the year 2005; and if he will make a statement on the matter. [20469/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The bodies under the aegis of my Department, their locations, and their dates of establishment are as shown in the table.

Name of Body	Address	Established
National Museum of Ireland	Kildare Street and Merrion Street, Dublin 2; Collins Barracks, Dublin 7, and Turlough Park, Castlebar, Co. Mayo	May 2005 on a statutory basis
National Archives (and National Archives Advisory Council)	Bishop Street, Dublin 8	June 1988
National Gallery of Ireland	Merrion Square West, Dublin 2	1854
National Library of Ireland	Kildare Street, Dublin 2	May 2005 on a statutory basis
National Concert Hall	Earlsfort Terrace, Dublin 2	1981 as a company limited by guarantee under the Companies Act
Chester Beatty Library	Dublin Castle, Dublin 2	1969 as a public charitable trust
Irish Manuscripts Commission	45 Merrion Square, Dublin 2	Established by Warrant of Appointment 1928
The Arts Council	70 Merrion Square, Dublin 2	1951
The Irish Film Board	Rockfort House, St. Augustine Street, Co. Galway	August 1981
Culture Ireland	C/O Room 3.32, Frederick Building, South Frederick Street, Dublin 2	February 2005
Irish Sports Council	Top Floor, Block A, West End Office Park, Blanchardstown, Dublin 15	July 1999 on a statutory basis
Campus and Stadium Ireland Development Ltd	Top Floor, Block A, West End Office Park, Blanchardstown, Dublin 15	March 2000
Horse Racing Ireland	Thoroughbred County House, Kill, Co. Kildare	December 2001
Bord na gCon	104 Henry Street, Limerick	July 1958
National Tourism Development Authority	Baggot Street Bridge, Dublin 2	May 2003
Tourism Ireland	5th Floor, Bishops Square, Redmond Hill, Dublin 2; Beresford House, 2 Beresford Road, Coleraine Northern Ireland and 19 overseas market offices / agents	December 2000

A description of each these bodies and their functions/roles are detailed under Appendix 2 of my Department's Statement of Strategy 2005-2007, which is available on my Department's website, www.dast.gov.ie. Details of the funding provided to most of these bodies is set out in the 2005 Book of Estimates, which is available in the Oireachtas Library.

National Aquatic Centre.

381. **Mr. Wall** asked the Minister for Arts,

Sport and Tourism further to Parliamentary Question No. 194 of 29 March 2006 if his Department has been in contact with officials from Campus and Stadium Ireland Development Limited regarding the position of the forfeiture of the lease by Dublin Waterworld; the contingency plans CSID have in place for the successful running of the National Aquatic Centre; if this plan will affect those working at the centre; and if he will make a statement on the matter. [20527/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The legal proceedings taken by CSID against Dublin Waterworld Ltd are still before the Courts and it would be inappropriate to comment on matters that are sub-judice. However, it is a matter of public record that the case was before the Supreme Court on 12 May. Pending the hearing of an appeal, the Supreme Court granted a stay of execution on the judgment and order of Mr. Justice Gilligan made in the High Court on 21 and 29 March 2006. The terms upon which a stay was granted are as follows: The defendant to provide security for costs; The defendant undertakes to keep National Aquatic Centre open and operational; To continue to pay suppliers and staff; To operate the 1300 hours agreement as currently operated; To provide monthly management accounts within 14 days of month end; To comply with all obligations under the lease subject to matters in contention in the appeal; To take reasonable steps to prosecute the appeal; Not to remove plant and/or equipment or records and to return any records removed; To allow reasonable access for the snagging process to continue.

The Supreme Court gave liberty to apply to it in relation to a serious breach of these terms, on two working days notice. The Supreme Court also entered the case on a list to be heard by the Chief Justice on 18 May in relation to granting an early hearing to the appeal.

CSID duly made an application for an early hearing of the appeal on 18 May. On that date, the Chief Justice ordered that the Books of Appeal be lodged within a week and that submissions be lodged within 10 days. He listed the case for mention on 16 June at which stage he will be seeking a date for the hearing. The availability of dates in the legal calendar will determine whether an early hearing can be secured. CSID has prepared contingency plans for the operation of the National Aquatic Centre in the event of it regaining possession.

Sports Funding.

382. **Mr. Wall** asked the Minister for Arts, Sport and Tourism further to Parliamentary Question No. 95 of 25 April 2006 if his Department has been in contact with officials from South Dublin County Council regarding the completion of the soccer stadium at Tallaght; if his Department received a submission from South Dublin County Council outlining the project costs and required funding; if so, if a decision has been reached on the amount of funding required from his Department to allow the completion of the stadium; and if he will make a statement on the matter. [20528/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I wish to inform the Deputy, in

the period since 25 April 2006, no submission has been received from South Dublin County Council in relation to the project costs and required funding. My Department is informed by South Dublin County Council that it is engaged in work associated with the judicial review proceedings initiated by a local GAA club which were listed for initial hearing in the High Court on 8 May 2006. I am advised that the matter was adjourned for another four weeks at which time it is likely that a date will be set for a hearing later in the year. I would like to underline my continued support for this project and commitment to ensure the completion of the soccer stadium at Tallaght.

Arts Funding.

383. **Mr. McGinley** asked the Minister for Arts, Sport and Tourism the groups in County Donegal which benefited from arts funding in the period 2005-2006; the criteria for applying for such benefit in the current year; and if he will make a statement on the matter. [20562/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The principal source of non-capital state funding for the arts is through the Arts Council, which, while funded by my Department, is autonomous in its day-to-day operations. My Department has no function in deciding on the extent of Arts Council funding for particular projects or locations. Indeed the Arts Act, 2003, underpins the Council's independence in this context.

My Department directly provides capital grants for arts and culture infrastructure around the country. The main vehicle for such capital funding is the Arts & Culture Capital Enhancement Support Scheme (ACCESS), under which almost €43 million was provided to arts and cultural facilities around the country. This scheme commenced in 2001 and many projects are still in the course of completion.

Under the Arts Culture Capital Enhancement Scheme (ACCESS), an amount of €2,539,476 was awarded to the Arts Centre in Letterkenny to the development of a purpose designed multi-disciplinary Arts Centre adjacent to An Grianán Theatre. The centre, which is currently under construction, will consist of two galleries, a studio theatre/cinema and three multi-purpose workshop spaces. Construction started in 2005 and payment of my Department's contribution is expected to commence shortly.

Sports Capital Programme.

384. **Mr. Eoin Ryan** asked the Minister for Arts, Sport and Tourism the names of sports and other clubs from Dublin 6W, Dublin 12 and Dublin 24 which have applied for funding under his Department sports capital grants scheme for 2006. [20590/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Applications for funding under the national lottery-funded 2006 sports capital 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 are currently being evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. While the deliberative process of the assessment of applications is ongoing, it is not considered appropriate to provide a listing of applications or information relating to individual applications. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed.

385. **Mr. Perry** asked the Minister for Arts, Sport and Tourism if he will ensure that sports capital funding will be allocated to a park (details supplied) in Sligo; if this application has been reviewed; and if he will make a statement on the matter. [20595/06]

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.

Swimming Pool Projects.

386. **Mr. Connolly** asked the Minister for Arts, Sport and Tourism the projected date for the official opening of Monaghan town swimming pool; and if he will make a statement on the matter. [20604/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): In January 2005, the maximum grant-aid of €3.8 million was approved towards the cost of replacement of the public swimming pool in Monaghan town. To date, €3.1 million of this grant has been drawn down. The construction work is due to be completed next month and it is

anticipated that the pool will open soon thereafter. The actual date for any official opening of the pool is a matter for Monaghan County Council.

Sports Capital Programme.

387. **Mr. Naughten** asked the Minister for Arts, Sport and Tourism if he will approve a sports capital grant application by a council (details supplied) in County Roscommon; and if he will make a statement on the matter. [20670/06]

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 levels.

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. A total of 1,338 applications for projects costing €670 million and seeking funding of €312 million were received. All of these applications, including one from the organisation in question, ranging in project cost from €500 to €25 million are currently being evaluated against the programme's detailed 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.

388. **Mr. Gregory** asked the Minister for Arts, Sport and Tourism if his Department has received a request for lottery funding from a club (details supplied) in Dublin 7; and when a decision will be made in view of the lack of sporting facilities in this area. [20856/06]

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. A total of 1,338 applications were received, ranging in project cost from €500 to €25 million for projects costing a total of €670 million and for which funding of €312 million was sought. All of these applications, including one from the organisation in question, are currently being evaluated against the programme's detailed assessment criteria, which are outlined in the

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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.

Swimming Pool Projects.

389. **Mr. Timmins** asked the Minister for Arts, Sport and Tourism the situation regarding the application from Bray Town Council for a swimming pool; and if he will make a statement on the matter. [20953/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Bray Town Council has applied for funding for the provision of a replacement swimming pool under the local authority swimming pool programme which is administered by my Department. I approved the Preliminary Report for the project in May 2005 thereby allowing the council to prepare contract documents. This documentation is awaited.

Research Funding.

390. **Mr. Quinn** asked the Minister for Enterprise, Trade and Employment if he has received a detailed proposal from an organisation (details supplied) setting out a three year road map that would considerably enhance the existing enterprise education programme which is at the core of the work of the organisation; if he has evaluated the benefit of the proposals; his views on the pioneering work the provision of education for enterprise which the organisation has made; his further views on whether, in addition to the subventions which the Department of Education and Science gives generally to the promotion of business education, his Department should provide net additional funding to enable the organisation to implement their three year road map. [20380/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): I met recently with a representative of the organisation concerned and she gave me a detailed presentation on the work and objectives of Junior Achievement and on the future planned activities and development of the organisation. I would like to acknowledge the good work done by Junior Achievement to date in the area of enterprise education. My Department has already provided some funding to this organization through the Department's integrated science awareness programme the "Discover Science and Engineering Programme".

State funding for enterprise promotion, including the promotion of enterprise within the education system, is primarily channelled through the relevant State Agencies. The County and City Enterprise Boards (CEBs) have a well-established role in the delivery of enterprise education.

As part of their enterprise promotion activities the CEBs support teachers in the delivery of enterprise programmes designed to give students practical experience of setting up and running their own business. The annual Student Enterprise Awards (SEA) scheme, organised by the CEBs, involves some 10,000 second-level students each year. The activities of the CEBs in this area already represent a considerable commitment of resources and expenditure of public funds.

The Report of the Enterprise Strategy Group (ESG) acknowledged the important role of education and training in contributing to the future strong economic development of this country and outlined a recommended approach to enterprise education. The conclusions of the ESG were largely reiterated in the Report of the Small Business Forum that I received recently. I have asked my Department, in consultation with the Department of Education and Science, to examine the arrangements for delivery of enterprise education taking account of the recommendations contained in these reports. The proposals from Junior Achievement Ireland will be borne in mind in the context of this exercise.

Industrial Relations.

391. **Mr. Wall** asked the Minister for Enterprise, Trade and Employment the mechanism available to a person (details supplied) to raise their concerns that the contents of an agreement were not adhered to when they commenced employment; and if he will make a statement on the matter. [20405/06]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): The wages and employment conditions of workers employed in the Drapery and Footwear sector in Dublin are governed by the Registered Employment Agreement (Dublin and Dún Laoghaire, Drapery, Footwear and Allied Trades) Variation Order, 2005 which is enforced by the Labour Inspectorate of the Department. Labour Inspectors are empowered to seek compliance with payment of the statutory minimum rates of pay specified in the Agreement.

The enforcement of the provisions of a Registered Employment Agreement may also be effected under the Industrial Relations Acts. A trade union, an association of employers or an individual employer may complain to the Labour Court that a particular employer is not complying with a Registered Employment Agreement. If, after investigating a complaint, the Court is satisfied that the employer is in breach of a Registered Employment Agreement it may by order direct compliance with the Agreement. Failure to comply with such an order is an offence punishable by a fine. It appears from the details supplied

by the Deputy that the employee in this instance was not employed in an establishment that is located within the areas covered by the above-mentioned Agreement. Consequently, the individual involved may wish to consider availing of the Rights Commissioner Service of the Labour Relations Commission. Rights Commissioners may investigate disputes and grievances which are referred to them by individuals or small groups of workers. Having carried out an investigation, a Rights Commissioner issues a recommendation giving his/her opinion on the merits of the dispute. Forms and information in relation to the service provided by Rights Commissioners are available on the website: *www.lrc.ie*, or telephone: 01 6136700. Disputes that arise in relation

to provisions in contracts of employment may concern matters of contract law. Advice on contract law, if required, should be obtained from a legal professional.

Departmental Bodies.

392. **Mr. Naughten** asked the Minister for Enterprise, Trade and Employment the public bodies under the control of his Department; their function, role, location and establishment date; the administration costs of each body in the year 2005; and if he will make a statement on the matter. [20470/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): The information requested by the Deputy is set out in the table.

Public Bodies under the Aegis of the Department of Enterprise, Trade and Employment

Name of Public Body	Function of Public Body	Role of Public Body	Location of Public Body	Establishment Date	Administration Costs in 2005
IDA Ireland	<p>The Industrial Development Agency (IDA Ireland) is an Autonomous Statutory Agency set up under the Industrial Development Acts 1993 as amended. The functions of IDA Ireland are</p> <p>(a) to promote the establishment and development, in the State, of industrial undertakings from outside the State,</p> <p>(b) to make investments in and provide supports to industrial undertakings which comply with the requirements of the enactments for the time being in force,</p> <p>(c) to administer such schemes, grants and other financial facilities requiring the disbursement of European Community Funds as may from time to time be authorised by the Minister for Enterprise, Trade and Employment with the concurrence of the Minister for Finance, and</p> <p>(d) to carry out such other functions as may from time to time be assigned to it by Forfás with the consent of the Minister for Enterprise, Trade and Employment.</p>	<p>The principal role of IDA Ireland is to attract foreign direct investment to this country</p>	<p>The headquarters of IDA Ireland is located in Dublin at Wilton Park House, Wilton Place, Dublin 2. In addition the Agency has ten regional offices throughout Ireland and twelve overseas offices.</p>	1 January 1994.	€36.626m

Public Bodies under the Aegis of the Department of Enterprise, Trade and Employment—*continued*

Name of Public Body	Function of Public Body	Role of Public Body	Location of Public Body	Establishment Date	Administration Costs in 2005
Enterprise Ireland	<p>To develop industry and enterprise in the State. To promote, assist and develop the marketing of goods and service industries. To assist enterprises in:</p> <ul style="list-style-type: none"> • Strategy assessment and formulation • Developing their technology base, capacity to innovate, undertake research, development and design • to strengthen the skills base in industry, • to provide services which support such development, • to make investments in and provide supports to industrial undertakings which comply with the requirements of the enactments for the time being in force, • to administer such schemes, grants and other financial facilities requiring the disbursement of European Union and such other funds as may from time to time be authorised by the Minister for Enterprise, Trade and Employment with the concurrence of the Minister for Finance, • to apply for and receive, in the State or elsewhere, any trade marks, licences, protections or concessions in connection with trade or the marketing of goods or services, and in relation thereto, to do all such things as the Agency considers necessary or desirable for the purposes of its functions, • to carry out such other functions as may from time to time be assigned to it by Forfás, with the consent of the Minister for Enterprise, Trade and Employment. 	To accelerate the development of World-Class Irish companies to achieve strong positions in global markets resulting in increased national and regional prosperity	Glasnevin Dublin 9 There are also 13 regional offices & 33 overseas offices	23 July, 1998	€105.2m

Public Bodies under the Aegis of the Department of Enterprise, Trade and Employment—*continued*

[Mr. Martin.]

Name of Public Body	Function of Public Body	Role of Public Body	Location of Public Body	Establishment Date	Administration Costs in 2005
Personal Injuries Assessment Board	To make assessments in certain situations, without the need for legal proceedings, for personal injuries	See function	Tallaght, Dublin 24.	13 April 2004	€6.05 million (this is a preliminary, unaudited, amount and may be subject to change)
Shannon Free Airport Development Company (Shannon Development)	Regional development agency for Shannon Region	Shannon Development's primary focus is to lead and encourage the identification and development of solutions to the critical needs or obstacles to development in the region.	Town Centre, Shannon County Clare	28 January, 1959	€19.948m
Forfás	Forfás provides a secretariat and research function to a number of independent advisory councils including: <ul style="list-style-type: none"> • Advisory Council for Science, Technology and Innovation • Expert Group on Future Skills Needs (EGFSN) • National Competitiveness Council (NCC) Forfás is also responsible for coordination to promote coherence in the activities of IDA Ireland, Enterprise Ireland and Science Foundation Ireland (SFI).	Forfás is the national policy advisory board for enterprise, trade, science, technology and innovation.	Wilton Park House Wilton Place Dublin 2	1 January, 1994	€27.576m
National Standards Authority of Ireland	The functions of the NSAI are set out in the National Standards Authority of Ireland Act 1996, the Metrology Act 1996 to 1998 and the Packaged Goods (Quantity Control) Act 1980. In summary the NSAI has responsibility for the following functions: <ol style="list-style-type: none"> 1. Standards 2. Legal Metrology Service 3. National Metrology 4. Agreement Certification 5. Certification Services 	The National Standards Authority of Ireland supports enterprise, trade, consumers and government through the effective provision of services of the highest quality in the areas of Standards, Legal Metrology, Agrément Certification, Management and Product Certification Services and National Metrology.	Glasnevin, Dublin 9	14 April, 1997	€8.8m

Public Bodies under the Aegis of the Department of Enterprise, Trade and Employment—*continued*

Name of Public Body	Function of Public Body	Role of Public Body	Location of Public Body	Establishment Date	Administration Costs in 2005
The Trade and Business Development Body <i>Inter Trade Ireland</i>	A North/South body to exchange information and to co-ordinate work on trade, business development and related matters, in the mutual interests of both administrations on the island of Ireland.	To enhance the global competitiveness of the all-island economy to the mutual benefit of Ireland and Northern Ireland through measures such as the creation of knowledge-intensive all-island trade and business development networks and the implementation of all-island trade and business development programmes.	The Old Gasworks Business Park, Kilmorey Street, Newry BT34 2DE, Co. Down, Northern Ireland	2 December, 1999	€2.327m
FÁS	Training and re-training in/for employment; recruitment service; employment schemes; placement and guidance services; assistance to community groups; advice for people returning to Ireland, those seeking employment in Ireland or elsewhere in the EU; information, advice or research on labour market issues.	Operation of training and employment programmes provision of a placement service for industry, support for co-operative and community-based enterprises, and provision of information/advice to the Minister for Enterprise, Trade and Employment.	23-33 Upper Baggot Street, Dublin 2 There are also Regional Offices & Training Centres across the country.	January 1988	€148.545m

Public Bodies under the Aegis of the Department of Enterprise, Trade and Employment—*continued*

[Mr. Martin.]

Name of Public Body	Function of Public Body	Role of Public Body	Location of Public Body	Establishment Date	Administration Costs in 2005
Irish Auditing and Accounting Supervisory Authority (IAASA)	<p>IAASA's main function is to supervise the regulation by the prescribed accountancy bodies of their members. It has a wide range of oversight functions, under the Companies (Auditing and Accounting) Act, 2003, including the power to:</p> <ul style="list-style-type: none"> • Grant recognition to bodies of accountants under the Companies Acts' and attach terms and conditions to the recognition of these bodies; • Intervene in the disciplinary processes of the accountancy bodies where it deems it necessary; • Carry out independent investigations of possible breaches of standards of prescribed accountancy bodies by their members; and • Review accounts of certain categories of companies, with the power to apply to the Courts to compel Directors of a company to amend accounts that are not in compliance with the Companies Acts — this function has not been commenced to date. 	<p>The objects of IAASA as provided for under the 2003 Act (Section 8) are to:</p> <ul style="list-style-type: none"> • Supervise how the prescribed accountancy bodies regulate and monitor their members; • Promote adherence to high professional standards in the auditing and accountancy profession; • Monitor whether the accounts of certain classes of companies and other undertakings comply with the Companies Acts; and act as a specialist source of advice to the Minister on auditing and accounting matters. 	Willow House, Millennium Park, Naas, Co. Kildare	IAASA was formally established as a company in December, 2005, designated as the Supervisory Authority by the Minister for the purposes of the 2003 Act on 3 January 2006 and given most of its powers and functions on 2nd February 2006.	N/A
Science Foundation Ireland (SFI)	<p>SFI operates by issuing calls for proposals to Higher Education Institutes under its various Programmes and awarding research grants to the most competitive applicants following a rigorous international peer review process.</p>	<p>To build and strengthen scientific and engineering research and its infrastructure in the areas of greatest strategic value to Ireland's long term competitiveness and development.</p>	Wilton Park House, Wilton Place, Dublin 2	25 July 2003	€7,361,000

Public Bodies under the Aegis of the Department of Enterprise, Trade and Employment—*continued*

Name of Public Body	Function of Public Body	Role of Public Body	Location of Public Body	Establishment Date	Administration Costs in 2005
The Competition Authority	Statutory body to enforce the provisions of the Competition Act, 2002.	<ol style="list-style-type: none"> Investigate breaches of competition law. Merger review. Promote competition where it is absent, limited or restricted. 	Parnell House, 14 Parnell Square, Dublin 1.	First established in 1991 and continued by the Competition Act, 2002.	€4.8m
Health and Safety Authority	To enforce the law on occupational safety and health; promote, encourage and foster the prevention of accidents, dangerous occurrences and personal injury at work; and promote, encourage, foster and provide education and training in occupational safety, health and welfare.	The Health and Safety Authority is the state body charged with overall responsibility for the administration, enforcement and promotion of workplace safety and health under the Safety, Health and Welfare at Work Act 2005.	10 Hogan Place, Dublin 2	1st November 1989	€17.848m
Labour Relations Commission	The promotion of good industrial relations through the provision of a comprehensive range of services designed to help prevent and resolve disputes.	The Commission provides an industrial relations Conciliation Service; an industrial relations Advisory Service (ADRS); and a Rights Commissioner Service	Tom Johnson House Haddington Road Dublin 4	1991	€4.303m
Carlow County Enterprise Board	To develop indigenous enterprise potential & stimulate economic activity at local level.	The delivery of support programmes to micro-enterprise.	Enterprise House, O'Brien Road, Carlow.	October, 1993	€366,738
Cavan County Enterprise Board	As above	As above	Cavan Innovation & Technology Centre, Dublin Road, Cavan.	October, 1993	€367,924
Clare County Enterprise Board	As above	As above	Enterprise House, Mill Road, Ennis, Co. Clare.	October, 1993	€343,925
Cork City Enterprise Board	As above	As above	1/2, Bruach na Laoi, Union Quay, Cork.	October, 1993	€310,500
Cork North County Enterprise Board	As above	As above	26 Davis St., Mallow, Co. Cork.	October, 1993	€136,000
Cork South County Enterprise Board	As above	As above	Unit 6a, South Ring Business Park, Kinsale Road, Cork.	October, 1993	€401,700
Cork West County Enterprise Board	As above	As above	8 Kent Street, Clonakilty, Co. Cork.	October, 1993	€355,477

[Mr. Martin.]

Public Bodies under the Aegis of the Department of Enterprise, Trade and Employment—*continued*

Name of Public Body	Function of Public Body	Role of Public Body	Location of Public Body	Establishment Date	Administration Costs in 2005
Donegal County Enterprise Board	As above	As above	The Enterprise Fund Business Centre, Ballyraire, Letterkenny, Co. Donegal.	October, 1993	€428,543
Dublin City Enterprise Board	As above	As above	17 Eustace Street, Dublin 2.	October, 1993	€394,075
Fingal County Enterprise Board	As above	As above	Upper Floor Office Suite, Mainscourt, 23 Upper Main Street, Swords, Co. Dublin.	October, 1993	€380,000
South Dublin County Enterprise Board	As above	As above	No. 3 Village Square, Old Bawn Road, Tallaght, Dublin 24.	October, 1993	€368,915
Dún Laoghaire Rathdown County Enterprise Board	As above	As above	Nutgrove Enterprise Centre, Nutgrove Way, Rathfarnham Dublin 14.	October, 1993	€420,000
Galway County and City Enterprise Board	As above	As above	Wood Quay Court, Wood Quay, Galway.	October, 1993	€362,696
Kerry County Enterprise Board	As above	As above	County Buildings, Rataass, Tralee, Co. Kerry.	October, 1993	€365,767
Kildare County Enterprise Board	As above	As above	The Woods, Clane, Co. Kildare.	October, 1993	€322,000
Kilkenny County Enterprise Board	As above	As above	42 Parliament Street, Kilkenny.	October, 1993	€318,500
Laois County Enterprise Board	As above	As above	IBS House, Dublin Road, Portlaoise, Co. Laois.	October, 1993	€280,000
Leitrim County Enterprise Board	As above	As above	Carrick-on-Shannon Business Park, Dublin Road, Carrick-on-Shannon, Co. Leitrim.	October, 1993	€370,700
Limerick City Enterprise Board	As above	As above	The Granary, Michael Street, Limerick.	October, 1993	€382,000
Limerick County Enterprise Board	As above	As above	Lower Mallow Street, Limerick.	October, 1993	€322,581
Longford County Enterprise Board	As above	As above	Longford Enterprise Centre, Templemichael, Ballinalee Road, Co. Longford.	October, 1993	€329,000

Public Bodies under the Aegis of the Department of Enterprise, Trade and Employment—*continued*

Name of Public Body	Function of Public Body	Role of Public Body	Location of Public Body	Establishment Date	Administration Costs in 2005
Louth County Enterprise Board	As above	As above	Partnership Court, The Ramparts, Dundalk, Co. Louth.	October, 1993	€368,145
Mayo County Enterprise Board	As above	As above	McHale Retail Park, McHale Road, Castlebar, Co. Mayo	October, 1993	€319,292
Meath County Enterprise Board	As above	As above	Navan Enterprise Centre, Trim Road, Navan, Co. Meath.	October, 1993	€372,000
Monaghan County Enterprise Board	As above	As above	M. TEK Building Knockaconny, Co. Monaghan.	October, 1993	€353,993
Offaly County Enterprise Board	As above	As above	Cormac Street, Tullamore, Co. Offaly.	October, 1993	€354,000
Roscommon County Enterprise Board	As above	As above	Abbey Street, Co. Roscommon.	October, 1993	€323,668
Sligo County Enterprise Board	As above	As above	Sligo Development Centre, Cleveragh Road, Co. Sligo.	October, 1993	€381,899
Tipperary North County Enterprise Board	As above	As above	Connolly St, Nenagh, Co. Tipperary.	October, 1993	€346,183
Tipperary South County Enterprise Board	As above	As above	1, Gladstone Street, Clonmel, Co. Tipperary.	October, 1993	€322,758
Waterford City Enterprise Board	As above	As above	Enterprise House, New Street Court, Co. Waterford	October, 1993	€306,000
Waterford County Enterprise Board	As above	As above	The Courthouse, Dungarvan, Co. Waterford	October, 1993	€236,600
Westmeath County Enterprise Board	As above	As above	Church Avenue, Mullingar, Co. Westmeath.	October, 1993	€398,700
Wexford County Enterprise Board	As above	As above	16/17 Mallin Street, Cornmarket, Co. Wexford	October, 1993	€404,219
Wicklow County Enterprise Board	As above	As above	1, Main Street, Co. Wicklow	October, 1993	€373,795

Research Funding.

393. **Mr. Connolly** asked the Minister for Enterprise, Trade and Employment the progress Ireland has made towards the EU's target of three percent expenditure on research and development by 2010; and if he will make a statement on the matter. [20606/06]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern): The Deputy refers to the "Lisbon" agenda targets, aimed at making Europe more competitive and innovative on the world stage. The Government is highly conscious of the impact of R&D on international economic competitiveness and Ireland is playing its part in contributing significantly to European goals. Work by the EU Commission last year provided a timely review of progress towards achieving the Lisbon objectives and is a reminder of the challenge that faces all of us, in our efforts to drive investment in R&D and innovation.

The process of comprehensively addressing the R&D agenda was commenced by this Government under the current National Development Plan (NDP), 2000-2006. Within the current NDP, STI has become a major plank of this government's policy, underpinned by very significant resources of 2.5bn euro. The importance of ensuring greater coherence in the development of the overall national system of innovation and the value of a whole of government approach has also been recognized by this government. A Cabinet Subcommittee for STI, which my colleague Minister Micheál Martin chairs, serviced by an Interdepartmental committee lead by my Department, has been working actively for the past 18 months. Real achievements have been made, with real annual average growth in gross expenditure on R&D (GERD) for Ireland at 4.5% for 2001-2003 rising to 4.8% for 2003-2005. In GNP terms the ratio for GERD to GNP has increased continually over recent years, rising from 1.3% in 2000 up to 1.45% in 2005.

Our ambition is to develop Ireland as a knowledge-based economy, renowned for the excellence of its research and to the forefront of generating and using new knowledge for social and economic progress within an innovation driven culture. To this end, my colleague, Minister Martin, will shortly be bringing forward to Government a Strategy on STI to 2013, which will drive this agenda forward. The Strategy will be a comprehensive, whole of government, response set in the context of the Lisbon Agenda. To achieve our goals, we need to make the next quantum leap forward. Making that vision a reality will require strategic investment and the Minister proposes to lead that investment.

Grocery Industry.

394. **Mr. Connolly** asked the Minister for

Enterprise, Trade and Employment the steps he proposes to take to ensure that the abolition of the Groceries Order 1987 results in food price reductions for consumers; and if he will make a statement on the matter. [20607/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): The Groceries Order was in place for many years and was abolished just over two months ago. While it is too early at this stage to predict what the impact will be, it is important to remember that the Order was abolished for a number of reasons, including the fact that it criminalised shopkeepers for passing on discounts to consumers. Many factors impact on food prices to consumers, including the increased price of oil. In revoking the Order the Oireachtas simply removed an obstacle to competition and I believe that the market will take some time to adapt to the changed legislative environment.

Many submissions received by my Department last year, during the public consultation process on the future of the Order, expressed concerns that anti-competitive practices might develop in the grocery trade if the Order were to be repealed. In the light of these concerns I have asked the Competition Authority to specifically monitor the sector in the coming months and years. I expect that the removal of the order will stimulate competition, drive increased efficiencies at all levels of the distribution chain and produce a consequent downward pressure on retail prices from which consumers will ultimately benefit.

Work Permits.

395. **Mr. Connolly** asked the Minister for Enterprise, Trade and Employment the number of applications for work permits in 2005; the number granted and refused; the number of applications pending; and if he will make a statement on the matter. [20608/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): The Work Permits Section of my Department received a total of 28,745 applications for work permits in 2005. Of the 27,112 work permits granted, 1,143 work permits were refused and 490 were withdrawn. Of the 27,112 work permits granted 7,345 were new work permits, 18,955 were renewal work permits and 812 were group work permits. At the end of 2005 there were 1,499 work permit applications pending.

Employment Rights.

396. **Mr. Connolly** asked the Minister for Enterprise, Trade and Employment if he has satisfied himself that the number of labour inspectors is sufficient for the volume of workplace inspections here; if he proposes to increase the number of inspectors to a more realistic level;

and if he will make a statement on the matter.
[20609/06]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): The assignment of previously announced additional Labour Inspectors was completed in November 2005. That brought the complement of serving Inspectors to 31 Officers. That increase in staffing represents almost a doubling of the number of Labour Inspectors in the last 20 months.

The Department of Enterprise, Trade and Employment circulated a Discussion Document on the 'Mandate and Resourcing of the Labour Inspectorate' to the Social Partners in early 2005. That document was the basis for further consideration by the Employment Rights Compliance Group (ERCG). The ERCG, which was made up of representatives of the Social Partners, including the CIF and SIPTU, together with the Department of Enterprise, Trade and Employment, the Department of the Taoiseach and the Department of Finance, has completed its Report. The Report informed the current National Partnership discussions. Some of the key proposals in the Report are:

- A streamlining of access to redress through the existing Employment Rights Bodies thus enabling individuals with the information and facility to more easily vindicate their employment rights and entitlements
- Greater emphasis on proper record keeping together with increased transparency regarding pay and the associated information provided to employees on payslips
- Organisational improvements in the service provided by the Employment Rights Compliance Section of the Department of Enterprise, Trade and Employment — including the Labour Inspectorate (including a regionalised structure)
- Major investment in Education and Information Dissemination on employment rights obligations and entitlements for both employers and employees.

The resourcing of the Labour Inspectorate and options to enhance the effectiveness of our Employment Rights Compliance regime are being considered in the current round of Social Partnership discussions.

397. **Caoimhghín Ó Caoláin** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to reports that some migrant workers have been discouraged from pursuing complaints against their exploitative employers due to the cost of obtaining a language interpreter; if his attention has further been drawn to the fact that some migrant workers have

been charged exorbitant fees by unscrupulous interpreters; and consequently, if he will introduce a statutory right to an interpreter for those migrant workers in need of one. [20654/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): The Labour Inspectorate of the Department of Enterprise, Trade and Employment is responsible for monitoring certain employment conditions for all categories of workers in Ireland, including immigrant workers. The Inspectorate operates without any differentiation with regard to worker nationality as statutory employment rights and protections apply to immigrant workers in exactly the same manner as they do to other Irish workers.

The Labour Inspectorate is conscious of the difficulties sometimes experienced by migrant workers in pursuing complaints and in this regard the Inspectorate employs interpreters to assist with interviewing and the taking of statements from employees who require this facility in order to communicate effectively with an inspector. The cost of hiring such interpreters is borne by the Department.

The Employment Rights Information Unit (ERIU) in addition to staffing the telephone service produces a range of materials, e.g. information leaflets and booklets that provide a condensed and simplified version of the large corpus of Employment Rights legislation that is currently on the Statute Books. With particular regard for the needs of non-national employees the Department has translated key employment Rights information into nine languages and made this available both in leaflet form and on the Department's website. The unit distributes thousands of information leaflets and booklets to citizen information centres and post offices etc. around the country.

398. **Caoimhghín Ó Caoláin** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the Gangmasters Licensing Authority, established in 2005 by the British Government in the aftermath of the Morecambe Bay tragedy; and his views on whether a similar body should be established here to prevent the occurrence of a similar tragedy.
[20655/06]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): The Department of Enterprise, Trade and Employment is currently carrying out a review of the Employment Agency Act 1971 in consultation with the Social Partners and other interested organisations and persons. The current social partnership talks are also addressing the issue of regulating employment agencies.

Job Losses.

399. **Mr. Quinn** asked the Minister for

[Mr. Quinn.]

Enterprise, Trade and Employment the number of notices of collective redundancy his Department has received in each year from 1997 to date in 2006; the number of persons included in these collective redundancy notices for each year; the number of these persons for each year who received statutory redundancy payments; and if he will make a statement on the matter. [20955/06]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): The number of notices of collective redundancies notified to the Department under the Protection of Employment Act, 1977 (as amended) and the number of employees affected were as follows.

