



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Tuesday, 13 June 2006.

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DÁIL ÉIREANN

—
Dé Máirt, 13 Meitheamh 2006.
Tuesday, 13 June 2006.
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Chuaigh an Ceann Comhairle i gceannas ar 2.30 p.m.

—
Paidir.
Prayer.
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Ceisteanna — Questions.

Northern Ireland Issues.

1. **Mr. J. Higgins** asked the Taoiseach if he will report on his contacts with the parties in Northern Ireland. [17722/06]

2. **Mr. Kenny** asked the Taoiseach if he will report on recent developments in the Northern Ireland peace process; and if he will make a statement on the matter. [18043/06]

3. **Mr. Kenny** asked the Taoiseach if he will report on his recent contacts with the political parties in Northern Ireland; and if he will make a statement on the matter. [18044/06]

4. **Mr. Kenny** asked the Taoiseach if he will report on his recent contacts with the British Government; and if he will make a statement on the matter. [18045/06]

5. **Mr. Kenny** asked the Taoiseach if he will report on his recent meeting with the British Prime Minister on the margins of the EU-Latin America Summit in Vienna; and if he will make a statement on the matter. [19090/06]

6. **Caoimhghín Ó Caoláin** asked the Taoiseach if he will report on his most recent contacts with the British Prime Minister in regard to the Irish peace process; and if he will make a statement on the matter. [19166/06]

7. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on his most recent contacts with the political parties in Northern Ireland. [19216/06]

8. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on his recent contact with the British Government regarding developments in Northern Ireland. [19217/06]

9. **Mr. Rabbitte** asked the Taoiseach his plans for a meeting with the British Prime Minister, Mr. Tony Blair, to discuss the situation in Northern Ireland. [19218/06]

10. **Mr. F. McGrath** asked the Taoiseach the position regarding recent developments in Northern Ireland. [19372/06]

11. **Mr. Sargent** asked the Taoiseach if he will report on recent contacts he has had with the political parties in Northern Ireland; and if he will make a statement on the matter. [20716/06]

12. **Mr. Sargent** asked the Taoiseach if he will report on his most recent contacts with the British Prime Minister, Mr. Tony Blair, regarding developments in Northern Ireland; and if he will make a statement on the matter. [20717/06]

13. **Mr. Sargent** asked the Taoiseach if he will report on recent developments in the Northern Ireland peace process; and if he will make a statement on the matter. [20718/06]

The Taoiseach: I propose to take Questions Nos. 1 to 13, inclusive, together.

There are ongoing contacts with all Northern Ireland political parties. I last met Sinn Féin, the SDLP and the Alliance Party on 30 March. The Northern Ireland Assembly reconvened for the first time in three and a half years on Monday, 15 May. Its purpose is to prepare for the re-establishment of the devolved Executive as soon as possible and, in any event, before 24 November. We believe this is a fair and reasonable deadline.

We hope that the creation of the preparation for Government committee, which met for the first time on 5 June, will allow all the parties to engage with one another and begin addressing the issues relevant to the restoration of the Executive. We want to see early progress made to this end. Yesterday's announcement on arrangements for chairing this committee is welcome although I am conscious of the time already lost. It would be deeply disappointing if constructive effort and engagement could not be reported when the British Prime Minister, Mr. Blair, and I meet the parties in Belfast later in the month.

Time is limited and it is therefore essential that all the parties seriously commit themselves to the process that Mr. Blair and I initiated in April. In particular, there is an obvious need for the DUP to engage with Sinn Féin. These are the parties with the largest mandates and the largest responsibilities. They will occupy the positions of First Minister and Deputy First Minister in the event of restoration. It is important that they and the other parties use the time available to address the issues that stand in the way of restoration.

The Governments have repeatedly said that we hope that a plan B will not be necessary. However, as joint stewards of the process, we

[The Taoiseach.]

have also made clear that such a plan will be implemented, if necessary.

I met the Prime Minister, Mr. Blair, on the margins of the EU, Latin America, Caribbean Summit in Vienna on 11 April. At that meeting, we briefly discussed the return of the assembly on 15 May and our hopes for the restoration of the Executive.

On 22 May, I met Mitchell Reiss, the US special envoy to Northern Ireland. We discussed current developments, including our common wish for the earliest possible restoration of a power-sharing Executive.

Mr. J. Higgins: It is clear that the assembly in Northern Ireland is now in a shambolic situation. The parties could not even agree on a chairperson for the committee that is supposed to steer a power-sharing Executive. They may not be able to agree an Executive in the autumn and if they do, it will not last long.

Does the Taoiseach now accept that what is being laid bare is the disintegration of the structures put in place by him, the British Prime Minister, Mr. Blair, and the political establishment on this island and in Britain because those structures were based on permanent sectarian blocs? The structures were put in place on a false basis of institutionalised sectarianism.

The dreadfully tragic death of Michael McIlveen and the growing anecdotal evidence of tensions of a sectarian character within communities makes it clear where the solution to this problem can be found. It is clear that will not be found in the institutionalisation of sectarian divisions in the political system but in a radical new working class politics based on the principle of bringing working class people together rather than pushing them into the arms of sectarian politicians.

Did the Taoiseach have the opportunity to discuss with the British Prime Minister, Mr. Blair, the situation regarding extraordinary renditions and the fact that EU Governments may be assisting in the kidnapping of suspects to facilitate their transit to the United States or other countries for interrogation? Is the Taoiseach concerned at emerging developments regarding the possible proof that Shannon Airport has been used for such renditions—

An Ceann Comhairle: That matter does not arise under the questions before us.

The Taoiseach: The assembly has been back in session since 15 May. The British Prime Minister, Mr. Blair, and I will meet the parties later this month. It would be disappointing if, by that stage, the parties had not moved beyond procedural wrangling and trench warfare. They have responsibilities which they must discharge. Yesterday's agreement, finally, on arrangements for chairing the preparation for Government committee is welcome, although I am conscious of the

time already lost and the issues concerning how much work will be done.

The committee must get down to serious discussions immediately and there must be a clear realisation that the Governments are firm about the deadline of 24 November. That is a legislative deadline passed by the House of Commons. It is not just a date in the calendar and any party that believes the deadline is moveable is making a serious error of judgment. It is increasingly clear that the patience of the Northern Ireland electorate is being tested. The overwhelming sense is that people want the politicians to get on with bringing devolution back, and that is what we want them to do as well, without waiting for some other structure or resolution.

I do not agree with the first of the Deputy's comments but I agree with what he said about sectarian divisions, which are always unhelpful and create bitterness, tragedy and difficulties. The basis of the Good Friday Agreement is cross-community support. In a society like Northern Ireland that has been divided for generations, the only way to make progress and for everyone to deal with their agendas and issues is on a cross-community basis. That is why the Executive and Assembly are structured in the way they are. It is not a resolution by Prime Minister Blair and me, it is an agreement between the parties in Northern Ireland supported by people North and South in a democratic referendum. It has the strength of the people. We now require the parties to implement it and if they moved forward with devolution in place, we would have fewer difficulties.

I have said many times on sectarianism that so much of what happens in Northern Ireland is fomented in one form or another around sectarian division, whether it is marches, causes or issues. It is an ongoing problem, how people are forced to move from certain areas, how people are pressed into sectarian areas and how those territories are marked out. All these create difficulties but there is no simple resolution to them. If there was, it would have been found long ago. It is a democracy, people have a right to vote and they vote for parties that they support.

I welcome Reg Empey's acknowledgement in the context of the David Ervine controversy of the responsibilities of Unionist parties to bring loyalist violence to an end. That was useful. Reg Empey's frank and courageous assertion that loyalists have been used by Unionist leaders is a welcome acknowledgement that the past is not as clear-cut as some might suggest. It is refreshing and healthy to hear Reg Empey's focus on the responsibility that Unionist politicians bear for encouraging groups like the Third Force and Ulster Resistance. It is a signal of recognition of the difficulties of the past.

Mr. J. Higgins: Did the Taoiseach discuss rendition with Mr. Blair?

The Taoiseach: No.

Mr. J. Higgins: Is the Taoiseach alarmed by the emergence of evidence about rendition flights passing through Shannon Airport?

An Ceann Comhairle: That does not arise. These questions refer to Northern Ireland and we have already spent 15 minutes on the Deputy's question.

Mr. Kenny: Last night, "Prime Time Investigates" was about the extent of the involvement of Irish criminals in the international illegal drugs market, including Colombia, where FARC is heavily involved. Arising from the clear statement by the Minister for Justice, Equality and Law Reform about the involvement of the IRA with FARC, will the Taoiseach indicate the current position on the request to deal with the Colombia Three?

Mr. Mitchell Reiss, the US special envoy for Northern Ireland, has said that in his opinion, as in the opinion of many others, there is no reason Sinn Féin could not join the Policing Board and support the Police Service of Northern Ireland. In his contacts with Northern political parties, has the Taoiseach discussed policing? In particular, following those discussions, does he believe Sinn Féin will move to join the Northern Ireland Policing Board? The Taoiseach obviously hopes that the 24 November deadline will see the re-emergence of the Assembly in its own right. What are his views on that?

On 10 March 2006, a lorry containing spirits worth millions of euro was hijacked in County Meath. Of the men arrested in connection with the crime, two were known to have been members of the Provisional IRA, and one had been released early from prison under the Good Friday Agreement. Everyone in the House will agree that people were not released early in order to conduct such activities.

In its tenth report, the International Monitoring Commission said there were indications that some members of the IRA, including senior ones, were still involved in crime, including offences such as fuel-laundering, money-laundering, extortion, tax evasion and smuggling. It also stated that it saw no reason to revise its view that money as a strategic asset was central to the organisation's activities and that the long-term exploitation of discreetly laundered assets gained illegally was continuing here. That IMC statement must obviously be taken very seriously. Previously, it had noted that the Northern Bank robbery was conducted by the IRA, a heist planned alongside sensitive political negotiations taking place at the time. What is the Taoiseach's information regarding the hijack of the lorry and the resolution of the Northern Bank raid?

The Taoiseach: The next IMC report is due in October, a critical time in the peace process. I

am sure some of the issues Deputy Kenny has mentioned will be addressed in it. Ongoing criminality in Northern Ireland, which may overflow into this jurisdiction, is of concern. Criminality of any kind cannot be tolerated, and the Garda and PSNI are making significant progress in dealing with the issue. The Deputy will have noted the co-operation of the Criminal Assets Bureau, backed up by the Garda, the Army and special units with the Northern Ireland authorities to break some of the gangs and groups who have been involved in this. The Sinn Féin leadership has also condemned that criminal activity, an important signal in its own right.

We outlined our position on Colombia through diplomatic channels in November or December. I do not think we have heard back from the Colombians, although I endeavoured to meet them on the fringes of the EU-LAC summit. We had a meeting arranged, but political difficulties in Colombia meant that the other party had to cancel. I am not aware of the Department of Justice, Equality and Law Reform having heard anything. We set out our position and outlined the procedures regarding the courts and how the judicial process works here in the early winter. Garda investigation of the Northern Bank raid continues, and it still has several people working on it.

The report last week by the Police Oversight Commissioner for Northern Ireland, Mr. Al Hutchinson, indicated that policing need not be an issue there, which is also my view. Given the reforms already in place and the fact the Patten report has been all but implemented, I hope the debate within republicanism can move on too. I welcome the extent to which the republican leadership recognises that the issue must be resolved.

Inevitably, there will be renewed focus on all these issues over the coming months as we move forward. We know that in the context of the last comprehensive discussions held in 2004, Sinn Féin was prepared to move forward on policing, including the need for security and justice issues to be devolved to the Northern Ireland Executive. I welcome any early dialogue between the parties on this issue, possibly within the context of the preparation for Government committee.

As its name suggests, this committee is concerned with the restoration of devolved Government and preparations to reform the Executive and take on the responsibilities on the basis set down in the Good Friday Agreement and what has been worked out in great detail for a long period. All these issues can be discussed and I hope the parties can enter into dialogue on these substantive issues and move on from painful weeks of procedural wrangling. I hope they can put this behind them and address the substantive issues.

It is pointless wrangling over these issues. There is important business to attend to in Northern Ireland, not least yesterday's announce-

[The Taoiseach.]

ment by the Secretary of State for Northern Ireland, Peter Hain MP, that the first steps have been taken to revise the entire education system in Northern Ireland. This is a significant policy change which will affect the young people of Northern Ireland and their parents. The timeline for the process announced by Mr. Hain allows for locally elected politicians in the North to have a final say on an important part of this process if they agree to restore the assembly and Executive before the deadline set out in legislation. They will have an opportunity to play a role in the discussions on and decisions regarding the abolition of the 11-plus examination. If they do not reach agreement, the ban on academic selection will become law as soon as the deadline expires.

This is only one of a range of issues that are now progressing without the involvement of the political process and elected politicians in Northern Ireland. If for no other reason, I urge locally elected politicians to engage with the process and give themselves the opportunity to make real decisions affecting the lives of ordinary people who went to the trouble of electing them.

Caoimhghín Ó Caoláin: Does the Taoiseach agree that a comprehensive examination of the issue of collusion is critical to the success of the entire peace process? Did he note the attempt to kill Mark Haddock, a British agent within the Ulster Volunteer Force, which took place a fortnight ago? Does he agree that it has been widely accepted for some time that the attempt to bomb the Sinn Féin office in Monaghan town in March 1997 was the work of Mark Haddock and at least one other paid British special branch agent from the same Mount Vernon UVF gang? Has the Taoiseach noted that this assertion has been confirmed by Trevor McIlwrath, a former member of the criminal investigation department in the RUC, on BBC television and that Mr. McIlwrath also confirmed that the RUC had advance knowledge of the plan?

Was the Garda Síochána given advance information by the RUC in respect of this bomb attack? I previously asked this question but received no reply. If the Taoiseach does not have the information, he should certainly try to acquire it. The bomb targeted my political office but, thankfully, the explosive device failed to go off and no injury or damage was inflicted. Does he recall that there is a clearly established pattern of RUC special branch agents being killed before the full truth surrounding their activities has been established? Does he agree it is now more crucial than ever for the Government to press the British Prime Minister to hold a special summit with the Taoiseach to address the issue of collusion? This must be done if some of the truth in respect of the activities of British agents in this State over a protracted period is ever to be established.

Will the Taoiseach require the British Prime Minister, Tony Blair, to ensure that those within

the British system who were controlled and directed by it and who, in turn, controlled and directed the loyalist gangs that operated from the earliest years of the conflict will be made available to scrutiny to establish the full facts? As the leader of Government and the recognised leading voice on Irish nationalism, will the Taoiseach ensure that this position is arrived at, at the earliest opportunity?

The Taoiseach: The shooting of Mark Haddock on 30 May was a shocking and appalling incident. I understand that two men have been charged with the attempted murder of Mr. Haddock and remanded in custody at Belfast Magistrate's Court until 4 July. The PSNI is investigating this matter fully and, as such, it would be inappropriate of me to comment further.

I am aware of all the issues concerning the involvement of Mark Haddock in incidents referred to by Deputy Ó Caoláin, but I obviously do not have proof of these issues. Some weeks ago, we discussed in the House the matter in respect of the case of Raymond McCord. Mr. Haddock has been widely talked about for some years as someone involved in leading a gang, including the gang that attempted to bomb the Deputy's office, and a lot of other cases where people were killed.

That has been the position. It all forms part of an enormous investigation by the Police Ombudsman, Mrs. Nuala O'Loan, into the police's handling of an inquiry into the murder of Raymond McCord Jnr by the UVF. The inquiry also covers claims of collusion between the former RUC Special Branch and the loyalist groups and loyalist paramilitaries. The Deputy's point is that all this leads to an enormous amount of collusion. We have raised this matter time and again.

Lest I forget, Mrs. O'Loan's son was viciously assaulted yesterday morning. He got a ferocious beating in an appalling incident. I put on record my unequivocal condemnation of it. Our thoughts are with Mrs. O'Loan and her family at this time. The PSNI is investigating that matter and it would be inappropriate of me to comment further. Her son had several bones broken and received severe injuries. She does her utmost to do a good job in all these cases. I do not want to jump to conclusions on who was involved. From what I have heard, it might be the wrong assumption to make. I record my sympathy with the O'Loan family and will not comment on who was involved, other than that it is a barbaric group, whichever side it purports to represent.

We have raised the issue of collusion, particularly in respect of a number of incidents, such as the Finucane case. We pursued it and continue to pursue it. There is no need for a special summit because we use every opportunity to raise it and we will continue to do so. As Deputy Ó Caoláin knows better than I, evidence of the level of collusion and of the involvement of informers and insiders

3 o'clock

appears to grow all the time. In the interests of progress it is necessary for such activities to stop because it is more difficult to bring sanity to the situation the longer they persist. We cannot investigate every single event in the past because we would never make progress if we did. However, we will continue to focus on the Pat Finucane inquiry and other areas of collusion on which we have focused in the past year or two.

Mr. Rabbitte: I join the Taoiseach in deploring the vicious attack on the son of the Police Ombudsman for Northern Ireland, Mrs. Nuala O'Loan. Like the Taoiseach I do not want to draw any conclusions but it is a very worrying reflection on the nature of civil society in Northern Ireland that such a vicious, cruel assault should have been inflicted on a young man.

What is the status of the various amendments to the Good Friday Agreement, which were the subject of a comprehensive agreement in December 2004? Have they been withdrawn or are they to form the basis for the negotiations which will I hope take place shortly?

What is the Taoiseach's view on the latest report of the Police Oversight Commissioner? Does he share his concerns about MI5 being given primacy in security matters? Has the Taoiseach taken the opportunity to raise the question of restorative justice committees with Prime Minister Blair? Is there any appreciation on the British side of the concern in the wider community in Northern Ireland about the influence these committees will have with statutory backing, if for example, as is feared in a number of areas about which I have received representations, they are captured by former paramilitary people, who with the official support that is there for the work of restorative justice committees hold sway over communities in a fashion that I am sure the Taoiseach would not countenance?

The Taoiseach: The amendments to which the Deputy referred were agreed between the Governments, the DUP and Sinn Féin as part of the 2004 comprehensive agreement that dealt with the operational strands one, two and three of the Agreement. They were discussed throughout 2004 as part of the ongoing review of the operation of the Agreement. Some of the operational changes were rather technical but they formed the basis on which the DUP were prepared to work the Agreement in early December 2004. They did not form part of the recent legislative changes passed by the British Government and were excluded from the new Bill. We will inevitably have to revisit them in the coming weeks. I assume most will form part of the DUP demands during the negotiations. The British emergency legislation which provided for the return of the Assembly on 15 May did not address the matter so further legislation will be required if any of the amendments are subsequently agreed. There are sensitivities over the issues and the SDLP had

very strong views at the time. In the context of an assured restoration of the Executive, I hope it will be possible to reach agreement on these amendments. At the moment, however, they are not law. They are not under discussion but I assume they will come back into play during the year, most of them from the DUP side. In fairness, it must be remembered that it was the DUP's right under the review clause of the Good Friday Agreement that there would be a review after a period of years. The amendments emanated from that review and had to be compatible with the Agreement. Since the DUP had not supported the Agreement in the first place, it was obvious that it would seek legislative changes on some issues.

Last week, the Oversight Commissioner published the 16th report on policing reforms in Northern Ireland. The report broadly spelled out a positive assessment of the pace of policing reforms there. It is clear that much progress has been made in implementing the Patten recommendations. The report shows that 124 of the 125 Patten recommendations have been confirmed as fully achieved, which is an enormous success. It is clear that progress still needs to be made in a number of key areas, including the one the Deputy raised concerning the primacy of MI5, the impact of the RPA's part-time policing bodies and the police college. Agreement has not been reached on these matters among others. We have spelled out our position on the primacy of MI5 and what should happen but there have been no new developments in this regard. Those who watch overall policing matters in the United Kingdom tell me it is unlikely that the British Government will move away from what it has decided. This was decided in the context of what will happen in the UK. I understand there is no great appetite on anyone's part to move away from this position, despite the arguments that have been made in Northern Ireland.

A number of concerns have been raised about restorative justice committees, including how they would function, who would be involved and the strictures under which they would operate. While the committees have a role in encouraging people to engage in their communities, they can only work effectively and safely where there is a direct link with policing, otherwise all kinds of extraneous issues will arise. There have been some good pilot schemes but such committees can only function properly if the police are involved, rather like neighbourhood watch, community alert and the various policing forums which operate under the aegis of Garda chief superintendents. Some people may argue that it is possible to make progress otherwise and I do not deny that but, ultimately, restorative justice committees must have a direct police input to work effectively and stop trouble in communities. That has been my view all along on the matter.

Mr. F. McGrath: As regards the lack of movement in the peace process, does the Taoiseach have any new, radical proposals to bring the cycle of non-negotiation to an end? As for the DUP's non-participatory role, I ask the Taoiseach to urge business, union and civic leaders to use their clout to move the process forward, especially the non-negotiation aspect from the DUP sector.

Does the Taoiseach agree that those with an electoral mandate have duties and responsibilities? If so, he should urge them to get on with it. If there is no movement by November, the closure of Stormont should be considered. The Taoiseach could then invite all the Northern representatives who are interested to come to the Dáil and get involved in negotiations with parliamentarians here in the South.

Does the Taoiseach agree that elements of civic society are far ahead of the political representatives with regard to non-sectarianism on this island? A recent example involves a good friend of mine, a Shelbourne football club supporter, who was invited by the Linfield club to visit its ground. On a return visit, the Linfield supporters will travel down in a few weeks' time to watch the European match involving Shelbourne. Those in the civic sporting sector seem to be way ahead of the so-called political leaders when it comes to dealing with the issue of sectarianism. Will the Taoiseach encourage these people and support them?

The Taoiseach: That is a good point. As the Deputy knows, I have met business leaders and with civic society groups. I have urged them to engage actively and to involve themselves in encouraging the political process, and they have done so. To be fair, a number of the political parties have been working hard to make linkages and engaging with others by assisting them and trying to build partnerships. All that is very positive. What happened recently in sport, in the successful matches held here and in Derry during the Setanta Cup, at which there were no difficulties, was greatly encouraging. Many people are involved and the political process has also played a part, which I acknowledge.

The answer would be a simple one if we simply needed to implement a great new idea. The great new idea is very simple, namely, that the new preparation for Government committee gets on with its work and prepares for Government. We have given it a clear chance so that, in the coming weeks, it can deal with all the issues with which it needs to deal and come to a resolution of these issues, especially those arising between the DUP and Sinn Féin. To be fair to Sinn Féin, it is waiting and willing to deal with these issues. It is only when those two parties and the other parties join together that they can make progress. It is vital they do so.

As I have said, if we must implement a plan B, we will do so. However, that is far from what I would like to happen. The right way is for the

preparation for Government committee to do its work in the coming weeks, make progress — it can keep at it over the summer, if necessary — meet the November deadline, get the Executive back up and running and be part of these major decisions. Anything else makes no sense. Important issues affecting health, education and local government in Northern Ireland remain to be dealt with, which will require the input of locally elected political leaders. We need them all to realise that.

I urge the DUP, in particular, to take on its responsibility and to work and engage with Sinn Féin in making these processes work. That is what I want and what every reasonable person would want to happen in the weeks ahead.

Mr. Sargent: I want to associate myself with the remarks made and to express my utter disgust at the attack on the son of Ms Nuala O'Loan. I hope the perpetrators are apprehended quickly. It is clear that justice can win out against such thuggery.

In indicating that he welcomes dialogue and wants the parties to engage, I presume the Taoiseach is referring to north of the Border. As we have been saying, parity needs to operate North and South. Will the Taoiseach give expression to his wish for dialogue on this side of the Border and ensure that Opposition parties not only are welcome to knock on his door, which is a passive type of engagement from his point of view, but to take the initiative in establishing dialogue with parties on this side of the House to move the process forward?

Are the cross-Border bodies able to proceed now without further impediment? Will matters related to cross-Border dialogue, such as the register of persons unfit to work with children, proceed given they have been in abeyance for so long? Can other matters that require harmonisation, such as rural environmental protection, the EPA, illegal dumping, diesel laundering and so forth, also proceed? Will the Taoiseach ensure this happens regardless of what happens with the Assembly?

The Taoiseach: On the last point, the work of the North-South bodies continues on the same basis as it has in recent years. They are doing useful work in a range of areas but in the absence of an executive, they are unable to complete a number of issues. This is a pity and is another example of where important work remains to be dealt with. While there is an enormous amount of activity on health, education, business, agriculture, fisheries and in other areas, certain functions and roles cannot be completed without an executive. That continues to be a problem.

On the Deputy's first question, at this stage the engagement is at the preparation for a government committee and with the parties in the North. While I and my officials keep in touch with them on a daily basis, it remains at their

level. It is an encouragement that they can get on top of this. As I said earlier, Prime Minister Blair and I will have a meeting with the parties later this month, as we promised we would last March.

Priority Questions.

Greenhouse Gas Emissions.

52. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government his views on the findings of the European Environment Agency's report entitled State and Outlook 2005, which shows Ireland has a poor record on the control of greenhouse gas emissions and the agency's view that Ireland still faces a significant challenge in meeting its Kyoto Protocol targets; and if he will make a statement on the matter. [22804/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The report of the European Environment Agency, EEA, was published 1 November last. Since then, I engaged in extensive discussions on the report at a subsequent meeting of the Joint Committee on Environment and Local Government.

The report is based on 2003 data. While it showed Ireland to be approximately 12% above its Kyoto target, the latest EPA data for 2004 show that emissions were just 10% above target. The European Environment Agency did not take account of these data, given that they were not available. This target, of course, is to be achieved in the 2008-12 period. In addition, the most recent EPA data showed that in terms of distance from the Kyoto target, Ireland has approximately 2 million tonnes per year less than previously estimated.

There are three strands to the Government's approach to achieving the further reductions needed to meet the significant challenge represented by our Kyoto target: emissions reductions or purchase of carbon allowances by installations participating in the EU emissions trading scheme, use of the Kyoto Protocol flexible mechanisms by the Government to purchase credits for carbon reductions elsewhere in the world and measures to reduce emissions throughout the economy including those set out in the national climate change strategy, other measures which have subsequently been introduced and further initiatives to be identified in the review of the strategy. The breakdown of the national burden between these three strands is intended to allow Ireland achieve the target in the way which imposes the least cost on our economy.

The total allocation of allowances to the emissions trading sector for 2008-12 was recently announced by the Government, and the Environmental Protection Agency is drawing up the detailed national allocation plan for submission

to the European Commission. The Government will shortly publish a consultation document on measures to enhance the national climate change strategy and build on our recent initiatives in areas such as biofuels and renewable energy grants.

Mr. O'Dowd: I welcome where progress has been made in certain industrial sectors, particularly agriculture. Indeed, carbon emissions by manufacturing industry are down. However, the key issue is that we are still above our Kyoto target. According to the EPA website, we are approximately 25% above our limit. Can the Minister say by how much the Kyoto limits will be exceeded by 2010 and 2012 and what he intends to do about transport? According to information published by the Central Statistics Office last month carbon emissions from cars are up 60% from 1990. What will he do about that and, particularly, how will he address the national spatial strategy which is all about people living near their jobs and having sustainable development and growth?

Mr. Roche: We are talking about ten percentage points above the target at present.

Mr. O'Dowd: That is 23%.

Mr. Roche: Ten percentage points above—

Mr. O'Dowd: That makes it 23%—

Mr. Roche: One can jig it whatever way one wishes.

Mr. O'Dowd: 10% plus 13% equals 23%.

Mr. Roche: Our target is 13 percentage points above the 1990 figures. There is no point in adding the 13 percentage points to the ten percentage points. That would be a miscalculation and I am sure that is not the Deputy's intention. The target we have to reach is ten percentage points from our present levels. We are above our target and the challenge is huge. A whole spectrum of measures is needed to reach our target. First and foremost there will be some purchase. That is a legitimate approach within the Kyoto protocol well envisaged and well operated. The prognostications of ruinous amounts of cost do not appear to be accurate in that regard. I agree with the Deputy that the central hypothesis in his supplementary question was that we have to look at a whole range of issues relating to transport and transport modes. The Government is investing and will continue to invest a vast amount of money in Transport 21. Transport 21 aims to get people out of cars and into public transport. The Deputy will accept there are settlement patterns in Ireland that are unique to Ireland and some 40% of people live in areas outside urban areas. There is a variety of other approaches that have to be looked at. I agree the

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challenge is huge. We have to improve the insulation levels in homes, introduce new standards for homes and, as we did in budget 2006, we have to introduce incentives for biofuels, alternative fuels and renewable energy sources. I am not in the least diminishing the extent of the challenge but the strategy which is in place is one that will get us to where we need to be.

Mr. O'Dowd: Does the Minister believe he will achieve that target, particularly, in the area of transport? We have not succeeded in getting people out of their cars. The transport corridors are not available. Commuting takes much longer given the long queues of cars emitting carbon dioxide. Would the Minister consider a forum such as that held in the UK recently between all the major carbon polluters in industry throughout the United Kingdom? They had a summit at which targets over and above those of the Kyoto protocol were defined. If we got together, notwithstanding the Kyoto limits, we could make a massive effort to reduce carbon emissions and prevent climate change.

Mr. Roche: I do not disagree with the Deputy that there would be value in looking at the issue but we should not take a lesson from the UK. As we are aware it is using the arguments about climate change and meeting the Kyoto targets as a thinly veiled excuse to develop the nuclear debate. The Deputy is correct in saying that society will have to meet the challenge and that Government direction alone will not change the habits of a lifetime and particularly those relating to transport modes. I have not looked at the benefits of the type of forum suggested but I am certainly willing to consider it. It is a matter we could discuss in the context of the committee. It is something I would not rule out.

House Prices.

53. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the publication of the affordability index for house prices by EBS Building Society and DKM economic consultants; his views on the index and its findings and in particular on the conclusion that first-time buyers are spending an average of 27.25 per cent of their net income on mortgage repayments which is 4.25% higher than in 2000; his further views on the Dublin figures which show that first-time buyers in Dublin are spending an average of 32% of net income on servicing their mortgages; the measures the Government are contemplating to address continuing house price rises in view of increasing interest rates; and if he will make a statement on the matter. [22628/06]

55. **Mr. McCormack** asked the Minister for the Environment, Heritage and Local Government the steps he will take to alleviate the financial

burden on young couples and families in view of the publication of the affordability index by EBS Building Society and DKM consultants which shows that up to 32% of household income of first time buyers in Dublin goes to financing a mortgage; and if he will make a statement on the matter. [22805/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 53 and 55 together.

I am aware of the house price affordability index referred to and also of the trend in affordability as measured by the index compiled by my Department to assist in monitoring developments in the housing market.

Despite increased house prices, affordability has remained relatively favourable. This is because of the substantial improvement in employment and incomes due to our economic success and the fact that large reductions in personal taxation have further boosted take-home pay. These factors, coupled with low interest rates and the uptake of longer term mortgages, have kept mortgage repayments relatively affordable. Also first time buyers are entitled to mortgage interest tax relief on higher amounts of interest, up to €8,000 in the case of a couple, for the first seven years of the loan. Nonetheless, borrowers and lending institutions should exercise care in regard to the level of new mortgages, particularly in the context of an upward trend in interest rates.

My Department's affordability index shows that mortgage outgoings as a percentage of net income are still less than in the early 1990s. The recent EBS index showed that the average proportion of net income required to meet mortgage repayments is well within recognised affordability criteria and within the limits applied by lending institutions in deciding mortgage applications. The affordability position improves further when measured on the basis of typical first-time buyer prices, longer-term mortgages and more representative levels of joint income.

The relatively favourable affordability figures help to explain why demand in the housing market continues to be very strong. Housing demand has been driven primarily by the strength of the economy and unprecedented population growth in recent years, particularly the very high level of immigration related to economic growth. In response, Government has taken action on a wide front to maximise access to home ownership, particularly through measures to promote adequate supply of housing to meet demand.

Mr. Gilmore: The affordability index by EBS Building Society and DKM economic consultants indicates that the first-time buyer couple nationally spends €1,300 per month on a mortgage and a first-time buyer in Dublin spends €1,700 per month on a mortgage, that is €325 per

week nationally and €425 per week in Dublin. Does the Minister of State consider that is affordable or does he agree with the assessment made by the economist from DKM consultants who said we are now approaching the peak of affordability and that the current level of house price rises is not sustainable?

Mr. N. Ahern: Are those prices affordable? Relatively so, people seem to be getting by and there is still a significant number of first-time buyers in the market. Some 45% of mortgages for new houses are to first-time buyers. It was always difficult for a first-time buyer be it now or ten or 20 years ago. Whenever any of us had a mortgage it was always difficult in the early years. Our own index shows that in the early 1990s people were paying a higher percentage but the position relaxed after 1992. I am concerned about price increases. There is no doubt that since this time last year prices have begun a new upward spiral. I do not agree that price increases of 15% or 16% for second-hand houses in Dublin are sustainable in the long term. I sincerely hope what we are seeing now is only a short-term blip and that the situation will soon calm down. We were making much progress over a few years and, 15 or 18 months ago, many of the experts said that increases last year might have been only 5% or 6%. For whatever reason — partly, I imagine, because of 100% mortgages and 90,000 extra jobs in the economy — prices took off into a new spiral about this time last year, which is worrying.

Mr. McCormack: The Minister for the Environment, Heritage and Local Government, and this Government, said in the past that although house prices are high, interest rates are low, so that houses have remained affordable. Does the Minister of State now accept that, on foot of the EBS report, this is no longer the case? Will the Minister of State comment on reports at the weekend that if interest rates continue to rise, as is forecast, the loan amounts for which first-time buyers will be eligible will be slashed by about €100,000? Does the Minister of State accept that such a scenario could result in a slump in demand for houses and the devaluing of houses as a result? Is the Minister of State aware of the anger which exists among young people buying houses and among their parents, who in many cases are trying to help them to buy houses, and all of whom face a difficult situation?

Mr. N. Ahern: It has always been difficult for people buying their first houses. Nothing has changed. The new Department index, which we have compiled for many years, was published last week and is relatively up to date, indicates that affordability was worse around 1990-91, and then eased off. This and the EBS report are based on a 25-year mortgage. They use figures below the normal affordability index which a lending agency would use. It may be good or bad but,

perhaps sadly, the typical mortgage now is more likely to be 35 years than 25 years. I am not promoting such mortgages but they are a fact of life. If one has a 35-year mortgage, one's affordability index improves greatly from what was published last week.

It is always a struggle for first-time buyers and prices have certainly increased but, because we have a booming economy, people's wages have increased, their tax bill has decreased and interest rates are still at historically low levels, the overall affordability, while it has worsened in recent years, has not worsened to the extent to which people may think it has.

Mr. Gilmore: I put it to the Minister of State that it is spurious comparing affordability now with affordability in 1991-92, when interest rates shot up dramatically on foot of the currency speculation which took place at the time, and which was unique to those years. The most recently published figures show house price increases in the first four months of this year are the highest in six years since the early part of 2000.

Can the Minister of State give some explanation to the House why house prices are now rising, especially given the very high level of output from the construction industry and the increase in supply of housing? Does he consider that Irish houses are now over-priced?

Mr. N. Ahern: If houses are over-priced, why are prices rising? I suppose they are rising for different reasons, namely, because an extra 90,000 people were working in the economy last year and because we had 55,000 immigrants into Ireland last year, people who are at the age when they rent or buy houses. The house price rises were partly due to those factors, but also because of a policy started about this time last year by the financial institutions. They introduced gimmicks such as 100% mortgages, interest-only mortgages and intergenerational mortgages. The financial institutions which started that trend this time last year contributed greatly to the house price rises. The spiral of house price rises calmed down over a few years to rises of some 7% or 8%, but we now have a new spiral of rises of up to 15% or 17% for second-hand, established houses in suburban Dublin.

There is nothing we can do to produce extra houses such as those. One can build houses and apartments further out of the city, but the established houses, whether they are in Dún Laoghaire, Merrion, Glasnevin, Drumcondra or wherever, see great demand from people who possibly bought outside the city and are moving back in.

The spiral we are in is worrying. It is partly due to the booming economy and partly due to the fact that the financial institutions seem to have a great deal of money and are being too generous in handing it out. If the rainy day comes and

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interest rates are significantly increased, I hope that all the loans given out will have been stress-tested, which they are supposed to be. Otherwise concern could arise.

Mr. McCormack: The Minister of State seems to suggest that longer-term mortgages are the solution to young people's problems in this regard. He acknowledged that 40% of houses are now bought by first-time buyers, and that house prices have risen. No doubt the Minister of State is aware, as I am, that a first-time buyer cannot now buy a second-hand house in Dublin city for less than €317,500, the cut-off point for stamp duty. After that, the Government takes at least €10,000 or €15,000, depending on house prices, from hard-pressed young people trying to buy their first houses. I know this from practical experience because two of my children are trying to buy houses in Dublin and cannot buy a second-hand house for anything near €317,500. They are being penalised further by the Government for €10,000 to €15,000 in stamp duty, depending on the house price.

The stamp duty cut-off figure was introduced in the previous budget. I knew it was too little at the time. Will the Minister of State consider, given the way house prices have increased, recommending that this stamp duty exemption limit be raised to at least a realistic figure such as €450,000 so that young people buying their first houses — and most of the houses coming on the market are second-hand — are not penalised by the Government by a figure of €10,000 to €15,000 on top of the exorbitant prices they pay for houses?

Mr. N. Ahern: I am not recommending that the answer to affordability is longer-term mortgages. I am simply saying they are a fact. Many people are now getting 35-year mortgages. I heard of some financial institution spokesperson talking of intergenerational mortgages. Maybe that is a concept yet to come in, but such institutions are using other financial gimmicks.

The real solution is supply. We have tried to create that supply. Last year was the 11th year of overall increase in output, and this year's output figures are running ahead of last year's figures.

Mr. McCormack: Would it be better if the Government were not taking stamp duty from first-time buyers?

Mr. N. Ahern: I am sorry if I keep repeating the same figures, but the output figure for last year was 81,000, while 14 or 15 years ago the figure would typically have been about 20,000. The level of output by the industry has hugely increased. Under any law of economics, supply should sooner or later equal demand, which should bring a bit of sense to the situation.

Mr. McCormack: What about stamp duty?

Mr. N. Ahern: I am not the Minister for Finance and will let him decide on that.

Mr. McCormack: The Minister of State has special responsibility for housing.

Mr. N. Ahern: Yes, but stamp duty is a matter for the Minister for Finance. It has been adjusted before and I am sure it will be adjusted again. Let us be consistent. The last time it was adjusted, the Opposition accused us of putting up prices. Which way does it want it? There are many houses available for under €317,500.

Mr. McCormack: We do not want first-time buyers paying €15,000.

Mr. N. Ahern: There is a tendency to get carried away with the average house price. There are many affordable new houses, even in Dublin, under €200,000. Plenty of second-hand houses are priced well under €300,000. I accept the figure is under pressure but the first-time buyer is still a major player in the housing market.

Mr. McCormack: The Government still takes €15,000 off the first-time buyer.

Nuclear Policy.

54. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government his views on whether Ireland's nuclear policy as presented by his Department's submission (details supplied) to the British energy review is compatible with Ireland's membership of and part-financing of EURATOM and if the credibility of that policy would be strengthened if Ireland withdrew from EURATOM. [22848/06]

Mr. Roche: The recent submission by the Department of the Environment, Heritage and Local Government to the British energy review consultation process affirms the Government's position on general nuclear power and, in particular, UK nuclear policies.

The Government's concerns over the current and future UK policy on nuclear energy relate to the potential impact on the environment and health of Irish citizens. In particular our issues relate to the Sellafield nuclear plant where there are ongoing safety concerns, the potential for a serious accident or incident and the ongoing radioactive discharges to the Irish Sea, all of which remain to be resolved.

The Government would have favoured an extensive review of the EURATOM treaty in the EU constitution discussions, leading to a significant updating of its provisions. It has made clear that this continues to be its position. It is important, however, not to lose sight that EURATOM does good work in health and safety areas. In the absence of consensus among member

states to update the EURATOM treaty, the Government's policy is to steer EURATOM's activities towards nuclear safety and radiological protection. EURATOM is active in both areas. For example, EURATOM Directive 96/29 lays down basic safety standards for the protection of workers and members of the public from the dangers of ionizing radiation. It represents major legislation in radiological protection.

Membership of the EU obliges Ireland to make its contribution to the EU budget. There is no separate contribution from Ireland towards the budget of EURATOM. Accession to the European Union has been of such major benefit to Ireland that I do not see any public appetite to withdraw. Membership of the EU does not come with *à la carte* options.

Following the recent European Court of Justice decision regarding jurisdiction on the matter of the legal dispute between Ireland and the United Kingdom concerning the commissioning and operation of the MOX plant at Sellafield, I expect a more active and visible role by the Commission in this area. I have made it clear to three EU Commissioners — Stavros Dimas, Commissioner for Environment, Franco Frattini, Commissioner for Justice, Freedom and Security and Andris Piebalgs, Commissioner for Energy — that having taken Ireland to the European Court of Justice on the matter, I expect the Commission to show the same enthusiasm to pursue the UK on it.

Mr. Cuffe: I take issue with the suggestion that we must go with the *prix fixée* menu. I believe we can eat *à la carte*. Other member states have requested that part of their contributions to the EU budget are not given to EURATOM. EURATOM receives €1 billion of the €100 billion annual EU budget. Much of that money is spent on researching the next generation of nuclear reactors. Ireland contributes €8 million every year to the EURATOM budget, spending more on it than it spends on the Radiological Protection Institute of Ireland and nuclear safety.

How then can the Minister look the UK Prime Minister, Mr. Tony Blair, in the eye and tell him to shut the Sellafield plant when the Government spends millions of euro on EURATOM? How can the Minister take a case to the European Court of Justice regarding the MOX plant when the taxpayer is funding research into the next generation of nuclear reactors? Some reports presented to the Oireachtas Committee on the Environment and Local Government show that EURATOM is conducting research into gas-cooled fast reactor systems, lead-cooled fast reactor systems, molten salt reactor systems, sodium-cooled fast reactor systems, supercritical-water-cooled reactor systems and very high temperature reactor systems. EURATOM is not about nuclear safety but about pushing the nuclear energy agenda at a European level. Large amounts of EURATOM funding are going into making the

next generation of nuclear reactors. How can the Minister claim he is doing everything he can to shut the Sellafield plant when taxpayers, through his intercession, are funding research into the nuclear industry to the tune of €8 million?

Mr. Roche: The hypotheses on which Deputy Cuffe bases his assertions is false. I suspect the Deputy knows just how false it is. No *à la carte* attitude can be adopted in the contribution to the EU budget. I could debate long and hard with Deputy Cuffe on my personal views on EURATOM. I did so during the course of the Convention on the Future of Europe. Ireland and Austria stood alone on that issue and towards the end of the convention, it was Ireland, Austria, Germany, Sweden and Hungary which pointed to the inadequacies of EURATOM and sought a review. It is false for the Deputy to suggest that any member state can hypothecate moneys it makes to the EU budget. There is no point in recreating that false premise. Every member state makes a contribution to the EU budget and it is used in a variety of ways.

If the Deputy were to ask me if I believe funding for EURATOM is the most prudent use of European taxpayers' funds, I would say no because of its constitutional arrangement. If he asked me if it could be better spent, I would agree with him. However, it is simply untrue, deliberately misleading and mendacious to suggest that any member state government would have the opportunity to ring-fence its allocation to the EU budget.

The future of the EURATOM treaty must be debated. As a member of the Convention on the Future of Europe, one of my regrets was that it did not enter into that area. I forecasted accurately that citizens in Europe concerned with the issue, whether they lived in a nuclear-powered state, would take a view on it. Their concerns can be attributed — in a small part — to the difficulties into which the constitutional treaty got. The Government has no enthusiasm for the type of EURATOM activity described by the Deputy.

Mr. Stagg: On a point of order, as the Minister responded to my Parliamentary Question No. 56, I assume he intended to take the two questions together.

Mr. Roche: No, I intend to respond fully to Deputy Stagg's question.

Mr. Stagg: The Minister responded to my question fully in that reply. I look forward to a fuller response to my question.

Mr. Cuffe: All bets are off regarding the future of the European constitution. There is now a role for smaller member states to take the lead in suggesting their concerns regarding the constitution. Ireland has been surprisingly mute in its discussion of any aspiration to disengage from the

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EURATOM treaty. Europe Inc. spends more on research into nuclear energy resources than it does on renewables. The Government must stand tall and withdraw from the EURATOM treaty to ensure our taxpayers' money is spent on renewable energy rather than on the next generation of nuclear power plants. I will repeat my question that was not answered. How can the Government take a court case to the European Court of Justice regarding the MOX plant in the UK when it is contributing millions of euro every year to the future of the nuclear industry?

Mr. Roche: The answer is simple. Taking court action against the UK is the appropriate course of action. We will deal with that when we come to Deputy Stagg's question. I do not disagree with the Deputy on diverting funding from EURATOM activities to renewables. Some of our neighbours are even investing in cleaning up their nuclear messes. If the Deputy has any doubts on the Government's view on nuclear energy, I suggest he dips into *The Accidental Constitution*, the definitive work on the EU constitution. From it he will see that Ireland did take some significant interest in that area.

Question No. 55 answered with Question No. 53.

56. **Mr. Stagg** asked the Minister for the Environment, Heritage and Local Government the effect of the recent European Court of Justice decision that it had jurisdiction in the matter concerning the commissioning and operation of the MOX plant at Sellafield which Ireland had originally referred to an international tribunal; and the action he proposes to take arising from this new and enhanced position of the European Court of Justice. [22627/06]

Mr. Roche: The recent European Court of Justice decision is about where the dispute between Ireland and the United Kingdom concerning Sellafield should be litigated. It does not deal with the merits of the dispute itself. In 2001, the Government instituted legal proceedings against the United Kingdom before the tribunal provided for under the United Nations Convention on the Law of the Sea. The advice available to the Government at that time indicated that the dispute resolution procedures provided under the convention were an appropriate avenue for the litigation of the issues raised for Ireland by the continued operation of Sellafield. This advice was based on the best analysis as to the state of Community and international law at the time. The action in going to UNCLOS was widely welcomed politically in this House.

The European Commission contested Ireland's right to take proceedings under UNCLOS procedures. Ireland considered that national competence operated in this area and that, conse-

quently, the duty to co-operate with and consult the Commission on the dispute proceedings with the UK did not arise. It is interesting to note that in discussions between Ireland's legal team and the legal service of the Commission, it was recognised that these issues were not the subject of settled law at the time.

The court judgment on 30 May, *inter alia*, declared that Ireland, by instituting proceedings against the UK under UNCLOS, failed to fulfil its obligations under Community law. The judgment also established that certain provisions of UNCLOS form part of the Community legal order and that the European Court of Justice has jurisdiction to determine disputes on their interpretation and application. Therefore, the judgment represents a significant development and clarification of Community law. It means that the resolution of disputes between member states on a wide range of international agreements, especially in the environmental field, comes within the jurisdiction of the ECJ.

The judgment presents member states, such as Ireland, with new mechanisms for holding other member states to account on their transboundary environmental obligations. These and other issues consequent on the judgment are being examined in detail by Ireland's international legal team, led by the Attorney General. Ireland's strategy in pursuit of the objectives of this case will be considered and determined by Government based on this examination and analysis.

Mr. Stagg: Before I comment on the reply I wish to refer to the fact that I asked a question of the Minister concerning nuclear safety, the use of iodine tablets to combat contamination, and if there were any new plans in this regard. The question was transferred to the Tánaiste and Minister for Health and Children. Has the issue of nuclear safety been transferred from the Department of the Environment, Heritage and Local Government to that Department? The question was not just about iodine tablets, which have proved to be useless, as I stated at the time they were issued.

I assure the Minister that I support the notion of a cross-party position on Sellafield, similar to the approach taken to Northern Ireland, but that should not prevent us from asking questions and pursuing the Minister if he is not doing a good enough job. Having lost the case, the Minister raised my hopes by stating that the decision presented Ireland with great opportunities for pursuing the matter at the European Court of Justice. He took a positive position on the matter. There is only a year left in the Government's term of office, no matter how long it is stretched. Up to now, the effect of all the actions taken by the Minister is that he has failed in a court case. What is the novel range of opportunities for holding the UK to its obligations and how does the Minister intend to pursue the matter with the UK authorities? In his reply the Minister stated the

Department is examining the matter but, as I stated, he only has a year remaining to get some positive results.

Mr. Roche: I thank Deputy Stagg and acknowledge that he has been most supportive on this issue during my period in office. The judgment of the European Court of Justice is most interesting, especially if one reads it in the context of the earlier opinion given by the Advocate General. A most interesting new law was enacted on the jurisdictional right of the European Court of Justice in matters relating to this. It is important to remember that we were in a novel position, in the sense that one member state was suing another member state in an international tribunal.

The interesting point about the court judgment is that it clarifies certain international agreements that fall within the jurisdiction of the European Court of Justice, which was not clear before. Previously, the view of the legal services was that this was an ambiguous area. One of the things that has been leveraged out of this case is a clarification of the position of the European Court of Justice.

If one reads what the Advocate General has said, which I am sure Deputy Stagg has, he made some interesting comments about a member state having rights under UNCLOS which could not be frustrated because of an issue as to where one would take the case. Incidentally, that applies not only to the United Nations Convention on the Law of the Sea but also, potentially, to other international conventions, which makes this a most important case in terms of the role of the European Court of Justice.

The case requires detailed consideration. Deputy Stagg is correct that we only have a year left in office, but my suspicion is that the issue of Sellafield will be ongoing for some time. What has resulted from this case is a new clarity on the Community legal order and the jurisdictional right of the European Court of Justice. Those are the issues which we will now pursue.

Deputy Stagg's point was good and well made. Rather than exhaust ourselves occasionally looking for minute differences in opinion on this issue, it should be something on which we could combine our forces. I would like to see this matter discussed, for example, by the Joint Committee on Environment and Local Government to see how we could further it because I know Deputy O'Dowd shares my passion, as does Deputy Stagg, to see Sellafield closed and a line drawn under that sad part of the relationship between Ireland and the United Kingdom.

Mr. Stagg: I thought the Minister's last intervention would refer to nuclear safety and whether the Tánaiste and Minister for Health and Children, Deputy Harney, was now responsible for this area. Perhaps he will have an opportunity to refer to this matter when he replies again. Given

that the Minister has stated there is now clarity and new opportunities, can he give the House some indication of what is likely to happen, rather than just saying he will examine it in detail? I am sure he will and I would urge that he would do that, but he should be able to provide an indication of where we are going on this issue and when something concrete will be done. We know the case which has already been stated in the other forum so it is a matter of transferring it to the new forum that is now available to us.

Mr. Roche: Deputy Stagg is correct, but there are outstanding issues. Among other things, Ireland will have to consult the European Commission on what exactly the new order means.

I was not avoiding Deputy Stagg's question on iodine tablets, I would have welcomed the opportunity to discuss them. However, the issue of iodine tablets is a matter for the Department of Health and Children. I am sure the Deputy is being slightly mischievous on this matter because, as he well knows, the iodine tablets were specifically focused on a particular type of radiation and they had a shelf life. They related to the situation that pertained in Sellafield prior to some of the changes that have occurred.

Mr. Stagg: That was not what the question was about. It related to——

Mr. Roche: I did not see Deputy Stagg's question.

Mr. Stagg: It related to the new safety regime.

Mr. Roche: The issue of iodine tablets was raised. Deputy Stagg will be pleased to learn that nuclear safety is not a matter for the Tánaiste and Minister for Health and Children.

Other Questions.

Greenhouse Gas Emissions.

57. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government the progress to date on his Department's climate change policy; and if he will make a statement on the matter. [22565/06]

Mr. Roche: The national climate change strategy provides the basis for Government policy and action to reduce greenhouse gas emissions in the most efficient and equitable manner, and to ensure that Ireland meets its commitments under the Kyoto Protocol. A variety of measures adopted by the Government on foot of the strategy are already contributing to reducing greenhouse gas emissions. These include higher standards of energy conservation provided for in the building regulations, cleaner electricity generation, increased penetration of renewable energy,

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grant assistance for householders and businesses to support investment in renewable energy technologies, improvements in public transport, tax incentives for more fuel efficient cars, and a package of excise relief for biofuels worth €205 million over five years announced in last December's budget.

Recently updated projections of greenhouse gas emissions for the 2008 to 2012 period, which include the expected effects of all existing measures, show that Ireland will face an average annual distance to its Kyoto Protocol target of 10%. This figure is, in fact, approximately 2 million tonnes per year less than previously estimated. Arising from this study, the Government recently decided the proportion of the necessary reduction that should be achieved by the sectors of the economy included in the EU emissions trading scheme.

The Environmental Protection Agency is now in the process of allocating allowances to individual installations in the scheme. The remainder of the reduction will be achieved through measures in the rest of the economy and through the purchase of credits under the Kyoto Protocol's flexible mechanisms. To ensure our target is met, a review of the strategy is being finalised in my Department. This review will provide an updated progress report on implementation and will identify possible additional measures. I intend shortly to publish this review as a consultation document which will inform the preparation of a revised strategy.

Mr. O'Dowd: While our greenhouse gas emissions are under control or reducing in agriculture and industry, they are increasing massively in the transport area. Will the Minister introduce a system to oblige local authorities to provide park and ride facilities outside Dublin and other cities for those commuters who must, in the absence of public transport, drive into the city but would be prepared to use public transport onward from these points?

In view of the major increase in population, particularly along the east coast and in the counties surrounding Dublin, does the Minister consider it time to review the national spatial strategy to encourage more people to move away from cities and into the regions? This would serve to reduce the quantity of carbon dioxide emissions from motorists who currently face a 12 or 13-hour day.

Mr. Roche: The Deputy makes a good point in regard to park and ride facilities. In Greystones, where I lived until recently, the huge park and ride facility is sadly and surprisingly little used. The great hope was that commuters would leave their cars there and take the DART into Dublin. I am not sure whether the limited uptake is because of the 200 m walk from the park and ride

facility to the train station. Other such facilities are being developed elsewhere and this is something I encourage. It is a good option for commuters in less accessible areas. The DART will never go to Roundwood, for example, but its residents can avail of the park and ride facility in Greystones to access it.

The national spatial strategy is closely integrated within the general architecture of the planning system. I am sure the Deputy does not contend it is time to abandon that strategy.

Mr. O'Dowd: It is not working because people are not moving to the provinces.

Mr. Roche: One cannot adjudicate after only three or four years on the success or otherwise of a scheme that is designed to take place over a much longer timeframe.

Mr. O'Dowd: It is not working.

Mr. Roche: The Deputy and I must agree to disagree on that point.

Mr. O'Dowd: People are not moving to the provinces.

Mr. Roche: The Deputy is expressing a political opinion.

Mr. O'Dowd: People are moving closer to the cities rather than further away. The Minister is not encouraging them to move away in terms of costs and strategy.

Mr. Roche: As the Deputy observed, there has been a remarkable increase in population in recent years. Who could have forecast the population would be more than 4 million in 2006 and a projected 5 million by 2020? I believe the latter figure may be a significant underestimation. Pressures will continue to arise in such an environment and issues will be raised in regard to the relationship between transport and planning in terms of densities, multi-storey living and so on. It is premature to suggest the national spatial strategy should be abandoned as part of our contribution towards the Kyoto strategy.

Mr. O'Dowd: The Minister is being somewhat presumptuous. I used the word "changed" rather than "abandoned". Thousands of homes have been built in counties Wicklow, Louth and Meath, and the quality of life is decreasing for residents who face a commute that means their working day is 12 or 13 hours. If the national spatial strategy were effective, people would move out of cities into the provinces and endure shorter commutes, thus causing less pollution.

Mr. Roche: I acknowledge the Deputy's point. However, having laboured in the recent by-election in Meath, we are both aware that the main issue there was infrastructural deficits. Unfortu-

nately, there are people willing to impede infrastructural developments. Meath, for example, needs an efficient road network more than any other county but people who are not representative of the populace are impeding progress. The House could help in this regard by progressing the national strategic infrastructure Bill.

Mr. O'Dowd: I very much support that approach. The Minister is being too smart.

Mr. Roche: I do not mean to be smart. It is far more important to be humble than smart in politics.

Seanad Elections.

58. **Ms O'Sullivan** asked the Minister for the Environment, Heritage and Local Government if he will promote in Government the need to expand the franchise of the university panels of Seanad Éireann elections to include graduates of all universities and institutes of technology; and if he will make a statement on the matter. [19907/06]

Mr. Roche: The Report on Seanad Reform, published by the Sub-committee on Seanad Reform in April 2004, sets out comprehensive recommendations for further consideration and action concerning the composition, functions and future role of Seanad Éireann. It recommends significant reform of the Seanad electoral system, involving rolling renewal of the Upper House and the introduction of direct election to a single national 26-seat constituency, with a further six seats to be reserved for direct election to a separate higher education constituency to include all graduates of institutions of higher education in the State.

At the request of the Taoiseach, I have convened an informal all-party parliamentary group on Seanad reform to assess the extent of cross-party agreement on the sub-committee's recommendations and to advance, with consensus, proposals for the implementation of Seanad reform. The group, which I chair, has adopted a pragmatic programme of work, initially addressing proposals which may attract an early consensus and are capable of implementation in the short to medium term. The proposals for reform of the higher education constituency will require detailed consideration by the group in light of differing views identified in our initial discussions. The group will meet again this week.