Year	No. of Notices	No. of employees
1997	77	5,468
1998	83	4,707
1999	70	3,682
2000	94	5,890
2001	254	16,490
2002	224	9,685
2003	215	12,339
2004	181	7,977
2005	168	9,763
2006 (to end April)	61	6,045

It is not possible to provide figures on the number of these persons for each year who received statutory redundancy payments as collective redundancy notifications are made under the Protection of Employment Act, 1977 (as amended) rather than under the Redundancy Payments Acts, 1967 to 2003, which makes provision for the Statutory Redundancy Payments Scheme. Collective redundancy notifications include persons with under two years service who do not qualify for statutory redundancy. The statistics produced by my office in respect of collective redundancies do not therefore differentiate between those who have less than two years service and those who are entitled to a statutory redundancy lump sum payment. Collective redundancy notification obligations and statutory redundancy lump sum payments are therefore provided for under separate legislation, with separate figures accordingly being compiled.

Anti-Poverty Strategy.

400. **Mr. Bruton** asked the Minister for Social and Family Affairs the measures used for estimating relative poverty levels and consistent poverty measures; and the way in which each of these has moved over the past five years. [20396/06]

Minister for Social and Family Affairs (Mr. Brennan): Persons are regarded as being in relative income poverty, or 'at risk of poverty', if their income falls below 60 per cent of median income for the population as a whole. The 'consistent poverty' measure, used in Ireland to ascertain those who are most deprived and vulnerable, is calculated by identifying from among those in the 'at risk of poverty' category persons who are also deprived of basic goods and services regarded as essential for living in Ireland today.

The EU Survey on Income and Living Conditions (EU-SILC), which commenced in Ireland in 2003, is an annual survey that provides information on poverty, deprivation and social exclusion. Conducted by the Central Statistics Office (CSO), it is a voluntary survey of private households and information is collected continuously throughout the year, with up to 130 households surveyed each week to give a total sample of 5,000 to 6,000 households in each year. In 2004 a total of 14,272 individuals in 5,477 households were interviewed. The most recent results, announced in December 2005, record continuing positive trends in relation to poverty and social exclusion, and show the impact being made by the greatly increased resources now devoted to social welfare and other social services.

Results from the first two years of EU-SILC show that there has been a slight decrease in the percentage of persons 'at risk of poverty', from 19.7 per cent in 2003 to 19.4 per cent in 2004. These figures represent a halting of the upward trend of previous years and suggest that the numbers in the broad category of 'at risk of poverty' may have peaked and are now beginning to decline. This reflects the impact of real improvements in employment and social provision over the past number of years. The significant shifts from unemployment into employment have been an important factor in moving persons away from the risk of poverty. Real increases in social welfare levels with the basic social welfare rates being increased by 55.5 per cent between 2001 and 2006, while the Consumer Price Index increased by just 16.4 per cent in the same period, have also been a major factor.

It should be noted that those below the 60 per cent of median income threshold are categorised as being "at risk of poverty", but many may not be in poverty, as generally understood. That depends on other factors such as the extent to which their income is below the threshold, the length of time they have been living on a low income, the degree to which their assets will have run down while on a low income, and the other resources they have at their disposal. Another important outcome highlighted by the survey is the significant reduction in the consistent poverty rate from 8.8 per cent in 2003 to 6.8 per cent in 2004.

In making comparisons across years, it is necessary to refer to EU-SILC's predecessor, the Liv-

ing in Ireland Survey (LIIS), which was conducted by the Economic and Social Research Institute (ESRI) between 1994 and 2001. Figures for the period 1994 to 2004 are presented in Annex 1. While it is possible to determine the trend for ‘at risk of poverty’ rates between the two surveys, it is not possible to determine the trend in relation to the consistent poverty measure.

The CSO and the ESRI have stated that the apparent increase in consistent poverty between 2001 and 2003 was actually due to methodological differences between the EU-SILC and LIIS surveys, and that it was not possible to draw any conclusions on how consistent poverty actually changed in this period. It is considered unlikely, however, that the situation regarding consistent poverty would have deteriorated during these years, as there were no policy changes that would have brought about such a reversal of the earlier downward trend. On the contrary, significant improvements in social welfare rates and in services had been made in the intervening period and the EU-SILC results for 2004 would suggest that the downward trend that was apparent in the LIIS continues.

It is important to note that, regardless of statistical differences, a key message which emerges from both the LIIS and EU-SILC surveys is that certain groups of people are at a higher risk of poverty. Both surveys support one another in that

both point to the consistently poor as being a subset of those below relative income thresholds, and identify the same groups as being at above-average risk of poverty and deprivation, i.e., families with children, especially lone parents and large families on low incomes, people with disabilities, the long term unemployed and the elderly, especially those living alone.

Each set of indicators yields important information for the purposes of combating poverty and social exclusion. The objective of a poverty measure must be that it clearly identifies those who are most deprived and vulnerable in society. The recent ESRI report “Reconfiguring the Measurement of Deprivation and Consistent Poverty in Ireland”, which I launched last month, is an important contribution to the debate on how best to measure, monitor and report on poverty in Ireland. The issues raised in this report are being addressed in the preparation of the next National Action Plan against Poverty and Social Exclusion, being coordinated by the Office for Social Inclusion in my Department, which is due to be finalised by September. The findings on poverty levels in the LIIS and EU-SILC surveys and the ESRI report will be of great assistance in devising appropriate policies to address poverty and social inclusion. Further details regarding poverty measurement and related matters can be found on the website of the Office for Social Inclusion, which is based in my Department, at www.socialinclusion.ie.

Annex 1 Table: Consistent Poverty and At Risk of Poverty Rates 1994-2004

	LIIS 1994	LIIS 1997	LIIS 1998	LIIS 2000	LIIS 2001	SILC 2003	SILC 2004
Percentage of persons in consistent poverty	8.3	7.8	6.0	4.3	4.1	8.8	6.8
Percentage of persons at risk of poverty	15.6	18.2	19.8	20.9	21.9	19.7	19.4

Source: ESRI Monitoring Poverty Trends in Ireland — Results from the 2001 LIIS; CSO Statistical Release on EU-SILC 2004 results.

Based on median income threshold (60%) and using the national equivalence scale.

N.B.: LIIS consistent poverty figures are not comparable with EU-SILC data.

Social Welfare Code.

401. **Caoimhghín Ó Caoláin** asked the Minister for Social and Family Affairs if his attention has been drawn to the fact that a grant for third level education may be counted as income for the purposes of means testing; his views on whether this may act as a disincentive against obtaining that education; if he will liaise with his cabinet colleagues to ensure a change in this policy; and if he will make a statement on the matter. [20939/06]

Minister for Social and Family Affairs (Mr. Brennan): For the purposes of means testing for social assistance payments such as Disability Allowance, Unemployment Assistance, Blind Person’s Pension, Farm Assist, Pre-Retirement Allowance and One Parent Family Payment, any moneys received by way of a maintenance grant

under the following schemes are not assessed as means: 1.a scheme administered by the Minister for Education and Science under the Local Authorities (Higher Education Grants) Act, 1968 to 1992 or 2. a scheme administered under the aegis of the Minister for Education and Science and known as the Maintenance Grants Scheme for Students attending Post-Leaving Certificates Courses, Vocational Education Committees Scholarship Scheme, or Third-level Maintenance Grants Scheme for Trainees.

In addition, my Department operates the back to education allowance (BETA), this scheme is a second chance education opportunities scheme designed to encourage and facilitate people on certain social welfare payments to improve their skills and qualifications and, therefore, their prospects of returning to the active work force.

[Mr. Brennan.]

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. The twelve month requirement is reduced 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 scheme was established to assist people who have been out of the workforce for some time and whose opportunities of obtaining employment would be enhanced by participation in the scheme. I am satisfied that the current means testing arrangements and the BTEA provide the necessary incentives to enable social welfare recipients to improve their skills and education, and therefore their prospects of returning to the workforce.

Social Welfare Benefits.

402. **Mr. Ring** asked the Minister for Social and Family Affairs when an oral hearing will be scheduled in respect of an unemployment assistance appeal for a person (details supplied) in County Mayo. [20425/06]

Minister for Social and Family Affairs (Mr. Brennan): A claim for unemployment assistance by the person concerned was disallowed by the Deciding Officer on the grounds that he is not genuinely seeking employment. The person appealed against this decision to the Social Welfare Appeals Office and in accordance with the statutory requirements the relevant departmental papers and comments of my Department were sought. These are now to hand and the case has been referred to an Appeals Officer who proposes to hold an oral hearing. The person will be informed as soon as the arrangements for the hearing are in place. Under Social Welfare Legislation decisions in relation to claims must be made by Deciding Officers and Appeals Officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

Social Welfare Code.

403. **Mr. Neville** asked the Minister for Social and Family Affairs the maximum capital that a person can own without it affecting their entitlement to a non contributory old age pension; and if he intends to change this figure. [20427/06]

Minister for Social and Family Affairs (Mr. Brennan): Currently, a single old age non-contributory pensioner, with no other means, can have capital of up to EUR28,000 and qualify for a pension at the maximum rate and capital of up to EUR79,000 and still qualify for a pension at the minimum rate. These figures are doubled in the case of a pensioner couple.

In the context of Budget 2006, I was pleased to announce that I proposed to establish, in September 2006, a standardised State (Non-Contributory) Pension, replacing the old age pension and, for recipients aged 66 and over, blind pension, widow/er's pension, one parent family payment, deserted wife's allowance and prisoner's wife's allowance. All the schemes in question feature a common means disregard of EUR7.60 per week, which has not increased since the 1970s.

The means disregard for the new non-contributory pension will be EUR20 per week, an increase of EUR12.40 per week. Over 30,000 pensioners who are currently in receipt of a reduced rate of payment will gain from this change. The increase in the personal rate of payment will be up to EUR12.50 per week while the qualified adult rate, where applicable, will increase by up to EUR8.30 per week.

Consequent on the increase in the means disregard to EUR20 per week, a single person, with no other means, will be able to have up to €36,000 in capital and still qualify for a pension at the maximum rate and capital of up to EUR82,000 and still qualify for a pension at the minimum rate. These figures are doubled in the case of a pensioner couple. By any standards, the levels of increases and revised means test arrangements announced in the Budget are exceptional. The proposed modernisation of the current arrangements is also a further demonstration of our commitment to all those who are elderly.

404. **Mr. Hayes** asked the Minister for Social and Family Affairs when the additional time allowed for people in receipt of the carer's benefit will be sanctioned; and if all employers will have to abide by the new regulations in this matter. [20452/06]

Minister for Social and Family Affairs (Mr. Brennan): Section 7 of the Social Welfare Law Reform and Pensions Act 2006 provided for an increase in the duration of payment of carer's benefit from 65 weeks to 104 weeks. This improvement takes effect from Budget Day, 7 December 2005.

Section 48 of the Act also amended the Carer's Leave Act 2001 to provide for a corresponding increase in the duration of carers's leave from 65 weeks to 104 weeks. This provision came into force with effect from 24 March 2006 and the improvement provided for in the legislation applies to all claims made on or after that date.

Issues in relation to the Carer's leave Act are a matter for my colleague the Minister for Enterprise, Trade and Employment.

Departmental Bodies.

405. **Mr. Naughten** asked the Minister for Social and Family Affairs the public bodies under the control of his Department; their function, role, location and establishment date; the administration costs of each body in the year 2005; and if he will make a statement on the matter. [20471/06]

Minister for Social and Family Affairs (Mr. Brennan): The five statutory agencies operating under the aegis of my Department are the Pensions Board, the Combat Poverty Agency, Comhairle, the Social Welfare Tribunal, and the Family Support Agency.

Pensions Board

The Pensions Board was established to regulate occupational pension schemes and Personal Retirement Savings Accounts (PRSAs) in Ireland as part of its statutory role to monitor and supervise the operation of the Pensions Act.

Under the Pensions Act the functions of the Board are to

- monitor and supervise the operation of the Pensions Act and pension developments generally, including the activities of PRSA providers in relation to the provision of PRSA products and the operation of Personal Retirement Savings Accounts.
- advise the Minister, at his request or on its own initiative on all matters relating to the functions assigned to the Board under the Pensions Act and on matters relating to pensions generally
- issue guidelines and guidance notes on the duties of scheme trustees and others responsible for the administration of pension scheme and PRSAs
- issue guidelines and guidance notes on the operation of the Pensions Act.
- encourage the provision of appropriate training facilities for scheme trustees
- publish an annual report and other reports considered necessary from time to time.
- perform such tasks as the Minister may request from time to time.

The first Pensions Board was appointed from 21st December 1990. It is located at Verschoyle House, 28/30 Lower Mount Street, Dublin 2. Expenditure by the Pensions Board in 2005 amounted to EUR5.65m. These costs are, in the

main, funded by fees levied on pension schemes and PRSA providers.

Combat Poverty Agency

The functions of the Combat Poverty Agency are to

- examine and research the nature, causes and extent of poverty in Ireland
- promote greater public understanding of the nature, causes and extent of poverty and the measures necessary to overcome poverty.
- evaluate measures aimed at overcoming poverty;
- advise the Minister for Social and Family Affairs in relation to poverty;

Combat Poverty Agency was established on 15 September 1986. It is located at Bridgewater Centre, Conyngham Road, Islandbridge, Dublin 8. The provisional administration expenditure figure for 2005 was EUR2.347m.

Comhairle

Comhairle's role is to promote greater accessibility, co-ordination and public awareness of social services and to support, promote and develop the provision of information on current social services. It is also mandated to assist and support people, particularly those with disabilities, in identifying and understanding their needs and options and in accessing their entitlements to social and other services.

It is responsible for

- supporting the provision of information
- advice and advocacy services to members of the public on a wide range of civil and social services.

Comhairle was established on 12 June 2000 when it took on the work of the former National Social Services Board and aspects of the work of the former National Rehabilitation Board. Its head office is located at Floor 7, Hume House, Ballsbridge, Dublin 4. The administration costs of Comhairle in the year 2005 were approximately EUR7.5m.

Social Welfare Tribunal

The role of the Social Welfare Tribunal is to deal with cases where entitlement to Unemployment Benefit or Assistance is refused due to an involvement in a trade dispute.

The Tribunal is a statutory body set up in 1982. It is located at Department of Social & Family Affairs, 157 Townsend Street, Dublin 2. The administrative cost of the Social Welfare Tribunal for the year 2005 was EUR4,468.74.

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Family Support Agency

The role of the Family Support Agency is to promote family and community well-being through the provision of appropriate supports and services to families.

Its function is to

- provide a family mediation service
- support, promote and develop the provision of marriage and relationship counselling and other family supports
- support, promote and develop the family and community
- undertake research, provide and disseminate information about parenting and family issues and provide advice to the Minister on matters relating to its functions.

The Family Support Agency was formally established on 6 May 2003. It is located in St. Stephen's Green House, Earlsfort Terrace, Dublin 2. The administration cost in the year 2005 was EUR3.786m.

Social Welfare Benefits.

406. **Mr. Morgan** asked the Minister for Social and Family Affairs if all landlords who receive payment from the State by way of rent supplement to tenants are required to be registered with the Private Residential Tenancies Board; and to give the percentage of those landlords who are presently registered with the PRTB. [20533/06]

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.

Under the Residential Tenancies Act 2004, landlords are legally obliged to register tenancies with the Private Residential Tenancies Board (PRTB). It is not a requirement of the rent supplement scheme that landlords must be registered with the PRTB before a rent supplement is paid.

To require the landlords of all rent supplement recipients to be registered with the PRTB could have the effect of delaying payments of rent supplement. In many cases, when a rent supplement claim is being decided the tenancy will not have been registered with the PRTB, as the establishment of the tenancy will be dependent on rent supplement being awarded. Furthermore, there are certain instances where a tenancy qualifying

for rent supplement need not be registered with the PRTB, for example, in the case of renting a room in a house. My Department does not maintain a record of the number of landlords who are registered with the PRTB. However, my Department is committed to working with the PRTB, insofar as possible, to ensure compliance with the new system of tenancy regulation and safeguards.

407. **Mr. Kenny** asked the Minister for Social and Family Affairs the reason his Department have requested in respect of workers at a company (details supplied) in County Mayo that they seek full time employment instead of being allowed to sign on during short term working; if the situation will be investigated in the circumstances; and if he will make a statement on the matter. [20558/06]

Minister for Social and Family Affairs (Mr. Brennan): To qualify for unemployment payments a person must have lost employment and must satisfy the conditions of being available for and genuinely seeking work. Subject to certain conditions it is possible for a person to qualify for payment for part of a week while being employed for the rest of the week. Special arrangements exist in relation to systematic short-time working were this occurs in a particular employment. I am not aware of any particular difficulty in relation to the workers concerned. If the Deputy is aware of such difficulties, I will have the matter further examined.

Where an unemployed person is seeking work in his or her usual employment and there is a reasonable prospect of securing work of that nature, he or she would normally satisfy the conditions for receipt of payment. However, if there is no employment available within a specialised field within a reasonable period of time, the unemployed person would be expected to broaden his or her search so as to include other types of employment. After a period of unemployment, a person would be expected to accept any employment for which he or she is qualified.

Where a person is dissatisfied with a decision made by a Deciding Officer he or she may appeal this decision to the independent Social Welfare Appeals Office.

Social Welfare Code.

408. **Mr. Crowe** asked the Minister for Social and Family Affairs his views on extending the fuel allowance for a longer period of time in view of the bad weather which has lasted longer than expected. [20871/06]

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 meet-

ing the cost of their additional heating needs during the winter season. Fuel allowances are paid for 29 weeks from end-September to mid-April. The allowance represents a contribution towards a person's normal heating expenses.

The scheme has been improved in recent budgets. The means test has been eased and the duration of payment increased from 26 weeks to 29 weeks. Budget 2006 provided for an increase in the rate of fuel allowance of EUR 5.00 from EUR 9.00 to EUR 14.00 (EUR 17.90 in designated smokeless areas). Some 264,400 customers (145,800 with basic fuel allowance and 118,600 with smokeless fuel supplement) will benefit in 2006 at an estimated cost of EUR 125.1m.

Fuel allowances are incorporated in the recipient's weekly social welfare payment and are not intended to meet heating costs in full. 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.

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.

If an individual has an exceptional heating cost by virtue of a particular infirmity or medical which they are unable to meet out of household income, it is open to them to apply to their local community welfare officer or a special heating supplement under the supplementary welfare allowance scheme.

Any changes to the Fuel Allowance Scheme or any other initiatives on fuel charges would have significant cost implications and would have to be considered in the context of future Budgets and in the light of the resources available to me for improvements in social welfare generally.

Social Welfare Benefits.

409. **Mr. Ring** asked the Minister for Social and Family Affairs when a person (details supplied) in County Mayo will be approved and granted the respite care grant. [20882/06]

Minister for Social and Family Affairs (Mr. Brennan): Prior to Budget 2005, the Respite Care Grant was payable by my Department to recipients of Carers Benefit and Carers Allowance. The grant is paid automatically with their primary payment.

Budget 2005 extended entitlement to the Grant to all full-time carers irrespective of means or contribution record but subject to certain conditions relating, notably, to employment. To date some 7,300 people have received the Grant in respect of 2005. Applications for the 2006 grant have been received from people who received the

grant in 2005 and these are being processed in my Department.

The person to whom the Deputy refers has been refused Carers Allowance on the basis that he is not providing full-time care and attention. That decision is currently being appealed. Separately his application for the Respite Care Grant, is being examined with particular regard to the extent of care being provided. A decision will issue in the near future once the examination has been completed.

Social Welfare Appeals.

410. **Mr. Stanton** asked the Minister for Social and Family Affairs the breakdown of the number of appeals currently awaiting decision for each of the various schemes operated by his Department respectively; the average and longest time it takes to process an appeal for each scheme of his Department; and if he will make a statement on the matter. [21056/06]

Minister for Social and Family Affairs (Mr. Brennan): The Social Welfare Appeals Office deals with about 14,000 appeals on an annual basis. On 30 April 2006 there were 5,625 appeals on which work was in progress. A breakdown of these cases is outlined.

The average length of time taken to deal with appeals in 2005 was 20 weeks. If allowance is made for the 25% most protracted cases the average falls below 13 weeks. A breakdown of average processing times, by scheme, is also outlined. The times shown cover all phases of the appeal process including the submission by the Department of its comments on the grounds of appeal, further examination by the Medical Assessors, where appropriate in medical related cases and the holding of oral hearings which are currently afforded in two out of three cases determined by Appeals Officers.

Circumstances may arise, normally outside of the control of the Social Welfare Appeals Office, which have the effect of unduly prolonging the time taken to process appeals. For example, delays can occur where the appellant submits new information or evidence, often at an advanced stage in the proceedings. In some cases adjournments may be sought by the Appellant or his/her representative.

It is not possible to state on a scheme-by-scheme basis what is the longest time it takes to process an appeal. A small number of appeals can be very complex and could take many months to finalise but those cases would be highly unusual.

The nature of the service provided is judicial and the procedures in place for determining appeals are designed to ensure that each case receives full and satisfactory consideration. Consequently, improvements in processing times must be achieved in a manner which is consistent

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with justice being seen to be done and the need to ensure that every appeal is fully investigated and determined on all its circumstances.

Table A

Number of Appeals on hand at 30 April 2006.

Scheme Type	Appeals on Hand
Blind Pension	4
Carers Allowance	338
Carers Benefit	4
Child Benefit	102
Disability Allowance	1,037
Disability Benefit	1,014
Deserted Wives Allowance	5
Deserted Wives Benefit	10
Employers PRSI Exemption	1
Farm Assist	42
Bereavement Grant	12
Family Income Supplement	41
Invalidity Pension (S)	231
Lone Parents	21
Liable Relative	9
Maternity Benefit	7
Old Age Contributory Pension	89
Old Age Non-Contributory Pension	175
Occupational Injury Benefit	28
Disablement Benefit	171
Occupational Injury Medical	27
Orphans Contributory Pension	4
One Parent Family Payment	576
Orphans Non-Contributory Pension	6
Pre-Retirement Allowance	10
Unemployment Assistance (Means)	315
Respite Care Grant	89
Retirement Pension	11
SCOPE (Insurability of Employment)	65
Supplementary Welfare Allowance	50
Treatment Benefit	12
Unemployment Assistance	718
Unemployment Payments Overpayments	27
Unemployment Benefit	345
Unemployability Supplement	4
Widows Contributory Pension	9
Widows Non-Contributory Pension	16
Total	5,625

Table B

Average Processing Time of Appeals Disposed of in 2005.

Scheme Type	Processing Time (In Weeks)
Adoptive Benefit	23.8
Blind Pension	26.0
Carers Allowance	21.2
Carers Benefit	29.8
Child Benefit	18.4
Disability Allowance	21.6
Disability Benefit	24.0
Deserted Wives Allowance	33.1
Deserted Wives Benefit	22.8
Farm Assist	22.0
Bereavement Grant	19.8
Family Income Supplement	17.9
Invalidity Pension	24.9
Lone Parents	33.6
Liable Relative	71.5
Maternity Benefit	19.9
Old Age Contributory Pension	46.1
Old Age Non-Contributory Pension	22.7
Occupational Injury Benefit	26.2
Disablement Benefit	27.6
Occupational Injury Medical	34.7
Orphans Contributory Pension	16.5
One Parent Family Payment	31.3
Orphans Non-Contributory Pension	33.3
Pre-Retirement Allowance	19.3
Unemployment Assistance (Means)	18.9
Respite Care Grant	10.0
Retirement Pension	24.4
SCOPE (Insurability of Employment)	34.1
Supplementary Welfare Allowance	12.2
Treatment Benefit	10.6
Unemployment Assistance	10.6
Unemployment Payments Overpayments	22.7
Unemployment Benefit	12.6
Unemployability Supplement	23.4
Widows Contributory Pension	39.1
Widows Non-Contributory Pension	28.1
Widowed Parent Grant	62.8
Average Time to Process All Appeals	20.2

Social Welfare Fraud.

411. **Mr. Stanton** asked the Minister for Social and Family Affairs the breakdown of the number of cases of social welfare fraud detected in 2004, 2005 and to date in 2006 respectively; the breakdown of same per county; the cost of same to his Department; the action taken as a result of the discovery of fraud; the number of legal pro-

ceedings initiated, prosecutions obtained and the amount of money recouped by his Department as a result of legal action; and if he will make a statement on the matter. [21057/06]

Minister for Social and Family Affairs (Mr. Brennan): The number of overpayments set up as a result of detected or suspected fraud and their corresponding monetary value for the years 2004, 2005 and 2006 is as shown in the table.

Years	Number	Monetary Value EUR million
		€m
2004	19,158	18.6
2005	15,978	18.2
2006 (to date)	6,111	7.4

Information on overpayments is not maintained in such a way as to facilitate a county by county breakdown.

Prosecutions are taken against persons who defraud the social welfare payments system and employers who fail to carry out their statutory obligations. My Department's policy is to consider all cases of fraud for prosecution. The decision to prosecute in a given case is based on the nature of the alleged offence, the evidence available and the particular circumstances of the individual employer or claimant.

During 2004 and 2005, 503 and 440 cases respectively were referred to the Chief State Solicitors Office to initiate prosecutions proceedings, with 22 cases referred to date in 2006. A total of 282 and 271 cases were finalised in the courts in 2004 and 2005 respectively with 68 cases finalised so far this year. Recoveries on overpayments totalled EUR 19.7 million in 2004, EUR 20.2 million in 2005 and EUR 9.6 million in 2006 to date. Statistics are not maintained in such a manner that they can be attributed to specific types of overpayment.

I am committed to ensuring that social welfare payments are available to those who are entitled to them and that they are delivered in an effective and efficient way. I am also determined to ensure that abuse of the system is prevented and is dealt with effectively when detected and I will take whatever steps are necessary to achieve this.

Road Signage.

412. **Ms O. Mitchell** asked the Minister for Transport if he will confirm that it is the practice amongst all local authorities to use a standardised size of road sign for each speed limit category; the size of each sign which applies to each speed limit; and if he will make a statement on the matter. [20430/06]

420. **Ms O. Mitchell** asked the Minister for Transport if his attention has been drawn to whether a standardised sized road sign is used for

each speed limit category in each local authority area; the size of sign which applies to each speed limit; and if he will make a statement on the matter. [20429/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 412 and 420 together.

Standardised speed limit signs are provided for deployment on a national basis. In January 2005 I made the Road Traffic (Speed Limit — Traffic Signs) Regulations 2005 (S.I. No. 10 of 2005). These Regulations prescribe traffic signs for speed limits of 120, 100, 80, 60, 50 or 30 km/h that road authorities must provide to indicate the speed limit applicable. These Regulations specify the standard dimension for the diameter of the sign plate for each of the six speed limit values in the range mentioned above and the range of alternative dimensions that may be used in respect of each such sign are shown in brackets.

A further element of this traffic sign policy is that where it is desired to repeat the speed limit sign along the length of a road, part, carriageway or lane to which the speed limit applies, the diameter of the sign used for this purpose may be reduced to 450mm or to 300mm. Smaller dimension repeater signs with a 450 millimetres dimension, most commonly displaying 100 km/h, are deployed, for example, in rural areas all along each national primary road and each national secondary road after a junction between that road and a regional or local road.

In November 2005 I made the Road Traffic (Traffic Signs — Periodic Special Speed Limits) Regulations 2005 (S.I. No. 756 of 2005) to prescribe an alternative traffic sign that may be used to indicate that a periodic special speed limit is applied. These Regulations specify a standard dimension 600 millimetres diameter for this particular sign and indicate that an alternative dimension of 750 millimetres may be used.

Rail Network.

413. **Ms O. Mitchell** asked the Minister for Transport if he has seen and approved costings from Irish Rail in relation to the re-opening of the western rail corridor; if he has approved the Exchequer funding for this project; when the funding will be allocated to Irish Rail; and if he will make a statement on the matter. [20892/06]

434. **Ms O. Mitchell** asked the Minister for Transport the nature and details contained in the reports he has received from Irish Rail in relation to the western rail corridor; the costings for the estimated cost of the development of phase one and phase two of the western rail corridor as set out in Transport 21; when work will begin on this project; when each phase of this project will be fully operational; and if he will make a statement on the matter. [20676/06]

436. **Ms O. Mitchell** asked the Minister for Transport the amount of Exchequer funding allocated for the development of the western rail corridor; the amount drawn down to date; and if he will make a statement on the matter. [20893/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 413, 434 and 436 together.

Transport 21 includes a financial provision to cover the anticipated cost of the Western Rail Corridor project. I do not propose to release this commercially sensitive information until the public procurement process for this project is completed.

The current position regarding the Western Rail Corridor is that Iarnród Éireann has submitted business cases to my Department relating to Phase 1 (the reopening of the Ennis to Athenry section in 2008) and Phase 2 (re-opening of the Athenry to Tuam section in 2011). These are currently being finalised in my Department and I expect to be in a position to make a decision on Iarnród Éireann's applications and the allocation of funding in the coming weeks.

Motor Insurance.

414. **Mr. Penrose** asked the Minister for Transport the profits reported by insurance companies in motor vehicle sections, who operate in the Irish markets for each of the years 2003, 2004, 2005 and to date in 2006 if appropriate; if he has satisfied himself that the significantly increased profits experienced by insurance companies engaged in the provision of motor vehicle insurance has been reflected in additional reductions in insurance premiums; and if he will make a statement on the matter. [21110/06]

Minister for Transport (Mr. Cullen): Information of this nature is submitted to the Financial Regulator and published annually in the Insurance Statistical Review, which is laid before both Houses of the Oireachtas. The most recent figures available were published in September 2005 in the Financial Regulator's Insurance Statistical Review 2004.

I assume the Deputy is referring to underwriting profits. The total non-life underwriting profits reported in the State less those on motor insurance, were EUR204 million in 2003 and EUR360 million in 2004. The corresponding figures for 2005 are in the process of being collated and will be published later in the year. The 2006 figures are not yet available.

Road Safety.

415. **Ms O. Mitchell** asked the Minister for Transport if he has received a response from each city and county manager in relation to his request that they report on their usage of their powers to review and determine the speed limit which should apply at particular locations on non-

national roads in lieu of a default speed limit; the main findings arising from their response; and if he will make a statement on the matter. [20399/06]

418. **Ms O. Mitchell** asked the Minister for Transport if he has received reports on inappropriate speed limits in any of the past three years; if he will provide details of such reports; the findings and recommendations of each report; and if he will make a statement on the matter. [20418/06]

421. **Ms O. Mitchell** asked the Minister for Transport if an additional review of speed limits is currently being considered; and if he will make a statement on the matter. [20432/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 415, 418 and 421 together.

Default speed limits apply automatically under the Road Traffic Act 2004 to the different classes of public roads. The review of the application of these default speed limits at any particular location and the determination of what speed limit should apply at that location in lieu of a default speed limit is a matter for the elected members of city and county councils. The making of special speed limit by-laws to give effect to speed limit changes is subject to compliance with specified consent and consultation processes and the Guidelines that I issued in April 2005 in relation to the application of special speed limits.

The AA and SIMI sent reports to my Department in 2004 of complaints received by those bodies of locations where the complainants perceived the speed limit to be inappropriate. Details of the complaints received, locations in question and suggested amendments were set out in full in the reply given to Parliamentary Questions No. 166, 167 and 168 that were taken together on 12 May 2004. I have not received any formal reports on inappropriate speed limits in the format of findings and recommendations that the Deputy is referring to.

Copies of the complaints furnished by the AA and SIMI and the suggestions therein for changes to speed limits were forwarded by my Department to the local authority managers concerned. A response was subsequently received setting out the position of the statutory authority in relation to each location that was the subject of complaint. I will forward details of these to the Deputy for information.

The carrying out of a review of speed limits that apply on the public road network to assess if a special speed limit should be applied in lieu of a default speed limit at any location or if an existing special speed limit should be revised and the timing of this task is a matter for each of the 34 road authorities in respect of their own administrative area. I have no role in the matter.

The majority of 34 local authorities have indicated since February 2006 that they already have a review of speed limits — this covers national and non-national roads — in progress at present with a view to making new special speed limit by-laws under the Road Traffic Act 2004. The remaining authorities have indicated that a review of the current speed limits is planned to commence later in 2006.

Light Rail Project.

416. **Ms O. Mitchell** asked the Minister for Transport if he has received correspondence from a person (details supplied) in County Wexford of 4 May 2006; and his views on the issues raised by the person. [20400/06]

Minister for Transport (Mr. Cullen): My office has no record of having received the correspondence from the person referred to by the Deputy. However, on receipt of this Dáil Question, my officials contacted the Deputy's office for clarification and a copy of the letter was faxed to my office on Thursday 25th May 2006.

In summary, it appears that the author of the letter wishes to put forward certain suggestions for my consideration in relation to the proposed extension of Luas Line B from Sandyford Industrial Estate to Cherrywood.

As the Deputy is aware, the Railway Order application process is governed by the provisions of sections 36 to 43 of the Transport (Railway Infrastructure) Act, 2001. Pursuant to those provisions, the Railway Procurement Agency (RPA) published notices in the media on 14th November 2005 of the details of their application in respect of this project, including the associated EIS, and specifying a deadline of 2nd February 2006 for interested parties to make submissions to me.

In addition, and in accordance with the Act, I directed that a Public Inquiry be held into the RPA's application for this Railway Order and I appointed an Inspector to conduct that Inquiry. The Inspector acts on an independent basis in the performance of his functions. Any interested party was entitled to appear and be heard at the Inquiry which was held from 6th to 13th March 2006. In media notices on 6th February 2006, the Railway Order Public Inquiry Office (which also operates independently of my Department) advertised the dates of the Inquiry and invited interested parties to attend and/or make submissions to the Inspector by 20th February 2006.

As the person referred to by the Deputy does not appear to have availed of any of these opportunities to air his views on the proposed project, it is not now open to me to consider his submission, if and when I receive it from him, in the context of my statutory obligations under section 43 of the 2001 Act.

Coast Guard Service.

417. **Ms Shortall** asked the Minister for Transport if his Department has proposals to purchase a site from which the Drogheda branch of the Irish Coast Guard can operate; if his Department will fund the development of a new coast guard facility in the town; and if he will make a statement on the matter. [20401/06]

431. **Mr. Morgan** asked the Minister for Transport the plans he has to accommodate the coast guard in Drogheda, County Louth; when new accommodation will be provided for the coast guard there; and if he will make a statement on the matter. [20536/06]

Minister of State at the Department of Transport (Mr. Gallagher): I propose to take Questions Nos. 417 and 431 together.

The Irish Coast Guard of the Department has responsibility for provision of accommodation for Coastal Units, including the Drogheda Unit which was set up in 2003. The Drogheda Unit at present operates from a premises at Horse Lane, Drogheda, on a shared basis with another organization. This premises is owned by Drogheda Borough Council and the Coast Guard is currently in discussions with the Council regarding the future use of the facilities.

It is therefore not possible to comment at present on the likely outcome of these discussions.