Mr. Gilmore: Will the Government explain to graduates of the University of Limerick, Dublin City University, Dublin Institute of Technology and all other institutes of technology why they, unlike their counterparts in Trinity College Dublin and the colleges of the National University of Ireland, are not entitled to vote in Seanad elections? Given his responsibility for electoral matters, will the Minister ensure this situation is

corrected before the next Seanad election in little more than 12 months?

Mr. Roche: The seventh amendment to the Constitution was put before the people in 1979 and many Ministers have stood in my place since then. The interesting point about the 1979 amendment is that it was originally introduced to facilitate the break-up of the NUI, which did not subsequently occur. I do not believe there is the necessary consensus to facilitate the change proposed by Deputy Gilmore within a year. The many legal difficulties involved have been discussed by the Joint Committee on Environment and Local Government. I am sure Deputy Stagg, who is a regular and effective contributor at the meetings of this committee, will be able to inform the Deputy of the issues.

It is not a simple matter. As the parent of children who have graduated from a variety of third level institutions, I believe it would be a positive development for them all to be involved in the Seanad elections. I would mislead the House, however, if I were to say that such change could be implemented by June next year.

Mr. Gilmore: What is Government policy on the matter? Does it intend to maintain the *status quo* or to extend Seanad voting rights to graduates of all third level institutions?

Mr. Roche: As I said, I have established a working group comprising representatives from all sides of the House.

Mr. Gilmore: That is methodology, not policy.

Mr. Roche: Perhaps there is too much policy and not enough methodology.

Mr. Gilmore: Is the Minister in favour of extending Seanad voting rights?

Mr. Roche: Yes, but we have some way to go to achieve that. It is not simply a case of saying I support such change, we must achieve consensus across the political spectrum before taking action. I am not convinced such consensus exists.

Ms C. Murphy: It is utterly strange that graduates of different institutions are considered to have equivalent qualifications when it comes to securing employment but not in respect of qualifying to vote in Seanad elections. There is no reason a decision cannot be made to implement change in this regard.

Has the Minister or the all-party committee considered the increasingly pronounced rural bias in terms of the Seanad election given the population of the east coast is continually increasing?

The electors to the Seanad are primarily members of local authorities but their numbers do not increase proportionately with the growth in the population of local authority areas. That bias will make the Seanad even more remote

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from people. Is that matter being considered by the Minister?

Mr. Roche: No, the point in the question posed by Deputy O'Sullivan relates to a decision made, by way of referendum, to introduce universal suffrage among all graduates, whether from the National University of Ireland or Trinity College. As I explained, there are difficulties with that.

I am not sure that the Deputy's point regarding bias is correct. The electorate of councillors reflects the reality of where the councils are. If anything, an argument could be made to the contrary. Nevertheless, that issue is not part of the work that has been ongoing in the group, nor was it a significant part of the work of the sub-committee which sat in the Seanad. That sub-committee dealt with a number of issues, including an increase in the number of Seanad Members to 65. It suggested that 32 Members should be directly elected and that 26 of the seats should be filled from a single constituency, using a proportional representation system. It also suggested that 20 Senators should be indirectly elected by county and city councillors, which is contrary to the view proposed by Deputy Catherine Murphy. The sub-committee also suggested that the Seanad be renewed on a rolling basis, with direct elections, including in higher education constituencies, taking place every five years.

The sub-committee made a variety of radical propositions. However, I do not think we will see them implemented for quite some time.

Mr. Morgan: Some 27 years amounts to a lot of foot dragging.

Sustainable Development Strategy.

59. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government if he will make a statement on the progress to date on the national tidy towns competition. [22568/06]

Minister of State at the Department of the Environment, Heritage and Local Government

(Mr. B. O'Keeffe): The national Tidy Towns competition for 2006 is now under way. Approximately 650 towns and villages from across Ireland will participate this year. In addition to the main competition, this year also sees a special Tidy Towns initiative for primary schools and over 200 schools have registered. The results will be announced on 4 September at the national awards ceremony in Dublin Castle.

Almost 50 years after it was launched, the Tidy Towns competition continues to play an important role in improving the environment of our towns and villages and promoting active citizenship at all levels. The project has changed as necessary with the times and remains relevant to successive generations without altering its core value of sustainable development.

This year for instance, my Department has introduced a new category to highlight the importance of waste minimisation, one of the most challenging environmental issues facing us today. New prizes have been introduced to recognise the special situation of large towns and urban areas in our cities which have seen dramatic increases in population in recent years. These, with other minor changes, will continue to ensure that Tidy Towns applies to contemporary society as much as it did when it was first launched in 1958.

Mr. O'Dowd: I thank the Minister of State for his reply and welcome the changes that have been made to the competition, particularly for the larger urban areas. In light of the lack of involvement in community and voluntary organisations, will the Minister of State consider new ways of tackling these problems in the larger towns and cities? In the countryside, in rural villages and so forth, there is no problem with active community involvement but as towns get bigger and the commuting day gets longer, there is less interest in, and support for, the community.

Mr. B. O'Keeffe: I acknowledge what Deputy O'Dowd is saying and the Department recognises the problem he outlines. As well as the waste minimisation project in the community which aims to involve more people and supplement the race against waste campaign, the Department has also introduced a new overall prize for large urban centres with populations in excess of 15,000. We are anxious to ensure as much involvement in the community within such large urban areas as possible. We see opportunities for areas such as Drogheda, Sligo, Ballymun and Blanchardstown to become involved in the competition. We are also anxious to ensure continuity, which is why we have introduced a special competition for school children. They are encouraged to carry out environmental projects in their communities to inculcate a sense of pride in their areas. They will, at the same time, benefit from the overall tidy town effort.

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 Pat Breen — that the Minister outline the situation with regard to the Carrigaholt, Cooraclare and Labasheeda sewerage schemes in County Clare; (2) Deputy Breeda Moynihan-Cronin — the need for a permanent driving test centre in Killarney, County Kerry, including a HGV section; (3) Deputy Connolly — to discuss the feasibility of reviewing and increasing the 3% employment target for persons with disabilities in the public and private services; (4)

Deputy Naughten — the need for the Minister to reinstate outpatients transport services in the HSE western region; and (5) Deputy Sherlock — the need for the Minister to give a commitment regarding the future of the accident and emergency department at Mallow General Hospital.

The matters raised by Deputies Naughten, Sherlock, Moynihan-Cronin and Breen have been selected for discussion.

Leader's Questions.

Mr. Kenny: I wish to raise a matter that is not a party political one but which might be of some assistance to the Taoiseach and the Government. Last week I met a number of emigrant groups and the lobby for immigration reform in the United States. The Taoiseach will be aware of the plight of, and difficulties faced by, undocumented Irish people in the United States of America. During that meeting, the case of a young person who has been in the United States for a number of years was brought to my attention. Her brother died in Ireland, she was unable to return home and listened to the funeral mass over a telephone line. The problem is that many people find themselves in a very difficult position, being unable to return home for family occasions and so forth. The point must be made clearly, however, that such people are not looking for something for nothing. They want an opportunity and a rational method of earning citizenship in the United States, if that is where they want to live.

I raise the matter in a constructive sense today because the immigration Bills that have emerged from the US Senate and the House of Representatives are at variance with each other. In such cases, a conference is called between nominated members of the Senate and the House of Representatives to discuss the Bills. The conference to discuss the immigration Bills begins on 28 June. It may be brief or it may go on for some weeks.

I know that the Minister for Foreign Affairs was in the United States recently but it would be helpful if the Government, perhaps through the Joint Committee on Foreign Affairs, sent representatives of all parties, and none, in an all-island delegation. The SDLP could be included, if necessary, or any other party. Such a delegation could have a focused lobbying and information conversation with the nominated members of the House of Representatives and the Senate. This would be helpful in demonstrating that the undocumented Irish are of no danger to the US economy or its security. An all-island presentation to the nominated members would be very helpful and I offer that as a constructive suggestion to augment the work currently being done.

The Taoiseach: I appreciate the question and the spirit in which it is put. An enormous effort has been made in the past 18 months on this issue, although that is not to take from those groups

which have been involved for a much longer period. Last year we raised the issue with the President, Mr. Bush, and we did so again this year. We also worked with the lobby group over the past six to nine months.

The situation is quite fluid at the moment. The two Bills are quite different and there has been a great deal of discussion and lobbying about how they can be brought together. Effort is needed to get the decision made quickly. When I was in the United States two weeks ago, the view of the consul general and others in the lobby group was that we should try to secure a decision prior to the summer otherwise it will be put off into the autumn and the mid-term elections, which could force the legislation into next year. Our best chance is to secure a decision now. There has been some success with this recently. President Bush's statements on the last occasion when it was being voted on proved helpful.

I have no difficulty with the all-party group. It is helpful; anything that makes our case is welcome. There are, however, many difficulties. It has become increasingly relevant in the past 18 months to people on the hill. The Irish lobby group conducted a very successful campaign earlier this year and put its case in a professional way. Key people such as Senators Hillary Clinton, John McCain and Ted Kennedy have all been very helpful and constructive.

It is still unclear what will happen on 28 June. The Minister for Foreign Affairs was in touch with the ambassador about this issue and pushed the case when he was in the United States two weeks ago as well. Any effort we can make to keep the Irish case on the table is of great help. We should keep in touch with the authorities during the process.

Mr. Kenny: I thank the Taoiseach for his response on an all-party representative group being able to lobby nominated members of Congress. Serious politics are being played about this matter in the United States. President Bush's statement is welcome — on one hand he supports increased security but on the other hand he supports the right to earn citizenship.

While an all-party delegation from here might not have any impact on the eventual direction of the Bill, a different view from the House of Representatives is epitomised when speaking to American Congressmen on homeland security and immigration. They have a very different view in some cases than when one says "we are talking here about Irish undocumented". In that sense it would be helpful that representatives from this House could make their case directly to those nominated.

In the event that the conference fails and it cannot agree on a compromise or way forward, and given that during the November mid-term elections, it will be an issue for both Republican and Democrat politicians could we put in place

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an arrangement to discuss a bilateral agreement between the US authorities and Ireland?

The Taoiseach: The best way to make progress is to make an effort before the summer. Taking the Bill that has been passed by the Senate and the Sensenbrenner Bill, we must try to find a compatible Bill which brings the two together, which is not easy because of their differing bases and the heated arguments over the topic. The Minister for Foreign Affairs was told that as the politics play out in this, we need to work closely with those watching the day to day activity, the embassy staff, Niall O'Dowd and Grant Lally, to see the best way to make our input.

We have made progress since the beginning of the year through our own lobby group because of the responsible way we have fought our case. To take the Sensenbrenner Bill and the Senate Bill and to put them together in one Bill in a short period could be difficult. Perhaps the meeting on 28 June could drag out. The difficulty is that it is not just an election year but there are differences in many places. Last week in California, it was the central issue in a victory for Republicans who took an aggressively negative stance.

We must keep in touch with everyone but try to use the Senate Bill as the basis because it suits us and would offer a road to permanent residency for Irish people like no other proposal. We can decide how best to put forward a delegation through our committee.

Mr. Rabbitte: Will the Taoiseach take this opportunity to clarify for thousands of people in the employ of the public sector where they stand in the decentralisation project? Thousands of people do not know if they are coming or going or when they will go if it is proposed to persist with this plan.

The agencies, numbering at least 2,500 people, have been removed from it, and of the 1,700 specialist staff in the Civil Service, 20% say they are willing to go under certain circumstances. If we add those two figures together, they amount to more than 4,000 of the original 10,300. Why is the Government determined to persist with a programme that from day one was badly thought out, ill-judged and purely for political window dressing at the time? This is not decentralisation, it is dispersal of civil servants and it is damaging to the efficiency of Government and undermines the national spatial strategy.

The extra costs involved will only be calculated in the years ahead. It will be necessary to employ a parallel Civil Service. If 20% of specialist staff say they are prepared to go in certain circumstances, the same will happen as has happened in the Department of Community, Rural and Gael-tacht Affairs, which is recruiting new specialist personnel. The implications of losing those specialist skills are unthinkable for governance.

Has the time not come to state clearly Government policy in this area? People have put down roots in Dublin, their families are in education and their spouses are working. This is not working and the Taoiseach knows it. If the agencies have been removed from the plan and the specialist staff will not go, is it not time to go back to the drawing board for a complete review of the idea?

The Taoiseach: The Government continues, through the decentralisation implementation group, to work through the proposals with staff. More than 10,600 civil and public servants have applied to the central application facility to relocate and it receives new applications every week.

To answer Deputy Rabbitte's question on the current situation, several Departments have been prioritised and are working their way through the system. Regarding property, building acquisition negotiations have been completed in 13 priority locations for individual agencies or sections. Contracts have been received for another ten locations for further down the line. Suitable sites have been identified in a further 15 locations through negotiation. All have identifiable sections or Departments moving to them. Agreement has been reached with the staff side on several human resource and industrial relations issues, thus enabling progress on transfers and staff promotions. Discussions in other areas are ongoing.

As I said a few weeks ago, it obviously cannot be done this side of Christmas, as would have happened under the original programme. In the priority areas, approximately 2,500 civil servants have been identified. Most agencies and sections have agreed and, in those areas, there is no difficulty. In certain professional areas, people have stated their position and discussions are ongoing. IMPACT has put forward a negotiated paper from the staff side. The movement of staff within and between Departments is under way, and approximately 1,500 staff have already been assigned to posts to be decentralised. All Departments have produced implementation plans setting out the detailed arrangements being put in place to plan for relocation.

The plan is moving ahead at a slower pace, and we require innovative solutions to deal with certain issues. In the State agencies, the programme has not been abandoned. Some are anxious to move but desire flexibility regarding what has been set down hitherto. That must happen, and the industrial relations section of FÁS has produced its own resolutions. Other State agencies will have to do likewise. There is a hard core of civil servants now preparing to move, and those plans are going ahead.

Mr. Rabbitte: The Taoiseach is confusing what is happening, presumably deliberately. We are talking about transferring entire Departments, and there is no point in confusing that with the fact that there have been applications from civil

servants already outside Dublin to return to their town or village of origin. That is a different matter, and it ought to be facilitated in the Civil Service.

The Taoiseach is proposing to transfer Departments out of the capital lock, stock and barrel, contrary to the entire literature on the issue. Most people who have read and studied the issue have made clear that removing the brain of the Civil Service from ready access to Ministers will damage the coherence of Government. Anyone who knows anything about the matter will agree that one needs access to the key people.

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

Mr. Rabbitte: Confusing that with people transferring between Donegal and Kerry or Offaly and Galway is neither here nor there.

Since the only time that the Government will contemplate establishing an all-party committee is when it is deeply in trouble and wishes to share blame and responsibility, is this not an issue on which there should be an all-party review dealing with implementation from the very beginning? It is desirable to relocate people out of Dublin where feasible to address regional imbalance. It is also desirable to transfer young civil servants who wish to return to their county of origin, but that cannot be done the McCreevy way.

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

Mr. Rabbitte: The Taoiseach has now admitted that. The former Deputy, Mr. McCreevy, said that it would be a catastrophe for the Government if it had not implemented the programme by Christmas. The Taoiseach will have none of it implemented by that stage and is chalking up great additional costs for the taxpayer. He is purchasing property for which there may be no occupier and he is not clearing the buildings for sale in Dublin that he imagined.

The whole thing is a mess and an all-party review, given the central importance of the issues, would be a way forward. It could then be done on a workable basis that had been negotiated and planned, in keeping with some kind of spatial strategy and with regard to the real problems that the Taoiseach is now creating for civil and public servants.

An Ceann Comhairle: I ask the Deputy to give way to the Taoiseach.

The Taoiseach: I have stated in the House in recent weeks that we cannot implement the programme within the timescale first envisaged but that there are priority areas where advance negotiations with the staff side have been undertaken to move specific sections or units of Departments. That is the clear position, and those plans are

moving ahead. They cover approximately 2,500 civil servants from those listed, and that is substantial.

The agencies are different, and I will not complicate matters because they must be handled differently. FÁS reached a resolution last week. We opened the Marine Institute in Galway, which has brought all its professional staff, bar a handful — I believe 20 out of 180. Those highly qualified professionals are successfully being moved from several Dublin locations to Galway, and that can also happen in other agencies. Others will be slower, and I accept Deputy Rabbitte's point that removing a hard core of departmental policy units would create difficulties, especially during parliamentary sessions.

Mr. Rabbitte: The Taoiseach is doing just that in eight Departments.

An Ceann Comhairle: Please allow the Taoiseach to speak.

The Taoiseach: However, the Deputy is talking about a small hard core, and all Members who have been in Government, including the Deputy, know that policy units are small. That issue is being discussed in the implementation group and it has been put forward by senior civil servants, especially from the higher grades. Their case must be listened to because the process is voluntary and the Government has stated throughout that we will consider such arguments. IMPACT and other Civil Service unions, including the Association of Higher Civil and Public Servants, have advanced their views.

On the other side, there are far more people from a large number of sections, including large portions of, if not all, Departments, who want to move. The restructuring of levels the Deputy mentioned is proceeding without any great disruption to Departments or units in the Civil Service. We are not trying to move 10,000 people over the next two years. We are dealing instead with perhaps 2,500 — a much more manageable number. That is what the implementation group is doing, and I believe it will succeed.

Mr. Sargent: Last Wednesday, the Minister for Transport, Deputy Cullen, told me that he knew that no prisoners have gone, or will go, through Shannon on the way to Guantanamo Bay or any other torture chambers throughout the world. Since then, we have heard of three suicides at Guantanamo, and the Taoiseach may have heard President Bush's Administration responding. Rear Admiral Harry Harris said that the suicides were an act of "asymmetrical warfare" against the US. He may also have heard the Assistant Secretary of State for Public Diplomacy, Ms Colleen Graffy, describe the three suicides as a good public relations move. Today, it was found that a prisoner had secretly been on board a US-hired civilian aeroplane. He had been handcuffed and

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manacled, supposedly for a minor transgression. The US authorities said that there had been an administrative error.

Given the Government's position regarding such activities, if the prisoner had been found to be *en route* to a torture camp in breach of international law, it would be guilty of collusion and complicit through having accepted mere diplomatic assurances. That much is clear when one reads the law.

According to Article 4 of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was signed on 10 December 1984 in New York:

Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.

According to Article 16 of the Convention on International Civil Aviation, which was signed on 7 December 1944 in Chicago:

The appropriate authorities of each of the contracting States shall have the right, without unreasonable delay, to search aircraft of the other contracting States on landing or departure, and to inspect the certificates and other documents prescribed by this Convention.

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

Mr. Sargent: I have read out international law in respect of this issue which applies to all countries. Can the Taoiseach quote legislation to support his refusal to search these planes?

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

Mr. Sargent: Where is this legislation? I do not believe it exists.

The Taoiseach: I agree with Deputy Sargent's comments about the deaths of three inmates at Guantanamo Bay. The full circumstances surrounding the deaths remain unclear but the fact that three detainees committed suicide is deeply troubling. I welcome the promise by the US Government to hold a full review of procedures used at the camp. It has been agreed that the International Committee of the Red Cross may shortly undertake another visit to the camp.

In respect of the legal basis on which persons at Guantanamo Bay are being detained, the Government's position on the condition and status of detainees is clear and has been consistently conveyed to the US authorities. We believe that all detained persons are entitled to the protection of international human rights instruments and, where applicable, international humani-

tarian law. I understand the Irish Government was the first government to call for the closure of Guantanamo Bay and did so long before other EU governments. I share the view expressed by many people, including the Secretary General of the United Nations, Kofi Annan, that those held at Guantanamo Bay should either be charged or released and that the US should close the facilities. We have expressed this view on highly desirable humanitarian grounds. I agree with Deputy Sargent's comments.

As the Minister for Foreign Affairs stated, a civilian aircraft carrying US military personnel landed at Shannon Airport for a technical refuelling stop on route from Kuwait to the US. It emerged on Monday that US authorities had inadvertently failed to seek the consent for this. Such transfers of prisoners are permitted under international domestic law, however consent was not sought. The Minister for Foreign Affairs raised this with the US ambassador last night and undertook to examine our procedures to ensure that these events do not re-occur.

Mr. Sargent: I take it the Taoiseach has no jurisdiction over Guantanamo Bay but he does have jurisdiction over Shannon Airport. This is the substance of my question. Does the Taoiseach accept Senator Dick Marty's clear understanding that flights used for rendition purposes have used Shannon Airport? Ireland was effectively found guilty of negligent collusion with the secret detention and unlawful interstate transfers of persons by the US military and the Central Intelligence Agency by the Council of Europe's committee on legal affairs and human rights. The Taoiseach has been asked by the Council of Europe, the EU Network of Independent Experts in Fundamental Rights, Amnesty International, Human Rights Watch, the United Nations Commission on Human Rights, the Irish Human Rights Commission, the Irish Council for Civil Liberties and 76% of the Irish people at the last count to live up to his international human rights commitments and obligations and ensure these airplanes are inspected. Will the Taoiseach do so in compliance with international law, irrespective of who owns or hired the airplanes or what might be found on them? He is legally obliged to uphold the law. Will he do so and does he accept that flights used for rendition purposes have passed through Shannon Airport?

The Taoiseach: I do not accept that at all.

Mr. Sargent: The Taoiseach is out of sync with everyone else.

The Taoiseach: We are absolutely opposed to extraordinary rendition. We have made this emphatically clear on a continuous basis, including directly and at the highest level, to the US. US authorities have fully accepted our position and have made it clear that prisoners have not

been transferred through Irish territory nor would they be——

Mr. Gormley: That is not the question. The Taoiseach is not answering the question.

Mr. Sargent: The Taoiseach should answer the question.

The Taoiseach: Will the Deputies listen to me?

An Ceann Comhairle: The Taoiseach, without interruption. Members will be asked to leave the House if they continue to interrupt.

Mr. Gormley: The Taoiseach is not answering the question.

An Ceann Comhairle: I remind Deputy Gormley that the question has been asked by Deputy Sargent. The Chair will not tolerate a situation where other Members interject on Leaders' Questions.

The Taoiseach: I answered Deputy Sargent's question about whether I agreed with Senator Marty. The gardaí have the powers to search these aircraft if there is any reasonable suspicion they are breaking the law.

Mr. Sargent: There is reasonable suspicion.

The Taoiseach: Is Deputy Sargent also a garda?

Mr. Sargent: No, I am not. I am simply quoting Amnesty International.

(Interruptions).

The Taoiseach: These aircraft are chartered civilian airplanes.

(Interruptions).

An Ceann Comhairle: The Taoiseach, without interruption.

The Taoiseach: They are not state aircraft.

(Interruptions).

The Taoiseach: We disagree with the substance of Senator Marty's references about this country. There is no question of Ireland having been involved in any collusion. Senator Marty's use of the term is unfortunate. Ireland has not colluded in any unlawful activity. The connections with the refuelling referred to in Senator Marty's report were made after the fact on the basis of the imposition of a pattern of movement so there is no significant evidence in the report. As I stated last week, if he has a basis for his assertions, he should produce it.

Before preparing his report, Senator Marty, amazingly and unlike any other body, did not

contact anyone in Government circles to check anything.

Death of Former Taoiseach: Expressions of Sympathy.

The Taoiseach: It is with great sadness that I learned of the death of the former Taoiseach and leader of Fianna Fáil, Mr. Charles Haughey. His passing is a very sad occasion and marks the end of an era. Today, my first thoughts are with Mrs. Maureen Haughey, a very private woman who shared in the life of a very public man for over half a century. I know that her qualities of dignity and grace will serve her well as she bears her private grief during the very public days that lie ahead. I extend my sympathy and that of the Government and Fianna Fáil to Maureen, Eimear, Conor and Ciarán Haughey and to our colleague, Deputy Seán Haughey.

Charles Haughey inherited a very rich tradition of public service and patriotism from his father, who served in the old IRA and, subsequently, in the Irish Army. Charles Haughey entered this House in 1957 and made a huge impact on Irish life in a political career over 35 years. He attained high political office and had the distinction of being elected Taoiseach on four occasions by Dáil Éireann. He served briefly as parliamentary secretary to the Minister for Justice before being appointed as Minister for Justice by Seán Lemass in 1961. He next served as Minister for Agriculture. It was a measure of the confidence Seán Lemass had in him that he did not hesitate to give this important position to a Deputy from Dublin. Under the leadership of Jack Lynch, Charles Haughey served as Minister for Finance and, in later years, as Minister for Health and Social Welfare. In these demanding portfolios, he proved himself to be a politician of vision and commitment, as well a considerable and able parliamentarian.

When analysing Charles Haughey's career, commentators will largely focus on his tenure as Taoiseach. However, we should also recall that he was one of the most dynamic and talented Ministers ever to grace this House. It would be a distortion of history to obscure the fact that Charles Haughey served with distinction in every ministerial position he held. His many imaginative initiatives will be remembered. Upon leaving office, many Ministers would be envious of the record of achievement attained by Charles Haughey. As Minister for Justice, he set in motion a radical law reform programme, most notably, the Civil Liability Act 1961, which codified the law of tort for the first time in a common law jurisdiction. He also introduced a Succession Act which was one of the most significant contributions to women's rights for decades. As Minister for Agriculture, he negotiated better prices and outlets for farmers in the Anglo Irish Free Trade Agreement. As Minister for Finance, he introduced free electricity, free travel and free

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television and free radio licences for old age pensioners. As Minister for Health and Social Welfare, he used a large share of the increase in public service numbers to expand and modernise the health services. He also introduced the first legislative controls on tobacco advertising and sponsorship.

Charles Haughey was first elected as Taoiseach in 1979 and took over the reins of power at a time when the public finances were far removed from the prosperous climate of today. It was a time when resources were limited and hard choices were the order of the day. Charles Haughey's focus was always on the weak and more vulnerable in society. In his first term as Taoiseach, he gave three increases of 25% to old age pensioners and supported housing schemes to improve the living and housing conditions of the elderly.

On a personal level, I have reason to remember Charlie Haughey's second administration. The Government was formed in March 1982 and I was given the honour of being appointed Chief Whip. Later, I would be appointed Minister for Labour twice and Minister for Finance in subsequent Governments led by Charles Haughey. I was proud to have served with him and prouder still to call him a friend.

During his last five years as Taoiseach, he gave tremendous leadership to a programme of national recovery involving the social partners. At the recent Fianna Fáil 80th anniversary celebrations, I said the country owes much of its present prosperity to the creative decisions taken in 1987 and 1988 by Charles Haughey and his Government, in particular the then Minister for Finance, Ray MacSharry. This is my firm conviction, one that would withstand any objective historical analysis.

Charlie Haughey was a convinced europhile and established a fruitful relationship with the then President of the European Commission, Jacques Delors. He also ran a successful Irish Presidency of the European Community in 1990 immediately following the peaceful revolutions in eastern and central Europe. His reaching out towards Europe was an economic, cultural and political rebalancing of what was Ireland's historic overdependence on the Anglo-Irish relationship. Before leaving office, he crucially and bravely established some of the initial contacts that laid the foundations of the current peace process.

There are many other fine initiatives that Charles Haughey supported for which he will be gratefully remembered. These include the tax free status for artists, the establishment of Aosdána, the restoration of Dublin Castle, the Royal Hospital Kilmainham, the new Government Buildings, which he opened in 1991, the promotion of a flourishing bloodstock industry, the network of regional airports, Temple Bar, the International Financial Services Centre and the restoration of the Shannon-Erne waterway to

name but a few. Many of these initiatives flowed from his genuine empathy with art and artists.

Charlie Haughey had an immense ability to get things done. He inspired great loyalty among many of his followers both inside and outside Fianna Fáil. Recently, these achievements have been clouded by revelations that are the subject of inquiry by the Moriarty tribunal. History will need to weigh up both the credit and debit sides more dispassionately than may be possible today. However, I have no doubt that its ultimate judgment of Charlie Haughey will be favourable.

Charles Haughey was a man of wide interests and many friends. He was a great patron of the arts and had a deep love of horses, but his abiding passion was politics and he worked hard for the people he represented. Charlie Haughey believed in public service and whether as Taoiseach, Minister, in Opposition or even in retirement, he never forgot the people he was elected to serve, particularly his constituents in Dublin North-Central.

During a long period, Charles Haughey faced a final battle that he knew he would ultimately lose. He bore his illness with great dignity and fortitude, his fighting spirit evident to the end. Charles Haughey was not only a man of many parts but also of many places. From Derry to Mayo to Kerry to Donnycairney, he was a favourite son. However, it was in the city of Dublin of which he was proud that he lived his life and made his political reputation.

On Friday, Bloomsday, he will be laid to rest. His affinity with the arts and his extraordinary and colourful life were every bit as interesting as those of Joyce's fictional hero, Leopold Bloom. Being buried on Bloomsday is a coincidence that Charlie Haughey would have deeply enjoyed.

I take the opportunity to express my sincere sympathies and those of the Fianna Fáil party to Charlie Haughey's wife, Maureen, his daughter, Eimear, his sons, Conor, Ciarán and Seán, and his wider family. Ar dheis Dé go raibh a anam dílis.

Mr. Kenny: Fuair mé an scéal ar maidin go bhfuair Cathal Ó hEochaidh, an t-iar-Thaoiseach, bás inniu. Ní mórán Taoiseach a bhí againn sa tír seo, agus ní minic a tharlaíonn sé go mbíonn orainn rud éigin a rá faoi sa Teach seo. Ní féidir linn scéal shaol Chathail Ó hEochaidh, an scéal pearsanta agus polaitiúil, a phlé anseo inniu san am atá againn. Ar ócáid a bháis, ba mhaith liom mo chomhbhrón agus comhbhrón Pháirtí Fhine Gael a chur in iúl dá bhean chéile, Maureen, agus dá chlann ar fad, Seán, atá ina Theachta Dála, Conor, Eimear agus Ciarán.

Today is a sad day in the House and this country. It is fair to say that in myriad ways, Ireland feels the passing of Charles J. Haughey. We may have been on opposing sides in here, but I had a particular connection with Mr. Haughey, as it was my grandaunt who delivered him into this world in Castlebar 80 years ago despite the various perceptions of where he was actually born.

In his final words in the House as Taoiseach, Mr. Haughey quoted from "Othello" when he said he did the State some service. Today, his admirers and adversaries agree that, indeed, he did. Charles Haughey made an enormous contribution to the State, arts, business, European and Northern Ireland affairs and life in this country. His ministerial career sparked many innovations and considerable reform. In the House, he was a formidable opponent of prodigious intellect and a gifted debater, as many on this side and the Government side can testify. Two weeks ago, Members who were not here during his time had an indication of a flavour of riveting politics when the House debated issues of real concern. This is how it was during the Haughey years week in, week out. Whether in Government or Opposition and whether one liked or agreed with his statements, they could never be overlooked.

Charles Haughey was as respected abroad as he was controversial at home. He had close working relationships with then Chancellor Kohl, then President Mitterand and then Italian Prime Minister Andreotti. I remember quite vividly that during some intense Northern Ireland negotiations, someone commented on how in Mr. Haughey's presence, the Iron Lady herself, Mrs. Thatcher, became positively skittish. It was something that might have appealed to his pride and his legendary black sense of humour.

On the day of his death, it is fair and right to say Charles Haughey was, in his time, a dominant and outstanding figure in Irish politics in terms of intellect and ambition. He was also mercurial to the degree that he was in many ways a perfect contradiction, with an ability to be both charming and quite ruthless in a heartbeat. Anyone summoned to his presence did not forget the occasion quickly.

They say that to live in the hearts we leave behind is not to die. In the hearts of his family and friends and in those of many within Fianna Fáil, Charles Haughey will live on in a real way as a husband, father, grandfather, trusted confidant and someone deeply loved, respected and sadly missed. Today, our hearts are with them as they mourn their loss.

In the coming days and weeks, there will be much discussion about Charles Haughey the politician and there will be the opportunity for those who wish to do so to dissect and analyse the ups and downs of his political career. However, on the day of his death, I want to talk about Mr. Haughey the man. Anyone here or in the country who has had troubles in his or her life knows that often we do not realise how strong people really are until we see them at their weakest moments. Regardless of how people felt about Charles Haughey politically, anyone with even the vaguest sense of our shared humanity could see that he bore his humiliations with dignity, courage and a deep personal pain.

The Celtic tradition with which Charles Haughey felt so aligned says that at the time of

death, the full embrace of the soul gathers around us. It does not leave abruptly. Rather, it takes its leave slowly. Today of all days, as Charles Haughey leaves one life to begin another, I am sure his slow leave-taking will include this building where he lived the many highs and lows of political life for more than a quarter century and over which the tricolour flies at half mast.

I have quoted before the famous poem by John O'Donoghue, *Beannacht*, which, for the sailor, is appropriate:

When the canvas frays in the curach of thought

And a stain of ocean blackens beneath you,
May there come across the waters

A path of yellow moonlight

To bring you safely home.

May the nourishment of the earth be yours,

May the clarity of light be yours,

May the fluency of the ocean be yours,

May the protection of the ancestors be yours.

And so may a slow wind work these words
of love around you

An invisible cloak to mind your life.

Mr. Rabbitte: I join the Taoiseach and Deputy Kenny in extending my sympathy and that of the Labour Party to the Fianna Fáil Party, to our colleague in the House, Deputy Haughey, and to Mrs. Maureen Haughey and her family.

No figure was so dominant for so long in Irish politics. The Taoiseach is correct to say Mr. Haughey contributed much that was good to Irish life. Anybody who was fortunate enough to be elected Taoiseach four times and to hold several Ministries could not but have had a positive influence and made changes for the good of our people. I acknowledge that fact in the case of Mr. Haughey but it would be hypocritical of me, as somebody who opposed him in this House, not to say there was a darker side to his legacy. Today is not the time for a rigorous or balanced assessment but to acknowledge that he bore a serious illness with great dignity and did the State some service. Today is a day to remember he has a family, like everyone else, who mourn his passing.

He inspired tremendous loyalty and vehement opposition, so much so that his opponents were driven to found a new political party. There will, as Deputy Kenny said, be much analysis outside this House, but what has been said today is on the record and I do not intend to venture from the common decencies that ought to be observed on an occasion like this. The Taoiseach's statement that Mr. Haughey was involved in the genesis of the peace process is shown by history to be right. However, history should also record that he was involved in the genesis of the horror that was inflicted on us over 30 years, on which some analysis is also required. Some analysis also needs to be done on his and his party's cynical opposition to the Anglo-Irish Agreement.

[Mr. Rabbitte.]

As for being the creator of the Celtic tiger and of the prosperity to which the Taoiseach referred, ten years earlier his mistaken policies made a significant contribution to the difficulties we encountered. It is all very well to praise the period 1987 to 1989, but that followed a national poster campaign offering an alternative that did not hurt the sick, the old and the handicapped, the opposite of which was implemented. It is misleading for individual politicians to claim authorship of the Celtic tiger because there was a bipartisan approach in this House for 40 years on investment in education, on industrial strategy and on a low corporate tax regime. These factors came together following accession to the EU to contribute much to our prosperity.

Mr. Haughey was a unique politician who, as the Taoiseach said, served with distinction in a number of different Ministries. There are many positive reasons to recall his political record. There are many ordinary people who are grateful to him for decisions he made. He was a reforming Minister for Justice, an immensely skilful parliamentarian who enjoyed the theatre of this House, and a very talented politician. All of us in the House would like to be able to say he applied his talents exclusively to public service, but we must ask to what extent his behaviour as a senior politician has contributed to the lowering of the public esteem in which politics are held.

Today our prime concern should be for his family, for whom it must have been a very difficult time. The Labour Party and I extend sincere sympathies and condolences to them.

Minister for Justice, Equality and Law Reform (Mr. McDowell): On behalf of the Progressive Democrats, I join other speakers in remembering and doing honour to the memory of Charles Haughey who died this morning after battling bravely with a relentless and mortal illness.

I convey on behalf of all my party colleagues to his son Seán, our parliamentary colleague, our fondest and heartfelt sympathy on the passing of his father. Although circumstances of recent weeks and months may have prepared Seán in some way for today's events and the passing of his father, there is no preparation that takes away the private pain and the grief of the loss of a devoted and caring parent, or the sense of loss of a loving son. I know, however, there is a universal sense of support for Deputy Haughey in this House today.

I also want to remember Maureen Haughey, and the other family members, Eimear, Ciaran and Conor. Families play a huge role and make enormous sacrifices to support those who play a role in public life. Few spouses choose the life which public office thrusts upon them but none can match the dignity and steadfast loyalty Maureen Haughey has always shown in her years as Charles Haughey's spouse and partner. Although it has been said that children have no

choice as to their parents, from a distance it has always been blindingly obvious that the Haughey children would have chosen no other parents than Charlie and Maureen.

Charles Haughey held many key Ministries and the office of Taoiseach in this State, and had many achievements and accomplishments in those capacities. It has been suggested he brought the Progressive Democrats into existence. Perhaps he did, but he certainly brought us into Government and we will not forget that. He was a navigator on the seas of controversy and excited strong feelings and passions throughout his career. Today is not the time nor the occasion for dispassionate judgment, still less for criticism or for discord. The Romans put it well in the phrase, *De mortuis nil nisi bonum*, which means: "Speak only good of those who lie dead". There will be plenty of time hereafter for passionate and dispassionate assessments of the legacy of Charles Haughey.

On behalf of my parliamentary party colleagues and for my own part, I wish to remember today those of Charles Haughey's actions which will always stand as achievements and to reflect on the fact that he held democratic office in this State, as we all do, by the will of the people whom we all serve and by whom in the last analysis we all fall to be judged. I will renew our strong message of sympathy to Seán, his mother and his brothers and sister. In conclusion, ar dheis Dé go raibh a anam cróga.

Mr. Sargent: Déanaim mo chomhbhrón le bean chéile Chathail Uí Eochaidh, Máirín, lena chlann, go mórmhór lena mhac, Seán, atá ina Theacha Dála, agus le Páirtí Fhianna Fáil ar fad, atá tar éis ceannaire a chailliúint. Is lá brónach é seo do gach duine a thugann tacaíocht d'Fhianna Fáil. Mar Theachta Dála i dtuaisceart Átha Cliath, bhuaíl mé go minic le Cathal Ó hEochaidh, a bhí ina chónaí sa cheantar le fada an lá, agus ba mhinic a labhair muid le chéile mar gheall ar chúrsaí de gach sórt. Is cinnte gur dhuine é a raibh a lán taithí, eolais agus tuairimí aige. Bhí sé suimiúil i gcónaí.

In human terms, today is very much a day of bereavement, particularly for Charlie Haughey's wife and family, but also for all his supporters and the Fianna Fáil Party generally. It is also a political event as evidenced by the Government's decision to grant Mr. Haughey a State funeral. As a Deputy and Minister for many years, he served under former taoisigh Seán Lemass and Jack Lynch. As Taoiseach, he led Governments which included the former Taoiseach Albert Reynolds and the current Taoiseach. In many ways, Charles Haughey epitomises a different time, a time of Noel Browne, a much younger looking Tony Gregory, The Workers' Party and the Progressive Democrats with whom he came to have a very interesting relationship, as the Minister for Justice, Equality and Law Reform has outlined.

However, Charles J. Haughey could also be said to be someone who delighted in the maxim that politics is the art of the possible. If anything, he tested that maxim to breaking point, which will be an issue for debate in the days and years to come. There is no doubt that his story is one of the most colourful ever told about anybody involved in Irish politics. He had an ability to dig a hole for himself but he also had an ability to dig himself out of a hole, which often involved a huge amount of energy, dedication and intelligence.

This is not a day for analysis, however, it is one for recalling those people who are affected by his passing and the many who have memories of Charlie Haughey. In Dublin North there is a maxim, "The tribe with the fat chieftain never goes hungry", which applies to Charles J. Haughey and explains why he had such huge support and loyalty. For many people, that was enough and it ensured that people regarded him, as many have said, as a lovable rogue. The charm he brought to politics was employed to great effect. I experienced some of that charm during the fraught general and European elections of 1989. Having polled far better than my adversaries foretold, Mr. Haughey wasted no time at the count in the RDS in deciding that he would have to congratulate me. I recall the sea of people around the Fianna Fáil side of the count centre. There was a ripple and the crowd parted, something like the Red Sea, and from it appeared this man whom one could imagine like Moses. He came across, shook my hand and said, "Well done young man, I'm a bit of a Green myself".

A Deputy: He was keeping the door open.

Mr. Sargent: Anybody who met Charles Haughey knew that he had an ability to get straight to where he felt their feelings and aspirations lay. He earned respect by using considerable charm, as has been referred to by Deputy Kenny, in confronting the Iron Lady, the British Prime Minister at the time, Margaret Thatcher. At a time when Ireland needed strong nationalist leadership, he provided an important role which was a catalyst for the considerable progress that has been made towards peace on this island — I hope for all time.

That being said, his death should also be a catalyst for examining where rules need to be put in place for planning and land rezoning and bringing together that huge divide in Irish society between those who have property and those who do not. The Kenny report of 1973 should be the catalyst to bring us forward and leave behind what was a murky past. Charles Haughey was identified with that past, although unfairly in many ways. He undertook the art of the possible but the rules should be re-examined. Those rules are still in place, even though Charles Haughey has left us.

Tá mé cinnte go raibh go leor againn, mé féin ach go háirithe, d'aon ghuth le Cathal Ó hEo-

chaidh agus muid ag plé chúrsaí na Gaeilge, na Gaeltachta agus, go mórmhór, Corca Dhuibhne. Is cinnte gur thug sé an-chlú agus cáil ar an cheantar sin, anuas ar an chlú agus cáil a bhí air cheana féin. Tá a fhios agam go bhfuil go leor i measc na ndaoine a thug tacaíocht dó inár ndáil-cheantar i dtuaisceart Átha Cliath agus, go deimhin, i gCorca Dhuibhne, den tuairim nach mbeidh a leithéid ann aríst go deo, agus tá an ceart acu. Ar dheis Dé go raibh a anam.

Caoimhghín Ó Caoláin: On my own behalf and that of the Sinn Féin Deputies, I extend our sympathies to Charles Haughey's widow, Maureen, our colleague, Deputy Seán Haughey, his other sons and daughter, and the members of the Haughey family. For many years, Charles Haughey certainly trod a chequered pathway through the political life of the nation. In his own words, he gave some service and it is right that his achievements are acknowledged and remembered, and they will be. Some will remember him fondly, more will hold a jaundiced view of his stewardship. The Arms Trial episode and early support for a talks process aside, particularly in this year which marks the 25th anniversary of the deaths of ten young Irish republicans on hunger strike and the 25th anniversary last Sunday of the election of Kieran Doherty, TD, to represent the constituency that I represent today, republicans will remember Charles Haughey's failure to stand up in real terms to Margaret Thatcher in 1980 and 1981.

The debate about his legacy and his contribution to Irish society is one for another day. Today our thoughts are with his family who have suffered a deep loss. May he rest in peace. Suaimhneas síoraí dá anam.

Mr. Callely: It was with great sadness that I learned of the death of the former Taoiseach, Charles J. Haughey, who was a colleague and friend. I entered national politics in 1989 on the Fianna Fáil Dublin North-Central ticket with the then Taoiseach Charles Haughey, when we won three out of four seats in that constituency. Charlie was a skilled politician who had the ability not only to perform on the world stage but also to connect with his constituents on the doorsteps. He never lost sight of what was important to his constituents and they consistently rewarded him with record personal support. It is impossible to even think of the Ireland of today without recognising the impact of Charles Haughey's vision for our country and its people.

His achievements have already been highlighted in many of the tributes paid to him today. I know he will be remembered fondly by those who really knew him and those who were represented by him. Charlie was a great leader and public representative but, above all, he was a great and loyal friend. My thoughts and prayers are with his wife, Maureen, his daughter, Eimear, his sons Conor, Ciarán and my colleague, Sean,

[Mr. Callely.]

his surviving brothers, Fr. Eoin and Sean, his surviving sister, Maureen, and the rest of the extended Haughey family at this sad and difficult time.

Mr. F. McGrath: On behalf of the Independent Deputies and on a personal and human level, I express my deepest sympathy to Maureen Haughey and her family at this sad and difficult time. We have all had our political disagreements but I agree with my colleagues that this is not the day for dealing with political matters. Today is a day of sympathy for the family.

On a personal level, I have worked with Sean Haughey for many years on Dublin City Council and since I was elected to the Dáil in 2002. I have always found Sean a courteous gentleman with a great sense of humour. We work very well together. I express a personal sympathy to Sean on the death of his father.

Charlie Haughey, as he was widely known around Donnycarney, had a big name for many years and did a great deal of work in the community, particularly in Donnycarney and Dublin North-Central generally. It is important on a day like this that we reflect on the situation with regard to illness in our society, particularly cancer. The recent years have been a difficult period for the Haughey family. Those of us who know people who have suffered and fought this illness for many years know how difficult it is for the patient but also for the family.

On a lighter note, I will tell a story concerning an election campaign at the beginning of my political career. I was outside Sunday morning mass at Ardlea Road church in Artane with a number of colleagues. I was in charge of giving out leaflets and organising the election workers, and I was accompanied by my late father, who came to offer his radical son moral support. While there, Charlie suddenly pulled up in a big car. He got out and the crowd started to move towards him. I was telling my workers to hold their nerve, stay strong, keep giving out the leaflets and keep canvassing when, out of the side of my eye, I saw my own father talking away to Charlie Haughey. Afterwards, I asked him: "Why did you do that to me, Dad, in the middle of the battle?" He said: "I just wanted to meet Charlie Haughey." That was the impact he had. Like him or dislike him, he had an impact like that on people.

I also want to refer to an important matter for one, like myself, who has worked in the inner city for 20 years, about which I know the Taoiseach will agree, namely, the Gregory deal. We all remember the dark 1980s — the massive unemployment, the heroin deaths, all the funerals of the young children and the educational disadvantage. At that time, the Gregory deal and the investment in the north inner city was a breath of fresh air and was of valuable assistance to the community.

To Maureen and the Haughey family, I offer my deepest sympathy.

Mr. Bruton: I express my sympathy to the Haughey family. Charlie was a colossus locally. When I came into politics, I was very much the rookie. Paddy Belton was then on his way out and the Beltons and the Haugheys were very close. They were political opponents throughout their lives but they were also extremely close. They never saw one another put aside and always remembered the link they had, which went way back.

It is with great sadness that one sees the end of a man who made such a contribution over so many years. Organisationally, he brought politics to a new level, certainly in Dublin North-Central. He had a system of block captains and contacts in the constituency that was unrivalled. One never knew where Haughey's people were. One could canvass a street up and down and one would never see a sign of a Haughey supporter but when the boxes were opened, they were there in droves.

He attracted fantastic loyalty. If Members go to Donnycarney church on Friday, as I am sure most will, they will get a sense of the support he had. When church gates were a big thing, Charlie Haughey would have a phalanx around him that was unequalled. I am surprised Deputy Finian McGrath claims he was able to give out a leaflet. One would be pushed into the siding because Mr. Haughey had such a tremendous following.

He was a man with whom I never had a row throughout my career in politics — I know that is not true of everyone on the other side of the House. Having survived with him in the constituency, I never had a row with him. He was a man I respected during the years.

In particular, I offer sympathy to Sean. He has had to live his politics in the shadow of Charles Haughey, who was such a formidable person. Sean has carved out his own identity in politics, which is a great achievement for him, and has the tradition of the Haugheys behind him. I offer particular sympathy to Sean on his loss.

Members rose.

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. J. Breen: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the chronic overcrowding of classrooms in our national schools; the failure of the Government, in particular the Minister for Education and Science, to meet the commitments made in the programme for Government to reduce class sizes, and the total inaction on addressing the staffing needs of

smaller schools which has resulted in more than 6,500 parents in County Clare alone signing a petition calling for an end to this shameful situation.

Aengus Ó Snodaigh: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the urgent need for the Government to revisit and revise its policy on relations with Israel and in particular to end its policy of preferential trade relations with Israel in order to hold Israel accountable for its persistent human rights violations in Palestine, especially in light of the increased intensity of attacks by Israel. These attacks amount to the collective punishment of Palestinians, which is a war crime — the attack last Friday on a beach killed seven Palestinians, including three children, and the missile strike on Gaza city today killed nine Palestinians, including two more children. It is important that we double Irish aid to the Palestinian Authority on foot of the reduction of EU aid which the Government failed to prevent.

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

Order of Business.

The Taoiseach: It is proposed to take No. 11, motion re referral to select committee of proposed approval by Dáil Éireann of Ireland's contribution to the International Development Association's multilateral debt relief initiative and to the International Development Association's 14th replenishment; No. 20, European Communities (Amendment) Bill 2006 — Order for Report, Report and Final Stages; No. 21, Planning and Development (Strategic Infrastructure) Bill 2006 [*Seanad*] — Second Stage (resumed); No. 22, Criminal Justice (Mutual Assistance) Bill 2005 [*Seanad*] — Second Stage (resumed); and No. 2, National Oil Reserves Agency Bill 2006 — Order for Second Stage and Second Stage. It is proposed, notwithstanding anything in Standing Orders, that No. 11 shall be decided without debate. Private Members' Business shall be No. 55, motion re Marty report on extraordinary rendition by the United States.

An Ceann Comhairle: Is the proposal for dealing with No. 11 agreed to?

Caoimhghín Ó Caoláin: It is not agreed. I welcome the decision to give €59 million towards the cost of debt cancellation. However, the requirement to debate it in the House is based on the fact that this sum is to be lumped with the overall figure for overseas development aid, which it clearly is not. It gives a false picture with regard to the Government living up to its commitment to reach the figure of 0.7% of GNP by 2007,

which has now been put back to 2010. This is a serious matter because it falsifies the figures.

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

Caoimhghín Ó Caoláin: It is endeavouring to mislead not only the public but also the international community about our commitment in this area.

Ms O'Donnell: The Deputy is wrong. It is reckonable as ODA.

Caoimhghín Ó Caoláin: This should not be included in the ODA figure.

The Taoiseach: It is ODA.

Caoimhghín Ó Caoláin: What we are seeking is a commitment to pay——

An Ceann Comhairle: Is the proposal for dealing with No. 11 agreed to?

Caoimhghín Ó Caoláin: Surely a Deputy is allowed to make a point.

An Ceann Comhairle: We cannot have a debate on the matter now. The question is whether it should be referred to the committee.

Caoimhghín Ó Caoláin: It should not and I am making the argument why it should not.

Question, "That the proposal for dealing with No. 11 be agreed to," put and declared carried.

Mr. Kenny: In the Taoiseach's absence I raised a matter which had been raised by Deputies McGrath and McManus and me in respect of the National Rehabilitation Board and its former employees. It took six years for one person to get their due entitlements through the courts.

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

Mr. Kenny: The Tánaiste undertook to revert to me about this matter. Will the Taoiseach follow up the issue and ascertain if the remaining almost 200 employees will receive their entitlements? For his information, this relates to the abolition of the National Rehabilitation Board some years ago and the rights that had accrued to its workers.

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

Mr. Kenny: You allowed it three weeks ago, a Ceann Comhairle.

An Ceann Comhairle: In a moment of weakness.

Mr. Durkan: Let there be another quick moment.

Mr. Kenny: It was not a moment of weakness on your behalf, a Cheann Comhairle. You have no moments of weakness.

An Ceann Comhairle: I call Deputy Rabbitte.

Mr. Kenny: You are as sharp as a razor all the time. I was in Monaghan last week where I was told as much.

Mr. Rabbitte: There is an amendment to the Dáil schedule for Thursday, owing to the House rising because of the death of the former Taoiseach. One of the items listed for Thursday is the Defence (Amendment) Bill 2006, which relates to whether the Defence Acts allow the Defence Forces to take part in missions not established by UN resolution. The Bill has not yet been published, although it was intended to deal with it on Thursday. This side of the House has repeatedly asked for time to discuss this matter. The Labour Party made the argument to the Minister, Deputy O'Dea, over a prolonged period—

An Ceann Comhairle: We cannot have a debate on the issue. Does the Deputy have a question appropriate to today's Order of Business?

Mr. Rabbitte: —and by letter, that this amendment to the Defence Acts would be necessary. He maintained it would not. As recently as today in the newspapers he claimed it was not necessary, yet this legislation was scheduled for Thursday. We were expected to respond to it but it has not yet been published.

Mr. Gormley: A Cheann Comhairle, on the same matter—

An Ceann Comhairle: There is nothing else to raise.

Mr. Rabbitte: When will the Bill be published?

The Taoiseach: I will communicate with the Minister. Is it the Deputy's point that he wants the Bill published quickly in order that it can be dealt with next week?

Mr. Rabbitte: Yes.

Mr. Timmins: It is on the schedule for Thursday.

The Taoiseach: It will not be taken on Thursday.

Mr. Rabbitte: If it were not for other events, it would have been taken on Thursday.

Mr. Gormley: On a point of order, all the Deputies want is a copy of the legislation.

An Ceann Comhairle: That is not a point of order. The Taoiseach will respond to Deputy Rabbitte.

Mr. Gormley: The Taoiseach should ensure we receive a copy of the legislation as a matter of urgency.

The Taoiseach: I will discuss it with the Minister. I am not sure that it will be taken on Thursday but I will ask that it be circulated quickly.

Mr. Costello: On that point, it is listed for Committee Stage next week but it has not yet been published.

An Ceann Comhairle: It does not arise on today's Order of Business.

Mr. Costello: It is promised legislation.

An Ceann Comhairle: The Taoiseach has answered the only question that arises on today's Order of Business.

Mr. Costello: It is promised legislation. It still has not been published but Committee Stage is scheduled for next week.

An Ceann Comhairle: We cannot debate it now.

Caoimhghín Ó Caoláin: The Ombudsman (Amendment) Bill was scheduled to be published in the middle of this year but is now scheduled to be published later. When is it intended to publish it? Will the Taoiseach give an assurance that it will be dealt with in the current session?

The Taoiseach: The heads of the Bill have been approved and the Bill is due to be published later this year. It will not be during this session.

Mr. Crawford: What is the situation with regard to health? We have been summoned by the Health Service Executive—

An Ceann Comhairle: I am sorry but that matter does not arise on the Order of Business. We must move to the next business.

Mr. Crawford: —to attend a meeting tomorrow. Is the Minister in charge or not?

An Ceann Comhairle: I will call the Deputy first tomorrow.

Mr. J. Breen: A Cheann Comhairle, I raised my hand to ask a question on the Order of Business.

An Ceann Comhairle: That is correct. Many other Deputies did so too but as it is now almost

5.40 p.m., we must move on. The Deputy will be called first tomorrow after the leaders.

International Development Association: Motion.

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

That the proposals that Dáil Éireann approve, in accordance with Article 29.5.2° of Bunreacht na hÉireann,

(i) Ireland's contribution of €58,640,000 to the International Development Association's multilateral debt relief initiative, to be paid at a time and in a manner as the Minister for Finance may determine, and

(ii) Ireland's contribution of €70,000,000 to the International Development Association's 14th replenishment, payable at a time and in a manner as agreed by the Minister for Finance with the International Development Association,

be referred to the Select Committee on Finance and the Public Service, in accordance with paragraph (1) of the orders of reference of that committee, which, not later than 29 June 2006, shall send a message to the Dáil in the manner prescribed in Standing Order 85, and Standing Order 84(2) shall accordingly apply.

Question put and agreed to.

European Communities (Amendment) Bill 2006: Order for Report Stage.

Minister of State at the Department of Foreign Affairs (Mr. Treacy): I move:

"That Report Stage be taken now."

Question put and agreed to.

European Communities (Amendment) Bill 2006: Report and Final Stages.

Bill reported without amendment and received for final consideration.

Question proposed: "That the Bill do now pass."

Minister of State at the Department of Foreign Affairs (Mr. Treacy): As we look forward to the completion of the fifth enlargement of the European Union, I express my satisfaction at the strong support for this Bill from all sides of the House. I sincerely thank all Deputies for their valuable and positive contributions.

Ireland has always been a strong supporter of the enlargement process, of which we were among the first beneficiaries when we joined the European Union in 1973. During the years we have supported each subsequent enlargement, extending the benefits of membership to those European countries that wanted to join and were

ready to do so. I hope Bulgaria and Romania will strive in the coming months to satisfy the European Commission that they are ready to take on the responsibilities of membership of the European Union from next January. We look forward to working with them as full partners. Their accession will complete the Union's historic fifth enlargement, one of its greatest achievements. Passage of this legislation and Ireland's ratification of the accession treaty later in the year will play an important part in completing a process that would have been unimaginable less than a generation ago when Europe was still mired in the Cold War. We can all take pride in contributing to a process which has transformed our continent for the better in a much shorter time than we would have dared hope for just a decade and a half ago.

Mr. Durkan: This is a fitting conclusion to the debate. It is generally accepted that part of the European project is its development and evolution through the inclusion of the various countries that apply to join. This case is no exception and follows the course this country followed some years ago. As a European country, we were lucky to have the support of our European colleagues as we proceeded. We did not have that support at the initial stages but ultimately we achieved our objectives and it was to the benefit to the country that we did. Romania and Bulgaria, the accession countries, will benefit tremendously from membership of the European Union. It is true they have to comply with the *acquis communautaire* and develop their services and protocols within their respective countries in accordance with the guidelines laid down by the European institutions. That is appropriate and as it should be. It is also a modern learning curve so far as the rest of the world is concerned.