Question No. 418 answered with Question No. 415.

Commercial State Companies.

419. **Mr. McCormack** asked the Minister for Transport the provision being made in the proposed sale of the Corrib Great Southern Hotel, Galway and the Great Southern Hotel, Eyre Square, Galway in order that the hotels continue as hotels; and the action he proposes to take to ensure that the staff enjoy continuous employment after the sale of the hotels. [20419/06]

Minister for Transport (Mr. Cullen): As I have stated previously in this House, decisions in relation to the sale of the Great Southern Hotels (GSH) are a matter for the Boards of Dublin Airport Authority (DAA) and the GSH and I have no function in the matter. The view of the Dublin Airport Authority (DAA) is that the disposal of the GSH group offers the best opportunity for the hotels to reach their full potential in the niche markets to which they are best suited. I share DAA's view that this decision is ultimately in the best interests of GSH, its employees and the communities and interests they serve.

The GSH has retained professional advisers to advise on all aspects of the sale process. To date, the focus has been on communicating with staff

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and trade unions and developing an appropriate strategy for the sale of the hotels.

I understand that the Executive Chairman and senior management of GSH, along with the advisers, have now visited all of the hotels and met with the staff of each hotel to discuss the issues, which led to the decision to sell the group. Meetings also continue to take place between the unions and GSH and its advisers and further discussions are planned. Early on in the process I too met with the GSH trade union representatives to discuss their concerns relating to the future of the hotels.

I understand that the hotels were advertised for sale by public tender on 17 May 2006 with a closing date for receipt of tenders set for 23 June 2006.

Question No. 420 answered with Question No. 412.

Question No. 421 answered with Question No. 415.

Road Signage.

422. **Ms O. Mitchell** asked the Minister for Transport if his attention has been drawn to whether the appropriate national speed limits are displayed at the exit points of each airport and sea port nationally; and if he will make a statement on the matter. [20433/06]

Minister for Transport (Mr. Cullen): On the exit roads from the locations referred to a default speed limit applies automatically under the Road Traffic Act 2004 to the relevant class of road at the location unless a local city or county council has intervened to apply a special speed limit in lieu of a default speed limit or unless a road works speed limit order is being applied on a temporary basis.

The provision of speed limit signs to indicate the speed limit that is in force is a matter for the relevant road authority. Information signs have been provided since January 2005 on the exit roads from airports, ferry ports, major urban areas and at border crossings to inform road users that the unit of measurement in use for speed limits is kilometres per hour. The speed limit that may be applied to a public road is 120, 100, 80, 60, 50 or 30 km/h. The speed limit that applies is that displayed on traffic signs and road users are required not to exceed whatever posted speed limit they encounter on their journey.

Road Traffic Offences.

423. **Mr. Naughten** asked the Minister for Transport the time delay in attaching penalty points to a licence after a road traffic offence has been committed; his plans to reduce this delay; his views on whether it would be more equitable to attach the penalty points from the date of the

offence; and if he will make a statement on the matter. [20461/06]

Minister for Transport (Mr. Cullen): The Road Traffic Act, 2002, which provides the legislative basis for the introduction and operation of the penalty points system, contains specific provisions governing application of such points on the license record of an individual. Section 5 of the Act provides that where penalty points are to be endorsed on a record, a notification of that endorsement must be issued to the license holder involved. The notice sets out in particular the basis for the endorsement of the points.

Section 7 of the Act provides that, save in very limited and quite specific instances, the operative date for penalty points is 28 days from the date of the notice issued under Section 5. This date is referred to in the Act as the “appropriate date”.

The provisions in the 2002 Act, in relation to the appropriate date, recognise that as a result of the endorsement of penalty points a person may face the application of an automatic disqualification from driving. Section 3 of the Act establishes that where a person accumulates at least 12 penalty points, he or she will be disqualified for a period of 6 months.

If penalty points were to be applied from the date of the commission of the offence in the first instance or from the date of the payment of the fixed charge, a person could be faced with the prospect that they would have already been disqualified in advance of any notification being sent to that effect. This would in turn create the situation that a person would be open to a charge of driving when disqualified where they had driven in the period between the commission of the original offence or the payment of the charge and the date of the notice.

The penalty points system has been designed and structured to ensure that any person who is accused of the commission of a penalty point offence is afforded a significant time period to choose whether or not to allow the matter to proceed to court. Save in respect of 8 of the offences scheduled to be penalty point offences in the 2002 Act, the option of the payment of a fixed charge is afforded to the accused person. A person presented with a fixed charge notice is given a period of 56 days in which to make such a payment before the certainty of a court summons is applied.

There is therefore a potentially significant period made available to a person to make a decision and all of the time lapses relating to the system that are established in the Act are set out in the fixed charge notice issued in respect of the alleged commission of the offence.

Both the Court Service and the Garda Síochána transfer the appropriate data relating to convictions and payment of fixed charges to the Department of the Environment, Heritage and Local Government to facilitate its entry into the

National Driver File, which is the responsibility of that Department. The administrative arrangements that apply to the operation of the fixed charge system by the Garda Síochána are a matter for the Garda Commissioner.

The penalty points system first came into operation in October 2002 for the offence of exceeding a speed limit and was extended to 3 other offences, wearing of seat belts, no insurance and careless driving by 2004. The system was designed on the basis that its ultimate operation would be supported by a series of linked IT projects. The National Driver File was the first of these projects to come on-stream and new IT supports for the Garda Síochána and the Courts Service have now been put in place. These linked IT projects facilitate the changeover from a manually operated system for the processing of the fixed charge and penalty point systems and facilitated the major extension of the penalty points systems to 31 additional offences from 3 April 2006.

Departmental Bodies.

424. **Mr. Naughten** asked the Minister for Transport the public bodies under the control of his Department; their function, role, location and establishment date; the administration costs of each body in the year 2005; and if he will make a statement on the matter. [20472/06]

Minister for Transport (Mr. Cullen): My Department is currently collating the information requested and will arrange to provide the Deputy with the information shortly.

Rail Network.

425. **Mr. Naughten** asked the Minister for Transport if he has received a submission from the Midland Railway Action Group on the re-opening of the Athlone to Mullingar railway line; and if he will make a statement on the matter. [20501/06]

445. **Mr. Penrose** asked the Minister for Transport the position in relation to the proposal to re-open the railway line between Mullingar, Moate and Athlone; if, in view of the fact that there are two gateway towns linked in this important proposal, he will utilise all the procedures and policies at his disposal to advance the re-opening of this railway line in the context of the National Spatial Plan; and if he will make a statement on the matter. [21122/06]

Minister for Transport (Mr. Cullen): I propose to answer Questions Nos. 425 and 445 together.

On 2 November 2005, I met a delegation from the Midland Railway Action Group to discuss the matter of the re-opening of the Athlone to Mullingar Railway line. At our meeting, it was agreed that the Group would revert to me with a

detailed proposal, supported by a complimentary land use and settlement strategy.

Consequently a project team was established to develop such a proposal. The team is being led by Westmeath County Council and the membership includes officials from the Council, Iarnród Éireann, and Athlone Institute of Technology. The team is expected to submit its proposal by July this year. I will, in conjunction with Iarnród Éireann, consider this when it is submitted to me.

Driving Tests.

426. **Mr. Callely** asked the Minister for Transport the number of people who are on waiting lists for driving tests in Dublin. [20511/06]

427. **Mr. Callely** asked the Minister for Transport the average time on a waiting list for a driving test in Dublin. [20512/06]

428. **Mr. Callely** asked the Minister for Transport his plans to hire additional driver testers to deal with the significant waiting list for driving tests. [20513/06]

Minister for Transport (Mr. Cullen): I propose to answer Questions Nos. 426 to 428, inclusive, together.

Details on the numbers waiting and average waiting times are set out in the table.

Test applicants and average waiting Time at Dublin Test Centres at 29/05/06

Centre	No.	Average Weeks
North Leinster		
Finglas	12,348	36
Raheny	8,291	45
Churchtown/Rathgar	12,921	41
Tallaght	10,677	49

In relation to the recruitment of additional testing staff, 7 new driver testers commenced testing last April. An additional 6 testers are due to commence training in June, to be followed by 5 more later in the summer.

429. **Mr. Callely** asked the Minister for Transport the progress which has been made on outsourcing driving tests. [20514/06]

430. **Mr. Callely** asked the Minister for Transport the contingency plans which are in place to deal with the significant waiting list for driving tests should the driver tester's union fail to agree to outsourcing. [20515/06]

Minister for Transport (Mr. Cullen): I propose to answer Questions Nos. 429 and 430 together.

The question of outsourcing was referred to arbitration, which ultimately upheld the unions'

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view of the clauses of Sustaining Progress that outsourcing was not permitted under Sustaining Progress. Nevertheless, as the Arbitration Board urged all parties to examine all options to deal with the backlog in the interests of road safety, discussions have continued to take place since the arbitration hearing with a view to reaching agreement on measures to reduce the backlog by mid 2007. Negotiations are ongoing under the auspices of the Labour Relations Commission in this context.

Additional options include the use of additional civil service staff, the use of contractors, the use of a bonus scheme and increased productivity.

Question No. 431 answered with Question No. 417.

Air Accident Investigations.

432. **Mr. Carey** asked the Minister for Transport if he will ensure that a comprehensive reply is issued to a person (details supplied) in Dublin 11 regarding the level of his Department's responsibility to investigate an incident at Dublin Airport; and if he will make a statement on the matter. [20537/06]

Minister for Transport (Mr. Cullen): This matter falls within the day-to-day operational responsibilities of the Dublin Airport Authority (DAA), in which I have no function. While I am responsible for policy issues in relation to Irish aviation generally, the day to day operation and management of airports is a matter for the relevant airport authority.

The family was in touch with my Department on a number of occasions in relation to this matter and replies explaining the situation were issued. I understand from the DAA that they have investigated the incident and that the management of the authority has corresponded with the family and that meetings have taken place to discuss the matter.

Driving Tests.

433. **Mr. Connolly** asked the Minister for Transport his plans to reduce and ultimately eliminate waiting lists here for driving test applications; and if he will make a statement on the matter. [20613/06]

Minister for Transport (Mr. Cullen): It is my objective to eliminate the backlog of driving tests by mid-2007 and my Department has developed a package of measures in consultation with staff interests to achieve this. A total of 91 of the existing driver testers are participating in a bonus scheme, which is expected to deliver up to 40,000 additional driving tests in a year. Furthermore 7 Civil Servants, redeployed from the Department of Agriculture and Food, commenced working as

driver testers in April. In June, a further 6 testers are due to commence training, and will be joined by a further 5 later in the summer.

However, despite all these efforts I am convinced that more needs to be done in the short term. The question of outsourcing was referred to arbitration, which ultimately upheld the unions' view of the clauses of Sustaining Progress that outsourcing was not permitted under Sustaining Progress. Nevertheless, as the Arbitration Board urged all parties to examine all options to deal with the backlog in the interests of road safety. Discussions have continued to take place since the arbitration hearing with a view to reaching agreement on measures to reduce the backlog by mid 2007. Negotiations are ongoing under the auspices of the Labour Relations Commission in this context.

Question No. 434 answered with Question No. 413.

Traffic Management.

435. **Mr. Gregory** asked the Minister for Transport if his Department has received a proposal from an association (details supplied) for residents only parking on major match or event days in Croke Park; his views on the proposal; the assistance his Department will give to expedite this matter; if he will meet with a deputation from the residents concerned and their local representatives; and if he will make a statement on the matter. [20854/06]

440. **Mr. Gregory** asked the Minister for Transport if a residents only parking scheme will be introduced within a one mile radius of major stadia on big match or concert days to facilitate residents access to their homes; if his attention has been drawn to international best practice on this issue; his views on a pilot scheme for the areas around Croke Park; and if he will make a statement on the matter. [21006/06]

Minister for Transport (Mr. Cullen): I propose to answer Questions Nos. 435 and 440 together.

Cllr. Mary Fitzpatrick has arranged for the association referred to by the Deputy to meet with me and Department officials this Wednesday 31 May 2006. Provisions in relation to the regulation of road traffic and parking are contained in the Road Traffic Acts and in the Road Traffic (Traffic and Parking) Regulations 1997-2005. Responsibility for traffic management, including the implementation of parking controls, prohibitions and restrictions, was devolved to individual road authorities under the Road Traffic Act 1994. Accordingly the development of proposals for their area and the consideration of best practice in any sphere of activity associated with the implementation of those functions at local level is a matter for each road authority.

Question No. 436 answered with Question No. 413.

Road Safety.

437. **Mr. P. Breen** asked the Minister for Transport the number of fatal and non-fatal road accidents in County Clare for each of the years 2004 and 2005; the number of same which occurred in areas in which the speed limit is 100kph; the number of same which occurred at junctions and turning points; and if he will make a statement on the matter. [20913/06]

Minister for Transport (Mr. Cullen): Statistics relating to road accidents, based on information provided by the Garda Síochána, are currently published by the National Roads Authority (NRA) in their annual Road Accident Facts reports. The most recent report, now entitled “Road Collision Facts”, relates to 2004 and is available in the Oireachtas Library and on the NRA website.

Parking Regulations.

438. **Ms O. Mitchell** asked the Minister for Transport if it is possible for him under Section 35 of the Road Traffic Act 1994 to make regulations in relation to special parking provisions, in addition to those laid down by the local authority under Section 36 of the 1994 Act or which override those of the local authority; and if he will make a statement on the matter. [20914/06]

Minister for Transport (Mr. Cullen): Section 35 empowers the Minister for Transport to make regulations for the general regulation and control of traffic (including the parking of vehicles) and pedestrians in public places. Road Traffic (Traffic and Parking) Regulations and associated Road Traffic (Signs) Regulations that have been made from 1997 to 2005 are available for road authorities to use for the purposes that I have already referred to. These provisions have national application.

Section 36 of the Road Traffic Act 1994 confers power on a road authority to make bye-laws to control and regulate parking on public roads in their functional area and to provide for payment of such parking. This provides for the operation of pay parking schemes such as a Pay and Display scheme. The exercise of this power is a reserved function of the elected members of the local council.

I do not have powers to augment or override provisions that are contained in bye-laws that have been made by a local council in accordance with section 36.

Health and Safety Regulations.

439. **Ms O. Mitchell** asked the Minister for Transport if he has satisfied himself and if his attention has been drawn to whether the Irish

Aviation Authority are satisfied with the fire and other health and safety measures relating to crowd management at Dublin Airport; if, for instance, the lessons of the Dusseldorf Airport fire have been examined to ascertain if they have implications for Dublin Airport; and if he will make a statement on the matter. [20915/06]

Minister for Transport (Mr. Cullen): Fire and other health and safety measures relating to crowd management at Dublin Airport are not the responsibility of the Irish Aviation Authority. However the Dublin Airport Authority (DAA) has informed me that Fire Safety at Dublin Airport is in line with the highest international standards. The DAA has a full time Fire Safety Manager who, in close consultation with the Dublin Fire Brigade and the Airport Fire Service, ensures that the fire safety at the airport is maintained to the highest standard. The strategy at the airport is constantly under review to ensure a proactive approach to new practices and technology. External Fire Safety Engineering Consultants are periodically appointed to audit and assess the fire strategy at the airport to ensure that the high standards are maintained and that procedures are in line with international best practice.

The DAA ensures that risk assessments are carried out for all proposed work to ensure that all necessary measures are taken for the safety of all occupants at the airport at all times.

Question No. 440 answered with Question No. 435.

Rail Services.

441. **Mr. Costello** asked the Minister for Transport the reason Iarnród Éireann are refusing to put in place facilities for passengers to use their debit or credit cards to purchase tickets at many local stations throughout the system; when he expects this to stop; when he intends to put in place proper facilities; and if he will make a statement on the matter. [21007/06]

Minister for Transport (Mr. Cullen): I am informed by Iarnród Éireann that the company welcomes credit/debit card payments at most of its outlets and is extending these facilities progressively across the rail network. All automatic ticket vending machines accept credit cards. This includes most DART and Commuter stations, as automatic ticket machines are now widely available at these stations. All major Intercity stations ticket offices and travel centres accept credit/debit cards. Credit cards are not currently accepted at some local stations including a number of smaller stations on the Sligo line. However, arrangements are currently being made to extend credit card facilities to these stations.

Driving Tests.

442. **Ms Shortall** asked the Minister for Trans-

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port further to Parliamentary Question No. 316 of 16 May 2006, the number of scheduled driving tests which were cancelled by applicants in 2005; the number where the test time was filled by an alternative applicant; and the same figures for the four previous years if they are readily available. [21098/06]

Minister for Transport (Mr. Cullen): The specific information requested by the Deputy is not available.

443. **Ms Shortall** asked the Minister for Transport further to Parliamentary Question No. 275 of 6 April 2006, the end of year number of driving testers in each of the past 10 years broken down by supervisory and driver tester grades; and the relevant number in each grade as of May 2006. [21099/06]

Minister for Transport (Mr. Cullen): The information requested is set out in the table.

Year	Testing Corps	Supervisory Corps*
29/5/06	121	10
2005	115	10
2004	118	10
2003	119	10
2002	114	10
2001	119	9
2000	107	6
1999	101	6
1998	74	6
1997	68	6
1996	70	6

*This figure does not include the Chief Tester. One supervisory tester fulfils the role of Training Co-ordinator.

Railway Stations.

444. **Mr. Penrose** asked the Minister for Transport if he will take appropriate steps to ensure that a proposal to reopen the railway station at Killucan, County Westmeath is acted upon (details supplied); and if he will make a statement on the matter. [21121/06]

Minister for Transport (Mr. Cullen): The location of stations on the rail network is a matter for Iarnród Éireann. The company informs me that the former Killucan Station is quite a distance from Killucan village and there are very few houses within a mile or two of the former station. The villages of Killucan and Rathuire have modest populations and no plans for major expansion. A new station would be totally reliant on park and ride and these customers have alternate options at Kilcock, Enfield and Maynooth. The Midland region's Regional Planning Guidelines

and the local development plans do not make a specific case for Killucan.

Question No. 445 answered with Question No. 425.

Road Traffic Offences.

446. **Ms Shortall** asked the Minister for Transport the penalties applying to learner drivers for the non-display of L plates; and the relevant statutory instrument. [21123/06]

447. **Ms Shortall** asked the Minister for Transport the penalties applying to learner drivers for driving unaccompanied when their licence does not permit same; and the relevant statutory instrument. [21124/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 446 and 447 together.

Article 20 of the Road Traffic (Licensing of Drivers) Regulations 1999-2004 specifies the conditions that holders of provisional licences must comply with to ensure that the provisional licence has effect. If the conditions set out are not complied with a person may be prosecuted under Section 38 of the Road Traffic Act 1961 for driving without a driving licence. The penalty for driving without a driving licence is a fine not exceeding €800 for a first offence, €1,500 for a second offence, and for a third offence in a period of twelve months to a fine of €1500, or at the discretion of the Court, to imprisonment not exceeding a term of three months, or both.

Driving Tests.

448. **Ms Shortall** asked the Minister for Transport further to Parliamentary Questions Nos. 226 of 17 May 2006 and 359 of 23 May 2006 the reason he is not in a position to provide an estimate of the maximum number of driving tests that can be processed through the driving test software system, that is, the capacity of the software and not of actual driving test numbers; the way in which he can plan for extra tests in the absence of such an estimate; and if the software is capable of dealing with 404,000 applications in the next twelve months if these were made. [21125/06]

Minister for Transport (Mr. Cullen): As I indicated in my reply to the previous questions, in the short term there is not a capacity problem on the system which would prevent the processing of additional driving tests. Having said this, the basic code on which it relies is over 10 years old. This brings with it a number of significant inflexibilities which, in my view, make it a very much less than efficient tool on which to base a modern driving test application process. However, it is now sufficiently robust to allow an 18 to 24 month window of opportunity. During this period it is intended to significantly improve the overall

system, streamline the application process and provide Internet based public access.

For the information of the Deputy, I am advised that, as currently configured, the system can accommodate an average of 3,000 applications a day and with peaks of 10,000. The current levels are 770 on average and 1,500 at peak. The licensing arrangements allow for up to 80 concurrent on-line users. Additional licences can be purchased and deployed if necessary.

Sports Capital Programme.

449. **Mr. Wall** asked the Minister for Community, Rural and Gaeltacht Affairs the number of applications for capital lottery funding received by county for the past five years; the number of successful applications per county for the same period; and if he will make a statement on the matter. [20530/06]

450. **Mr. Wall** asked the Minister for Community, Rural and Gaeltacht Affairs the mechanisms to be put in place or are in place to assist those successful in their applications for capital lottery funding but who have been unable to draw down their allocation. [20531/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I propose to take Questions Nos. 449 and 450 together.

Under my Department's sports capital programme, grants are allocated to sporting and to voluntary and community organisations for the provision of sporting and recreational facilities and equipment. Through sports capital funding, the Government has provided unprecedented levels of funding for sport and its infrastructure in this country, e.g. since 1998 a total of 4,923 such projects have benefited from €394.8 million in grant allocations.

From the outset, on applying for a grant under the programme, all applicants are issued with the Guidelines, terms and conditions in relation to the Programme to ensure that they are fully aware of all requirements in applying for a sports capital grant and, even at that stage, of the requirements for drawing down a grant if their application is successful. Following the announcement of provisional allocations under the programme, grantees are informed in writing by my Department of the full range of requirements in order to draw down the grant.

The mechanisms in place for the drawdown of grant payments are in keeping with standards of good practice in relation to the provision of Government funds to assist in the development of capital projects. However, should any grantee have any difficulties at any stage of the drawdown process, officials in my Department are available to them to assist and advise them.

Inland Waterways.

451. **Mr. Naughten** asked the Minister for Community, Rural and Gaeltacht Affairs if Meelick Weir has been cleaned of debris since January 2006; the date on which such debris was removed; if the weir gates are fully opened; and if he will make a statement on the matter. [20463/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): As the Deputy is aware, the responsibility for Meelick Weir rests with Waterways Ireland, a North/South Implementation Body for certain inland waterways, set up under the British-Irish Agreement 1999. Waterways Ireland informs me that Meelick Weir is inspected regularly and that the site has not required any cleaning since last January. I am also informed that the weir gates (sluices) have been fully open since the 6th May 2006.

Departmental Bodies.

452. **Mr. Naughten** asked the Minister for Community, Rural and Gaeltacht Affairs the public bodies under the control of his Department; their function, role, location and establishment date; the administration costs of each body in the year 2005; and if he will make a statement on the matter. [20473/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): In the time available it has not been possible to collate all of the information required by the Deputy. I will forward the material directly to the Deputy when it is completed.

Security of the Elderly.

453. **Mr. Ring** asked the Minister for Community, Rural and Gaeltacht Affairs the regulations, both in place and proposed, regarding the fitting of alarm systems by approved installers under the community support for older people scheme; if the alarms already fitted by people other than approved installers will have to be taken out or if fines will be imposed and so on; and if he will make a statement on the matter. [20585/06]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The guidelines to the Scheme of Community Support for Older People (CSOP) recommend that Groups installing socially monitored alarms should only deal with reputable suppliers with a proven track record and an ability to operate to best industry standards. I have no function in "approving" installations of alarm systems or enforcing such approvals.

The Deputy may be aware that the European standard for socially monitored alarms, EN50134 has been adopted in Ireland as I.S. EN50134. I understand that, following discussions between

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my Department and the National Standards Authority of Ireland (NSAI), the NSAI is developing a certification scheme which can be applied to this Standard. When this certification scheme has been developed by the NSAI, my Department, under the CSOP scheme, will then fund only installations by certified installers.

Community Development.

454. **Mr. Haughey** asked the Minister for Community, Rural and Gaeltacht Affairs the grant and other assistance available from his Department to construct a parish resource centre; and if he will make a statement on the matter. [20919/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): My Department operates a Programme of Grants for Locally-Based Voluntary and Community Organisations. This Programme supports the activities of local groups, addressing disadvantage in their community.

The Programme consists of three schemes as follows:

1. It makes funds available for small scale refurbishment of premises.
2. It provides for the purchase of essential equipment including I.T. equipment.
3. It provides for education, training and research grants.

Grants of up to 90% of the cost are available under this Programme. The maximum grant for Refurbishment is €40,000; for Equipment is €10,000; and for Training, Education and Research is also €10,000. I expect that the 2006 Programme will be advertised in the National and Provincial press in the coming weeks. A copy of the guidelines and the application form will be available on our website, www.pobal.ie immediately thereafter.

The Local Development Social Inclusion Programme (LDSIP) provides a series of Measures, funded under the National Development Plan 2000-2006, that are designed to tackle social exclusion, deliver a more sustainable economy, improve employment prospects and balance regional development. These Measures are particularly targeted at the areas of greatest need throughout the country. The LDSIP aims to empower communities in these areas to tackle disadvantage and to have a fresh start.

The LDSIP seeks to improve the quality of life for all members of our communities but specifically targets the following Groups:

- The long-term unemployed
- Disadvantaged women
- Disadvantaged young people

- Travellers
- Disabled People
- Older people
- Homeless people
- Ex-prisoners
- Low-income farm Households
- Ethnic Minorities
- Substance Mis-users
- Lone Parents
- The underemployed
- Young people at risk
- Disadvantaged communities living in isolated rural areas or deprived urban areas.

Pobal administers the LDSIP on behalf of my Department. The LDSIP is delivered by 38 Partnerships, 31 Community groups and 2 Employment Pacts, which are not-for-profit private companies focusing on combating disadvantage and social exclusion in their areas.

Artane lies within the catchment area of the Northside Partnership and support can be sought in the context of the provision of services to any of the above groups.

Northside Partnership

Northside Partnership, Coolock Development Centre, Bunratty Drive, Coolock, Dublin 17
 Manager: Ms Marian Vickers
 Tel: 01-8485630
 Fax: 01-8485661
 E-Mail: info@northsidepartnership.ie
 Web: www.northsidepartnership.ie

Rural Social Scheme.

455. **Mr. Naughten** asked the Minister for Community, Rural and Gaeltacht Affairs the reason a person (details supplied) in County Roscommon is not receiving a full child dependant allowance; and if he will make a statement on the matter. [20938/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Payment of a child dependant increase under the Rural Social Scheme (RSS) is only made to participants upon formal confirmation by the Department of Social and Family Affairs that there is an underlying entitlement to such an allowance. The RSS matches any child dependant increase that a participant is receiving whilst on a social welfare payment.

Mid-South Roscommon Rural Development Company, who implements this Scheme on behalf of my Department in the relevant area, have informed me that the Department of Social and Family Affairs were not paying a child dependant increase to this participant for the child in ques-

tion prior to him joining the RSS as he was not entitled to claim for that child.

Community Development.

456. **Mr. Rabbitte** asked the Minister for Community, Rural and Gaeltacht Affairs if, in view of the decision of Pobal to advise the board of the area partnerships of additional allocations which will be made from existing resources to help offset the cost of benchmarking adjustments for 2006 (details supplied), similar arrangements will be applied in the case of the Clondalkin drugs task force; and if he will make a statement on the matter. [20967/06]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): I am aware that Pobal is attempting to assist the boards of area partnerships and community partnerships with the issue of salary adjustments for Local Development Social Inclusion Programme employees. However, the position as outlined in my reply to questions 536 and 541 on 26th April 2006 is unchanged.

Departmental Appointments.

457. **Mr. Crowe** asked the Minister for Community, Rural and Gaeltacht Affairs if he will confirm that no member from the health sector was involved in the working group on drug rehabilitation; and if this will delay the actions and recommendations of the group. [20968/06]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The membership of the Working Group on Drug Rehabilitation includes representatives of the Department of Health and Children and the Health Service Executive.

Environmental Policy.

458. **Mr. Naughten** asked the Minister for Agriculture and Food the impact which tree felling is having on phosphate levels in rivers here; and if she will make a statement on the matter. [20672/06]

Minister for Agriculture and Food (Mary Coughlan): Tree felling may impact on phosphate levels in receiving waters as a consequence of ground disturbance or from the natural decay of leaves, roots and branches left after felling. It is not clear to what extent tree felling contributes to increased phosphate levels and research in this area is ongoing, for example, as part of the Western River Basin District's project on Forest and Water.

There are steps that can be taken to reduce the risk of phosphorus release during felling such as controlling the proportion of a catchment that is felled at any one time. My Department has pub-

lished detailed guidelines on this subject. Practice is also informed by the National Council for Forest Research and Development's (COFORD) research and publications, in particular *Managing the Impacts of Forest Clearfelling on Stream Environments*.

Control of Dogs.

459. **Ms O. Mitchell** asked the Minister for Agriculture and Food her views on the banning of the importation of pit-bull terriers and other dangerous breeds of dogs. [20950/06]

Minister for Agriculture and Food (Mary Coughlan): Statutory responsibility for the control of dogs lies with the Minister for the Environment, Heritage and Local Government under the Control of Dogs Act, 1986. My Department is responsible for applying EU controls on the importation of dogs from the perspective of disease control, primarily protection from rabies. The controls do not include provisions for banning the importation of particular types of dogs.

Fodder Relief Scheme.

460. **Mr. Naughten** asked the Minister for Agriculture and Food the steps she is taking to address the hardship being experienced by farmers in the Shannon Callows who are without summer grazing due to the rising of water levels on the river; and if she will make a statement on the matter. [20460/06]

Minister for Agriculture and Food (Mary Coughlan): I am aware of the difficult conditions being experienced by farmers in the Shannon Callows and I appreciate that the very wet month of May has caused difficulty for most farming activities throughout the country. It is too early at this stage to consider specific action on fodder relief by my Department.

Grant Payments.

461. **Mr. Naughten** asked the Minister for Agriculture and Food the reason a landowner's nephew (details supplied) in County Galway was deemed ineligible under the national reserve; if there is flexibility in the rules where the young farmer is not a son or daughter. [20462/06]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application for an allocation of entitlements from the Single Payment Scheme National Reserve under Category A. Category A caters for farmers who inherited land or received land free of charge or for a nominal sum from a farmer who had retired or died by 16 May 2005 and who had leased out his/her holding to a third party during the reference period 2000 — 2002. The rules governing Category A of the National Reserve do not state that the applicant must be related to the

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farmer he has inherited or received the land from. A formal letter outlining my Department's decision in relation to the National Reserve issued to the person named.

My Department's records indicate that an appeal submitted by the person named was received on 28 April 2006. The Independent Payment Appeals Committee will carry out a full review of the case and will correspond directly with the person named following the outcome of their review. It should be noted that to date the National Reserve section of my Department has received 802 appeals.

Departmental Bodies.

462. **Mr. Naughten** asked the Minister for Agriculture and Food the public bodies under the control of her Department; their function, role, location and establishment date; the administration costs of each body in the year 2005; and if she will make a statement on the matter. [20474/06]

Minister for Agriculture and Food (Mary Coughlan): The following is the information as requested by the Deputy.

Bord Bia

An Bord Bia/Irish Food Board was established on 1 December 1994 under the An Bord Bia Act 1994. Its statutory function is to promote, assist and develop the marketing of Irish food, livestock and horticulture. Responsibility for the development of the horticultural industry in Ireland, including amenity horticulture, transferred to Bord Bia on 1 July, 2004 following the dissolution of An Bord Glas.

Through the provision of strategic market development, promotion and information services, Bord Bia provides a vital support function for the Irish food, drink and horticulture industry on home and export markets. Bord Bia headquarters are located at Lower Mount Street, Dublin 2, with overseas offices situated in Amsterdam, Chicago, Frankfurt, London, Madrid, Milan, Moscow, Paris and Shanghai. Bord Bia operating expenditure for 2005 was €12,946,000.

Teagasc

Establishment date: 8 September 1988 — Established under the Agriculture (Research, Training and Advice) Act, 1988

Function/Role: Its function under the Act is to provide research, training and advisory services for the agri-food sector.

Location: Head Office, Oak park, Carlow

Administration Costs in 2005: Approximately €5.2m on an operational expenditure of some €170m.

Coillte Teoranta

Functions:

- To carry on the business of forestry and related activities on a commercial basis and in accordance with efficient silvicultural practices;
- To establish and carry on woodland industries;
- To participate with others in forestry and related activities consistent with its objects, designed to enhance the effective and profitable operation of the company, and
- To utilise and manage the resources available to it in a manner consistent with the above objects.

Role:

Coillte Teoranta is a commercial forestry company.

Location:

The headquarters of Coillte Teoranta are located in Newtownmountkennedy, Co. Wicklow.

Date of Establishment: 1 January 1989

Administration Costs in 2005: Coillte does not have a category of expenditure classified as administration costs. As a private limited company with a commercial mandate, Coillte does, however, publish annual report and accounts where a complete breakdown of costs and revenues is available.

Coford (National Council for Forest Research and Development)

Functions:

- To fund and co-ordinate research and development projects with the aim of developing the forestry industry through technical innovation and good silvicultural practice.
- To establish and strengthen links between research competence and industrial needs;
- To determine forest research needs to maintain international competitiveness, provide sustainable employment, encourage innovation and enhance environmental harmony;
- To evaluate research progress and transfer technology to ensure maximum benefit.

Role:

To strengthen forestry research and technology (R&D)

Location:

Arena House, Arena Road, Sandyford, Dublin 18

Date of Establishment: 1993

Administration Costs: in 2005: €730,734.57 (includes time spent by COFORD staff providing technical services and technology transfer).

Irish National Stud

The Irish National Stud is a commercial semi-state body located at Tully, Co Kildare.

The primary role of the Irish National Stud is the standing of commercial stallions for Breeders. The National Stud Act, 1945, provided for the setting up of a limited company to carry on the business of stud farming at Tully and on any other land held by the company. The company was incorporated under the Companies Acts on the 11th April 1946. The Irish National Stud Co. Ltd. incurred operating expenses of €6.963m in 2005 (unaudited figures).

National Milk Agency

The National Milk Agency was established in December 1994 to regulate the supply of milk for liquid consumption throughout the State. The Agency's office is in IPC House, 35-39 Shelbourne Road, Ballsbridge, Dublin 4. The Agency's administration costs for 2005 amounted to €258,198.

Veterinary Council of Ireland

The Veterinary Council of Ireland was established under Section 11 of the Veterinary Practice Act 2005

Function: To regulate the practice of veterinary medicine in the State

Location: 53 Lansdowne Road, Ballsbridge, Dublin 4

Establishment Date: 1 January 2006

Administration costs in 2005: None.

Decentralisation Programme.

463. **Mr. Kehoe** asked the Minister for Agriculture and Food if she is satisfied that it is practicable and prudent to proceed with the decentralisation of An Bord Bia based on the number of existing An Bord Bia staff that have applied to decentralise to Enniscorthy, County Wexford; and if she will make a statement on the matter. [20479/06]

Minister for Agriculture and Food (Mary Coughlan): Bord Bia is not one of the organisations given early mover status under the Government's decentralisation plan. While the level of interest among Bord Bia staff in transferring to Enniscorthy, Co. Wexford as determined by applications under the Central Applications Facility (CAF) system at present would be insufficient to meet the needs of the organisation in the new location, there is a high level of interest from non-specialist staff external to Bord Bia in transferring to Enniscorthy.