It is hugely important that the European concept and the European project goes ahead and is seen to go ahead and gets the support not only of those states within the Union but of the countries that wish to come on board. It is an opportunity to focus attention on the requirements and membership of the European Union and to ponder on all that has happened since the initiation of the European Coal and Steel Community and the distance the European project has gone in the meantime without which many European countries would be far worse off. We need to applaud the concept.

We also need to look to the future which has to include the ratification of a constitution at some stage. Some means has to be found to gel together the thinking of all the constituent bodies. All the EU members will have to think about it and move forward. In the not too distant future there will have to be an extension of the euro zone. To make the European concept what it can become we must move towards a recognition of the common currency and the European institutions in the way they affect us in the future.

[Mr. Durkan.]

That means we have a certain amount of independence but it is entirely up to ourselves.

We have come so far so well. A great deal has been achieved since the 1950s and we still must look to where we go from here in terms of the next phase. The next phase should include the ratification of the proposed constitution or something similar. The more the European institutions are seen to falter the greater the chances of failure. It is of critical importance, therefore, that these issues be kept alive with a view to resolution as opposed to having them around as a means of causing divisiveness. This is a milestone. Obviously, the procedure has been set down. We welcome and congratulate all involved in getting the process to this stage. There will be other requests for enlargement. It is important that those countries be treated in a fair and equitable manner because any intention to reject an application for membership could be misconstrued, particularly, if it comes from a country where a large proportion of its population resides within the continent of Europe.

Aengus Ó Snodaigh: Fáiltím roimh an Bhille seo. Mar a dúirt mé sa choiste, tá súil agam go nglacfar leis an Rómáin agus an Bhulgáir go hiomlán ar an chéad lá d'Eanáir an bhliain seo chugainn agus nach gcuirfear aon bhacanna rompu roimhe sin nó aon mhoill ar a mballraíocht.

Is breá an rud é dúinn agus do thodhchaí tíortha beaga má thagann tíortha nach iar-impireachtaí iad isteach san Aontas Eorpach. Tá an tAontas Eorpach bunaithe ar chaidrimh agus cairdeas idir tíortha beaga seachas smacht na dtíortha móra. Agus muid ag críochnú leis an Bhille seo, is é an príomhrud ar mhaith liom a rá, mar a dúirt mé cúpla uair cheana féin, ná gur cheart stádas iomlán a thabhairt don dá thír ón chéad lá. Is é an rud atá i gceist agam ná go mbeidh cead ag oibrithe ó na tíortha sin taisteal timpeall an Aontais Eorpaigh. Tá a fhios agam nach bhfuil an cinneadh sin déanta ag an Rialtas go fóill. Ghlac sé cinneadh cuíosach tábhachtach i leith na dtíortha eile a tháinig isteach roimhe seo, agus sheas mé féin agus daoine eile leis mar gheall ar an chinneadh cróga sin, a tógadh i gcoinne fhormhór na dtíortha eile san Aontas Eorpach. Le déanaí, tháinig trí thír eile leis an triúr a sheas amach sa chéad dul síos.

Tá a lán daoine á rá nár chóir go mbeadh cead ag oibrithe agus saoránaigh an AE taisteal agus obair i ngach uile thír san Aontas, gan aon bhacanna. Tá siad in aghaidh na critéir a chomhlíonadh go hiomlán. Níor chóir go mbeadh dhá stádas nó dhá chéim ann ó thaobh ballraíochta de, áfach. Má tá siad sásta glacadh leis an Rómáin nó an Bhulgáir mar thíortha san AE, ba chóir go gcuirfí é sin i bhfeidhm 100% ó thús gan aon darna grád a bheith ann, mar atá ann do na tíortha a tháinig isteach sa bhabhta deireannach.

Tá súil agam go mbeidh muid ag teacht ar ais ar an cheist seo go luath, ag gabháil comhghairdeachais leis an Bhulgáir agus an Rómáin go bhfuil siad ina mbaill iomláine sa chéad dul síos. Ba cheart don Rialtas bheith in ann iachall a chur ar thíortha eile an AE glacadh leo go huile is go hiomlán mar thíortha den chéad ghrád, gan aon darna grád a bheith i gceist. Cruthaíonn an dá ghrád sin go bhfuil easpa daonlathais san AE, mar a dúirt muidne thar na blianta. Má tá an Rialtas seo agus rialtais eile ag iarraidh cruthú go bhfuil mo leithéid mícheart ó thaobh daonlathais san AE de, is é ceann de na chéadrudaí ar chóir dóibh a dhéanamh ná glacadh leis na tíortha go hiomlán sa chéad dul síos.

Mr. Costello: I too welcome the passage of this Bill which amends the European Communities Act 1972 and provides for the accession of Romania and Bulgaria. It is the fifth European Union enlargement. The original intention was that it would be six and six but the European Union speeded up the process and these countries are the final extension of the fourth enlargement. In a short time the European Union has grown from 15 countries to 25 and now to 27, which is almost a doubling of the number of states. Nobody could argue that this is not a rapid enlargement of the European Union. There is no doubt after the accession of Romania and Bulgaria there will be a period of reflection and consolidation which, to some extent, is happening. The population will increase by a further 30 million to approximately 484 million. That is a huge number of people. This offers great potential for a country like Ireland which is a major exporter and requires an international market. One on our doorstep such as the European Union, which as an open and free market is particularly desirable.

Some problems remain to be ironed out, the most serious being the question of whether 1 January 2007 will be the accession date. For that we await the decision of Olli Rehn, the EU Commissioner dealing with enlargement, whose final decision will be made in the autumn. There are questions regarding internal matters, especially on corruption, drug trafficking and human trafficking, that give rise to major problems here too. It must be asked if it is better that both Romania and Bulgaria are inside the European Union, which might facilitate dealing with some of those stubborn problems, rather than being outside the union for an extended period. I would prefer that they were inside, as well as a much greater tightening up of the operation of Europol and Interpol.

On "Prime Time Investigates" last night we saw how little executive authority is operational with Europol. There is an exchange of information but there is low grade determination to deal with matters unless they are on individual member states' soil. Garda sources indicated a figure of about 100 Irish criminals abroad. Inci-

dentally, RTE showed the wrong person in one shot involved. It was supposed to be George Mitchell but was someone else. Perhaps RTE might do its homework and get it right the next time, after spending three weeks' of taxpayer's money chasing the wrong person.

In any case, we need to tighten up in this area, not just regarding drugs but human trafficking, now a major phenomenon. Many countries other than just Romania and Bulgaria are involved and we must deal with these issues. However, these are not reasons we should keep Romania and Bulgaria out of the European Union. They are reasons we should tighten up all the procedures in operation on cross-border illegal and criminal activities. The budget agreed recently will assist this.

The labour market also concerns us. We have been good Europeans in that we have opened our borders from the outset. Ireland, Britain and Sweden have opened up our labour markets to the ten accession states from 2004. They have been greatly beneficial in progressing this country. An interesting fact is that the economies of the three countries that have granted access are doing far better than the countries which have refused access, which have applied restrictions. That is why a number of countries have now changed their minds, while three or four other countries have also agreed to open up their borders.

It was the major states such as France and Germany that were pressing ahead with enlargement. They were demanding it a few years ago, yet are now dragging their heels and refusing to allow the new member states to have access to their labour markets. We should now move ahead as a bloc of 27 countries rather than as a couple of countries which decide to pick and choose how they will open up their labour markets. Ireland could usefully negotiate that in advance, or do some work with the other major countries, particularly France, Germany and Italy, in smoothing the way, in order that when both Romania and Bulgaria enter the EU, we should all sing from the same hymn sheet.

I see this as the final stage of the fourth enlargement. It is welcome, and is the culmination of an enlargement involving many states, which has brought Europe to a stage where a period of — perhaps not sustained reflection but certainly a period of reflection — is required. We must then look towards Turkey, the Balkan states and the structures — the EU constitution was mentioned by Deputy Durkan — as to what changes are required in terms of states joining the EU in the future. I am glad the European project is operating healthily and it has certainly been of enormous benefit to this country. I would not like to lose the momentum. We should press ahead even if other countries do not join in the immediate future.

Question put and agreed to.

Planning and Development (Strategic Infrastructure) Bill [Seanad]: Second Stage (Resumed).

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

Mr. P. Breen: I welcome the opportunity to speak on this important Bill which has been going through the House for several weeks. I welcome the Minister for the Environment, Heritage and Local Government to the House.

My concern with the Bill is that the Government parties are using the planning process as a scapegoat for their appalling record on delivering key infrastructure projects. Underlying that, there seems to be a perception that the balance in the planning process has swung too much in favour of the objectors. This seems to reflect my party's perception that within the judicial system the balance has tilted in favour of the accused. Something like that was seen with regard to the recent release of a sex offender, with the balance tilted away from the victim to the convicted person.

When it comes to planning, I am not convinced that the perception that objectors to infrastructure projects have held up such projects is correct. When making his speech later, the Minister might provide some examples.

In this day and age it is hard to find examples of infrastructure projects which have not been held up. However, I blame the Government, in terms of poor project design, a failure to properly plan projects, a failure to anticipate technical difficulties, pandering to particular interests and a failure to place key projects into an overall integrated plan. These have been the hallmarks of the Government.

Some weeks ago, Deputy Peter Power spoke in his contribution about the Madrid metro, how it was fast-tracked and built in record time, in 18 months or so. This is an example of

6 o'clock how key infrastructure projects can be fast-tracked. We can also point to the hold-up of the Dublin port tunnel, colossal overspending on major road projects and delays in their completion. In County Clare, the Ennis bypass is currently under construction, two years behind schedule. It was to be completed in 2005 but is now due for completion in 2007. I welcome the progress being made but I understand problems have arisen and are being considered by the Minister for Enterprise, Trade and Employment, Deputy Martin. The Government refused to give employment permits to skilled Turkish engineers and quantity surveyors working on the Ennis bypass. I hope the situation will be resolved as quickly as possible as these skilled workers are needed to compete the bypass. If there is a problem with their permits, it could have serious consequences for completion of the bypass. Gama has a commitment to Clare County Council to complete the road and to its sub-contractors. It is important that there are no hold-ups as Ennis is chock-a-block with traffic. While the scheme is

[Mr. P. Breen.]

due to be completed by April 2007, Ennis does not need another summer of hold-ups. Every local road is a rat-run. With the volume of traffic passing through the town, it now takes an hour to cross it when it used to take ten minutes. With the recent fine weather, working hours on the site have been extended, which is to be welcomed. I am, however, concerned that the Turkish workers may become the victims of the stand-off between the Department of Enterprise, Trade and Employment and Gama management following last year's dispute.

The failure to invest in other key infrastructure areas cannot be put down to the planning process. The failure until recently to invest in the rail network, particularly west of the Shannon, is one example. Last November the Government announced Transport 21 which finally gave some recognition to the need to reinvest in railway infrastructure. Much of it in the west has lain idle for years. The Limerick to Claremorris passenger service has not run for 30 years. In a recent Adjournment debate I asked the Minister of State at the Department of Transport, Deputy Gallagher, for a commencement date for phase 1 of the western rail corridor. In reply he informed me that he hoped it would commence in the next several weeks. I hope he will live up to that promise. It is a key project to the western rail corridor and part of Iarnród Éireann's decision to expand the rail service. There has already been the successful reopening of the Ennis to Limerick line. If the Ennis to Athenry phase were open, three cities — Cork, Limerick and Galway — would be linked.

With other key infrastructural projects, I am struck by the degree to which Government incompetence and mismanagement play a role. The decision to fund the equestrian centre in Punchestown was made without proper appraisal by the then Minister for Agriculture and Food and was subsequently highlighted by the Committee of Public Accounts.

The failure to appreciate the importance of broadband as a driver of industry and development has resulted in Ireland falling to the bottom of the European league table on broadband take-up. Forfás, the Government's enterprise advisory board, placed Ireland below such states as Hungary, Lithuania and Slovenia. Northern Ireland, on the other hand, has been revealed to be the first region in Europe to offer 100% broadband Internet access. The Republic's record in this regard is dreadful and the Government fails to acknowledge it. Its only solution is to apply piecemeal, patch-on solutions, although it has been advised by Forfás that broadband is of major strategic importance for economic growth, enhancing social and cultural development and facilitating innovation. Broadband is essential to revitalising rural areas in order that people can set up businesses in their homes. This, in turn, could offer a sustainable future for new families without the

need for long commuting times and the stress this entails. I read recently in *The Guardian* of one British study which showed how rural villages could be turned around when they had broadband and good road links. This is one of the most innovative ways of generating new employment in a sustainable way.

From other infrastructural projects, there is little evidence that the planning process is holding up development. In County Clare scores of towns and villages are without adequate sewerage schemes. I will raise the lack of such schemes in Carrigaholt, Cooraclare and Labasheeda in the Adjournment debate tonight. The schemes have been promised since 2001 and I hope the Minister will have a more positive answer tonight. On his many visits to County Clare he has met interest groups from Mollogha, Scarriff and Quilty on the lack of such schemes.

The problem lies with the Government's policy on the costing of such schemes, not with the planning process. Many water and sewerage schemes will be cut back because of such costings. Core areas in villages will be facilitated with schemes, while outlying areas will be neglected. People are frustrated because without an adequate sewerage scheme in place, they cannot get planning permission for one-off housing in particular, yet developers with major housing schemes of 40 houses or more, backed by privately built sewerage schemes, are waved through the planning process. The one-off housing applicant is told the application is premature and depends on the construction of a sewerage scheme.

It is difficult to see how the Government or the country can win out with this attitude. Pollution of the waterways continues because of antiquated sewerage schemes. Last week County Clare received six blue flags for its beaches but lost one on Lough Derg owing to algal bloom. This can be put down to the failure to implement pollution controls. Related to this is the short-sighted approach to funding town and village sewerage schemes.

Many Members spoke about the judicial review process associated with planning objections. They claim a project can be held up if a judicial review is granted. It is true there can be lengthy delays before a project is completed. Developers and other interested parties can be frustrated at such a long drawn out process. Such a delay, however, is not due to the planning process. It is a problem confined to the administration of the Courts Service and the backlog of cases that builds up. The Bill will not remove the backlog. It will only restrict access to the judicial review process, particularly by conferring the High Court with the power to require an undertaking from an applicant as to damages as a condition of the grant of leave.

A few years ago in County Clare there was a long drawn out legal challenge to the Government's proposal to build an interpretative centre at Mullaghmore in the heart of the Burren. I am

sure the Minister of State, Deputy Batt O’Keeffe, can recall that case. It was a hugely divisive issue, as many naturally viewed such a development as an economic boost for an area badly in need of it — this was the approach taken by the Government also — and many people were angered by the perceived ecological impact of such a development on an area of natural beauty. Those opposed to the development took what turned out to be a long drawn out action to have the decision overturned and they were ultimately successful. They took the case at considerable economic risk to themselves. Without going into the merits of the case or taking sides on it, I support the right of people to take such actions and seek that this right would be protected.

One can well ask if it would be possible to mount such a challenge under the provisions of this Bill, and if a different outcome would be achieved today. If the wherewithal had not been available to challenge the decision to build the interpretative centre, it would have gone ahead. It is important to examine this possibility in the context of the Bill.

If the High Court had sought an undertaking in regard to damages from the applicants in the Mullaghmore case, the case would never have got off the ground. As it is, the Government ungraciously appointed debt collectors to recoup legal costs of £35,000 from the group before it finally backed off, having wasted more than £5 million over a nine-year period in its battle to build the centre.

Planning is a hugely contentious area. Planning issues have presented the most fundamental challenge to our democratic form of government in recent years. Abuse of the planning process led to the corruption of our institutions of State. At one time the taking of bribes became the norm for a large number of individuals. As a result, cynicism in regard to local and national government was at an all-time high as citizens found themselves powerless to make their protest heard and were let down by their elected representatives.

In contemplating the legislation before me I must take a step back and consider the wider implications of the proposed sweeping changes to the planning appeal process that will remove another layer of accountability from the Government. One must bear in mind the rights of citizens to challenge the process, particularly in view of the lack of evidence to support the argument that key developments have been delayed.

Planning issues take up at least half my constituency work, and I am sure that is also the case with my colleagues. Issues arise with regard to one-off housing, especially in terms of the rights of sons and daughters of landowners’ to build on their own farm in rural areas, and the obstacles they come up against, particularly when they seek to build an entrance on to a national secondary route. I am familiar with a number of cases where local farmers’ sons and daughters have wanted to

build houses with direct access to national secondary roads. Even when applicants had satisfied the local planning authority at considerable expense to themselves in respect to issues of traffic, site distances, and safety audits, which can cost up to €2,000, and been granted planning permission by the local authority, in many cases the decision was overturned by An Bord Pleanála which upheld the objections of the National Roads Authority. In spite of all the work and expense involved, these people have had to go back to the drawing board again. The young people in these situations want to continue living in the areas in which they were born and grew up. However, they are deeply disillusioned with the planning system as a result of their experience.

In Ennis, another State body, the ESB, appealed to An Bord Pleanála a planning refusal by the local authority to erect a mast for telecommunications purposes. Again, the celebrations of huge numbers of local people were short-lived. Despite the agreement of a planning inspector from An Bord Pleanála with the local authority planning refusal, the board ultimately overturned the original decision. I raised this issue with the chief executive of the ESB, Mr. McManus, in view of the latest development where the local authority has made the decision not to seek a judicial review because of the expense involved for Ennis Town Council in this regard. I believe the cost would have been in the region of €100,000. In this case, An Bord Pleanála made a decision in opposition to the recommendations of its planning inspector. In my letter to Mr. McManus I outlined the case that despite claims by some of his officials, a body of evidence now points to the adverse health effects of new generation phone masts. A new phone mast is also due to be erected in my area.

I again appeal to the Minister to examine the situation with regard to planning when it comes to mobile phone masts or to people applying for permission to build houses in rural areas. The Department guidelines supposedly aim to promote and support vibrant rural communities, but all too often they achieve the opposite effect. I accept this Bill does not directly address such issues, but it is important to refer to them.

I share the concerns expressed by my colleague, Deputy O’Dowd, on the granting of a range of new powers to An Bord Pleanála which may further erode confidence in the planning process. Currently, the board has sweeping powers on planning issues as long as it keeps within its procedural framework. The Bill would grant it extensive discretion in terms of deciding whether a project should come under the remit of its strategic infrastructure division.

I am surprised at the lack of preparation and consultation by the Government parties with regard to this Bill. No evidence has been produced on the major infrastructural projects alleged to have been held up as a result of flaws

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in the current planning Acts which the provisions in this Bill seek to plug.

Mr. Costello: I welcome the Minister of State, Deputy Batt O’Keeffe. I have considerable reservations about this proposed legislation in terms of how it is presented and what it proposes to do. It will not expedite the development of strategic infrastructure throughout the country but will cause more problems than it addresses.

The Bill is seriously flawed in at least two respects. First, when the Minister seeks to address problems relating to strategic infrastructural planning, he completely fails to address policy issues, especially spatial and social policy which contribute to good planning and which impact hugely on the quality of life of citizens.

Second, in his eagerness to facilitate infrastructural projects, the Minister has thrown out the baby with the bath water. He has removed the two pillars of democratic decision-making which currently underpin planning decisions, namely, the local authority and An Bord Pleanála. In doing so, the Bill makes the current appeals mechanism of An Bord Pleanála, the sole planning authority. Accordingly, the role of residents in the planning process will be eroded and limited to small-scale developments while the major infrastructural projects which will have most bearing on the quality of their lives will be beyond their scope to influence.

I do not believe the Bill will speed up the planning process by eliminating one of the current pillars of planning. The issue of High Court challenges has not been addressed by the Bill and by undermining the local authority and the role of citizens in the formal planning process, the Bill will give rise to far more legal challenges which will have the effect of greatly delaying planning applications. This is the exact opposite effect to the intention of the Minister. For example, the current unsavoury legal row between competing developers has created a scandalous six-year delay in developing the prime Carlton site on O’Connell Street. This is an enormously lucrative site and the hold-up prevents the integrated area plan from moving forward because a couple of developers are dug in. Developers have large pockets and, as we have seen, can take their case all the way to the Supreme Court. Residents, however, cannot take such action. Given the enormous sums of money involved, we may find ourselves getting bogged down in legal challenges. A national, independent appeals mechanism is required to which any person unhappy with the decision made by a local authority in respect of a planning application can make his or her case. This is the rational and logical way forward.

Although many pressing matters are omitted from this legislation, I am pleased with the provisions of section 9, which amends section 35 of the principal Act. The explanatory memorandum states:

This section amends the provisions of Section 35 of the Principal Act to enable the planning authority to refuse permission to a developer on the grounds of his or her past history of non-compliance with planning. The applicant would be required to apply to the High Court if he or she wished to have the decision overturned.

This means a local authority is not obliged to apply to the High Court to chase a rogue developer who has left a housing estate unfinished. Instead, the onus is now on the developer to prove he or she has behaved lawfully. The Labour Party has argued for such a provision for decades. As a Member of the Seanad, I argued some years ago for legislation to this effect. It is only now, however, that a provision will be included in the Statute Book to ensure that rogue developers who leave successive estates unfinished and in a grotty mess for years will face penalties. They will be refused planning permission if they do not conduct their affairs properly. This is a most welcome development.

I hope the Minister will consider accepting amendments to cover some of the provisions omitted from this Bill. The most urgent outstanding legislative provision relates to the recommendations of the Kenny report. The Minister is well advised to turn his attention to implementing those recommendations, which would regulate the value of development land. They would put an end to the obscene windfall profits made on land rezoning in recent decades. The Mahon tribunal presents us with a daily diet of stories of councillors and officials bribed by greedy developers who stood to make a fortune on rezoning even a small parcel of land.

The lack of effective planning and rezoning law has effectively corrupted the system in several areas throughout the State and, in many cases, has corrupted those working in that system. We can deal with this by implementing the Kenny report recommendations. Perhaps the Minister intends to do so in some other legislation but I would like to see it included here in order that it can finally be progressed. This would serve to eradicate the terrible greed and bribery that has been so much an element of the political and development business for several decades. This is the most important requirement of legislation in this area.

It is unacceptable that the law currently permits a developer to build a structure without presenting a planning application, erecting a notice and consulting residents. Moreover, having constructed a structure without the necessary permission, he or she is permitted to apply for retention. Many such retrospective applications are successful even though the very concept is a contradiction in terms, it being possible only to plan forward. Our system, however, facilitates backward planning and that is no planning at all. This issue must be dealt with urgently.

During a debate on local government legislation in 2001, the then Minister for the Environment, Heritage and Local Government, Deputy Dempsey, told me it would not be right to abolish the retention provision because this would mean, for example, that a little old lady who may have forgotten to apply for planning permission for an extension would be penalised and given no chance to retain that extension. These are the terms in which the Minister spoke of the issue. It is not, however, little old ladies who forget to lodge their planning applications but big bad wolves, of whom there are many waiting to get their hands on profits and find a loop-hole in the system.

Will the Minister also examine the horrible modern phenomenon of management companies, which has exploded throughout the State in recent years? These companies are set up by builders to manage apartment complexes and housing estates and householders often find themselves obliged to pay management charges which generally rise sharply every year. The law provides that the developer's nominees in the management company can outvote the owners, even in cases where the developer retains only a single unit. I understand conveyance law may not be the Minister of State's area of expertise but it is within his general ambit. This law means home owners may never get to manage their own estates and that the developer could potentially retain control indefinitely. This must be addressed in the interests of the citizen. Once the home owner has bought the property from the developer, the latter should have no further say in its management.

Will the Minister of State outline the charges that will be imposed in regard to making submissions to An Bord Pleanála under this new dispensation? Perhaps he will take the opportunity to show his goodwill by eliminating the current charges of €20 and €200 for local authority submissions and An Bord Pleanála submissions, respectively. He should at least make some move in the direction of easing the situation for the long suffering resident who is the subject of a planning permission that may have a detrimental effect on his or her life because of the intensity of development taking place.

Ireland is a wealthy country that is very poor in terms of its infrastructure. The Minister is to be applauded for seeking to address this problem but I am not convinced he will achieve the desired effect by the means he has employed. Deputy Pat Breen observed that Northern Ireland has 100% broadband access while the Republic is at the bottom of the European league in terms of broadband availability. We present ourselves to all comers as an educated, thrusting young nation that is light years ahead of any other country. The reality is we are way behind our neighbours. When opening a new constituency office last year, I had to wait six months to access broadband in Dublin. That is incredible.

It has nothing to do with poor planning but is a consequence of poor administration and management.

Look at the situation with regard to roads. There are roads of poor quality everywhere and tolls in inappropriate locations. We also have one of the worst accident records in Europe. Many of the problems with our roads have nothing to do with planning issues. Often they are caused by mismanagement and, as we saw in the Mahon tribunal with regard to a road project in south Dublin, ill-advised rezoning and corruption.

We had a much better rail network 100 years ago. Trains were much quicker and more comfortable. In fact, 100 to 150 years ago the rail network was not only far more comprehensive, it was also far speedier and more comfortable than it is now and we have not been able to do anything to change this. There has been much talk about reopening the western rail line, but we will believe it when we see it happen.

On sea transport, Irish Shipping no longer exists and we saw what happened with Irish Ferries a number of months ago. The Irish merchant navy has gone down the Swanee. We do not have an infrastructural network to deliver our goods internationally. Now we are about to sell our national airline, the only link with the outside world over which we have control. We have no merchant navy and when we privatise Aer Lingus, we will find ourselves without any infrastructure to allow us to control the export of our goods. That is a dangerous road to go down.

These are not planning matters; they are Government decisions or, in some cases, the lack thereof. Even on the matter of the second terminal at Dublin Airport, it has taken forever and a day for a decision to be made. The Government could not make a decision on it. In fact, it cannot make a decision on the privatisation of the airline either. It is on and off again. We do not know what will happen ultimately.

Our infrastructure must be well planned. A more holistic approach to areas such as spatial and social policy is required. We must know where we are going in the longer term. If one takes my constituency of Dublin Central, the port tunnel will finally be completed years after its original deadline at a price three or four times the original estimate. The situation with the Luas was the same. The timescale was totally out of synch with what it should have been, as was the price. The metro will be built in due course, although "in due course" is probably the operative part of the sentence.

A further series of developments is due to take place in Dublin Central. The DIT is moving to a site in Grangegorman; Dalymount Park, the grounds of Bohemians Football Club is to be sold to a developer; Mountjoy Prison is being closed down and will be sold to a developer, if the Minister for Justice, Equality and Law Reform is to be believed, while the children's hospital at Temple Street and the Rotunda Maternity Hospital are to

[Mr. Costello.]

be relocated to a new site adjacent to the Mater Hospital, if the Taoiseach gets his way. This adds up to massive development in a particular part of inner city Dublin. What will the planning process do with this? It will deal with each of these projects individually. Why not have an integrated area plan to deal with all of them? Otherwise, a certain type of development will be constructed on the prison site, while across the road another development will go up on the Dalymount Park site. Further down the street, the new DIT college will be built with no thought given to addressing transport needs or an integrated network of communications. How are people going to get to the college or hospital? Phibsboro is already a massive bottleneck.

Will the Bill address any of these issues? I do not think it will. It will take each of these major developments and streamline the planning process for each one or attempt to ensure a decision is reached on each of them quickly. Will it improve the final result, or will we still have various parts with no interconnecting link? I fear the latter will happen in the case of the aforementioned developments.

We need a broad spatial plan. We also need integrated area or regional plans for a collective of developments. That is not happening. Currently, developments are proceeding totally independently of each other, with no interconnection. The result is often a dog's dinner, with poor communications systems, a snarling up of traffic and difficulties for people in getting to work. Lop-sided developments take place because of a failure to look at the broader picture. The Minister has not addressed this issue in the legislation. He must look at the broader picture and address the issues causing so much grief. Implementation of the Kenny report would sort out the rezoning problems. The Minister must also tackle management companies to deal with the management of estates, as well as the charges local residents have to pay. He must also deal with the issue of planning retention, the greatest anomaly. I do not know who came up with the idea, but it has nothing to do with good planning.

Mr. Crawford: I welcome the opportunity to speak on the Planning and Development (Strategic Infrastructure) Bill 2006. We have heard much in the past few years about plans for infrastructure and about the billions that will be spent on roads, railways and so forth. However, if one looks at what has happened in recent years, for example, the picture is not so positive. One only has to look at the delays on the M50 and the associated costs and trauma, or the M3, that is, the road from Dublin through Navan to County Donegal. These situations are unacceptable. From that point of view, I welcome the Bill and hope that when it is implemented, it will be capable of delivering what it promises in a constructive and proper manner.

I do not wish to suggest for one second that infrastructure should simply be put in place without consultation. It is vital that there is consultation but some degree of realism is also essential. In the case of the M3 which services Cavan and part of County Monaghan, if those who are opposing the development had to travel that road on a daily basis, in commuting to or transporting goods to Dublin from Cavan or County Donegal, some of the issues they have raised would not be so important to them.

Counties Cavan and Monaghan have had the lowest growth rate in Ireland in recent times, partly because industry has not been prepared to develop in these areas because of the infrastructural deficit. Interest has recently been expressed in County Monaghan because of the excellent service provided by the M1, linked to Ardee and Carrickmacross. I hope that in the next few years the towns of Castleblaney and Monaghan will be bypassed and the improved road will continue towards the Border.

Mr. B. O'Keeffe: We are spending some amount of money.

Mr. Crawford: I am very proud of the fact that I was part of the group which campaigned for this. This year—

Mr. B. O'Keeffe: We delivered it for the Deputy.

Mr. Crawford: —we are getting over €51 million for the M2. That will make a major difference.

Other issues must be examined. A deal was done before the last general election by the IFA and the Government on the purchase of property for infrastructure. Having dealt with many farmers in County Monaghan in recent months, I am sad to see that deal has been completely ignored. The Government must look seriously at this issue. When property is being bought under a CPO, it must be done compassionately. Many farmers are being put out of business, while property owners are being seriously affected. Issues must be dealt with constructively and realistically. Why send people from Dublin to meet a property owner for the first time when someone could go from the council who understands the background and could construct the deal in a positive manner? When these affairs drag on for years, it brings rancour and distrust. We want to get the practical details right, as well as the legal issues. If infrastructure is to be delivered speedily and with the consent of the public, we must go back to the agreement between the IFA and the Government. One element is taxation, where farmers were guaranteed a roll-over if they bought other land because they were replacing land to carry on a business but that is not the case. If someone sells land under a compulsory purchase order to the State through the council or the NRA, he or

she must pay 20% tax and a rate of 9% for the purchase and transfer of the land. The money he or she was supposed to get for the land is cut by 30%.

There are difficulties and delays in planning. A mill was burned down in County Monaghan and I went to see if the owners needed help. They said they wanted to have the rebuilt facility fast-tracked through the planning process. We met the personnel involved but when the final plans were submitted, papers were not transferred from one office to another, leading to a delay for months. The company eventually gave up. It had missed a deadline for the purchase of steel which meant it could not produce cattle feed for another season. Delays such as this cause job losses.

The most interesting case I dealt with recently was that of a biomass plant. I got the system through Brussels under the fifth programme. As a result, this House did not have to deal with it. It was only then that the problems started. The Minister for the Environment, Heritage and Local Government and the Minister for Communications, Marine and Natural Resources talk about their great plans, yet when the plans for the biomass plant were submitted, they took 27 months to get through the system. It is claimed it was the result of boundary problems. Eventually planning permission was refused in the High Court and the case is now before An Bord Pleanála. This Bill is needed if we are to overcome such problems. I had the full list of dates of submission and examination for the plans and the times excuses were given. This practice cannot be allowed to continue. One company involved in the business pulled out at an early stage when it saw difficulties and applied for permission for a similar plant in west Cork. That plant was built in Enniskeane and now provides electricity. The project in County Monaghan is being examined by An Bord Pleanála. I sympathise with those in the area of the proposed plant because it was not initially meant to be located in that area but Forfás, which owned the original land, claimed it had all been sold, although there was a written agreement, and it pulled out. Such behaviour disillusiones people. They put enormous work into an enterprise and every possible obstacle is put in their way. I hope this Bill will speed up the process.

Does the Bill cover cross-Border issues? County Monaghan has 100 miles of border and we must ensure similar problems to that I outlined cannot happen again. I ask the Minister to check this to ensure the Bill can avoid such hold ups in future. It is not fair to industry or those who put their money where their mouth is when putting forward such plans. I have nothing against the planning process; I am not lobbying one way or the other, but I want to see it move more quickly. Hold ups such as those on the N3 are not tenable. If such problems are sorted out in the legislation, it will be easier to create jobs in rural areas.

Railways are equally important in terms of infrastructure. Dublin has seen major improvements but where I live there is not a single railway; we are totally dependent on roads. When looking at infrastructure, the Minister must ensure the railway lines that are in place are not done away with because some day the country will re-establish them to ensure people can be brought into and out of the city with ease and in peace.

For instance, there was a railway from Navan to Dublin. Its return has been promised within the next generation, but it could continue to Kingscourt, taking a great volume of traffic from Cavan-Monaghan directly into Dublin without adding to traffic volumes on the roads. If infrastructure such as park and ride schemes was put in place, it could be of major benefit to those of us who must commute to Dublin city, into which we must drive in a single line of cars, with a bus lane beside us that is virtually empty. If there was a park and ride scheme along the M50, it would ease congestion.

I wish to comment on something mentioned by Deputy Costello, namely, the new Mater Hospital proposal and the need for proper planning. One must wonder about access and parking. We are saying, on the one hand, that we will decentralise the Civil Service, forcing staff at senior level to move; yet here we are centralising matters as much as possible. We have been requested by the HSE to attend a meeting tomorrow and told it will examine hospitals in the north east based on a study it has conducted without consulting anyone locally. The e-mail simply states it will brief us on the report from a London based company which would not even understand the situation in Cavan-Monaghan. It also states it will explain how it will deal with the report. In other words, it is suggesting it will take action on a report on which there has been no consultation locally.

There is also a proposal for a brand new hospital in Drogheda, to be built either immediately adjacent to Lourdes Hospital or on a nearby football pitch. Anyone who considers the area will see that Ardee would be the ideal site. There are already the Mater and Blanchardstown hospitals in the north east. I say to the Minister bluntly that he must take hold of the issues at Government level. The Chair did not give me a chance to raise it with the Taoiseach today, but as a Government and as politicians, we must surely accept some responsibility for how services are run.

The one issue that worries me about the Bill is that we are handing so much power to the NRA, a body which, like the HSE, is not answerable to this House in any real sense. It can be brought before a committee, but it cannot be brought before the House to answer the thrust of debate. That is the angle that worries me. I know we must have some independent body which can push these issues, but it should also be answerable to the House. The Minister must be able to attend

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on its behalf and tell us exactly what is being done.

Mr. B. O’Keeffe: That would be interference.

Mr. Crawford: We are not talking about interference but about the Minister telling us the facts of how and why something is being done, something to which people are entitled. If the Minister of State was in my situation, representing a constituency such as Cavan-Monaghan — the Minister for Health and Children did not even think it worth her while to visit either hospital in the area — he would wonder why we have Ministers at all. I wish to warn him, before the Bill is finalised, that there must be clear political accountability to ensure that whoever is in charge does not get carried away.

We need the infrastructure, and we make no apology for saying this. I will support it 99% of the way, but I am scared, from what I have learned of the new HSE, that the powers to be given to the NRA will be similarly abused. That is not good for democracy or how the country is run.

Mr. Healy: I am pleased to have the opportunity to speak on the Planning and Development (Strategic Infrastructure) Bill 2006 which purports to amend the planning Acts to introduce a strategic consent process for infrastructure of national importance provided by statutory bodies and private promoters and restructure An Bord Pleanála to establish a strategic infrastructure division to handle all major infrastructural projects. It is claimed the Bill will provide a better service for all involved, including the infrastructure providers, State bodies and the general public. It is to do so by providing for a single stage process of approval for projects, rigorous assessment, including environmental impact assessment, full public consultation — or so it states — and certainty regarding timeframes. Among the infrastructure to be included in the process are major environmental, transport and energy projects. The decision on whether a project is to be dealt with under the strategic consent process is a matter in each case for An Bord Pleanála.

The Bill’s key features include introducing a one-step strategic consent procedure for certain types of major infrastructure. It also deals with responsibility for deciding on approval of railway orders, including light rail and metros, which are to be transferred from the Minister for Transport to An Bord Pleanála, and on large electricity transmission lines and strategic gas pipeline infrastructure, also to be transferred.

A new division will be established within An Bord Pleanála to handle decisions on all major infrastructural projects, including major local authority projects and motorways, which are

already its responsibility, strategic infrastructure consents, major electricity transmission lines, railway orders and strategic gas infrastructural projects. The types of projects covered are set out in the Schedule to the Planning and Development Act 2000. The persons or bodies seeking permission for such strategic infrastructure will apply in the first instance to An Bord Pleanála for a decision on whether it is of strategic importance. Where the board decides positively, an application, with an environmental impact statement, may be made directly to it. It has been claimed that the public, local authorities and stakeholders will be consulted and that their views will be taken into account. The Bill also introduces major changes to the way in which the board handles infrastructure consent issues.

Debate adjourned.

Estimates for Public Services 2006: Message from Select Committee.

Acting Chairman (Mr. Sherlock): The Select Committee on Social and Family has completed its consideration of Vote 38 for the year ending 31 December 2006.

Private Members’ Business.

Human Rights Issues: Motion.

Mr. M. Higgins: I move:

That Dáil Éireann,
noting that:

- the State is not simply obliged by national and international law not to engage in torture, but also has positive obligations to ensure that torture is not facilitated and that individuals are not placed at risk of torture, inhuman or degrading treatment;
- the national and international legal consensus that a state cannot rely on diplomatic assurances alone to discharge those positive obligations, and, in particular, the statement of the secretary general of the Council of Europe that ‘mere assurances by foreign states that their agents abroad comply with international and national law are not enough. Formal guarantees and enforcement mechanism need to be set out in agreements and national law in order to protect ECHR rights’;
- the Legal Affairs Committee of the Parliamentary Assembly of the Council of Europe has adopted a report from Senator Dick Marty to the effect that the United States has progressively woven a clandestine ‘spider’s web’ of disappearances, secret detentions and unlawful inter-state transfers, spun with the collab-

oration or tolerance of Council of Europe member states;

- the Marty report concludes that certain Member States, including Ireland, could be held responsible for active or passive collusion (in the sense of having tolerated or having been negligent in fulfilling the duty to supervise), involving secret detention and unlawful inter-state transfers of persons whose identity so far remains unknown, and that Ireland in particular could be so responsible for permitting Shannon to be used as a stopover for flights involving the unlawful transfer of detainees;
- the secretary general of the Council of Europe has commended the Marty Report and stated: ‘Senator Marty has made some serious allegations about the involvement of several European countries. I note that some governments have immediately denied these allegations but I think that they should make clear whether they have investigated these allegations before rejecting them’;
- the Irish Human Rights Commission has stated that: ‘the report of Senator Marty is persuasive if not conclusive, and gives credence to the concerns already raised by the Irish Human Rights Commission. It strengthens the case for a fundamental rethink, especially on the reliability of diplomatic assurances. Reliance on diplomatic assurances is at the very heart of the Irish case and in this context the Human Rights Commission is strongly of the view that the only form of diplomatic assurances that could meet our constitutional and international human rights obligations would be ones which were fully legally enforceable and were accompanied by an effective regime of monitoring and inspection of aircraft suspected of involvement in the rendition of prisoners.’;
- committed to full engagement and co-operation with other states to counter international terrorism and in that regard recalling the EU Presidency statement of the 11th May, 2006 that: ‘We share the view that effective counter-terrorism measures and the protection of human rights are not conflicting goals, but complementary and mutually reinforcing. Our fight against terrorism must be placed within a rule-of-law framework and conducted in full conformity with international law, in particular human rights law, refugee law and international humanitarian law’;
- satisfied that there are real and substantial grounds for concern as to the lawfulness, in terms of both Irish and international

law, of actions carried by or on behalf of the United States that are under inquiry and that a principle of trust in formal diplomatic assurances does not justify a refusal to have any regard to those allegations:

calls on the Government to:—

- accept its legal and constitutional responsibility to ensure that the territory and facilities of this State are not used for illicit purposes and especially not for human rights violations by any other state;
- support the recommendations outlined in the draft resolution of the Legal Affairs Committee before the Parliamentary Assembly of the Council of Europe;
- establish a credible independent investigation into the existence of any secret and extralegal arrangements, agreements or understandings, whether formal or informal, between the Irish authorities and the authorities of any other State, including at senior political level, as regards over flights, stopovers and extraordinary rendition;
- use the full powers available under the Air Transport and Navigation Act, and to make such amendments as are appropriate in such Acts for the vindication and guarantee of human rights, and to use such powers and powers under the Chicago Convention to introduce an appropriate regime of inspection of civilian aircraft, rather than relying solely on Garda powers relating to crime investigations, and
- outline what further proposals it has in order to honour its commitments in this regard under constitutional, domestic and international law.

The suicides of three inmates of Guantanamo Bay reported this week; the continuing use of extraordinary rendition by the Central Intelligence Agency, CIA, on behalf of the US Government with the co-operation and collusion of many European governments, which have ratified the European Convention on Human Rights but which are violating their own charter as to human rights; and the peremptory killing of a family on a beach in Gaza means that the international community has sunk to an appalling level where one must question the viability of international law. Any government that believes in the fundamental principles of the Universal Declaration of Human Rights or the European Convention on Human Rights must not just unequivocally condemn what is happening in Guantanamo Bay but must campaign for its immediate closure.

No campaign against international terrorism is served by operating outside of international law in its most fundamental aspects. The US Supreme

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Court has spoken in the past about the importance of not using tyrannical methods in dealing with what was suggested as the threat of tyranny. In its judgment in *Rasul v. Bush*, the US Supreme Court observed that:

At stake in this case is nothing less than the essence of a free society. Even more important than the method of selecting the people's rulers and their successors is the character of the constraints imposed on the Executive by the rule of law. Unrestrained Executive detention for the purpose of investigating and preventing subversive activity is the hallmark of the Star Chamber...for if this nation is to remain true to its ideals symbolised by its flag, it must not wield the tools of tyrants even to resist an assault by the forces of tyranny.

Extraordinary rendition, which is the subject of our motion, lies outside international law. It is a parallel system that does not simply involve the agency of one country but has ensnared other European countries which now participate in illegality. It has been described as a spider's web in the report produced by Senator Dick Marty on behalf of the legal affairs and human rights committee of the Council of Europe. This is why it is important that we do not merely condemn it. I am not suggesting that the Irish Government has done anything else other than condemn torture and extraordinary rendition and at times state that it is in favour of full acceptance of the norms of international law. However, the issue is whether the Government in the name of the Irish people can fulfil its duty of compliance with what is a fundamental principle of international law, namely, the condemnation of torture, without putting in place such practices as will lead to the full disclosure of process. It does not matter if the airplane coming home is empty if a government has lent itself to the process. That government is still not compliant with its obligations under one of the fundamental principles of *jus cogens* in international law, namely, the duty owed to all members of the family of nations that have condemned torture, be it through the United Nations Convention or the European Convention on Human Rights. This is why no campaign against international terrorism is served by practices outside international law and no compliance with international law is satisfactory unless it has clear observable principles of practice as well as rhetoric.

The whole nexus of extraordinary rendition, often with an endpoint of detention in Guantanamo Bay or of such interrogation in third countries as creates the real fear of inhuman and degrading punishment or torture itself, is an appalling indictment of international practice at the present time by some of the most powerful nations. It tacitly suggests that the rules of international law belong to smaller countries and that the hegemony can operate with impunity outside

international law, even if it has ratified that law. The protection of the person by law is receding daily. There is even an attempt by the most powerful states to redefine the meaning of torture despite a universal abhorrence and rejection of the practice at the time of the passing of the United Nations Convention. It is interesting that the leader of the US delegation to the United Nations Committee against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment sought to narrow its application, suggesting that Article 3 applied within the US but not outside it. Ordinary language tells us and ordinary people understand that people have been placed in illegal detention outside the reach and protection of international law in places like Guantanamo Bay. The three suicides that have taken place in Guantanamo Bay have occurred in the context of 41 attempted suicides involving 20 people in recent years. There must be no doubt in anyone's mind and under any fair interpretation of international law that enforced disappearance, which involves the hooding, kidnapping, and detention of persons outside of any legal protection and in indeterminate circumstances, is an oppression of such a scale that it can be regarded as torture.

The international community is tested by its willingness to achieve the closure of Guantanamo Bay and related facilities immediately. It is these events that make it imperative for smaller nations to vindicate the fundamental principles of international law. Such vindication requires not just a rhetorical assent to the principles but practices and compliance that are transparent and sufficient given the fundamental issues that are involved. Extraordinary rendition is a clear breach of the norms of public international law. Such norms require a positive compliance. The United Nations Committee against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment creates a set of positive obligations. In the case of landings at Shannon Airport by airplanes on leases to the CIA, there is an obvious requirement to ensure that human rights law is not being broken. The Irish Government is not in a position to give us any assurance on this. It has neither put such conditions to its permission to use the facilities at Shannon Airport nor has it executed such inspections as would monitor basic compliance with international law.

The purpose of our motion is to ensure Ireland is seen by the international community and, more importantly, by its own citizens to have fulfilled its positive obligations in respect of such fundamental principles of international law as are contained in the International Covenant on Civil and Political Rights of 1966, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment of 1984 and the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950.

The context in which I move this motion on behalf of the Labour Party is one in which there

is a serious erosion of commitment to international law. Extraordinary rendition is part of the new extra-legal environment that has been created in the name of combating international terror. Taken together with the establishment of places of detention such as Guantanamo Bay, the acceptance of the principle of pre-emptive strikes and assassination, and the absence of care for the rights of civilians as exemplified by the killing last week of a family on a beach in Gaza, the snatching of persons and their transmission without legal protection to places of detention outside the law represents the lowest point to which respect for international legal principles has sunk in recent decades. Ireland at this juncture must clearly establish its position in respect of such developments. It must clarify its own position immediately and without equivocation. Irish people are appalled at finding themselves in the position of needing to defend themselves from the suggestion they are part of an extra-legal process instead of leading in defending international law.

On such issues of torture, enforced disappearances and illegal detentions, which are of the first order of importance in international law, we are not only required to be unequivocal in our condemnation of such practices — I want to be scrupulously fair and say the Government has condemned such practices — but we must be equally unequivocal in respect of the procedures we put in place to clearly show we are not part of any process of facilitating such extra-legal activity. However, we have not been able to do this. We have not sent gardai on to a single plane in Shannon, planes that have the same registration numbers as those that snatched people extra-legally and moved them to places of torture. We have not explained what these planes were doing if they were not involved in the process of extraordinary rendition.

The Irish Human Rights Commission statement of 6 January 2006 gives details of correspondence between it and the then Commissioner for Human Rights, Mr. Alvaro Gil-Robles. In December 2005, it asked the Government to carry out inspections at Shannon Airport so that it could say it was in full transparent compliance with the UN Convention Against Torture. Mr. Gil-Robles wrote to the commission and stated:

States have a responsibility to ensure that their territory and facilities are not used for illicit purposes, especially not human rights violations and, even more particularly, for violations of Article 3 of the ECHR. In so far as so-called extraordinary rendition flights are concerned, States must be in a position, where there is doubt, to establish who is on board planes transiting via their airports, whether they are travelling freely or are detained, and, if the latter, under whose authority they are being transported and for what purpose. The IHRC's proposal that the Irish Government

seek the agreement of the US authorities to inspect aircraft would certainly facilitate this.

That did not happen. It is not the only opinion on putting inspections in place the Government has ignored. Recently a request was made for an investigation of past practices, inspections and such conditions in the future as would make specific reference to the protection of human rights. So far, the Government has done nothing in this regard. It has not carried out inspections of aircraft on lease to the Central Intelligence Agency of the United States that have landed at Shannon Airport. Some of these aircraft have been identified through their registration numbers as the aircraft involved in extraordinary renditions.

In its report on 5 April 2006, Amnesty International identified a number of United States companies used to charter or operate aircraft involved in renditions. It examined the detailed flights of four aircraft. In the House, the Minister for Transport, Deputy Cullen, acknowledged that N313, a Boeing jet registered to Stevens Express Leasing Incorporated, had landed 14 times at Shannon Airport. In January 2004, this aircraft was used to take Khaled al-Masri to Afghanistan after being kidnapped in Macedonia.

The Minister acknowledged that N379P, a Gulf Stream executive jet, landed at Shannon Airport 15 times under two registration numbers. This aircraft was known as the Guantanamo Bay Express because of the frequency of its visits to Guantanamo Bay. This plane was used to transport Achmed Agiza from Sweden to Egypt. In its response to different bodies, the Government should refer to the Agiza case. Sweden had assurances from Egypt that nothing would take place that was in breach of any convention. The United Nations Committee against Torture held against Sweden that such diplomatic assurances should not have been accepted.

N829MG is the registration number of the plane that took Maher Amar, who had joint Canadian-Syrian citizenship, from New York to Jordan in 2002. He was later tortured in Syria. This plane landed twice in Shannon. N85VM, a Gulf Stream IV, transported Abu Omar to Egypt after his kidnap in Italy.

The Marty report shows flight plans through Shannon to Rabat, Cairo and Amman. What were these planes doing in Shannon if they were not involved in extraordinary renditions? There is no principle in international law that would support the suggestion that one must find a body on the plane for it to be in breach of the United Nations convention or Article 3 of the ECHR.

Mr. Stagg: Hear, hear.

Mr. M. Higgins: If one involves oneself in part of the process, one is in the process. Under the principle of *non-refoulement*, if one extradites a person, one follows the process through to where that person goes. It is the same principle in respect of a deportation. One cannot say that

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because one chooses not to know, one is not complicit in some way. This is the difficulty in which the Government has placed Ireland, which is referred to in the Marty report.

In the last paragraph of the Government's amendment, it speaks of enhanced verification arrangements that it proposes to make after today's press conference on the discovery by a cleaner of a man in handcuffs on a civilian aircraft with mostly military personnel on board. Such a person was entitled to international protection in terms of the way in which he was held, his access to legal opinion and so on. It is not simply a case of imagining this is America's business. The United States did not approach the Department of Foreign Affairs and say it needed to confess something but did not have the time to do so until now. Only when someone cleaning the plane saw the person on board and told somebody else was the process discovered.

The Government, in its reply to the Secretary General of the Council of Europe, correctly suggested that people had protections under the law. For example, it drew attention to the civil aviation Acts of 1988 and 1998, but it did not tell the Secretary General that it did not implement that legislation in respect of the planes landing at Shannon Airport. It was entitled, under section 49 of the civil aviation and transport Act of 1998 to board a plane, but it never did so. Regarding the five complaints made and the two complaints sent to the Director of Public Prosecutions, the Government relied on secondary evidence for its files. Thus, it said that it asked the cleaner and the mechanic about the matter.

It is interesting that when Senator Norris and I met two senior gardaí and asked why planes were not being inspected, they suggested they did not have the power to enter or search planes or make arrests under the Criminal Justice Act, which transposed the United Nations convention into Irish law. While that may have been the case in respect of the Act in question, it was never the complete truth because the Garda had the power under the 1988 and 1998 Acts.

Mr. D. Ahern: That is not correct.

Mr. M. Higgins: The present Minister stated that point and agrees with me on it. Why were the power and capacity provided by the Act not implemented? The onus has been placed on civilians watching planes to produce evidence to give to the Garda so that actions can be taken, but the onus should be on the State to use its power, capacity and legal authority. The State, which had the responsibility and capacity, did not act. Instead, it sought to shift the onus of producing evidence on to civic-minded citizens.

In the Government's reply to the Article 52 questionnaire of Mr. Terry Davis, it stated that legislation provided protection, but it did not act under this legislation to board planes despite the

public concern in Ireland, Europe and internationally and the fact that planes had been shown to have matching numbers with those involved in extra-legal activities in different parts of Europe.

The Government has chosen to rely on what it refers to in its amendment as categorical or general assurances. We know neither the definition of those words nor the difference between them because we have never seen them used in writing. We are told that the assurances are of such an order as to confer importance on us, because only three countries in Europe were given such powerful assurances as we. Is that not interesting? The Irish Government has never sought information why the very aeroplanes on lease for use by the CIA and working in clear breach of international law were landing in Shannon. It never sought information on what these aeroplanes, which were clearly involved in extra-legal networks of flights, some of which had become the subject of proceedings, were doing in Shannon.

We must come to the nub of the matter. The Government will state that diplomatic assurances of the quality it has received are sufficient and that it would be an unfriendly act to require more, but how can it be regarded as unfriendly for a country which has friendly relations with another to state it wishes to honour the European Convention on Human Rights, the United Nations committee against torture, the Secretary General of the Council of Europe and the Venice Commission on the legal obligations of the signatories of the ECHR, and to say it wants to be able to show it has implemented the requirements of those bodies?

The Irish Government has decided to place the assurance it received above its clear obligations to the practice and vindication of human rights. Those who have said that diplomatic assurances are inappropriate in this case include all those who have been involved in the debate about torture. I am not naive enough to suggest there are not circumstances in which diplomatic assurances are appropriate, because there are such circumstances, but this is not one of them. The United Nations Convention against Torture and Article 3 of the European Convention on Human Rights are in a special category which allows no derogation. Those who have stated that diplomatic assurances are insufficient include the European Court of Human Rights. As long ago as 1996, the *Chahal v UK* case made such a finding. The United Nations committee against torture, the Secretary General of the Council of Europe, the Venice Commission, the report of the temporary committee of the European Parliament and, in December 2005, the Irish Human Rights Commission have all stated as much. Why ignore all these bodies?

When the UN committee against torture issued its finding against Sweden, it emphasised the absence of adequate measures to ensure the

enforcement of any assurances. It is interesting to know what happened in that case. The individual was approached and stripped of all his clothing, including his underwear. Incontinence pads were fitted and he was dressed in a yellow suit. One of the people present said they could do three such cases in an hour. The individual was then hooded and moved to an aeroplane, in breach of every single principle of international law, namely, the manner of apprehension, the manner of transporting, the issue of *habeas corpus*, the right to legal protection, delivering a person inhuman treatment and the delivery of a person through enforced disappearance into an ill-defined and indeterminate place of detention. All are appalling breaches but that is what happens when one puts oneself into the spider's web of rendition.

I repeat that I accept such activities have been condemned by the Irish Government but it has been appallingly deficient in not insisting on inspection and compliance with the codes and protections of international law when it gives permissions. The Government amendment, which I do not accept, states that Mr. Terry Davis, the Secretary General of the Council of Europe, said Ireland was one of only nine countries that did not need a second questionnaire, so completely did it reply. It omits to point out that the Secretary General also said:

Respect for the Convention imposes positive obligations to ensure respect for the guaranteed rights and freedoms, including preventative measures. In other words, the Convention may also be invoked through an omission to act.

Then comes the powerful sentence: "Not knowing is not good enough." "Not knowing" is what Ireland took refuge in.

Diplomatic assurances were never sufficient, nor will they meet our positive obligations in international law. The UN committee against torture, the European Court of Human Rights and the Venice Commission have all stated that diplomatic assurances are insufficient in the matter of complicity, be it silent or active, in extraordinary rendition. The acceptance of this fact by the Irish Government is one of the requirements of our motion. It is unacceptable that insistence on inspection or monitoring of such conditions as we might impose for the protection of human rights could in any sense be regarded as an unfriendly act. I reject that. We are required to ensure that extraordinary rendition does not occur on our territory or over our airspace. We are required to investigate any claims that such activities have taken place. The burden of evidence in such claims, I emphasise, does not lie with civilians but with the State.

On foot of diplomatic assurances, the State has not sought to board planes or to establish the fact of compliance or otherwise with the permission which it has given for the landing and service of civilian planes which may be used by the CIA for

extra-legal purposes. The Irish Government has put itself in the position of not being able to say it can show that it was not silently collusive in the sense of the Marty report. It is important for this motion to be passed so that an investigation can be initiated into the purpose of such landings as have taken place by aircraft whose registration numbers have been associated with extra-legal landings and torture in Europe and elsewhere in recent years. It is necessary to ensure that adequate conditions in terms of human rights and public international law are imposed on such permissions as may be granted in the future, and that adequate monitoring mechanisms are put in place. We need to take such measures seriously to restore our credibility in the international community, a credibility that has been damaged.

The Labour Party calls on the Government to accept its legal and constitutional responsibility to ensure that the territory and facilities of this State are not used for illicit purposes and especially not for human rights' violations by any other state or an agency of any other state. It calls on the Government to support the recommendations outlined in the draft resolution of the legal affairs committee before the parliamentary assembly of the Council of Europe to establish a credible independent investigation into the existence of any secret and extra-legal arrangements, agreements or understandings, whether formal or informal, between the Irish authorities and those of any other state, including at senior political level, as regards overflights, stopovers and extraordinary rendition.

The Labour Party also urges the Government to use the full powers available under the air transport and navigation Acts and to make such amendments as are appropriate in such Acts for the vindication and guarantee of human rights. It calls on it to use such powers, and powers under the Chicago Convention, to introduce an appropriate regime of inspection of civilian aircraft rather than relying on Garda powers appropriate to crime investigations, and to make it a condition of all permissions for all aircraft that international law and human rights conventions be respected. We call on the Government to outline what further proposals it has to honour its commitments in this regard under constitutional, domestic and international law.