Issues relating to the transferability of staff between State Agencies and between the Civil Service, Public Service and State Agencies generally are being examined centrally by the Department of Finance who deal with general human resource and industrial relations issues arising from decentralisation.

Grant Payments.

464. **Mr. Neville** asked the Minister for Agriculture and Food the reason payment of forestry premium to a person (details supplied) in County Limerick will not be made until autumn 2006. [20525/06]

Minister for Agriculture and Food (Mary Coughlan): I understand that following a change of ownership of this plantation payment of the relevant premium will be made within the next four weeks.

Rural Environmental Protection Scheme.

465. **Mr. Ring** asked the Minister for Agriculture and Food the deal which was negotiated in May 2006 in relation to people that are not in the REP scheme. [20546/06]

466. **Mr. Ring** asked the Minister for Agriculture and Food the action which will be taken in relation to people who were in the REP scheme; and if their REP scheme payments will be increased following the deal which was negotiated in May 2006. [20548/06]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Question Nos. 465 and 466 together.

All hill sheep farmers in REPS are paid in accordance with their REPS contracts. The REP scheme Terms and Conditions provide that REPS farmers must comply fully with Commonage Framework Plan requirements and consequently no further REPS payments are due for destocking.

The question of additional benefits for actions over and above the requirements of the Commonage Framework Plans is a matter for the Department of the Environment, Heritage and Local Government. I am aware that because of a European Court of Justice judgment, that Department is introducing additional management requirements in the Owenduff/Nephin Beg complex and that my officials have given advice on an appropriate level of payment to REPS farmers to compensate them for the actions now required of them that are not covered by the REPS payment.

The question of additional benefits for actions over and above the requirements of the Commonage Framework Plans for farmers not in REPS is a matter for the Department of the Environment, Heritage and Local Government.

Organic Farming.

467. **Mr. Carey** asked the Minister for Agriculture and Food if Ireland is supporting the EU Presidency position in regard to a possible change in EU legislation governing the regulation of organic food and agriculture through a re-drafting of regulation 2092/91 which could have effects as outlined in correspondence (details supplied); and if she will make a statement on the matter. [20577/06]

Minister for Agriculture and Food (Mary Coughlan): I support the general thrust of the proposed Regulation on organic production and labelling of organic products and I believe that it is a step in the right direction towards the simplification of controls and procedures. There have been extensive discussions at Council Working Group level during the current Presidency. The proposed Regulation was debated at the Council of Ministers last week and while no decision was sought there was broad general agreement among the Ministers on the approach being adopted by the Commission. A number of areas remain to be clarified.

In relation to the setting of organic standards being controlled by the European Commission, the existing practice is that this work is done by a regulatory committee comprised of experts from the Member States. I am not in favour of the proposal to replace this regulatory committee with a Management Committee. The majority of my fellow Ministers take the same view. On the other hand, I fully support the harmonisation of organic standards throughout the EU. Under the Commission's proposals, claims that a particular set of private or national standards is superior to the rules laid down in the Regulation will not be allowed. That will of course not affect the right of a member State to set additional standards, as Ireland has already done.

The proposed Regulation continues to prohibit the deliberate use of genetically modified organisms (GMO) in organic production and processing, and that products cannot be labelled both organic and GMO. I fully support this position.

While organic farming prohibits the deliberate use of GMOs, there is some risk that they may be introduced unintentionally to organic crops from time to time as a result of events over which producers have no control. The existing horizontal Regulations regarding the labelling of food and feed state that a product with an adventitious presence of GMO of more than 0.9% must be labelled as GM. The draft Regulation on organic production proposes to adopt the same threshold. While a final decision on this issue must involve some degree of pragmatism, the actual threshold for GMO in organic food is a matter that the Council will consider further.

As far as certification controls are concerned, I am happy that the existing system works well in Ireland and I do not support unnecessary changes. Detailed implementing rules will be

finalised before the proposed new Regulation comes into effect in January 2009. The issue of a precise list of items will be discussed in that context.

Health and Safety Regulations.

468. **Mr. Connolly** asked the Minister for Agriculture and Food the measures she will take to enhance health and safety on farms; if she has ascertained the Health and Safety Authority's views in this regard; and if she will make a statement on the matter. [20603/06]

Minister for Agriculture and Food (Mary Coughlan): The Health and Safety Authority (HSA) is the State Agency responsible for the promotion and enforcement of workplace health and safety in Ireland. The Authority and Teagasc, with my support, have agreed to develop initiatives in support of farm safety including the development of the first Code of Practice for enterprises of three or less employees in farming and piloting of the Code by means of short training courses and on farm evaluations.

While the evaluation of the initiatives is still ongoing, initial results show that: 1400 farmers attended the courses in farm safety; 98% of the farmers that attended the course agreed that it was worthwhile and that the course should be made available to all farmers; 97% stated that the course would help them implement health and safety on their farms.

On farm evaluations are now taking place to assess the health and safety measures that farmers have adopted as a result of attending the courses. These evaluations are also being considered by the Farm Safety Partnership Advisory Committee of the Authority, on which my Department is represented. I look forward to the results of this training/on farm evaluation work as a positive contribution to health and safety on farms.

Infectious Diseases.

469. **Mr. P. McGrath** asked the Minister for Agriculture and Food the process to be followed by the public in line with the UN health strategy where cases of avian flu are suspected; if a slaughter policy is in place for possible outbreaks; the details of this policy; if a compensation scheme has been agreed for possible slaughtering of fowl in suspected cases of avian flu; her policy in relation to disposing of carcasses in suspected avian flu cases; and if she will make a statement on the matter. [20668/06]

Minister for Agriculture and Food (Mary Coughlan): My responsibility and that of my Department is in relation to animal health and, as regards avian influenza, our focus is on minimising the threat of introducing the virus into Ireland and ensuring that we are adequately prepared to deal effectively with any case/outbreak that might arise here. My colleague the Tánaiste

and Minister for Health and Children and the HSE are responsible for public health aspects relating to this virus.

If there is an outbreak of avian influenza, all poultry on the infected holding would be killed on site so as to minimise the risk of the spread of the disease. There is legislative provision also for the slaughter of poultry which (i) are infected or suspected of being infected with avian influenza; (ii) have been in contact with infected/suspected infected birds; (iii) appear to have in any way been exposed to the infection; or (iv) are within an area which has been defined as an area where a risk of infection exists. This provides for the possibility of preventive slaughter of poultry on contiguous holdings or epidemiologically linked holdings, on the basis that there is reason to suspect contamination.

Compensation in respect of poultry that may be slaughtered and for carcasses or eggs that may be destroyed would be payable by reference to market values. However there is also provision that failure by the applicant to take reasonable precautions to protect against the disease, may result in appropriate deductions being made from the compensation amount payable otherwise.

All carcasses and other products would be treated as Category 2 waste as would all contaminated substances (e.g. feed, litter, manure). Meat produced from birds during the presumed incubation period would also be traced and treated in the same way as would hatching eggs and table eggs produced during the presumed incubation period. The Department's preferred method of destruction is to initially render such material but other options exist including burial, composting, and alkaline treatments as appropriate.

Grant Payments.

470. **Mr. Hayes** asked the Minister for Agriculture and Food when full payment under the single payment scheme will issue to a person (details supplied) in County Tipperary. [20669/06]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an unsuccessful application for consideration in respect of the New Entrant measure of the Single Payment Scheme. His application was unsuccessful, as he established no entitlements in the reference years 2000-2002. The person named submitted a successful application to transfer entitlements by way of Private Contract Clause (Lease). The remaining outstanding Single Payment due to the person named will issue shortly.

Genetically Modified Organisms.

471. **Mr. Ferris** asked the Minister for Agriculture and Food her views on the decision by BASF not to proceed with the growing of genetically modified potatoes in County Meath; and if

she will make a statement on the matter. [20885/06]

Minister for Agriculture and Food (Mary Coughlan): The adjudication of applications for field trials of GM crops is a function assigned to the Environmental Protection Agency, as the competent authority for the purposes of Directive 2001/18/EC on the deliberate release into the environment of genetically modified organisms; which is transposed into Irish law by the Genetically Modified Organisms (Deliberate Release) Regulations 2003.

I am satisfied that the conditions set out in the consent granted by the EPA to BASF to carry out trialling of GM potatoes at Summerhill, Co. Meath are sufficient to minimise the possible risks of adventitious contamination of certified seed and ware potato crops in the surrounding area. BASF's decision not to proceed at this time with their proposed trialling under the conditions attached to the approval granted by the EPA is a matter for that company and I do not propose to comment on their decisions.

472. **Dr. Upton** asked the Minister for Agriculture and Food the councils, county or otherwise, that have notified her Department of their passing of motions relating to their opposition to the growth of genetically modified crops within their jurisdictions. [20886/06]

Minister for Agriculture and Food (Mary Coughlan): I have recently received communications from Trim Town Council, Cavan County Council and Roscommon County Council informing me that they have passed motions relating to their opposition to the growth of genetically modified crops within their counties.

The Deputy may be aware that EU legislation on the cultivation of GM crops, which was adopted by the European Parliament and the Council and which is binding on all Member States, does not provide for the declaration of a GM free country or region. There are, however, options available to restrict the growing of GM crops within regions of a country. One option is the concept of voluntarily developed GM free regions — a concept being explored by a number of regional communities and authorities throughout the Community. Another option is to seek a derogation from the Commission that, on the basis of sound scientific evidence, coexistence is not possible in certain regions in respect of certain named crops. The cultivation of these crops can then be legitimately prohibited if the case made is accepted by the Commission.

473. **Dr. Upton** asked the Minister for Agriculture and Food the reason she voted in the European Council on 22 May 2006, against including large scale catering establishments within the scope of EU legislation on the labelling of genetically modified products; and if she will make a statement on the matter. [20887/06]

Minister for Agriculture and Food (Mary Coughlan): There was no vote taken at the European Council meeting on Monday 22 May 2006 on the organic sector proposal. The Presidency presented a progress report on the proposed organic regulation and conducted a policy debate on a number of issues. In relation to the inclusion of large scale catering establishments within the scope of EU organic legislation, I feel that, considering the complex nature of the industry, this matter should be left to individual Member States to decide.

Food Labelling.

474. **Dr. Upton** asked the Minister for Agriculture and Food the reason she voted in the European Council on 22 May 2006, against making it a requirement for organic products obtained within the EU to carry the indication EU-Organic on labels; and if she will make a statement on the matter. [20888/06]

Minister for Agriculture and Food (Mary Coughlan): There was no vote taken at the European Council meeting on Monday 22 May 2006 on the organic sector proposal. The Presidency presented a progress report on the proposed organic regulation and conducted a policy debate on a number of issues. In relation to indications on organic products, I stated at the meeting that the proposal to make it obligatory to use either the logo or, in its absence, the words “EU-ORGANIC” was a positive development. However, I expressed concern at the proposal in relation to indications on third country imports. As the proposal stands at present, third country imports would not be required to identify the certification body in the country of origin, yet would be allowed to use the EU logo or indication “EU-ORGANIC”. I will continue to take the line that, as a minimum requirement, the code number and/or name of the authority or control body of the third country should appear on the label.

Land Commission.

475. **Mr. Ring** asked the Minister for Agriculture and Food when the Irish Land Commission will respond to queries raised by the Land Registry Office in relation to a schedule on a folio (details supplied) in County Mayo; and if this matter will be expedited so that the dealing application process can be completed. [20889/06]

Minister for Agriculture and Food (Mary Coughlan): This is a complex case concerning a mapping conflict and title discrepancies. Consultation between my Department and the Land Registry is taking place on the matter with a view to expediting its completion. In addition, two Land Certificates are outstanding and a final notice to produce them to the Land Registry to assist in the registration process has issued to the parties who are holding the Land Certificates.

Grant Payments.

476. **Mr. Penrose** asked the Minister for Agriculture and Food when a person (details supplied) in County Laois will be provided with their entitlements and payments; and if she will make a statement on the matter. [20964/06]

Minister for Agriculture and Food (Mary Coughlan): An application under the Single Farm Payment Scheme was received from the person on 13th May 2005, on which 66.22 ha of forage was declared. There were no Entitlements established in his name. Entitlements were established during the reference period in the name of the father of the person named. Following clarification received from the person named, the transfer has now been processed and payment will issue shortly.

477. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason for the shortfall in a grant for a slatted roof (details supplied); and if she will make a statement on the matter. [20965/06]

Minister for Agriculture and Food (Mary Coughlan): The person concerned applied for grant-aid under the Farm Waste Management Scheme on 30 August 2005. My Department’s letter of approval clearly indicated that the maximum level of investment eligible for grant-aid for the proposed structure would be €41,489.78. As a result, the maximum amount of grant-aid payable in this case will be €16,595.91, i.e. 40% of the maximum eligible investment indicated. Payment of this amount will issue following verification of the payment claim which has recently been received by my Department.

478. **Mr. Naughten** asked the Minister for Agriculture and Food the number of single farm payment entitlements and value which a person (details supplied) in County Roscommon has been allocated; the number and value which was paid in 2005; the entitlements for 2006; and if she will make a statement on the matter. [21046/06]

Minister for Agriculture and Food (Mary Coughlan): As the person named was not farming and in receipt of premia payments during the 2000 — 2002 reference period, no single payment entitlements were established for him. The person named applied for an allocation of entitlements from the National Reserve under Category B which caters for farmers who, between 1 January 2000 and 19 October 2003, made an investment in production capacity in a farming sector for which a direct payment under Livestock Premia and/or Arable Aid Schemes would have been payable during the reference period 2000 to 2002. Investments can include purchase or long-term lease of land, purchase of suckler and/or ewe quota or other investments.

The person named has received an allocation of 7.19 entitlements each at a value of €129.27 from the 2005 National Reserve and payment issued on 27 April 2006. As the person named does not have any other existing entitlements the total number of entitlements available for 2006 will amount to 7.19 which is what he received from the 2005 National Reserve.

Sugar Industry.

479. **Mr. Naughten** asked the Minister for Agriculture and Food further to Parliamentary Question No. 247 of 24 May 2006, if such authorisation has been sought from the EU; her plans to explore this option; and if she will make a statement on the matter. [21092/06]

Minister for Agriculture and Food (Mary Coughlan): The agreement on reform of the EU sugar regime provides for a very substantial compensation package worth over €310 million for Irish stakeholders. The agreement, which was reached after difficult and protracted negotiations, does not authorise Member States to grant a national top up to this compensation. No such authorisation has been sought and pending completion of the restructuring process laid down in the relevant Regulations there is no basis for consideration of this issue.

Visa Applications.

480. **Mr. Haughey** asked the Minister for Justice, Equality and Law Reform the circumstances which would allow him to extend the working holiday authorisation of a person (details supplied); his views on an extension in this case; and if he will make a statement on the matter. [20407/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Immigration Division of my Department has recently been in correspondence with the person concerned requesting documentation regarding his current position in the State. On receipt of this documentation his case will be further considered.

Alarm Systems.

481. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform if circuit based alarm systems can only be put into homes by approved installers; the plans the Government have to insure that all such alarm systems are fitted by approved installers; if alarms already fitted by non-approved installers will have to be removed; and if he will make a statement on the matter. [20586/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Private Security Authority was established under the Private Security Services Act 2004 as a statutory independent body to regulate and license the Irish private

security industry. Installation of security equipment is one of the security services for which licences will be required. I am informed that the PSA has commenced issuing licences to contractors installing intruder alarms and that it will become mandatory for contractors who install intruder alarms to be licensed from 1 August 2006. The Authority also plans to license individual employees in this sector.

It should be noted that the legislation also applies to all maintenance work carried out on an alarm system from 1 August 2006, irrespective of when the alarm was fitted. Contractors carrying out such maintenance work from 1 August 2006 must be licensed. The Authority will issue licences based on attainment and adherence to national standards. In addition, a key feature of the PSA licensing will be to ensure that only fit and proper persons are employed in the private security industry. If companies are found to be deviating from the standard and not operating within the terms of their licence, the PSA has the power to suspend or revoke their licence.

Electronic Communications.

482. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the steps which have been taken throughout the European Union or through the industry to discourage Internet pornography; and if he will make a statement on the matter. [20800/06]

483. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he has initiated or been involved in particular discussions to regulate the industry with a view to limiting its use by sexual predators; and if he will make a statement on the matter. [20801/06]

484. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he has in mind particular plans, preferences or policy to discourage the use of the Internet for predatory sexual purposes; and if he will make a statement on the matter. [20802/06]

485. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he has taken steps directly or in conjunction with his EU colleagues to inhibit the use of the Internet for pornographic purposes; and if he will make a statement on the matter. [20842/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 482 to 485, inclusive, together.

By its very nature, the Internet lends itself to being used for a wide range of criminal activities. This can include illegal pornography, racist or hate materials, financial fraud, intimidation or any other criminal activity carried out via the Internet. Combatting such illegal, harmful and predatory use of the Internet requires a response at national, EU and international levels.

[Mr. McDowell.]

The Internet is an international and world-wide phenomenon with no borders and no single organisation controlling it. Measures to combat illegal materials and activities on the Internet are therefore hampered by a multiplicity of jurisdictions, differing legal systems, and differing societal norms. Furthermore, new developments in communications technologies allowing for Internet access by new means are a regular occurrence. These are largely positive developments but also bring particular challenges for those charged with protecting against the downsides of the Internet.

A combination of responses, and the co-operation of all the stakeholders, at both national and international level — legislators, law enforcement, schools, child protection practitioners, parents and guardians, is essential. My Department is fully committed to playing its part in a proactive way.

In terms of legislation, in the Child Trafficking and Pornography Act, 1998, Ireland has one of the most robust pieces of legislation anywhere. Under the Act, the possession, distribution, importation and exportation or sale of all forms of child pornography — films, videos, or material in written or auditory form including material produced or transmitted via the Internet — are offences with penalties of up to 14 years' imprisonment. Mere possession of child pornography can be punishable by imprisonment for up to 5 years. Using a child or allowing a child to be used for the production of child pornography is also punishable by up to 14 years' imprisonment.

An Garda Síochána are committed to the investigation of all cases of child pornography and the importance of investigating the child protection issues involved in such cases. The Paedophile Investigation Unit is in existence since November 2002 and operates under the umbrella of the Domestic Violence and Sexual Assault Unit.

Members of An Garda Síochána attached to the National Bureau of Investigation augment these units as the volume of work requires. Computer forensics are carried out by the members attached to the Domestic and Sexual Assault Unit and also by members attached to the Garda Bureau of Fraud Investigation utilising up-to-date forensic software.

Substantial Garda resources are utilised in the investigation of child pornography on the Internet. The recent operation Amethyst was a very successful operation utilising Garda personnel on a countrywide basis under the control and direction of personnel from the National Bureau of Criminal Investigation.

On the structural side, the Government established a Working Group in 1997 to examine and report on the whole question of the illegal and harmful use of the Internet with particular reference to child pornography. The Report of the Working Group on the Illegal and Harmful Use

of the Internet was published in July 1998. The main recommendation of the Report was for a system of self-regulation by the Internet service provider industry and the components of such a system were to include: an Internet Advisory Board (IAB) — established Feb 2000 — to promote awareness of Internet downside issues, co-ordinate efforts to combat child pornography on the Internet and monitor the progress of self regulation by the Internet Service provider industry; a public hotline for reporting child pornography (established 1999 and funded by the industry); an industry Code of Practice and Ethics setting out the duties and responsibilities of each Internet service provider (agreed February 2002 and reviewed in 2004).

The Internet Advisory Board oversees and monitors progress on anti-child pornography measures, and supervises a self-regulatory regime for the Irish Internet Service Provider industry. The self-regulatory approach to Internet regulation has been adopted world-wide, and the Internet Advisory Board helps and supports the Irish Internet Service Provider industry to deliver an effective self-regulation environment, in accordance with an agreed Code of Practice and Ethics for the industry. The Irish Code of Practice and Ethics is recognised throughout Europe as a model of its type. The Internet Advisory Board's brief also extends to general downside issues on the Internet including general safety for children while on-line, the conduct of research, and information campaigns.

The Hotline (www.hotline.ie), funded by the Internet Service Providers' Association of Ireland with support from the EU Safer Internet Action Plan, was launched in November 1999 and has been operating since that time. Special protocols operate between the Gardaí and the Hotline that maximise co-operation on law enforcement issues so that offences in the area of child pornography can be detected and prosecuted.

The Hotline works closely with, and is a founding member of, the international INHOPE Association (www.inhope.org), a network of European hotlines which is expanding to all parts of the world. The INHOPE Association develops procedures and shares information on the best practices for the tracing and tracking of illegal child pornography. International co-operation is a vital part of the fight against pornography on the Internet, and Ireland is fully committed to playing its part.

In September, 2001 the Council of Europe Ministers' Deputies approved the first international Convention on Cybercrime. Ireland signed up to the Convention in June 2002. The main objective of the Convention is to foster international co-operation in protecting society against cybercrime. The Convention deals specifically with the distribution of child pornography on the Internet, infringements of copyright, computer related fraud and violations of network security.

The European Union has taken a strong line on combating pornography on the Internet. Since 1999, under the Safer Internet Action Plan, the EU has provided financial and other supports for measures in the member states to combat illegal and harmful uses of the Internet, with particular emphasis on protecting children. A new EU action plan — Safer Internet Plus — covering the period 2005 to 2008, and with a budget of €45m, was agreed under the Irish presidency in June 2004 and is now in operation. My Department is represented at the management committee for the programme.

The EU Council adopted a Framework Decision on Combating the Sexual Exploitation of Children and Child Pornography on 22 December 2003. While I have indicated that the Child Trafficking and Pornography Act 1998 is a particularly robust legislative measure, my Department is currently considering the question of whether additional legislative provisions are required to give effect to this Framework Decision. My Department is fully committed to co-operating with and promoting these measures nationally, at EU level and international level.

Liquor Licensing Laws.

486. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform when he expects to introduce legislation dealing with the consolidation of liquor licensing laws and the sale of alcohol; and if he will make a statement on the matter. [20414/06]

498. **Mr. Naughten** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 975 of 28 September 2005, his plans to reform the liquor licensing legislation; when he intends to publish such legislation; and if he will make a statement on the matter. [20503/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 486 and 498 together.

The Government Legislation Programme provides for publication of the Sale of Alcohol Bill later this year. This Bill will repeal the Licensing Acts 1833 to 2004, as well as the Registration of Clubs Acts 1904 to 2004, and replace them with provisions more suited to modern conditions.

Deportation Orders.

487. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 570 of 21 February 2006, the status of a person (details supplied) in County Clare; and if he will make a statement on the matter. [20415/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to the Reply I gave to Dáil Question No. 709 of 26 January 2005, No. 456 of 4 October 2005, No. 410 of 13

December 2005 and No. 570 of 21 February 2006. Since then, the person concerned has presented himself to the Garda National Immigration Bureau on a number of occasions and is due to present again on 8 June 2006. The acquisition of travel documents for the person concerned is, I understand, being pursued by the Garda National Immigration Bureau with the Congolese Authorities and the removal of the person concerned will be arranged as soon as these documents become available.

Courts Service.

488. **Mr. Howlin** asked the Minister for Justice, Equality and Law Reform the reason Section 4 of the Courts and Courts Officers Act 1995, vesting the powers, jurisdiction and functions of the Court of Criminal Appeal in the Supreme Court, has not been commenced; if the prior consultation with the Chief Justice and President of the High Court envisaged by Section 1 of that Act has taken place; if so, if it took place with the current or former holders of those offices; the outcome of such consultations; if he proposes to enter into further consultation; if it is his position that this section of the Act will not be brought into operation for so long as it is opposed by the judiciary; if so, if it is proposed that the judges' position on this matter should become a matter of public record; and if he will make a statement on the matter. [20416/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Section 4 of the Courts and Courts Officers Act 1995 provides that, upon commencement, cases currently dealt with by the Court of Criminal Appeal would be transferred to the Supreme Court. In 2003, the Working Group on the Jurisdiction of the Courts, which was chaired by Mr. Justice Fennelly, published a report which, *inter alia*, recommended against the abolition of the Court of Criminal Appeal. The Working Group recommended that the relevant provisions on the statute book be repealed. The Report also made recommendations to improve the continuity of membership of the Court and its *modus operandi* which have been implemented.

The issues concerning the most effective distribution of work across the various courts, Civil and Criminal, continue to be reviewed by the Board of the Courts Service in consultation with my Department.

Asylum Applications.

489. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform when he will make a decision regarding the status of a person (details supplied); and if he will make a statement on the matter. [20434/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person referred to by the Deputy arrived in Ireland on 20 May 1999 and claimed asylum. His case was examined by the

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Office of the Refugee Applications Commissioner who recommended to me in February 2001 that he be granted refugee status. The applicant was subsequently convicted of people trafficking in the Dublin District Court in April 2001 for which he received a four months prison sentence. This offence is incompatible with the principles of the 1951 Convention on the Rights of Refugees, under which the applicant sought protection. The seriousness and legal complexities of the case, required extensive consultations with the Attorney General's Office, and delayed making a decision.

The case is currently being processed and my Department will be writing shortly to the applicant conveying a decision.

Garda Recruitment.

490. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform when further recruitment to An Garda Síochána will take place; the date when such recruitment will be embarked upon; and if he will make a statement on the matter. [20435/06]

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. It is anticipated that the next recruitment competition for An Garda Síochána will take place later this year.

I should add 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 do so every 90 days thereafter.

The Garda Commissioner will now be drawing up plans on how best to distribute and manage these additional resources.

Gambling Casinos.

491. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if there is a link between casinos and money laundering or prostitution. [20443/06]

492. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform the figures on

the amount of people working in the casino industry here. [20444/06]

493. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if prohibition of casinos will lead to a growth of underground gambling activities; and his views on whether proper regulation will resolve the matter. [20445/06]

494. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform his views regarding an association (details supplied); and the reason he wants to outlaw all casinos here. [20446/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 491 to 494, inclusive, together.

Public policy in the matter of casino gambling in Ireland is as set out in the Gaming and Lotteries Acts. These Acts prohibit casino-type operations, and I am strongly of the view that there should be no departure from settled policy in this area. It is my view that casinos are socially undesirable and I think that is the view of a great many people in this society. The Gaming and Lotteries Acts 1956-1986 define what unlawful gaming is, and allow permitted exclusions from that definition which cater for many activities that currently take place.

As I already indicated in an earlier Parliamentary Question (No. 409 on 4 April 2006) I have concerns about the enforceability of the present law as it applies to casino-style operations and the scope for use of such operations for money-laundering. There has been concern for some time about the scope that casinos offer for money laundering and the concealment of the proceeds of crime. This was highlighted in a recent report of an evaluation by the Financial Action Task Force (FATF) — the leading international anti-money laundering organisation — of Ireland's anti-money laundering legislation and other measures. In that Report, the FATF evaluation team expressed their concern and stated that "..... this system [of private clubs operating as casinos] does create the potential for real AML/CFT (Money Laundering/Financing of Terrorism) risks. I also indicated in that reply that I intended to bring forward proposals for further changes to the gaming and lotteries legislation that will facilitate the prosecution of offences and the closing down of establishments engaged in such illegal operations. It is my intention to seek Government approval within the next few weeks for these changes, to be included, by way of Committee Stage amendments to the Civil Law (Miscellaneous Provisions) Bill 2006. In discussions held with my officials at the request of a body called the Gaming and Leisure Association of Ireland, representing a number of casino-style operations, these views and proposals have been conveyed in clear terms to that Association.

I do not believe that just because the possibility may exist that one of these so called clubs would go underground that that of itself is sufficient justification to take no action to tighten the law so as to improve the effectiveness of prosecutions. Furthermore, this is not a compelling argument for changing the law to make lawful what is an unlawful activity. I am not aware of any particular link between casino-style operations and prostitution; that is not to suggest that such a link might not exist. If the Deputy has any specific information that would indicate such a link, I ask him to share that information with me or with the Garda Síochána.

I am not in a position to speculate as to the numbers of persons employed in casino-style operations.

Citizenship Applications.

495. **Mr. J. Higgins** asked the Minister for Justice, Equality and Law Reform the status of an application for citizenship by a person (details supplied). [20455/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by officials in the Citizenship Section of my Department that there is no record of an application for Irish citizenship through the process of naturalisation having been received from the person referred to by the Deputy.

Prison Staff.

496. **Ms Enright** asked the Minister for Justice, Equality and Law Reform further to previous parliamentary questions in regard to the examination on the 10 December 2005 for prison officer promotion, if he will provide this Deputy with the number of queries which have not been replied to; the reason they have been replied to; if anyone got the opportunity to re-sit the test; if he will address the issue of the problem with the sequence of pages; the number of complainants from each prison; and if he will make a statement on the matter. [20457/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): A response has been given to all queries received in relation to the promotion competition for Prison Officers. The Irish Prison Service (IPS) has consulted with the firm of Occupational Psychologists involved in running these tests on the concerns raised by candidates and is satisfied that a re-sit of the test is not warranted. The concern regarding the sequence of pages in the exam in question has been brought to the attention of the firm of Occupational Psychologists engaged to run these tests, who have

assured the IPS that the pages in question were very clearly headed with clear descriptions as to how they should be used. In addition, clear instructions were given as to the nature of these pages and each invigilator checked to ensure that participants were on the correct page. I have also been advised that during the pre-test practice briefing some candidates were unsure which pages to use. In that regard, the correct procedure was then explained on a number of occasions in order that all candidates could understand what was required of them.

In all the circumstances, the IPS is satisfied that it should proceed with the conclusion of this competition without delay.

The breakdown of complainants by each prison is as follows:

Midland	13
Limerick	5
Cloverhill	8
Mountjoy	6
St. Patrick's	4
Cork	6
Wheatfield	4
Castlerea	2
Building Services	1
Dóchas	1
Portlaoise	1

Departmental Bodies.

497. **Mr. Naughten** asked the Minister for Justice, Equality and Law Reform the public bodies under the control of his Department; their function, role, location and establishment date; the administration costs of each body in the year 2005; and if he will make a statement on the matter. [20475/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I can inform the Deputy that a wide and evolving range of public bodies are associated with my Department or come within its general aegis. The table sets out those appended to my Department's Strategy Statement for 2005-2007. The nature of the Department's relationship with each body varies according to its function and statutory basis, as appropriate. Information concerning the expenditure incurred during 2005 by these bodies can be found in the Revised Estimates Volume for 2006, with the exception of a number of the very small bodies, whose administrative costs are subsumed within that of the Department generally.

Name of Public Body	Function/Role	Location	Date Established
National Crime Council	The principal roles of the Council are to focus on crime prevention and to act as an independent source of policy advice to Government.	4/5 Harcourt Road, Dublin 2.	1999
Private Security Authority	The Private Security Authority is the statutory body with responsibility for regulating and licensing the Irish private security industry	Tipperary Technology Park, Rosanna Road, Tipperary Town, Co. Tipperary.	October 2004
An Garda Síochána	National Police Service	Garda Headquarters, Phoenix Park, Dublin 8.	1922
Garda Síochána Complaints Board	The Garda Síochána Complaints Board is an independent, statutory, civilian Board established by the Garda Síochána (Complaints) Act 1986 to deal with complaints against members of the Garda Síochána	Block 1, Irish Life Centre, Lower Abbey Street, Dublin 1.	In operation since 1987
Irish Prison Service	The role of the Irish Prison Service is to provide safe, secure and humane custody for people who are sent to prison. The Service is committed to managing custodial sentences in a way which encourages and supports prisoners in their endeavouring to live law abiding and purposeful lives as valued members of society.	Monastery Road, Clondalkin, Dublin 22.	15 July, 1999
Probation and Welfare Service	The main aim of the Probation and Welfare Service is to reduce re-offending by the effective management and enforcement of court orders and supervision.	Probation and Welfare Service Headquarters, Smithfield Chambers, Smithfield, Dublin 7.	Established as the Probation and Welfare Service in 1979
Parole Board	To review the cases of prisoners with longer term sentences and to advise the Minister on the administration of those sentences.	31/35 Bow Street, Dublin 7.	4 April, 2001
Courts Service	<ul style="list-style-type: none"> To manage the courts To provide support services for the Judges To provide information on the courts system to the public To provide, manage and maintain court buildings To provide facilities for users of the courts 	Phoenix Street North, Smithfield, Dublin 7.	9 November, 1999
Equality Tribunal	A quasi-judicial forum which provides the main locus of redress of first instance for equality cases.	3 Clonmel Street, Dublin 2.	18 October, 1999
Equality Authority	Statutory body tasked with: <ul style="list-style-type: none"> working towards the elimination of discrimination promotion of equality and opportunity provision of information to the public on equality legislation, maternity protection legislation, adoptive and parental leave legislation. 	2 Clonmel Street, Dublin 2.	18 October, 1999

Name of Public Body	Function/Role	Location	Date Established
National Disability Authority	The principal function of the Authority is to advise the Minister and keep him or her informed of developments in relation to any disability of persons which concern issues of policy and practice.	25 Clyde Road, Dublin 4.	12 June, 2000
Office of the Refugee Applications Commissioner (ORAC) Refugee Appeals Tribunal	To consider applications for a declaration as a refugee at first instance. To consider and decide appeals against recommendations of the Refugee Applications Commissioner that applicants should not be declared to be refugees.	79/83 Lower Mount Street, Dublin 2. 1 Lower Grand Canal Street, Dublin 2. 6/7 Hanover Street East, Dublin 2.	November 2000 November 2000
Office of the Film Censor	The Office deals with the censorship of films and video recordings, pursuant to the Censorship of Films Acts, 1923 - 1992 and Video Recordings Acts, 1989. Under this legislation, the Official Censor of Films and the Censorship of Films Appeal Board are responsible for the censorship functions in these areas.	16 Harcourt Terrace, Dublin 2.	1923
Office of the Data Protection Commissioner	The Data Protection Commissioner is responsible for upholding the rights of individuals as set out in the Data Protection Acts 1988 & 2003, and enforcing the obligations upon data controllers.	Block 6, Irish Life Centre, Lr. Abbey Street, Dublin 1.	9 January, 1989
Forensic Science Laboratory	Provision of a scientific analytical service to An Garda Síochána.	Garda Headquarters, Phoenix Park, Dublin 8.	December 1975
State Pathology Service	To assist the Gardaí and Coroners in the investigation of suspicious deaths and homicides.	The Fire Brigade Training Centre, Malahide Road, Marino, Dublin 3.	1974
Censorship of Publications Board	To examine publications complained of by any person and to make a prohibition order in respect of such publications if considered appropriate.	13 Lower Hatch Street, Dublin 2.	16 July, 1929
Censorship of Publications Appeal Board	To affirm, revoke or vary a prohibition order made by the Censorship of Publications Board is considered appropriate.	13 Lower Hatch Street, Dublin 2.	13 February, 1946
Criminal Injuries Compensation Tribunal	Determine applications for compensation in accordance with the provisions of the Scheme of Compensation for Personal Injuries Criminally Inflicted as it applies generally. Also, to determine applications in accordance with the separate Scheme that applies to Prison Officers.	13 Lower Hatch Street, Dublin 2.	8 May, 1974
Legal Aid Board	To deliver a range of civil legal services at low cost to people unable to fund such services from their own resources.	Cahirciveen, Co Kerry & 47 Upper Mount Street, Dublin 2	1979
Land Registry and Registry of Deeds	<ul style="list-style-type: none"> • To maintain and develop a uniform and efficient land registration system • To guarantee legal title on behalf of the State to interests in land • To provide ready access to accurate land information • To achieve continuously improving levels of service delivery to our customers. 	Land Registry — Chancery Street, Dublin 7. Registry of Deeds — Henrietta Street, Dublin 1.	Registration of Title system operated by the Land Registry since 1892. The Registry of Deeds system operated by the Registry of Deeds since 1708.