It is of moral importance that, on issues such as this, we are seen to place the principles of law above the principles of expediency. It is important also to be seen to put active principles of compliance above the easy road of rhetoric. It is also important to apply the definition of friendship between countries with which we have a friendly relationship to a purpose in which we encourage them to move within the ambit of international law, which should cover all countries on the planet, rather than seeking through our silence to allow them to continue to develop an alternative system to that established by convention, international law, humanitarian law and

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by the general principles which have evolved ever so slowly to offer protections to people in any country, in any circumstance. I recommend this motion to the House and ask that it be supported.

Mr. Gilmore: I currently have the honour of representing the Labour Party and, indeed, this House, on the parliamentary assembly of the Council of Europe. Last week, that assembly published the report of Senator Dick Marty, the Council's official rapporteur, on the issue of renditions and secret detention centres.

In recent days, I was disappointed to hear the Minister for Foreign Affairs effectively rubbishing the Marty report. The Minister represented the report as if it were some kind of individual contrarian's opinion, rather than as a report which had been compiled by an official rapporteur of the Council of Europe. I was also disappointed that in presenting his case, the Minister insinuated that Senator Marty's report was at variance with that of the Secretary General of the Council of Europe.

For those reasons, I wish to put on record the fact that the Marty report is the result of a process that began approximately six months ago. In November 2005, following allegations from Human Rights Watch, which were published in the *Washington Post*, concerning the existence of secret CIA detention centres in Romania and Poland, Senator Marty, a Swiss parliamentarian and former prosecutor, was appointed by the Council of Europe's legal affairs committee to conduct an inquiry into alleged secret detentions in Council of Europe member states. As part of that process, the Secretary General of the Council of Europe triggered a rarely invoked legal power under Article 52 of the European Convention on Human Rights, requesting the 45 European governments of member states of the Council of Europe to explain, by 21 February 2006, how their laws prevent unacknowledged deprivation of liberty and the aiding of foreign agencies in the carrying out of such acts.

In December 2005, the Venice Commission, which is the Council of Europe's group of legal experts, was asked for an opinion on the legality of secret detention. By the end of January 2006, in an interim assessment, Senator Marty said it was highly likely that European governments were aware of rendition affecting Europe. He announced that he had information he had requested from EU satellite and air traffic agencies.

In March 2006, the Venice Commission said the Council of Europe member states must refuse to allow the transit of prisoners where there was a risk of torture and that, if this was suspected, they should search civil planes or refuse overflights to state planes.

On 12 April 2006, following a second round of government replies, the Council of Europe's Secretary General, Terry Davis, said he had received

official acknowledgement of the handing over of individuals to foreign officials in ways which ignored the Convention on Human Rights' standards concerning human rights. Last week, on 7 June, Senator Dick Marty published his report which, he said, exposed a global spider's web of illegal US detentions and alleged collusion in this system by 14 Council of Europe member states, including Ireland.

The term "extraordinary rendition" is very clinical and applies to a practice which involves the kidnapping of individuals, sometimes directly off the streets of European cities, and illegally transporting those prisoners for torture in third countries, thus avoiding liability on the part of the countries that are actually carrying it out. In the course of his report, Senator Marty refers to a number of individual cases, which explains the gruesome nature of what rendition is all about. He refers, for example, to the case of Binyam Mohamed Al Habashi, an Ethiopian citizen who had held resident status in the UK since 1994, and who is now detained at Guantanamo. We do not know if this man has been involved in terrorist activities or not because he has never been brought to trial, although I understand he is to appear before a US military commission later this year. Senator Marty relies on diaries that were kept by Mr. Al Habashi and letters he wrote to relatives. Paragraphs 205 and 206 of the Marty report stated:

Binyam has described his ill treatment in Morocco to his lawyer in several phases: an initial softening up; a routine circle of torture; and eventually heavy abuse involving mental torment and the infliction of physical injury. In the first few weeks of his detention he was repeatedly suspended from the walls or ceilings, or otherwise shackled and brutally beaten: [I am quoting Binyam] "They came in and cuffed my hands behind my back. Then three men came in with black ski masks that only showed their eyes...one stood on each of my shoulders and the third punched me in the stomach. The first punch...turned everything inside me upside down. I felt I was going to vomit. I was meant to stand, but I was in so much pain I'd fall to my knees. They'd pull me back up and hit me again. They'd kick me in the thighs as I got up. They just beat me up that night... I collapsed and they left. I stayed on the ground for a long time before I lapsed into unconsciousness. My legs were dead. I could not move. I'd vomited and pissed on myself."

At its worst, the torture involved stripping Binyam naked and using a doctor's scalpel to make incisions all over his chest and other parts of his body. [He said] "One of them took my penis in his hand and began to make cuts. He did it once and they stood for a minute, watching my reaction. I was in agony, crying, trying desperately to suppress myself, but I was

screaming. They must have done this 20 to 30 times, in maybe two hours. There was blood all over. They cut all over my private parts. One of them said it would be better just to cut it off, as I would only breed terrorists.”

The interesting thing about this man’s testimony is that he says he underwent his first rendition on 21 July 2002. The official records obtained by the Marty inquiry show that the known rendition plane N379P took off from Islamabad on 21 July 2002 and flew to Rabat in Morocco. Rabat is linked to Shannon in the so-called spider’s web. The plane N379P, a Gulfstream V executive jet, owned by Premier Executive Transport Services, was later registered as N8068V and then N44982. This plane was nicknamed the “Guantanamo Bay express” because of the frequency of its trips there. It was used to take Ahmed Agiza from Sweden to Egypt and Amnesty International has recorded that it landed at Shannon 22 times. The Minister for Transport, Deputy Cullen, has acknowledged that it landed 12 times at Shannon under the registration number N379P and three times as N8068V.

The Marty report does not state that Mr. Al Habashi was actually on board that plane when it landed in Shannon. However, no Ministers can tell us that Mr. Al Habashi was not on board because they took no precaution to check the planes, their passenger lists or to investigate who was or was not travelling through Shannon. I accept entirely the statement of the Minister, Deputy Dermot Ahern, that the Government does not support rendition. Of course it does not. I also accept that the Government has raised the matter with the United States authorities and I accept its genuineness in doing so. However, the Minister should not justify the inaction of the Irish State authorities in inspecting the planes.

The agencies that have an interest in this matter include the European Court of Human Rights, the United Nations Committee Against Torture, the Venice Commission, the UN High Commissioner for Human Rights, the Council of Europe’s Commissioner for Human Rights, the Secretary General of the Council of Europe, and this country’s Human Rights Commission, which was established by the Oireachtas to protect and vindicate human rights. They have all said that it is insufficient to accept the diplomatic assurances of another state that nothing illegal was happening on planes being used and chartered by the CIA, which are going through Irish airports. There is a positive obligation on the State to investigate, inspect, send gardaí on board, and establish independently that the law of this country, international law and the Convention on Human Rights are being upheld, and that nobody is being transported through an Irish airport or through Irish airspace to undergo the kind of treatment that was described in the Marty report and which was inflicted on that unfortunate man to whom I referred.

Minister for Foreign Affairs (Mr. D. Ahern): I wish to share time with Deputies Carey and Andrews.

An Ceann Comhairle: Is that agreed? Agreed.

Mr. D. Ahern: I move amendment No. 1:

To delete all words after “Dáil Éireann” and substitute the following:

“noting that:

- the Government have on numerous occasions voiced their complete opposition to the practice of so-called “extraordinary rendition” (hereinafter referred to as “extraordinary rendition”);
- the Government have responded urgently from the outset to allegations of extraordinary rendition, including by consistently raising the matter with the US authorities from the very earliest stage, and through the Minister for Foreign Affairs urging that the EU pursue the issue actively with the US;
- the Government have repeatedly raised their concerns about the matter of extraordinary rendition with the United States Government and have in this context received categorical assurances, confirmed by the Secretary of State of the United States;
- the United States authorities have not offered such blanket assurances to all partners;
- An Garda Síochána has the legal powers required to investigate allegations of illegal activity;
- in none of the allegations regarding extraordinary rendition investigated by An Garda Síochána has credible evidence been evinced that illegal activity had occurred;
- the Government’s position in respect of the regulation of military and civilian aircraft has been fully in line with those of our European partners; and
- the Government have co-operated fully with both the Council of Europe and the European Parliament in their investigations, such that Ireland’s explanation of its law and practice in this area to the Council of Europe was one of only nine, out of 45 received, that the Secretary General of the Council of Europe judged to be sufficiently comprehensive not to require further clarification;
- shares the Government’s complete opposition to the practice of extraordinary rendition and to the use of torture in any circumstances, and its call for the earliest

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- possible closure of the detention facility at Guantanamo Bay;
- welcomes the Government’s policy of not permitting the use of Irish territory to transport prisoners for extraordinary rendition purposes;
- notes that none of the draft Council of Europe or European Parliament reports prepared to date has claimed or produced any evidence to the effect that any person has been subject to extraordinary rendition through Irish territory;
- notes that claims that aircraft previously used for illegal purposes may have subsequently passed empty through Ireland are based on the retrospective interpretation of patterns of flight data, which could not at the time be used for the purposes of control or verification;
- rejects the baseless suggestion that the Government may in some way have “colluded”, actively or passively, in extraordinary rendition operations;
- commends the Government for promptly obtaining from the United States, in the context of the issue of extraordinary rendition, categorical assurances that prisoners have not been transferred through Irish territory, nor would they be, without our permission;
- recognises that reliance on such assurances of a factual character is a basic principle of international relations;
- commends the Government for fulfilling their legal and constitutional responsibility, and their obligations under international law, to take all appropriate steps to ensure that the territory and facilities of this State are not used for illicit purposes and especially not for human rights violations by any other state;
- endorses the Government’s call for anyone with any specific evidence that any person has been subject to extraordinary rendition through Irish territory to bring such evidence to the attention of An Garda Síochána;
- commends the Government’s willingness to consider carefully, with partners, any specific and workable recommendations that may be made by the Council of Europe or the European Parliament in this matter;
- shares the Government’s concern at a recent breach by the United States of procedures governing the transfer of sentenced prisoners; and

— commends the Government’s decision to take appropriate steps to prevent any recurrence of this incident, including engagement with the United States authorities and the strengthening of verification procedures as necessary.”

I welcome the opportunity to address the House on the issue of extraordinary rendition. Discussion of this issue has been distorted by rumours, assumptions and half-truths and I hope the debate will help clear up some fundamental misunderstandings in that respect. Naturally, I reject Deputy Michael D. Higgins’s assertion that we have not complied with our positive obligations to prevent torture. I will explain that position later.

I wish once again to reiterate the Government’s complete opposition to the practice of extraordinary rendition. This has been the Government’s position since the existence of this practice was revealed. It has been made clear to the US authorities on numerous occasions, including at the very highest levels. To my knowledge, Ireland’s was the first Government to raise this matter with the US Government, just as I was the first Minister to raise it with my EU colleagues last autumn under the British Presidency.

Partly as a result of our prompt action, the United States authorities gave Ireland categorical and unqualified assurances. These have been repeated on many occasions, including directly to me by Secretary of State Rice. It is worth highlighting that the United States Government has declined to issue similar blanket assurances to most other member states. We were one of only three countries in this position in Europe. These assurances were issued having been confirmed by all of the agencies which might be involved in such operations.

Those who speak of the Government doing nothing overlook the critical fact that we acted swiftly and decisively to confirm the realities of the situation. In his recent report Senator Marty makes no claim that prisoners may have been subject to extraordinary rendition through Ireland. This is confirmed by many others. To take one example from last weekend’s newspapers, a journalist with a strong defence background, John Clarke, cogently set out why it would make no sense to move a terrorist suspect through a civilian airport like Shannon. In fact, that extraordinary rendition has not taken place through Irish territory in this manner is largely accepted in the wording of the Labour motion, which focuses on the Government’s positive obligation to ensure that it does not facilitate torture by indirectly assisting rendition flights. I will go on to explain why the Government is confident it is fully implementing this obligation. However, given the nature of many of the allegations which have been made, I hope the public will register the fact that even critics of the Government no

longer claim that any extraordinary rendition has occurred through Ireland.

I wish to address a number of points. First, I will devote some time to Senator Marty's report. I will then address the issue of diplomatic assurances and positive obligations before addressing the developments over the weekend that I outlined in a press statement earlier today.

I agree, despite the pervasive lack of hard evidence, that many of the aspects of Senator Marty's report are disturbing. It confirms why we are right to oppose extraordinary rendition. However, as regards the specific case of Ireland, Senator Marty's report produces absolutely no new evidence to implicate the Government in the practice. As was noted in the *Irish Examiner* over the weekend "there is no proof of anything". The *Irish Independent* editorial of the same day stated the report was long on anecdote and short on facts. Moreover, not only is there a complete lack of evidence, the report lacks a clear chain of reasoning. It simply contains some cursory assertions, including one that Ireland "could be held responsible for collusion" for being a "stop-over" for flights involving the unlawful transfer of detainees. I utterly reject this assertion, which seems to be based, as I will go on to explain, on a quite implausible and ill-founded analysis of what might conceivably have been possible for us to do.

Stephen Grey, a well known *The New York Times* journalist who specialises in this area, while giving evidence at the European Parliament examination of this issue, was questioned by Deputy Eoin Ryan, MEP as to whether he felt Shannon would be used. His answer was that this was highly unlikely. Tom Clonan, an Irish defence expert who has visited and spoken with staff at Guantanamo Bay, has reiterated recently — he outlined this position some months ago on live radio — that it was highly unlikely that Shannon was used, and that as far as the staff at Guantanamo were concerned, it was not used in any way in this respect.

Senator Marty fails to take account of our complete opposition to extraordinary rendition and the categorical assurances we have received that it did not take place through Ireland. To allege collusion without addressing either of these points is grossly unfair. Moreover, neither Senator Marty nor anyone acting on his behalf made a single approach or addressed a single query to the Government or our permanent representative to the Council of Europe.

It has been the Government's consistent position — I reiterate it again — that the Government will consider carefully with partners any specific and workable recommendations that may be made by either the Council of Europe or the European Parliament in this area. I anticipate that much of what both bodies will have to say will require co-ordinated action at a European level if it is to be effective.

Some commentators have claimed that every type of diplomatic assurance is suspect or insufficient. Such a development would represent a revolution in the way states conduct business with one another and, in the Government's view, is wholly unwarranted. In its response to the questionnaire circulated by the Secretary General of the Council of Europe, the Government outlined in considerable detail its view of its international law obligations relating to its positive obligation to prevent torture. In his analysis, the Secretary General made no indication that he had any objection to the Government's position on this matter, although it was clear he had read our response fully.

In essence, as I set out in a letter earlier this year to the Irish Human Rights Commission, it is the Government's view that there is a misunderstanding and misinterpretation of the relevant international case law. This does not in fact deal with assurances generally but rather, and explicitly, with assurances given in the context of the extradition or expulsion of a particular individual from one state to another. The cases in which the European Court of Human Rights has examined diplomatic assurances, to which the Deputy referred, have involved concrete situations in which a known individual is being deported to a particular state, and the assurances are given relating to matters over which the state does not exercise full control. The assurances given by the US authorities are factual, unqualified by any reference to the purpose or nature of any hypothetical transfer and to the effect that no persons have been so transported through Irish territory. This is clearly a matter entirely within the control of the US authorities. As such, these assurances are clearly of an entirely different nature to those considered by the European Court of Human Rights. The court has never held that a factual assertion by a State on a matter directly within its full control cannot be fully relied upon.

It is appropriate also to refer to the positive obligation on all contracting parties to prevent violations of Article 3 of the European Convention. In considering the nature of this obligation and Article 2, the court has held that a state's positive obligation is not unlimited and that not every claimed risk "can entail a Convention requirement to take operational measures to prevent that risk from materialising". It has also ruled that the obligation must be interpreted in a way which does not impose an impossible or disproportionate burden on the relevant authorities.

Suggestions of collusion and failure to fulfil positive obligations may have some basis where one is dealing with states which wilfully ignore potential illegality on their territory, but that is patently not the case with Ireland. To repeat, ours was the first Government, when rumours of extraordinary rendition emerged, to raise with the US authorities our concerns about the matter. Ours was the first Government to demand assur-

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ances that our territory would not be used for such purposes. To speak of a failure to act, which is the essence of the charge on positive obligations, against such a background of pro-active intervention, is quite unreasonable.

A number of bodies have suggested that our positive obligations under international law may require that searches of aircraft be carried out to meet our obligation to ensure that Ireland is not used as a transit point for extraordinary rendition flights. As has been repeatedly made clear, the Garda Síochána has the powers it needs to investigate all allegations of illegal activity. There is no legal bar to the search of civilian aircraft of the type allegedly involved, where there is a basis for doing so. With regard to Deputy Michael D. Higgins's remark that the Government has not sent in the gardaí, he has a somewhat twisted view of the power of the Government. Perhaps it was the case that when he was a Minister he could send gardaí hither and thither—

Mr. M. Higgins: I said the gardaí have never inspected a single airplane.

Mr. D. Ahern: The Deputy said we did not send the gardaí on to the airplanes. I do not have the power, nor should any Minister have the power—

Mr. M. Higgins: That is not the issue.

Mr. D. Ahern: —to send gardaí on to an airplane or premises.

Mr. M. Higgins: I said the gardaí have never inspected a single airplane and you are not in a position to say otherwise.

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

Mr. D. Ahern: I did not interrupt the Deputy.

Mr. M. Higgins: No, but you are justifying—

An Ceann Comhairle: Deputy Michael D. Higgins will have an opportunity to speak again in this debate.

Mr. M. Higgins: If the Minister addresses me directly, I will respond, particularly when he is wrong.

Mr. D. Ahern: As I stated previously, identification by NGOs and the media of aircraft — I can shout the Deputy down — that are alleged to have been involved in extraordinary rendition activity has been possible only months, at the earliest, after such operations are said to have taken place. Furthermore, civilian aircraft of the type in question are not, under international law, required to apply for permission to land, meaning that a transited country may have very little

notice of the arrival of such an aircraft. In this context, a regime of random search and inspection would be of very limited value. Moreover, given that, at most, the allegations are that such aircraft passed empty through Ireland, it is impossible to see how even if such aircraft were to be identified and searched, the outcome of such searches would shed any light on the matter.

The Government's approach to the subject of extraordinary rendition is one of continued engagement with the United States. This approach has allowed us to raise our concerns in an early manner, both bilaterally and in an EU framework, to receive considered responses and, ultimately, the Government believes, to fulfil our obligations under international and domestic law in the most comprehensive way possible. This approach continues to prove its worth to this day, as seen by our continuing engagement in the EU-US legal framework, where we have taken a leading role in opposing the creation of any framework for extraordinary rendition.

I will turn to a recent, quite separate, incident at Shannon and how the Government reacted to it. As I set out in a press statement earlier today, at 5 p.m. yesterday my Department was contacted by the US Embassy and informed that on Sunday, 11 June, a civilian aircraft landed at Shannon Airport for a technical refuelling stop *en route* from Kuwait to the United States. Among other unarmed military personnel the plane was carrying a US Marine convicted of a minor breach of the US military code. He was in military custody and was wearing military fatigues.

While the transfer of such a prisoner would be lawful under international and domestic law, it requires the consent of the Minister for Justice, Equality and Law Reform, but the US authorities did not seek such consent. This failure, though inadvertent, is unacceptable. Yesterday evening, upon my return from the General Affairs and External Relations Council in Luxembourg, I was informed of these events and immediately summoned the US Ambassador to Iveagh House, where we met for the best part of an hour. I outlined our grave concerns. The ambassador confirmed the sequence of events and made clear that the failure to seek consent arose from an administrative error. He conveyed his deep regret for the breach of procedures and undertook urgently to advise his authorities of my views. He also confirmed his willingness to review the situation immediately with a view to ensuring that there is no recurrence.

In his statement this evening, which I welcome, the ambassador repeated what he said to me. At the end of the statement he said:

We are determined that any use of Irish airspace or Irish airports by U.S. military aircraft or chartered civilian aircraft be completely transparent and in conformity with Irish law and the wishes of the Irish Government. We look forward to continuing our discussions and

cooperation with the Irish government to ensure that such incidents are not repeated and to maintaining the relationship of trust and openness that prevails between our two countries.

I informed the ambassador that, notwithstanding the fact that this incident had no connection with allegations of extraordinary rendition, it was unacceptable that it should happen.

I briefed the Cabinet this morning. Following our discussion, we decided to make public our grave concern. We have asked for a full written report from the US Embassy. In addition, to ensure that appropriate steps are taken to prevent any recurrence of this incident, we will engage in further discussion with the US authorities on arrangements for notification and information sharing and the strengthening of verification procedures as necessary.

It has been the consistent position of the Government that no aircraft can use Shannon or any Irish airport for extraordinary rendition. We will not facilitate and have not facilitated extraordinary renditions. That is, and remains, our policy. We have always held that if the Government at any stage received hard evidence of extraordinary rendition we would act upon it and expect the Garda Síochána to act upon it, a position I repeated yesterday in an interview I gave to a journalist in Luxembourg.

While I reiterate that this incident is unconnected to allegations of extraordinary rendition, it is essential, not least in the interests of public confidence, that the Government takes appropriate steps in response to such a breach, and this is what we have done.

I wish to make a number of points about this most regrettable incident. First, it is clearly a matter of grave concern when any legal procedure is breached. I acted immediately to summon the ambassador and conveyed our very strong views, which he took fully on board. Second, it is important that appropriate steps are taken to ensure that, so far as is possible, there is no recurrence of such an incident. That is what the Government is doing. We appreciate that there is a wider question of public confidence and we hope that these steps will offer further reassurance that we are doing what we can.

If further specific proposals are made regarding the international regulation of civilian aircraft in particular, we will carefully examine these with our partners, whether in the Council of Europe context or otherwise. However, at the same time, it is important to keep what happened in perspective. This was a simple mistake, a regrettable mistake, but still a mistake. This was in no way an act or an attempted act of extraordinary rendition or related to such an act. Indeed, the Attorney General has confirmed that, quite unlike extraordinary rendition, which is illegal in all circumstances, there is nothing substantively unlawful

about such a transfer, provided that ministerial consent has been obtained. It was not in this case.

The prisoner was not a suspected terrorist from a third country but a US Marine duly found guilty under the US military code of a minor offence. We understand from the US Embassy that to transport him back to the United States to serve his sentence, the local military authorities simply placed him on the earliest convenient flight. They apparently, according to the ambassador, were simply unaware that our consent was required and the embassy was also unaware of the flight until after the event. Obviously it should have been aware, and this information gap is one of the things that we expect the US to remedy immediately. I also suggest that carrying a prisoner through a busy civilian airport, where apparently he was visible in plain sight, hardly suggests that this was some covert operation.

The Government is fully aware of the seriousness of this episode and has acted immediately to take a range of steps with a view to preventing its recurrence. At the same time, what it was and what it was not should be clear. A sense of proportion is needed. This administrative error does not call into question the fundamental importance and reliability of the assurances we have received in the context of extraordinary rendition.

The Government's position on the issue of extraordinary rendition is, therefore, quite clear. We utterly condemn it, we in no way facilitate it and we are willing, with our partners, to consider carefully any practicable and specific proposals which the Council of Europe, the European Parliament or any other body may make to reduce the possibility of future cases occurring. At the same time, we do not accept that we have failed to meet our obligations. We utterly reject allegations of collusion, either passive or active, with this practice. I believe we have done and are doing all that is possible and practicable.

Mr. Carey: I welcome the opportunity to address the House on the issue of extraordinary rendition, not only as a member of the Fianna Fáil Party but also as a friend of America. I have listened, as always, to Deputy Michael D. Higgins's very unique and positive analysis. However, proportionality must apply in this case.

Ironically, given the benefits that have accrued to Ireland through the extraordinary range of ties that bond our two countries, there is a small but vocal anti-American body in this country, and in extraordinary rendition, it has found a subject with sufficient resonance to amplify its minority point of view. I am delighted to have the chance to challenge this unwarranted manipulation of the extraordinary rendition debate and to reaffirm the quality of the relationship between our two countries.

Extraordinary rendition is an issue on which the Government has taken a great deal of unwar-

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[Mr. Carey.]

ranted flak, largely I suspect at the hands of people who are determined to look more at rumours than at facts. In the matter of extraordinary rendition, having received assurances, as the Minister has, of unsurpassed quality obtained early on from the US authorities and confirmed by the US Secretary of State, Condoleezza Rice, the Government is in an extraordinarily strong position, especially in the European context. Are we to ignore these on the basis of a series of unsubstantiated allegations? I believe we cannot do that, for actions are not without consequences.

The Government is in a unique position in Europe, having received specific unqualified bilateral assurances on extraordinary rendition confirmed by the Secretary of State. For the Government to discard those assurances would send a very curious message to the US Administration, and not just to it alone. Across the Atlantic, Ireland is viewed — as those of us who have had the opportunity to travel there on delegations will be aware — with a degree of affection that few, if any, countries can claim to enjoy. There are close cultural, economic and family bonds between people all across the US and Ireland, North and South. Not having to deal with consequences is a luxury that can be enjoyed by those who do not govern.

I thought that the wholehearted welcome given by the Peace and Neutrality Alliance, PANA, which was in the news last week, that one of the carriers which transports the troops through Shannon is to relocate its European transit point to Leipzig is typical of what an organisation such as PANA wants. It wants to have it both ways. This development will hardly be welcomed by the people in the Shannon region, so many of whom depend on the well-being of Shannon Airport for their livelihood. Are we to turn our back on our many ties with America, heedless of the consequences, on the basis of sweeping generalisations that do not apply in the Irish case? Surely not.

The sequence of events described by the Minister for Foreign Affairs only goes to reveal the seriousness with which both Governments treat the assurances concerned. The Government's prompt reaction shows its willingness to react to development in the area. The fact remains, however, that the error which caused the routing of a convicted member of the US military through Ireland in no way undermines or otherwise affects the US authority's clearly stated assurances in the wholly separate area of extraordinary rendition. The Government has been careful in its dealings with the US Government to ensure that Ireland has not been used for extraordinary rendition flights and equally to register its complete opposition to the practice.

The US authorities have accommodated Ireland's concerns in a way they have not accommodated those from many other European partners, some of whom are not just friends but allies.

For us then to discard as worthless the efforts to which the US authorities have gone to appease a vocal minority seeking to advance an anti-American agenda would be irresponsibility of the highest degree. I urge Members in the strongest terms to register approval of the Government's policy in this area by supporting the proposed amendment.

Mr. Andrews: I support the Government's amendment. My first observation relates to the manner in which the circumstances of recent days emerged among the public. According to what I have read, a cleaner was on board the plane and was busy performing his or her duties, may have seen an individual who was a prisoner and may have reported it to an authority who then brought it to the attention of the Government. That is an extraordinary set of facts if we are to say that rendition is occurring through Irish airports. If the US Government is giving us assurances that it is not doing this and is happy to allow ordinary members of the public working as cleaners onto the planes, it would be grossly negligent of the US if it was trying to perpetuate a cover up. That amazing set of facts gives the lie to the possibility of a cover-up on the part of the American authorities in respect of what they are doing at Shannon.

My second observation is that during the past three weeks the House has been caught up in an interesting debate that was always well disciplined in terms of establishing a distinction between the political and the legal. I speak of the debate we have had on statutory rape. We had been careful to make that distinction to ensure the Oireachtas did not interfere with the Judiciary, yet in this debate we have gone back to the old ways of not making those distinctions as clear as they should be.

For example, the Minister confirmed that the Marty report did not hold any hearings. It did not connect with any authority in the Irish permanent representation in the Council of Europe, it did not give us an opportunity to put forward a point of view, and it carried out a straightforward investigation without the normal legal procedures of allowing the other side to give its view before making a legal finding. Therefore, the Marty report, for good or bad, is a political statement. It is not a legal finding, nor could it ever be, yet the phrase used to describe Ireland's position in regard to Shannon is "negligent collusion" which, to the ordinary member of the public, gives the impression of a legal finding, as if it had been the product of a thorough legal investigation where fair procedures were carried out.

We are dealing with international law. The criticism I have made of the US Government in the past, for what it is worth, is that the US has stood down from obligations in international law, starting from the UN and through many different treaties, including the Nuclear Non-Proliferation Treaty, the Nuclear Test-Ban Treaty and the

International Criminal Court. While the US continues to operate outside international law, there is a difficulty in applying international legal standards. Therefore, we must operate on the basis of different procedures. Many European countries have bought into the US standing down. Ireland is not one of those countries. We are a neutral country and we have never bought into that view. We have received assurances which I am confident we can stand over.

The debate is never about whether people have gone through that airport. It is a case of whether planes used at another time came through that airport subsequently or previously. Therefore, that brings us into what Senator Marty described as a spider's web of collusion. I do not believe that is the case.

Deputy Carey made the point that, while the international debate on terrorism is taking place, there is an obsession in the House with only one side of that debate which queries whether American tactics are appropriate or proportionate to the challenge it faces. There is little debate about how we suppress terrorism. There are people in this House who believe the US caused and perpetuated terrorism and that the manner in which the US is conducting its war on terrorism is morally worse than terrorism itself. There is no critical analysis of the causes of terrorism nor effort to assess how this State can contribute towards bringing terrorism to an end. It is unfortunate that the debate concentrates solely on those issues and not on the other side. We are very peripheral and marginal to the debate internationally about how terrorism will be dealt with. If one were to use a soccer analogy, we are up around the corner flag while the main game is taking place.

We need to remember that torture is illegal and unacceptable in any circumstance. It could not be legal in Ireland to have extraordinary rendition. We must do everything we can, whatever else the Council of Europe recommends. It merely described a set of facts and made no recommendations. We should look at any Council recommendations positively, and act upon them if necessary.

Mr. Durkan: I wish to share time with Deputy Pat Breen.

I too claim to be a friend of the United States, and many established relationships between our countries have existed over the years. I take on trust what we ask for and what we give. However, I am not in favour, nor is Fine Gael, of the extraordinary rendition type of episodes we have heard about. I am not suggesting this has taken place or that Shannon has been used for transporting such people, prisoners or otherwise.

We have debated Abu Ghraib in this House. The standard by which we treat prisoners tells something about all of us. Whatever standards are upheld, whatever international agreements have been put in place over the years and have

been observed or otherwise, will tell a story about what we intend to do in the future. Any deviation from best practice in that area is a serious matter which the Government should not minimise in terms of its importance. One step in the wrong direction immediately places the Government and the Minister for Foreign Affairs in a serious situation.

I know the Minister cannot go on an aeroplane and check or verify what is happening, so I do not accuse the Minister of not doing his job — not because I cannot prove it, but neither can he in the present circumstances, which is a sad thing because international agreements are based on trust, and such agreements between friendly nations are more particularly based on trust. Any undermining of that trust is a most serious issue and cannot be condoned under any circumstances. I spoke on this issue at meetings of the Joint Committee on European Affairs along with many others, including Deputy Michael D. Higgins. When this situation was referred to, I said that certain obligations were placed on the US and Irish authorities and that any deviation from observance of those responsibilities would have consequences. There are consequences, as the Minister knows, if there is a breakdown in any such arrangements.

I recognise that the US people suffered hugely as a result of the atrocities at the twin towers. That does not mean that everything and anything can be used to track down, intimidate or extract confessions from prisoners of one kind or another, no matter what the circumstances. It is not possible or permissible. As a lawyer and legal practitioner, the Minister knows the rules.

I repeat that I am not accusing the Minister of any dereliction of duty because as Deputy Michael D. Higgins said, we accept the Government's bona fides in that matter. However, we do not know if the Minister can verify with absolute authority in every instance of all the airplanes which passed through Shannon Airport, or any other airport that nothing of the nature referred to by previous speakers could have happened. How does one achieve that situation? Does one do nothing? The Taoiseach and the Minister for Foreign Affairs sought and got assurances from the US authorities. One must think of the value of the assurances. The currency of the assurance is only as good as what shows up thereafter. If the assurances which the Minister sought and was given in good faith cannot be authenticated in all circumstances, they mean nothing. There is then a serious undermining of international law and international recognition for each other's positions and for precedents and precepts which have stood for a long time.

There was a time when any such deviation would be regarded as a major incident. Let us look at a sequence of events which the Minister tends to minimise and which he has very adroitly separated in his speech. The events of last Sunday concern the general issue of rendition. The Mini-

[Mr. Durkan.]

ster and Government were of course made aware of the situation, but at that stage the cat was out of the bag. It was known what had happened. If the US authorities were deeply conscious of the need to alert the Irish Government in the event of there being any unusual movement of prisoners or otherwise through one of our airports, will the Minister indicate why someone did not have the idea of alerting the Government before the individual in transit was spotted by somebody else? Why was it not possible beforehand, if they were conscious of their obligation to make known to the Irish Government what was happening, or why did it not automatically follow that in the transport of a prisoner — a prisoner for whatever reason — through the airport the authorities, out of courtesy to each other, did not exchange views? I speak of courtesy because this goes back to the arrangements entered into and their value and currency by virtue of the degree to which they are observed by both parties. In the event of one party deviating, there is a general let-down. They let themselves down, along with the partner, person, group, state or nation with whom they entered into that international agreement. They let everyone down. That is something I hope will not happen again.

Can the Minister and the Government give an indication of how such events will be verified in future? How will they verify the type of traffic going through the airport in all circumstances, without exception, since there has been a breach, though maybe a minor breach? Unfortunately that breach indicates a somewhat blasé attitude to the international agreements to which I and others have referred.

When the issue arose, it was obviously known to the Government and the Minister for Foreign Affairs that any incident at all could be highly embarrassing. The Government would also have known it was imperative to find some means to ensure that something like this did not happen. What measures are being put in place to make certain that if something similar to what happened last Sunday were to happen again, the Irish authorities would be informed? If something even less controversial was to happen, would the Irish authorities be informed, or would it be regarded as being none of their business?

I will dwell on this area briefly. It could well be that somebody somewhere made a decision. There were a few embarrassing moments. I mentioned Abu Ghraib. There were references by other speakers to various movements of aircraft throughout the globe whereby it was indicated that perhaps measures which would not be approved by international law were taken against prisoners in transit or otherwise. Something like that cannot be condoned in any circumstances. There are no situations where we can abrogate our international contracts in international law. The strength and weakness of our own law can often be determined by the degree to which those

with whom we enter into agreements observe it. If they do not observe the agreements, our law means nothing. International law goes down the tubes along with it. Accordingly we cannot allow anything like that to happen ever again.

This comes back to how the Minister will prevent such events recurring. While I have no reason to believe the Minister would avoid his duties, if he cannot prevent such events, his credibility and that of the Government will be damaged. It would be unacceptable if the message were to go abroad that such events were in order and were ignored because the US is a friendly country to Ireland. The public places trust in its Government. When it raises a question it expects an answer. A degree of transparency must be introduced in this matter. The Minister for Foreign Affairs knows that if the boot were on the other foot, he would be embarrassed and would be quick to assert that such a situation was not agreed to and that the Government should have been informed. We cannot pussyfoot about it. The issues raised are serious ones requiring urgent attention and they must be dealt with in the shortest possible time. Failure to do so will reflect poorly on the Irish and US authorities.

I do not believe random inspections, if introduced, would work. Usually inspections have a pattern that can be observed. One can always avoid the rigours of an inspection by checking patterns. It is in the Government's interest to establish absolute clarification from the US authorities as to what has been occurring from the time extraordinary rendition became the subject of public debate. This should not just be based on the Marty report but there should be a thorough examination to determine whether there were breaches of the convention.

It is said that even the trust between enemies must be observed, but the trust between friends must be observed. The degree to which the Minister and his counterparts can stand over that trust will tell how much the people, the Constitution and the State can rely on it.

Mr. P. Breen: As a Member from County Clare, Shannon Airport is close to my heart. I was born and live six miles from the airport and, from my house, I can often see the airplanes taking off. I am concerned about the negative reports on the airport in recent weeks. I welcome Dick Marty's investigation into rendition flights. The naming of Ireland as a state involved in an indirect fashion in facilitating CIA-operated planes landing at Shannon puts the spotlight on the Government's record in upholding the Convention on Human Rights.

Much of the report, however, has been misinterpreted. On the one side, some politicians have rubbished the report, claiming it is anti-American and that rendition flights are acceptable. On the other, anti-war protestors claim they were right all along that rendition flights operated through Shannon Airport. The truth of the matter lies

somewhere in between. The report is not anti-American. Ireland, particularly Shannon, has enjoyed a good relationship with America. As Deputy Durkan commented, we must trust our friends, and it is important that trust is not abused.

Millions of Americans are appalled at the notion of rendition flights and its implications for the observance of human rights law. I believe Shannon Airport has not been used for rendition flights and it should not be so used in the future. Any Irish involvement with the unlawful transfer of detainees would be unacceptable. I accept, however, there is no evidence that Shannon was used for rendition flights. It is also unlikely the airport would be used for such purposes considering NATO airbases and US-operated bases in the UK.

Last Sunday a cleaner on board a US aircraft spotted a prisoner. Service handlers boarding aircraft is a regular occurrence. I do not believe the American authorities would be so stupid as to have a prisoner on a flight that could be boarded by a service handler. It was a genuine mistake.

It is important to note Dick Marty's comments that Shannon is involved in an indirect fashion. As a member of the Council of Europe, I welcome his report which highlights the need for continued vigilance in upholding the European Convention on Human Rights. The Government's action in the latest episode involving breaches of protocol regarding the transfer of prisoners through Ireland is to be welcomed. Measures must be introduced to ensure this does not happen again. Procedures for notification of prisoner transports must be strengthened. The Government must be more proactive in ensuring passenger lists for all flights are provided for the relevant authorities. The US authorities must be more forthcoming and I welcome this afternoon's statement by the US ambassador.

My wider concern is the position of Shannon in all of this. Last week World Airways, the largest airline transporting US soldiers through Ireland, announced that from next month it would switch all its refuelling operations to Leipzig in Germany. This decision and the failure of Aer Lingus to promote the airport underlines the challenges it will face after the introduction of the open skies policy and the privatisation of Aer Lingus. In the short term, the World Airways decision will lead to job losses from the catering section of the Shannon Airport Authority. There will be significant loss of business to the duty free shop, hotels and small businesses in the area subcontracted to supplying airport services. World Airways claims the decision was made for economic reasons. The Minister for Transport must take responsibility and explore the real reasons behind the decision.

The Minister for Foreign Affairs referred to reports from last Saturday's *The Irish Times* and *Irish Independent* on Dick Marty's report. Will the Minister comment on the advertisements by

Aer Lingus in last weekend's newspapers on promotional flights to New York from Dublin Airport with no reference to Shannon? Aer Lingus is neglecting Shannon Airport. While new routes from Cork and Dublin airports have been opened by Aer Lingus, it has not opened one new route from Shannon since 11 September 2001. It continues to erode its services from the airport. Evidence of this is contained in last month's *Cara* magazine with an article by Dermot Mannion on the future of the airport.

American airlines now do more business out of Shannon than the national carrier. The loyalty shown by Shannon to Aer Lingus has been eroded, which is sad. When the negative publicity about Shannon and the rendition flights passes, politicians must get their act together for the future of the airport. They must put it back on an even keel and promote it as the gateway to the west. We have had enough negative publicity about the airport. It is time for positive action.

Debate adjourned.

Adjournment Debate.

Health Services.

Mr. Naughten: I thank the Ceann Comhairle for the opportunity to raise this important issue. Earlier this year the policy in the Health Service Executive western region towards patient transport was as follows. Those without access to private family transport or public transport and who were on a medical card were eligible for the service. There was flexibility if such transport put an undue financial burden on a family, and patients in receipt of kidney dialysis, oncology treatment or organ transplant patients were also provided with a transport service.

While the service was not ideal, there was an element of flexibility to it. However, the HSE western region issued a directive earlier this year that only those with a full medical card in receipt of dialysis or oncology treatment, or such patients with organ transplants or an acute lower limb injury, were eligible for the patient transport scheme. This significantly restricted the service throughout the HSE western region. Subsequently, following lobbying, the Department of Health and Children and the HSE have extended the patient transport service to all dialysis patients, regardless of means.

While I welcome this step, I question why the Department and the HSE are stopping at that point. Why are oncology patients and organ transplant patients not being considered in a similar manner? Let us examine, for example, the case of a young mother with breast cancer or cervical cancer which may not have been diagnosed at an early stage because screening for cervical cancer has been withdrawn and breast screening has not yet arrived in the region. Not only will

[Mr. Naughten.]

such a mother with a young family suffer a loss of income because she will no longer be able to work, she will also incur substantial overheads. Surely a person in those circumstances has enough to worry about without having to take into account the cost of transport to and from Galway for cancer treatment.

Under the revised regulations introduced by the HSE in the western region, a patient within ten miles of University College Hospital, Galway, UCHG, with an income of more than €100,000 can get transport, but a young mother who is a cancer patient in County Roscommon or an elderly patient in somewhere like Arigna, which is more than 90 miles from UCHG, cannot. A patient with whom I am acquainted with no public transport facilities must travel two and a half hours to get to hospital in Galway and must fork out more than €200 to pay for a taxi to attend outpatient services. There is no equity in that.

In another case, an 81 year old patient who has recently had a heart attack and must travel 75 miles to Galway for an appointment once a month and who must also travel twice a month for an appointment in Roscommon, which is 25 miles away, must pay over €250 in taxi fares. Another patient must travel more than 130 miles to the Mater Hospital in Dublin at a cost of €260 for outpatient services. In another case, a 67-year old patient must travel 65 miles to UCHG three times a month at a cost of €330. That patient is wheelchair-bound owing to a Parkinson syndrome disease but is not entitled to a travel service.

This policy will cost lives. Patients are missing critical outpatient appointments because they cannot afford to fork out up to €260 for taxis. They cannot get on the waiting list for transport because they cannot make their outpatient appointments.

People in this country now need health insurance to pay for taxis to get them to their hospital appointments only to receive no treatment. That is a disgraceful situation and the decision on the hospital transport service must be rescinded. It is a damning indictment of the current service that affordability is not a consideration. The HSE has made clear that if patients cannot afford to travel to hospital for an appointment by taxi and do not have an alternative means of transport available to them, they are ineligible under the current rules. A person with a long-term mobility problem who is wheelchair-bound or who has a long-term disability is not eligible under the current scheme but someone who has a broken leg is eligible. This is an appalling situation that cannot be tolerated. It is inequitable. I plead with the Minister of State, Deputy Tim O'Malley, to rescind the decision and reinstate the previous service.

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I thank Deputy

Naughten for raising this matter. I am replying on behalf of my colleague, the Tánaiste and Minister for Health and Children, Deputy Harney.

Under the Health Act 2004, the Health Service Executive has responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of ambulance services.

The HSE provides emergency and patient transport ambulance services to a population of more than 380,000 people in the former Western Health Board region. The Department is advised that the emergency ambulance service is provided from ten stations across the catchment area. There has been a significant expansion of this service in recent years. Ten additional crews have been put in place and the number of 24-hour bases has increased from three to nine, while the overall hours of operation across all bases have increased significantly.

In 2004-05, 13 new high specification ambulances were provided. In addition, two new rapid response vehicles have been introduced as back-up to the fleet. Facilities at ambulance stations in Ballina, Boyle, Clifden and Roscommon have also been improved.

The HSE has advised that all dialysis patients in the region are entitled to ambulance transport services. It has further advised that ambulance transport services are provided to medical card holders who are oncology patients, kidney transplant patients for up to one year after the transplant, and patients with acute lower limb injuries. In addition, the HSE examines all requests for patient transport services in the region case by case and determines the requirement for transport support based on each patient's medical needs.

I understand that the National Hospitals Office intends to conduct a comprehensive review of patient transport arrangements as an element of its 2006 service plan. It is envisaged that this review will examine the service delivered nationally and make recommendations for its future development.

Accident and Emergency Services.

Mr. Sherlock: I seek a commitment from the Minister for Health and Children, and I hope the Minister of State, Deputy Tim O'Malley, will give that commitment because we mean what we say in the matter of Mallow General Hospital and we will not accept the diktat of the Health Service Executive in this matter. The non-designation of Mallow General Hospital for accident and emergency facilities must be changed. In 2005, 12,635 patients attended accident and emergency services in Mallow General Hospital while the number was 13,250 in 2004. In the southern hospitals group, Cork University Hospital, Kerry General Hospital, the Mercy Hospital Cork and the South Infirmary-Victoria University Hospital

have all been designated for accident and emergency units.

The increase in population in Mallow and the north Cork area in general warrants the provision of an accident and emergency unit in Mallow General Hospital. More than 125 GPs refer patients to the hospital, which provides the only emergency and acute hospital service north of the River Lee. Without a 24-hour acute service at the hospital, providing medical, surgical and accident and emergency consultant cover, some patients will be up to two hours' journey from acute trauma and medical care. This is unacceptable by international standards. I ask the Minister of State also to address the delay in appointing a radiologist to Mallow General Hospital and the progress in regard to the establishment of a new board of management to look after the business and provide a separate budget for the hospital.

Mr. T. O'Malley: I thank Deputy Sherlock for raising this issue which I will deal with on behalf of the Tánaiste and Minister for Health and Children, Deputy Harney. Operational responsibility for the management and delivery of health and personal social services falls within the remit of the Health Service Executive. This includes responsibility for the provision of accident and emergency services at Mallow General Hospital.

The designation of accident and emergency units in the southern hospitals group is guided by the Comhairle na nOspidéal Report of the Committee on Accident and Emergency Services, published in February 2002. This report recommended that a regional emergency service be established in the then Southern Health Board area, with Cork University Hospital as the regional emergency department. The report also recommended that Mallow General Hospital come under the remit of the Cork University Hospital emergency service. This has been the strategic direction adopted to date.

The consultants in emergency medicine at Cork University Hospital have developed standard protocols and procedures for the delivery of emergency services in this area. Mallow General Hospital is assigned two sessions from a consultant in emergency medicine based at Cork University Hospital. The staffing arrangements at the accident and emergency department in Mallow General Hospital are similar to those in corresponding departments in similar sized hospitals throughout the State.

Mr. Sherlock: That is not correct.

Mr. T. O'Malley: Other hospital consultants, including physicians, surgeons and anaesthetists, are called to Mallow General Hospital's accident and emergency facility when their expertise is required in assessing or supervising treatment of particular patients. Trauma cases are usually transferred to hospital by ambulance. Ambulance personnel work to a protocol and are required to

bring patients to Cork University Hospital if they are within 30 minutes of it. The HSE has advised that it is actively examining how cover at consultant level can be extended to improve care for patients at Mallow General Hospital within the framework of the 2002 Comhairle na nOspidéal report on accident and emergency services.

Driving Tests.

Ms B. Moynihan-Cronin: I thank the Ceann Comhairle for allowing me to raise this matter. It is an issue I raised almost a year ago, on 22 June 2005, and, unfortunately for my constituents, it has not yet been resolved. It is unacceptable that I must raise it once more.

Since driver testing commenced more than 40 years ago in Killarney, a range of temporary testing centres have been used. In the past year, however, the situation has reached crisis proportions with the closure of the driver testing centre at Park Road, Killarney. This resulted in the cancellation of all tests for a two-week period, further compounding the waiting lists. A temporary base was established at the Quality Hotel in Killarney but it was soon closed with the cancellation of testing for a further three weeks. These setbacks have combined to create a 37-week waiting list, with approximately 2,500 provisional licence holders awaiting their test.

The Killarney driving test centre now has a temporary base at the Aras Pádraig centre, with a four-month lease period having commenced on 1 May. The testers correctly fear that when this lease expires there will be further test cancellations and a further extension of the waiting list. The centre is located on a busy main road and is unsuitable as a testing location.

The problem with the current temporary centre is that only cars and light vans are being tested because the centre does not have the capacity to cope with heavy goods vehicles, HGVs. No HGV tests have been carried out in Killarney for several weeks, thus creating a backlog of HGV tests. HGV test applicants who telephone Ballina are advised there will be no HGV testing in Killarney for the foreseeable future. Tralee has one HGV instructor but does not have a truck to facilitate tests. Killarney has two testers with trucks for test candidates and the only driving instructor able to provide an articulated truck for test purposes lives in Killarney.

Killarney racecourse has been approached with a view to providing a base for the test centre and it has sought planning permission to alter its property accordingly. Why has the Government not acquired a suitable premises for the centre? How much longer must we wait before this problem is resolved? Against a backdrop of eight tragic road deaths so far this year in Kerry, it is unacceptable for driving testers and candidates alike that there is no permanent base for driver testing in Killarney. The Minister for Transport makes much of his commitment to get provisional

[Ms B. Moynihan-Cronin.]

licence holders off the road, but he has not shown this commitment in Killarney. It is now time for the Department of Transport and the Office of Public Works to come together, identify a permanent base for driver testing in Killarney and fund the provision of that centre immediately.

Killarney covers a huge area, incorporating all of south Kerry and part of Cork. Driving testers and test applicants in the area deserve better and have been fobbed off for several years. Will the Minister give a commitment to a permanent base for the driving test centre and that HGV testing will be facilitated there?

Minister of State at the Department of Transport (Mr. Gallagher): I thank the Deputy for raising this issue. I acknowledge her concerns about the driving test centre in Killarney. Unfortunately, the former centre proved to be unsuitable for testing and a process of securing a suitable alternative centre commenced some time ago. A replacement premises has been identified and the Commissioners of Public Works have informed me that negotiations with the landlord are at an advanced stage. It is hoped to have the test centre relocated before the end of July. In the meantime, driving tests for all categories of vehicles continue to be conducted from the temporary accommodation in the town pending the new centre becoming available. The Deputy has explained that a temporary test centre has been provided for cars and light vans. I understand her point about HGVs and will make immediate inquiries about that.

In conjunction with the Office of Public Works, the Department of Transport is undertaking an extensive programme of improving test centres in several towns, including Killarney. Arising from enhancements to the driving test, additional facilities will be required at a number of test centres.

With regard to the testing of higher category vehicles, a process of upgrading centres to provide off-road facilities for the testing of certain driving manoeuvres, in accordance with requirements of EU directives, has been ongoing for some time. The essential criteria for a test centre are adequate demand, distance from nearest centre, adequate parking and access, proximity to suitable test routes and suitable office accommodation. The location of testing facilities for higher categories of vehicles will be determined according to those criteria.

I assure the Deputy that every effort is being made by the Department and the Office of Public Works to secure the site in Killarney which has been identified. It is hoped that it will be available by the end of July. The Department is committed to reducing the waiting time for driving tests to realistic levels, not just in Killarney and Kerry but throughout the country. This is being done through the bonus scheme which has been in operation for some time and the employment

of additional driving testers. Last week, the good news was announced that the proposals put to the Department of Transport and the union have been accepted by both sides and it is hoped that we will see a major reduction in the number of those on the waiting list. It is the Government's objective to reduce the waiting list, which is far too long, to realistic levels. We hope to see that achieved during the course of 2007.

Water and Sewerage Schemes.

Mr. P. Breen: I am delighted to see the Minister of State, Deputy Batt O'Keeffe, in the Chamber to respond to this matter. The long delays in the commissioning of a number of sewerage schemes in County Clare, among them the proposed €13.5 million Carrigaholt, Cooraclare and Labasheeda schemes, is a shocking indictment of this Government's commitment to reversing rural decline at a time when there are bumper tax receipts. The Government has so much money now that it has become very imaginative in finding ways to waste it. If only it were so imaginative in promoting rural development. In countless villages in rural Ireland, development has come to a halt as people seeking to build homes find themselves unable to get planning permission because of the lack of adequate sewerage schemes in these areas.

I appeal to the Minister of State to give a firm date for the commencement of key projects in County Clare. It is not just the Carrigaholt, Cooraclare and Labasheeda schemes that are delaying development and leading to the slow death of these villages. In total, ten towns and villages, including the county capital, Ennis, are behind schedule on various waste water projects. There are also schemes in such areas as Scariff, Feakle, Quilty, Mullagh, Broadford, Doolin, Ballyvaughan and Corofin which are behind schedule. In the case of the latter, I am happy to see that approval of the contract documents for the scheme is imminent, allowing the council to invite tenders for the construction of the scheme.

Will the Minister of State give a commitment on the projects which find themselves in an ongoing limbo because of a regressive pricing policy? The issue of foreshore licenses also arises in relation to many of these schemes. This is ironic, given the ongoing pollution being caused by the lack of proper waste water infrastructure. Thankfully, this has not effected the recent blue flag designations for beaches close to these areas.

Carrigaholt, Labasheeda, Quilty, Mullagh, Doolin and Ballyvaughan are all coastal villages, but fears have now been raised that Carrigaholt and Labasheeda will be unbundled from the other village in their grouping, Cooraclare, and that they will be left behind when schemes are finally approved. The Scariff, Feakle and Quilty schemes were due to start this year. I understand that the costing structure of these schemes is now to be used as a template for the other schemes.

However, I draw attention to the fact that three villages to which I have referred have tremendous development potential. Labasheeda is often called the Doolin of west Clare because of its natural beauty and amenities. Carrigaholt is a scenic coastal village with a beautiful beach and fine fishing facilities and is potentially an attractive tourist destination. Cooraclare is an example of a rural village which has retained its character. It has a strong sense of community which needs regeneration.

In so many instances, the hearts of villages are dying as people move away to the larger towns and cities. The failure to upgrade roads, provide broadband and invest in an adequate public transport system for such villages has led to rural decline over the years. Young people are getting the message that this Government is not interested in balanced regional development or in reducing the congestion and overcrowding of our cities by engaging sufficiently in regional economic planning. It is ignoring the goals of the national spatial strategy.

Certainly the cost per unit of waste water facilities in villages does not compare favourably with large towns and cities. However, such comparisons, based on pure accountancy, fail to acknowledge the development potential of these areas and the availability of land for housing, in stark contrast to our cities which are now experiencing ridiculous house price inflation. Investment in our towns and communities will pay dividends in the long run. It will cut down on long commutes, reduce the disproportionate amount of time many people are now spending on cars, with the consequent reduction in quality of life. It will lead to a reduction in one-off housing with all the issues that arise there with regard to extending water and telecommunications infrastructure to remote areas where people are isolated.

Will the Minister of State give a clear response on the start-up date for these three sewerage schemes? I am aware there are some problems with the cost per housing unit, but I hope that the Minister of State will clear up these issues and indicate where the schemes will go from here.

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O'Keefe):

I thank the Deputy for raising this important matter. I have also had representations on this issue from the Minister of State at the Department of Enterprise, Trade and Employment, Deputy Killeen, Senator Dooley and Senator Daly, and have also met a deputation from the area. The Carrigaholt, Labasheeda and Cooraclare sewerage scheme is included in my Department's water services investment programme to start construction in 2007. It is just one of more than 20 water and sewerage schemes serving almost 40 different areas, with a combined value of €196 million, that are in the programme for County Clare.

Following examination of Clare County Council's original preliminary report for the scheme, my Department wrote to the council in November 2004 outlining a number of issues that needed to be reviewed. Of particular concern was the high average cost of serving each house to be connected to the scheme. The cost per house in Labasheeda would have exceeded €83,000, with equivalent costs in Cooraclare and Carrigaholt of €53,000 and €74,000, respectively. No reasonable person would countenance these extraordinarily high costs being borne by the taxpayer.

In this context, it is worth noting that a householder can provide a proprietary single house waste water treatment system at only a fraction of these figures, and this is the yardstick by which the installation of sewerage facilities from the public purse must be assessed. In disbursing Exchequer funding, my Department must be conscious of value for money principles and cannot approve a scheme where the costs simply cannot be justified by comparison with other potential solutions.

Clare County Council responded with a revised preliminary report and water services pricing policy report. These were examined in my

Department but they only succeeded
9 o'clock in reducing the average cost per house to €44,046 in Labasheeda, €31,535 in Cooraclare and €27,647 in Carrigaholt. Again, these costs exceeded by multiples what a householder would pay for a proprietary single house treatment system. These figures dictate that a more focused, realistic and cost-effective solution will have to be devised by Clare County Council to come up with a scheme that can be provided at an acceptable cost to the public purse. The Department is anxious for an early solution to be found but has had to advise the council that the schemes, as proposed, are not economically sustainable. The council was advised last December to look at a pilot scheme the Department is funding in north Tipperary to test new methods of dealing with wastewater from smaller agglomerations which might offer the prospect of a more economical solution in Clare. The hope is that this new system, which, instead of laying traditional gravity or pumped sewers, collects and treats effluent from existing septic tanks using small bore pipes, will offer a more cost effective way of providing sewerage services for more dispersed communities.

The construction phase of the pilot scheme will be completed later this year and the results will then be analysed to see if the system can be successfully replicated in other parts of the country at an acceptable cost. However, this was just one suggestion and the Department will be willing to look at other proposals Clare County Council might come up with that would provide a more economic outcome than has emerged so far for Carrigaholt, Cooraclare and Labasheeda.

The Department has received no formal proposals from Clare County Council regarding de-

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bundling of the schemes. However, proposals that may be received in this regard will be considered. I am as anxious as the Deputy is to see a suitable solution being found for these areas but we all appreciate the importance of achieving value for money solutions for Exchequer moneys sourced from the taxpayer.

I have listened carefully to the points the Deputy has made this evening and I assure him that there will be no avoidable delay in the Department in dealing with this case when suit-

able proposals are received from Clare County Council. Once the council puts forward plans that meet reasonable affordability criteria, they will quickly be approved by the Department and the council will then be able to prepare contract documents with a view to inviting tenders. The Department is fully committed to putting wastewater services in place for these communities and I am confident that a way forward can be found in the near future.

The Dáil adjourned at 9.05 p.m. until 10.30 a.m. on Wednesday, 14 June 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 13, inclusive, answered orally.

Questions Nos. 14 to 51, inclusive, resubmitted.

Questions Nos. 52 to 59, inclusive, answered orally.

Nuclear Safety.

60. **Mr. Eamon Ryan** asked the Minister for the Environment, Heritage and Local Government the action he will take in pursuing the MOX case in view of the recent European Court of Justice ruling on the court's remit. [22582/06]

62. **Mr. S. Ryan** asked the Minister for the Environment, Heritage and Local Government the effect of the recent European Court of Justice decision that it had jurisdiction in the matter concerning the commissioning and operation of the MOX plant at Sellafield which Ireland had originally referred to an international tribunal; and the action he proposes to take arising from this new and enhanced position of the European Court of Justice. [22450/06]

72. **Mr. G. Mitchell** asked the Minister for the Environment, Heritage and Local Government the reason he did not consult the EU institutions before initiating legal action at the UN in relation to the taking of the legal case to close Sellafield; and if he will make a statement on the matter. [22523/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 60, 62 and 72 together.

I refer to the reply to Priority Question No. 56 on today's Order Paper.

House Prices.

61. **Mr. Callely** asked the Minister for the Environment, Heritage and Local Government if he is satisfied regarding the housing market,

especially in relation to house prices for new and second hand houses; the measures that have been put in place to stabilise the market; the expected long-term market indicators; and if he will make a statement on the matter. [22316/06]

69. **Ms Enright** asked the Minister for the Environment, Heritage and Local Government if he will make a statement on the recent report from TSB-ESRI house price index that house price growth is at a six year high; and if he will make a statement on the matter. [22529/06]

110. **Mr. Noonan** asked the Minister for the Environment, Heritage and Local Government the way in which he will tackle the issue of affordability of housing for first time purchasers; and if he will make a statement on the matter. [22531/06]

130. **Mr. Ferris** asked the Minister for the Environment, Heritage and Local Government the actions he is taking to curtail ongoing house price increases which according to the figures released by the ESRI and Permanent TSB rose by 5% from January to April 2006. [22481/06]

142. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that the rise in house prices here is contributing to a new type of poverty whereby those struggling to accumulate a deposit for a home often find that they are unable to furnish it; his views on the recent findings of the Permanent TSB House Price Index that house prices have risen faster since the beginning of 2006 than at any other time since 2000; if his attention has further been drawn to the fact that such a rise was happening; the steps he intends to take in light of the continuing surge in house prices; and if he will make a statement on the matter. [22471/06]

420. **Mr. Callely** asked the Minister for the Environment, Heritage and Local Government

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the consideration, reports or recommendations his Department has received to introduce measures to assist first time house buyers; and if he will make a statement on the matter. [22319/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 61, 69, 110, 130, 142 and 420 together.

I refer to the reply to Questions Nos. 53 and 55 on today's Order Paper. As indicated in that reply, the Government have taken action on a wide front to maximise access to home ownership, particularly through measures to promote adequate supply of housing to meet very strong demand. In particular, we have supported first time buyers through a range of targeted measures, notably affordable housing schemes and stamp duty reduction. Reduced stamp duty yielded significant savings for first time buyers and has been particularly beneficial for people saving for a deposit.

It is not possible for me to comment in detail on the Permanent TSB house price index, which is based on Permanent TSB's own lending transactions. However, the figures published by my Department showing the actual overall average house prices for the whole market, based on returns from all lending institutions, do not show the rate of price growth at a six year high.

The Department's figures indicate that, with the exception of a period between the third quarter of 2001 and the second quarter of 2002, the rate of increase in new house prices nationally at the last quarter of 2005 was lower than at any time since 1996. The rate of increase for second hand houses at the last quarter of 2005 was also lower than the rate during most of the period between 1996 and 2004.

Government policy in this area has been informed by a range of reports and recommendations, including three reports on the housing market by Peter Bacon and Associates in the period 1998 to 2000, The National Economic and Social Council report on the housing sector in 2004 and the Sustaining Progress Agreement, in which the Affordable Housing Initiative was included as a special initiative. In addition, the Affordable Homes Partnership in 2005 was established following a progress report on the implementation of the Affordable Housing Initiative by Mr Des Geraghty. My Department has regard on an ongoing basis to relevant material in reports by various public and private sector bodies. It will continue to monitor closely developments and views so as to provide effective input to policy in relation to housing.

Questions No. 62 answered with Question No. 60.

EU Directives.

63. **Mr. McEntee** asked the Minister for the Environment, Heritage and Local Government if he will make a statement on progress to date in enforcing waste electrical and electronic equipment regulations; and if he will make a statement on the matter. [22573/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The United Nations has labelled electrical & electronic waste as one of the world's fastest growing and most dangerous waste streams. The European Union was so concerned about this form of waste that it enacted the Waste Electrical and Electronic Equipment Directive aimed at bringing the problem under control in 2002. On 13th August 2005, Ireland became one of only 3 EU Member States to fully implement this Directive when the Waste Electrical and Electronic Equipment Regulations came into effect.

The policy has been more successful than anyone imagined:

- In less than 7 months 14,500 tonnes of Waste Electrical & Electronic Equipment were collected for recycling
- This included 11,000 tonnes of fridges and freezers and over 1,000 tonnes of old TVs.
- This is the equivalent to an annual collection rate of 6.7Kg per person, way ahead of our EU target of 4Kg per person by 2008.

As a result of this Government initiative Ireland is to the fore in terms of recycling waste electrical and electronic equipment and we are now seeing major investments being made in a whole new recycling industry.

Enforcement of the Regulations is a matter for the Environmental Protection Agency and the local authorities. I am pleased to say that implementation is being vigorously pursued. In excess of 700 cases have been taken up by the Agency and the vast majority of producers and retailers approached have been steered towards full compliance by this intervention. To date there have been three successful prosecutions brought by the Agency.

Social and Affordable Housing.

64. **Mr. Neville** asked the Minister for the Environment, Heritage and Local Government his proposals for social housing; and if he will make a statement on the matter. [22532/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The new Housing Policy Framework: Building Sustainable Communities launched by Government last December outlines a substantially increased programme of investment in social and affordable housing measures for the period 2006-2008.

Exchequer capital resources provided by my Department for these measures for this period stand at almost €4 billion, over 20% higher than the past three years, and this sum increases to over €6.5 billion when non-voted and current spending provisions are included.

This money will be invested in response to identified need, with in the region of 23,000 new units of social housing to be commenced over the same period. In addition, further households will be assisted through the new Rental Accommodation Scheme. In total, we expect some 50,000 households to benefit from various social and affordable housing measures over the coming three years.

The strength of existing social housing programmes is demonstrated in the fact that work was in progress on over 10,000 social housing units at the end of 2005 which augurs well for increased output this year.

The local authority housing programme is part of the wider social and affordable housing programmes for which the main strategy for delivery is the local authority 5-year Action Plans for social and affordable housing. The Action Plans, now at their midway stage are currently being reviewed. The outcome of the reviews will ensure that local authorities continue to have a framework for the integrated and cohesive planning and delivery over the coming years of specific social and affordable housing measures based on their relevant housing strategy.

Waste Disposal.

65. **Mr. Quinn** asked the Minister for the Environment, Heritage and Local Government if he has satisfied himself that the costings made in relation to the proposed Ringsend incineration plant in 1997 are still valid; and if he intends to reassess the financial analysis and costing model of the incineration process in view of the possibility that a range of costs may have been omitted from the original costings. [22486/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The project in question is being advanced by Dublin City Council, acting on behalf of the local authorities in the Dublin region whose regional waste management plan identifies the need for the facility concerned.

The initial costings drawn up in 1997 related to outline assessment of the thermal treatment option. The site in Ringsend had not been identified at that stage. The 1997 projections prepared by the City Council are not a baseline for assessing the value for money in relation to this project.

The necessarily protracted procurement process, by way of public private partnership, for the proposed Ringsend plant has however involved a very high degree of financial analysis and careful costing. The requirements of the public private

partnership procurement process include analysis by the National Development Finance Agency of a project's financial parameters in order to assure value for money. Furthermore, both a public sector benchmark (the notional cost if a project were to be developed purely by the public sector), and an affordability cap (the level at which a procurement process should be abandoned and the project delivered by other means) are set in respect of projects to be delivered through public private partnership.

My Department's role, as I have already indicated, was confined to reviewing the procurement process and ensuring that it had been properly and rigorously completed in accordance with the public private partnership guidelines and general procurement rules.

In that review, my Department found that the proposed waste to energy project came within the predetermined affordability cap and the public sector benchmark, meaning that its delivery via public private partnership is more efficient than other alternatives.

Waste Management.

66. **Mr. Deenihan** asked the Minister for the Environment, Heritage and Local Government his views on the introduction of resource recovery units as part of the waste management policy of his Department; and if he will make a statement on the matter. [22542/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): National policy on waste management is based on the internationally accepted waste hierarchy. This places the prevention and minimisation of waste at the top of the hierarchy followed by reuse and recycling, with energy recovery from waste preferred to the least environmentally desirable outcome of landfilling. In line with this approach, my Department is actively supporting local authorities who have the statutory responsibility for waste management planning in Ireland.

The National Waste Prevention Programme being run by the Environmental Protection Agency includes grant aiding pilot local authority demonstration projects on waste prevention. Regulations introduced to implement individual waste stream recovery such as those on packaging waste, waste electrical and electronic equipment and end-of-life vehicles also encourage waste prevention and reuse.

In addition, significant grant aid is made available to local authorities to co-fund recycling facilities, including material recovery facilities, bring banks and civic amenity sites. Some €90m has been committed since 2002 in this regard. The impact of this can be seen in our national recycling rate which had grown to almost 34% by 2004, the latest year for which data is available.

There is also scope for other initiatives to further facilitate the public in reaching our

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ambitious national targets in regard to recycling and diversion of waste from landfill. Materials unwanted by individuals, households or businesses should where possible be seen as a resource capable of being further used. A contribution to this approach can be made by resource recovery mechanisms.

The Dublin region has identified resource recovery as an objective of its regional waste management plan and my Department understands that, led by Dublin City Council, a web based system is now being developed to facilitate the exchange of material, e.g. unwanted furniture which might otherwise become a waste, between individuals and households. I very much welcome such initiatives and urge other local authorities to support such developments which can complement the very extensive network of recycling facilities now being put in place.

Species Action Plans.

67. **Ms O'Sullivan** asked the Minister for the Environment, Heritage and Local Government the steps he intends to take in relation to the threatened extinction of the pearl mussel; if his attention has been drawn to the fact that the water quality is in serious decline in the last nine rivers where the species exist; and his plans to tackle the eutrophication of these nine river sites and in particular to tackle the over-use of phosphates and nitrates in these areas. [22490/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): There are two types of freshwater pearl mussel in Ireland, one of which (*Margaritifera durrovensis*) is unique to a short stretch of the River Nore. The other (*Margaritifera margaritifera*) is more widespread. My Department has designated nineteen special areas of conservation for freshwater pearl mussel species.

Freshwater pearl mussels demand the highest level of water quality, and even slight deterioration jeopardises their future. Monitoring shows that none of the known Irish populations are in a favourable conservation status. This reflects the common position across Europe, although Ireland has one of the best surviving populations of freshwater pearl mussels in Europe. The current population declines and low breeding success are being caused by a general failure of water quality to meet the exacting demands of the species.

A captive breeding programme for the Nore pearl mussel is being supported by my Department and the National Roads Authority. This draws on experience gained in captive breeding of freshwater pearl mussels in Northern Ireland, and if these measures should prove successful, it is envisaged that they will be applied to other freshwater pearl mussel populations.

An all-Island Species Action Plan for freshwater pearl mussels is being prepared in consultation with the authorities in Northern Ireland, where similar problems are being faced. Guidelines for forestry operations in freshwater pearl mussel catchments will go to public consultation shortly. My Department and Coillte are carrying out research in the Owenriff River, Co. Galway, in an effort to come up with scientifically based management measures to ensure that forestry operations on peat do not cause problems for freshwater pearl mussels in that river.

Under the Water Framework Directive, it is mandatory that the water quality standards required for the freshwater pearl mussel be achieved at least within special areas of conservation designated for the species. My Department is working to develop appropriate standards and protocols to meet this requirement.

Planning Issues.

68. **Mr. Coveney** asked the Minister for the Environment, Heritage and Local Government the results on a planning authority basis of his Department's survey of planning authorities regarding their policy on attaching planning conditions relating to management companies in housing developments; and if he will make a statement on the matter. [22516/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Final compilation is being completed in my Department of detailed information received from planning authorities on their policy on attaching planning conditions relating to management companies. I will forward this information to the Deputy shortly.

Some 90% of respondents have indicated that they do attach conditions to planning permissions requiring management companies in the case of apartment developments and a large majority also indicated that they attach such conditions for mixed developments of apartments and houses but only for the communal areas relating to the apartments. In relation to estates comprising of houses only, about 40% of respondents do on occasion attach conditions regarding management companies to such estates. However these planning authorities have stated, in the main, that it is not their general policy to attach such conditions to housing estates and that they only do so in very specific circumstances for example:

- holiday Home Developments;
- if a local authority service is not available e.g. water and sewerage;
- if the developer indicates that they do not wish the development to be taken in charge; or
- a specific service or facility for residents use only such as a playground.

As I have stated previously, the related issues of planning conditions regarding management companies and taking in charge are quite complex, particularly in the newer mixed estates which contain apartments, duplex houses and terraced houses, with shared facilities such as car-parking and gardens. My Department is at present updating the residential density guidelines following on the publication of the Housing Policy Framework: Building Sustainable Communities, last December. It will be appropriate to examine further the issues of taking in charge and management companies in this context.

Question No. 69 answered with Question No. 61.

EU Directives.

70. **Dr. Upton** asked the Minister for the Environment, Heritage and Local Government the steps he has taken to ensure that Ireland will not be liable to pay fines under the EU Habitats Directive in relation to the failure to protect endangered species. [22491/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The European Communities (Natural Habitats) (Amendment) Regulations 2005 were made in response to a case taken against Ireland by the European Commission, (Case C-183/05), which related to the Commission's concerns that Ireland's transposition of the Habitats Directive was in some respects inadequate. Ireland also presented to the European Court of Justice the wide range of monitoring schemes and active measures that are being taken to address the needs of Annex IV species.

The Commission accepted that the new regulations answered their legislative concerns regarding transposition, and accordingly withdrew that aspect of their case against Ireland. The case, however, proceeded on the basis of the Commission's concerns about Ireland's operation of derogation procedures under the Directive and their view that surveillance and specific measures were, to date, insufficient. This has been strongly contested by Ireland at the Court and extensive material including scientific reports have been presented in corroboration of Ireland's defence.

In the meantime, the practice relating to the granting of derogation licences (e.g. for the disturbance of bat colonies in the course of road construction) has been comprehensively reviewed in the light of the arguments made by the Commission, and as a result, a more structured and rigorous procedure has now been put in place, with a strong emphasis on effective mitigation measures. In addition, progress is being made in the preparation of additional species action plans that address the conservation needs of Annex IV species.

All submissions in this case to the European Court of Justice have been made and the Court's judgment is awaited. The question of fines does not arise at this stage.

Archaeological Sites.

71. **Mr. Gogarty** asked the Minister for the Environment, Heritage and Local Government if he will provide this Deputy with copies of any significant reports or correspondence that he has received outlining the archaeological value of the Thornton lands in north County Dublin that have been proposed for a new prison; and his Department's involvement in the work. [22578/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department has granted licences for certain archaeological investigations at Thornton. Three licences for geophysical testing have been issued: to archaeologists working on behalf of a local group and to archaeologists working for the Irish Prison Service. One test excavation licence has also been granted to facilitate work to be undertaken on behalf of Irish Prison Service.

The reports on the geophysical testing have been received and are available for inspection at the offices of the Archaeological Survey of Ireland, 6 Ely Place, Dublin 2.

Question No. 72 answered with Question No. 60.

Library Projects.

73. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government if he will make a statement on the way in which he will improve public libraries here; and if he will allocate more resources to them in 2006. [22571/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The provision and funding of the public library service is a function of the individual library authorities. Grant aid is provided by my Department to local authorities and An Chomhairle Leabharlanna in respect of the development of the library and archive service including on-line services in libraries. In 2006, the provision in my Department's Vote for this programme is €12.32 million.

Election Management System.

74. **Mr. Broughan** asked the Minister for the Environment, Heritage and Local Government the contingency plans which are in place to recycle or otherwise dispose of the electronic voting machines in the event of an unfavourable report from the Commission on Electronic Voting on their suitability for use; the contingency plans which are in place; if he intends to use the machines in the event of a favourable report from the Commission on Electronic Voting; the elec-

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tion at which he would intend that the electronic voting machines would be used if the CEV reports favourably; and if he will make a statement on the matter. [22506/06]

79. **Mr. Sherlock** asked the Minister for the Environment, Heritage and Local Government if e-voting machines have been examined for signs of rust or damage since they were put into storage; if the security seals have been checked on each machine; when they were last checked; if security seals were broken; the percentage of the machines which are still in a usable condition; and if he will make a statement on the matter. [22501/06]

129. **Mr. Sherlock** asked the Minister for the Environment, Heritage and Local Government when he would expect to have a Government decision on the use or not of electronic voting in the future; and if he will make a statement on the matter. [22502/06]

139. **Mr. Rabbitte** asked the Minister for the Environment, Heritage and Local Government the number of e-voting machine storage facilities which are the subject of long-term lease agreements between the State and the owners of such facilities; the locations of each of these facilities; the length of time each agreement lasts; and the amount the State is liable to pay per annum in respect of these agreements in the event of the Government deciding to abandon electronic voting. [22500/06]

153. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if efforts have been made to dispose of the electronic voting technology and appliances by sale or tender; if there have been inquiries from other jurisdictions in this regard; if it is possible to realise the expenditure to date from any such sale; and if he will make a statement on the matter. [22462/06]

454. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the nature, extent and cost of the ongoing testing and evaluation of the e-voting technology; the number of staff and work hours dedicated to the project; if it is intended to incur further expenditure on the system and for what purpose; and if

he will make a statement on the matter.

[22826/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 74, 79, 129, 139, 153 and 454 together.

A programme of further assessment, testing and validation of the electronic voting and counting system is underway to address issues raised by the Commission on Electronic Voting and demonstrate that the system operates reliably, securely and accurately. As part of this programme, my Department engaged consultants in July 2005 to undertake a security and risk assessment of all aspects of the system and to devise a programme of additional testing. The consultancy work, costing €92,300 (excluding VAT), is well underway and will be completed as soon as possible.

The timing of the further use of the system is dependent on the progress made with this work and the ongoing work of the Commission on Electronic Voting, the associated decisions arising in this regard, and the dates at which future polls may be held. My Department has had no approach from other jurisdictions in relation to this matter on the lines referred to in Question No. 153.

My Department's Franchise Section is responsible for a range of matters relating to the electoral system, including implementation of the electronic voting and counting system. At present, three staff in the Section work on, inter alia, matters relating to the system.

Responsibility for the security and safe storage of manual voting equipment (such as ballot boxes, stamping instruments, and stationery) is a matter for Returning Officers, who are statutorily responsible for conducting the polls. Accordingly, similar responsibility was assigned to them in relation to the storage of the electronic voting machines and equipment. The electronic voting machines do not require maintenance on an ongoing basis.

The following table sets out information provided by Returning Officers regarding storage arrangements entered into by them in each of the 25 locations involved. While I have requested my Department to examine the question of centralised storage of the voting machines, it would not be appropriate to comment at this stage on detailed costs that might be involved in the buy-out of leases given the commercial considerations involved.

Constituency	Location of Storage Premises	Duration of Lease
Carlow-Kilkenny	Mortarstown	2 years
Cavan-Monaghan	Monaghan Town	25 years
Clare	Ennis	Monthly basis
Cork City	Ballygarvan	10 years
Cork County	Togher	Annual basis

Constituency	Location of Storage Premises	Duration of Lease
Donegal	Letterkenny	Annual basis
Dublin City	Ballycoolin	8 years
Dublin County	Finglas	Annual basis
Galway	Galway City	N/A (Voting Machines stored in the courthouse)
Kerry	Tralee	10 years
Kildare	Clane	9 years 9 months with 5 year break clause
Laois-Offaly	Portlaoise	5 years
Limerick	Limerick City	4 years 9 months
Longford	Longford Town	4 years 9 months
Roscommon	Roscommon Town	2 years 6 months
Louth	Dundalk	N/A (Town council premises)
Mayo	Castlebar	Annual basis
Meath	Navan	9 years 9 months
Sligo	Sligo Town	N/A (Voting Machines stored in the courthouse)
Leitrim	Carrick on Shannon	1 year
Tipperary (N & S)	Clonmel	5 years
Waterford	Waterford City	10 years
Westmeath	Mullingar	4 years 9 months
Wexford	Drinagh	Monthly basis
Wicklow	Kilcoole	Annual basis

Nuclear Plants.

75. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government his views on raising the privatisation of British nuclear fuels at EU level. [22448/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The decision by the United Kingdom Government to approve the sale of British Nuclear Group Sellafield Ltd. (BNG) was made in the context of the Strategy document published on 30 March 2006 by the UK's Nuclear Decommissioning Authority (NDA). This Strategy outlines how the NDA proposes to tackle the decommissioning and clean up of the 20 nuclear sites, including Sellafield, over which they have control.

This restructuring was considered at EU level when an investigation was launched by the EU Commission under Article 88(2) of the EU Treaty. The investigation considered whether the transfer of the assets and liabilities of the British Nuclear Group to the Nuclear Decommissioning Authority complied with EU rules on State Aids. The Commission announced on 4 April 2006 that the transfer was in compliance because British Nuclear Group was deemed to have met the principle that the 'polluter pays'. It is not clear that the particular issue of the privatisation of the British Nuclear Group would attract further interest at EU level.

Our concerns regarding the privatisation of BNG relate to the potential impact on safety at Sellafield and risks that could be posed to

Ireland. We consider that the activities of privatised companies involved in the nuclear industry require close scrutiny and coordination, to ensure that safety is not compromised in pursuit of profit. I raised specific concerns about the use of private contractors in the industry when I met the Chairman and the Chief Executive of the Nuclear Decommissioning Authority in November last in Dublin. I also made clear in that meeting and in an earlier meeting with the United Kingdom Secretary of State at the Department of Trade and Industry, Mr. Alan Johnson MP, in October 2005 that the issue of safety at Sellafield must be paramount and the reduction of hazards and risks on the site must be the priority.

Regardless of the privatisation of any element of the British Nuclear apparatus, the Irish Government will continue to hold the UK Government accountable and responsible for the operation of the Sellafield Nuclear Plant. The current position whereby both the ownership of the site and control of the operations undertaken at Sellafield are the responsibility of the UK Government through the Nuclear Decommissioning Authority will continue. The UK authorities have confirmed to my Office that the privatisation of the British Nuclear Group will not alter this position.

I would like to make it very clear that we hold, and will continue to hold the UK Government accountable and responsible for the operation of the Sellafield nuclear facility. Our concerns regarding operational safety, marine discharges and the storage of large volumes of highly active waste at Sellafield remain, and as Minister I will

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continue to articulate these concerns clearly and consistently to the UK Government and Administration, and at appropriate opportunities, in Europe.

Housing Provision.

76. **Caoimhghín Ó Caoláin** asked the Minister for the Environment, Heritage and Local Government the proposals contained in the housing material of the National Development Plan which have been or are being drafted by his Department including details regarding the priorities for investment in housing contained in that material. [22478/06]

116. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government the targets in respect of social housing his Department is proposing should be included in the new National Development Plan 2007 to 2013. [22474/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 76 and 116 together.

The preparation of the National Development Plan 2007-2013 (NDP) is being coordinated by the Department of Finance and a high level steering group, chaired by that Department and comprising senior officials of other relevant Departments, has been established to oversee drafting. The housing material of the NDP is being drafted by my Department and while the final content and focus of the overall Plan will be a matter for decision by Government, priorities for investment in housing will take account of a number of factors — including the key policy challenges highlighted by the NESC report, the results of the 2005 Housing Needs Assessment and the policy framework set out in the document Housing Policy Framework — Building Sustainable Communities which was launched in December 2005.

77. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the number of local authority houses expected to be built in 2006; the extent to which this is likely to meet the need as defined in the housing waiting lists throughout the country; and if he will make a statement on the matter. [22463/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The most recent assessment of need for social housing which was undertaken by local authorities in March 2005 indicated that there were 43,684 households on local authority waiting lists compared with 48,413 in March 2002 — a decrease of almost 10%.

I recently informed local authorities of their financial allocations for their local authority housing programmes and have urged them to accelerate progress on the implementation of their housing programmes in order to commence construction and secure completion on as many social housing schemes as possible in 2006. The total allocation for 2006 is €942 million. This should allow for the completion of over 5,000 housing units in 2006. In December 2005, the Government launched a new Housing Policy Framework: Building Sustainable Communities which outlines key principles underpinning housing policy and investment over the coming years. Substantial increased investment in social and affordable housing is outlined in the framework. This will allow for some 23,000 new social homes to be commenced between 2006 and 2008; and some 15,000 affordable homes to be delivered. In total, some 50,000 households will benefit over the coming three years from an Exchequer capital investment package of close to €4 billion. Allied to this, a package of reforms is proposed to improve equity, efficiency and effectiveness. The focus is on improving community participation, improving services to ensure personal choice, autonomy and responsibility. The overall impact of these measures will impact positively on waiting lists for social and affordable housing

Greenhouse Gas Emissions.

78. **Mr. Hayes** asked the Minister for the Environment, Heritage and Local Government if he will make a statement on his Department's emissions trading policy. [22566/06]

101. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government the effectiveness of the new limits on greenhouse gas production will be in helping to meet Ireland's Kyoto targets; his views on whether the new limits are stringent enough to act as an incentive to business to reduce emissions; if his Department or any other State body carried out research to ascertain the expected effectiveness of the new limits in encouraging businesses to reduce emissions. [22472/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 78 and 101 together.

Participation by Irish installations in the EU Emissions Trading Scheme, as required under Directive 2003/87/EC, is a key element of Ireland's overall approach to meeting its target for the purposes of the Kyoto Protocol. The other elements are a programme of measures to achieve emission reductions throughout the economy (as set out in the National Climate Change Strategy) and use of the Kyoto Protocol mechanisms to purchase credits arising from carbon reductions elsewhere in the world.

In relation to the next trading period (2008-2012) under the EU Scheme, the Government has decided that the trading installations in Ireland will be allocated just over 23 million allowances per annum over the five years. This is equivalent to 88% of their projected emissions on a business as usual basis. The allocation by the Government was informed by independent analysis of projections and cost-effective emission-reduction measures available to the sector carried out by ICF Consulting and Byrne Ó Cléirigh. A copy of the consultants' report Determining the Share of National Greenhouse Gas Emissions for Emissions Trading in Ireland 2008-2012 is available on my Department's website www.environ.ie. The emission reductions to be made by the trading sector in Ireland in the 2008-2012 period are equivalent to about 3 million tonnes or some 42% of our projected distance to its target under the Kyoto Protocol.

I am satisfied that this allocation achieves an appropriate balance between the important environmental objectives involved and the need to protect the competitiveness of the economy.

Question No. 79 answered with Question No. 74.

Nuclear Plants.

80. **Mr. Stagg** asked the Minister for the Environment, Heritage and Local Government if he intends to meet with the Northern Secretary, Mr. Hain, with a view to receiving a solemn commitment that no nuclear power plant will be built on the island of Ireland under the UK energy review. [22445/06]

107. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government when he intends to raise the UK energy review, and the possibility of additional nuclear power plants being built in the UK, with like minded countries on the nuclear issue within the EU. [22446/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 80 and 107 together.

Together with my colleague, the Minister for Foreign Affairs, I met with the Northern Secretary, Mr. Peter Hain at a meeting of the British — Irish Council on 2 June. We took the opportunity to emphasise that the Irish Government would be strongly opposed to the building of any nuclear plants on the island of Ireland. The Northern Secretary responded, acknowledging that there was no support, North or South, for sitting a nuclear power plant on the island of Ireland.

The United Kingdom is currently considering its future energy needs and reviewing its capacity to meet them. As part of this Energy Review, a consultation document was launched on 23 January 2006 by the UK Minister of State for

Energy. Entitled Our Energy Challenge: Securing Clean Affordable Energy for the Long Term, this document states that the review will consider whether nuclear power should continue to be part of the mix of energy supplies for the UK in the future. While the review is not yet complete, Prime Minister Blair has clearly indicated his view that nuclear new build in the UK should remain very much on the agenda.

My Department, in conjunction with the Radiological Protection Institute of Ireland engaged in the consultation process relating to the Review. The submission made, which covered a number of issues of concern to Ireland, reiterated the Government's strong opposition to nuclear in general and to the siting of any nuclear plants on the island of Ireland in particular. We are monitoring the progress of the UK Review closely.

In regard to the European dimension, the Green Paper on a European Energy policy published by the European Commission in March recognises that each Member State will have to meet its energy needs in accordance with choices based on its own national preferences and taking into account sustainability, competitiveness, energy efficiency and security of supply. This applies to Ireland which is non-nuclear and to all other Member States, some of whom, like the UK, choose to pursue the nuclear power option.

Ireland co-operates on a regular basis in the EU with countries who are like-minded on the nuclear issue and will continue to do so. However, the issues arising for Ireland in relation to decisions taken in the UK on nuclear issues are of significantly greater concern to Ireland because we share the Irish Sea and are close neighbours.

Social and Affordable Housing.

81. **Mr. McEntee** asked the Minister for the Environment, Heritage and Local Government if he will make a statement on the progress on Part 5 of the Housing Act 1988 on a county basis. [22564/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I assume that the Question relates to Part V of the Planning and Development Act 2000 — 2004. Information on the number of housing units acquired under Part V is published in my Department's Housing Statistics Bulletins, copies of which are available in the Oireachtas Library and on the Department's website at www.environ.ie.

I am satisfied that Part V is operational in all planning authorities and that output is gathering momentum as evidenced by the statistics.

Housing Grants.

82. **Dr. Twomey** asked the Minister for the

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Environment, Heritage and Local Government if he will introduce a grant system to tackle radon gas in domestic dwellings; and if he will make a statement on the matter. [22572/06]

98. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the reason he is opposed to the provision of assistance to elderly people to carry out radon remediation work to their homes through either the essential repairs grants scheme or the housing aid for the elderly scheme; and if he will reconsider his opposition to same. [22447/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 82 and 98 together.

Government efforts and resources, together with those of the Radiological Protection Institute of Ireland (RPII), focus on highlighting public awareness of radon and on improving information to householders so as to enable and encourage them to address monitoring or remedial requirements effectively and economically.

Increasing the awareness of the public is considered to be a more effective approach than the provision of State financial assistance schemes to householders for radon testing of their homes or for radon remediation works. Such schemes of assistance are not operated by the majority of EU Member States. The Government, therefore, does not propose to reconsider including radon remediation measures as qualifying under the essential repairs grants or the Housing Aid for the Elderly schemes.

The Government, largely through the RPII, has for many years committed significant resources to assessing the extent of the radon problem throughout the country and to highlighting public awareness of radon and the health risks associated with prolonged exposure to high radon concentrations. Householders, particularly those in high radon areas, have been strongly encouraged to have their homes tested for radon and to undertake radon remediation works where necessary.

As part of its campaign to further enhance public awareness of radon, the RPII, in late 2004, began a nationwide series of public information seminars on radon, targeted at high radon areas. So far, seminars have been held in Sligo, Kilkenny, Waterford, Ballina and Tralee. These seminars have received widespread media coverage and have generated a large number of enquiries from the public. The RPII have visited Clonmel this year and also plan to visit Carlow and Galway.

Recent research commissioned by the RPII has found that 75% of the general population are aware of radon. In addition, over the past two years, there has been a significant increase in the

number of radon measurements undertaken by householders compared with previous years.

If the household is found to have high radon levels, remediation work may be recommended. Technical guidance on radon remediation techniques is available in a booklet issued by my Department called Radon in Buildings — Corrective Options which is available on my Department's website at www.environ.ie. The RPII has also issued guidance entitled Understanding Radon Remediation — A Householders' Guide. This is available on the RPII website, as is a list of companies who can provide a radon remediation service and can offer specific advice and recommendations.

In addition, my Department, in June 1997, introduced upgraded building regulations which required all new houses which commenced construction on or after 1 July 1998 to incorporate radon protection measures at the time of construction.

Local Authority Regulations.

83. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government if he intends to amend staff regulations for certain graded employees of local authorities and vocational educational committees to stand for election or be co-opted as members of local authorities; and if he will make a statement on the matter. [22539/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The provisions governing local authority membership and local authority employment are set out in sections 13 and 161 of the Local Government Act 2001. Under section 13 of the Act, a person employed by a local authority who is not the holder of a class, description or grade of employment designated by order under section 161 is disqualified from being elected or co-opted to, or from being a member of, a local authority.

For the purposes of the Local Government Act 2001 (Section 161) Order 2004, designated employments are employments whose maximum remuneration does not exceed the maximum remuneration for the post of Clerical Officer (Grade 3) in a local authority. There are no proposals to alter this position. The position in relation to employees of vocational educational committees is a matter for the Minister for Education and Science.

Social and Affordable Housing.

84. **Ms McManus** asked the Minister for the Environment, Heritage and Local Government the steps he intends to take to increase the social and affordable housing stock in view of the fact that rent supplement, which was designed to be a temporary solution for housing individual families, has become a social housing programme

that is clearly not working and is not benefiting those affected by the housing crisis. [22485/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The new Housing Policy Framework: Building Sustainable Communities launched by Government last December provides for further increases in the investment in social and affordable housing programmes. Exchequer capital resources provided to my Department for these programmes for the period 2006 to 2008 stand at almost €4 billion, over 20% higher than the previous three years, and this sum increases to over €6.5 billion when non-voted and current spending provisions are included. This money will be invested in response to identified need. It is expected that in the region of (23,000) new units of social housing will be commenced and 15,000 units of affordable housing delivered over the period. Further households will be assisted through the new Rental Accommodation Scheme (RAS) which is an additional form of social housing established to provide for those rent supplement recipients with a long-term housing need. In total, I expect some 50,000 households to benefit from various social and affordable housing measures over the coming three years.

85. **Dr. Twomey** asked the Minister for the Environment, Heritage and Local Government if he will make a statement on the EBS report on affordable housing issued in June 2006. [22563/06]

128. **Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government in view of the fact, there is a real probability that mortgage interest rates will continue to increase over the coming 18 months, his views on the findings of the affordability index produced by EBS Building Society and DKM Economic Consultants on 6 June 2006 which found that mortgages State wide cost 27 per cent of earnings on average, with first-time buyers in Dublin spending 32 per cent of their income on repayments. [22482/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 85 and 128 together.

I refer to the reply to Questions Nos. 53 and 55 on today's order paper.

Local Government Reform.

86. **Mr. Stanton** asked the Minister for the Environment, Heritage and Local Government his plans regarding the reform of local government structures; and if he will make a statement on the matter. [22470/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the

reply to Question No. 558 of 3 May 2006 in relation to the local government reform programme.

A number of new structures have been introduced in recent years as part of the programme to provide an enhanced role for elected members in policy formulation and review and in developing and implementing an integrated strategy for the economic, social and cultural development of their areas. This role is now undertaken in partnership with representatives of the sectoral interests through the local authority Strategic Policy Committees (SPCs) and the local government led County/City Development Boards (CDBs) respectively. Following a review of the SPCs, a number of recommendations were made to improve their performance and these are at present being implemented at local authority level. In addition, CDBs have at my request, just completed a review of their strategies in order to ensure that they remained focused on delivering a select number of key priorities over the following three years. The review concentrated on integrative actions aimed at a more joined-up approach to local service delivery, involving the member agencies on the Board.

A new structure in the form of joint local authority — Garda policing committees will be introduced into local government over the next few months. These new committees will be launched shortly, initially on a pilot basis. The committees will introduce a partnership process involving local elected members, An Garda Síochána, Oireachtas members, community representatives and local authority management which can collectively consult, discuss and make recommendations on matters affecting the policing of local areas.

My focus has been on intensifying and consolidating the gains made through the extensive local government modernisation programme of recent years. While much has been achieved, I am anxious that momentum be maintained and further progress made in delivering, modern, effective and customer focused service delivery by local authorities to their communities.

Waste Management.

87. **Mr. Deasy** asked the Minister for the Environment, Heritage and Local Government the result of checks his Department has made into the operation of the plastic bag levy; if there is significant avoidance of the charge by some retail outlets; if so, the action he intends to take; and if he will make a statement on the matter. [22548/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The 15 cent levy on plastic bags, as provided for in the Waste Management (Environmental Levy) (Plastic Bag) Regulations 2001, applies to all plastic bags supplied to customers at the point of sale to them for

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the conveyance of goods or products. Prior to the introduction of this levy in March 2002, an estimated 1.2 billion plastic bags were given away free by retailers. The levy has led to a dramatic reduction in use of plastic bags with a consequent positive environmental benefit. Plastic shopping bags accounted for 5% of litter arising prior to the introduction of the levy, but for just 0.22% of litter arising in 2004.

I am anxious that the plastic bag regulations are rigorously enforced. From representations I have received there would appear to be some anecdotal evidence of slippage in application of the levy. I recognise the need to ensure that the efforts and commitment of the vast majority of retailers are not undermined by the non-compliance of a few. Therefore, my Department has written to local authorities asking them to carry out inspections of retail outlets with a view to improving current practices in relation to the implementation of the Plastic Bag Levy Regulations. An enforcement network of local authority officers has been established to monitor and co-ordinate the enforcement drive.

The relevant enforcement officers have extensive powers to enter any retail premises, to conduct any searches or investigations considered necessary, and to inspect or remove any records, books and documents for the purposes of any proceedings in relation to the levy.

All complaints received in my Department concerning non-compliance are forwarded to the relevant local authority and the Revenue Commissioners. The operation of the levy is also subject to the normal Revenue Commissioners auditing arrangements.

Housing Provision.

88. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government his views on reports (details supplied) that major housing developments in the Greater Dublin area could face delays of several years due to inadequate water supplies; and if he will comment on the issue. [22574/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Responsibility for the provision of water supplies to service existing requirements and new development needs rests with the local authorities. Local authorities are required to undertake regular assessments of their water services capital requirements and to inform my Department of the resulting priorities. My Department funds those schemes that are approved under the Water Services Investment Programme on the basis of infrastructural priorities identified by individual authorities.

In the case of Dún Laoghaire-Rathdown County Council, I have included all such identified requirements in the Water Services Invest-

ment Programme 2005 — 2007 published late last year and available in the Oireachtas Library. The schemes in the Programme are being advanced as quickly as possible. With regard to proposed housing development in the area referred to, I understand that, in advance of any significant planning applications being considered, Dún Laoghaire-Rathdown County Council is currently preparing a Local Area Plan that will be subject to public consultation and, in due course, adoption by the elected Council.

All local authorities have again recently been asked by my Department to produce new assessments of needs and to submit the results to the Department by 31 July 2006. This will afford Dún Laoghaire-Rathdown County Council an opportunity to identify any additional infrastructural needs in its area as an input to future phases of the Water Services Investment Programme.

As far as the Greater Dublin Area (including Meath, Kildare and Wicklow) is concerned, a range of schemes to increase water supply capacity is being advanced under the Water Services Investment Programme 2005 — 2007. These include Kildare Wellfield Development, Leixlip Water Treatment Plant Extension, Navan Water Supply Scheme, Wicklow Town Water Supply Scheme and the expansion of the Ballymore Eustace Water Treatment Plant. The Ballymore Eustace scheme will increase capacity by a further 44 million litres per day. A recently completed interim upgrade to the plant has already secured a 22 million litres per day increase.

A further allocation of €118.3m has been provided under the 2005 to 2007 Programme for the rehabilitation of defective and unserviceable water mains in the Dublin region as part of a national water conservation sub-programme. I understand that Dublin City Council, acting as lead authority, has appointed consultants to produce contract documents and to oversee the implementation of the relevant works in the region. In addition, the Programme also includes funding to support the identification of new water sources to meet projected demand in the Greater Dublin Area up to 2031.

I am satisfied that these projects will ensure adequate water supplies to deal with current and future development requirements in the region.

Planning Issues.

89. **Mr. Gormley** asked the Minister for the Environment, Heritage and Local Government his views on the lack of consistency between planning authorities on the question of whether solar panels require planning permission is hindering uptake of the technology and if he will consider issuing planning guidelines setting out the conditions in which the installation of solar panels is exempt from planning permission. [22580/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Many domestic

renewable energy developments, including the placing of solar panels to the rear of houses, would be exempted development. Section 4(1)(h) of the Planning and Development Act 2000, provides that development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure is exempted development if the works affect only the interior of the structure or do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures. I have also asked my Department to review the exempted development regulations to ensure that they support the use of renewable energy for domestic and small business users.

There has been a very high level of interest in the Greener Homes grant aid package for individual domestic householders which was launched by the Minister for Communications, Marine and Natural Resources on 27 March this year. In the eight week period since the scheme was launched Sustainable Energy Ireland (SEI) has received 500 applications for grant aid for solar panels.

Recycling Policy.

90. **Mr. M. Higgins** asked the Minister for the Environment, Heritage and Local Government the percentage and volume of recycled cardboard and plastic waste that is shipped from Ireland to China on an annual basis; his plans on whether a closer or indigenous solution to the recycling of these materials would be preferable; the efforts he is making to explore this option. [22494/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): National waste statistics for all waste streams are published at three-yearly intervals by the Environmental Protection Agency with the most recent National Waste Report being in respect of 2004. As outlined in successive National Waste Reports, the general situation in Ireland is that we are rely significantly on foreign based materials recycling infrastructure, which dealt with 73.8% of recycled waste in 2004. Europe accounts for almost 92% of all recyclable waste exported from Ireland for further treatment with the remaining 8% exported to the Asian continent for reprocessing. In 2004, of the 375,597 tonnes of paper and cardboard recovered, 18,358 tonnes, or 4.9%, was exported to China while 118,358 tonnes, or 31.5%, was recycled in Ireland. Of the 55,904 tonnes of plastic recovered in the same year, 7,100 tonnes, or 12.7%, was exported to China while 8,718 tonnes, or 15.6%, was recycled in Ireland.

While there has been recent progress in the provision of more infrastructure within Ireland to process materials recovered for recycling, for example, in the development of new facilities to process waste electrical and electronic equipment, it should be noted that clean segregated

materials are a sought after resource which are freely traded under EU and international law. This is supported by the Organisation for Economic Co-operation and Development (OECD) Decision of C(92)39 Final on the Control of Transboundary Movements of Wastes Destined for Recovery Operations which notes that the recovery of valuable materials and energy from wastes is an integral part of the international economic system and that well established markets exist for, and can contribute to, the collection and processing of such materials within OECD member countries.

While international trade in waste is consistent with Government policy insofar as it supports improved performance in recycling, the Government also recognises the value of developing markets for recyclates in Ireland. To this end, a Market Development Group was established by in 2004 and has been working on the development of a National Market Development Programme. The implementation of the Programme will play an important role in achieving targets for further progress in the recovery and recycling of paper and cardboard as set out in the National Strategy on Biodegradable Waste from the 2004 level of just under 46% to 67% by 2016. Sub-committees have been established by the Market Development Group to deal specifically with market development for both recovered paper waste and for plastics. It is intended to publish the National Market Development Programme later this year.

My Department has also been working with the Department of the Environment in Northern Ireland with a view to developing all-island market development strategies. Both Departments have co-funded an all-island paper mill study which has been completed and will be published shortly. The outcome of this study will inform future policy and make an important contribution to the knowledge base in relation to the consumption and demand of paper products within Ireland, as well as the sources, volumes and market potential of recovered paper.

Environmental Management.

91. **Mr. Howlin** asked the Minister for the Environment, Heritage and Local Government the steps he intends to take to halt the decline in Ireland's biodiversity by the 2010 target date; and if he intends to initiate new approaches to environmental management. [22489/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department is undertaking an extensive programme of work aimed at meeting the target of halting the loss of biodiversity by 2010.

Ireland's strategy for conserving and, where possible, enhancing our biodiversity is set out in the National Biodiversity Plan 2002-2006. An important feature of the Plan is the shared

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responsibility across all sectors, including Government Departments, State Agencies and the Local Authorities, for the implementation of Plan. An Inter-Departmental Steering Group is in place to oversee its implementation and an interim review in 2005 demonstrated significant progress.

At the launch of the Interim Review in November last, I announced 13 additional initiatives to support the ongoing implementation of the National Biodiversity Plan and, of course, Ireland's efforts to meet the 2010 target. These 13 initiatives were as follows:

- the establishment in my Department of a dedicated Biodiversity Unit;
- the establishment of a Biodiversity Fund of €1m, spread over the two year period 2006-2007. This fund provides grants to capital projects aimed at conserving and enhancing Ireland's biodiversity (over 100 applications were received for the 2006 round of grants, with 38 projects already approved for funding);
- the establishment of a Biodiversity Forum, which has already met and will provide independent monitoring of implementation of the National Biodiversity Plan and assist in the drafting of future national strategies on biodiversity;
- the establishment of a Biological Records Centre, which will be an essential mechanism and resource for documentation, monitoring and research in the area of Biodiversity;
- the completion, by the National Platform on Biological Research, of a Biodiversity Knowledge Programme for Ireland (this has now been finalised and published);
- the commissioning of specific research on the quantification of the economic and social benefits of biodiversity to society as a whole (a tender for this research is currently being prepared by my Department);
- preparation, and a move now to the implementation phase, of all-island Species Action Plans for the Irish Hare, the Pollan, the Corn-crake and the Irish Lady's Tresses Orchid, as well as of an all-island study on Invasive Alien Species;
- drafting of a Biodiversity Undertaking which I have asked all Government Departments to publish and implement. The Undertaking addresses the proactive and biodiversity-friendly management of buildings and lands;
- issue of Guidelines by my Department for the production of Local Biodiversity Action Plans to all Local Authorities (a follow-up Seminar on the production of Local Biodiversity Action Plans will take place in July);

- funding by my Department of a dedicated public awareness programme on biodiversity and its importance to human well-being (a tender for the contract is being prepared by my Department at present and the Biodiversity Forum will also have a role in this campaign);
- successful promotion by me within the EU Council of Environment Ministers to have the Malahide Message, which was elaborated under Ireland's EU Presidency, strongly integrated into the Review of the EC's Biodiversity Strategy (the EU has recently issued a Communication and an associated Action Plan on meeting the 2010 target, which has particular regard to the Malahide Message);
- conversion to biofuels of the 160-strong fleet of the National Parks and Wildlife Service of my Department within a two-year period.

As outlined above, significant progress is being made in creating a framework to enable us to meet the 2010 target to halt the loss of biodiversity.

With regard to the initiation of new approaches to environmental management, under the EU Habitat and Birds Directives my Department has identified 420 candidate Special Areas of Conservation and 128 Special Protection Areas for Birds, covering some 11.5 % of the landmass of the State. My Department is currently working with landowners and other stakeholders to prepare Management Plans for each SAC and SPA to protect the integrity of these important sites, based on best practice approaches to environmental management. To date, 34 such Plans have completed the consultation phase and are now being implemented.

Water Meters.

92. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government if he will request local authorities to introduce a single charge only for county council installed water meters where landowners have split land holdings; and if he will make a statement on the matter. [22546/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In accordance with the EU Water Framework Directive, the national water services pricing policy framework provides for the recovery by sanitary authorities of the full cost of providing water services from the users of these services, with the exception of households using the services for domestic purposes. This policy of cost recovery from the non-domestic sector extends to the provision of meters, which are necessary to ensure water charging of users according to actual consumption.

Local authorities are at an advanced stage of implementing their non domestic metering prog-

rammes and will have substantially concluded these by end 2006. The metering of non-domestic water supply is also intended to incentivise all non-domestic users, including the farming community, to manage and conserve their use of water.

My Department is aware that in some situations non-domestic users, including farmers may need to have a number of separate meters installed on their property. Precise charging arrangements in these circumstances would be a matter for settlement locally between property owners and local authorities. However, in principle the costs associated with the provision of water supply, including the installation of water meters, should be met by the users of the service.

EU Directives.

93. **Ms Lynch** asked the Minister for the Environment, Heritage and Local Government if the most recent proposals submitted to the European Commission in relation to the EU Nitrates Directive will allow for an increase in the amount of nitrate spread on land here; and way in which he will ensure that these proposals will not result in a decline in water quality. [22495/06]

122. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government the status of the Nitrates Directive; and if he will make a statement on the matter. [22314/06]

125. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government when he intends to enforce the Nitrates Directive; the status of the derogation; and if he will make a statement on the matter. [22315/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 93, 122 and 125 together.

Ireland's national Nitrates Action Programme has been given statutory effect by the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2005 which came in to effect generally on 1 February 2006. Some aspects of the Regulations are at present under review on the basis of scientific advice received subsequent to the making of the Regulations. Proposals for amending Regulations were sent to the EU Commission on 18 May 2006. The proposals include a number of new measures to address issues identified in certain areas, while ensuring that the overriding need for adequate protection of water quality will not be undermined. The proposed new measures include:

- a transition period to benefit pig, poultry and mushroom producers
- the introduction of a transition period for REPS farmers
- changes to the nitrogen Index system for tillage crops

— a newly-defined phosphorus Index 3 for grassland

— a reduction in the number of stocking-rate bands for both phosphorus and nitrogen grassland fertilisation limits, and

— an increase in the nitrogen limit for grassland for the majority of farmers.

Representatives of my Department, the Department of Agriculture and Food and Teagasc met with Commission officials on 30 May 2006 to discuss the proposed amendments. Progress was made at this meeting but a number of issues remain to be clarified. Further information was recently sent to the Commission to facilitate further consultations. Subsequent to securing the agreement of the Commission I hope to be in a position to make new Regulations this month.

Ireland has sought the approval of the EU Commission for a derogation from 170 kg to 250 kg organic nitrogen per hectare in relation to live-stock manure applied to land. While the objective had been to secure agreement of a derogation by mid-2006, consideration of the proposal is at present in abeyance pending finalisation of the proposals for amendment of the Regulations. The derogation proposal will need to be considered at future meetings of the EU Nitrates Committee before approval can be obtained.

Housing Grants.

94. **Mr. Bruton** asked the Minister for the Environment, Heritage and Local Government if he will increase the maximum grant for the disabled persons grant; and if he will make a statement on the matter. [22509/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Following the outcome of the review of the implementation of the disabled persons and essential repairs grant schemes, proposals for the future operation of the schemes are being prepared in my Department. I hope to be in a position to announce these shortly.

Greenhouse Gas Emissions.

95. **Ms Burton** asked the Minister for the Environment, Heritage and Local Government the reason the transport sector was not included in the carbon emissions scheme since emissions in this sector have risen considerably since 1990; and if he will make a statement on the matter. [22473/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The transport sector is not included in the EU Emissions Trading Scheme as it is not one of the activities included in the scope of the Emissions Trading Directive. While it is possible for Member States to voluntarily include additional gases or categor-

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ies of activities in the scope of the Scheme, this is constrained in practice by considerations such as the feasibility of emissions reporting, monitoring and verification given the number and size of emitters and the technical feasibility to reduce emissions.

The Government is addressing emissions from the transport sector through a variety of measures outside the emissions trading scheme, including a €205m excise relief scheme for biofuels, reduced VRT for hybrid cars and flexible fuel vehicles and provision of fuel economy labelling to influence consumer choice in vehicle purchasing decisions. In addition to these measures, significant investment has been provided for public transport under the current National Development Plan and will continue to be provided in the context of Transport 21. Further measures to reduce emissions from the transport sector are being considered in the context of the review of the National Climate Change Strategy.

National Spatial Strategy.

96. **Mr. Hayes** asked the Minister for the Environment, Heritage and Local Government if, in view of the continuing expansion of the growth in the Dublin region, he will review the national spatial strategy; and if he will make a statement on the matter. [22547/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The National Spatial Strategy (NSS) is a 20-year strategic planning framework which was published in November 2002 and aims at achieving more balanced regional development throughout the country. Dublin plays a key role in the ongoing implementation of the National Spatial Strategy.

The Strategy calls for a more balanced spread of economic activity in Ireland, but recognises that we must support and enhance the competitiveness of the Greater Dublin Area so that it continues to perform at the international and national level as a driver of national development. The NSS also accepts that it is not sustainable that Dublin should continue to sprawl outwards into counties on its periphery and beyond. Longer commuting times are socially detrimental and physical infrastructure constraints may jeopardise competitiveness. To address this, it is necessary to consolidate the physical growth of the Dublin metropolitan area, the city and suburbs, while at the same time concentrating development in the hinterland into strategically placed, strong and dynamic urban centres.

The substantial investment in transport that was announced by Government in Transport 21 is in accordance with the general principles of NSS and it is envisaged that future residential and commercial developments will be concentrated as

close as possible to the existing and forthcoming rapid transport systems.

The Regional Planning Guidelines (RPGs) for the Greater Dublin Area 2004-2016 were prepared and adopted jointly by the Dublin and Mid-East Regional Authorities, and are in the second year of their 12-year life-span. These RPGs articulate the NSS vision for the Greater Dublin Area, and relevant city and county development plans translate the vision further to local level.

The NSS is a robust framework and continues to be appropriate and applicable. When initial results from the 2006 Census are released later this year, it is intended to consider the population trends in the context of their possible implications for the Regional Planning Guidelines, both in the Greater Dublin Area and throughout the country.

Social and Affordable Housing.

97. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government if he will initiate a new national design competition for the building industry for highly energy efficient affordable and social housing; and if he will make a statement on the matter. [22536/06]

Minister of State at the Department of the Environment, Heritage and Local Government

(Mr. N. Ahern): My Department considers that the design, construction and layout of new social and affordable housing is of a very high standard and that a high level of energy efficiency is being achieved in these projects. A number of housing developments which use innovative energy efficiency and environmentally friendly technologies have already been undertaken by local authorities and any further proposal of this nature will be examined by my Department from the point of view of their efficacy and value for money/cost benefit considerations. Innovative approaches of this nature are supported by my Department in cooperation with Sustainable Energy Ireland.

A new Housing Policy Framework: Building Sustainable Communities which outlines key principles underpinning housing policy and investment over the coming years was launched last December which highlights the commitment of this Government to continuing improvements in the quality of housing and neighbourhoods. A further policy statement will be published this year which will set out more detailed approaches to this issue.

Question No. 98 answered with Question No. 82.

Species Action Plans.

99. **Mr. Howlin** asked the Minister for the Environment, Heritage and Local Government the steps he intends to take to curb the popu-

lation of the grey squirrel, which is a threat to the native smaller red squirrel and to many song-birds; and his views on initiating a contraceptive programme for the grey squirrel as has been done in other countries. [22488/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department's National Parks and Wildlife Service, and the Environment and Heritage Service, Northern Ireland are currently preparing an All Ireland Species Action Plan for the protection of the Red Squirrel, similar to those already published for a number of other species.

The primary issue for the plan to address is competition with the grey squirrel and all appropriate measures will be considered, including management of forests to favour red over grey squirrels. It is planned to engage in public consultations on the draft, as in the case of previous Species Action Plans, prior to final publication later this year. The new Species Action Plan will involve a number of actions on grey squirrel control.

The Forest Service of the Department of Agriculture and Food are also currently funding a project titled "Securing Ireland's Broadleaf Forests and Conservation of Native Red Squirrels through integrated Management of Grey Squirrels". One of the primary objectives of this project is the control of the alien grey squirrel population, which, inter alia, is causing damage to forestry. The project is looking at 11 woodlands in which various methods of control are being tested.

Regarding a programme of contraceptive control, research carried out in Britain on the use of contraceptive bait on grey squirrels has showed inconclusive results. Laboratory trials initially proved promising with an immune response created in treated females. Studies progressed to enclosures large enough for squirrels to conduct their normal mating behaviour and the first trial showed a significant reduction in pregnancy rates among treated grey squirrels. Two further enclosure trials and a subsequent field trial in the wild, however, failed to produce a response that was powerful or long-lasting enough to validate the results. Accordingly the present state of knowledge would not support the establishment here of such a programme. However we are continuing to monitor research closely on this and other control technologies.

Planning Issues.

100. **Mr. Gormley** asked the Minister for the Environment, Heritage and Local Government the details of his recent discussions (details supplied) with Environment Commissioner, Mr. Stavros Dimas on the issue of high levels of retrospective planning permissions and Ireland's compliance with the Environmental Impact Assessments Directive; and his plans to introduce

legislation that would reduce the levels of retrospective planning permissions. [22581/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): A Reasoned Opinion was received from the European Commission on 5 January 2005 regarding planning enforcement procedures in relation to unauthorised developments for which Environmental Impact Assessments (EIA) are required. A formal response issued to the Commission on 8 March 2005. On 12 May the European Court of Justice advised the Government of the initiation of legal proceedings by the Commission. A Letter of Formal Notice was received from the European Commission on 4 May 2006 in relation to Ireland's implementation of the EC Directive 85/337/EEC.