Question No. 498 answered with Question No. 486.

Citizenship Applications.

499. **Mr. Naughten** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 171 on 9 February 2006, the position regarding an application; if he will expedite the case; and if he will make a statement on the matter. [20506/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Applications for certificates of naturalisation are generally dealt with in chronological order and this practise is not deviated from except in exceptional circumstances. Officials in Citizenship Section are currently processing applications received in the first quarter of 2004 and, at the present time, there are approximately 7,000 applications awaiting processing before that of the person in question. No circumstances have been advanced by the Deputy as to why the application of the person concerned should be processed before those applications.

Due to the continuing increase in the volume of applications for naturalisation being received, it is likely that the application of the person in question will be finalised by the end of 2007 or early 2008.

Visa Applications.

500. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform if an appeal has been received by his Department in relation to the refusal of a visa for a person (details supplied); and if, in view of the strong, substantive and supported grounds of appeal lodged, he will take steps to permit this person to visit their partner; and if he will make a statement on the matter. [20520/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The application referred to by the Deputy was received in the Visa Office in Moscow on 25th April, 2006. The decision of the Visa Officer to refuse this application was taken on 28th April, 2006. An appeal in respect of this application was received in Moscow on 25th May, 2006 and is awaiting examination by a Visa Appeals Officer. A decision is expected shortly.

Registration of Title.

501. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform his views on whether the registrar of the Land Registry Office should have furnished a land certificate (details supplied) on foot of form 95 lodged by the solicitor under Rule 168 of the Land Registry Rules, without the necessity of them having to pay subsequent to the Land Registry Office the sum of

€25 for the issue of that land certificate which had already issued; and if he will make a statement on the matter. [20521/06]

502. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform the section of the Registration of Title Act 1964 or land registry rules whereby the registrar of the Land Registry Office is entitled to cancel a land certificate that has already issued and has been paid for and in those circumstances charge a further fee of €25 for the issue of a new land certificate; if he has satisfied himself that such double charging is fair and reasonable in the circumstances; and if he will make a statement on the matter. [20522/06]

503. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform the section of the Registration of Title Act 1964 or land registry rules whereby the registrar of the Land Registry Office, its servants or agents, claim entitlement to confiscate a land certificate that has issued in circumstances where it has become the property of the person entitled to be registered as owner upon the person's application to be registered in the Land Registry Office; and if he will make a statement on the matter. [20523/06]

504. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform the section of the Registration of Title Act 1964 or land registry rules whereby it is claimed that the registrar of the Land Registry Office is entitled to confiscate a land certificate; the circumstances in which they are entitled to do so, once the said land certificate is issued; and if he will make a statement on the matter. [20524/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 501 to 504, inclusive, together.

I refer the Deputy to my reply to Questions Nos. 708 to 711, inclusive, of 25 April, 2006. The position remains unchanged since that date.

Road Traffic Offences.

505. **Ms O. Mitchell** asked the Minister for Justice, Equality and Law Reform if the Gardaí operate a phone line for members of the public to report incidents of bad or dangerous driving offences they have witnessed; and if he will make a statement on the matter. [20532/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that Traffic Watch is a dedicated telephone line that allows responsible road users to report any incidents of bad or dangerous driving offences they have witnessed. It is operated by An Garda Síochána at dedicated call centres located in six centres throughout the country. Traffic Watch commenced on 18 February 2004.

The Traffic Watch telephone number is 1890 205 805.

Crime Levels.

506. **Mr. Bruton** asked the Minister for Justice, Equality and Law Reform the number of instances of assaults or criminality reported to the Gardaí on the LUAS lines from both Dublin to Tallaght and Dublin to Sandyford since their introduction; and if he will make a statement on the matter. [20545/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the information sought by the Deputy is not readily available in the format requested. To collate the information would require a disproportionate expenditure of Garda time and resources.

Garda Strength.

507. **Mr. Gormley** asked the Minister for Justice, Equality and Law Reform the number of Gardaí on the beat at weekends in Exchequer Street, Dublin 2 and the surrounding streets; and if he will make a statement on the matter. [20559/06]

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 Pearse Street Garda Station, which patrols the Exchequer Street area, as at 31 December, 1997 and 29 May, 2006 was 231 and 248, respectively. This represents an increase of 17 (or 7%) in the number of Garda personnel assigned to Pearse Street Garda Station during that period. Garda management state that for security and operational reasons it is not Garda policy to disclose the number of personnel on duty in any specific area at any given time.

I should add 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 do so

every 90 days thereafter. 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 Dublin 2 area will be given the fullest consideration.

Garda Communications.

508. **Mr. Hogan** asked the Minister for Justice, Equality and Law Reform the amount for each of the past two years which was paid by his Department or An Garda Síochána in respect of the use of mobile phones by members of An Garda Síochána; the number of mobile phones issued by the State or the Gardaí to individual members; the amount paid by the State to members of An Garda Síochána in respect of the use of their personal phones for work purposes; the amounts paid to each of the main mobile phone users; and if he will make a statement on the matter. [20570/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The amount paid to mobile phone providers for the past 2 years in respect of the use of official Garda mobile phones from the Garda Vote is as follows:

2004	€112,202 (of this €111,902 was paid to Vodafone and €100 to Meteor)
2005	€82,730 (paid to Vodafone).

In addition, a sum of €1,119,924 was offset against licence income received by the OPW in respect of an agreement with O₂ for the use of Garda Masts for mobile telephony. When the 2005 figure is received from the OPW I will provide this information separately to the Deputy. Each Member of Superintendent rank and above has a personal issue mobile phone. Others are allocated throughout the organisation and are a pooled resource available to each Chief Superintendent for temporary allocation as determined by operational need. There are 1,008 mobile phones from O₂ and 67 from Vodafone for these purposes.

In addition, 600 Vodafone phones have been purchased at a fixed rental cost for use on the Garda Information Services Castlebar (GISC) pilot project. These phones are restricted to fixed numbers and no call charges accrue. Following a further tender process, a contract for a further 2000 mobile phones has recently been awarded to O₂, and these will be deployed over the coming months as implementation of the GISC project progresses. These phones are also on a fixed rental basis, restricted to specific Garda numbers and accrue no call charges.

The amount paid to members of An Garda Síochána in respect of using their residential phones for official business (Telephone Allowance) for each of the past two years is as follows:

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2004	€23,237
2005	€23,458

50% of the annual basic residential line rental costs, 360 local calls per annum and relevant VAT charges are paid to such members.

Garda Operations.

509. **Mr. Sargent** asked the Minister for Justice, Equality and Law Reform if he will evaluate the operation of the Garda's TrafficWatch facility especially at Bank Holiday weekends; if he will report on the annual budget of TrafficWatch; the number of calls which have been received by TrafficWatch in the past year; the number of these calls which have resulted in action by An Garda Síochána; the form these actions take; the number of drivers who have been charged or notified as a result of TrafficWatch; the feedback given to people who call or write to TrafficWatch; and if it is necessary for Gardaí to log the calls or can such logging be carried out by civilian personnel. [20571/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I regret that it has not been possible in the time available to obtain the information requested by the Deputy. I will be in touch with the Deputy in relation to this matter when it becomes available.

Registration of Title.

510. **Mr. Connaughton** asked the Minister for Justice, Equality and Law Reform the position regarding an application by a person (details supplied) in County Galway; and if he will make a statement on the matter. [20582/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I wish to inform the Deputy that I have requested the Land Registry to contact him directly concerning the current position of the application in question.

Closed Circuit Television Systems.

511. **Mr. Hogan** asked the Minister for Justice, Equality and Law Reform the towns where closed circuit television cameras have been installed since 2002; the number of convictions that have been successful arising from this initiative; and if he will make a statement on the matter. [20599/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that since 2002 Garda CCTV systems have been installed in Bray, Dundalk, Dún Laoghaire, Galway and Limerick. The installation

of a CCTV system in Finglas has been delayed due to the lack of suitable accommodation to house the monitoring equipment. I am advised by the Office of Public Works that a suitable premise is currently being evaluated in consultation with officials of my Department and An Garda Síochána.

In late, 2005, following recommendations from the Garda authorities I approved the implementation of 6 new Garda CCTV systems. These new locations are Drogheda, Dungarvan, Kinsale, Mullingar, Portlaoise and Tullamore. With the addition of these new locations a total of 17 Garda Town Centre CCTV Systems will be implemented in the following locations (listed in alphabetical order): Athlone, Ballyfermot, Carlow, Castlebar, Clondalkin, Clonmel, Drogheda, Dungarvan, Ennis, Kilkenny, Kinsale, Mullingar, Portlaoise, Sligo, Tallaght, Tullamore and Waterford.

I am anxious to accelerate the implementation of Garda CCTV systems across the country and reduce, as far as possible, the workload of the Garda Síochána in this regard. I believe that the answer is to outsource the installation of Garda CCTV systems to the greatest extent possible, making use not only of the technical but also of the project management expertise in the private sector. This process will now be undergoing peer review process. Following this process it is my objective to proceed as quickly as possible with the procurement process to contract the project managers and outsourced service providers for the development, installation and management of Garda CCTV systems.

I also launched the Community Based CCTV Scheme on 15 June 2005 in response to the demonstrated demand from local communities across Ireland for the provision of CCTV systems. This Scheme is designed to provide financial assistance to qualifying local organisations towards meeting the capital costs associated with the establishment of local community CCTV systems.

Over €1 million in grant aid has already been allocated to 37 communities under the Scheme and many of these could see their CCTV systems in operation before the end of 2006. Details of the successful applicants under this Scheme were published on my Department's website on 30 December, 2005. I plan to make a further call for proposals under this Scheme in the coming months.

The information requested by the Deputy in relation to the number of convictions arising from the use of closed circuit television cameras is not readily available and it would require a disproportionate expenditure of Garda time and resources to identify each case.

Human Trafficking.

512. **Aengus Ó Snodaigh** asked the Minister for

Justice, Equality and Law Reform if he has been asked to attend the meetings requested by the Minister for Foreign Affairs with his counterparts in Poland, Latvia and Lithuania to discuss the issue of human trafficking; and if so, if he plans to attend same. [20614/06]

513. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if he has had or will request a meeting with his counterparts in Poland, Latvia and Lithuania to discuss the issue of human trafficking; and if he will make a statement on the matter. [20615/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 512 and 513 together.

I would refer the Deputy to the replies to parliamentary questions nos. 117 and 141 tabled for answer on 24 May, 2005. These explain the context of a recent meeting between my colleague, the Minister for Foreign Affairs and his Polish counterpart and planned meetings between the Minister and his Lithuanian and Latvian colleagues.

The issue of human trafficking is a priority at EU level and is discussed regularly by Justice and Interior Ministers and by officials within the framework of the Council. An EU Action Plan on Trafficking in Human Beings was agreed by the Council in December, 2005 and Council conclusions on preventing and combating trafficking of human beings on the basis of the Action Plan, including trafficking in connection with major international events, were agreed by the Council in April, 2006.

I should add that inter-Governmental, bilateral agreements were concluded with Poland and Bulgaria in December, 2005. These cover a range of criminal justice matters, including co-operation in combating trafficking in persons. Negotiations are ongoing in relation to proposals for agreements with other eastern European countries.

Residency Permits.

514. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if a person who has resided here for a number of years as student and part-time worker can obtain permission for extended residency to facilitate marriage to an Irish citizen; and if he will make a statement on the matter. [20664/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Non-EEA nationals who have permission to remain in the State as students are entitled to take up casual employment (defined as up to 20 hours per week during school term and up to 40 hours per week during school holidays) for the duration of their permission to remain. The entitlement to take up employment

ceases upon the expiry of their permission to remain as a student. There is no provision for the granting of residency solely on the basis that a non EEA national intends to marry an Irish national at a future date. Residency can only be granted based on the activity in which the person is engaged in, i.e. study, work, self sufficiency. It is open to the person concerned to contact the Immigration Division of my Department outlining their future intentions in the State, together with supporting documentation to allow their application be considered.

515. **Caoimhín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform the reason for his decision to introduce a fee for the issuing of new immigration and residence certificates to non-EEA nationals; the further reason the figure of €100 was chosen; his views on the fact that this fee will impose a burden that many migrant workers will find difficult to meet and may result in an increase in undocumented migrants; and his further views on eliminating or reducing the fee or providing for an exemption for low-income workers. [20665/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In line with international practice I introduced a fee for immigration registration certificates with effect from May 27 2006. The introduction of such a fee had been flagged both in the Immigration Act 2004, and in the discussion document containing the outline policy proposals for an Immigration and Residence Bill which was published in April 2005.

Non-EEA nationals who register with an immigration registration officer receive a secure residence document in the form of a Certificate of Registration (registration card). The provision of such high quality secure documents is an expensive process. The costs involved include the actual cost of the card itself which includes several security features (including a biometric chip), administrative work by registration officers in the form of checking of documentation and capture of registration details and a state-of-the-art computerised registration system operated by the Garda National Immigration Bureau (GNIB).

The State must provide the administrative resources and computer systems necessary to deal with the issuing of these residence documents and the practice internationally is to charge for the issuing of residence permits. Ireland has now introduced a similar charging system and the fee of €100 is in line with the amounts charged in other states.

To address the Deputy's question regarding eliminating or reducing the fee or providing for exemptions, I would like to take this opportunity to point out that the Regulations which I have introduced already provide for extensive exemptions from payment of the fee. There are six cat-

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egories of persons who are exempt from payment of the fee and these categories are as follows: Persons in respect of whom a declaration of refugee status under section 17 of the Refugee Act 1996 is in force (Convention Refugees); Persons who have been reunified with such refugees under section 18 of the Refugee Act 1996; Programme refugees within the meaning of section 24 of the Refugee Act 1996; Persons who are under 18 years of age at the time of registration; Spouses of Irish citizens; Dependants of EU nationals who receive a residence permit under EU Directive 38/04.

The vast majority of the remaining categories of non-EEA nationals registered in Ireland will be resident on the basis that they are working, studying or self-sufficient. Such persons have been granted residency on the basis that they would be able to support themselves and would not be a burden on the State's resources. For such a person who has indicated that he/she has sufficient funds to reside in Ireland without becoming a burden on the State, the payment of €100, typically once a year, should not be too onerous considering that it works out as costing less than €2 per week.

It should also be noted that not all applicants will have to pay the fee on a yearly basis. Each individual will be charged for the issue of the registration certificate regardless of the certificate's duration, so in effect if a person is entitled to be registered for up to 5 years, he/she will only have to pay a fee of €100 for this certificate. I would also like to point out that the obligation of non-EEA nationals to register with a registration officer is set out in the Immigration Act 2004. I am satisfied that most people understand the great importance attached to abiding by immigration laws; however, any person who fails to meet their obligation to register is guilty of an offence under the Act and is liable to prosecution.

Anti-Racism Measures.

516. **Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform his views on whether the current provisions of the Employment Equality Act 1998 are adequate to guard against all cases of discrimination against migrant workers; and if the Act should be amended to prohibit discrimination on the basis of immigration status and on the basis of national origin. [20666/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Migrant workers are protected from discrimination under the Employment Equality Acts 1998 and 2004. The Acts already provide comprehensive protection against discrimination on the grounds of race, colour,

nationality or ethnic or national origins to all employees, including migrant workers, in relation to access to employment, conditions of employment, equal pay for work of equal value, training, promotion and work experience. Therefore I do not consider it necessary to amend the Acts along the lines proposed by the Deputy.

Garda Strength.

517. **Ms O. Mitchell** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the number of Gardaí who work as collision forensic investigators within the force; if he will provide a breakdown of their location within each Garda Division; and if he will make a statement on the matter. [20691/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An Garda Síochána is currently in the process of providing forensic traffic collision investigators in each Garda Division. A total of fourteen members from the following Divisions have undergone the initial training in forensic collision investigation:

Division	Number Trained
Carlow / Kildare	1
Donegal	1
Garda College	1
Laois / Offaly	1
Limerick	1
Longford / Westmeath	1
Louth / Meath	1
Mayo	1
Roscommon / Galway East	1
DMR Traffic, Dublin Castle	5

A further twelve members from the following Divisions are currently undergoing training and will complete the initial course in early June 2006:

Division	Number Being Trained
Cavan / Monaghan	1
Clare	1
Cork City	1
Cork North	1
Cork West	1
Kerry	1
Limerick	1
Sligo / Leitrim	1
Galway	1
Wexford	1
Tipperary	1
Waterford / Kilkenny	1

Garda Deployment.

518. **Mr. O'Connor** asked the Minister for Justice, Equality and Law Reform if he has requested the Garda authorities to assign additional Gardaí to the Tallaght region; and if he will make a statement on the matter. [20692/06]

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 by the Garda authorities that the personnel strength (all ranks) of Tallaght Garda Station as at 31 December, 1997 and 29 May, 2006 was 133 and 165, respectively. This represents an increase of 32 (or 24%) in the number of Garda personnel assigned to Tallaght Garda Station during that period.

It is the responsibility of Garda management to allocate personnel to and within Divisions on a priority basis in accordance with the requirements of different areas. These personnel allocations are determined by a number of factors including demographics, crime trends, administrative functions and other operational policing needs. Such allocations are continually monitored and reviewed along with overall policing arrangements and operational strategy. This ensures that optimum use is made of Garda resources, and that the best possible service is provided to the public.

I should add 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 do so every 90 days thereafter. 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 Tallaght will be given the fullest consideration.

Crime Levels.

519. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the number of offences in each of the past three years involving the use of flick knives, knives or other related offensive weapons. [20868/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have made enquiries with the

Garda authorities in relation to the information requested by the Deputy. Details of the number of offences relating to possession of offensive weapons for the years 2003 to 2005 are as outlined in the table.

Proceedings Commenced for Offences Relating to Possession of Offensive Weapons 2003-2005

2003	1,801
2004	1,868
2005	2,107

Proposed Legislation.

520. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the age below which it is illegal to either purchase or possess a flick knife or other offensive weapons; and his proposals to increase that age. [20869/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Firearms and Offensive Weapons Act, 1990 and the Offensive Weapons Order 1991 govern the control of flick knives and offensive weapons. Under the 1990 Act, flick knives and specified offensive weapons are prohibited and it is an offence for any person, irrespective of age, to manufacture, import, sell, hire or loan such weapons. In addition, the 1990 Act, makes it an offence for any person, irrespective of age, to: possess any knife or any or any other article which has a blade or which is sharply pointed in any public place, without good reason or lawful authority; trespass with a knife or any article made for causing injury to or incapacitating a person, and produce any article, capable of inflicting serious injury, in a manner likely to intimidate another person in the course of committing an offence or appearing to be about to commit an offence or in the course of a dispute or fight. Any person found guilty of such offences is liable on conviction to a fine of up to €1,270 or imprisonment for a term of up to five years or both.

Community Service Orders.

521. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the number of community service orders which have been implemented in each of the past five years with a regional breakdown; and his views on the scope for the extension of this form of alternative to prison. [20870/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Criminal Justice (Community Service) Act, 1983 provides for the performance of unpaid work in the community by a person who is 16 years or over, who has been convicted of an offence, for which the appropriate penalty would be an immediate custodial sentence and who has given his/her consent to the

[Mr. McDowell.]

Court. The information sought by the Deputy, regarding the number of Community Service Orders which have been implemented by region, over the past 5 years, is set out in tabular form.

Community Service operates in communities with group projects, where a group of offenders or an individual, works with a supervisor, undertaking work for the community. The range of work generally carried out by those on community service, includes painting, decorating, landscaping, clearing/maintenance of community

facilities (indoor and outdoor) restoration or enhancement of existing facilities such as community centres, youth clubs, grass cutting and cleaning graveyards.

Under the current legislation, Community Service can only be imposed on an individual if the alternative is a custodial sentence. In addition, the individual must consent to the Order. In that respect, while I have no plans to amend the legislation in the immediate future, the current legislation will, like all my Department's legislation, be kept under review.

Community Service Orders

Region	Year				
	2001	2002	2003	2004	2005
Eastern Region (Dublin, Dundalk and Navan)	274	300	348	474	619
Southern Region (Carlow, Cork, Kilkenny, Tralee, Waterford, Wexford and Clonmel)	276	344	307	210	357
Western Region (Athlone, Castlebar, Galway, Limerick, Portlaoise, Sligo and Donegal)	206	272	238	159	191
Total	756	916	893	843	1,167

Garda Investigations.

522. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if he will report on the status of the Garda Síochána investigation into the killing of a person (details supplied) and the attempted bombing of a pub. [20902/06]

523. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the investigations in recent years that have indicated that many of the key players involved in the loyalist paramilitary groups that directed and carried out attacks against civilian targets, north and south, were in fact paid agents of the British Government; if An Garda Síochána has been in contact in recent months with the PSNI or MI5 to ascertain if information has emerged from those investigations that would be relevant to the investigation into the killing of a person (details supplied) and the attempted bombing of a pub; and if he will make a statement on the matter. [20903/06]

524. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if the RUC, PSNI, MI5 or British State agencies have co-operated in the past with the Garda investigation into the killing of a person (details supplied) and the attempted bombing of a pub. [20904/06]

525. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if he will contact the Garda Commissioner to ask him to revive the existing uncompleted investigation into the killing of a person (details supplied) and the

attempted bombing of a pub with specific direction to engage with the PSNI, MI5 and the British Foreign Office to ascertain the new information which has surfaced or is available regarding the activities of loyalist paramilitaries, and in particular, their activities in this State; and if he will ensure that the listed agencies are given an opportunity to fully co-operate with a renewed investigation by An Garda Síochána. [20905/06]

526. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if his Department or An Garda Síochána have had any contact with the family of persons (details supplied) since the initial phase of the investigation; and if he will report on the context and outcome of such contact. [20906/06]

527. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that there were similarities between the bomb used in the attack on a pub (details supplied) and the one planted at the Monaghan Sinn Féin office on 2 March 1997; and if he will make a statement on the matter. [20907/06]

528. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that a senior member of the Mount Vernon UVF, who is one of the suspects in the UVF bomb attack on the Monaghan Sinn Féin offices on 2 March 1997, was in fact an RUC agent; and if he will make a statement on the matter. [20908/06]

529. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if the activities of members of An Garda Síochána's Special Detective Unit, who were in the vicinity of a pub (details supplied), formed part of the investigation into the death of a person; and if each Garda member who was in the vicinity made statements to the investigating team. [20909/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 522 to 529, inclusive, together.

In relation to the Garda investigation into the murder in question and associated matters, in the time available, it has not been possible to compile the necessary information. Accordingly, I will be in contact separately with the Deputy in relation to these issues as soon as possible. With respect to allegations concerning the running of Security intelligence services in Northern Ireland, I understand that an investigation in this respect by the Police Ombudsman for Northern Ireland is ongoing. The Government fully supports the Police Ombudsman in her work. However further comment on the issue would not be appropriate at this time.

Citizenship Applications.

530. **Mr. Stanton** asked the Minister for Justice, Equality and Law Reform if he has received an application for naturalisation from a person (detail supplied) in County Cork; when he expects to make a decision on the application; and if he will make a statement on the matter. [20910/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for a certificate of naturalisation by the person referred to by the Deputy was received in the Citizenship Section of my Department in April 2005.

Officials in Citizenship Section are currently processing applications received in the first half of 2004 and, at the present time, there are approximately 4,000 applications awaiting processing before that of the person in question. As things stand at present, it is likely that the application of the person in question will be finalised in the latter half of 2007.

I will inform the Deputy and the person concerned once I have reached a decision on that application.

Garda Equipment.

531. **Ms Harkin** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 385 of 16 May 2006, the time-frame for reply to this question (details supplied). [20911/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy will be aware, the information required to enable me to respond

to Question No. 385 of 16 May, 2006 was not available at the time. I am informed that, at present in the Sligo/ Leitrim Division, every Garda Station has a computer. 21 Garda Stations do not use a fax machine.

Garda management state that there are a total of 42 vehicles, which include cars, vans, 4x4's and motor cycles, attached to the Garda stations in the Sligo/ Leitrim Division. There are 14 Garda Stations within the Sligo/Leitrim Division that do not have a "resident" squad car attached to them. There are smaller Stations which are covered by the local area headquarters for patrol car purposes.

For policing purposes the country is divided into six Regions, each of which is commanded by a Regional Assistant Commissioner. Regional Assistant Commissioners are responsible for ensuring the operational efficiency of their respective Region and, in particular, the quality of operational management exercised by their respective Divisional and District Officers. Each Region is divided into Divisions commanded by a Chief Superintendent, and each Division is then divided into Districts commanded by a Superintendent, assisted by a number of Inspectors. Garda Divisions do not necessarily correspond to county boundaries.

Prisoner Transfers.

532. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform if there are restrictions in place on prisoners returning to the UK who have been convicted and sentenced in the UK and repatriated to Ireland to serve the remainder of their sentence and released here on completion of their sentence. [20912/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I wish to advise the House that the mechanism for enabling the transfer of sentenced prisoners from the United Kingdom to Ireland is the Council of Europe Convention on the Transfer of Sentenced Persons. The legislative basis for the operation of the Convention in Ireland is the Transfer of Sentence Persons Acts, 1995 and 1997.

The sentences of prisoners transferring into Ireland under the Convention are administered under the "continued enforcement" procedure in accordance with Article 10 of the Convention. In addition, Article 9.3 of the Convention provides that the enforcement of the sentence upon transfer, shall be governed by the law of the administering State (i.e. the receiving State).

There is no provision under the Convention for the placement of travel restrictions on prisoners who have completed their sentences. The question of whether such individuals are allowed to enter the United Kingdom, following completion of the sentence, is a matter for the British authorities.

Visa Applications.

533. **Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform the position with regard to the tourist visa application by a person (details supplied). [20925/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The application referred to by the Deputy was received in my Department on 9th May 2006 and is currently awaiting examination by a visa officer. The application will be considered in the coming weeks.

Residency Permits.

534. **Mr. Boyle** asked the Minister for Justice, Equality and Law Reform the status of an application for residency submitted by a person (details supplied) in County Cork; and the reason his Department have not been in recent correspondence with this person. [20926/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on 26 September, 2000 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 29 August, 2002, 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.

Citizenship Applications.

535. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform when he will make a decision regarding the application for naturalisation of a person (details supplied) in Dublin 7; and if he will make a statement on the matter. [20996/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for a certificate of naturalisation from the person referred to by the Deputy was received in the Citizenship Section of my Department in late July 2004 and was assigned reference number 68/2520/04.

Officials in Citizenship Section are currently processing applications received in or around April 2004 and I understand that there are approximately 1,300 applications awaiting processing before that of the person in question. It is likely, therefore, that the application from the person concerned will be finalised towards the end of this year.

I will inform the applicant and the Deputy as soon as I have reached a decision in relation to the application.

Garda Operations.

536. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the reason a person (details supplied) was prevented from distributing leaflets relating to a vigil in Sean MacDermott Street Church and to a peaceful protest at Store Street Garda Station on 3 May 2006; the reason Gardai entered their home without a warrant; the reason there is a regular Garda presence outside their home; and if he will make a statement on the matter. [20997/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities that the events to which the Deputy refers are currently the subject of an investigation by a Detective Superintendent from a Division outside the relevant area. The Deputy's description of these incidents is, I might add, at total variance with the information in my possession.

I can say that the significant Garda presence in the general area is as a result of a Garda initiative to tackle drug dealing in the locality along with reducing and eradicating public disorder and anti-social behaviour. This initiative was taken partly in response to calls for increased policing in the neighbourhood which were made at a meeting between the Garda Síochána, local public representatives and residents from the area on 2nd May 2005.

Garda Stations.

537. **Mr. Timmins** asked the Minister for Justice, Equality and Law Reform the plans he has to provide a 24 hour Garda station at Blessington, County Wicklow, in view of the increasing population; and if he will make a statement on the matter. [20998/06]

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 by the Garda authorities that the personnel strength of Blessington Garda Station as at the 30th May 2006 was 18 Gardaí (all ranks). The personnel strength of Blessington Garda Station as at the 31st December 1997 was 12 Gardaí (all ranks). This represents an increase of 6 (or 50%) in the number of personnel allocated to Blessington Garda Station since the 31st December 1997.

Blessington Garda Station is the Administrative Area Headquarters for the Ballymore Eustace and Hollywood Garda Stations as part of the rural policing initiative. Blessington Garda Station is open from 10am to 1pm and from 7pm to 10pm Monday to Saturday. On Sundays and Bank Holidays Blessington Garda Station is open from 11am to 1pm and from 7pm to 9pm.

Local Garda Management states that Blessington patrol car is operational for 21-hours of every 24-hour period. The only hours where the Blessington patrol car is not operational is between 4am and 7am when the Baltinglass and Naas District patrol cars patrol the area. The extension of the opening hours of Blessington Garda Station would necessitate the employment of additional personnel on indoor administrative duties who may be more effectively employed on outdoor policing duties.

I should add 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 do so every 90 days thereafter.

The Garda Commissioner will now be drawing up plans on how best to distribute and manage these additional resources, and in this context the needs of Blessington will be given the fullest consideration.

Garda Deployment.

538. **Mr. Timmins** asked the Minister for Justice, Equality and Law Reform the plans he has to locate a Garda, full time in Dunlavin, County Wicklow; and if he will make a statement on the matter. [20999/06]

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 am further informed by the Garda Authorities that the personnel strength of Dunlavin Garda Station as at the 29th May 2006 was one (1) Garda. Dunlavin Garda Station, which lies within the Baltinglass administrative area, is open to the public from 3pm to 5pm, Monday to Saturday. When not open P.A.C.B. (Public Access Call Box) and call diversion systems are in operation to the District Headquarters at Baltinglass.

It is the responsibility of Garda management to allocate personnel to and within Divisions on a priority basis in accordance with the requirements of different areas. These personnel allocations are determined by a number of factors including demographics, crime trends, administrative functions and other operational policing needs. Such allocations are continually monitored and reviewed along with overall policing arrangements and operational strategy. This ensures that optimum use is made of Garda resources, and that the best possible service is provided to the public.

Local Garda Management state that they are satisfied with the current personnel allocation the Baltinglass administrative area.

I should add 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 do so every 90 days thereafter.

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 Dunlavin area will be given the fullest consideration.

Public Order Offences.

539. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform the number of arrests made for each of the offences of being drunk and disorderly, common assault and public order offences in the Ennis district, County Clare, for 2002 to 2005 and the first four months of 2006; and if he will make a statement on the matter. [21000/06]

540. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform the number of arrests made for each of the offences of being drunk and disorderly, common assault and public order offences in the Ennistymon district, County Clare, for 2002 to 2005 and the first four months of 2006; and if he will make a statement on the matter. [21001/06]

541. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform the number of arrests made for each of the offences of being drunk and disorderly, common assault and public order offences in the Kilrush district, Co Clare, for 2002 to 2005 and the first four months of 2006; and if he will make a statement on the matter. [21002/06]

542. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform the number of arrests made for each of the offences of being drunk and disorderly, common assault and public order offences in the Killaloe district, Co Clare, for 2002 to 2005 and the first four months of 2006; and if he will make a statement on the matter. [21003/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 539 to 542, inclusive, together.

I have made enquiries with the Garda authorities in relation to the information requested by the Deputy. The Garda Division of Clare includes the Garda Districts of Ennis, Ennistymon, Kilrush and Killaloe. The numbers of arrests for assault (minor) offences and public order offences for each of the years 2002 to 2005 and to date in 2006 recorded in the Division are set out in the table. Drunk and disorderly offences are included in the category of public order offences.

Arrests made for assault (minor) offences and public order offences, Clare Garda Division 2002-2006

	Assault Minor	Public Order Offences
2002	8	477
2003	12	425
2004	14	485
2005	17	764
2006*	7	262

*Figures provided are provisional, operational and liable to change.

Garda Investigations.

543. **Mr. Crowe** asked the Minister for Justice, Equality and Law Reform the number of heroin dealers targeted by the Criminal Assets Bureau over on a yearly basis over the past five years including those brought through the courts; and the moneys recovered for direct investment in communities affected. [21004/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I regret that it has not been possible in the time available to obtain the information requested by the Deputy in the first part of his question. I will be in touch with the Deputy in relation to this matter when information con-

cerning this matter is obtained by the Garda Authorities.

However, I can assure the House that the Gardaí continue to take a proactive and integrated approach to the investigation of all serious crime and the Criminal Assets Bureau continues, under its statutory remit to target assets, including property, known to have been acquired through criminal activity.

The Bureau continues to enjoy considerable success in depriving persons engaged in criminal activity of the proceeds of such activity. Funds generated through the activities of the Bureau are made available to the Department for Finance by way of contributions to the Central Fund.

A policy of ring-fencing monies obtained by the Exchequer and the reallocation of same for a specific purpose runs contrary to the normal Estimates process and could have far-reaching implications. The Constitution requires, and Government accounting principles provide, that public monies be spent only as voted or approved by Dáil Éireann unless otherwise provided by statute.

The so-called ear marking of Government revenues for specific expenditure purposes is generally avoided. To agree that such revenues be allocated for drug victims, for example, would mean that the treatment of drug victims would be financed, in part at least, by uncertain and variable revenue sources.

The current Department of Finance position is that it is a matter for Government, with Oireachtas approval, to determine the optimum allocation of Exchequer receipts in accordance with broadly agreed socio-economic priorities.

It should be noted also that there are difficulties with the concept of committing certain funds to community regeneration etc. when, in fact, Government support for such activities amounts to many multiples of, for example, the criminal assets frozen by the Criminal Assets Bureau.

Asylum Applications.

544. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the status of an application by a person (details supplied) in County Wexford for humanitarian leave to remain. [21005/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question arrived in the State on 17 March, 2000 and applied for asylum. Her application was refused following consideration of her case by the Asylum Division of my Department and on appeal by the Refugee Appeals Tribunal. Subsequently, in accordance with Section 3 of the Immigration Act, 1999, as amended, the person concerned was informed on 21 May, 2004 that the Minister proposed to make a deportation order in her case. 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 the deportation order is made or consenting to the making of a deportation order. Representations setting out the reasons why she should not be deported, were received by my Department and I expect the case file in this matter to be submitted to me shortly for decision.

Decentralisation Programme.

545. **Mr. Naughten** asked the Minister for Justice, Equality and Law Reform if he will confirm that an advance party of staff have been appointed to the Land Registry Office in Roscommon Town; the number of staff involved; the locations from which the staff are being transferred; when they will take up this appointment; when the decision was taken to establish an advance party of public servants in the town; if temporary accommodation has been obtained for these staff; and if he will make a statement on the matter. [21045/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I understand from the Registrar of Deeds and Titles that the Land Registry is planning to set up a small advance unit in Roscommon town to progress its decentralisation programme. Following recent discussions between the Department of Finance, the Department of Agriculture and Food and the Land Registry, it was agreed that approximately twenty-two staff would be re-deployed from the Department of Agriculture and Food to the Land Registry. These, together with some serving Land Registry staff who have volunteered to transfer to Roscommon, will be accommodated in space identified by the Office of the Public Works in existing government offices in the town.

I understand that Land Registry management has identified suitable work which can be readily transferred to this advance unit and is planning for commencement of operations in Roscommon in July. The numbers initially working in the Land Registry office in Roscommon will be approximately forty.

Bail Policy.

546. **Mr. Healy** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 427 of 4 April 2006, if he will clarify the details regarding a statement (details supplied) including the bail details; and if he will make a statement on the matter. [21118/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The granting of bail in accordance with the Bail Act, the amount of bail and sentencing are matters for the courts which are, subject only to the Constitution and the law, independent in the exercise of their judicial functions.

Asylum Applications.

547. **Mr. Healy** asked the Minister for Justice, Equality and Law Reform if residency will be granted to persons (details supplied) in County Tipperary. [21119/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned applied for asylum on 31 May 2005 and had her claim investigated in turn by the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal. Both of these bodies concluded that she and her family did not meet the criteria for recognition as a refugees. Their recommendations were communicated to the person concerned on 12 December 2005 and 28 April 2006 respectively. My Department's Ministerial Decisions Unit will be writing to the person concerned in the coming days outlining her current position in the State and the options open to her.

Educational Disadvantage.

548. **Mr. Bruton** asked the Minister for Education and Science the indicators she uses to judge progress against poverty in education and the way in which they have progressed in the past five years. [20397/06]

Minister for Education and Science (Ms Hanafin): A key focus of the Government's education policy is to prioritise investment in favour of those most at risk and to optimise access, participation and outcomes at every level of the system for disadvantaged groups.

The wide variety of measures in place for tackling educational disadvantage and social exclusion reflect these concerns. These measures 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. In addition, there are interventions in support of youth and in providing "second chance education" for young people and adults.

The Department of Education and Science's approach to addressing educational disadvantage and social exclusion is set in the context of the Programme for Government, the National Action Plans against Poverty and Social Exclusion, and social partnership agreements.

Effective monitoring, evaluation systems and target-setting were identified as key elements of the strategy under the review of the National Anti-Poverty Strategy (NAPS) in 2002. The development and use of targets and indicators has been a feature of the National Action Plans against Poverty and Social Exclusion (NAPs/incl) since their inception in 2001. In the area of education, key targets and their related indicators have been developed around literacy attainment, both among children and the adult population,

[Ms Hanafin.]

retention of students within the education system, participation by Travellers, and access to further and higher education by those from disadvantaged backgrounds, mature students, other nationals and those with disabilities.

Further work on the development of education targets and indicators is continuing in the context of the National Action Plan against Poverty and Social Exclusion (NAP/inclusion) 2006-08. This work will also take account of developments under the social and equality statistics framework at national level and developments at EU level such as the Laeken Indicators and the indicators will be in line with international statistical concepts and facilitate international benchmarking.

DEIS (Delivering Equality of Opportunity in Schools), the action plan for educational inclusion, focuses on addressing the educational needs of children and young people from disadvantaged communities, from pre-school through second-level education (3 to 18 years). The action plan provides for a standardised system for identifying levels of disadvantage and a new integrated School Support Programme (SSP). The School Support Programme will bring together, and build upon, a number of existing interventions in schools with a concentrated level of disadvantage.

Under the standardised system for identifying levels of disadvantage, socio-economic variables were identified that collectively best predict achievement and these variables were then used to identify primary schools for participation in the new School Support Programme. These variables included: unemployment, local authority accommodation, lone parenthood, membership of the Traveller community, large families and pupils eligible for free books.

School Transport.

549. **Mr. McEntee** asked the Minister for Education and Science if a meeting took place with representatives from her Department and other Government Departments and Bus Éireann after the Kentstown bus tragedy in Meath in May 2006; if so, the outcome of this meeting; the number of meetings which have taken place since then; and if she will make a statement on the matter. [20952/06]

Minister of State at the Department of Education and Science (Miss de Valera): In June, 2005, a Working Group comprising representatives from the Departments of Education and Science, Transport and Finance was set up to progress measures to enhance school bus safety. Bus Éireann also attends the meetings.

The Working Group has met on several occasions to discuss a range of safety issues relating to school transport operations and continues to meet as required. Arising from the deliberations of the Group, it was possible last July for

Minister Hanafin and myself to announce a package of measures designed to enhance the safety of school transport operations. These measures include the phasing out of three-for-two seating arrangements and the installation of seat belts on all school buses. Arrangements are in hand to have these measures in place by a target date of the end of this year.

Schools Building Projects.

550. **Mr. Neville** asked the Minister for Education and Science the position regarding an application by school authorities in a school (details supplied) in County Limerick for capital funding towards the provision of an extension to promote ancillary accommodation. [20375/06]

Minister for Education and Science (Ms Hanafin): An application for capital funding towards the provision of an extension to provide ancillary accommodation has been received from the school referred to by the Deputy. The project has been assessed in accordance with the prioritisation criteria for large scale building projects and is being considered in the context of the School Building and Modernisation Programme 2006-2010.

Special Educational Needs.

551. **Mr. Stagg** asked the Minister for Education and Science if she will reinstate home tuition for a person (details supplied) in County Kildare. [20376/06]

Minister for Education and Science (Ms Hanafin): I can confirm that the pupil in question is enrolled in a mainstream primary school and has been sanctioned five hours resource teaching together with the added support of a special needs assistant.

My Department considers that school-based education provision is the most appropriate intervention for all children, including those with special educational needs. In this context, my Department wrote to the pupil's parents confirming its intention to discontinue the practice of providing a home tuition grant for pupils who are also in full-time education. As the pupil is in full-time education, the matter of the continuance of home tuition no longer arises.

Schools Building Projects.

552. **Dr. McDaid** asked the Minister for Education and Science the progress which has been made on the application by a school (details supplied) in County Donegal for their proposed extension. [20377/06]

Minister for Education and Science (Ms Hanafin): The proposed extension project for the school referred to by the Deputy is at an early stage of architectural planning and is one of the

124 schools that I announced in April of 2005 to progress through the architectural planning process.

An educational worksheet was returned to my Department in December 2005 and following this a schedule of overall accommodation was completed by a member of my Department's Inspectorate. In February of this year my Department's officials visited the School in question and schedules of suggested future use of the existing along with a schedule of residual accommodation were completed.

On the 20th March 2006 a letter issued to the School Authorities with the revised schedules requesting them to get their Design Team to revise the original stage 1 as presented to the Department in October 2001 to reflect the impact of the revised schedules.

When this information is forwarded to my Department, my Officials will be in further contact with the School Authorities as to the next steps involved in progressing this project.

553. **Dr. McDaid** asked the Minister for Education and Science the progress which has been made in relation to a school (details supplied) regarding their application for a building extension for the school. [20378/06]

Minister for Education and Science (Ms Hanafin): The school referred to by the Deputy originally applied for an extension and refurbishment to provide for improved ancillary accommodation only and the application did not include proposals for additional mainstream classrooms. Given the then falling rates of enrolment at the school and having regard to competing demands on the building programme the application was at that time afforded a lower priority rating.

As part of a recent re-assessment of the application and having regard to subsequent increasing enrolments, the consequential need for additional mainstream accommodation became apparent. Accordingly, a detailed assessment of recent and projected enrolment trends, demographic trends and housing developments in the area was carried out by my Department in order to ensure that any capital funding provided will deliver accommodation appropriate to the school's need into the future. This assessment has recently been completed and the long-term projected staffing figure, on which future accommodation needs will be based, has been agreed with the school authority.

My Department is now in the process of drawing up a detailed accommodation brief, which may require a site visit, in respect of this school. Following completion of the brief, the project will be considered for the appointment of a design team to carry out architectural planning.

554. **Dr. McDaid** asked the Minister for Education and Science the progress to date on the application for a building extension to a school (details supplied) in County Donegal in view of the safety issues at the school. [20379/06]

Minister for Education and Science (Ms Hanafin): As part of the assessment of the school's application for additional accommodation, my officials are carrying out a detailed assessment of demographic trends, housing developments and enrolment trends in the area in order to ensure that any capital funding provided will deliver accommodation appropriate to the school's need into the future. Upon completion of this assessment a decision will be conveyed to the school on how best to provide for the school's long term accommodation needs. The project will then be considered for progression in the context of the School Building and Modernisation Programme 2006-2010.

Special Educational Needs.

555. **Mr. F. McGrath** asked the Minister for Education and Science the position regarding the proposals to assist a school (details supplied) on the north side of Dublin; and if she will make a statement on the matter. [20385/06]

Minister for Education and Science (Ms Hanafin): The Deputy will be aware of my commitment to ensuring that all children, including those with autism receive an education appropriate to their needs, preferably through the primary and post primary school network.

My Department supports an eclectic approach to the education of children with autism where a range of teaching methods can be applied specific to the needs of individual pupils. I am pleased to advise the Deputy that Dublin's north side already has many facilities catering for children with autism including pre-school classes for children with autism, 5 of which are located on the north side of Dublin, special classes for children with autism attached to special schools and mainstream schools, 12 of which are located on the north side of Dublin, special classes for Asperger's syndrome, 2 of which are located on the north side of Dublin plus a range of supports for pupils with autism integrated in mainstream classes. A pilot scheme facilitated the establishment of 12 specific autism units nationwide, 1 of which is located on the north side of Dublin.

A specific function of the National Council for Special Education (NCSE) which is now operational, through its network of local Special Educational Needs Organisers (SENOs), is to identify appropriate educational placements for all children with special educational needs, including children with autism for the area in question. An application for the facility in question is currently under consideration in my Department.

Schools Building Projects.

556. **Mr. F. McGrath** asked the Minister for Education and Science the position regarding new premises for a school (details supplied) in Dublin 9; and if their roof will be repaired. [20386/06]

Minister for Education and Science (Ms Hanafin): My Department grant-aided the provision of additional accommodation at the school to which the Deputy refers in 2004. It is not aware of any application for new premises for the school. With regard to roof repairs, works of this nature are appropriate to the Summer Works Scheme. The School has not applied for funding to date under this scheme, which has been operating for three years. Details of the 2007 Summer Works Scheme will be published shortly.

Polasaí Oideachais.

557. D'fhiafraigh **Mr. O'Shea** den Aire Oideachais agus Eolaíochta cad é líon na nIonad Oideachais Lánaimseartha agus Páirtaimseartha atá ag fáil maoinithe ón Roinn Oideachais agus Eolaíochta; cad é an tsuim airgid a cuireadh ar fáil dóibh sna blianta 2000, 2001, 2002, 2003, 2004 agus 2005 faoi na ceannteidil seo a leanas: Ionaid Lánaimseartha, Ionaid Pháirtaimseartha, Ionaid atá lonnaithe sa Ghaeltacht; agus an ndéanfaidh sí ráiteas ina thaobh. [20402/06]

Minister for Education and Science (Ms Hanafin): Tá líonra Ionad Oideachais á maoiniú ag mo Roinn. Tá na hIonaid san suite tríd an tír chun forbairt ghairmiúil agus tacaíocht a thabhairt d'oidí agus don phobal oideachais áitiúil. Tá 21 Ionad Oideachais ag feidhmiú go lán-aimseartha agus 9 gcinn ag feidhmiú ar bhonn páirt-aimseartha. Tá 3 chinn sna Gaeltachtaí seo a leanas:

Chorca Dhuibhne, i gCiarraí, i gConamara agus Árann agus i gCort a'Choirce, i nDún na nGall.

Maidir le maoiniú de, léiríonn an clár seo a leanas na suimeanna airgid a cuireadh ar fáil ó mo Roinne, dos na h-Ionaid Oideachais éagsúla, idir 2000 agus 2005: tá an clár seo mar ceangaltán leis an bhfreagra seo.

School Curriculum.

558. **Mr. Deenihan** asked the Minister for Education and Science if funding will be provided to facilitate a transition year for pupils at a school (details supplied) in County Kerry; and if she will make a statement on the matter. [20411/06]

Minister for Education and Science (Ms Hanafin): I wish to inform the Deputy that transition year programmes are not offered to special schools. Special schools have a considerably reduced pupil teacher ratio and it is envisaged that pupils should be prepared for transition as part of the Social, Personal and Health Education Curriculum in place in the school. My officials have written to the parents of the pupils in question clarifying the position.

Departmental Bodies.

559. **Mr. Naughten** asked the Minister for Education and Science the public bodies under the control of her Department; their function, role, location and establishment date; the administration costs of each body in the year 2005. [20476/06]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy is contained in the table. For the purpose of this Parliamentary Question a Public Body has been defined as a Statutory Body.

Name of Body	Location	Date of Establishment	Role	Functions	Administration Costs for 2005
State Examinations Commission (SEC)	Cormamaddy Athlone Co. Westmeath	6 March 2003	Operational responsibility for providing examination and assessment system for State Certificate Examinations.	<ul style="list-style-type: none"> • Organise holding of State Examinations. Preparation of examination papers and other examination materials. • Determine procedures in places where examinations are conducted including supervision • Arrangements for marking of work presented for examination. • To issue results of examinations. • Determine procedures to enable the review and appeal of results of examinations at the request of candidates. • Charge and collect fees for examinations and apply such monies to carrying out its functions • Curriculum and syllabus for schools. • Standards of knowledge and skills which students of all ages should attain. • Strategies to promote equality in education, to assist students to make a transition from primary to post-primary, and address the curriculum and assessment needs of students with disability or other special needs. • Advice on in-service training of teachers • Enhancing effectiveness in the teaching and use of the Irish language in schools. 	€M 46,986
National Council for Curriculum and Assessment (NCCA)	24 Merrion Square, Dublin 2	12 July 2001	To advise the Minister for Education and Science in matters relating to the curriculum, primary and post-primary schools, and the assessment procedures in schools and examinations on curriculum subjects.		4,362

[Ms Hanafin.]

Name of Body	Location	Date of Establishment	Role	Functions	Administration Costs for 2005
National Qualifications Authority of Ireland (NQAI)	5th Floor, Jervis House, Jervis Street, Dublin 1	26 February 2001	To establish and maintain a national framework of qualifications for education and training awards in the State.	<ul style="list-style-type: none"> • Develop a national framework of qualifications and establish policies and criteria for the framework • Evaluate the functioning awards councils (FETAC and HETAC) • Ensure compliance for access transfer for learners by Dublin Institute of Technology and Universities. • Review operation of framework • Recognition of international awards and promotes international recognition of Irish awards. 	€M 2.000
Higher Education and Training Awards Council (HETAC)	26-27 Denzille Lane, Dublin 2	11 June 2001	Make or recognise awards and validate programmes of education and training in the higher education sector as per the Qualifications (Education and Training Act) 1999	<ul style="list-style-type: none"> • Determining standards for higher education and training awards • Establish policies and criteria for making of or recognition of awards and validation of programmes. 	2.600
Further Education and Training Awards Council (FETAC)	East Point Plaza East Point Business Park Fairview Dublin 3	11 June 2001	Make or recognise awards and validate programmes of education and training in the further education sector as per the Qualifications (Education and Training Act) 1999	<ul style="list-style-type: none"> • Determining standards for further education and training awards • Establish policies and criteria for making of or recognition of awards and validation of programmes. 	5.775

Name of Body	Location	Date of Establishment	Role	Functions	Administration Costs for 2005
Higher Education Authority (HEA)	Floor 3 Marine House Clanwilliam Court Dublin 2	27 July 1971	See Functions	<ul style="list-style-type: none"> • Further the development of higher education • Review the demand and need for higher education. • Assist in co-ordination of State investment in higher education • Promote an appreciation of the value of higher education and research • Promote the attainment of equality of opportunity in higher education • Promote the democratisation of the structure of higher education • Encouragement of excellence and the highest standards of research in the areas of Humanities and Social Sciences. • Develop policies for the stimulation of research through competition and peer review and facilitate and encourage collaboration and communication, both intra-and inter- institutional. • Seeks to promote Cross Border co-operation • Operates following schemes: Post-Graduate Research scheme, Post-Doctoral Fellowships; Research Fellowships and Research Project Grants 	<p>€M</p> <p>7.105</p>
Irish Research Council for Humanities and Social Sciences	1st Floor Brooklawn House Crampton Avenue Shelbourne Road Dublin 4	January, 2000	See functions		0.600

[Ms Hanafin.]

Name of Body	Location	Date of Establishment	Role	Functions	Administration Costs for 2005
Irish Research Council for Science, Engineering and Technology	1st Floor Brooklawn House Crampton Avenue Shelbourne Road Dublin 4	June, 2001	See functions	<ul style="list-style-type: none"> Overseeing the expenditure on Third-Level Research Programmes Promotion of excellence and highest standards of research on disciplines of science, engineering and technology. Post Graduate Scholarships, post-doctoral fellowships, research fellowships and project-based research awards are available 	€M 0.650
Royal Irish Academy of Music	36-38 Westland Row, Dublin 2	10 October 1889	See functions	<ul style="list-style-type: none"> Teaches music, singing and speech and drama to students of all ages. Offers a Diploma of Associate and Licentiate by examination. Grade examination are held in schools and local centres throughout the country Offers two degree courses: Bachelor in Music Performance and Bachelor in Music Education. Teaches Masters of Music in Performance. 	3.134
Dublin Institute for Advanced Studies	10 Burlington Road, Dublin 4	19 June 1940	See functions	<ul style="list-style-type: none"> Pursues fundamental research in specialised branches of knowledge. Trains advanced students in methods of original research. Academic publisher of monographs, books and journals in Celtic Studies and on advanced scientific subjects. 	6.578

Name of Body	Location	Date of Establishment	Role	Functions	Administration Costs for 2005
National Education Welfare Board	Green Street, Dublin 7	3 March 2002	See functions	<ul style="list-style-type: none"> • Ensures that each child attends a recognised school or otherwise receives a certain minimum education • Promotes regular school attendance and tackling the problems of absenteeism and early school leaving. 	€M 7.838
National Council for Special Education	Trim, Co. Meath	1 October 2005	See functions	<ul style="list-style-type: none"> • Planning and co-ordinating provision of education and support services to children with special educational needs. • Disseminating information on best practice concerning the education of children with special educational needs. 	6.200
Grangegorman Development Agency	9/13 Blackhall Place, Dublin 7	10 May 2006	See functions	<ul style="list-style-type: none"> • Oversees the development of the lands at Grangegorman on behalf of Department Education and Science and Health and Children, the Dublin Institute of Technology and Health Service Executive. 	Nil (€1,000 allocated to Dept. Education of which €101.52 was used for printing in 2005)
Royal Irish Academy	19 Dawson Street, Dublin 2	28 January 1786	See Functions	<ul style="list-style-type: none"> • Promotes the study of science, polite literature and antiquities. • The Academy is the body through which Ireland adheres to international unions for the sciences and humanities. 	3.163

[Ms Hanafin.]

Name of Body	Location	Date of Establishment	Role	Functions	Administration Costs for 2005
The Teaching Council	Maynooth Business Campus Maynooth Co. Kildare	28 March 2006	To regulate the teaching profession and the professional conduct of teachers.	<ul style="list-style-type: none"> To promote teaching as a profession To promote the continuing professional development of teachers. To establish and maintain a register of teachers To develop Codes of Professional Conduct and Practice which include teaching knowledge, skills and competence. 	€M 0.320
City of Cork Vocational Education Committee	Emmett Place, Cork	1930	See functions	<ul style="list-style-type: none"> Continuation and technical education in accordance with the Vocational Education Acts, 1930 to 2001 	1.949
City of Dublin Vocational Education Committee	Town Hall, Merrion Road Ballsbridge, Dublin 4.	1930	See functions	<ul style="list-style-type: none"> Continuation and technical education in accordance with the Vocational Education Acts, 1930 to 2001 	7.087
City of Galway Vocational Education Committee	Island House, Cathedral Square, Galway	1930	See functions	<ul style="list-style-type: none"> Continuation and technical education in accordance with the Vocational Education Acts, 1930 to 2001 	0.866
City of Limerick Vocational Education Committee	Atheneum Buildings, Upper Cecil Street Limerick	1930	See functions	<ul style="list-style-type: none"> Continuation and technical education in accordance with the Vocational Education Acts, 1930 to 2001 	0.555
City of Waterford Vocational Education Committee	30 The Mall, Waterford	1930	See functions	<ul style="list-style-type: none"> Continuation and technical education in accordance with the Vocational Education Acts, 1930 to 2001 	0.804
Dún Laoghaire Vocational Education Committee	Century Court, 100 Upper George's Street, Dún Laoghaire, Dublin	1930	See functions	<ul style="list-style-type: none"> Continuation and technical education in accordance with the Vocational Education Acts, 1930 to 2001 	0.817
County Carlow Vocational Education Committee	Athy Road, Carlow	1930	See functions	<ul style="list-style-type: none"> Continuation and technical education in accordance with the Vocational Education Acts, 1930 to 2001 	0.918

Name of Body	Location	Date of Establishment	Role	Functions	Administration Costs for 2005
County Cavan Vocational Education Committee	Keadue, Cavan	1930	See functions	<ul style="list-style-type: none"> Continuation and technical education in accordance with the Vocational Education Acts, 1930 to 2001 	€M 0.707
County Clare Vocational Education Committee	Administration Offices, Station Road, Ennis, Co. Clare	1930	See functions	<ul style="list-style-type: none"> Continuation and technical education in accordance with the Vocational Education Acts, 1930 to 2001 	0.930
County Cork Vocational Education Committee	Cork Business and Technology Park, Model Farm Road, Cork	1930	See functions	<ul style="list-style-type: none"> Continuation and technical education in accordance with the Vocational Education Acts, 1930 to 2001 	2.719
County Donegal Vocational Education Committee	Ard O'Donnell, Letterkenny, Co. Donegal	1930	See functions	<ul style="list-style-type: none"> Continuation and technical education in accordance with the Vocational Education Acts, 1930 to 2001 	1.574
County Dublin Vocational Education Committee	1 Tuansgate, Belgard Square East, Tallaght, Dublin 24	1930	See functions	<ul style="list-style-type: none"> Continuation and technical education in accordance with the Vocational Education Acts, 1930 to 2001 	3.626
County Galway Vocational Education Committee	Coiléar Bán, Athenry, Co. Galway	1930	See functions	<ul style="list-style-type: none"> Continuation and technical education in accordance with the Vocational Education Acts, 1930 to 2001 	0.961
County Kerry Vocational Education Committee	Riverside House, Dan Spring Road, Tralee, Co. Kerry.	1930	See functions	<ul style="list-style-type: none"> Continuation and technical education in accordance with the Vocational Education Acts, 1930 to 2001 	1.555
County Kildare Vocational Education Committee	VEC County Offices, Limerick Road, Naas, Co. Kildare	1930	See functions	<ul style="list-style-type: none"> Continuation and technical education in accordance with the Vocational Education Acts, 1930 to 2001 	1.127
County Kilkenny Vocational Education Committee	Seville Lodge, Callan Road,, Kilkenny	1930	See functions	<ul style="list-style-type: none"> Continuation and technical education in accordance with the Vocational Education Acts, 1930 to 2001 	0.918
County Laois Vocational Education Committee	Administration Offices, Ridge Road, Portlaoise, Co. Laois	1930	See functions	<ul style="list-style-type: none"> Continuation and technical education in accordance with the Vocational Education Acts, 1930 to 2001 	0.637

[Ms Hanafin.]

Name of Body	Location	Date of Establishment	Role	Functions	Administration Costs for 2005
County Leitrim Vocational Education Committee	VEC Education Centre, Carrick-on-Shannon, Co. Leitrim	1930	See functions	<ul style="list-style-type: none"> Continuation and technical education in accordance with the Vocational Education Acts, 1930 to 2001 	€M 0.559
County Limerick Vocational Education Committee	Marshal House, Dooradoyle Road, Co. Limerick	1930	See functions	<ul style="list-style-type: none"> Continuation and technical education in accordance with the Vocational Education Acts, 1930 to 2001 	1.157
County Longford Vocational Education Committee	Administrative Offices, Battery Road, Longford	1930	See functions	<ul style="list-style-type: none"> Continuation and technical education in accordance with the Vocational Education Acts, 1930 to 2001 	0.703
County Louth Vocational Education Committee	Committee's Office, Chapel Street, Dundalk, Co. Louth	1930	See functions	<ul style="list-style-type: none"> Continuation and technical education in accordance with the Vocational Education Acts, 1930 to 2001 	1.045
County Mayo Vocational Education Committee	Administrative Offices, Newtown, Castlebar, Mayo	1930	See functions	<ul style="list-style-type: none"> Continuation and technical education in accordance with the Vocational Education Acts, 1930 to 2001 	1.060
County Meath Vocational Education Committee	Administrative Offices, Abbey Road, Navan, Co. Meath	1930	See functions	<ul style="list-style-type: none"> Continuation and technical education in accordance with the Vocational Education Acts, 1930 to 2001 	0.848
County Monaghan Vocational Education Committee	VEC Administration Centre, Market Street, Monaghan	1930	See functions	<ul style="list-style-type: none"> Continuation and technical education in accordance with the Vocational Education Acts, 1930 to 2001 	0.822
County Offaly Vocational Education Committee	O'Connor Square, Tullamore, Co. Offaly	1930	See functions	<ul style="list-style-type: none"> Continuation and technical education in accordance with the Vocational Education Acts, 1930 to 2001 	0.688
County Roscommon Vocational Education Committee	Administrative Offices, Lanesboro Street, Roscommon	1930	See functions	<ul style="list-style-type: none"> Continuation and technical education in accordance with the Vocational Education Acts, 1930 to 2001 	0.535

Name of Body	Location	Date of Establishment	Role	Functions	Administration Costs for 2005
County Sligo Vocational Education Committee	Quay Street, Sligo	1930	See functions	<ul style="list-style-type: none"> Continuation and technical education in accordance with the Vocational Education Acts, 1930 to 2001 	€M 0.869
County Tipperary North Riding Vocational Education Committee	Church Road, Nenagh, Co. Tipperary	1930	See functions	<ul style="list-style-type: none"> Continuation and technical education in accordance with the Vocational Education Acts, 1930 to 2001 	1.008
County Tipperary South Riding Vocational Education Committee	Western Road, Clonmel, Co. Tipperary	1930	See functions	<ul style="list-style-type: none"> Continuation and technical education in accordance with the Vocational Education Acts, 1930 to 2001 	0.788
County Waterford Vocational Education Committee	Wolfe Tone Road, Dungarvan, Co. Waterford	1930	See functions	<ul style="list-style-type: none"> Continuation and technical education in accordance with the Vocational Education Acts, 1930 to 2001 	0.504
County Westmeath Vocational Education Committee	Marlinstown Office Park, Marlinstown, Mullingar, Co. Westmeath	1930	See functions	<ul style="list-style-type: none"> Continuation and technical education in accordance with the Vocational Education Acts, 1930 to 2001 	1.050
County Wexford Vocational Education Committee	Iberius House, Common Quay Street, Wexford	1930	See functions	<ul style="list-style-type: none"> Continuation and technical education in accordance with the Vocational Education Acts, 1930 to 2001 	1.237
County Wicklow Vocational Education Committee	Administration Offices, Wentworth Place, Wicklow	1930	See functions	<ul style="list-style-type: none"> Continuation and technical education in accordance with the Vocational Education Acts, 1930 to 2001 	1.579

Site Transfers.

560. **Mr. Naughten** asked the Minister for Education and Science further to Parliamentary Question No. 386 of 6 April 2006, if the site transfer has been completed; the status of the project; and if she will make a statement on the matter. [20502/06]

Minister for Education and Science (Ms Hanafin): As the Deputy is already aware contracts for the transfer of the site in question have been signed. However, for this transfer to formally close, the agreement of the Commissioners of Charitable Donations and Bequests is required. It is the responsibility of the vendor to refer the transfer contracts to the Commissioners. Confirmation from the vendor's solicitors of the agreement of the Commissioners is still awaited. The question of the project progression will be considered further when the site transfer closes.

School Accommodation.

561. **Mr. Naughten** asked the Minister for Education and Science if an application will be approved for funding for a school (details supplied) in County Roscommon; and if she will make a statement on the matter. [20507/06]

Minister for Education and Science (Ms Hanafin): The school to which the Deputy refers was offered devolved funding earlier this year under my Department's Small Schools Scheme. However, the school indicated that the extent of additional accommodation which could be provided under this scheme would not be sufficient to meet its long term needs. In the circumstances, my Department decided to carry out a review of the schools long term projected enrolment. This exercise is nearing completion and my Department will be in touch with the school authority shortly in relation to the outcome.

Schools Recognition.

562. **Mr. Allen** asked the Minister for Education and Science when she will announce the recognition of a school (details supplied) in County Cork; and the reason it was not announced in April 2006 when other decisions relating to recognition were announced. [20510/06]

Minister for Education and Science (Ms Hanafin): The Deputy will be pleased to learn that I have recently announced my decision to grant provisional recognition to the school referred to, from September 2006. I had deferred a decision in relation to recognition of this school in order to allow my officials time to engage with the patron about a matter of concern raised by the New Schools Advisory Committee relating to the possible impact on enrolment in an existing

school of similar type in the same general area as the proposed interim accommodation for the school referred to.

Having considered the issues of concern and the patron's response, I am pleased to grant provisional recognition to the school. The granting of provisional recognition to a new school is standard practice and the school will be considered for permanent recognition in due course, once viability is demonstrated.

School Enrolments.

563. **Mr. P. Breen** asked the Minister for Education and Science if a school (details supplied) in County Clare will facilitate a student for enrolment in September 2006; and if she will make a statement on the matter. [20540/06]

565. **Mr. P. Breen** asked the Minister for Education and Science if a school (details supplied) in County Clare will facilitate a student for enrolment in September 2006. [20542/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 563 and 565 together.

The two pupils in question were refused enrolment by the school referred to by the Deputy. An appeal under Section 29 of the Education Act, 1998 has been received by the Secretary General of my Department in respect of both pupils. As appeals under section 29 of the Education Act are determined by an independent appeals committee, it would not be appropriate for me to offer any further comment at this time.

School Placement.

564. **Mr. P. Breen** asked the Minister for Education and Science if a school (details supplied) in County Clare will facilitate a student for enrolment in September 2006; and if she will make a statement on the matter. [20541/06]

Minister for Education and Science (Ms Hanafin): Enrolment decisions are the responsibility of the Board of Management of each individual school. My Department has no role in relation to processing applications for enrolment by schools.

Section 29 of the Education Act 1998, provides parents with an appeal process where a Board of Management of a school or a person acting on behalf of the Board refuses enrolment to a student. Where a school refuses to enrol a pupil, the school is obliged to inform parents of their right under Section 29 of Education Act 1998 to appeal that decision to the Secretary General of my Department. Where an appeal under Section 29 is upheld, the Secretary General of my Department may direct a school to enrol a pupil.

The National Educational Welfare Board (NEWB) is the statutory agency which can assist parents who are experiencing difficulty in securing a school place for their child. The NEWB can be contacted at National Educational Welfare Board, National Headquarters, 16-22 Green Street, Dublin 7 or by telephone at 01-8738700.

Question No. 565 answered with Question No. 563.

School Accommodation.

566. **Mr. Ferris** asked the Minister for Education and Science if she will confirm that the status of a school (details supplied) in County Kerry will remain the same; and if she will make a statement on the matter. [20552/06]

567. **Mr. Ferris** asked the Minister for Education and Science if she will confirm that the status of a school (details supplied) in County Kerry will remain the same. [20553/06]

568. **Mr. Ferris** asked the Minister for Education and Science if she will confirm that the status of a school (details supplied) in County Kerry will remain the same. [20554/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 566 to 568, inclusive, together.

In recent years a new planning model for educational infrastructure has been introduced in order to ensure that in future, school provision is decided after a transparent consultation process. In this regard, trustees, parents, sponsors of prospective schools and all interested parties from a locality have the opportunity to have their input into this planning the process.

A draft area development plan for North Kerry (up to 2011), was published by my Department in April 2006. The Commission on School Accommodation is currently engaged in a public consultation process to which all interested parties can make submissions. The draft report raises the issue of rationalisation of post-primary provision in the catchment area of the schools referred to by the Deputy. The closing date for receipt of submissions relating to the draft North Kerry Development Plan was 24 May 2006. All submissions received are considered by the Commission and are also published for public information. This process will culminate in the publication of a Final Area Development Plan which will provide a blueprint for educational provision in the area for the next decade, against which all capital funding decisions will be made over the coming years.

The future status of the schools referred to by the Deputy will be considered as part of the above process.

Schools Building Projects.

569. **Mr. Penrose** asked the Minister for Education and Science the position regarding the application by a school (details supplied) in County Longford for the necessary funding to construct a new school; if, with regard to the increased enrolment in 2006 and 2007 the technical assessment will be completed without delay; if she will provide a timescale as to when the school will be put in place; and if she will make a statement on the matter. [20563/06]

Minister for Education and Science (Ms Hanafin): The School Planning Section of my Department recently received an application from the school to which the Deputy refers for a new school building. The application is currently being assessed. A decision in the matter will issue to the school authority as quickly as possible.

School Curriculum.

570. **Mr. Carey** asked the Minister for Education and Science the actions being taken by her Department to measure the outcome against the stated learning objectives of the Irish language curriculum in specific classes at primary school level; if she is satisfied regarding the standards achieved in both oral and written Irish; and if she will make a statement on the matter. [20579/06]

Minister for Education and Science (Ms Hanafin): The inspectorate of my department has completed the field work in relation to a focused evaluation of the teaching of Irish in 45 primary schools and reports have been issued to the individual schools. Analysis of the data collected is currently under way and it is expected that the report based on the findings of this evaluation will be available by the end of 2006. This will deal with teaching methods, resources, listening, speaking, reading and writing skills.

Preparations for the publication of the Harris report *Irish in Primary Schools: Long-Term National Trends in Achievement* are well advanced. The design stage is complete and the report will be sent to the printer as soon as the Irish text has been finalised. This is expected in the very near future. This comprehensive report focuses on the standard of Irish in sixth classes in the various types of schools and it deals with listening, speaking and reading objectives.