As I have already informed the House, I have had useful and informal discussions with Environment Commissioner Dimas. These discussions covered a wide range of issues including that of retrospective planning permissions and compliance with EC Directive 85/337/EEC generally. It would not be appropriate to disclose details of these informal discussions, which were without prejudice to any legal proceedings between Ireland and the European Commission.

Question No. 101 answered with Question No. 78.

Vacant Dwellings.

102. **Mr. Crowe** asked the Minister for the Environment, Heritage and Local Government the average number of vacant dwellings in the State in each of the past ten years. [22476/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): My Department does not have a detailed breakdown of housing stock by type of purchaser or by nature of occupancy. Information collected as part of the Census of Population can provide some data on vacant dwellings. However, as there may be a number of reasons why a dwelling is vacant at any point in time, such as households' absence on the night of the Census or rented dwellings between lettings, it is not possible to provide an estimate of the average numbers of vacant dwellings over the past ten years.

Environmental Policy.

103. **Ms McManus** asked the Minister for the Environment, Heritage and Local Government the amount of funding which was allocated to the grant schemes and agencies of the environmental partnership fund, environmental non-governmental organisations, Comhar, ENFO and local authorities to support environmental information and awareness raising in 2004 and in 2005. [22487/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The information requested by the Deputy is set out in the following schedule. This expenditure is additional to the

funding of the Department's major waste awareness campaign Race Against Waste which amounted to €3.5 million per annum in 2004 and 2005.

Environmental Information and Awareness Funding

Scheme/Organisation	Description	Payments 2004	Payments 2005
		€	€
Local Agenda 21 Environmental Partnership Fund	Local environment awareness projects paid via local authorities.	300,000	250,000
Environmental (Ecological) NGOs Core Funding Limited	Core funding and travel.	253,946	235,832
Comhar- the National Sustainable Development Partnership	Administrative expenses excluding salaries.	168,017	95,321
ENFO	Administrative expenses excluding salaries.	788,000	882,000
Anti-Litter Grants	Anti-litter awareness and education grants paid via local authorities.	720,000	500,000
Support grants to smaller awareness initiatives including Green Schools	Grants to support small scale projects, initiatives and environmental conferences.	218,683	74,375

Dog Breeding Industry.

104. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government the progress made to date by his Department in implementing the recommendations of the working group to review the management of dog breeding establishments; and if he will make a statement on the matter. [22513/06]

114. **Mr. Connaughton** asked the Minister for the Environment, Heritage and Local Government his proposals in relation to the new standards he will introduce to enforce standards for the dog breeding industry; and if he will make a statement on the matter. [22524/06]

141. **Mr. M. Higgins** asked the Minister for the Environment, Heritage and Local Government the recommendations of the Working Group on the Review of the Management of Dog Breeding Establishments which he intends to implement; and the timeframe in relation to the implementation of the various recommendations. [22493/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 104, 114 and 141 together.

The report of the Working Group which was established to review the management of dog breeding establishments was submitted to me on 7 September 2005. The report contained a number of recommendations including recommendations in relation to the introduction of statutorily enforceable standards for the dog breeding industry in Ireland and proposed the introduction of a registration system for dog breeding establishments. However, three of the

members of the Working Group disagreed with the main recommendations and submitted three separate minority reports.

On 30 May, I announced my intention to proceed with implementation of the majority recommendations of the Working Group. This decision followed the conclusion of an extensive public consultation process on the matter which showed that, while there is some opposition to the majority recommendations, there is general support for regulation in this area. The majority recommendations are contained in the Working Group's Report, copies of which are available in the Oireachtas Library.

My Department will now, in consultation with the Department of Agriculture and Food, develop the new system as quickly as possible. This process will include the development of standards for relevant dog breeding establishments and the drafting of new Regulations under the Control of Dogs Acts 1986 and 1992. It is not possible at this stage in the process to indicate the likely date of the coming into force of the new Regulations.

Departmental Schemes.

105. **Mr. English** asked the Minister for the Environment, Heritage and Local Government the progress to date of the rental accommodation scheme; if he has received representations from local authorities to increase the maximum rent offered in areas where rents have risen significantly; if he will grant such increases; and if he will make a statement on the matter. [22544/06]

154. **Mr. Stanton** asked the Minister for the Environment, Heritage and Local Government the number of people who have been housed to date under the rental accommodation scheme in

the years 2005 and to date in 2006; the amount expended in the scheme to date; and if he will make a statement on the matter. [22469/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 105 and 154 together.

Under the Rental Accommodation Scheme (RAS), local authorities are providing accommodation for certain recipients of SWA rent supplement who have been assessed as having a long-term housing need. The RAS is an additional housing option and eligible persons can indicate their preference to be accommodated by local authorities under the RAS or social housing, or to be considered under both.

The initial project to transfer rent supplement recipients of 18 months or more continuous duration is due to be completed by the end of 2008. The implementation of the RAS is a collaborative project between my Department, local authorities, the Department of Social and Family Affairs and the Community Welfare Service of the Health Service Executive.

Roll out commenced in an initial group of lead authorities, namely Dublin, Galway and Limerick City Councils, South Dublin, Donegal, Offaly, Westmeath County Councils and Drogheda Borough Council. In addition, the Cork County authorities Clare, North and South Tipperary, Fingal, Dún Laoghaire Rathdown, Galway, Louth, Laois, Longford Kilkenny, Meath Monaghan, Wexford, Wicklow, Leitrim County Councils and Waterford and Cork City Councils are also now implementing RAS. These authorities collectively cover 84% of the transferable cases. All local authorities are due to commence work on the RAS by mid-year.

The total cost of the scheme to date is €1.84m of which €947,000 has been spent in the current year. €19 million has been provided to support the implementation of the scheme in 2006. At end March 2006, 60,522 households were in receipt of rent supplement, with 33,000 for 18 months or more. The progress in meeting the long term housing needs of rent supplement recipients under the RAS is evident in the stabilisation of the RAS target group numbers since September 2005, notwithstanding an upward trend in the overall number of rent supplement recipients over the same period. Over 1,200 cases have been transferred to RAS since the initial transfers in September 2005. A further 770 households which were recipients of Rent Supplement have been provided with local authority housing. The aim is to have 5,000 cases transferred to the RAS by the end of the year.

A further 6,000 prospective RAS households have had their cases reviewed. Work is ongoing on interviewing tenants, the inspection of properties and meeting and negotiating with accommodation providers. In relation to rent feedback,

indications from some local authorities are that there can be difficulties, at times, in finding good quality alternative accommodation, within rent supplement limits for single persons and couples without children.

Changes to rent supplement levels are a matter for the Minister for Social and Family Affairs who recently indicated that he will be reviewing the current levels of rent limits later this year in order to determine what limits should apply from January 2007 onwards. I understand that the review will take account of prevailing rent levels in private rented sector generally, together with detailed input from Health Service Executive on the market situation within each of its operational areas. The review will also include consultation with my Department and voluntary agencies working in local areas which will also assist the transfer of existing rent supplement recipients to RAS. The Minister has indicated that he intends that the new rent limits will reflect realistic market conditions throughout the country and that they will continue to enable different categories of eligible tenant households secure and retain suitable rental accommodation to meet their respective needs.

Implementation of the scheme will accelerate as local authorities procure new accommodation through the development of new public private partnership (PPP) arrangements and through partnering arrangements with the Voluntary and Co-operative Housing sector.

Noise Pollution.

106. **Mr. Crawford** asked the Minister for the Environment, Heritage and Local Government if he will make a statement on the way in which he is tackling noise pollution. [22570/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): A number of legislative measures are in place to address the issue of noise pollution. I recently signed into law the Environmental Noise Regulations 2006, which give effect to EU Directive 2002/49/EC relating to the assessment and management of environmental noise. Environmental noise is defined in the Regulations as unwanted or harmful outdoor sound created by human activities, including noise emitted by means of transport, road traffic, rail traffic, air traffic, and from sites of industrial activity.

The Regulations require the preparation of strategic noise maps for areas and infrastructure falling within defined criteria, e.g. large agglomerations, and major roads, railways and airports. Based on the results of the mapping process, the Regulations require the preparation of noise action plans for each area concerned. The fundamental objective of action plans is the prevention and reduction of environmental noise.

Other legislative provisions are already in place to address noise nuisance. Section 107 of the

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Environmental Protection Agency Act 1992 provides local authorities with powers to require measures to be taken to prevent or limit noise. These powers are generally exercised in preventing and limiting noise from commercial and industrial premises within their functional areas.

Under the Environmental Protection Agency Act 1992 (Noise) Regulations 1994, a local authority or any person may seek an order in the District Court to have noise giving reasonable cause for annoyance abated. The procedures involved have been simplified to allow action to be taken without legal representation. A public information leaflet outlining the legal options available to persons experiencing noise nuisance is available from my Department and on the Department's website, www.environ.ie.

Question No. 107 answered with Question No. 80.

Estate Management.

108. **Mr. McGinley** asked the Minister for the Environment, Heritage and Local Government the response of each planning authority to circular letter PD 1/06 regarding their policy in relation to taking in charge of estates on a plan-

	Expected expenditure 2000 to end 2006	Target to end 2006	Outturn as % of Targets
	€000	€000	
Local Authority Housing	5,031,115	4,759,393	106
Voluntary Housing	1,350,563	1,370,637	99
Affordable Housing	1,668,817	1,782,012	94

	Expected output 2000 to end 2006	Target to end 2006	Output as % of Targets
Local Authority Housing	31,700	40,100	79
Voluntary Housing	9,800	15,500	60
Affordable Housing	17,300*	14,000	124

*Includes Part V and A.H.I., which have come on stream since NDP.

Largely due to construction inflation, output is in some respects behind NDP forecasts, but we have put in place measures to ensure that the additional resources now available for housing achieve best value for money, optimum output and deliver programmes in a way that builds sustainable communities.

The Government have put in place a number of new arrangements to facilitate the delivery of strong programmes of social and affordable housing. Since 2000, a total of some 72,000 households have been assisted under the various social and affordable housing programmes.

In consultation with my Department, local authorities have developed five-year action plans

ning authority basis; and if he will make a statement on the matter. [22519/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The responses received to date in relation to circular letter PD1/06 are being collated by my Department and will be forwarded to the Deputy as soon as possible.

Social and Affordable Housing.

109. **Mr. Rabbitte** asked the Minister for the Environment, Heritage and Local Government the number of social and affordable houses short of the national development plan targets the country will be by the end of 2006, notwithstanding the recent announcement of extra money allocated for housing purposes in June 2006; and if he will make a statement on the matter. [22499/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The recent announcement of resources for the Local Authority housing construction programme in 2006 brings projects cumulative expenditure on this programme substantially ahead of NDP target. Expenditure under the Voluntary Housing and Affordable Housing Schemes will also be substantially on target, as the following table indicates:

for their social and affordable housing programmes covering the period to 2008. These incorporate the relevant targets for units delivered through Part V arrangements. The preparation of these plans has improved the identification of priority needs and will help to ensure a more coherent and co-ordinated response across all housing services. A mid-term review of plans, which will allow for adjustments to be made in light of actual performance is underway at present.

During 2005, the Government brought forward new initiatives to specifically address issues raised in the NESC report. In June, we launched the

Affordable Homes Partnership to co-ordinate and accelerate the delivery of affordable housing in the Greater Dublin Area. In December 2005, the Government launched a new Housing Policy Framework: Building Sustainable Communities which outlines key principles underpinning housing policy and investment over coming years.

As a result of extra capital provision in Budget 2006, substantial increased investment in social and affordable housing is outlined in the framework. This will allow for some 23,000 new social homes to be commenced between 2006 and 2008; and some 15,000 affordable homes to be delivered. The Rental Accommodation Scheme is being implemented as a new choice for individuals in long-term need of accommodation support. In total, some 50,000 households will benefit over the coming three years from an Exchequer capital investment package of close to €4 billion. This is evidence of the Government's continuing commitment to the delivery of social and affordable housing.

Question No. 110 answered with Question No. 61.

Departmental Circulars.

111. **Mr. McCormack** asked the Minister for the Environment, Heritage and Local Government if, in view of the fact that his Department circulars are not readily available on his Department's website and that there is no central holding space for all circulars issued by his Department, he will make available on his Department's website full details of all circular letters issued by his Department; and if he will make a statement on the matter. [22527/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department will give further consideration to the value of providing general access to circular letters on the our website.

Register of Electors.

112. **Ms B. Moynihan-Cronin** asked the Minister for the Environment, Heritage and Local Government the way in which he intends to ensure that legitimate voters are not deleted off the electoral register under the Government's plan to update the register in autumn 2006; and if he will make a statement on the matter. [22497/06]

113. **Ms B. Moynihan-Cronin** asked the Minister for the Environment, Heritage and Local Government if he intends to establish an updating and maintenance system for the electoral register in order that the level of inaccuracies is not allowed to happen again; and if he will make a statement on the matter. [22498/06]

121. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government the measures taken to ensure that local authorities have access to other State databases for the purpose of increasing the accuracy of the electoral register; the databases which have been identified as relevant; the Government Departments or State agencies which have been approached; and if any have agreed to date to make their databases available. [22585/06]

126. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government if his Department has estimated the additional cost associated with providing a more accurate 2007 electoral register. [22584/06]

433. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government the communication which has taken place between himself and local authorities in relation to the crisis in respect of the electoral register; the steps that are proposed to deal with this problem; the funding which has been committed by his Department to deal with the crisis; and if he will make a statement on the matter. [22680/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 112, 113, 121, 126 and 433 together.

In law, the preparation of the Register of Electors is a matter for each local registration authority. It is their duty to ensure, as far as possible and with the co-operation of the public, the accuracy and comprehensiveness of the Register.

I recently announced a package of measures, to be implemented over the coming months, aimed at assisting registration authorities improve the Register. The measures include the use of Census enumerators or other temporary personnel to support local authorities in preparing the next Register. Related to this, I am prepared to make increased, ring fenced financial resources available to local authorities this year to update the Register; the details involved are being examined at present. An early start will be made to the local authority Register campaign for 2007/8 and there will also be an intensive information campaign.

My Department has issued updated and consolidated Guidance to ensure that all local authorities work to the same template. The Guidance advises local authorities to liaise with other relevant statutory authorities and utilities who deal regularly with households to explore opportunities for assistance in compiling the Register, and to make maximum use of databases available to authorities to crosscheck the Register.

New IT based arrangements to delete deceased persons from the Register have also been put in place. My Department is now working with a group of local authority managers and senior

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officials to put in place an enhanced programme for improving the next Register. This would include ensuring that each household is visited and provided with forms and information at least twice, if necessary. In the event that this process does not satisfactorily register the household, it is proposed that written notification would then be given cautioning of the danger of being omitted from the Register.

I consider that there should be a broad political consensus on these issues. For this reason, I recently met the Joint Oireachtas Committee on Environment and Local Government and had a detailed discussion regarding the Register. I will continue to keep issues relating to the Register, including longer-term options in this regard, under close review.

Question No. 114 answered with Question No. 104.

Greenhouse Gas Emissions.

115. **Mr. Broughan** asked the Minister for the Environment, Heritage and Local Government if his Department has drawn up proposals to tax cars on their greenhouse gas emissions as opposed to their engine size; and when he expects to be in a position to bring such proposals to the Houses of the Oireachtas. [22505/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I have indicated that I am considering revising the motor taxation regime for cars to align it more closely with CO₂ emissions from the vehicle rather than engine size. Work on this proposal is continuing in my Department.

Vehicle Registration Tax, which falls under the remit of my colleague, the Minister for Finance, is also levied on the basis of car engine size. While the VRT regime already favours vehicles with lower carbon dioxide emissions through a 50% relief for hybrid electric cars and flexible fuel vehicles, my Department is working with the Department of Finance and the Department of Transport on the feasibility of levying VRT on the basis of CO₂ emissions. Decisions in relation to any proposal to revise VRT and other transport-related taxes would have to be finalised in a budgetary context.

Question No. 116 answered with Question No. 76.

Species Action Plans.

117. **Dr. Upton** asked the Minister for the Environment, Heritage and Local Government the number of strategic action plans which are currently in place here to deal with the specifically threatened species; and the initiatives which have been put in place to draw up and implement

such strategic action plans in response to the call by the European Commission in May 2006 to do so. [22492/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Last year, four all-island Species Action Plans were published jointly by my Department and by the Environment and Heritage Service in Northern Ireland, covering the Corncrake, the Irish Lady's Tresses Orchid, the Pollan (a freshwater fish of the herring family) and the Irish Hare. Earlier work had led to an action plan for the Natterjack Toad, which is not found in Northern Ireland.

A further series of species action plans is being prepared, also involving north/south co-operation. These cover the otter (for which Ireland is one of the most important European strongholds), bat species, the Killarney Fern, the Freshwater Pearl Mussel and the Red Squirrel. Based on successful work in preserving the last indigenous Irish Grey Partridge population at Boora, Co. Offaly, viable population has now been stabilised at Boora and the next stage is to provide conditions for it to expand. A substantial additional area of land has been acquired by my Department from Bord Na Mona to be developed as suitable grey partridge breeding and feeding grounds.

My Department is funding a five-year contract for the development and expansion of the project and one of the outputs will be a species action plan for the Grey Partridge. This programme is being well supported by the local community, and a number of local farmers are carrying out partridge-friendly farming. A number of satellite projects will also be developed, including one to assist in re-introducing the grey partridge to Northern Ireland. I intend that the process of drawing up species action plans will continue as required.

Flood Defence Works.

118. **Mr. Boyle** asked the Minister for the Environment, Heritage and Local Government if his Department will provide guidance to local authorities in drawing up policies on developer contributions to flood defence works to meet their obligations under the draft of guidelines for planning authorities on development plans; and if he will comment on the matter. [22577/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department published Public Consultation Draft Development Plan Guidelines for Planning Authorities on 27 April this year. Comments and submissions on the Draft Guidelines are invited by 21 July next, with the intention of finalising the Guidelines in the Autumn.

The Draft Guidelines suggest, inter alia, that development plans should include policies relating to requirements on developers to support the

funding of flood defences needed for particular developments, either partially or fully, depending on the circumstances. Under sub-section 4(b) of section 34 of the Planning and Development Act 2000, a planning authority may attach conditions to a decision to grant permission for a development, requiring the carrying out of works which the planning authority considers necessary for the purposes of the development authorised by the permission. However, as the Guidelines are currently in draft form for public consultation purposes, it would not be appropriate at this time for my Department to provide normative guidance to local authorities on this matter.

Waste Management.

119. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government if he will increase the role of Repak in the collection of waste packaging; and if he will make a statement on the matter. [22534/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Ireland has enjoyed considerable success in recent years in meeting targets for the recovery and recycling of packaging waste. There has been a rapid improvement in our performance in recycling this waste stream: the recycling rate rose from 15% in 1998 to 56.4% in 2004 with Ireland exceeding the EU target of 50% set for 2005.

Repak Limited was established by Irish industry in 1997 to promote, co-ordinate and finance the collection and recovery of packaging waste with a view to achieving Ireland's packaging waste recovery and recycling targets under the Packaging Waste Directive and is the sole approved compliance scheme for the recovery of packaging waste in Ireland. Repak membership income is used to subsidise the collection of packaging waste from both the household and commercial sectors. In the household sector, subsidy is provided towards the collection of packaging waste from bring banks and civic amenity recycling centres, as well as segregated kerbside collection of packaging waste from households. Waste collection or recovery services are provided by local authorities or by private waste operators rather than by Repak.

Repak is currently developing a six-year strategy to cover the period 2006 to 2011 when new EU targets will have to be met, including challenging materials based targets. This strategy is being developed under the auspices of a National Strategy Group on Packaging Waste Recycling made up of the relevant public and private sector stakeholders which was established in 2004. The Strategy will develop a range of initiatives with the objective of further improving national performance on the prevention, recovery and recycling of this important waste stream.

Emergency Planning.

120. **Mr. Stagg** asked the Minister for the Environment, Heritage and Local Government if he intends to circulate to all households here, the updated information leaflet on national planning for nuclear emergencies. [22444/06]

146. **Mr. Costello** asked the Minister for the Environment, Heritage and Local Government the steps the Government has taken to prepare for the real threat of a nuclear disaster at Sellafield; the role the army has in the Government's plan; the number of times the national emergency committee has met in each of the past five years when the national emergency plan was drawn up; when it was last updated; and if he will make a statement on the matter. [17198/06]

147. **Mr. Costello** asked the Minister for the Environment, Heritage and Local Government the steps the Government has taken to prepare for the real threat of a nuclear disaster at Sellafield; the role the Army has in the Government's plan; how often the national emergency committee has met in each of the past five years; when the national emergency plan was drawn up; when it was last updated; and if he will make a statement on the matter. [17434/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 120, 146 and 147 together.

The Irish Government has in place the National Emergency Plan for Nuclear Accidents. The Plan was first drawn up and published in 1992 and the most recent revision took place in December 2005. This Plan is designed to provide the framework for the response to a major emergency at a nuclear installation in the UK or elsewhere if there is a risk that radioactive contamination could reach Ireland. It conforms to the best international standards and practice as established by the International Atomic Energy Agency and is continuously reviewed and updated in the light of technological, scientific and medical advances, although the core messages remain the same.

A major exercise of the Plan takes place every few years in order to test its effectiveness and to enhance emergency preparedness. The most recent exercise, in 2005, called "INEX-3", was carried out under the guidance of the OECD's Nuclear Energy Agency. The particular exercise was mainly concerned with the testing of decision making in relation to agricultural countermeasures and food restrictions following a simulated nuclear accident in the UK. A report on this exercise will be published in due course.

In addition to these major tests, aspects of the Plan are tested on a more frequent basis. For example, communications with the European Commission notification centre are tested daily. Given the continuous review, updating and reg-

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ular testing of the Plan, and the international assistance that would be available under the International Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, I am satisfied that the Plan is robust and that the country is ready to respond effectively to any nuclear accident or emergency.

The Emergency Response Co-ordination Committee met twice in 2001, once in 2002 and there was no meeting in 2003. It met three times in 2004, six times in 2005 and so far in 2006 has met twice. The Department of Defence and the Defence Forces are represented on the Emergency Response Co-ordination Committee under the National Emergency Plan for Nuclear Accidents. The principal roles of the Defence Forces under the Plan include the collection of sea water samples by the Naval Service, the provision of aircraft for such aerial surveys as may be required, the monitoring of radiation levels by the Reserve Defence Forces, and such other assistance as may be required in the implementation of countermeasures.

During May of 2006, my Department printed a revised Information Leaflet entitled Safeguarding Ireland from Nuclear Accidents. This was widely distributed to libraries and Citizen's Information Centres, as well as to the Departments represented on the Emergency Response Co-ordination Committee. This Leaflet is also available on the websites of both my Department and the Radiological Protection Institute of Ireland. The question of wider distribution of the Leaflet directly to individual households is an issue that is being considered under a communications strategy currently being developed under the auspices of the Task Force on Emergency Planning and the Office of Emergency Planning to ensure the public is informed to best effect in relation to emergency planning matters in general.

Question No. 121 answered with Question No. 112.

Question No. 122 answered with Question No. 93.

Blue Flag Beaches.

123. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government the progress to date in the allocation of blue flag for beaches here; and if he will make a statement on the matter. [22560/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): For 2006, Ireland has been awarded 81 Blue Flags for bathing areas and 3 for marinas. This total of 84 Blue Flags represents an increase of 2 over last year, and is the highest number of Blue Flags ever awarded for Ireland.

The Blue Flag scheme is an initiative of the Foundation for Environmental Education (FEE), an international non-governmental organisation, and is administered by environmental non-governmental organisations in each of the participating countries. In Ireland the scheme is administered by An Taisce, with financial support from my Department. The criteria for the award of Blue Flags are determined by FEE and relate to water quality, facilities for visitors and beach management e.g. litter control, environmental information and display facilities.

Departmental Schemes.

124. **Mr. Quinn** asked the Minister for the Environment, Heritage and Local Government if the Government intends to replace rent supplement with housing benefit in view of the Comptroller and Auditor General expressing concern regarding the rise in the cost of rent supplement and the assertion of the report that there was little incentive in the scheme to keep rents low. [22484/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): It is not proposed to introduce a general housing benefit scheme. The Rental Accommodation Scheme (RAS) which commenced operation in 2005 is designed to provide housing assistance through supply driven mechanisms as part of a flexible and graduated system of housing supports for those in need of housing. The costs of rent supplement is a matter for the Minister for Family and Social Affairs and I understand that report of the Comptroller and Auditor General on rent supplement is due to be considered by the Public Accounts Committee in July.

Question No. 125 answered with Question No. 93.

Question No. 126 answered with Question No. 112.

Illegal Quarries.

127. **Ms Shortall** asked the Minister for the Environment, Heritage and Local Government if he intends to issue guidelines for or direction to local authorities to deal with illegal quarries. [22503/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department does not have information on the number of unauthorised quarries or on actions taken by planning authorities under Part 8 of the Planning and Development Act 2000.

In April 2004 my Department issued Guidelines on Quarrying and Ancillary Activities under section 28 of the Planning and Development Act

2000, which requires both planning authorities and An Bord Pleanála to have regard to them in the performance of their functions. The publication of these Guidelines took place at the same time as the commencement of Section 261 of the Planning and Development Act 2000, which introduced a once-off system of registration for all quarries, except those for which planning permission was granted in the last 5 years. The enactment of section 261 will enable planning authorities to better regulate the operation of quarries in their area both by providing them with comprehensive information on such quarries and increasing their powers of control over quarrying operations.

I would also add that, aside from the registration system introduced by section 261, quarries are, of course, subject to the normal provisions regarding planning permission. As is stated in the Guidelines referred to above, a planning authority which becomes aware of an operating quarry which is unauthorised development, through the registration process or otherwise, must consider taking enforcement action in accordance with Part VIII of the Planning and Development Act 2000.

Question No. 128 answered with Question No. 85.

Question No. 129 answered with Question No. 74.

Question No. 130 answered with Question No. 61.

Architectural Heritage.

131. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government if he will make a statement on the protection of Ireland's architectural heritage local agenda 21. [22569/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Under Sustainable Development: A Strategy for Ireland and guidelines for Local Agenda 21 issued by my Department, local authorities are encouraged to complete Local Agenda Plans for their areas, including provision in development plans of objectives with regard to the preservation of amenities including the built environment and urban renewal programmes to protect and enhance urban heritage and architecture.

The Planning and Development Act 2000, which provides an enhanced focus on sustainable development, contains detailed provisions under Part IV for the protection and conservation of the architectural heritage. In addition, the local authorities administer a grant scheme totalling €6 million in 2006 which supports the conservation of structures protected under Part IV. These pro-

visions are consistent with the approach promoted through Local Agenda 21.

Greenhouse Gas Emissions.

132. **Mr. J. O'Keeffe** asked the Minister for the Environment, Heritage and Local Government if he will make a statement on the need to reduce CO₂ emissions from domestic and non domestic buildings; and if he will increase with immediate effect the standards for energy performance of new buildings. [22540/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Direct greenhouse gas emissions (excluding electricity consumption) from domestic and non-domestic buildings accounted for almost 15% of total greenhouse gas emissions in 2004, down from over 17% in 1990. Over this period, emissions from the residential sector fell by 3.5%, despite an increase of over 40% in housing stock. This reduction is primarily attributable to the shift from coal and peat to oil and natural gas. In the same period, emissions from the non-residential (commercial and institutional) sector increased by 29%. Taken together, the two sectors accounted for an increase of 4.5% over the 1990-2004 period.

A series of revisions to Part L of the Building Regulations has been made over the last number of years, to meet higher thermal performance and insulation standards envisaged in the National Climate Change Strategy. Revisions to Part L which came into effect in January 2003 will deliver annual reductions of 250,000 tonnes of CO₂ by 2012. In December 2005 further amendments to Part L of the Building Regulations were made to partly transpose Articles 3, 4, and 5 of the Energy Performance in Buildings Directive and incorporate higher thermal performance/insulation standards for new non-domestic buildings commencing on or after 1 July 2006, leading to an additional 45,000 CO₂ reduction per annum by the end of 2012. The regulations also provide the legal basis for the introduction of a revised building energy performance assessment methodology for new dwellings. This expresses the energy performance of the building as a single parameter — CO₂/m²/per annum — and provides explicit recognition of the possible contribution of high-efficiency boilers, e.g. condensing boilers, and renewable energy technologies. The thermal performance standards for new dwellings are due for review and further upward adjustment by 2008.

In addition, the Energy Performance in Buildings Directive introduces a requirement for Building Energy Ratings. From January 2007 all new housing will be required to be rated on the basis of calculated energy performance. Rating of all newly constructed buildings and existing buildings for sale or rent will be applicable from January 2009. A building energy rating will allow

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prospective tenants or buyers to objectively compare the energy demand and performance of a building.

The recent announcement by my colleague, the Minister for Communications, Marine and Natural Resources, of a €22 million grant scheme for renewable heat technologies in the commercial sector will, when fully implemented, result in a further reduction of 160,000 of CO₂ emissions per annum from that sector.

As a result of these measures, I am satisfied that Ireland has established very high standards of thermal performance and insulation for residential and non-residential buildings. These standards will progressively reduce the intensity of greenhouse gas emissions in both sectors, in line with the objectives of the National Climate Change Strategy.

Waste Management.

133. **Mr. G. Murphy** asked the Minister for the Environment, Heritage and Local Government if, in conjunction with all local authorities, he will establish accessible collection points to address the backlog of farm plastics; and if he will make a statement on the matter. [22515/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): 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. Collections have commenced in some cases and, where this is not the case, 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.

Departmental Schemes.

134. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government if he will introduce a capital assistance scheme category within his Department of refuges, homeless hostels or such type accommodation; and if he will make a statement on the matter. [22559/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): 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 elderly, homeless or persons with disabilities and may include accommodation for victims of domestic violence. My Department's involvement with the scheme relates primarily to the provision of funds for individual projects. The administration of the scheme, and the certification that particular projects comply with the terms of the scheme, are the responsibility of the appropriate local authority.

Audit Committees.

135. **Ms Shortall** asked the Minister for the Environment, Heritage and Local Government if he has completed reviewing the role and structure of audit committees which can be established under section 122 of the Local Government Act 2001; if he has issued guidelines in relation to same; and if he will make a statement on the matter. [22504/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In light of my review of the role and structure of audit committees under section 122 of the Local Government Act 2001, I have decided that, in line with best practice in this area, local authority audit committees should have a wider remit in relation to financial management and control (including efficiency and value for money) and should have access to external expertise in discharging this role. Accordingly, I will be requiring all county and city councils to establish new audit committees with this more comprehensive mandate. This approach is also in line with a recommendation in the Indecon Review of Local Government Financing, completed earlier this year, and with work completed by the Value for Money Unit of the Local Government Audit Service, which will be published shortly.

Climate Change.

136. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government if he will make a statement on the European Commission campaign to limit climate change. [22562/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I fully support the initiative by the European Commission. The central message of the Commission's You Control Climate Change campaign is that individuals can contribute to reducing greenhouse gas emissions through small changes in their daily behaviour. In many cases, such changes can be cost-effective for individuals. The Government is actively supporting individuals to make these changes, inter alia, through the provision of grants for the installation of renewable energy heating technologies in domestic dwellings and

through the provision of information and advice through Sustainable Energy Ireland.

Waste Management.

137. **Mr. Deasy** asked the Minister for the Environment, Heritage and Local Government if he will make a statement on the race against waste campaign. [22567/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Race Against Waste campaign, funded by my Department, is an extended environmental awareness campaign to promote better waste management at home and in the workplace. The campaign, which was launched in November 2003, comprises a waste awareness media campaign and a communications strategy. The budget for each year of the campaign has been €3.5 million.

The media campaign encourages people to prevent, reduce, re-use, and recycle or compost their waste while the communications strategy informs the public about waste issues generally and of the need for an integrated approach to waste management.

Two programmes, the Small Change Programme aimed at SMEs, and Action at Work, aimed at larger organisations, were developed as part of the communications strategy and are promoted through seminars organised by Race Against Waste. In the current year of the campaign over 60 seminars, including twenty for County Development Boards, will encourage organisations to take action to reduce waste.

The campaign is also working with sporting and entertainment organisations to improve waste management at major events including the Ryder Cup, due to take place in September.

The campaign works closely with Local Authority Environmental Awareness Officers, who work locally with householders, schools, businesses and community groups. Communities are also encouraged to minimise, recycle and compost their waste through the national Tidy Towns competition's waste module. A partnership between Race Against Waste and the Mountmellick Environmental Group, for example, aims to make Mountmellick Ireland's "First Green Town".

To encourage better practice within the local authority service, Dublin City Council and Mayo County Council are working with Race Against Waste on a pilot project which will implement Action At Work in their offices and buildings. The experience gained from this will be shared with all other local authorities.

Factsheets on waste topics, in both Irish and English, have been published and widely distributed. A website (www.raceagainstwaste.ie) from which all Race Against Waste publications can be downloaded, and a lo-call number to deal with enquiries from the public, were introduced in 2004. In addition, an interactive web-based

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resource to engage young adults in the Race against Waste was launched in November 2005.

The Race Against Waste campaign, which complements increased investment in infrastructure, more effective enforcement and the introduction of pay by use systems is an effective element of our waste management strategy and has helped to raise awareness of waste issues and to significantly increase recycling rates.

Social and Affordable Housing.

138. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government the number of the 10,000 affordable houses which were part of the Government commitments under sustaining progress that are completed; and the number expected to be completed by the end of the period covered by the sustaining progress agreement. [22575/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Significant progress continues to be made under the Sustaining Progress Affordable Housing Initiative with provisional figures to the end of March 2006 indicating that a total of 1,961 housing units have been provided to date on AHI sites and through the Part V affordable arrangements.

To date, over 70 projects on State and Local Authority lands are planned which, together with the projected 2,500 housing units under the Part V affordable arrangements, have the potential to deliver over 10,000 affordable housing units under the initiative. My Department will continue to drive forward progress on all of the projects to ensure the earliest possible delivery of affordable housing units. This may entail further use of the land swap approach which was piloted successfully on the Harcourt Terrace project and other actions to parallel different stages of projects and shorten delivery time.

Question No. 139 answered with Question No. 74.

Energy Efficiency Measures.

140. **Mr. Boyle** asked the Minister for the Environment, Heritage and Local Government the details of all of the social housing schemes for which his Department made funding level adjustments in order to eliminate duplication where funding was provided by Sustainable Energy Ireland for energy efficiency measures, detailing in all cases, the scheme name, proposed scheme funding and scheme funding after Sustainable Energy Ireland grants were accounted for. [22576/06]

417. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government

the details of all of the social housing schemes for which his Department made funding level adjustments in order to eliminate duplication where funding was provided by Sustainable Energy Ireland for energy efficiency measures, detailing in all cases, the scheme name, proposed scheme funding and scheme funding after Sustainable Energy Ireland grants were accounted for. [22849/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Question Nos. 140 and 417 together.

It is my understanding that a downward adjustment of €150,000 has been proposed in the pre-tender budget cost approval notified to Dún Laoghaire Rathdown County Council in respect of the construction of 43 units at Benamore, Newtownpark Avenue to reflect an anticipated grant for energy efficiency measures from Sustainable Energy Ireland (SEI). Tender proposals in respect of this scheme have not yet been received in my Department.

Due to the time and associated cost involved I do not propose to request my Department to examine all housing scheme files to establish whether or not any financial adjustments have been made in the past in respect of grants that may have been received by local authorities from SEI. If any such adjustments were made it is very likely that it involved a small number of projects.

My Department supports and encourages the adoption of new technology and innovative approaches to design and construction of dwellings aimed at improving productivity and enhancing quality and performance of new dwellings. Where such proposals include the provision of additional energy efficiency measures these will be examined by my Department on their merits from the point of view of efficiency/ cost benefit considerations. Furthermore my Department has been in contact with SEI to indicate that in the interests of administrative efficiency the cost of using energy efficient and environmentally friendly technologies in local authority and voluntary housing developments will be borne as part of the capital cost of proposed schemes without having to have recourse to SEI grant assistance. This will be formalised shortly with SEI and notified to local authorities.

Question No. 141 answered with Question No. 104.

Question No. 142 answered with Question No. 61.

Litter Pollution.

143. **Ms C. Murphy** asked the Minister for the Environment, Heritage and Local Government his views in relation to Irish Business Against Litter initiative on litter; if he intends to take action;

if so, the form same will take; if he has corresponded with local authorities in relation to the survey specifically and litter generally; and if he will make a statement on the matter. [22442/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): IBAL is one of a number of anti-litter initiatives supported by my Department aimed at raising public awareness of litter pollution and energising support for local authority anti-litter actions. This specific initiative has been supported since 2003.

The National Litter Pollution Monitoring System, which measures the extent and severity of litter pollution nationally, shows that since 2003 there has been an improvement in litter pollution levels countrywide. The positive trend shown by the Monitoring System is also reflected in the IBAL League results, which record that cleanliness levels in the 53 participating towns and cities are generally improving.

My Department liaises on a regular basis with local authorities in relation to anti-litter initiatives and anti-litter actions, the benefits of which can be seen in these improved results. There is of course room for further improvement and the various approaches are kept under continual review.

Disability Services.

144. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government his Department's sectoral plan to improve disability services; and if he will make a statement on the matter. [22549/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): As required under the Disability Act 2005, my Department's sectoral plan will be laid before the Houses of the Oireachtas no later than 28 July 2006. The finalised plan will build on the outline sectoral plan, published in September 2004, and subsequent consultations with people with disabilities, representative organisations and other Government Departments with linked sectoral plans. It will set out national objectives and guidelines for access to local authority public buildings, services, facilities, amenities, and information, as well as to heritage sites and other facilities managed by my Department.

In parallel, Part M of the Building Regulations will also be reviewed and updated in accordance with a commitment set out in the Outline Plan, and the Building Control Bill 2005, published in December 2005, will, when enacted, strengthen the enforcement powers of local authorities and introduce a Disability Access Certification system to ensure that new buildings, or buildings which have been extended or materially altered should be accessible to all.

Each local authority will be required to draw up an implementation plan within nine months of

the statutory approval of the sectoral plans by the Houses of the Oireachtas, on the basis of a detailed accessibility audit. The implementation plans, drawn up in consultation with organisations representing people with disabilities, will set out a programme of actions to give effect to the commitments and objectives contained in the 2005 Act, in order to promote and pro-actively encourage equal opportunities for persons with disabilities to participate in the economic, social and cultural life of the community.

I have provided €18 million in 2006 to help local authorities and other bodies under the aegis of my Department to implement the National Disability Strategy, as part of a multi-annual funding programme, begun in 2005, which will continue until 2009.

Social and Affordable Housing.

145. **Mr. Crowe** asked the Minister for the Environment, Heritage and Local Government if he will review the extent to which local authorities are meeting the needs of their tenants in respect of necessary repairs to the social housing stock. [22477/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Responsibility for the management, maintenance and improvements of their rented dwellings, including the implementation of a planned maintenance programme lies with the local authorities and is financed from their own resources. The National Survey of Housing Quality 2001-2002 reported that just under three-quarters of persons in local authority accommodation are satisfied or very satisfied with the general condition of their accommodation. The report also noted that the level of activity of local authorities in responding to requests for repairs exceeded all other housing categories except one.

Questions Nos. 146 and 147 answered with Question No. 120.

Planning Issues.

148. **Mr. Eamon Ryan** asked the Minister for the Environment, Heritage and Local Government his views on whether the formal registration of legal options to purchase lands would improve the transparency of the planning and development process. [22583/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Ensuring openness, probity, fairness and efficiency in the operation of the planning system is an ongoing and key challenge. Zoning of land by a planning authority is effected as part of the making of a development plan. Section 10 of the Planning and Development Act 2000 states that a

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development plan shall include objectives for “the zoning of land for particular purposes (whether residential, commercial, industrial, agricultural, recreational, as open space or otherwise, or as a mixture of those uses), where and to such an extent as the proper planning and sustainable development of the area, in the opinion of the planning authority, required the uses to be indicated”. The process of making or varying a development plan is also set out in the 2000 Act and requires, inter alia, extensive public consultation and adoption of the development plan or variation by the elected members.

Persons applying for planning permission must state their application what interest they hold in the land in question or include the consent of the landowner. Planning permissions are given for specific development proposals on specified sites in the context of the proper planning and sustainable development of the area, irrespective of the land's ownership.

At present, land purchase options may be registered voluntarily. However, the All-Party Oireachtas Committee on the Constitution, in its Ninth Progress Report — Private Property, recommended that the existence of options should be included in the categories of transactions to be revealed publicly as a measure to achieve transparency in property markets generally. Consideration is being given to approaches dealing with registration of land options in that context.

Sustainable Communities.

149. **Ms Burton** asked the Minister for the Environment, Heritage and Local Government the date on which he expects the complete and full policy statement on building sustainable communities to be published; and if he will make a statement on the matter. [22483/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Work is well underway on a new housing policy statement which will set out more detailed approaches to implementing the Housing Policy Framework: Building Sustainable Communities published in December 2005. This statement, which will be published later this year will take a medium term perspective, will have regard to current discussions within the Partnership Talks, and will link into the investment proposed under the next National Development Plan.

Departmental Schemes.

150. **Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government his views on whether local authorities should not be using the rental accommodation scheme as an alternative to the construction and

provision of social housing for those people within their local authority area who have been identified as being in need of social housing. [22507/06]

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(Mr. N. Ahern): Under the Rental Accommodation Scheme (RAS) local authorities are providing accommodation to certain recipients of SWA rent supplement who have been assessed as having a long-term housing need. The RAS scheme is part of a graduated range of housing supports and is an additional housing option for authorities in meeting housing need. Eligible persons can indicate their preference to be accommodated by local authorities under the RAS or social housing or to be considered for both.

Local Authority Housing.

151. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government if he accepts that many local authorities are unable to fund necessary and urgent repairs to their social housing stock from their own resources; and if additional funds will be made available to local authorities to enable them to carry out these necessary repairs. [22475/06]

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(Mr. N. Ahern): The management, maintenance and improvements to their rented dwellings is the responsibility of each local authority and the funding of such works is required to be provided by local authorities from their own resources as part of their ongoing maintenance programmes.

My Department does, however, provide capital funding for major refurbishment work to local authority dwellings under the Remedial Works Scheme. My Department has been encouraging local authorities to avail of this scheme to remediate dwellings in need of refurbishment. Funding is also provided to local authorities for the refurbishment of houses that have remained vacant for periods longer than six months and require significant refurbishment prior to reletting. Local authorities are required to meet from their own resources the first €10,000 of the cost of such refurbishment in respect of each dwelling under this initiative. In addition, my Department provides capital funding, subject to conditions, to local authorities for the installation of central heating in their rented houses without such a facility.

Local Authority Funding.

152. **Ms C. Murphy** asked the Minister for the Environment, Heritage and Local Government the preparations being made to release additional funding to local authorities in counties that have

shown a strong pattern of population growth following the publication of the preliminary census results; if same will result in a relaxation of the staffing cap where it is deemed necessary; and if he will make a statement on the matter. [22443/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In the intercensal period 2002-2006 general purpose grants from the Local Government Fund to local authorities rose by some 48%. This increase is well in excess of any expected increase in population over the same period. Population is one of the factors used in determining these grants and updated data provided by the recent census will be used when allocating such grants in future years.

In light of Government policy on the regulation and control of numbers in the public service, including local authorities, I am keeping the overall employment position in the local government sector under regular review.

Question No. 153 answered with Question No. 74.

Question No. 154 answered with Question No. 105.

Building Regulations.

155. **Mr. Hogan** asked the Minister for the Environment, Heritage and Local Government if he will amend the Building Regulations for the Conservation of Fuel and Energy to increase the energy efficiency required for nursing homes; and if he will make a statement on the matter. [22510/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In December 2005, Part L of the Building Regulations was amended to substantially increase energy conservation standards for non-domestic buildings, including Nursing Homes, with effect from 1 July 2006. I recently published the 2006 edition of Technical Guidance Document L on how to comply with the amended Part L regime.

Persons aged 15 years and over classified by sex, age group and duration of unemployment (ILO)

Duration	QNHS Dec-Feb 2004 Age group				QNHS Dec-Feb 2005 Age group				QNHS Dec-Feb 2006 Age group			
	15-24	25-44	45 or over	Total	15-24	25-44	45 or over	Total	15-24	25-44	45 or over	Total
<i>Males</i>												
Less than 1 year	9.8	14.0	5.8	29.7	9.8	14.0	6.6	30.3	12.1	15.0	5.8	32.9
1 year and over	4.5	12.3	6.0	22.8	4.6	10.3	6.0	21.0	3.7	10.1	5.8	19.7
not stated	*	*	*	*	*	*	*	*	*	*	*	*
<i>Total males</i>	14.3	26.4	11.9	52.6	14.4	24.5	12.6	51.5	15.9	25.2	11.7	52.8

Constitutional Challenges.

156. **Mr. F. McGrath** asked the Taoiseach the reason for the breakdown in communications between his Department and the Offices of the Attorney General, the Chief State Solicitor and the Director of Public Prosecutions in the matter of the decision of the Supreme Court; and if he will make a statement on the matter. [22416/06]

The Taoiseach: As I indicated to the House last week, there was a failure of communications within the Office of the Attorney General that led to the Attorney General not being personally informed about the Supreme Court hearing of the CC case. The Attorney General has now put in place additional procedures to prevent any recurrence. Details of those are contained in the document that I circulated to Deputies on 7 June, 2006. Copies of that document have also been placed in the Oireachtas Library.

An inquiry has also been instituted to identify any aspects of the organisation structure, systems, procedures or staffing arrangements within the Office of the Attorney General that may require to be amended, so as to ensure that an information and notification deficit does not recur.

Unemployment Levels.

157. **Mr. Quinn** asked the Taoiseach the breakdown by gender, age and geographic location of those listed by the Central Statistics Office as long-term unemployed; the trends of note in these figures over the past three years; and if he will make a statement on the matter. [22309/06]

Minister of State at the Department of the Taoiseach (Mr. Kitt): The exact information requested by the Deputy is not available. Statistics on the labour force are compiled from the Quarterly National Household Survey. The latest statistics available are for the period December 2005 to February 2006 and show that there are 26,200 persons classified as long-term unemployed. The duration of unemployment figures for the past three years, classified by gender and age group are set out in the following table. Statistics of the kind requested by the Deputy are not available at a regional level.

[Mr. Kitt.]

Duration	QNHS Dec-Feb 2004 Age group				QNHS Dec-Feb 2005 Age group				QNHS Dec-Feb 2006 Age group			
	15-24	25-44	45 or over	Total	15-24	25-44	45 or over	Total	15-24	25-44	45 or over	Total
<i>Females</i>												
Less than 1 year	8.7	10.9	3.6	23.2	8.0	11.5	4.3	23.8	9.0	14.9	4.9	28.9
1 year and over	2.2	3.9	1.7	7.7	1.8	3.4	1.5	6.7	1.6	3.1	1.9	6.6
not stated	*	*	*	*	*	*	*	*	*	*	*	*
<i>Total females</i>	10.9	14.8	5.3	31.0	10.0	14.9	5.8	30.6	10.6	18.0	6.8	35.4
<i>All persons</i>												
Less than 1 year	18.5	25.0	9.4	52.9	17.8	25.5	10.9	54.1	21.1	29.9	10.7	61.7
1 year and over	6.6	16.2	7.7	30.5	6.5	13.8	7.5	27.8	5.3	13.3	7.7	26.2
not stated	*	*	*	*	*	*	*	0.3	*	*	*	*
<i>Total persons</i>	25.2	41.2	17.2	83.6	24.4	39.3	18.4	82.1	26.5	43.2	18.5	88.2

*Sample occurrence too small for estimation.

National Transport Survey.

158. **Mr. Eamon Ryan** asked the Taoiseach the number of road passenger kilometres travelled here each year. [22390/06]

Minister of State at the Department of the Taoiseach (Mr. Kitt): The exact information requested by the Deputy is not available. Comprehensive statistics on Road Passenger kilometres can only be obtained by means of a detailed survey of road users. A report prepared by the National Statistics Board on Policy Needs for Statistical Data on Enterprises has recommended that a National Transport Survey, collecting this type of information, should be carried out. No decision has yet been made on this proposal. This would be a very large-scale survey and the CSO is currently examining technical and budgetary requirements for implementing this new survey.

Ministerial Responsibilities.

159. **Mr. P. McGrath** asked the Taoiseach the functions which have, since the last general election, been delegated to Ministers of State at his Department by the Government under powers conferred on it by section 2(1) of the Ministers and Secretaries (Amendment) (No.2) Act 1977; and the statutory instrument number of each such order. [22829/06]

The Taoiseach: My statutory functions, in so far as they relate to the Central Statistics Office, are currently delegated to Mr. Tom Kitt T.D., Minister of State at the Department of the Taoiseach. The Statistics (Delegation of Ministerial Functions) Order 2004 was made by Government on 19 October 2004 (Statutory Instrument No. 664 of 2004). No other statutory

functions have been delegated to any of the Ministers of State in my Department.

Health Services.

160. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the financial assistance available to a person (details supplied) in County Kilkenny; and if their benefit will be increased. [22453/06]

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.

161. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children if the planning application for phase 1A of the Ennis General Hospital capital development project has been submitted to the local planning office; and if not, if it is still expected that this application will be submitted by June 2006, as per Parliamentary Question No. 163 of 5 April 2006; and if she will make a statement on the matter. [22280/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. This includes responsibility for considering new capital proposals or progressing

those in the health capital programme. Accordingly, my Department is requesting the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Mental Health Services.

162. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children her proposals in regard to the under-recognition and under-resourcing of services for mental illness in childhood; and if she will make a statement on the matter. [22281/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): As the Deputy may be aware, the future direction and delivery of all aspects of our mental health services, including child and adolescent psychiatry, were considered in the context of the work of the Expert Group on Mental Health Policy. The Government published the Group's report entitled "A Vision for Change" in January, 2006.

The report sets out how positive mental health in children can be promoted generally in our society, and how specialist mental health services can be delivered efficiently to children who need them. Child and adolescent psychiatric services are in place in each Health Service Executive area, with 39 child community health teams offering a wide range of therapeutic approaches.

"A Vision for Change" acknowledges gaps in the current provision of child and adolescent services and makes several recommendations for the further improvement of these services. Recommendations include early intervention and health promotion programmes, primary and community care services, specialist mental health services for the treatment of complex disorders and the provision of additional Child Community Mental Health Teams. The Government has accepted the Expert Group's report as the basis for the future development of the mental health services.

The development of child and adolescent psychiatric services has been a priority for my Department in recent years. The number of approved child and adolescent consultant psychiatrist posts has been increased from 45 in 2000 to 70 in 2006.

Public Health Issues.

163. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children her proposals in regard to the consequences of alcohol and nicotine consumption during pregnancy by the mother on the health of the unborn child and on post birth development; and if she will make a statement on the matter. [22282/06]

Minister of State at the Department of Health and Children (Mr. S. Power): A study on the use

of alcohol, nicotine and illicit drugs during pregnancy has recently been carried out at one of the country's largest maternity hospitals. A report outlining the findings of the study has now been received by my Department and is currently being considered by officials.

Health Service Staff.

164. **Mr. Carey** asked the Tánaiste and Minister for Health and Children the guidelines which are issued by the Health Service Executive to its employees to ensure that they avoid conflict of interest in the carrying out of their duties; and if she will make a statement on the matter. [22283/06]

Tánaiste and Minister for Health and Children (Ms Harney): Section 25 of the Health Act 2004 requires employees of the Health Service Executive to maintain proper standards of integrity, conduct and concern for the public interest in performing functions under that or any other enactment as employees of the Executive. Section 25 also obliges the Executive to issue codes of conduct for employees other than employees to whom a code of conduct under section 10 (3) of the Standards in Public Office 2001 applies. A code of conduct issued by the Executive for employees must indicate the standards of integrity and conduct to be maintained by them in performing their functions. A person to whom such a code of conduct relates is required to have regard to and be guided by the code in performing his or her functions.

As this is a matter for the Health Service Executive under the Health Act 2004, my Department has asked the Parliamentary Affairs Division of the Executive to respond directly to the Deputy.

The HSE is also preparing a Code of Governance to be submitted to me for approval under section 35 of the Health Act 2004. The Code must include, amongst other things, a code of conduct setting out basic objectives on the conduct of the Board of the HSE, its members, members of its committees, employees, advisers, consultants and contractors.

Hospital Waiting Lists.

165. **Mr. Penrose** asked the Tánaiste and Minister for Health and Children if she will take steps to have a person (details supplied) in County Westmeath, who is in need of a quadruple bypass, admitted to a hospital or in the alternative have this person treated under the National Purchase Treatment Fund; and if she will make a statement on the matter. [22295/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility

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of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

166. **Ms O'Sullivan** asked the Tánaiste and Minister for Health and Children if outstanding matters have been resolved to transfer the payment of costs incurred in treating public patients at the Mid-Western Radiation Oncology Centre from the Mid-Western Hospitals Development Trust to the Health Service Executive; and if she will make a statement on the matter. [22296/06]

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 respond directly to the Deputy in relation to the matter raised.

Hospital Services.

167. **Mr. O'Dowd** asked the Tánaiste and Minister for Health and Children if she will publish the report on acute hospital services in the north east; and if she will make a statement on the matter. [22297/06]

188. **Mr. O'Dowd** asked the Tánaiste and Minister for Health and Children when she received the report from Teamwork Management Services entitled Improving Safety and Achieving Better Standards from the Health Service Executive; the findings of this report; when she will publish same; and if she will make a statement on the matter. [22411/06]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 167 and 188 together.

Under the Health Act 2004, the Health Service Executive has responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services.

The HSE commissioned Teamwork Management Services to undertake a review of acute hospital services in the North East. I understand that the review, which commenced in March 2006, has recently been completed and that the report has been considered by the Board of the HSE. I have been briefed on the contents of the report. The manner and timing of the publication of the report is a matter for the Executive.

Medical Aids and Appliances.

168. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No. 239 of 30 May 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. [22299/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I understand that the Health Service Executive wrote to the Deputy on 31st March, 2006 indicating that the person concerned was assessed by an Occupational Therapist, and that a powered wheelchair was recommended. The Health Service Executive has now indicated that a decision on the matter is pending.

Health Services.

169. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in County Mayo was refused home care service. [22328/06]

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.

170. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children when an application for enhanced payment subvention will be processed for a person (details supplied) in County Clare; and if she will make a statement on the matter. [22329/06]

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.

171. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children if she will investigate the reason a person (details supplied) in County Clare who was deemed extremely ill by their family, was discharged from Ennis General Hospital, County Clare and subsequently died following immediate re-admission; and if she will make a statement on the matter. [22330/06]

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 (HSE) under the Health Act, 2004.

I understand that the HSE Hospital Network Manager for the area has advised the Deputy that if the family of the person in question wish to contact the Manager of Ennis General Hospital, he will be available to discuss any queries they may have in relation to their relatives' treatment.

172. **Mr. Gregory** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in Dublin 3 who is a diabetic was refused a dietary allowance; and if same will be reviewed. [22336/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Service Staff.

173. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the number of staff who are employed, in specific reference to diagnostic services for children and adolescents suspected of suffering from autism to include all its forms that is Asperger's Syndrome, autism spectrum disorder, dysgraphia and obsessive compulsive disorder, in each county, Carlow and Kilkenny separately in the Health Service Executive psychological services, psychiatric services and autism team; the roles in which they are employed, differentiating between full and part-time staff and providing the man hours provided by both full and part time staff, monthly; and if she will make a statement on the matter. [22353/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management of human resources which is 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.

174. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the number of children and adolescents awaiting appointments

for both counties Carlow and Kilkenny separately at the Health Service Executive psychological services, psychiatric services and autism team; the average waiting time for an appointment; and if she will make a statement on the matter. [22354/06]

175. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the number of children and adolescents who are currently being attended to for both counties Carlow and Kilkenny separately by the Health Service Executive psychological services, psychiatric services and autism team; and if she will make a statement on the matter. [22355/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I propose to take Questions Nos. 174 and 175 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 have these matters investigated and to have a reply issued directly to the Deputy.

Medical Cards.

176. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children when an application will be processed for a medical card for a person (details supplied) in County Clare; and if she will make a statement on the matter. [22356/06]

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.

Cancer Screening Programme.

177. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children if, in view of the ongoing delay in the roll-out of breast screening in the west and north west, she will direct the Health Service Executive to provide the service via private screening operators; and if she will make a statement on the matter. [22357/06]

210. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children if she will enter discussions with private clinics such as the Bon Secours Hospital in Galway with a view to providing interim screening measures in view of the delay in the roll-out of BreastCheck to the

[Mr. Naughten.]

west and north-west of Ireland; and if she will make a statement on the matter. [22697/06]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 177 and 210 together.

A breast screening programme is a complex multi-disciplinary undertaking that requires considerable expertise and management involving population registers, call recall systems, mammography, pathology and appropriate treatment and follow-up. A programme must be quality assured and acceptable to women who attend for screening. The first phase of the programme is of a high quality and a similar quality in the West and South is essential.