When the inspectorate's report and the Harris Report become available, I will give careful consideration to their findings and recommendations.

Recently, I announced my intention to appoint additional personnel to support the teaching of Irish in our schools. Progress has already been made on recruiting 30 *cuiditheoirí* to work with primary teachers. Other measures include — funding for two-week Summer day camps for 10-13 year old children in their own locality from

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2007, with emphasis on learning Irish through sport and games. Priority will be given to establishing these in disadvantaged areas. CD to be sent to every school of the National Children's Choir singing the national anthem, along with other songs as Gaeilge. Courses for teachers in the evenings, at weekends and during holiday periods to improve their Irish.

I am confident that these new measures will give children a stronger grounding particularly in spoken Irish and help them to enter second level with an enthusiasm for learning the language.

Education Reports.

571. **Mr. Carey** asked the Minister for Education and Science the guidelines issued by her Department to primary schools in regard to the compilation, content and issuing of end of year reports at primary school level; and if she will make a statement on the matter. [20580/06]

Minister for Education and Science (Ms Hanafin): Schools must ensure that parents of a student have access to records maintained by the school relating to the student's progress in his or her education. Section 20 of the Act places an obligation on schools to establish procedures for informing parents of matters relating to the operation and performance of the school. Section 22(2)(b) of the Act, states that "the Principal and teachers shall regularly evaluate students and periodically report the results of the evaluation to the students and their parents".

The Education (Welfare) Act, 1998 also provides that, where a student leaves one school to go to another, the principal of the first school must inform the new principal of any school attendance problems the child has experienced or other matters relating to the child's educational progress as he or she considers appropriate.

School Staffing.

572. **Mr. Deenihan** asked the Minister for Education and Science if funding will be provided to facilitate part-time teachers at a school (details supplied) in County Kerry under the heading teaching services for other institutions; and if she will make a statement on the matter. [20581/06]

Minister for Education and Science (Ms Hanafin): My Department allocates additional teaching hours to Vocational Education Committees (VEC's) to support the delivery of education programmes in a range of facilities including special schools under the heading Co-Operation Hours with Other Institutions. These allocations are made in response to specific applications which are submitted by the relevant VEC in advance of the commencement of the school year to which they relate.

My Department has received an application from Co. Kerry VEC for additional teaching hours on behalf of the school referred to by the Deputy. This application is currently under consideration and a reply will issue in writing to the relevant VEC in due course.

Higher Education Grants.

573. **Mr. Connolly** asked the Minister for Education and Science her views on whether it is equitable that a person (details supplied) in County Monaghan should be denied a higher education grant; and if she will make a statement on the matter. [20605/06]

Minister for Education and Science (Ms Hanafin): My Department is in receipt of correspondence from County Monaghan Vocational Education Committee regarding the candidate referred to by the Deputy. The case is under consideration within my Department and a response will be furnished to the candidate as soon as possible.

Schools Planning.

574. **Mr. O'Connor** asked the Minister for Education and Science the plans being considered by the school planning section of her Department in respect of the Tallaght region; if she will confirm discussions with South Dublin County Council in the matter; and if she will make a statement on the matter. [20667/06]

Minister for Education and Science (Ms Hanafin): My Department meets on a regular basis with the Planning Department of South Dublin County Council with a view to identifying the need for additional educational provision and reserving sites for schools if deemed necessary.

With regards to Tallaght, and particularly, the proposed Tallaght Town Centre local area plan, officials of the School Planning Section of my Department are currently examining figures for the potential population growth of Tallaght in the context of existing school provision and the requirement, if any, for future school development. My Department will continue to liaise with the Local Authority regarding the likely timescale for the delivery of the proposed housing developments together with an ongoing assessment of the capacity of existing schools to meet anticipated demand.

Institutes of Technology.

575. **Mr. O'Connor** asked the Minister for Education and Science her plans for new developments at the Institute of Technology, Tallaght, Dublin; and if she will make a statement on the matter. [20687/06]

Minister for Education and Science (Ms Hanafin): In December 2005 I announced funding for four major capital projects at the Institute of Technology, Tallaght (IT, Tallaght) to be delivered under the Public Private Partnership (PPP) model. Officials from my Department held an information session earlier this year with all of the third level institutions that have projects to be delivered through PPP, including IT, Tallaght.

My Department has recently received documentation from IT, Tallaght on their projects and my officials will meet with the Institute shortly to discuss further the progression of the projects at the campus.

Educational Disadvantage.

576. **Mr. Ring** asked the Minister for Education and Science the reason there was no consultation with secondary schools in an area (details supplied) in County Mayo in relation to the DEIS. [20863/06]

577. **Mr. Ring** asked the Minister for Education and Science the reason of the nineteen primary schools in an area (details supplied) in County Mayo, only 18 of them are included in the DEIS; and if she will make a statement on the matter. [20864/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 576 and 577 together.

The new DEIS programme will be of huge benefit to schools in Mayo. I am sure the Deputy would agree that it is important to make sure that schools serving the most disadvantaged communities get all the extra support possible and will welcome the extra resources that DEIS will provide for Mayo schools. I can assure the Deputy that there is no reason for schools that haven't been identified for the new programme to worry as they will continue to get support in line with the level of disadvantage among their pupils. Not one of these schools has been told that they will lose any resources as a result of DEIS.

DEIS is designed to ensure that schools serving the most disadvantaged communities benefit from the maximum level of support available. Over the years, no less than 8 separate schemes for disadvantaged primary schools have been put in place. Some schools were benefiting from just one or two of these and others were benefiting from more. The DEIS initiative is designed to ensure that the most disadvantaged schools benefit from a comprehensive package of supports, while ensuring that others continue to get support in line with the level of disadvantage among their pupils.

The additionality in DEIS for second level schools is evident from the fact that about 40% of the 200 second-level schools that will benefit

from the School Support Programme were not getting any support under the three pre-existing schemes. Now they will get a wide range of extra supports.

No school has been told that they are going to lose resources. On the contrary, four urban/town primary schools, 59 rural primary schools and 6 second-level schools in Mayo have been invited to benefit from all the resources available from the new programme. Indeed, nearly 20% of all the rural schools invited to benefit from the new programme nationally are in Mayo.

While the whole rationale behind the new programme is to ensure that the most disadvantaged schools benefit from all of the available supports, schools that are benefiting from pre-existing schemes will keep the extra resources — financial and human — that they are getting under these initiatives for the 2006/07 school year. After that they will continue to get support in line with the level of socio-economic disadvantage among their pupils.

In relation to how schools were identified to benefit from the new programme, this process was managed by the Educational Research Centre (ERC) on behalf of my Department and supported by quality assurance work co-ordinated through the Department's regional offices and the Inspectorate. In the primary sector, the identification process was based on a survey carried out by the ERC in May 2005, from which a response rate of more than 97% was achieved.

The analysis of the survey returns from primary schools by the ERC identified the socio-economic variables that collectively best predict achievement, and these variables were then used to identify schools for participation in the School Support Programme. The variables involved were:

- % unemployment
- % local authority accommodation
- % lone parenthood
- % Travellers
- % large families (5 or more children)
- % pupils eligible for free books

In the case of second-level schools, the Department supplied the ERC with centrally-held data from the Post-Primary Pupils and State Examinations Commission databases. Based on an analysis of these data, the variables used to determine eligibility for inclusion in the School Support Programme were as follows:

- Medical card data for Junior Certificate candidates (including Junior Certificate School Programme candidates)
- Junior Certificate retention rates by school

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- Junior Certificate exam results aggregated to school level (expressed as an OPS — “Overall Performance Scale” — score). This was based on each student’s performance in the seven subjects in which s/he performed best
- Leaving Certificate retention rates by school.

A review process has been put in place for primary and second-level schools that did not qualify for participation in the new School Support Programme (SSP) and that regard themselves as having a level of disadvantage which is of a scale sufficient to warrant their inclusion in the Programme. The review process will operate under the direction of an independent person, charged with ensuring that all relevant identification processes and procedures were properly followed in the case of schools applying for a review. The closing date for receipt of review applications was Friday 31st March, 2006. The review process is underway and it is anticipated that it will be completed before the end of the current school year.

578. **Mr. Ring** asked the Minister for Education and Science the reason a school (details supplied) in County Mayo was not included in the delivering equality of opportunity scheme, in view of the fact that the two other secondary schools in which this programme is offered are vocational schools, and all the pupils come from the same feeder primary schools. [20865/06]

Minister for Education and Science (Ms Hanafin): The process of identifying primary and second-level schools for participation in the new School Support Programme under DEIS was managed by the Educational Research Centre (ERC) on behalf of the Department and supported by quality assurance work co-ordinated through the Department’s regional offices and the Inspectorate.

In the case of second-level schools, the Department supplied the ERC with centrally-held data from the Post-Primary Pupils and State Examinations Commission databases. Based on an analysis of these data, the variables used to determine eligibility for inclusion in the School Support Programme were as follows: Medical card data for Junior Certificate candidates (including Junior Certificate School Programme candidates); Junior Certificate retention rates by school; Junior Certificate exam results aggregated to school level (expressed as an OPS — “Overall Performance Scale” — score). This was based on each student’s performance in the seven subjects in which s/he performed best Leaving Certificate retention rates by school.

While the whole rationale behind the new programme is to ensure that the most disadvantaged schools benefit from all of the available supports, schools that are benefiting from existing schemes, including the school to which the Deputy refers will keep the extra resources — financial and human — that they are getting under these initiatives for the 2006/07 school year. After that they will continue to get support in line with the level of socio-economic disadvantage among their pupils.

A review mechanism has been put in place to address the concerns of schools that did not qualify for inclusion in the School Support Programme but regard themselves as having a level of disadvantage which is of a scale sufficient to warrant their inclusion in the Programme. This mechanism will operate under the direction of an independent person, charged with ensuring that all relevant identification processes and procedures were properly followed in the case of schools applying for a review.

The school to which the Deputy refers has submitted an application for review and a formal acknowledgement has issued to the school. It is anticipated that the review process will be completed before the end of the current school year.

Pupil-Teacher Ratio.

579. **Mr. Neville** asked the Minister for Education and Science if she will confirm that a school (details supplied) will be a two teacher school in the school year 2006 to 2007. [20872/06]

Minister for Education and Science (Ms Hanafin): The staffing of a primary school for a particular school year is determined by reference to the enrolment of the school on the 30th September of the previous school year and by reference to a staffing schedule. This staffing schedule for the 2006/07 school year is outlined in Primary Circular 0023/2006 which was issued to all primary schools.

To ensure openness and transparency in the system an independent Appeal Board is now in place to decide on any staffing appeals. The criteria under which an appeal can be made are set out in Department Primary Circular 0024/2006.

The staffing of the school referred to by the Deputy for the 2006/2007 school year was considered by the Appeal Board on 25th May, 2006. The Board, having considered the appeal with regard to the criteria outlined in Circular 0024/2006, was satisfied that a departure from the staffing schedule is not warranted in this case.

The Board of Management of the school was notified in writing of the decision of the Appeal Board on 26th May, 2006.

Physical Education Facilities.

580. **Mr. McGinley** asked the Minister for Education and Science the number of post primary schools in Donegal without a sports hall; and if she will make a statement on the matter. [20873/06]

Minister for Education and Science (Ms Hanafin): The information is not readily available in the format as requested by the Deputy. However if the Deputy requires information on specific schools in County Donegal, officials in the School Planning and Building Unit of my Department will assist with such queries. The Deputy can be assured that I am committed to funding the provision of PE, general purpose and outdoor play areas in schools as part of the school building and modernisation programme. Provision of such facilities are being addressed in the context of available resources and the published criteria for prioritising school building projects.

School Accommodation.

581. **Mr. J. O’Keeffe** asked the Minister for Education and Science the situation regarding an application for additional classroom accommodation at a school (details supplied) in County Cork. [20876/06]

Minister for Education and Science (Ms Hanafin): An application for capital funding towards the provision of an extension to provide additional classroom and ancillary accommodation has been received from the school. My Department is currently examining enrolment and demographic trends in the area in order to determine the long-term projected staffing figure on which the school’s long term accommodation needs will be based. When this examination is complete a decision will be taken on how best to meet the school’s long-term needs and any building project required will be progressed in the context of the School Building and Modernisation Programme 2006 — 2010.

Schools Building Projects.

582. **Ms Enright** asked the Minister for Education and Science if she could clarify her reply to Parliamentary Question No. 500 of 3 May 2006, as this school (details supplied) is in fact a stand alone school and not part of an amalgamation of any kind; if her attention has been drawn to the fact that they are at the architectural planning stage; the reason same is not progressing; when it can go to tender; and if she will make a statement on the matter. [20877/06]

Minister for Education and Science (Ms Hanafin): I wish to clarify that officials in my Department had, in error, understood the initial question to relate to the most recent devel-

opments in mainstream post primary education provision in the Charleville area as distinct from the provision of special education facilities in a special school in the same town.

The proposed new school building project for the school referred to by the Deputy is in fact at an early stage of architectural planning and is one of the 124 schools that I announced in April of 2005 to progress through the architectural planning process.

My Department’s officials are in receipt of a stage 2 submission (developed sketch scheme) and this has been examined by both my Department’s Technical staff and the Inspectorate. Following the review of the stage 2 submission, my Department wrote to the School Authorities on the 23rd May 2006 and outlined a number of issues that will need addressing and which will form the basis of a Design Team meeting which will take place in my Department’s offices in Tullamore on 14th June 2006.

Progression of this project to tender and construction will be considered in the context of the Schools Building and Modernisation Programme 2006-2010.

Institutes of Technology.

583. **Mr. O’Shea** asked the Minister for Education and Science the position regarding the application by Waterford Institute of Technology in the matter of a university for the south east region based in Waterford (details supplied); and if she will make a statement on the matter. [20880/06]

Minister for Education and Science (Ms Hanafin): An application from Waterford Institute of Technology for university status, under section 9 of the Universities Act 1997, has been received and is being examined in my Department at present.

Commemorative Events.

584. **Mr. Crowe** asked the Minister for Education and Science if she will confirm that there have been approaches made to her and her Department regarding marking the Irish Famine or Great Hunger in schools here; and if she will make a statement on the matter. [20920/06]

Minister for Education and Science (Ms Hanafin): I wish to confirm that a letter requesting that my Department would arrange that all schools observe a one minute vigil to commemorate Irish famine victims and emigrants was received. It would not be appropriate for my Department to issue schools with an instruction to observe a commemorative vigil. Since the board of management of each school has responsibility for determining such matters in accordance with the policies of the school, any

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decision in relation to the vigil is a matter for each individual school. The Deputy may be aware that while a minute's silence was observed in our schools in the aftermath of 11 September 2001, the decision to do so was taken by school management and was not a response to an instruction from my Department.

School Accommodation.

585. **Mr. S. Ryan** asked the Minister for Education and Science if she will report on the additional accommodation requirements for a school (details supplied) in County Dublin; if the additional classrooms will be available for September 2006, in view of the fact that the area is classified as a development area and will require a doubling of the capacity of the school into the future; and if she will put in place the provision for additional accommodation as quickly as possible. [20929/06]

Minister for Education and Science (Ms Hanafin): I can confirm that the school to which the Deputy refers has applied to my Department for additional classroom accommodation for September 2006. The application is being assessed and the school authority will be notified of the outcome shortly. The school also recently submitted an application for major capital grant aid. This application will be assessed in accordance with the published prioritisation criteria for large scale building projects. It will be assigned a band rating under the criteria and progress on the project will be considered in the context of the School Building and Modernisation Programme 2006-2009.

Schools Building Projects.

586. **Mr. Blaney** asked the Minister for Education and Science if she will allocate further funding to a school (details supplied) in County Donegal to allow them to proceed with the work approved under the summer works scheme 2006; and if she will make a statement on the matter. [20940/06]

Minister for Education and Science (Ms Hanafin): I am pleased to inform the Deputy that additional funding has been approved under the Summer Works Scheme 2006 to enable the school in question to proceed with the works sanctioned under that Scheme. The school was also approved in 2005 for funding under the Devolved Initiative for the provision of additional accommodation and renovation of the existing school building. The school has sought increased funding in respect of this project and an official from my Department has been in contact with the school regarding further information required. The

matter will receive further attention when this information is received.

587. **Mr. Blaney** asked the Minister for Education and Science if she will give approval to a school (details supplied) in County Donegal to proceed with their application for additional accommodation as a matter of urgency; and if she will make a statement on the matter. [20941/06]

Minister for Education and Science (Ms Hanafin): An application for capital funding towards the provision of a general purpose room, staff room, multipurpose room and storage capacity has been received from the school to which the Deputy refers. The project has been assessed in accordance with the published prioritisation criteria for large scale building projects and is being considered in the context of the School Building and Modernisation Programme 2006 — 2010.

588. **Mr. J. O'Keeffe** asked the Minister for Education and Science if, in relation to the proposed new community college and gaelscoil for Bantry in west Cork, she will ensure that they will be associated in a PPP project bundle in association with other projects at the same stage of development where sites have been purchased and outline planning permission obtained; and if not, the reason for same. [20954/06]

Minister for Education and Science (Ms Hanafin): The make up of further school bundles in my Department's PPP school building programme will be determined on such issues as the band rating allocated to each school in accordance with the published prioritisation criteria, site availability for each school, outline planning permission having been secured and the estimated total cost of the proposed school bundle. In addition to the above, while the National Development Finance Agency (NDFA) has responsibility for the procurement of the projects, the precise make-up of school bundles in terms of the number of schools in each and the geographical spread will be determined by my Department, in consultation with the NDFA.

Special Educational Needs.

589. **Ms Harkin** asked the Minister for Education and Science when an assessment will be forthcoming for a student (details supplied) in County Leitrim. [20969/06]

Minister for Education and Science (Ms Hanafin): My Department's National Educational Psychological Service (NEPS) has been unable to trace the pupil in question to a specific national school on the basis of the details supplied. If the Deputy will arrange to provide the full name, roll number and address of the school

in question along with the pupil's date of birth, I will be happy to arrange to have the case investigated further.

Schools Building Projects.

590. **Mr. Healy** asked the Minister for Education and Science if she will approve funding for a school (details supplied) in County Tipperary; and if she will make a statement on the matter. [20970/06]

Minister for Education and Science (Ms Hanafin): The School Planning Section of my Department is in receipt of an application for major capital works from the management authority of the school to which the Deputy refers. The application has been assessed in accordance with the published prioritisation criteria for large scale projects and was assigned a Band 4 rating. Progress on the proposed works is being considered in the context of the School Building and Modernisation Programme from 2006 onwards.

School Staffing.

591. **Mr. Naughten** asked the Minister for Education and Science if she will ensure the retention of the fifth mainstream teacher in a school (details supplied) in County Roscommon in view of the fact that the school is part of the breaking the cycle and DEIS schemes run by her Department; and if she will make a statement on the matter. [21040/06]

Minister for Education and Science (Ms Hanafin): The mainstream staffing of a primary school for a particular school year is determined by reference to the enrolment of the school on 30 September of the previous school year. The actual number of mainstream posts sanctioned is determined by reference to a staffing schedule which is issued to all primary schools each year. According to data submitted to my Department by the Board of Management of the school referred to by the Deputy, the enrolment in the school on 30 September 2005 was 139 pupils. In accordance with the staffing schedule (Circular 0023/2006), which has issued to all primary schools and is also available on my Department's website at www.education.ie, the mainstream staffing in the school for the 2006/07 school year will be a Principal and four Mainstream Class Teachers.

To ensure openness and transparency in the system an independent Appeal Board is now in place to decide on any appeals. The criteria under which an appeal can be made are set out in Department Primary Circular 0024/06. The Board of Management of the school has submitted an appeal to the Staffing Appeal Board. The appeal will be considered by the Appeal Board at a meeting which is scheduled to take place on Tues-

day 11 July 2006. The Board of Management will be notified of the outcome of the appeal as soon as possible thereafter. The Appeal Board operates independently of the Minister and my Department and its decision is final. I am sure the Deputy will appreciate that it would not be appropriate for me to intervene in the operation of the independent Appeal Board.

Special Educational Needs.

592. **Mr. Naughten** asked the Minister for Education and Science if she will appoint a resource teacher for travellers to be based in a school (details supplied) in County Roscommon; and if she will make a statement on the matter. [21041/06]

Minister for Education and Science (Ms Hanafin): I can confirm that an application for a resource teacher for travellers has been received from the school referred to by the Deputy. This application is currently being considered by my Department and a decision will be conveyed to the school as soon as this process has been completed.

Díolúine ón nGaeilge.

593. D'fhiafraigh **Mr. Sargent** den Aire Oideachais agus Eolaíochta an gcuirfidh sí na staitisticí seo a leanas ar fáil maidir le Díolúine ón nGaeilge: cad iad na figiúirí ó 2002 ar aghaidh ar na miondealú de réir contae, de réir inscne, de réir bliana (an Idirbhliain san áireamh), de réir earnála (Dara Leibhéal Saorálach, Pobalscoileanna, Scoileanna Cuimsitheacha agus Coistí Gairmoideachais) chomh maith le pé eolas eile a bheadh ad rem chun pictiúr soiléir a fháil den díolúine. [21049/06]

Minister for Education and Science (Ms Hanafin): Níl an t-eolas maidir le Díolúine ón nGaeilge ar fáil briste síos sa slí atá á lorg ag an Teachta anois díreach. Cuirfear na staitisticí le chéile agus seolfar chuig an Teachta iad.

Departmental Funding.

594. **Ms Enright** asked the Minister for Education and Science if her attention has been drawn to the vital contribution chaplains make in second level schools; the reason her Department remunerates chaplains in community schools and colleges but does not remunerate full-time chaplains employed in voluntary schools; if her Department will consider a more equitable basis to finance chaplains in all post-primary schools; and if she will make a statement on the matter. [21076/06]

Minister for Education and Science (Ms Hanafin): Ex-quota chaplain posts are allocated in respect of Community and Comprehensive

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Schools and designated Community Colleges. The relevant religious authorities have raised the matter of extending State support for chaplaincy provision and this has been one of a number of related matters covered in broad ranging discussions with my Department. However, the allocation of such posts must be considered in the context of priority needs and available resources.

Third Level Tuition Fees.

595. **Mr. Hayes** asked the Minister for Education and Science if her Department will approve assistance for a person (details supplied) in County Tipperary. [21077/06]

Minister for Education and Science (Ms Hanafin): Under the Free Fees Initiative, my Department meets the tuition fees of eligible students who are attending full-time undergraduate courses in the State, which must be of at least two years duration, at approved college. As the candidate referred to by the Deputy is studying abroad he is ineligible under the Free Fee Initiative. Even if he the candidate was pursuing his undergraduate course in the state he would still be ineligible as he is not a first time undergraduate. These restrictions apply to every student who already holds a qualification at any level, irrespective of where that qualification was obtained. Under the terms of the third level student support schemes, maintenance grants are not payable to candidates who already hold an undergraduate degree and are pursuing a second period of undergraduate study at the same level, irrespective of whether or not a grant was paid previously.

I understand that the student referred to by the Deputy already holds a Degree in Public Administration from the University of Limerick, he is therefore ineligible for a higher education grant. As the rules governing the schemes are of general application, exceptions cannot be made in individual instances.

Tax relief, is however, available in respect of undergraduate fees paid in publicly funded colleges here and in other EU Member States, as well as in private colleges in the State. This relief applies at the standard rate of tax and is available to full time students and part time postgraduate students. Further details and conditions in relation to this tax relief are available from local Tax Offices.

Higher Education Grants.

596. **Mr. N. O'Keeffe** asked the Minister for Education and Science if the higher education grant scheme covers Irish students studying in Scotland (details supplied). [21108/06]

Minister for Education and Science (Ms Hanafin): My Department funds three means tested maintenance grant schemes for third level education students in respect of attendance on approved courses in approved third level institutions and one grant scheme in respect of Post Leaving Certificate courses:

- (a) The Higher Education Grants Scheme
- (b) The Vocational Education Committees' Scholarship Scheme
- (c) The Third Level Maintenance Grants Scheme For Trainees
- (d) Maintenance Grants Scheme for Students attending Post Leaving Certificate (PLC) Courses.

The statutory framework for the Higher Education Grants Schemes is set out in the Local Authorities (Higher Education Grants) Acts, 1968 to 1992. The local authorities administer the schemes on behalf of my Department. The other two schemes are administered, on behalf of my Department, by the Vocational Education Committees.

In relation to support available for students studying abroad, my Department's student maintenance grant schemes provide maintenance grants to undergraduate students pursuing approved third level courses in other EU Member States. In general, an approved undergraduate course is defined as a full-time undergraduate course of not less than two years duration pursued in a university or third level institution, which is maintained or assisted by recurrent grants from public funds in another EU Member State, with the exception of the following:

- (i) Courses in Colleges of Further and Higher Education (other than courses which are at Higher National Diploma level or higher.
- (ii) Courses provided in a college which are offered in private commercial third level colleges in the State, and which are validated by that college;
- (iii) Colleges in colleges akin to private commercial colleges in Ireland.

Under the terms of my Department's third level student maintenance grant schemes, where the applicant is not an independent mature student, the reckonable income to be determined for the purposes of the award of the maintenance grant is income from all sources of the candidate and his/her parents or guardians where applicable.

The means test arrangements of the Student Maintenance Grant Schemes have been in operation since 1983 and are applied nationally. In the case of both the employed and self-employed gross income is assessed with certain specified social welfare and health board payments

excluded. The prescribed income limits may be increased by €4,295 where there are two children (or the candidate's parent) attending a full-time third level course, or €8,590 where there are three such children and so on, by increments of €4,295 for each additional child.

As all applications for financial support are means tested in accordance with the terms of the student maintenance grant schemes, a candidate shall not be eligible for a grant if the reckonable income for the purpose of the means testing is over the prescribed income limits irrespective of the individual circumstances. It is understood from the Awarding Authority that the candidate referred to by the Deputy was not eligible for the maintenance grant as the reckonable income in this case exceeded the prescribed limit as set out in the Higher Education Grant Scheme.

597. **Mr. N. O'Keeffe** asked the Minister for Education and Science the position regarding a review of a higher education grant for a person (details supplied) in County Cork by her Department where under exceptional medical circumstances they are seeking a waiver of some of the requirements or criteria of this scheme. [21109/06]

Minister for Education and Science (Ms Hanafin): My Department is in receipt of correspondence from the candidate referred to by the Deputy. The case is under consideration within my Department and a response will be furnished to the candidate as soon as possible.

State Property.

598. **Mr. N. O'Keeffe** asked the Minister for Defence if he will trace the ownership of a property (details supplied) in County Cork to establish if it is in the ownership of the Office of Public Works, the Department of Defence, the Department of Environment, Heritage and Local Government or a local authority. [21112/06]

Minister for Defence (Mr. O'Dea): The property concerned is vested in the Minister for Fin-

ance but is under the administration of my Department. The property was leased to a company which is now in dissolution. A portion of the lands is the subject of a sub-lease to a local rugby club. The legal position in relation to the property arising from the dissolution of the lessee company is under consideration in consultation with the Office of the Chief State Solicitor.

Departmental Bodies.

599. **Mr. Naughten** asked the Minister for Defence the public bodies under the control of his Department; their function, role, location and establishment date; the administration costs of each body in the year 2005; and if he will make a statement on the matter. [20477/06]

Minister for Defence (Mr. O'Dea): Details in relation to the public bodies under the aegis of my Department are attached. In addition to these bodies, the Office of the Ombudsman for the Defence Forces as provided for under the Ombudsman (Defence Forces) Act 2004 was established with effect from 31 August 2005. Ms Paulyn Marrinan Quinn SC was appointed by the President as the first Ombudsman for the Defence Forces with effect from the 19 September 2005.

The Ombudsman for the Defence Forces is independent in the performance of her functions. The Ombudsman provides an ultimate and independent statutory point of appeal for all members of the Defence Forces within the context of the military 'redress of wrongs' grievance process. In general terms, the Ombudsman has the power to investigate complaints made to her in respect of actions and decisions which date from 1 December 2005 onwards, subject only to a few limited categories of exclusion as provided for in the legislation. The statutory functions and powers of the Office were commenced with effect from 1 December 2005.

The Ombudsman for the Defence Forces is temporarily located at The Distillery Building, 145/151 Church Street, Dublin 7. The administration costs associated with the Office in 2005 were €13,000.

Public Bodies under the Aegis of the Department of Defence

Public Body:	<i>Coiste an Asgard</i>
Function:	To maintain the sail training vessel "Asgard II" in a safe and seaworthy state. To provide salaries, wages, stipends or other remuneration arising from employment of any person for the purposes of an Coiste. To do all such other things deemed incidental or conducive to the attainment of the above objects.
Role:	To promote the training of young Irish men and women in sailing and seamanship
Location:	Coláiste Caoimhín, St. Mobhi Road, Dublin 9
Establishment Date:	Coiste an Asgard was established in 1968 and was incorporated under the Companies Acts on 16 February 1987.
Administration Costs 2005:	€460,000 (includes salaries and expenses of 5 permanent crew and relief crew, salaries of office staff and expenses of directors)

[Mr. O'Dea.]

Public Body:	<i>Civil Defence Board</i>
Function:	To promote and support the development at national level of Civil Defence planning and management and, in co-operation with Local Authorities, to facilitate the implementation of Civil Defence measures for the purposes of emergency relief and support. To promote, develop and maintain Civil Defence as an effective voluntary service in support of the emergency services. To promote the role of Civil Defence in providing services, in support of the emergency services, to the local community and, for that purpose, to develop programmes to enhance those services.
Role:	To promote, develop and maintain Civil Defence as an effective volunteer based professional organisation providing emergency response and community support services.
Location:	Benamore, Roscrea, Co. Tipperary
Establishment Date:	7 May 2003
Administration Costs 2005:	€1.304 million
Public Body:	<i>Army Pensions Board</i>
Function/Role:	To investigate and report to me on applications for wound and disability pensions and certain allowances under the Army Pensions Acts, 1923 to 1980 and on applications for compensation under the non-statutory compensation scheme for members of the Reserve Defence Force.
Location:	St. Bricin's Hospital, Dublin 7.
Establishment Date:	30 April 1927
Administration Costs 2005:	€97,000 approx.

Decentralisation Programme.

600. **Mr. Wall** asked the Minister for Defence the complement of officials designated to decentralise to Newbridge County Kildare as part of the decentralisation programme; the number of each category of official needed to have the office functional; and if he will make a statement on the matter. [20565/06]

Minister for Defence (Mr. O'Dea): The Government Decision on decentralisation, announced by the Minister for Finance in his Budget statement on 3 December 2003, provides for the transfer of all of my Department's Dublin based civil service staff to Newbridge, Co. Kildare. The number of staff to be relocated to Newbridge is 200, all of whom are required to have the office functional. The numbers of staff by category are as follows:

Grade	Number
Secretary General	1
Assistant Secretary	2
Principal Officer	11
Assistant Principal	24
Higher Executive Officer	39
Executive Officer	42
Staff Officer	13
Clerical Officer	44
Properties Officer	1
Examiner of Maps	1
Storeman	1
Service Officer	13
Cleaner	8

Homeless Persons.

601. **Mr. Bruton** asked the Minister for the Environment, Heritage and Local Government the indicators he uses to judge progress against poverty in homelessness and the way in which they have progressed in the past five years. [20397/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): A basic indicator of progress in addressing homelessness is a reduction in the number of homeless households and persons and in the level of rough sleeping. "Counted in 2005", the third periodic assessment on homelessness in Dublin carried out by the Homeless Agency and published last week, shows a 19% decrease in the number of households experiencing homelessness in the four Dublin local authority areas since the previous assessment in 2002. In the same period the number of persons self-reporting as sleeping rough has fallen by 41%.

Detailed information in relation to homelessness nationally, was collated as part of the overall Assessment of Housing Need carried out in March 2005, the results of which will be published shortly and is also expected to generally reflect these downward trends. "The Independent Review of the Implementation of Homeless Strategies", which I published earlier this year and copies of which are available in the Oireachtas Library, examined the implementation of the Government's Integrated and Preventative Homeless Strategies. The review found that significant success had been achieved in a number

of areas, particularly in relation to the provision of emergency accommodation and a reduction in the levels of rough sleeping.

However, the Review noted five key priority areas which any future homeless strategy should be seek to address: the provision of long-term accommodation; appropriate local treatment of homelessness throughout the country; a case management approach for homeless individuals; improved coordination of capital and revenue funding; and better data on the extent, nature and causes of homelessness.

The need for particular focus on the development of long-term accommodation, as opposed to emergency accommodation such as bed and breakfast, is one of the main recommendations of the Independent Review. Whilst the use of bed and breakfast is seen, at present, as essential for the provision of emergency accommodation, it is recognised that it is not suitable as a long-term solution to homeless accommodation and that its use should be phased out, particularly for families.

At the request of my Department, Dublin City Council, which is a major user of bed and breakfast accommodation is conducting an ongoing review of this type of accommodation. This has led to increased monitoring, improved co-ordination and better management practice within the Dublin area.

The Review concluded that the Integrated and Preventative Strategies should be amalgamated and revised. The Government have accepted the broad thrust of the recommendations of the Review and work has commenced on the preparation of a revised and updated Strategy on Homelessness, having regard to the recommendations of the Independent Review. As part of the process of preparing the revised Strategy, new policy proposals will be subject to Poverty Impact Assessment, i.e. a process to assess policies and programmes at design, implementation and review stages in relation to the likely impact that they will have or have had on poverty and on inequalities which are likely to lead to poverty, with a view to poverty reduction.

Lottery Funding.

602. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the number of applications for capital lottery funding received by county for the past five years; the number of successful applications per county for the same period; and if he will make a statement on the matter. [20530/06]

603. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the mechanisms to be put in place or are in place to assist those successful in their applications for capital lottery funding but who have been unable to draw down their allocation. [20531/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 602 and 603 together.

Capital lottery funding provided for my Department has remained constant over the past five years at €2.539 million. In the years 2005 and 2006 the funding is within Vote 40 for the HSE. This lottery funding forms part of the overall Capital Programme for that Vote. It is not available for the provision of discretionary grants to individual voluntary groups by way of general application submissions.

Communications Masts.

604. **Ms O. Mitchell** asked the Minister for the Environment, Heritage and Local Government if he intends to review the guidelines for local authorities in respect of telecommunications antennae and support structures to ensure at the very least the protection of young children; and if he will make a statement on the matter. [20381/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In July 1996 my Department issued Guidelines for Planning Authorities on Telecommunications Antennae and Support Structures. Their purpose was to assist planning authorities, An Bord Pleanála, operators of mobile telecommunications services and the general public by providing guidance on dealing with telecommunications masts and base stations within the planning system.