I have met with representatives of BreastCheck and they are fully aware of my wish to have a quality assured 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. I have made additional revenue funding of €2.3m available to BreastCheck to meet the additional costs of roll-out. I have also approved an additional 69 posts.

BreastCheck recently interviewed for Clinical Directors for both regions and appointments have been made and both will take up their positions later this year. Both are currently undergoing additional training in relation to their role as Clinical Director. This month BreastCheck will begin recruiting Consultant Radiologists, Consultant Surgeons and Consultant Histopathologists for both centres. BreastCheck is also recruiting radiographers. While the recruitment of radiographers is difficult at present as there is a shortage internationally of trained personnel, BreastCheck is confident that it will be in a position to employ sufficient radiographers at both sites.

BreastCheck also requires considerable capital investment in the construction of two new clinical units and in the provision of five additional mobile units and state of the art digital equipment. I have made available an additional €21m capital funding to BreastCheck for this purpose. BreastCheck is in the process of short-listing applicants to construct its two new clinical units. BreastCheck is also confident that the target date of next year for the commencement of roll-out to the Southern and Western regions will be met.

Any proposal received by BreastCheck to support the roll-out of its screening programme will be carefully examined to assess the extent to which it complies with existing standards. BreastCheck recently conducted an evaluation of a proposal from a private screening service and concluded that the clinic in question would not be in a position to provide a screening programme in line with BreastCheck standards.

Hospital Services.

178. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) is not being transferred from Wexford General Hospital to Beaumont Hospital to enable a brain tumour removal operation to take place as quickly as possible; and if she will make a statement on the matter. [22360/06]

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 Equipment.

179. **Mr. O'Dowd** asked the Tánaiste and Minister for Health and Children the progress to date in the provision of a CAT scanner to Louth County Hospital, Dundalk. [22361/06]

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.

Nursing Home Subventions.

180. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children when an application for subvention will be processed for a person (details supplied) in County Clare; and if she will make a statement on the matter. [22362/06]

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 Procedures.

181. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Clare will be facilitated with an appointment for surgery; and if she will make a statement on the matter. [22363/06]

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.

Housing Aid for the Elderly.

182. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children when an application under the housing aid for the elderly scheme will be processed for a person (details supplied) in County Clare; and if she will make a statement on the matter. [22364/06]

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.

Hospital Services.

183. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Clare will be facilitated with a bed in the Rehabilitation Hospital, Dún Laoghaire; and if she will make a statement on the matter. [22365/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Medical Cards.

184. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if she will expedite an appeal for a medical card for a person (details supplied) in County Carlow. [22377/06]

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.

185. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if a medical officers report has been submitted to Kilkenny County Council in relation to the case of a person (details supplied) in County Kilkenny; and if she will expedite the matter. [22393/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

186. **Mr. Blaney** asked the Tánaiste and Minister for Health and Children if a further half hour home help per day, five days a week will be approved for a person (details supplied) in County Donegal; and if she will make a statement on the matter. [22394/06]

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.

Hospitals Building Programme.

187. **Mr. O'Dowd** asked the Tánaiste and Minister for Health and Children her Department's proposals for a private hospital to be built in Drogheda as reported in a newspaper (details supplied). [22410/06]

Tánaiste and Minister for Health and Children (Ms Harney): The HSE recently advertised for expressions of interest for the construction and operation of private hospitals on the sites of 11 publicly funded hospitals, including Our Lady of Lourdes Hospital, Drogheda. Proposals will be subject to detailed evaluation which will have regard to an assessment of need and the existing

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and planned capacity on a particular site within the relevant region.

Interested parties are being invited to express an interest for one or more projects and are required to complete and submit a pre-qualification questionnaire before the end of June 2006.

Question No. 188 answered with Question No. 167.

Medical Records.

189. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children the position regarding the medical records of a persons (details supplied) in Dublin 3; and the reason for the delay in sending same out. [22412/06]

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 Aids and Appliances.

190. **Mr. J. Breen** asked the Tánaiste and Minister for Health and Children if she will supply, as a matter of urgency, a defibrillator machine to a centre (details supplied); and if she will make a statement on the matter. [22425/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Task Force on Sudden Cardiac Death, whose report "*Reducing the Risk: A Strategic Approach*" was published in March 2006, recognises the need for early cardiopulmonary resuscitation. Overall responsibility for implementation of the report's recommendations has been assigned to the Health Service Executive. 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 Waiting Lists.

191. **Mr. Ferris** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in County Kerry has been waiting two years for a hernia operation at Kerry General Hospital. [22426/06]

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.

Departmental Funding.

192. **Ms Enright** asked the Tánaiste and Minister for Health and Children the amount of funding from her Department allocated to the Rape Crisis Centre each year for the past three years; and if he will make a statement on the matter. [22430/06]

Minister of State at the Department of Health and Children (Mr. S. Power): My Department does not directly fund or co-ordinate health and personal social services to victims of abuse. Monies are made available each year, formerly through the health boards, and now through the Health Services Executive, for the provision of services to women victims of violence. In recent years there has been a substantial increase in funding so that now over €12 million is provided annually for the provision of such services. Since the enactment of the Health Act 2004, the distribution of this funding is now a matter for the Health Services Executive. 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.

193. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children the amount available in 2005 in each of the Health Service Executive areas to enable home care to be made available to people suffering from dementia and Alzheimer's disease; the number of people in each of these areas who benefitted from such home care packages; the extra amount and the total amount being made available in 2006 in each HSE area in this regard; the number of people availing of these services in 2006 in each area; the number of people waiting for a service in each area; and if she will make a statement on the matter. [22433/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Tánaiste has allocated €30 million for the provision of Home Care Packages in 2006, and a further €25 million for the Scheme in 2007. The 2006 Budget allocation will provide an additional 2,000 extra Home Care Packages in 2006, to be introduced on a phased basis, with the majority of the packages to be commenced in the second half of 2006. The HSE has advised that 249 new home care packages were commenced in the first quarter of 2006. They are available to older people, based

on assessed need, and do not distinguish between those with and without dementia.

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.

194. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children the amount the Government is spending on defending cases brought by relatives of autistic people on account of the Governments failure to provide adequate

	2000	2001	2002	2003	2004	2005
	€	€	€	€	€	€
Legal Costs	Nil		Nil	2,492,579	1,339,660	2,741,436
Settlements	Nil	4,739	438,450	297,106	297,181	290,987
Total	Nil	4,739	438,450	2,789,685	1,636,841	3,032,423

It should be noted that these figures do not include the costs of staff involved in responding to these cases or the costs to other State bodies involved in these cases.

These cases allege a failure on behalf of the State to provide for an appropriate education as provided for in the Constitution. While these cases are mainly taken by parents of children with autism, there are also a number of cases relating to ADHD, intellectual and physical and sensory disabilities. The Deputy should note that my Department is not specifically named as a defendant in all of these cases but is involved due to the role of my Department in the formulation and development of policy in respect of the provision of healthcare and support services. The Health Act 2004 provided for the creation of the Health Service Executive (HSE) which was established on 1 January, 2005. Pursuant to the Health Act, 2004, the HSE has the responsibility to manage and deliver or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for all health related supports. As such, my Department does not have responsibility in relation to the provision of services to individuals. In a number of the cases the Health Service Executive is also named as a co-defendant.

As the Deputy is aware there has been significant progress made over the past number of years in relation to enhancing and developing services for people with disabilities. An integral part of the National Disability Strategy is the implementation of two major legislative measures — the Disability Act 2005 and the Education for Persons with Special Educational Needs Act 2004 both of which provide a framework for the plan-

ning and delivery of health and personal social services for people with autism; and if she will make a statement on the matter. [22457/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Since the late 1990s, a number of parents of children with autism have taken High Court cases to obtain specific educational services for their children. Since 2000, my Department has been involved in approximately 145 cases in which applicants are seeking access to such appropriate education services. In cases involving children with disabilities this also includes, on occasion, access to appropriate health related supports.

The cost to my Department, excluding the costs of the State defence which is borne by the Office of the Chief State Solicitor, in each of the years since 2000 was as follows:

ning and delivery of health and personal social services and education services for people with disabilities. The Multi-Annual Investment Programme published by the Government in December 2004 as part of the National Disability Strategy contained details of specific commitments in relation to the provision of specific high priority disability services over the period 2006 to 2009. The programme, together with the enhancement of other key support services, is a key factor in building the additional capacity required to put in place the new framework provided for in the Disability Act and the Education for Persons with Special Educational Needs Act. The funding provided for in the National Disability Strategy amounts to €900 million over the period 2006 to 2009. In addition to the costs associated with this programme which amount to €59 million in 2006, a further additional €41 million is being provided this year, the bulk of which will be used to enhance the level and range of multidisciplinary support services available to adults and children with intellectual, physical and sensory disabilities, autism and mental illness, with a priority on enhancing the assessment and support services for children with disabilities.

I am satisfied that the level of investment in disability services demonstrates that the Government is committed to the provision of appropriate services to enhance capacity within the health services in order to deliver on the various legislative provisions contained in the National Disability Strategy. This includes continued enhancements to services to allow children with disabilities participate in the education system.

Special Educational Needs.

195. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the reason an agreement to increase the pay of workers with the National Learning Network negotiated in 2001 has not been implemented by the Health Service Executive north east region and FÁS; the reason a further ruling in 2005 by the Labour Court recommending that the increase be paid has been ignored by both the HSE and FÁS, five years after the increase was negotiated; her views on whether the HSE have acted honourably in this situation; and if she will make a statement on the matter. [22458/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The National Learning Network (NLN) is a private sector Company which is contracted by the Health Service Executive (HSE), amongst others, to provide services to people with disabilities. The contractual arrangement between NLN and the HSE is a matter for the parties themselves. However, I understand that arrangements are currently being made to address the matter referred to by the Deputy.

Services for People with Disabilities.

196. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children the services which are being provided for teenagers who have autism spectrum disorder in Kilkenny City; if she will confirm that the Kilkenny Autism Team social worker only works for one day a week; her plans to expand this service and if parents who are forced to go down the route of a private psychological assessment are entitled to a refund of fees for same. [22618/06]

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.

Hospital Waiting Lists.

197. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children the number of public patients waiting for initial appointments with consultants in order to be assessed for possible elective surgical procedures such as hip operations; the longest and average amount of time that people are waiting; the measures that she intends to put in place to speed up the process; and if she will make a statement on the matter. [22619/06]

Tánaiste and Minister for Health and Children (Ms Harney): Data on out-patient waiting times are not collated nationally by my Department. The management of out-patient waiting lists and waiting times is, in the first instance, a matter for the Health Service Executive and the individual hospitals concerned.

However, in 2005 I asked the National Treatment Purchase Fund (NTPF) to examine the needs of patients waiting longest on out-patient waiting lists. As a result, the NTPF set up a number of out-patient pilot projects around the country. The outcome was that over 4,400 persons, who had been waiting longest in a number of specialties, received consultations at out-patient level in private hospitals. The NTPF intends to expand their out-patient initiative in 2006 and the Fund has asked for proposals from hospitals in this regard.

Health Services.

198. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if she will expedite the provision of home aids in the case of a person (details supplied) in County Kilkenny; if occupational therapy will be provided for the person; and if she will make a statement on the matter. [22622/06]

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.

199. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children if she will establish the full facts regarding the case of a person (details supplied) in County Monaghan; the changes in protocols which have been introduced for the general practitioner out of hours service in the north-east as a result of this case; and if she will make a statement on the matter. [22632/06]

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.

Nursing Home Subventions.

200. **Ms Shortall** asked the Tánaiste and Mini-

ster for Health and Children the reason a person (details supplied) in Dublin 24 must pay for their keep in a nursing home but only receive subvention of €76.35 per week in view of the fact that they do not own any property; if she will request that the subvention amount be altered in view of this fact and the person's medical condition; and if she will make a statement on the matter. [22646/06]

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.

201. **Dr. Upton** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in Dublin 12 referred from one hospital to another for a scan has been waiting since February 2006; and if she will make a statement on the matter. [22647/06]

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.

Proposed Legislation.

202. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children the status of the pharmacy bill one and two; when she intends to publish them; and if she will make a statement on the matter. [22648/06]

Tánaiste and Minister for Health and Children (Ms Harney): Government approval was given on 2nd May 2006 to the draft heads and general scheme of the first Pharmacy Bill and these have now been forwarded to the Parliamentary Counsel's office for priority drafting. I have, with Government approval, circulated a copy of this document to the opposition spokespersons on Health. I have also arranged for my officials to provide a copy to the Pharmaceutical Society of Ireland and the Irish Pharmaceutical Union. Work will commence on the second Bill as soon as the first Bill has been completed.

Hospital Waiting Lists.

203. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children the number of elderly people on waiting lists for occupational therapy services in Dublin City by area; and if she will make a statement on the matter. [22670/06]

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.

National Treatment Purchase Fund.

204. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children if the National Treatment Purchase Fund has accessed beds in Blanchardstown Hospital; if so, the number in each of the past three years; and if she will make a statement on the matter. [22671/06]

205. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children if the National Treatment Purchase Fund has accessed beds in James Hospital; if so, the number in each of the past three years; and if she will make a statement on the matter. [22672/06]

206. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children if the National Treatment Purchase Fund has accessed beds in Beaumont Hospital; if so, the number in each of the past three years; and if she will make a statement on the matter. [22673/06]

207. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children if the National Treatment Purchase Fund has accessed beds in Tallaght Hospital; if so, the number in each of the past three years; and if she will make a statement on the matter. [22674/06]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 204 to 207, inclusive, together.

The National Treatment Purchase Fund (NTPF) was established as one of the key actions for dealing with public hospital waiting lists arising from the 2001 Health Strategy. The NTPF purchases procedures for public patients predominantly from private hospitals in Ireland. The Strategy envisaged that the NTPF might also make use of any capacity within public hospitals to arrange treatment for public patients. It was recognised that during the start-up phase of the Fund, the use of public capacity could account for up to 30% of total NTPF activity, once public core service planned activity was not compro-

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mised. In June 2005 my Department advised NTPF that use by the Fund of public facilities should be limited to 10% of its total referrals for treatment.

My Department has asked the Acting Chief Executive of the Fund to respond to the Deputy in relation to the detailed information requested.

Health Services.

208. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children the number of children on a waiting list to have a tonsillectomy in Tallaght Hospital; and if she will make a statement on the matter. [22675/06]

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.

209. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the reason the Health Service Executive have not yet responded to Parliamentary Question No. 162 of 9 May 2006 regarding the review board on Orthodontic Services in Ireland; and if she will investigate this matter and ensure that a reply issues without delay. [22696/06]

Tánaiste and Minister for Health and Children (Ms Harney): My Department has been informed by the Health Service Executive that a response has issued in respect of the matter raised by the Deputy in Parliamentary Question No.162 of 9 May 2006.

Question No. 210 answered with Question No. 177.

Health Service Staff.

211. **Mr. Wall** asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No. 180 of 24 May 2006 the position of the Chief Executive Officers of the health boards; if the persons involved are within the employment of the Health Service Executive; if not, if there were redundancy or severance payments made; the cost of such payments; and if she will make a statement on the matter. [22728/06]

Tánaiste and Minister for Health and Children (Ms Harney): On 31 December 2004, there were twelve post holders in the system at the level of Chief Executive Officer: two on permanent contracts and ten on fixed term contracts. Employment in the Health Boards/ERHA/Area Boards

is superannuated under the Local Government (Superannuation) (Consolidation) Scheme — S.I. 455 of 1998 (LGSS). The superannuation benefits of permanent officers ceasing to hold office is covered under section 70 and 71 of the Scheme. Benefits of those on fixed term contracts are provided for under Section 78 of the Scheme and entitlements include immediate pension, retirement lump sum, 26 weeks severance gratuity, and added years (subject to maximum of ten years). Membership of the staff superannuation scheme is mandatory for all staff. Therefore in the normal course of events the benefits outlined above would have been payable to all of the CEOs on retirement or completion of contract.

In addition, following discussions under the auspices of Mr. Finbarr Flood, acting as Mediator, exit terms were to be supplemented as follows:

1. a once-off payment of €10,000 to all CEOs in recognition of the legal duties and functions of the chairpersons and members of the Health Boards having been statutorily assigned to them during the period 1st July 2004 to 31st December 2004,
2. a re-training grant of up to €10,000 to be paid on basis of vouched expenditure,
3. an ex gratia payment equivalent to six months' gross salary.

Proposals 2 and 3 applied to those CEOs who requested to leave the HSE by 1st July 2005. These proposals were put forward by the Mediator on the basis of the uniqueness of the position of the CEOs within the context of the abolition of the Health Boards and the transition to the HSE structures under the Government's health service reform programme, and also the leading role played by the CEOs in facilitating the transfer of accountability and ensuring a safe passage to the new structures.

Ten of the twelve former CEO's opted to exit the system (nine on contract and one permanent post holder (who had full service)). One former CEO who has a permanent post is now in employment in the HSE and the remaining contract post holder has opted to finish out his contract of employment. The costs of such payments were administered by the Health Service Executive and I understand that the total cost of providing superannuation benefits and ex gratia was in the region of €3.4 million. I have asked the HSE to notify the Deputy of the exact figure in due course.

212. **Mr. Stagg** asked the Tánaiste and Minister for Health and Children the number of public health nurses employed in the health service in County Mayo in each of the years from 1997 to 2005 and to date in 2006. [22729/06]

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 the matter investigated and have a reply issued directly to the Deputy.

Adoption Services.

213. **Mr. Carey** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that adoptive parents have to wait three to four years to have the assessment of their applications completed; and if she will make a statement on the matter. [22730/06]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): 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 (HSE) 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.

The Government did allocate €1 million to the HSE in additional ongoing funding commencing in 2005 to assist in tackling intercountry adoption waiting times. I understand that this additional funding is being used to pilot measures which will, for example, allow for more flexible working arrangements within the HSE with a view to addressing waiting times. The registered Adoption Society, PACT, has also received significant additional funding to allow them to expand their intercountry adoption services.

Hospital Waiting Lists.

214. **Ms Enright** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in County Offaly has been on the waiting list for over two years for a hip replacement; when this person can expect an appointment for the operation; and if she will make a statement on the matter. [22768/06]

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.

215. **Mr. O'Dowd** asked the Tánaiste and Minister for Health and Children the number of home

help hours allocated in County Louth for each year since 2001; the number of persons benefiting in each year; the budget allocated in each year in County Louth; if the allocation was used in each year; and if she will make a statement on the matter. [22769/06]

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.

216. **Mr. O'Dowd** asked the Tánaiste and Minister for Health and Children the matters discussed and the directions given in relation to the acute hospitals in County Louth by hospital in the Dublin North area at a meeting of the Health Service Executive held in Parkgate Street on 27 April 2006; the persons who were present; the result of the teleconference on this matter on 4 May 2006 and the decisions made; and if she will make a statement on the matter. [22770/06]

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.

Waste Management.

217. **Mr. O'Dowd** asked the Tánaiste and Minister for Health and Children the amount spent in each year since 2002 in waste management in County Louth by the Health Service Executive; the amount projected to be spent in 2006; the details and expected costs and savings of the proposed new recycling programme in County Louth; and if she will make a statement on the matter. [22771/06]

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 waste management in the health service in Louth.

Accordingly, my Department is requesting the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services Funding.

218. **Mr. O'Dowd** asked the Tánaiste and Minister for Health and Children the technical adjustments made to the acute hospital budget for the Louth County Hospital and Lourdes Hospital, Drogheda for each of the past three years to date in 2006; and if she will make a statement on the matter. [22772/06]

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 Staff.

219. **Mr. O'Dowd** asked the Tánaiste and Minister for Health and Children the details of all pending posts for acute hospitals in County Louth, by hospital and the expected savings expected as a result, which have been placed on hold with immediate effect by the Health Service Executive; the amount of time these posts have been vacant; the number of patient services affected as a result; the number of individual patients to be affected; the expected number of patients who will have to travel outside the region as a result; and if she will make a statement on the matter. [22773/06]

220. **Mr. O'Dowd** asked the Tánaiste and Minister for Health and Children the details of all new development posts on hold for acute hospitals in County Louth, by hospital, which have now been placed on hold with immediate effect by the Health Service Executive; the reasons these new development posts were agreed on initially; the cost of same; the expected impact on services, patient services and the number of individual patients to be affected; the expected number of patients who will have to travel outside the region as a result; and if she will make a statement on the matter. [22774/06]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 219 and 220 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 these matters investigated and to have a reply issued directly to the Deputy.

Health Services

221. **Mr. O'Dowd** asked the Tánaiste and Minister for Health and Children the impact the proposed cutbacks in the budget of the Lourdes Hospital, Drogheda will have on immediately implementing the proposals made by Judge Harding Clarke; and if she will make a statement on the matter. [22775/06]

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.

222. **Mr. O'Dowd** asked the Tánaiste and Minister for Health and Children the amount spent by Louth County Hospital and Lourdes Hospital, Drogheda on new items of medical and surgical supplies for each year since 2002; and if she will make a statement on the matter. [22776/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

223. **Mr. O'Dowd** asked the Tánaiste and Minister for Health and Children the actions proposed by the directors of nursing in Louth County Hospital and Lourdes Hospital, Drogheda to initiate review of equipment being rented; the items which have been identified; the rentals which will cease immediately; and if she will make a statement on the matter. [22777/06]

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.

224. **Mr. O'Dowd** asked the Tánaiste and Minister for Health and Children the cost for each year since 2002 for laboratory testing being processed in private laboratories for acute

hospitals in County Louth; the way in which this testing will be carried out as a result of acute hospital cutbacks proposed in Louth County Hospital and Lourdes Hospital, Drogheda. [22778/06]

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.

225. **Mr. O'Dowd** asked the Tánaiste and Minister for Health and Children the way in which she intends to reduce maintenance costs in the Louth County Hospital, Dundalk and Lourdes Hospital, Drogheda; the expected reduction; and where maintenance will now be carried out. [22779/06]

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.

226. **Mr. O'Dowd** asked the Tánaiste and Minister for Health and Children the process of MRSA cohorting which will be introduced in Louth County Hospital and the Lourdes Hospital, Drogheda; the number of patients who were placed in private rooms or otherwise for each year since 2002; the number of patients who were placed with other patients sharing private rooms; the expected saving for each hospital; and if she will make a statement on the matter. [22780/06]

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.

Vaccination Programme.

227. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if she has considered offering routine immunisation of babies against

pneumococcal meningitis; and if she will make a statement on the matter. [22828/06]

Tánaiste and Minister for Health and Children (Ms Harney): The inclusion of the pneumococcal vaccine in the Primary Childhood Immunisation Programme is being considered by the National Immunisation Advisory Committee as part of its review of the immunisation guidelines. No decision has yet been reached. My Department and the Health Service Executive will be guided by the expert advice from the NIAC in this regard.

Ministerial Responsibilities.

228. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the functions which have, since the last general election, been delegated to Ministers of State at her Department by the Government under powers conferred on it by Section 2 (1) of the Ministers and Secretaries (Amendment) (No.2) Act 1977; and the statutory instrument number of each such order. [22830/06]

Tánaiste and Minister for Health and Children (Ms Harney): Since the last general election the following functions have been delegated to Ministers of State at this Department under powers conferred on it by Section 2 (1) of the Ministers and Secretaries (Amendment)(No. 2) Act 1977.

The following functions were delegated when my predecessor Minister Micheál Martin was Minister for Health and Children.

To Minister of State Ivor Callely. SI Number 651 of 2002 refers (Previous SI Number 599)
Sections 6,7 and 10 of the Health (Nursing Homes) Act, 1990 (No. 23 of 1990).

To Minister of State Brian Lenihan. SI Number 650 of 2002 refers (Previous SI Number 600)
Adoption Acts, 1952 to 1998;
Children Acts 1908 to 1989;
Child Care Act, 1991 (No. 17 of 1991);
Protections for Person Reporting Child Abuse Act, 1998 (No. 49 of 1998);
Children Act, 2001 (No. 24 of 2001).

To Minister of State Tim O'Malley. SI Number 652 of 2002 refers (Previous SI Number 601)
Section 5 and Part V of the Health Act, 1947 (No. 28 of 1947)
Sections 5, 20 and 51 of the Food Safety Authority of Ireland Act, 1998 (No. 29 of 1998)
Food Standards Act, 1974 (No. 11 of 1974)
Sale of Food and Drugs Acts, 1875 to 1936
Milk and Dairies Acts, 1935 to 1988
Part VIII of the Mental Treatment Act, 1945 (No. 19 of 1945)
Sections 41 of the Mental Treatment Act, 1961 (No. 7 of 1961)
Section 4 of the Health (Miscellaneous Provisions) Act, 2001 (No. 14 of 2001)
Mental Health Act, 2001 (No. 25 of 2001)
Section 65 of the Health Act 1953 (No 26 of 1953)

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Section 26, 59, 61, 69, 71 and 72 of the Health Act 1970 (No 1 of 1970).

To Minister of State Brian Lenihan. SI Number 474 of 2003
Adoption Acts, 1952 to 1998;
Children Acts 1908 to 1989;
Child Care Act, 1991 (No. 17 of 1991);
Protections for persons Reporting Child Abuse Act, 1998 (No. 49 of 1998);
Children Act, 2001 (No. 24 of 2001);
Ombudsman for Children Act, 2002 (No. 22 of 2002).

Since I became Minister for Health and Children the following functions have been delegated.

To Minister of State Brian Lenihan. SI Number 842 of 2004 refers
Adoption Acts 1952 to 1998
Children Acts 1908 to 1989
Child Care Act 1991 (No. 17 of 1991)
Protections for Persons Reporting Child Abuse Act 1998 (No. 49 of 1998)
Children Act 2001 (No 24 of 2001)
Ombudsman for Children Act 2002 (No. 22 of 2002).

To Minister of State Tim O'Malley. SI Number 843 of 2004 refers
Part VII of the Mental Treatment Act 1945 (No. 19 of 1945)
Sections 41 of the Mental Treatment Act 1961 (No. 7 of 1961)
Section 4 of the Health (Miscellaneous Provisions) Act 2001 (No. 14 of 2001)
Mental Health Act 2001 (No. 25 of 2001)
Section 65 of the Health Act 1953 (No. 26 of 1953)
Sections 26,59,61,69,71 and 72 of the Health Act 1970 (No. 1 of 1970).

To Minister of State Seán Power. SI Number 844 of 2004 refers
Irish Medicines Board Act, 1995 (No. 29 of 1995)
Sections 5, 20 and 51 of the Food Safety Authority of Ireland Act, 1998 (No. 29 of 1998)
Food Standards Act, 1974 (No. 11 of 1974)
Sale of Food and Drugs Acts, 1875 to 1936
Milk and Dairies Acts, 1935 to 1988
Tobacco Products (Control of Advertising, Sponsorship and Sales Promotion) Act 1978
Tobacco (Health Promotion and Protection) Act 1988
Public Health (Tobacco) Acts 2002 and 2004
Sections 6,7 and 10 of the Health (Nursing Home) Act, 1990.

To Minister of State Seán Power. SI Number 277 of 2005 refers
The powers and duties of the Minister for Health and Children conferred on that Minister of the Government by or under Section 5 in so far as they relate to Part V of the Health Act 1947 (No. 28 of 1947).

I have also delegated to Minister of State, Seán Power additional responsibilities on an administrative basis as follows:

Health Promotion (including Cardiovascular Strategy and Women's Health);
Drug Misuse and HIV/AIDS;

Contingency Planning (Health Protection);

Matters relating to the development of services for older people throughout the country;

Matters relating to the development of Palliative Care services throughout the country.

Flood Relief.

229. **Mr. Durkan** asked the Minister for Finance the state of discussions or negotiations between his Department and Kildare County Council with a view to the permanent resolution of the flooding at Mill Lane, Leixlip, County Kildare; and if he will make a statement on the matter. [22808/06]

Minister of State at the Department of Finance (Mr. Parlon): I would refer the Deputy to my reply of the 4th May outlining the position in relation to flooding at Leixlip. As I indicated in that reply, the Commissioners of Public Works are willing to provide funding to Kildare County Council to carry out interim works if they are shown to be economically and environmentally sustainable. The permanent solution to the flooding problem at Mill Lane, Leixlip will be identified in the proposed Rye River Catchment Flood Risk Assessment and Management Plan. OPW will consider facilitating interim works if they are necessary, provided they are shown to be economically and environmentally sustainable and reasonably likely to be consistent with the recommendations of the Plan.

National Monuments.

230. **Mr. Durkan** asked the Minister for Finance the extent of further restoration works planned for Castletown House, Celbridge, County Kildare; and if he will make a statement on the matter. [22810/06]

Minister of State at the Department of Finance (Mr. Parlon): The present position is that refurbishment of the entrance gate lodges is well advanced, a contract for upgrading perimeter security is scheduled to commence in early Autumn, a research study commissioned by OPW on the structural condition of the main staircase, is well advanced and proposals for enhanced security measures at the Conolly Folly are progressing. Arising from a request from Kildare County Council regarding the provision of some parking facilities on Castletown grounds, OPW has submitted a proposal to Kildare County Council for consideration. Future proposals include refurbishment of the farmyard buildings, structural works to the Conolly Folly, provision of improved visitor reception facilities in the House together with improved vehicular access and additional parking facilities.

231. **Mr. Durkan** asked the Minister for Finance if and when he expects to allocate sufficient

funds for the restoration of the obelisk at Maynooth, County Kildare; and if he will make a statement on the matter. [22811/06]

Minister of State at the Department of Finance (Mr. Parlon): Proposals for structural works to the Conolly Folly including projected costs, are at a preliminary stage and the proposals will of course be subject to Planning Permission. The question of allocating funds for this project is therefore premature.

Tax Code.

232. **Mr. G. Murphy** asked the Minister for Finance if an original P21 will be issued to a person (details supplied) in County Cork. [22338/06]

Minister for Finance (Mr. Cowen): I have been advised by the Revenue Commissioners that the document referred to issued to the person concerned on 8 June 2006.

233. **Mr. Wall** asked the Minister for Finance if a person (details supplied) in County Kildare will be furnished with a P21 for 2005; and if he will make a statement on the matter. [22339/06]

Minister for Finance (Mr. Cowen): I have been advised by the Revenue Commissioners that a PAYE balancing statement form P21 for 2005 issued to the taxpayer dated 8 June 2006.

Public Service Contracts.

234. **Mr. G. Mitchell** asked the Minister for Finance his views on correspondence (details supplied); and if he will make a statement on the matter. [22340/06]

Minister for Finance (Mr. Cowen): The Government in mid 2004 decided to reform construction procurement so as to achieve greater cost certainty, better value for money and more cost effective delivery of public works projects. My Department, with the assistance of the Government Contracts Committee for Construction (GCCC), specialist legal drafters and external technical expertise, has developed a suite of Standard Forms of Construction Contract and Conditions of Engagement for Construction Related Services, e.g. architects, engineers and quantity surveyors, to give effect to the Government decision.

In relation to the Standard Forms of Construction Contract I am aware of the concerns raised in the correspondence supplied as my officials have had extensive consultations with the construction industry on these and other issues related to the new Contracts over the last year. During these comprehensive discussions and communications, the views, comments and concerns of the construction industry, including those in the correspondence supplied have been outlined in considerable detail. My officials have

sought to address all these concerns, where appropriate, within the context of the Government decision. It is not, however, possible nor appropriate to accept all the points raised by the industry. We are now in the final stages of the consultation process which it is expected to be brought to a close very shortly. We will then be proceeding to the next phase of the implementation which is a comprehensive training programme for public sector practitioners to ensure that the new arrangements are used appropriately across the public sector.

Tax Code.

235. **Mr. McGuinness** asked the Minister for Finance his views on reducing the VAT on courtesy vehicles used by pubs and hotels or exempting the vehicles from vehicle registration tax where it is proven that these vehicles are being used in the wider campaign to stop drinking and driving; and if he will make a statement on the matter. [22418/06]

Minister for Finance (Mr. Cowen): I have no plans to introduce VAT reductions or exemption from Vehicle Registration Tax in respect of courtesy vehicles used by pubs and hotels.

236. **Mr. Stagg** asked the Minister for Finance the reason for the delay in issuing a statement of tax credits to a person (details supplied) in County Kildare. [22441/06]

Minister for Finance (Mr. Cowen): I have been advised by the Revenue Commissioners that no application for a tax credit certificate has been received from the person concerned. The person's employer has arranged for the appropriate Form 12A to be completed by him and, following receipt of the completed form, Revenue will issue a tax credit certificate to him.

Departmental Properties.

237. **Mr. Quinn** asked the Minister for Finance if, further to the undertaking given by the Office of Public Works in February 2006 to take remedial action to address excessive air temperatures in certain party offices in Leinster House 2000, the action that has been taken to date; the steps in place to address uncomfortable air temperature conditions caused by solar heating and heat generated by office equipment; the reason no action has been taken since this commitment was given; when action will be taken; if temporary measures to address the problem are being implemented; and if he will make a statement on the matter. [22456/06]

Minister of State at the Department of Finance (Mr. Parlon): The Office of Public Works has arranged for air conditioning to be installed in the Labour Party Press Room and this work was completed on the weekend of the 10th June 2006.

[Mr. Parlon.]

In addition to this the Office of Public Works has engaged with a specialist contractor with a view to installing heat-reflecting film on the glazing as a temporary and experimental measure on two floors on the south facing façade in Block A of LH 2000. It is intended that this work should be completed before the end of June 2006. This satisfies the commitment given in February 2006.

It should be stated that the original design and installation in the building provided some infrastructure for local cooling in high gain areas but it was not possible to utilise this in the Labour Press Room due to the lack of available space and so an alternative solution was needed.

Dormant Accounts Fund.

238. **Mr. O'Shea** asked the Minister for Finance the number of dormant accounts, the proceeds of which have been paid into the Dormant Accounts Fund that were opened by Irish exiles residents in the UK; and if he will make a statement on the matter. [22617/06]

Minister for Finance (Mr. Cowen): Under the Dormant Accounts Act 2001 and the Unclaimed Life Assurance Policies Act 2003, credit institutions and insurance undertakings are required, each April, to transfer to the National Treasury Management Agency, all moneys falling dormant in the previous year. Each credit institution and insurance undertaking is also required under the legislation to keep a register of their dormant accounts or policies. However, there is no legal requirement or business reason for them to compile a breakdown based on the country of residence of the account-holder. The information requested by the Deputy is not, therefore, available.

Social Finance Fund.

239. **Ms Burton** asked the Minister for Finance further to Parliamentary Question No. 115 of 23 May 2006 and recent reports in the media, if he is disappointed that the banks are investing only €25 million in the Government social finance fund in view of the fact that the removal of the bank levy in budget 2006 saved the banks over €100 million in levies; and if he will make a statement on the matter. [22644/06]

240. **Ms Burton** asked the Minister for Finance the way in which applicants will be assessed when applying for a loan in relation to the Government's social finance fund; if community projects with limited or no direct income from clients will be eligible for loans from this fund; what will happen to community projects that are unable to generate the necessary income to make repayments on the loan; if the banks have agreed to an acceptable level of non-repayment to reflect the higher risk category of the community projects in

view of the fact that they are unable to access loans in the normal way; and if he will make a statement on the matter. [22645/06]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 239 and 240 together.

The Government's intention to promote community development was originally set out in the Programme for Government. In 2003, Sustaining Progress highlighted the role of social finance in that context. The banks' indication of willingness to contribute seed funding to the social finance initiative was given in response to a specific invitation in that regard. The banks have been involved in the development of the concept over time. They participated in the Round Table following the publication of the Social Finance in Ireland report in September 2003. There was a bank representative on the Steering Group that oversaw the preparation of the In the Common Interest report, which was launched by the Minister for Finance in November 2004.

The bank levy was introduced in the 2003 Budget as a temporary measure for three years and is therefore no longer in effect. There is no link between the social finance initiative and the bank levy.

Relative to the current scale of social finance provision nationwide, €25m represents a very significant volume of resources. This level of funding is aligned to what is expected to be appropriate to the next phase of the evolution of social finance provision. My priority is to ensure that the available resources are applied carefully in a focused way with clear objectives, avoiding bureaucracy, and with a view to market testing options for the further development of social finance.

My Department is continuing to consult with the Office of the Attorney General in relation to the legal design of the proposed wholesale supplier of social finance.

Departmental Staff.

241. **Mr. Ring** asked the Minister for Finance the reason the period of delay in the stamping office of the Revenue Commissioners in Galway has been increasing; his proposals to reduce the period of delay to an acceptable period; and if he will make a statement on the matter. [22654/06]

242. **Mr. Ring** asked the Minister for Finance the staffing levels, at each grade, in the stamping office of the Revenue Commissioners in Galway for each of the past five years; and his plans to increase the staffing levels to ensure that deeds lodged for stamping are completed within a reasonable amount of time. [22655/06]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 241 and 242 together.

I am advised by the Revenue Commissioners that the reason for the delay in the stamping of

deeds in the Galway Stamps Office is as a result of increasing volumes of business combined with the considerable loss of experienced staff due to staff changes, including normal course inter-departmental transfers, and long-term sick leave since September 2005. The training-in time of the replacement staff was significant due to the nature of the work. This training was carried out by their colleagues in the office, which in turn affected their own output. To address the delay

issue, 3.4 staff were assigned in May of this year. To get the stamping of deeds up to date it is planned to assign a further 4 staff when the recruitment process for them is completed.

The following table shows the staff levels at each grade in the Galway Stamp Office for the past five years. The 2006 figure is the current position and does not reflect the 4 staff mentioned above.

	2002	2003	2004	2005	2006
HEO	0.5	0.5	0.4	0.4	0.8
EO	3.0	5.0	5.7	4.7	6.0
SO	0	0	0	0.8	0.8
CO	0.5	2.7	3.0	1.5	5.5
TOTAL	4.0	8.2	9.1	7.4	13.1

As a result of the measures already taken the period of delay has begun to drop and once the additional staff are trained it is expected that the Customer Service standard of processing 80% of deeds within 10 working days and 100% within 20 working days will be fully met. The staff resource applied will fall to be reviewed on an ongoing basis to ensure that the level of service is maintained.

Decentralisation Programme.

243. **Mr. G. Murphy** asked the Minister for Finance his views on the proposed re-locating of Teagasc headquarters in Kanturk County Cork and closing the office in the James O'Keeffe Institute in Newmarket in view of the decentralisation programme. [22727/06]

Minister for Finance (Mr. Cowen): Teagasc is an agency under the aegis of the Department of Agriculture and Food. This relocation of Teagasc to Kanturk is not part of the Decentralisation Programme as announced in December 2003. I have asked my colleague, the Minister for Agriculture and Food, to respond to the Deputy directly.

National Parks.

244. **Ms Burton** asked the Minister for Finance the position in relation to the report/review of the Phoenix Park; the terms of reference of the consultants and the estimated cost of the consultancy; when they are expected to report, and to whom; and if he will make a statement on the matter. [22802/06]

Minister of State at the Department of Finance (Mr. Parlon): The Commissioners of Public Works expect to receive the report from the consultants, at the end of this month. The total estimated cost of the report is c.€40,000. The terms

of reference are set out below in the recent advertisement seeking submissions from the public.

PHOENIX PARK TRAFFIC STUDY

The Phoenix Park is Ireland's premier National Historic Park, and Europe's largest enclosed city park. It is widely recognised as a valuable amenity resource and a major environmental lung for Dublin City. On the other hand there are competing demands arising from increased development and traffic congestion in Dublin city. As a result the Phoenix Park faces a number of challenges in ensuring it remains a sustainable, highly valued, and safe recreational and amenity area. Against this background the Commissioners of Public Works (custodians of the Phoenix Park) have commissioned Faber Maunsell Consulting Engineers to carry out a comprehensive Traffic Study of the Phoenix Park. The study will address the growing pressures on existing Phoenix Park infrastructure and develop proposals designed to protect the Phoenix Park and all its users, both now and for the future, while making every effort to facilitate through traffic. The study will analyse current and future projected commuting patterns, road safety issues and traffic management proposals. It will examine the potential for public transport and road safety improvements. Proposals will be made for the long term management and monitoring of traffic in the Phoenix Park, in keeping with the objectives of the Phoenix Park Management Plan. The study involves a public consultation process with interested parties, which will take place over the coming weeks. Interested parties are invited to make submissions of direct relevance to the study to Faber Maunsell Consulting Engineers by post or e-mail to the addresses below. The final date for receipt of submissions is Friday 5th May 2006.

phoenixparkinfo@fabermaunsell.com, Ms Bevin McFadden, Senior Consultant, Faber Maunsell Consulting Engineers, The Malt House, First Floor, North Block, Grand Canal Quay, Dublin

[Mr. Parlon.]

2. *The Commissioners of Public Works are subject to the provisions of the Freedom of Information Act, 1997.*

Ministerial Responsibilities.

245. **Mr. P. McGrath** asked the Minister for Finance the functions which have, since the last general election, been delegated to Ministers of State at his Department by the Government under powers conferred on it by Section 2 (1) of the Ministers and Secretaries (Amendment) (No. 2) Act 1977; and the statutory instrument number of each such order. [22831/06]

Minister for Finance (Mr. Cowen): Since the last general election in May 2002 there has been no delegation of functions to the Minister of State at the Department of Finance under Section 2(1) of the Ministers and Secretaries (Amendment) (No. 2) Act, 1977 of any of the statutory powers of the Minister for Finance.

Departmental Staff.

246. **Mr. Naughten** asked the Minister for Communications, Marine and Natural Resources the reason for the delay in transferring the accounts branch of his Department in Castlebar to the Road Safety Authority in Ballina; and if he will make a statement on the matter. [22358/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): There is no proposal to transfer my Department's Accounts Branch in Castlebar to the Road Safety Authority. I presume that the Deputy may be referring to the transfer of a number of corporate support posts from my Department to the Department of Transport in connection with the earlier transfer to that Department of the former Maritime Transport and Maritime Safety functions of my Department. In this regard, I am advised that four members of the Accounts Branch staff in Castlebar have volunteered to transfer to the Department of Transport with a view to their subsequent re-designation as employees of the Road Safety Authority. My Department's officials are involved in discussions with their Department of Transport counterparts to finalise an appropriate effective date for these transfers.

Inland Fisheries.

247. **Ms Harkin** asked the Minister for Communications, Marine and Natural Resources the amount which has been spent in the Border Midland Western region since the beginning of the National Development Plan under sub-measure tourism and recreational angling; and if any of this money has been reallocated to other programmes. [22419/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): As I outlined in my reply to Question No. 274 of 28 February 2006, the expenditure incurred under the Tourism and Recreational Angling Measure (TRAM) of the National Development Plan (2000-2006) to the end of 2002 was €504,025 for the BMW region. There was no expenditure in 2003, 2004 or 2005 and no expenditure has been provided for the measure in the Department's budget for 2006.

The mid term review of the NDP by the ESRI concluded that the external environment with regard to the tourist sector had deteriorated to an extent where 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.

Fisheries Conservation.

248. **Mr. O'Shea** asked the Minister for Communications, Marine and Natural Resources if he is satisfied that the independent group appointed to examine the implications of the full alignment with the scientific advice for the 2007 salmon season, intends to consult broadly enough with all stakeholders in the sector; and if he will make a statement on the matter. [22440/06]

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. I have previously described the specific remit of the Independent Group to the House, which requires them, inter alia, 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 placed advertisements in the media last April inviting submissions from interested parties. The closing date for submissions is 30th June 2006. I am also advised that the group has taken a number of meetings with stakeholder representatives. I expect that this approach will allow for an appropriate level of consultation with all stakeholders in the sector. The independent group is continuing its work and is expected to present its report to me in September 2006.

Foreshore Licences.

249. **Mr. J. O’Keeffe** asked the Minister for Communications, Marine and Natural Resources the position in relation to a foreshore licence for a fish plant proposed to be built at Pallas Pier in Ardroom, Beara in West Cork; if same has been applied for; the position in relation to such an application; and if he will make a statement on the matter. [22636/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): The Department has no record of a foreshore licence application in respect of this proposal.

Alternative Energy Projects.

250. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if grants can or will be offered to persons who wish to install a small wind turbine with a rotor diameter less than 2.5 metres; and if he will make a statement on the matter. [22807/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Wind energy projects are currently supported on a community and commercial scale. Sustainable Energy Ireland (SEI) has published a study on the metering options for Small Scale Renewable electricity and Combined Heat & Power Generation (CHP) in Ireland. The study identified a number of areas which require further analysis including the ability of such processes to secure adequate payment for their exports; connection standards and processes for smaller generators, and the implications of the single electricity market for small-scale electricity generation. SEI is commissioning work to address these issues in 2006 and this will inform further policy decisions in relation to domestic wind turbines.

Ministerial Responsibilities.

251. **Mr. P. McGrath** asked the Minister for Communications, Marine and Natural Resources the functions which have, since the last general election, been delegated to Ministers of State at his Department by the Government under powers conferred on it by Section 2 (1) of the Ministers and Secretaries (Amendment) (No. 2) Act 1977; and the statutory instrument number of each such order. [22832/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Since July 2002, a variety of marine and other functions was delegated by Government Orders under the Ministers and Secretaries (Amendment) (No. 2) Act 1977 to successive Ministers of State at the Department of Communications, Marine and Natural Resources. Those functions were specified in those Orders: Orders made in favour of

John Browne [4] Lapsed on his transfer to Department of Agriculture and Food; 1. Communications, Marine and Natural Resources (Delegation of Ministerial Functions) Order 2002 — S.I. 374; 2. Marine (Delegation of Ministerial Functions) Order 2004 — S.I. 236 Current; 3. Marine (Delegation of Ministerial Functions) Order 2006 — S.I. 82; 4. Marine (Delegation of Ministerial Functions)(No. 2) Order 2006 — S.I. 167.

Orders made in favour of Pat the Cope Gallagher [7] Lapsed on his transfer to Department of Transport; 1. Marine (Delegation of Ministerial Functions) (No. 2) Order 2004 — S.I. 703; 2. Marine (Delegation of Ministerial Functions) (No. 3) Order 2004 — S.I. 769; 3. Marine (Delegation of Ministerial Functions) Order 2005 — S.I. 82; 4. Marine (Delegation of Ministerial Functions) (No. 2) Order 2005 — S.I. 346; 5. Marine (Delegation of Ministerial Functions) (No. 3) Order 2005 — S.I. 549; 6. Marine (Delegation of Ministerial Functions) (No. 4) Order 2005 — S.I. 569; 7. Marine (Delegation of Ministerial Functions) (No. 5) Order 2005- S.I. 843 [Consolidated all 6 previous Orders, which it replaced, so as to take account of transfer of certain Ministerial functions to Minister for Transport by S.I. No. 842 of 2005, with effect from 1 January 2006.]. Text of the 11 Orders is on DCMNR website at www.dcmnr.ie.

Broadcasting Services.

252. **Mr. Connaughton** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the unease and anxiety felt amongst the sick and elderly in relation to the proposed discontinuation of mass and other religious services broadcast from local churches as a result of complaints of interference from the aviation sector; the proposals he has to have these religious services made available to the sick and elderly; if there will be a cost involved; and if he will make a statement on the matter. [22852/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I am aware of the situation regarding the broadcasting of services from parish churches, to which the Deputy refers. The Commission for Communications Regulation (ComReg) is the statutory body responsible for the management of the radio spectrum in Ireland and is required to investigate any interference with services, particularly where critical safety issues are concerned. 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.

To this end, ComReg has drafted regulations permitting the safe use of public address systems to transmit local church services and other public

[Mr. N. Dempsey.]

events. These regulations require my consent as Minister for Communications, under the Wireless Telegraphy Act 1926 and will be in place shortly. ComReg recently met with representatives of the Catholic Church to explain the proposed new scheme to them. I understand from ComReg that the Church representatives expressed satisfaction with the new arrangements.

Overseas Development Aid.

253. **Ms Burton** asked the Minister for Foreign Affairs the amount from 1997 to date in 2006 expended in each year in support of foundations associated or under the control of former President of the United States Bill Clinton; the breakdown of direct donations by the Irish Aid programme to such foundations and the ancillary costs met or undertaken by the Aid programme or the Department of Foreign Affairs in respect of the work of such programmes; and if he will make a statement on the matter. [22591/06]

254. **Ms Burton** asked the Minister for Foreign Affairs if, in relation to the proposed visit to Ireland by former US President Clinton the visit has any function in respect of the Irish Aid programme; the functions arranged for the former President's visit; the persons who will be invitees at such functions; if the Government or his Department will bear the cost of such functions and the costs associated with travel and other expenses of the former President; and if he will make a statement on the matter. [22592/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): I propose to take Questions Nos. 253 and 254 together.

In July 2003, the Taoiseach signed a Memorandum of Understanding with the William J Clinton Presidential Foundation. This Memorandum of Understanding outlines a framework of cooperation between the Clinton Foundation and Irish Aid, to work in partnership with developing country governments and with other relevant international organisations on HIV/AIDS. The aim of the partnership is to provide financial and technical support to assist in the preparation of integrated HIV and AIDS treatment, care and prevention programmes in Africa.

The Government, through the aid programme, committed an amount of €50 million for the five year period 2003-7. These funds are not donated to the Clinton Foundation. They are directed at National HIV/AIDS Control programmes in highly affected countries, which the Foundation is also assisting.

The initial focus of this partnership is with the Government of Mozambique. An amount of €40 million has been approved to support the implementation of the HIV/AIDS Strategic Plan of the Ministry of Health from 2003-2007. To date an amount of €22 million has been released, with a

balance of €6 million to be released later this year and €12 million is committed for 2007. These funds have facilitated the recruitment of a technical specialist by Irish Aid, whose role is to manage and oversee the effective use of these funds. We are currently exploring how the remainder of the total amount of funds committed can be directed at supporting the expansion of HIV service delivery in another country.

A mid term review of Ireland's Clinton Foundation Partnership in Mozambique has recently been undertaken. This has demonstrated that substantial early gains are being made. Under the leadership of the Government of Mozambique, Ireland and the Clinton Foundation have made a major contribution to that country's achievement in reaching, and in some cases exceeding its HIV related service targets. At the end of 2005, over 20,000 people were on anti-retroviral therapy; 75,000 women accessed services for the prevention of mother to child transmission; 270,000 people accessed voluntary HIV counselling and testing services and 35,000 people were receiving home based care.

President Clinton has indicated his wish to visit Ireland, possibly later this year, to discuss the partnership between his Foundation and the Government. No date has yet been agreed for the proposed visit.

Ireland is now one of the world's leading donors in the global fight against HIV/AIDS. Speaking at the UN General Assembly last week, the Taoiseach reaffirmed Ireland's political and financial commitment to the global HIV/AIDS response. He outlined how Ireland is spending the €100 million which has been allocated to HIV/AIDS and other diseases of poverty. He also called for renewed global leadership and a better resourced and focused response to HIV/AIDS.

Consular Services.

255. **Mr. F. McGrath** asked the Minister for Foreign Affairs the position regarding the case of a person (details supplied) in Spain; and if he will advise on the situation with the Spanish authorities. [22637/06]

Minister for Foreign Affairs (Mr. D. Ahern): As I indicated in my previous reply to the Deputy on 3 May, 2006, the Embassy in Madrid has informed the Department that the person concerned has received appropriate legal representation, and understands that he is being accorded the same rights and treatment as a Spanish citizen.

On 5 May, 2006, a Consular Officer of the Embassy met with the individual concerned. She discussed again with him his complaints in relation to the Spanish judicial system, and, at his request, undertook to contact the appropriate Spanish authorities. She also explained the role of the Embassy and underlined to him the importance of following legal advice. The Consu-

lar Officer has since written to the person concerned regarding how he should register his complaints about the Spanish judicial system. I can assure the Deputy that the Embassy will continue to monitor developments in this case, will remain in contact with the person's lawyer and will continue to provide all appropriate consular assistance to him.

Travel Agreements.

256. **Mr. Costello** asked the Minister for Foreign Affairs the position in relation to travellers to the USA by air transport arising from the decision of the European Court of Justice to annul the EU-US agreement on the transfer of personal data to the US Bureau of Customs and Border Protection; the implications for Irish citizens travelling to the USA; and if he will make a statement on the matter. [22685/06]

Minister for Foreign Affairs (Mr. D. Ahern):

Following the terrorist attacks of 11 September 2001 in the United States, the US authorities enacted legislation providing that air carriers operating flights to, from and within United States territory would have to provide them with electronic access to the data contained in their reservation and departure systems. The information is described as "Passenger Name Records (PNR)".

The Agreement between the European Community and the United States on the processing and transfer of passenger name records data by air carriers to the United States Department of Homeland Security, Bureau of Customs and Border Protection was signed in Washington DC on 28 May 2004. It entered into effect on the same day. The Agreement was negotiated on behalf of the European Community by the European Commission, with the agreement of the Member States.

The Agreement establishes (i) the number and type of data which can be transferred, (ii) the length of time for which data can be retained, and (iii) the purposes for which data may be used: combating terrorism and international crime. The European Parliament, as is its prerogative, decided to refer this Agreement to the European Court of Justice seeking its annulment. On the basis of an opinion from the Court's Advocate General, the Court of Justice, in a judgment delivered on 30 May 2006, annulled the decision of the Council of Ministers. The Court decided that the legal basis used for the Council Decision approving the conclusion of the Agreement was not appropriate. For the same reason, the Court also annulled the Commission Decision to the effect that the information transferred was adequately protected by the United States.

The Court of Justice also decided that, since the Agreement remains applicable for a period of ninety days from the notification of its termination, for reasons of legal certainty and, in order

to protect the persons concerned, it would preserve the effect of the Commission Decision until 30 September 2006. This means that the Agreement remains in effect and fully operational until 30 September 2006. This gives the Commission and the Member States time to find a solution. As a result, the position of travellers from the European Union to the United States remains unchanged for the present.

Ministerial Responsibilities.

257. **Mr. P. McGrath** asked the Minister for Foreign Affairs the functions which have, since the last general election, been delegated to Ministers of State at his Department by the Government under powers conferred on it by Section 2 (1) of the Ministers and Secretaries (Amendment) (No. 2) Act 1977; and the statutory instrument number of each such order. [22833/06]

Minister for Foreign Affairs (Mr. D. Ahern):

On 5 October, 2004 the Government, on the nomination of the Taoiseach and in exercise of the power conferred on them by Section 1 of the Ministers and Secretaries (Amendment) (No. 2) Act 1977, as amended by Section 2 of the Ministers and Secretaries (Amendment) Act 1980 and Section 1 of the Ministers and Secretaries (Amendment) Act 1995, assigned responsibility for European Affairs to Mr Noel Treacy, T.D., Minister of State. Also on that date, and under the same legislative provisions, the Government appointed Mr Conor Lenihan, T.D. to be a Minister of State at the Department of Foreign Affairs, with special responsibility for Overseas Development and Human Rights. No delegation orders in respect of the Ministers of State assigned to my Department have been made under Section 2 (1) of the Ministers and Secretaries (Amendment) (No. 2) Act, 1977.

Overseas Development Aid.

258. **Mr. Hogan** asked the Minister for Foreign Affairs the manner in which she plans to consult with the Government and civil society here in respect of Ireland's priority aid countries as part of the comprehensive review process of the ACP-EU Economic Partnership agreement negotiations; and if he will make a statement on the matter. [22873/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): The Economic Partnership Agreements (EPAs) will involve a major transformation of the relationship between the EU and the African, Caribbean and Pacific (ACP) States. Cognisant of this, I have made the EPAs a priority since taking office almost two years ago.

I have spoken on the subject on numerous occasions, both in Dáil Éireann and at the meet-

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ings around the country to prepare for the forthcoming White Paper on Development Cooperation, where the public showed an active interest in the EPAs. I have also discussed EPAs on a number of occasions in my meetings with the NGO community.

As the EPAs appear on the agenda of the Council's Article 133 Committee, which is the EU's main official-level policy-making body in respect of international trade, they form part of the coordination process between my Department, the Department of Enterprise, Trade and Employment and the Department of Agriculture to prepare for meetings of this Committee.

At the Hong Kong WTO Ministerial meeting last December, I held bilateral meetings with our ACP Programme Countries, where they outlined their concerns about the EPAs. In view of these concerns, I have commissioned research on the fiscal impact of the EPAs, including on our Programme Countries. When the research work is complete, I would intend to share its findings with civil society and other interested parties. My Department is also planning a discussion of the work with the authors of the research in early July and will invite civil society representatives to attend.

Since trade is a Community competence, it is of course the European Commission that is undertaking the EPA negotiations on behalf of EU Member States, and the Commission that will also carry out the mid-term review, mandated by the 2000 Cotonou Agreement. At the April meeting of the General Affairs and External Relations Council (GAERC), which I attended, Ministers called on the Council to make the review "formal and comprehensive with participation from the ACP side". Ministers further asked that the review cover "both trade and development aspects of the EPAs, including cross-cutting issues affecting the development prospects of all ACP countries (e.g. market access and rules of origin, regulatory and safeguard provisions etc)" as well as "necessary measures to support the timely completion of the negotiations."

I welcome the valuable opportunity the EPA review will provide to take stock of progress to date and to address the concerns of our ACP partners. Ireland is keeping the negotiations under close scrutiny and we will continue to stress the need for the EPAs to be supportive of ACP countries' development needs and their poverty reduction efforts.