The Guidelines advise that “in the vicinity of larger towns and city suburbs operators should endeavour to locate in industrial areas or in industrially zoned land”. They advise that “only as a last resort should free-standing masts be located within or the immediate surrounds of smaller towns or villages” and also that “only as a last resort should free standing masts be located in a residential area or besides schools”.

The Oireachtas Joint Committee on Communications, Marine and Natural Resources Report on Non-ionising radiation from mobile phone handsets and masts, in 2005 recommended *inter alia*, that planning guidelines and planning exemptions be examined with a view to ensuring that no ‘electromagnetic emissions’ or ‘radio frequency emissions’ emitting equipment be permitted to be sited near health centres, schools or other sensitive sites such as playgrounds or pitches etc.

On receipt of the report of the Joint Committee, the Government, in September 2005, approved the establishment of an inter-departmental advisory committee and an expert group, working to the committee, on the health effects of electromagnetic fields. My Department is represented on the committee. It is understood that the committee expects to report to the Government before the end of 2006 on the appropriate action to be taken on foot of the recommendations contained in the report. In the interim period it is not proposed to amend the

[Mr. Roche.]

Guidelines for Planning Authorities on Telecommunications Antennae and Support Structures.

Grant Payments.

605. **Mr. Gogarty** asked the Minister for the Environment, Heritage and Local Government the regulations governing the positioning of approved solar and solar heat panels on the front roof of standard three bedroom detached houses; and if he will make a statement on the matter. [20454/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Under the Greener Homes Scheme the level of grant aid available to domestic householders for the instal-

lation of solar panels is €300 per m² subject to a maximum of 12 m².

Departmental Bodies.

606. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government the public bodies under the control of his Department; their function, role, location and establishment date; the administration costs of each body in the year 2005; and if he will make a statement on the matter. [20478/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The following is a list of the public bodies under the aegis of my Department, the function, role, location, establishment date of each body and the funding granted to each body by my Department in 2005:

Name of public body:	<i>Affordable Homes Partnership</i>
Function/ Role:	To co-ordinate and add impetus to the delivery of affordable housing in the Greater Dublin Area
Location:	Fenian Street, Dublin 2
Establishment Date:	2005
Department funding for 2005:	€1,100,000
Name of public body:	<i>An Bord Pleanála</i>
Function/ Role:	To determine appeals and certain other matters under the Planning and Development Acts, 2000 to 2004, and appeals under the Building Control Act, 1990, the Local Government (Water Pollution) Acts, 1977 and 1990 and the Air Pollution Act, 1987.
Location:	Marlboro St, Dublin 1
Establishment Date:	1977
Department funding for 2005:	€12,074,000
Name of public body:	<i>Building Regulations Advisory Body</i>
Function/ Role:	To advise the Minister on matters relating to building regulations, and provide such advisory services for or on behalf of the Minister, as the Minister may, from time to time, specify.
Location:	Custom House, Dublin 1
Establishment Date:	1992
Department funding for 2005:	€10,200
Name of public body:	<i>An Chomhairle Leabharlanna</i>
Function/ Role:	(a) to provide advice, assistance and services to library authorities in relation to the public library service, (b) to make such recommendations to and the provision of such services for the Minister for the Environment, Heritage and Local Government) in relation to the public library service as the Minister may request or as the Council sees fit, (c) to promote and facilitate library co-operation, and (d) to maintain and operate the central library established under Section 2 of the (Public Libraries) Act of 1947
Location:	Upper Mount Street, Dublin 2
Establishment Date:	1947
Department funding for 2005:	NIL
Name of public body:	<i>Comhar</i>
Function/ Role:	The forum for national consultation and dialogue on all issues relating to sustainable development. Comhar's terms of reference are to advance the national agenda for sustainable development, to assist in devising suitable mechanisms and advising on their implementation, and to contribute to the formation of a national consensus in these regards.
Location:	St. Andrew Street, Dublin 2
Establishment Date:	1999
Department funding for 2005:	€95,322

Name of public body:	<i>Environmental Protection Agency</i>
Function/ Role:	To protect and improve the natural environment for present and future generations, taking into account the environmental, social and economic principles of sustainable development. It aims to be a powerful agent for change, both in attitudes to the environment and in actions on environmental protection. It works to place environmental issues at the heart of international, national and local decision-making processes.
Location:	Johnstown Castle Estate, Co. Wexford
Establishment Date:	1992
Department funding for 2005:	€24,620,716
Name of public body:	<i>Fire Services Council</i>
Function/ Role:	To assist fire authorities through the provision of training courses and seminars to supplement the training provided by the authorities themselves.
Location:	Custom House, Dublin 1
Establishment Date:	1983
Department funding for 2005:	€435,000
Name of public body:	<i>Heritage Council</i>
Function/ Role:	To propose policies and priorities for the identification, protection, preservation and enhancement of the national heritage
Location:	Rothe House, Parliament Street, Kilkenny
Establishment Date:	1995
Department funding for 2005:	€8,987,000
Name of public body:	<i>Housing Finance Agency</i>
Function/ Role:	(a) to advance funds to local authorities to be used by them for any purpose authorised by the Housing Acts; and (b) to borrow or raise funds for these purposes.
Location:	Eden Quay, Dublin 1
Establishment Date:	1982
Department funding for 2005:	NIL
Name of public body:	<i>Irish Water Safety Association</i>
Function/ Role:	To promote public awareness of water safety; to promote measures, including the advancement of education, related to the prevention of accidents in water; to provide instruction in water safety, rescue swimming and recovery drills; other services related to water safety.
Location:	The Long Walk, Galway
Establishment Date:	1999
Department funding for 2005:	€553,000
Name of public body:	<i>Local Government Computer Services Board</i>
Function/ Role:	(a) to organise, administer and provide, or arrange for the provision of, a service for the supply of computer facilities (including facilities relating to the preparation of data for input to a computer, computer programming, systems analysis and design, and the operation of data processing facilities) for local authorities. (b) to coordinate, and secure compatibility in, the use of computers by local authorities generally with a view to securing the most effective use of available resources. (c) In matters relating to (a) and (b) above to provide, or arrange for the provision of, training and education, carry out, promote or assist the carrying out of, research, and furnish advice, information and assistance to the Minister and to local authorities (d) to host websites on behalf of certain specified bodies, sell software products developed for local authorities, to provide, subject to the consent of the Minister, consultancy services in respect of a product developed or employed by the Board.
Location:	Cunningham Road, Dublin
Establishment Date:	1975
Department funding for 2005:	NIL

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Name of public body:	<i>Local Government Management Services Board</i>
Function/ Role:	To provide for local authorities and such other bodies as may be designated from time to time services related to staff negotiations, including proceedings under any scheme of conciliation and arbitration and Labour Court proceedings and such other management services as may be required by the foregoing bodies. LGMSB also provides services for meetings and such other support services as may be required for County and City Managers.
Location:	Fenian Street, Dublin 2 pending redevelopment of its offices at Ushers Quay, Dublin 8.
Establishment Date:	1997
Department funding for 2005:	NIL
Name of public body:	<i>National Building Agency</i>
Function/ Role:	To provide consultancy services to local authorities in the provision of social housing and to undertake urban renewal projects on a commercial basis on its own or in joint venture arrangements with builders and developers
Location:	Milltown, Dublin 6
Establishment Date:	1960
Department funding for 2005:	NIL
Name of public body:	<i>Private Residential Tenancies Board</i>
Function/ Role:	To perform the functions assigned to it under the Residential Tenancies Act 2004; primarily the operation of a national registration system for all private residential tenancies; the operation of a dispute resolution service; and the provision of information, carrying out of research and the provision of policy advice regarding the private rented sector.
Location:	Canal Road, Dublin 6
Establishment Date:	2004
Department funding for 2005:	€3,286,000
Name of public body:	<i>Radiological Protection Institute of Ireland</i>
Function/ Role:	To provide the Government and the public with advice on all matters relating to radiological safety and undertake research in relation to such matters. Also operates an extensive monitoring function in relation to the presence and origin of environmental radioactivity and regulates the provision, use and disposal of radioactive substances employed in the health sector and in industry.
Location:	Clonskeagh, Dublin 14
Establishment Date:	1992
Department funding for 2005:	€3,225,000
Name of public body:	<i>Rent Tribunal</i>
Function/ Role:	To determine the rent and other tenancy terms of dwellings which were formerly rent controlled under the Rent Restrictions Acts and to which the Housing (Private Rented Dwellings) Act 1982 continues to apply.
Location:	Custom House, Dublin 1
Establishment Date:	1983
Department funding for 2005:	€61,000.

Water and Sewerage Schemes.

607. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government if he has received the preliminary report on the development of a sewerage scheme for the village of Creggs, County Galway; if the local authority will be afforded an opportunity this year to undertake fresh assessments of their needs and priorities; and if he will make a statement on the matter. [20508/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Creggs Sewer-

age Scheme was fourth on the list of sewerage schemes submitted by Galway County Council in response to my Department's request to local authorities in 2003 to produce updated assessments of the needs for capital works in their areas and to prioritise their proposals on the basis of the assessments. The assessments were taken into account in the framing of the Water Services Investment Programme 2005-2007 published in December 2005. Given the level of competing demand for the available funding, it was not possible to include the scheme in that Programme.

In March 2006 local authorities were asked by my Department to undertake fresh assessments of their needs and priorities and the results of that process will inform the selection of new schemes for inclusion in future phases of the Water Services Investment Programme.

Local Authority Housing.

608. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the position regarding the planned maintenance programme for two estates (details supplied) in County Mayo; when funding will be allocated for the necessary repair works; and when will work commence. [20529/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): There are no proposals with my Department for funding from Mayo County Council in respect of refurbishment work to the two estates in question.

Road Network.

609. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government if Mayo County Council's submission for funding under the EU co-financed specific improvement grant scheme included an application for works on a road (details supplied); if so, when the submission made; the funding which will be provided to this project; and if he will make a statement on the matter. [20550/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The improvement of non-national roads in County Mayo is a matter for Mayo County Council to be funded from its own resources supplemented by grants provided by my Department.

In 2005, my Department sought applications from local authorities for funding under the 2006 EU Co-Financed Specific Improvements Grant Scheme. The initial selection of projects to be submitted for consideration for funding under this scheme is a matter for local authorities. Mayo County Council's submission did not include an application for works on the R312 Bellacorrick to Castlebar Road. It will be open to the Council to prioritise works on this route for funding under the EU Co-Financed Specific Improvement Grant Scheme in 2007, if eligible, when applications are sought later this year by my Department.

Mayo County Council may also use the discretionary improvement grant provided by my Department towards the carrying out of such works. The discretionary improvement grant allocation to Mayo County Council in 2006 is €1,603,000, an increase of 7% on the 2005 initial allocation. The selection of works to be funded from this allocation is a matter for Mayo County Council.

I also refer to the reply to Question No. 997 of 25 April 2006.

Local Authority Housing.

610. **Mr. Costello** asked the Minister for the Environment, Heritage and Local Government the reason it is taking five years or more for extensions to houses which have been approved on medical grounds or due to over-crowding; the further reason he will not make adequate funding available to the local authorities; and if he will make a statement on the matter. [20584/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The operation of the scheme of extensions to local authority houses is a matter for local authorities which is funded by my Department as part of their capital provision for the housing construction/acquisition programme. My Department has not received requests from local authorities for additional funding to undertake works under the scheme. It is matter for individual local authorities to determine the level of their programmes for the provision of extensions.

Water and Sewerage Schemes.

611. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the position regarding a project (details supplied) in County Mayo; the stage this project is at; the funding which has been allocated to same to date; the estimated funding to complete the project; and when is it hoped that this matter will be complete. [20588/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Belmullet and Foxford Sewerage Schemes are being advanced as a joint project under my Department's Water Services Investment Programme 2005-2007 and are approved to commence construction this year, at an estimated cost of €12.99 million.

Further consideration will be given by my Department to Mayo County Council's Preliminary Reports and Water Services Pricing Policy Reports for both schemes on receipt of the additional information requested from the Council last January. Once the Preliminary Reports have been approved the Council will be in a position to proceed with the preparation of Contract Documents.

Recycling Policy.

612. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government the reason the waste plastic was not collected from the farm of a person (details supplied) in County Sligo in view of the fact that they were advised that it would be collected and the fact that a collection was made in their local village

[Mr. Perry.]

in 2005; and if he will make a statement on the matter. [20596/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department has no function in relation to the operation of the farm plastics recycling scheme in individual cases. Under the Waste Management (Farm Plastics) Regulations 2001, producers — i.e. manufacturers and importers — of farm plastics (silage bale wrap and sheeting) are required to take steps to recover farm plastics waste which they have placed on the market or alternatively to contribute to, and participate in, compliance schemes to recover the waste in question. The Irish Farm Film Producers Group (IFFPG) is currently the sole approved body in Ireland for the purposes of implementing a compliance scheme for the recovery of farm plastics waste.

Under the IFFPG scheme, producers apply a levy on the sale of farm plastics that in turn is transferred to the IFFPG for use in funding the collection and recovery of farm plastics waste. It is estimated that around 8,500 tonnes (some 55%) of farm plastics placed on the market in 2004 were collected for recycling. An estimated 55,000 farmers availed of the collection service in 2004. IFFPG estimate that over 12,500 tonnes of farm plastics were collected in 2005.

In spite of the successful operation of the scheme in recent years, more recently it has become apparent that the Scheme lacked sufficient resources to satisfy the demand that existed for collections of farm plastics. I have therefore, following discussions with the IFFPG, farming organisations and local authorities, recently announced amendments to the scheme to support improved services to farmers. Under the new arrangements, the scheme will be funded by a combination of the existing levies paid by the producer members of IFFPG who run the scheme and funding from weight based collection charges to be paid by farmers availing of the service. This will improve the operational efficiency of the scheme by incentivising the presentation of clean, dry plastic by farmers. IFFPG estimate that a typical farmer will incur a cost of €50 every second year arising from the introduction of this charge. The effect of the introduction of a charge will be to ensure that supply of collections of farm plastics to farmers can match the demand on an ongoing basis.

In order to ensure that producer responsibility remains the principal source of funds for the IFFPG, minimum recovery/recycling targets, to be funded by producers placing this material on the market, are being set. The target will be 50% for 2006 and 2007 and this will rise to 55% by end 2008 and 60% thereafter.

In addition, to address the issue of accumulated backlogs of farm plastic, designated facilities will be provided this year on a temporary basis by local authorities where farmers may deposit stockpiled farm plastic. This will operate on a

pilot basis in the first instance in counties Galway, Clare, Mayo, Offaly and Waterford. It is planned to roll out this service to other areas after the initial trial, which will assist in determining the quantities of plastic likely to be recovered for recycling under this initiative. This service will be free to the farmer and funding to assist the local authorities will be made available from my Department through the Environment Fund. Arrangements are being put in place by the local authorities involved to proceed with collections at the earliest possible opportunity.

Further steps are also to be taken by IFFPG to improve traceability whereby the compliance scheme will now examine the question of introducing a register of suppliers. The purpose of this measure will be to support compliance with the requirements of the scheme and to reduce scope for unfair competition from 'free riders' in the market. Overall, this package of measures is designed to improve the efficiency of the IFFPG, reduce the scope for non-compliance and ensure that farmers can avail of a more reliable service.

Flood Relief.

613. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the flooding and safety concerns of residents at Captains Hill and Dun Carraig, Leixlip, County Kildare arising from the retaining wall constructed on foot of conditions emanating from the pre 2002 Planning Acts; if he has received correspondence from Kildare County Council requesting funding to alleviate the ongoing flooding or the strengthening of the retaining wall; if his attention has further been drawn to the need for action in this case having particular regard to the likely consequences in the event of further deterioration; and if he will make a statement on the matter. [20657/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department has received no such request for funding from Kildare County Council. I have, in any event, no function in relation to flood alleviation works which are primarily a matter for the Office of Public Works.

Grant Payments.

614. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government if he will ensure that the same rate of payment applies to all wet grassland areas in the Shannon Callows; and if he will make a statement on the matter. [20671/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department is currently in negotiation with farmers' representatives with a view to agreeing an appropriate level of payment for the management regime to be applied to the Shannon Callows. The rate of

payment must fairly reflect the restrictions required on farming as well as delivering value for the public expenditure involved.

Water and Sewerage Schemes.

615. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government the situation regarding the proposed sewerage improvement works for Mullingar, County Westmeath; and if he will make a statement on the matter. [20673/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Mullingar Sewerage Scheme is included in my Department's Water Services Investment Programme 2005-2007 as a scheme to commence construction this year at an estimated cost of €72.11m.

Westmeath County Council's Tender Documents for the treatment plant element of the scheme are under examination in my Department and are being dealt with as quickly as possible. The Council will be in a position to invite tenders for the treatment plant, which is being procured as a Design/Build/Operate contract, following approval of the Tender Documents. My Department is awaiting additional information from the Council in relation to the Contract Documents for the sewage collection network which is being procured as a separate traditional type contract.

616. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government the date on which documents were received from Westmeath County Council concerning the proposed sewerage works for Rochfortbridge; if he will approve these tender documents; and if he will make a statement on the matter. [20674/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Rochfortbridge Sewerage Scheme has been approved for funding in my Department's Water Services Investment Programme 2005-2007 under the Serviced Land Initiative. Westmeath County Council's tender recommendation for the scheme was submitted on 3 April last and I expect a decision to issue to the Council shortly. Following approval of the tender recommendation the Council will be in a position to proceed with the works.

617. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government if he will confirm that tender documents are awaiting approval for the Athlone sewerage scheme; the date on which these documents were received; and if he will make a statement on the matter. [20675/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Athlone Main Drainage Scheme is included in my Department's Water Services Investment Programme

2005-2007 as a scheme to commence construction this year at an estimated cost of €10.4m. My Department has requested additional information from Westmeath County Council to facilitate further consideration of the Council's Preliminary Report for the scheme. Following approval of the Preliminary Report the Council will be in a position to prepare Tender Documents.

National Parks.

618. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government the efforts being made by State agencies in providing visitor facilities and signage for the Burren National Park; the reason no work has taken place on these issues since the demolition of the Burren centre at Mullaghmore in 2001; and when work on the draft management plan for the Burren will commence. [20690/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Improvements have been made by the National Parks and Wildlife Service of my Department to visitor-related facilities in the Burren area since 2001. In that year, some €896,000 was provided towards the Burren Display Centre at Kilfenora, which includes interpretative material on the Burren National Park. More recently, a number of small lay-bys for limited car parking, as well as road improvement works surrounding the National Park, have been carried out in conjunction with the County Council.

My Department recently met with Clare County Council to discuss a proposal prepared by them, as Lead Partner, for a major visitor management initiative in the wider Burren area, including the Burren National Park. The proposal is expressly linked to the environmental protection of this unique and sensitive landscape and is being undertaken in partnership with a wide range of stakeholder groups.

The overall objective of this proposal, which is titled "Environmental Protection of the Burren through Visitor Management Initiative" is to protect and maintain the natural environment, while developing a visitor management strategy that promotes its sustainable use by visitors. It will also demonstrate best practice associated with the integration of environmental protection, rural development and tourism development in the protection of the heritage and landscape of the Burren region; advance and integrate several existing community, nature conservation, archaeological and tourism initiatives that are operating in the Burren; and combine these with infrastructural improvements to be undertaken by the local authority.

On foot of a request to my Department, I have agreed to become a partner in this initiative and have committed €210,000 in capital funding over three years, beginning in 2007. This is in addition to the resources that will be expended by my Department directly on national monuments, nat-

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ure conservation and National Park issues in the area. Officials from my Department will also participate on the steering and advisory groups which will oversee this proposal.

A new management planning process is being put in place for all six of our National Parks, including the Burren National Park, on a phased basis. Management Plans have already been published for Wicklow Mountains and Killarney National Parks. Work on the Burren National Park Management Plan will begin this year.

Fire Stations.

619. **Mr. McGinley** asked the Minister for the Environment, Heritage and Local Government if an application has been received for the provision of a new fire station at Ballybofey, Stranorlar, County Donegal; when the application was received; the stage it is at; and when the allocation will be made in order that work can proceed on the new station. [20874/06]

620. **Mr. McGinley** asked the Minister for the Environment, Heritage and Local Government if an application has been received for the provision of a new fire station at Glencolmille, County Donegal; when the application was received; the stage it is at; and when the allocation will be made in order that work can proceed on the new station. [20875/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O’Keeffe): I propose to take Questions Nos. 619 and 620 together.

An application from Donegal County Council for approval to construct new fire stations at Ballybofey/Stranorlar and Glencolmille was received in my Department on 15 February 2006. The application is now being considered having regard to the overall availability of resources and priorities under the fire services capital programme.

Services for People with Disabilities.

621. **Mr. Boyle** asked the Minister for the Environment, Heritage and Local Government the number of newly built houses since 1997 by local authority area that are fully adapted for wheelchair use. [20927/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The information requested is not available in my Department. Amendments to Part M (Access for People with Disabilities) of the Building Regulations which came into effect on 1 January 2001 require all new dwellings, subject to certain transitional arrangements, to be accessible to people with disabilities. Compliance with the regulations including Part M is primarily the responsibility of the builders and owners of buildings.

Election Management System.

622. **Mr. Quinn** asked the Minister for the Environment, Heritage and Local Government if his Department has given one or more of its electronic voting machines to the Commission on Electronic Voting for examination or storage at their offices; if his Department has given access to one or more of its electronic voting machines to the CEV at the Customs House or another location; the documents or items provided to the Commission on Electronic Voting by his Department since January 2005; the list of items or documents requested by the CEV from his Department since its inception that have not been provided to date and in each case the reason said document has not been supplied; and if he will make a statement on the matter. [20928/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department is co-operating fully with the Commission on Electronic Voting, which has an independent mandate to report to the Ceann Comhairle on the secrecy and accuracy of the electronic voting and counting system. The Department has facilitated all requests from the Commission to enable it to carry out its work in this regard, including by providing to the Commission a number of electronic voting machines as well as extensive documentation on the system.

Genetically Modified Organisms.

623. **Dr. Upton** asked the Minister for the Environment, Heritage and Local Government the councils, county or otherwise, which have notified his Department of the passing of motions regarding their opposition to the growth of Genetically Modified Organisms within their jurisdictions. [20942/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Cavan, Clare, Meath and Roscommon County Councils, and Trim and Passage West Town Councils, have written to my Department expressing, in one form or another, their opposition to GMOs.

Homeless Persons.

624. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government if he has considered the impact for homelessness of the intended closure of mental hospitals in the near future. [20943/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The Report of the Expert Group on Mental Health Policy, which was published by the Tánaiste and Minister for Health and Children in January 2006, recommends, inter alia, the closure of all the remaining mental hospitals and the re-investment of the resources realised as a consequence in the mental health services.

The further development and reorientation of services for homeless persons will be taken forward in the context of a revised Government strategy on homelessness which is currently being prepared by my Department, under the aegis of the Cross Department Team on Homelessness, which includes representation from the Department of Health and Children. In this context, I would note in particular the recommendation contained in the Independent Review of the Implementation of Homeless Strategies that dedicated long-term supported accommodation staffed on an ongoing basis by health workers must be provided to cater for the very specific needs of persons experiencing severe psychiatric problems who have difficulties with an independent living environment. My Department will continue to work with the Department of Health and Children and the Health Service Executive to ensure a co-ordinated approach to the ongoing provision of housing services for persons with mental health issues.

625. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government the financial provisions in respect of homelessness for each year since 2000 provided to local authorities and other state bodies, and the voluntary sector. [20945/06]

626. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government the number of homeless persons being accommodated by each of the voluntary sector agencies. [20946/06]

627. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government the number of homeless persons for whom emergency accommodation is being directly provided by the local authorities and by the Homeless Persons Units of the Health Service Executive. [20947/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 625 to 627, inclusive, together.

Local authorities are responsible for meeting the accommodation needs of homeless persons. It is consequently a matter for individual authorities to determine the level and category of accommodation to be provided, having regard to the need for such accommodation within their areas. Information on the number of homeless persons housed by local authorities in emergency accommodation, i.e. hostels and bed and breakfasts, was collated as part of the overall Assessment of Housing Need carried out in March 2005, the results of which will be published shortly.

My Department recoups to local authorities 90% of their expenditure on the provision of accommodation and related services for homeless persons in accordance with the provisions of Section 10 of the Housing Act 1988. Details of

such expenditure for each year 2000 to 2005 are set out in the following table.

Year	Expenditure in accordance with Section 10 of the Housing Act 1988
	€m
2000	15.840
2001	32.056
2002	42.989
2003	49.254
2004	45.720
2005	44.095

Capital funding is available through my Department's Capital Assistance Scheme to approved voluntary housing bodies to provide accommodation to meet special housing needs, such as those of homeless persons. Funding was approved for 1,155 units of accommodation, to be provided by the voluntary sector, for homeless persons during the period 2000 to 2005.

The further development and reorientation of services for homeless persons, including the recommendation contained in the Independent Review of the Implementation of Homeless Strategies that a common information gathering system establishing the causes, extent and nature of homelessness be rolled out to all areas of the country, will be taken forward in the context of a revised Government strategy on homelessness which is being prepared by my Department.

EU Directives.

628. **Ms F. O'Malley** asked the Minister for the Environment, Heritage and Local Government if he will launch an information campaign to alert people to the existence and benefits of an energy performance building directive. [20948/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The draft Action Plan for the Implementation of the EU Energy Performance of Buildings Directive (2002/91/EC) in Ireland was published for consideration in April 2005 by Sustainable Energy Ireland (SEI), on behalf of an Interdepartmental Working Group comprising senior officials from my Department, Department of Communications, Marine and Natural Resources, and SEI. Following completion of the consultation process, I intend to approve the definitive Action Plan shortly and to submit it to the EU Commission.

Section 5 of the draft plan has already set out proposals for a comprehensive promotional and information campaign to inform the general public and business industry. This will be launched in good time by Sustainable Energy Ireland (SEI), and continued through the implementation period 2006-2009.

Local Authority Funding.

629. **Ms O. Mitchell** asked the Minister for the Environment, Heritage and Local Government the reason the amount of Exchequer funding drawn down by local authorities under the Regional Roads Signposting Programme for non-national roads remains below that allocated; the measures used by his Department to encourage local authorities to avail of this funding; and if he will make a statement on the matter. [20949/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Local authorities are responsible for the provision of road traffic signs on non-national roads. However, in line with a commitment in the Programme for Government to put in place a new 5 year plan to ensure that non-national roads are properly sign-posted, my Department introduced a new Regional Roads Signposting Programme for non-national roads in 2003. It is proposed that directional signs on all regional roads throughout the country will be upgraded under the programme. Progress under the scheme and the sequencing of such signposting is a matter for the relevant local authority.

Activity on the programme has been slower than originally anticipated due to the need for clarification of the legislative provisions regarding the use of Irish text on road traffic signs. This has been the subject of discussion between the Department of Transport and the Department of Community, Rural and Gaeltacht Affairs. Clarification of the legislative provisions has been received from the Department of Transport and it is anticipated that local authorities will now be in a position to proceed with works under the programme without further delay.

Control of Dogs.

630. **Ms O. Mitchell** asked the Minister for the Environment, Heritage and Local Government his views on a ban on the ownership of pit-bull terriers and other dangerous breeds of dogs. [20950/06]

Minister for Agriculture and Food (Mary Coughlan): Statutory responsibility for the control of dogs lies with the Minister for the Environment, Heritage and Local Government under the Control of Dogs Act, 1986. My Department is responsible for applying EU controls on the importation of dogs from the perspective of disease control, primarily protection from rabies. The controls do not include provisions for banning the importation of particular types of dogs.

Urban Renewal Schemes.

631. **Dr. Upton** asked the Minister for the Environment, Heritage and Local Government if he will investigate the case of a person (details supplied) in Dublin 8, who, having received a first

stage certificate from Dublin City Council for the living over the shop scheme, and having paid to renovate their property, is being refused a certificate of reasonable cost; the procedures they might follow in order to appeal his Department's refusal to provide a certificate of reasonable costs; and if he will make a statement on the matter. [20951/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): A Certificate of Reasonable Cost cannot issue in this case as contrary to a condition of the scheme, the floor area exceeds the maximum limit of 125 square metres. On receipt of an appeal, together with supporting documentation, a further inspection will be arranged to establish if the house, as built, satisfies the floor area requirements under the scheme.

Water and Sewerage Schemes.

632. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government the position in relation to the proposed new sewerage scheme for Coole in County Westmeath, as this infrastructural development is important in this large geographical area; and if he will make a statement on the matter. [20971/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Question No. 578 of 4 April 2006.

633. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government the position in relation to the application to provide a sewerage scheme for Finea Village, County Westmeath; and if he will make a statement on the matter. [20972/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Finea Sewerage Scheme is included in my Department's Water Services Investment Programme 2005 — 2007 as a scheme to advance through planning at an estimated cost of €2.04 million. My Department is awaiting additional information requested from Westmeath County Council in relation to the Council's Preliminary Report and Water Services Pricing Policy Report for the scheme.

634. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government the status of the application to provide a sewerage scheme for Castletown Geoghan, County Westmeath; and if he will make a statement on the matter. [20973/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department conveyed approval to Westmeath County Council in April 2005 to proceed with the Castletown-

Geoghegan Sewerage Scheme as an independent project. The scheme is being funded under my Department's devolved Rural Water Programme and it is, accordingly, a matter for the Council to arrange for the invitation of tenders and the commencement of work.

Local Authority Housing.

635. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government the position in relation to the proposals to upgrade and refurbish, by way of remedial works at Ennell Court, Mullingar, and if the necessary additional funding will be provided to ensure additional phases of this work will be undertaken in the remainder of 2006 and 2007; and if he will make a statement on the matter. [20974/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Westmeath County Council are currently undertaking a pilot phase involving refurbishment work to ten of their rented houses at Ennell Court in Mullingar which is being funded under my Department's Remedial Works Scheme. My Department is forwardly disposed to fund further phases of the overall project provided a positive evaluation of the pilot project is forthcoming in terms of suitability of the programme of works, and its cost and impact on the regeneration of the area.

Water and Sewerage Schemes.

636. **Mr. Connaughton** asked the Minister for the Environment, Heritage and Local Government the position regarding a group (details supplied) in County Galway; and if he will make a statement on the matter. [20977/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Responsibility for the administration of the Rural Water Programme, including grants and other assistance to group water schemes, has been devolved to local authorities since 1997 and I have no direct function in relation to individual cases.

Control of Dogs.

637. **Mr. Eamon Ryan** asked the Minister for the Environment, Heritage and Local Government the estimated number of healthy dogs which ended up in dog pounds here in 2005; and the number of healthy dogs that were destroyed in the same year. [21047/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The figures supplied to my Department by local authorities relate to the number of unwanted or stray dogs in dog pounds, the number re-homed and the number destroyed. The number of dogs in dog pounds at 31 December 2004 was 178. Figures for

2005 are being compiled at present but it is estimated that 147 dogs were in dog pounds at 31 December 2005. The number of dogs being destroyed has decreased from 27,848 in 1997 to 16,598 in 2004. It is estimated that approximately 16,200 dogs were destroyed in 2005. The number of stray dogs being re-homed each year has increased from 4,681 in 1998 to 7,939 in 2004. It is estimated that approximately 8,700 stray dogs were re-homed in 2005.

638. **Mr. Eamon Ryan** asked the Minister for the Environment, Heritage and Local Government his views on inserting a microchip into each dog which is to be re-housed from dog pounds in order that lost dogs can be reunited with their owners. [21048/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Control of Dogs Regulations 1998 require the owner or other person in charge of a dog to ensure that the dog at all times wears a collar bearing the name and address of the owner on an attached plate, badge or disc. The regulations contain penalties for non-compliance with this requirement or for defacing or rendering illegible the above particulars. These arrangements followed consideration of all practicable options for ensuring identification of dogs, including that of micro-chipping, and are being kept under review.

Local Authority Funding.

639. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government if funding is due by his Department to Wicklow County Council for the purchase of Tomnafinnog Wood, Coolattin, County Wicklow; and if he will make a statement on the matter. [21093/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Funding due to Wicklow County Council was paid over by my Department to the Chief State Solicitor in March 1996. This money is still being held by the Chief State Solicitor pending finalisation of legalities with the solicitor for Wicklow County Council.

Library Projects.

640. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government if funding was allocated to Wicklow County Council for the development of the library at Baltinglass, County Wicklow; and if so when and the amount. [21094/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In 1999, my Department allocated €96,500.09 to Wicklow County Council for the purchase of furniture, shelving and book stock for a temporary library facility at Baltinglass. At the time it was proposed

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that these fittings would be transferred to a new premises on completion. A total of €91,312.45 of this funding was drawn down by Wicklow County Council.

Also in 1999, my Department gave approval in principle to the provision of funding for the construction of a new branch library at Baltinglass as part of the 1999-2002 Capital Expenditure Programme. Funding was to be in the region of €523,132 based on the Council's estimates of cost at the time. However, as a modern library facility was later included in Baltinglass Courthouse/Heritage Centre, Wicklow County Council decided not to proceed with the proposal to provide a new library building at Baltinglass.

Local Authority Funding.

641. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government the breakdown by county of the funding allocated to the local improvement scheme for 2006; and if he will make a statement on the matter. [21103/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Details of the 2006 Local Improvements Scheme grant allocations by my Department to County Councils are set out in the table.

County Council	2006 Allocation €
Carlow	196,227
Cavan	1,648,761
Clare	1,446,161
Cork	1,889,115
Donegal	3,324,853
Galway	1,603,795
Kerry	2,317,910
Kildare	111,268
Kilkenny	493,612
Laois	612,428
Leitrim	1,214,415
Limerick	739,559
Longford	792,432
Louth	202,096
Mayo	3,200,180
Meath	133,967
Monaghan	1,423,587
North Tipperary	297,108

County Council	2006 Allocation €
Offaly	306,718
Roscommon	491,330
Sligo	747,704
South Tipperary	292,554
Waterford	319,889
Westmeath	191,652
Wexford	603,824
Wicklow	398,855
Total	25,000,000

Departmental Correspondence.

642. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government when an inspection will be carried out for a person (details supplied) in County Sligo; and if he will make a statement on the matter. [21106/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): An inspection with a view to the issuing of a Certificate of Compliance, if in order, is being arranged and will be carried out as soon as possible.

Noise Pollution.

643. **Mr. N. O'Keeffe** asked the Minister for the Environment, Heritage and Local Government the regulations on wind farms in relation to noise pollution. [21111/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): There are no specific provisions in Regulations within my Department's remit in relation to noise from wind farms. However, I intend shortly to publish revised Planning Guidelines for Wind Energy Development. These Guidelines will, inter alia, provide advice for planning authorities in relation to noise from wind energy developments, including noise issues that could be addressed through the attachment of conditions to planning permission granted for such developments.

Under the Environmental Protection Agency Act 1992 (Noise) Regulations 1994, a local authority, the Environmental Protection Agency, or any individual or group of individuals, may seek an order in the District Court to have noise that is giving reasonable cause for annoyance abated.