Departmental Expenditure.

259. **Ms Harkin** asked the Minister for Arts, Sport and Tourism if, further to his reply to this Deputy (details supplied), the €4.36 million reallocated from the tourism sub-measure in 2005 has been replaced by Exchequer funding; if some or all of this funding has been allocated in the Border Midland Western region; the details of

same; and if he will make a statement on the matter. [22420/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The overall level of funding available under Fáilte Ireland's Tourism Product Development Scheme is €49.165 million, of which €27.098 million is for allocation to projects in the BMW Region. This figure is comprised of €22.738 million of ERDF funding and, as outlined in the correspondence referred to by the Deputy, €4.36 million of Exchequer funding, the latter replacing ERDF funding re-allocated from the Tourism Measure in the BMW Regional Operational Programme.

The operation of the Tourism Product Development Scheme is solely a matter for Fáilte Ireland. However, I am informed by the Authority that progress under the Scheme is now well advanced and that, to date, full grant approvals amounting to €22.7 million have been made in respect of 37 projects in the BMW region. I am also informed that a number of projects currently under evaluation are expected to take up the balance of the funding available.

National Lottery Funding.

260. **Mr. Neville** asked the Minister for Arts, Sport and Tourism the criteria for allocating grants under the National Lottery; and the reason an organisation (details supplied) from County Limerick did not meet this criteria. [22587/06]

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.

All applications under the 2006 sports capital programme were evaluated by my Department in accordance with the assessment criteria for the programme published in the guidelines, terms and conditions document which accompanied the application form for the programme. Following completion of the evaluation of the applications received by my Department under the programme, I announced provisional grant allocations totalling €53.745 million to 707 applicants classified as local on 6th June last. I intend to announce the provisional allocations for the regional, municipal/multipurpose and national projects in due course.

The application from the organisation in question was unsuccessful and a letter advising them accordingly together with a copy of the assessment carried out on the application will be issued shortly. It is open to the organisation, should it wish to do so and should it have a project which satisfies the terms and conditions of the programme, to submit an application to the 2007 sports capital programme when that scheme is publicly advertised.

Arts Funding.

261. **Caoimhghín Ó Caoláin** asked the Minister for Arts, Sport and Tourism the prospects for a new and enhanced capital grant scheme for new theatre builds and upgrades; his Department's intentions regarding the proposed development of a garage theatre facility in Monaghan town; and if he will make a statement on the matter. [22631/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The main vehicle for capital funding through my Department is the Arts & Culture Capital Enhancement Support Scheme (ACCESS), under which almost €43 million was provided for arts and cultural facilities around the country. This scheme commenced in 2001 but many projects are still in the course of completion. At present the funds available under the ACCESS scheme have been fully allocated. It is hoped to shortly make an announcement regarding a possible successor to the ACCESS scheme. Applications for any such scheme will be invited by public advertisement.

262. **Mr. O'Dowd** asked the Minister for Arts, Sport and Tourism the reason for the establishment of the Music Board; the original aims and objectives of the board; the board's achievements; his views on whether the board achieved its original aims and objectives; the reason same was disbanded and if he will reconstitute the board; and if he will make a statement on the matter. [22651/06]

263. **Mr. O'Dowd** asked the Minister for Arts, Sport and Tourism the supports that presently exist for musicians; the support initiatives he intends to offer to musicians; the financial supports he presently offers to classical musicians, Irish music, opera, rock, pop musicians and so on; the way in which he will improve them; if he will encourage more musicians to record on Irish music labels; and if he will make a statement on the matter. [22652/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I propose to take Questions Nos. 262 and 263 together.

The Music Board of Ireland was established on an interim basis in May, 2001 by the then Minister for Arts, Heritage, Gaeltacht, and the Islands, Síle de Valera, T.D. The Mandate given to the Board was:- to act as a forum for the industry; to devise and actively promote strategic policies for the development of the industry and the maximisation of its contribution to the national economy; to assist Government and its agencies in their efforts to develop the industry.

The interim Board was established on the basis that the then Department of Arts, Heritage, Gaeltacht, and the Islands, and IBEC, would fund the costs arising on a 50:50 basis for 3 years. Dur-

ing this three-year period the Board was to prepare a strategic plan for the development of the music industry in Ireland, which was to inform a decision on whether the Board should be established on a more permanent or statutory basis.

The draft strategy delivered by the Board in November 2002 was carefully considered in my Department, but the end conclusion was that it was not satisfactorily demonstrated that the benefits accruing from the suite of programmes and activities proposed by the interim Board would be commensurate with the costs involved. Accordingly, it was decided not to proceed to statutory establishment, and the Board was not renewed beyond its initial three-year term of office. I have no plans to re-establish the Board.

All music genres continue to fall within the remit of the Arts Council — the main channel through which State aid is provided to the arts. The Council is statutorily independent in the disbursement of its funds. This year, I was pleased to be in a position to make an amount of €72.31m available to the Arts Council, an increase of 9% on the 2005 figure.

264. **Mr. M. Higgins** asked the Minister for Arts, Sport and Tourism the present location and proposals for the future location of the national art collection (details supplied) which has been on display at the Great Southern Hotels for 50 years and which has been removed; and if he will make a statement on the matter. [22708/06]

265. **Mr. Wall** asked the Minister for Arts, Sport and Tourism if his attention has been drawn to the fact that famous paintings (details supplied) purchased by CIE with 50 percent State funding may be lost to the nation due to the fact that these paintings are to be sold by public auction by the Great Southern Hotel Group; the position of his Department in regard to the sale of such works; the means of ensuring the retention of the works for the nation; and if he will make a statement on the matter. [22719/06]

266. **Mr. Wall** asked the Minister for Arts, Sport and Tourism the mechanism he will put in place to ensure the protection of State funding used for the purchase of works of art that have been on display in the Great Southern Hotels for the past 50 years and to be put for auction; his responsibility in regard to the protection of such funding; if he will direct the Arts Council to seek recompense for such grants; and if he will make a statement on the matter. [22720/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I propose to take Questions Nos. 264 to 266, inclusive, together.

The Arts Council is a statutory body under my Department's aegis, and is the principal channel

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through which State support is directed to the Arts. The Council is operationally independent of my Department, but it is understood from the Council that there are 143 works in the collection in question, which were jointly funded under the Arts Council's Joint Purchase Scheme. These works include works by Gerard Dillon, Patrick Collins, Louis le Brocqy and Basil Blackshaw. These were purchased primarily in the 1960's and 1970's, at a cost to the Council of £7,233. The total cost of these works came to £14,466.71.

The Arts Council is aware of the potential issues arising from the sale of these works and is in touch with the CEO of the Great Southern Hotel Group in this regard. On my instructions, my Department has also brought the matter to the attention of the CEO of the Dublin Airport Authority and has asked for a report on the matter. I understand that potential vendors are obliged to notify such intended sales to the OPW so that first option of such items may be exercised by the state collection institutions.

Sports Capital Programme.

267. **Mr. Durkan** asked the Minister for Arts, Sport and Tourism if funding can or will be offered to a community centre (details supplied) in County Kildare towards provision of youth facilities and storage; and if he will make a statement on the matter. [22806/06]

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 costing a total of €670 million and for which funding of €312 million was sought. All of these applications were evaluated against the programme's detailed assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I announced provisional grant allocations totalling €53.745 million to 707 applicants classified as local on 6th June last. I intend to announce the provisional allocations for the regional, municipal/multipurpose and national projects in due course.

In relation to the organisation in question, an application for funding was not received under the 2006 programme. It is open to the organisation, should it wish to do so and should it have a project which satisfies the terms and conditions of the programme, to submit an application to the 2007 sports capital programme when that scheme is publicly advertised.

Ministerial Responsibilities.

268. **Mr. P. McGrath** asked the Minister for Arts, Sport and Tourism the functions which have, since the last general election, been delegated to Ministers of State at his Department by the Government under powers conferred on it by Section 2 (1) of the Ministers and Secretaries (Amendment) (No. 2) Act 1977; and the statutory instrument number of each such order.

[22834/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): No functions have been delegated under the Ministers and Secretaries (Amendment) (No. 2) Act 1977 in the case of my Department.

Work Permits.

269. **Ms Lynch** asked the Minister for Enterprise, Trade and Employment if workers from non-EU countries are eligible for new work permits; if so, the trades and skills which are eligible; and if he will make a statement on the matter. [22326/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): In the aftermath of EU enlargement, it is Government policy that employers should be able to source nearly all of their workforce needs from within the EU. Accordingly, work permits are only considered in respect of highly skilled and highly paid positions, where the employer has made meaningful attempts to find EEA nationals first. There is currently a list of ineligible occupations on my Department's website www.entemp.ie. An employer may check this list to determine whether the position he wishes to fill is eligible or not.

Industrial Disputes.

270. **Caoimhghín Ó Caoláin** asked the Minister for Enterprise, Trade and Employment further to Parliamentary Question No. 397 of 30 May 2006, if his Department will cover the cost of hiring interpreters for migrant workers pursuing a claim against their employer through the Labour Relations Commission, the Labour Court or the Employment Appeals Tribunal. [22406/06]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): The Labour Relations Commission, the Labour Court and the Employment Appeals Tribunal are independent statutory bodies which act independently in carrying out their functions. The procedures to be followed including the hiring of interpreters in individual cases is a matter for these bodies.

Departmental Investigations.

271. **Mr. J. Breen** asked the Minister for

Enterprise, Trade and Employment if he will instigate an investigation into the management and operation of a construction site (details supplied); and if he will make a statement on the matter. [22422/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): With regard to the issue of stranded cattle I wish to inform the Deputy that it is not within the remit of the Department of Enterprise, Trade and Employment to undertake an investigation.

The issue of late payments in respect of sub-contractors is addressed by the European Communities (Late Payment in Commercial Transactions) Regulations 2002 (S.I. No. 388 of 2002). These Regulations, which came into operation on the August 7th 2002, apply to all commercial transactions with the following exceptions:

- Contracts made before August 7th 2002
- Claims for payment of late interest of less than €5
- Transactions with consumers
- Debts that may be subject to legislation other than these Regulations.

In accordance with these Regulations, it is an implied term of every commercial transaction that where a purchaser does not pay for goods or services by the relevant payment date, the supplier shall be entitled to interest (“late payment interest”) on the amount outstanding. The current interest rate applicable is 9.25% per annum or 0.0253% per day. This rate is set as at January 1st and July 1st each year at a rate of 7 percentage points above the European Central Bank interest rate on its most recent main re-financing operation. In the absence of any agreed payment date between the parties, late payment interest falls due after 30 days have elapsed.

In addition, the use of terms that are grossly unfair may be unenforceable and such terms may be challenged in Court on the basis of criteria specified in the Regulations. Organisations representing small and medium sized enterprises may also challenge any terms that they feel breach the Regulations.

Grocery Industry.

272. **Mr. Naughten** asked the Minister for Enterprise, Trade and Employment his plans to introduce legislation to control abuses of dominance within the supermarket sector; and if he will make a statement on the matter. [22439/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): As I have already said many times in this House, the abuse of dominance is already specifically prohibited by Section 5 of the

Competition Act 2002 and by Article 82 of the EU Treaty.

However, in the light of concerns expressed by some contributors to the public consultation process on the Groceries Order last year that certain anti-competitive practices might develop in the trade if the Groceries Order were abolished, I have asked the Competition Authority to monitor the sector following the repeal of the Order in March.

The Authority is putting in place a monitoring mechanism to track data and trends over the coming months and years and it will keep my Department informed of developments.

Work Permits.

273. **Mr. P. Breen** asked the Minister for Enterprise, Trade and Employment the number of employees of a company (details supplied) working on the Ennis bypass in Ennis, County Clare who have failed to have work permits renewed since December 2005; the number of employees of the company working on the same project who have had their work permits renewed; the working grades of those who have not had their work permits renewed; the reason such permits were not renewed; and if he will make a statement on the matter. [22686/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): My Department advised this company some time ago that it would be unable to deal with any work permit applications from it until such time as information showing that former employees had received their financial entitlements from their employer was lodged with my Department. Papers purporting to show that the company has discharged the financial obligations to employees were lodged with my Department last week. This documentation is currently being examined by my Department.

274. **Dr. Cowley** asked the Minister for Enterprise, Trade and Employment when a work permit will be made available to a person (details supplied) in County Mayo; the reason there is a delay in this area; and if he will make a statement on the matter. [22797/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): The Work Permits Section of my Department has informed me that it has no record of any valid application, given the details supplied, in this instance.

Ministerial Responsibilities.

275. **Mr. P. McGrath** asked the Minister for Enterprise, Trade and Employment the functions which have, since the last general election, been delegated to Ministers of State at his Department by the Government under powers conferred on it by Section 2 (1) of the Ministers and Secretaries

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(Amendment) (No. 2) Act 1977; and the statutory instrument number of each such order. [22835/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): The material requested by the Deputy is presented in two sections; Section one being the delegation orders relating to the Minister of State for Trade and Commerce and Section two being those that relate to the Minister for Labour Affairs. Within each section, the material is presented in chronological order. Section one.

1. On the 15th April 2003, Ministerial Functions were delegated, by the Tánaiste and Minister for Enterprise, Trade & Employment Mary Harney T.D., to Minister of State Michael Ahern, T.D. who has responsibility for Trade and Commerce, under the Enterprise, Trade and Employment (Delegation of Ministerial Functions) Order (S.I. No 157 of 2003) in respect of the following pieces of legislation:

SCHEDULE

Part 1

- Partnership Act 1890 (53 & 54 Vict. c. 39)
- Industrial and Provident Societies Acts 1893 to 1978
- Friendly Societies Acts 1896 to 1977
- Limited Partnerships Act 1907 (7 Edw. 7. c.24)
- Assurance Companies Act 1909 (9 Edw. 7. c.49)
- Local Authorities (Mutual Assurance) Act 1926 (No. 34 of 1926)
- Perpetual Funds (Registration) Act 1933 (No. 22 of 1933)
- Control of Imports Acts 1934 to 1964
- Oil Burners (Standards) Act 1960 (No. 24 of 1960)
- Restriction of Imports Act 1962 (No. 20 of 1962)
- Registration of Business Names Act 1963 (No. 30 of 1963)
- Companies Acts 1963 to 2001 (other than Part II of the Companies Act 1990 (as amended by the Company Law Enforcement Act 2001) (No. 28 of 2001) or Part 2 (sections 7-18), section 34, or Part 7 (sections 67-71) of the Company Law Enforcement Act 2001)
- Control of Exports Act 1983 (No. 35 of 1983)
- Designated Investment Funds Act 1985 (No. 16 of 1985)
- Unit Trusts Act 1990 (No. 37 of 1990)
- Patents Act 1992 (No. 1 of 1992)

- Investment Limited Partnerships Act 1994 (No. 24 of 1994)
- Stock Exchange Act 1995 (No. 9 of 1995)
- Trade Marks Act 1996 (No. 6 of 1996)
- Metrology Act 1996 (No. 27 of 1996)
- National Standards Authority of Ireland Act 1996 (No. 28 of 1996)
- Irish Takeover Panel Act 1997 (No. 5 of 1997)
- Credit Union Act 1997 (No. 15 of 1997)
- Copyright and Related Rights Act 2000 (No. 28 of 2000)
- Industrial Designs Act 2001 (No. 39 of 2001)

Part 2

- Decimal Currency (Friendly Society and Industrial Assurance Contracts) Regulations 1971 (S.I. No. 64 of 1971)
- European Communities (Stock Exchange) Regulations 1984 (S.I. No. 282 of 1984)
- European Communities (Mergers and Divisions of Companies) Regulations 1987 (S.I. No. 137 of 1987)
- European Communities (European Economic Interest Groupings) Regulations 1989 (S.I. No. 191 of 1989)
- European Communities (Quantitative Analysis of Binary and Ternary Fibre Mixtures) Regulations 1990 (S.I. No. 275 of 1990)
- European Communities (Companies: Group Accounts) Regulations 1992 (S.I. No. 201 of 1992)
- European Communities (Transferable Securities and Stock Exchange) Regulations 1992 (S.I. No. 202 of 1992)
- European Communities (Low Voltage Electrical Equipment) Regulations 1992 (S.I. No. 428 of 1992)
- European Communities (Prohibition of Satisfaction of Certain Contractual Claims arising from Trade Sanctions against Libya) Regulations 1993 (S.I. No. 385 of 1993)
- European Communities (Further Discontinuation of Certain Trade with Serb-Controlled Areas of Bosnia-Herzegovina) Regulations 1995 (S.I. No. 163 of 1995)
- European Communities (Trade with Iraq) Regulations 1997 (S.I. No. 370 of 1997)
- European Communities (Interruption of Certain Economic Relations with Angola) Regulations 1998 (S.I. No. 503 of 1998)
- European Communities (Prohibition on the Sale, Supply, and Export to Burma/Myanmar of Equipment which might be used for

- Internal Repression or Terrorism) Regulations 2000 (S.I. No. 299 of 2000)
- European Communities (Control of Exports of Dual-Use Items) Regulations 2000 (S.I. No. 317 of 2000)
- Customs-Free Airport (Extension of Laws) Regulations 2000 (S.I. No. 430 of 2000)
- European Communities (Prohibition of the Export of Certain Goods and Services to Afghanistan and Strengthening of the Flight Ban) Regulations 2001 (S.I. No. 417 of 2001)
- European Communities (Prohibition of the Export of Certain Goods and Services to Afghanistan and Strengthening of the Flight Ban) (Amendment) Regulations 2001 (S.I. No. 467 of 2001)
- European Communities (Prohibition of the Export of Certain Goods and Services to Afghanistan and Strengthening of the Flight Ban) (Amendment) (No. 2) Regulations 2001 (S.I. No. 547 of 2001)
- European Communities (Prohibition of the Export of Certain Goods and Services to Zimbabwe) Regulations 2002 (S.I. No. 129 of 2002)
- European Communities (Prohibition on the Importation into the Community of Rough Diamonds from Sierra Leone) Regulations 2002 (S.I. No. 139 of 2002)
- European Communities (Restrictive Measures) (Liberia) Regulations 2002 (S.I. No. 438 of 2002)
- European Communities (Control of Exports of Dual-Use Items) (Amendment) Regulations 2002 (S.I. No. 512 of 2002)
- European Communities (Trade with Iraq) (Amendment) Regulations 2002 (S.I. No. 523 of 2002)
- Local Authorities (Mutual Assurance) Act 1926 (No. 34 of 1926)
- Perpetual Funds (Registration) Act 1933 (No. 22 of 1933)
- Control of Imports Acts 1934 to 1964
- Oil Burners (Standards) Act 1960 (No. 24 of 1960)
- Restriction of Imports Act 1962 (No. 20 of 1962)
- Registration of Business Names Act 1963 (No. 30 of 1963)
- Companies Acts 1963 to 2003 (other than sections 19 to 23 of the Companies Act, 1990 (No. 33 of 1990) and section 34 of the Company Law Enforcement Act 2001 (No. 28 of 2001))
- Packaged Goods (Quantity Control) Act 1980 (No. 11 of 1980)
- Control of Exports Act 1983 (No. 35 of 1983)
- Designated Investment Funds Act 1985 (No. 16 of 1985)
- Unit Trusts Act 1990 (No. 37 of 1990)
- Patents Act 1992 (No. 1 of 1992)
- Investment Limited Partnerships Act 1994 (No. 24 of 1994)
- Stock Exchange Act 1995 (No. 9 of 1995)
- Trade Marks Act 1996 (No. 6 of 1996)
- Metrology Act 1996 (No. 27 of 1996)
- National Standards Authority of Ireland Act 1996 (No. 28 of 1996)
- Irish Takeover Panel Act 1997 (No. 5 of 1997)
- Credit Union Act 1997 (No. 15 of 1997)
- Copyright and Related Rights Act 2000 (No. 28 of 2000)
- Industrial Designs Act 2001 (No. 39 of 2001)

2. On 7th December 2004, Ministerial Functions were delegated to Minister of State Michael Ahern, T.D. who was re-assigned responsibility for Trade and Commerce, by the Minister for Enterprise, Trade & Employment Micheál Martin T.D. under the Enterprise, Trade and Employment (Delegation of Ministerial Functions (No. 2) Order 2004 (S.I. No 808 of 2004) under the following pieces of legislation:

Enactments

- Partnership Act 1890 (53 & 54 Vict. c. 39)
- Industrial and Provident Societies Acts 1893 to 1978
- Friendly Societies Acts 1896 to 1977
- Limited Partnerships Act 1907 (7 Edw. 7. c.24)
- Assurance Companies Act 1909 (9 Edw. 7. c.49)

Instruments

- Decimal Currency (Friendly Society and Industrial Assurance Contracts) Regulations 1971 (S.I. No. 64 of 1971)
- European Communities (Stock Exchange) Regulations 1984 (S.I. No. 282 of 1984)
- European Communities (Mergers and Divisions of Companies) Regulations 1987 (S.I. No. 137 of 1987)
- European Communities (European Economic Interest Groupings) Regulations 1989 (S.I. No. 191 of 1989)
- European Communities (Quantitative Analysis of Binary and Ternary Fibre Mixtures) Regulations 1990 (S.I. No. 275 of 1990)

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- European Communities (Companies: Group Accounts) Regulations 1992 (S.I. No. 201 of 1992)
- European Communities (Transferable Securities and Stock Exchange) Regulations 1992 (S.I. No. 202 of 1992)
- European Communities (Low Voltage Electrical Equipment) Regulations 1992 (S.I. No. 428 of 1992)
- European Communities (Prohibition of Satisfaction of Certain Contractual Claims arising from Trade Sanctions against Libya) Regulations 1993 (S.I. No. 385 of 1993)
- European Communities (Further Discontinuation of Certain Trade with Serb-Controlled Areas of Bosnia-Herzegovina) Regulations 1995 (S.I. No. 163 of 1995)
- European Communities (Trade with Iraq) Regulations 1997 (S.I. No. 370 of 1997)
- European Communities (Authorised Agencies) (Issue of Certificates of Origin) Regulations 1998 (S.I. No. 318 of 1998)
- European Communities (Interruption of Certain Economic Relations with Angola) Regulations 1998 (S.I. No. 503 of 1998)
- European Communities (Prohibition on the Sale, Supply, and Export to Burma/Myanmar of Equipment which might be used for Internal Repression or Terrorism) Regulations 2000 (S.I. No. 299 of 2000)
- European Communities (Control of Exports of Dual-Use Items) Regulations 2000 (S.I. No. 317 of 2000)
- Customs-Free Airport (Extension of Laws) Regulations 2000 (S.I. No. 430 of 2000)
- European Communities (Prohibition of the Export of Certain Goods and Services to Afghanistan and Strengthening of the Flight Ban) Regulations 2001 (S.I. No. 417 of 2001)
- European Communities (Prohibition of the Export of Certain Goods and Services to Afghanistan and Strengthening of the Flight Ban) (Amendment) Regulations 2001 (S.I. No. 467 of 2001)
- European Communities (Prohibition of the Export of Certain Goods and Services to Afghanistan and Strengthening of the Flight Ban) (Amendment) (No. 2) Regulations 2001 (S.I. No. 547 of 2001)
- European Communities (Prohibition of the Export of Certain Goods and Services to Zimbabwe) Regulations 2002 (S.I. No. 129 of 2002)
- European Communities (Prohibition on the Importation into the Community of Rough

Diamonds from Sierra Leone) Regulations 2002 (S.I. No. 139 of 2002)

- European Communities (Restrictive Measures) (Liberia) Regulations 2002 (S.I. No. 438 of 2002)
- European Communities (Control of Exports of Dual-Use Items) (Amendment) Regulations 2002 (S.I. No. 512 of 2002)
- European Communities (Trade with Iraq) (Amendment) Regulations 2002 (S.I. No. 523 of 2002)
- European Communities (Undertakings for Collective Investment in Transferable Securities) Regulations 2003 (S.I. No. 211 of 2003)
- European Communities (Undertakings for Collective Investment in Transferable Securities) (Amendment) Regulations 2003 (S.I. No. 212 of 2003);
- European Communities (Undertakings for Collective Investment in Transferable Securities) (Amendment No. 2) Regulations 2003 (S.I. No. 497 of 2003)
- European Communities (Undertakings for Collective Investment in Transferable Securities) (Amendment No. 4) Regulations 2003 (S.I. No. 737 of 2003)
- European Communities (Directive 2000/31/EC) Regulations 2003 (S.I. No. 68)
- European Communities (Directive 2000/31/EC) (Amendment) Regulations (S.I. No. 490 of 2004)

3. In addition, on 18th October, 2005, under the Enterprise, Trade and Employment (Delegation of Ministerial Functions) (No. 2) Order 2005 (S.I. No. 635 of 2005), the Ministerial Functions under the Investment Funds, Companies and Miscellaneous Provisions Act, 2005 (No. 12 of 2005) were also delegated to Minister of State Michael Ahern T.D. by the Minister for Enterprise, Trade & Employment, Micheál Martin, T.D.

Section Two

4. On the 15th April 2003, Ministerial Functions were delegated, by the Tánaiste and Minister for Enterprise, Trade & Employment Mary Harney T.D., to Minister of State Frank Fahey, T.D. who had responsibility for Labour Affairs, under the Enterprise, Trade and Employment (Delegation of Ministerial Functions) Order (S.I. No 156 of 2003) in respect of the following pieces of legislation:

SCHEDULE

Part 1

- Trade Union Acts 1871 to 1990
- Boiler Explosion Acts 1882 and 1890

- Payment of Wages in Public Houses Prohibition Act 1883 (46 & 47 Vict. c. 31)
- Industrial Relations Acts 1946 to 2001
- Safety in Industry Acts 1955 and 1980
- Mines and Quarries Act 1965 (No. 7 of 1965)
- Redundancy Payments Acts 1967 to 2001
- Employment Agency Act 1971 (No. 27 of 1971)
- Dangerous Substances Acts 1972 and 1979
- Minimum Notice and Terms of Employment Acts 1973 to 2001
- Protection of Employment Act 1977 (No. 7 of 1977)
- Unfair Dismissals Acts 1977 to 2001
- Protection of Employees (Employers' Insolvency) Acts 1984 to 2001
- Safety, Health and Welfare (Offshore Installations) Act 1987 (No. 18 of 1987)
- Safety, Health and Welfare at Work Act 1989 (No. 7 of 1989)
- Payment of Wages Act 1991 (No. 25 of 1991)
- Terms of Employment (Information) Acts 1994 and 2001
- Protection of Young Persons (Employment) Act 1996 (No. 16 of 1996)
- Transnational Information and Consultation of Employees Act 1996 (No. 20 of 1996)
- Organisation of Working Time Act 1997 (No. 20 of 1997)
- Chemical Weapons Act 1997 (No. 28 of 1997)
- Carriage of Dangerous Goods by Road Act 1998 (No. 43 of 1998)
- National Minimum Wage Act 2000 (No. 5 of 2000)
- Carer's Leave Act 2001 (No. 19 of 2001)
- Protection of Employees (Part-Time Work) Act 2001 (No. 45 of 2001)

Part 2

- European Communities (Safeguarding of Employees' Rights on Transfer of Undertakings) Regulations 1980 (S.I. No. 306 of 1980)
- European Communities (Safeguarding of Employees' Rights on Transfer of Undertakings) (Amendment) Regulations 2000 (S.I. No. 487 of 2000)
- European Communities (Protection of Employment) Regulations 2000 (S.I. No. 488 of 2000)

5. On 7th December, 2004, Ministerial Functions were delegated, by the Minister for Enterprise, Trade & Employment Micheál

Martin T.D., to Minister of State Tony Killeen, T.D. who has responsibility for Labour Affairs, under the Enterprise, Trade and Employment (Delegation of Ministerial Functions) Order 2004 (S.I. No. 809 of 2004) in respect of the following pieces of legislation:

Enactments

- Trade Union Acts 1871 to 1990
- Conspiracy and Protection of Property Act, 1875
- Boiler Explosion Acts 1882 and 1890
- Payment of Wages in Public Houses Prohibition Act 1883 (46 & 47 Vict. c. 31)
- Industrial Relations Acts 1946 to 2004
- Safety in Industry Acts 1955 and 1980
- Mines and Quarries Act 1965 (No. 7 of 1965)
- Redundancy Payments Acts 1967 to 2003
- Employment Agency Act 1971 (No. 27 of 1971)
- Dangerous Substances Acts 1972 and 1979
- Minimum Notice and Terms of Employment Acts 1973 to 2001
- Protection of Employment Act 1977 (No. 7 of 1977)
- Workers' Participation Acts 1977-1988
- Unfair Dismissals Acts 1977 to 2001
- Protection of Employees (Employers' Insolvency) Acts 1984 to 2004
- Safety, Health and Welfare (Offshore Installations) Act 1987 (No. 18 of 1987)
- Safety, Health and Welfare at Work Act 1989 (No. 7 of 1989)
- Payment of Wages Act 1991 (No. 25 of 1991)
- Terms of Employment (Information) Acts 1994 and 2001
- Protection of Young Persons (Employment) Act 1996 (No. 16 of 1996)
- Trans-national Information and Consultation of Employees Act 1996 (No. 20 of 1996)
- Organisation of Working Time Act 1997 (No. 20 of 1997)
- Chemical Weapons Act 1997 (No. 28 of 1997)
- Carriage of Dangerous Goods by Road Act 1998 (No. 43 of 1998)
- National Minimum Wage Act 2000 (No. 5 of 2000)
- Carer's Leave Act 2001 (No. 19 of 2001)
- Protection of Employees (Part-Time Work) Act 2001 (No. 45 of 2001)
- Protection of Employees (Fixed-Term Work) Act 2003 (No. 29 of 2003)

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Instruments

- European Communities (Protection of Employment) Regulations 2000 (S.I. No. 488 of 2000); and
- European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003 (S.I. No. 131 of 2003).

6. In addition, on 28th June, 2005, under the Enterprise, Trade and Employment (Delegation of Ministerial Functions) (No. 2) Order 2004, (S.I. No. 316 of 2005), the powers and duties of Micheál Martin T.D. Minister for Enterprise, Trade and Employment under the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005) were also delegated to Minister of State Killeen.

Social Welfare Benefits.

276. **Mr. Gregory** asked the Minister for Social and Family Affairs the reason a person (details supplied) in Dublin 3 who is a diabetic was refused a dietary allowance; and if same will be reviewed. [22335/06]

Minister for Social and Family Affairs (Mr. Brennan): Recipients of Social Welfare or Health Service Executive payments who have been prescribed a special diet as a result of a specified medical condition, and whose means are insufficient to meet their needs, may qualify for a diet supplement under the supplementary welfare allowance scheme. This scheme and related supplements are administered on my behalf by the Community Welfare division of the Health Service Executive (HSE), and neither I nor my Department has any function in relation to individual claim decisions.

The amount of supplement payable depends on which category of diet has been prescribed by the applicant's medical advisor, as well as the income of the individual and his/her dependents.

The Dublin/Mid-Leinster Area of the HSE has advised that the person concerned had been prescribed a diabetic diet, and applied to the Executive for a diet supplement in February 2005. In accordance with the regulations governing the scheme then, diet supplement was not payable on means grounds. This is because the cost of the prescribed diet was less than one third of his income. The Executive further advised the person concerned of his right to appeal against this decision to its Area Appeals Officer.

My Department commissioned a study by an expert from the Irish Nutrition and Dietetic Institute to inform a modernisation of the scheme. This study recommended a new framework for classifying various diets and I have introduced a revised diet supplement scheme and regulations which take account of the findings and recommendations of the study. Under the revised scheme, which came into operation in April of this year, diabetes is not classified as

requiring one of the new prescribed diets but can be dealt with within a healthy eating diet, the cost of which is expected to be met from one third of the basic payment.

277. **Mr. Durkan** asked the Minister for Social and Family Affairs if review of rent assistance will be undertaken in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [22350/06]

Minister for Social and Family Affairs (Mr. Brennan): The supplementary welfare allowance scheme, which includes rent supplement, is administered on my behalf by the Community Welfare division of the Health Service Executive. Neither I nor my Department has any function in relation to decisions on individual claims.

The Health Service Executive has advised that the correct rate of rent supplement is in payment based on the information it has concerning the person's income. The Executive has further advised that it will review the rent supplement claim of the person concerned as part of a general review of rent supplements in the area. It will contact the person concerned regarding this review shortly.

278. **Mr. Howlin** asked the Minister for Social and Family Affairs if his attention has been drawn to the anomaly within the carer's respite grant where unpaid carers (details supplied) in County Wexford not in receipt of carers allowance are also not entitled to the respite grant. [22702/06]

Minister for Social and Family Affairs (Mr. Brennan): The question refers to a situation where a person is not eligible for the respite care grant because she is employed for more than 15 hours per week.

From June 2005, the annual respite care grant was extended to all carers who are providing full-time care to a person who needs such care regardless of their income or whether they are in receipt of carer's allowance or carer's benefit. This arrangement was introduced to acknowledge the needs of carers especially in relation to respite. In Budget 2006, provision was made to increase the amount of the respite care grant from €1,000 to €1,200, from this month.

The full-time care and attention requirements for carer's allowance were relaxed from August 1999 to introduce greater flexibility into the carer's allowance scheme, while still safeguarding the needs and interests of care recipients. This allowed carers to work for up to 10 hours per week and it was introduced in recognition of the economic and therapeutic values of work. It also allows carers to maintain contact with the labour market.

From 1 June this year I extended the number of hours a carer can work to 15 hours per week. This applies to carer's allowance, carer's benefit

and respite care grant. The care recipient must continue to receive full-time care and attention and be adequately cared for in the carer's absence.

The carer's allowance means test has been also eased significantly in the past few years, most notably with the introduction of disregards of spouses' earnings. Provision was made in Budget 2006 to increase the income disregard on the carer's allowance means test to €290 per week for a single person and to €580 per week for a couple from April this year. This ensures that a couple with two children can earn up to €32,925 per annum and still receive the maximum rate of carer's allowance. The same couple may earn up to €54,400 and receive the minimum rate of carer's allowance as well as the free travel, the household benefits package and the respite care grant.

Departmental Staff.

279. **Mr. Connaughton** asked the Minister for Social and Family Affairs the allowance paid to the office provider for the social welfare office at Ballinasloe, County Galway for the past nine years; and if he will make a statement on the matter. [22872/06]

Minister for Social and Family Affairs (Mr. Brennan): There are currently 66 Social Welfare Branch Offices at various locations throughout the country. Each Branch Office is operated and managed by a Branch Manager who is required to act as an agent for the Department in the area served by the office.

Under the terms and conditions of their appointment Branch Managers are required to provide suitable premises and such clerical support as may be necessary for the satisfactory performance of the work of the Department.

Branch Managers' remuneration is calculated having regard to the claim load of the particular office. The remuneration paid to the Branch Manager in Ballinasloe for 2005, i.e. the last complete year available, was €119,367. Since being appointed to the position in September 1996, the Manager has received total gross payments amounting to €1,066,937.

Disabled Drivers.

280. **Mr. Cregan** asked the Minister for Transport if he has plans to amend the present guidelines governing the issuing of disabled drivers' car permits, to include people with other severe disabilities of the upper limbs and body; and if he will make a statement on the matter. [22331/06]

Minister for Transport (Mr. Cullen): Currently, the permits are intended to reserve the use of designated parking bays to persons who are suffering from a disability that prevents the person from walking or causes undue hardship to the

person in walking. I do not propose to extend the eligibility criteria for the issue of disabled persons' parking permits.

Driver Licensing.

281. **Ms Shortall** asked the Minister for Transport the number of full driving licence holders by age. [22798/06]

Minister for Transport (Mr. Cullen): The Department of the Environment, Heritage and Local Government who hold and administer the National Driver File has advised that the breakdown of full driving licence holders by age at 31st December, 2005 is as follows:

Age	Driving Licence Holders
Under 17	38
17 — 19	11,053
20 — 24	102,184
25 — 29	207,959
30 — 34	247,054
35 — 39	236,207
40 — 44	228,549
45 — 49	209,930
50 — 54	186,210
55 — 59	165,722
60 — 64	131,504
65 — 69	95,983
70 — 74	62,098
75 — 79	38,904
80 — 84	18,284
85 and over	6,254

282. **Ms Shortall** asked the Minister for Transport the number of one year category B provisional licences issued in the past three years for which figures are available. [22799/06]

Minister for Transport (Mr. Cullen): The Department of the Environment, Heritage and Local Government who hold and administer the National Driver File has advised that the number of one year category B provisional licences at 31 December in each of the past three years is as follows:

Year	Amount
2003	47,157
2004	52,061
2005	54,921

Public Transport.

283. **Ms Lynch** asked the Minister for Transport if his attention has been drawn to the concerns of those who lobby on behalf of people with

[Ms Lynch.]

disabilities (details supplied) that one in three ramps on the Dublin Bus fleet are not working; if he is confident that Dublin Bus is adhering to his Department's sectoral plan for accessible public transport; if he will extend the remit of the Public Transport Accessibility Committee to a role of monitoring and examining such concerns; and if he will make a statement on the matter. [22291/06]

Minister of State at the Department of Transport (Mr. Gallagher): I understand from Dublin Bus that it has in operation a programme of inspection for its bus ramps, that defects with the ramp mechanism are to be reported on a daily basis and repaired as quickly as possible. Dublin Bus also informs me that it will take immediate action on comments from any member of the public who highlight instances of ramps not working. In the light of the Deputy's question, I have referred the concerns raised to the company for consideration and for reply to her direct.

The Department of Transport's Sectoral Plan under the Disability Act 2005 is now in draft format and is undergoing a final consultation process prior to being completed and presented to the Houses of the Oireachtas by end July 2006, as required by the Act. Dublin Bus has co-operated fully in the development of those sections of the Draft Plan which relate to its services.

Dublin Bus is a member of the Public Transport Accessibility Committee whose remit will be expanded under the Department's Sectoral Plan to include a monitoring role in relation to progress by the agencies under the aegis of the Department in implementing the Sectoral Plan and evaluating the impact of the Plan on people with mobility, sensory and cognitive impairments.

Road Safety.

284. **Mr. P. Breen** asked the Minister for Transport further to Parliamentary Question No. 437 of 30 May 2006, the number of fatal and non-fatal accidents in County Clare in 2005; the number of same which occurred in areas in which the speed limit is 100 kph; the number of same which occurred at junctions and turning points; and if he will make a statement on the matter. [22310/06]

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. Statistics relating to 2005 are not yet published.

I am informed that statistics are not currently compiled in such a way as to identify the number of accidents that occurred in areas in which the

speed limit is 100 kph, and the number which occurred at junctions and turning points.

Departmental Correspondence.

285. **Mr. Gregory** asked the Minister for Transport his views on the issues raised in the correspondence (details supplied); and if he will make a statement on the matter. [22337/06]

Minister for Transport (Mr. Cullen): Transport 21 provides for a city-centre link between the Luas Green and Red Lines (Line BX), with a subsequent extension northwards (Line D) serving Broadstone and connecting with the Maynooth suburban rail line around Liffey Junction. The target date for completion of the full project is 2012.

The RPA commenced a public consultation process in respect of Line BX, focusing initially on the challenge of selecting the best overall route option for the line, last November. This process is still underway. Planning and design on Line D is at a much less developed stage.

I understand that the RPA have considered the suggestion of progressing Luas Line D at the same time as Line BX. They have indicated that the most efficient manner in which to progress Line D would be to initiate public consultation focusing on Line D soon after a preferred route option has been selected for the city centre link, Line BX.

The RPA will continue to keep the options for advancing the overall project under review.

Public Transport.

286. **Mr. Bruton** asked the Minister for Transport if he has received an application for a licence to operate a bus service to the Ballycullen area in Dublin 24 from Dublin Bus; the date on which he received this application; when he will be in a position to respond to this application; and if he will make a statement on the matter. [22352/06]

Minister for Transport (Mr. Cullen): Under section 24 of the Transport Act 1958, Dublin Bus is not required to hold a licence under the Road Transport Act 1932. However, since 10 January 2001, the company is required by Ministerial direction to notify my Department of proposed new services or proposed changes to existing services at least four weeks prior to their introduction.

I wish to advise the Deputy that the details of all notifications are confidential in the interest of protecting the commercial confidentiality of the applicant. However, my Department makes notifications public once decisions are made.

Departmental Staff.

287. **Mr. Naughten** asked the Minister for Transport when officials from the accounts branch of the Department of Communications,

Marine and Natural Resources in Castlebar will be transferred to the Road Safety Authority in Ballina; the reason for the delay; and if he will make a statement on the matter. [22359/06]

Minister for Transport (Mr. Cullen): Following the recent Government decision to transfer responsibility for the Maritime Transport, Maritime Safety Directorate and the Irish Coast Guard to the Department of Transport, four staff of the accounts branch of the Department of Communications, Marine and Natural Resources in Castlebar are due to transfer to my Department and subsequently to the Road Safety Authority, once established. Three Staff are due to transfer on 3rd July 2006 and the remaining staff member will transfer once that persons current work in relation to payroll functions for Maritime Transport staff has been re-assigned to the Department.

Road Traffic Regulations.

288. **Mr. Costello** asked the Minister for Transport if he will allow mourning coach hearse cars to drive in bus lanes when conveying bereaved family members to and from the church and to the graveyard; and if he will make a statement on the matter. [22596/06]

Minister for Transport (Mr. Cullen): The use of bus lanes is provided for in the Road Traffic (Traffic & Parking) Regulations 1997 and 1998. The primary purpose of bus lanes is to facilitate and promote bus based public transport. I do not propose to permit vehicles of funeral cortèges to use bus lanes.

Light Rail Project.

289. **Mr. Kenny** asked the Minister for Transport the plans to extend the Luas line to Rathcoole; the discussions which have taken place; the timeframe and process intended; and if he will make a statement on the matter. [22676/06]

Minister for Transport (Mr. Cullen): Transport 21 provides for an extension of the Tallaght Luas line to City West. The project is contingent on agreement being reached between the Railway Procurement Agency (RPA) and private developers on the sharing of the costs involved in the project. The RPA is progressing the project and South Dublin County Council have confirmed their strong support for the project.

Earlier this year I launched a public consultation process on the proposed line. My Department has recently approved an extension of the project towards the Rathcoole area, terminating at Garter Lane, subject to additional private sector involvement in funding the scheme.

I understand that the RPA hopes to submit a railway order application in respect of Line A1 later this year, subject to agreement on private

sector financial support. Subject to the relevant statutory procedures construction should be completed in 2009.

290. **Mr. Kenny** asked the Minister for Transport the plans for the extension of the LUAS line in the Dublin areas; the discussions which have taken place; the timeframe and process intended; and if he will make a statement on the matter. [22677/06]

Minister for Transport (Mr. Cullen): Transport 21 provides for the extension of existing Luas lines and the establishment of new Luas lines in the Dublin Area within the next 10 years.

A public inquiry into the proposed Luas line from Sandyford to Cherrywood was held in March and a report on the findings of the inquiry was submitted to me in April. I am now considering this report and all relevant documentation and I will make a decision in relation to the granting of a Railway Order in due course.

A public inquiry into the proposed Luas line from Connolly Station to The Point Depot has recently been completed and I am awaiting the Inspector's report on the findings of the Inquiry.

Public consultation relating to the proposed Luas City Centre Link is underway and I am informed that the RPA intends to submit a railway order application to my Department in the early part of 2007. It is proposed that this line be extended to Liffey Junction within the timeframe of Transport 21.

Transport 21 also provides for a spur off the existing Luas Red Line, which will serve Citywest. Public consultation on this proposed spur has commenced and the RPA hopes to submit a railway order application this year subject to agreement on private sector financial support.

I understand that preliminary work has been carried out in relation to the proposed extension of the Green Luas Line to the Bray area and the RPA expects to commence public consultation in due course.

Preliminary work has also been carried out on a proposed line serving Lucan.

Telecommunications Services.

291. **Mr. Crowe** asked the Minister for Transport the meetings he has facilitated through his Department regarding the roll-out of broadband, particularly in relation to ducting infrastructure for broadband being installed on all future road and rail projects; and if he will make a statement on the matter. [22704/06]

Minister for Transport (Mr. Cullen): The planning, design and implementation of national road improvement projects is a matter, under the Roads Act 1993, for the National Roads Authority (NRA) and the local authorities concerned.

My Department, the NRA and the Department of Communications, Marine and Natural

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Resources are in ongoing discussions regarding the issue raised by the Deputy.

Taxi Regulations.

292. **Mr. Costello** asked the Minister for Transport if he will allow taxi drivers use the contra-flow bus lanes as well as the ordinary bus lanes; and if he will make a statement on the matter.

[22705/06]

Minister for Transport (Mr. Cullen): The primary purpose of bus lanes is to facilitate and promote bus based public transport.

The use of bus lanes is provided for in the Road Traffic (Traffic & Parking) Regulations 1997 and 1998. The regulations, which have national application, generally limit the use of bus lanes to buses and, in the case of with-flow bus lanes, to cyclists also.

Having regard to the role of taxis in providing an on-street immediate hire service, an exemption to the restriction relating to the use of with-flow bus lanes is allowed in respect of taxis when they are being used in the course of business.

Regulations provide that only a large public service vehicle can enter a contra-flow bus lane. This prohibition and single user status is based on road safety considerations and to give priority to the operation of large public service vehicles.

There are no plans to permit taxis to use all bus-lanes.

Driving Tests.

293. **Mr. O'Dowd** asked the Minister for Transport his proposal to deal with the driving test backlog in County Louth. [22706/06]

Minister for Transport (Mr. Cullen): I refer the deputy to my reply to Question No. 55 of 7 June, 2006.

As I have consistently indicated, the delay in providing driving tests is a matter of regret to me. I believe it not only represents a poor service to the public but it is also hampering the development of initiatives which I wish to pursue and which will contribute further to road safety. The driving test and those who deliver it are a key element in the road safety strategy.

It is my objective to eliminate the backlog of driving tests by mid-2007. That means having a waiting list of no more than about 50,000 that can be scheduled in a 10 to 12 week period.

The measures in place to deal with this are as follows.

Seven civil servants from the Department of Agriculture and Food commenced working as driver testers in April this year and will conduct tests in 2006 and 2007. This gives an annual additional capacity of about 10,000 tests.

Six further driver testers on 2-year contracts commenced training on 12 June, with another 5

being trained shortly thereafter. These will provide additional capacity of about 15,000 tests in a full year.

A bonus scheme for driver testers has been operating since February 2006. The testers have the potential to deliver up to 40,000 driving tests over the course of the year in the evenings and on Saturdays.

The final element in the package to eliminate the backlog of driving tests was to outsource a block of tests to an outside agency. Negotiations on this aspect reached a position on the 31 May where the Labour Relations Commission, acting as agreed mediator, recommended proposals that would enable my objective of using this option to be implemented. I have accepted the proposals and I am pleased that the driver testers have also accepted these proposals.

As envisaged by the proposals, a contract to deliver the tests is to be in place by 1st July 2006. This contract will be for the purpose of achieving a defined number of completed tests to assist in eliminating the current backlog of applications. It could be extended to 45,000 tests if necessary.

I expect to see a marked reduction in the waiting list nationwide, by the end of this year and will formally review the position, taking account of all the above measures, at that stage.

Road Safety.

294. **Mr. Crowe** asked the Minister for Transport the number of people involved in motor accidents over the past five years, per year, per county and who were driving on provisional licenses. [22707/06]

Minister for Transport (Mr. Cullen): I am informed by the Garda Authorities that they do not compile statistics in such a way as to identify the number of provisional licence holders involved in motor accidents.

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 reports for 2000, 2001 and 2002 are known as "Road Accident Facts" and for 2003 and 2004 are entitled "Road Collision Facts". These reports are available in the Oireachtas Library and on the NRA website.

Harbours and Piers.

295. **Mr. M. Higgins** asked the Minister for Transport his views on submitted proposals by Galway City Council in relation to investment in Galway harbour to provide significant increased capacity and completion of the Galway docklands regeneration project. [22709/06]

Minister of State at the Department of Transport (Mr. Gallagher): Galway harbour is owned and run by Galway Harbour Company, a State-

owned company established under the Harbours Act 1996. The Act provides that the principal objects of the company include the provision of such facilities, services and lands in its harbour for ships, goods and passengers, as it considers necessary.

The company is required to take all proper measures for the management, control, operation and development of its harbour. Decisions regarding any proposals for port capacity developments are primarily a matter for the port company and its board.

Galway Harbour Company has informed me that it has had preplanning discussions with Galway City Council on the company's proposal for new port facilities and I understand that an environmental impact study on this proposal is in hand.

Regional Airports.

296. **Mr. M. Higgins** asked the Minister for Transport his views on proposals from Galway City Council for increased runway capacity and passenger facilities at Galway airport. [22710/06]

Minister for Transport (Mr. Cullen): Under the Transport 21 framework, which provides for a total public investment of €100 million in regional airport infrastructure over the next ten years, my Department will consider proposals for capital expenditure at Galway Airport, in line with the 2005 EU guidelines on public financing of airports and Department of Finance Capital Appraisal procedures.

Funding will continue to be available primarily for safety and security projects while development works will be supported where the demand for additional air services can be demonstrated and where an economic case can be made to justify increased investment.

In order to implement Transport 21, my Department has drafted a new Capital Expenditure Grant Scheme in line with the EU guidelines and I expect to be in a position to announce details shortly.

My Department has received no new proposals for financial assistance in respect of increased runway capacity or passenger facilities at Galway Airport. Any such proposals that might be submitted by the airport would be assessed under the terms of the new Capital Expenditure Grant Scheme.

Rail Services.

297. **Mr. M. Higgins** asked the Minister for Transport the position in relation to a commuter rail link from Galway City to Athenry and Ballinasloe, including a new rail station in Oranmore as submitted by Galway City Council. [22711/06]

Minister for Transport (Mr. Cullen): Transport 21 provides for the reopening of the Western Rail Corridor on a phased basis. Iarnród Éireann has submitted a proposal to my Department for Phase 1 of the project (the reopening of the Ennis to Athenry section in 2008). This proposal provides for rail services between Limerick and Galway via Athenry, including the construction of a new station at Oranmore. These services will be additional to the services already provided between Galway City and Athlone, which service Ballinasloe and Athenry and which will be expanded to a two hourly service in 2007/2008 as additional rolling stock is provided on the route.

The Iarnród Éireann proposals have been assessed by my Department, and I will be reporting on them to Government in the very near future.

Light Rail Project.

298. **Mr. M. Higgins** asked the Minister for Transport if he will release such funding to Galway City Council as would enable the carrying out of a feasibility study on the provision of light rail commuter services for Galway City. [22712/06]

Minister for Transport (Mr. Cullen): Transport 21 sets out the Government's transport capital investment priorities for the ten-year period 2006 to 2015. In developing Transport 21, my Department took account of the National Spatial Strategy, Regional Planning Guidelines and a range of other sectoral and regional policy and planning documents, including the Galway Transportation and Planning Study.

Transport 21 includes a commitment to the provision of a commuter rail service to Galway via Oranmore and an improved bus service, including bus priority measures for Galway City. These improved transportation services for Galway city are to be supported by the settlement strategy including the development of the Ardaun corridor to the east of Galway city, as set out in the Galway Transportation and Planning Study agreed by Galway City and Galway County Councils. That Study does not envisage light rail measures such as those outlined in the Corrib Light Rail submission which was recently sent to my Department.

Public Transport.

299. **Mr. M. Higgins** asked the Minister for Transport the number of quality bus corridors which will be provided in the next 12 months in Galway City and their location. [22713/06]

Minister for Transport (Mr. Cullen): My Department has funded a number of bus priority measures in Galway City in recent years. As

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regards future measures, Galway City Council have recently commissioned a strategic bus study regarding bus operations in Galway which will propose bus priority measures for implementation in future years. This bus study, which is being funded by my Department, is expected to be completed in the coming weeks and this will inform future proposals from the Council for funding by my Department.

Road	From	To	Location	Length (x2)
N6	Kirwan Roundabout	Browne Roundabout	Adjoining footpath	2,040m
Western Distributor	Deane Roundabout	Blake Roundabout	Edge of carriageway	2100 m
Parkmore	Lynch Roundabout	City Boundary	Edge of carriageway	900 m
Doughiska	Jct. Old Monivea Rd.	Access Road to NCT centre	Adjoining footpath	800 m

Hard Shoulders are provided on the N6 from the Browne Roundabout to the city limits (6500m x 2), on the N17, and on the Oranmore Coast Road.

However, following consultation by Galway City Council with the Galway Cycling Campaign different approaches are being adopted with a number of current schemes.

As part of the “Headford Road Traffic Calming Scheme”, funded by the NRA, footpath widths are generally being increased to three metres. On the carriageway, where traffic islands are being installed lane widths are being increased to a minimum of four metres to accommodate on-road cyclists. Works on this scheme are due to start in the coming week and to be completed by the end of August.

Last year shared facilities by way of an inbound bus lane, funded by my Department, were provided on the Dublin Road between the Skerritt Roundabout and the Renmore Road. Subsequent to the commencement of this work, the Galway Cycling Campaign raised concerns with regard to the need to increase the width of the outbound lane and, following receipt of an application from Galway City Council, funding has been allocated by my Department for the width of the outbound lane to be increased. Design documents have been prepared and Galway City Council is currently consulting with the Galway Cycling Campaign on the proposed works. These works are expected to be completed by the end of September.

The extension of the Dublin Road bus lane back to Doughiska, funded by my Department, is due for completion in the coming weeks. Following consultation with the Galway Cycling Campaign, a 1.5 metres wide hard shoulder is being provided, between the entrance to Merlin Park and Doughiska, on the outbound side.

Recent traffic calming measures on the Siobhan McKenna Road included cycle by-passes on one-way narrowing points.

Cycle Facilities.

300. **Mr. M. Higgins** asked the Minister for Transport the number of cycle lanes which will be provided in the next 12 months in Galway City and their location. [22714/06]

Minister for Transport (Mr. Cullen): I am informed by Galway City Council that existing cycle lanes in Galway include the following:

It is anticipated that the most significant development of cycle facilities in Galway in the near future will arise as a consequence of the development of bus lanes recommended by the Strategic Galway Bus Study. This study, which is being funded by my Department, is expected to be completed in the coming weeks.

Semi-State Bodies.

301. **Ms O. Mitchell** asked the Minister for Transport if he will guarantee that the terms of any partial sale of the State airline, Aer Lingus will be discussed and voted on by the Houses of the Oireachtas; and if he will make a statement on the matter. [22716/06]

Minister for Transport (Mr. Cullen): Section 3 (5) of the Aer Lingus Act 2004 provides that the general principles of the disposal of shares in Aer Lingus must be laid before and approved by the Dáil prior to any disposal. In accordance with this requirement I will move a motion setting out the general principles of the proposed initial public offering of shares in Aer Lingus in the House in the coming weeks.

Ministerial Responsibilities.

302. **Mr. P. McGrath** asked the Minister for Transport the functions which have, since the last general election, been delegated to Ministers of State at his Department by the Government under powers conferred on it by Section 2 (1) of the Ministers and Secretaries (Amendment) (No. 2) Act 1977; and the statutory instrument number of each such order. [22837/06]

Minister for Transport (Mr. Cullen): The functions which have, since the last general election, been delegated to Ministers of State in my Department by the Government under powers conferred on it by Section 2 (1) of the Ministers and Secretaries (Amendment) (No. 2) Act 1977; are outlined in Statutory Instrument number 448

of 2003, Transport (Delegation of Ministerial Functions) Order 2003, to Minister of State Dr. James McDaid T.D. and S.I. No. 840, Transport (Delegation of Ministerial Functions) Order 2004 to Minister of State Mr. Ivor Callely T.D. (see following copies). I would refer the Deputy to my previous answer to Question No. 155, which sets out the responsibilities assigned to Minister of State for Transport Pat the Cope Gallagher T.D. No Delegation of Functions order has been made in respect of these responsibilities.

S.I. No. 448 of 2003.

ORDER

Entitled

Transport (Delegation of Ministerial Functions)
Order 2003

The Government, on request of the Minister for Transport and in exercise of the powers conferred on them by section 2(1) of the Ministers and Secretaries (Amendment) (No. 2) Act 1977 (No. 28 of 1977), hereby order as follows:

1. This Order may be cited as the Transport (Delegation of Ministerial Functions) Order 2003.

2. In this Order—

“Act of 1961” means Road Traffic Act 1961 (No. 24 of 1961);

“Act of 1968” means Road Traffic Act 1968 (No. 28 of 1968);

“Act of 2002” means Road Traffic Act 2002 (No. 12 of 2002).

3. The powers and duties of the Minister for Transport conferred on him—

(a) by or under the provisions of the Road Traffic Acts 1961 to 2002 specified in Schedule 1 to this Order, and

(b) under the Regulations specified in Schedule 2 to this Order,

are delegated to James McDaid, Minister of State at the Department of Transport.

GIVEN under the Official Seal of the Government, 16th September, 2003.

BERTIE AHERN,
Taoiseach.

SCHEDULE 1

*Provisions of Road Traffic Acts 1961 to 2002
delegated*

Section 5 (insofar as it relates to a provision of the Act of 1961 delegated under this Order) of the Act of 1961,

Sections 11, 12, 13, 15 and 16 (as amended by section 6 of the Act of 1968) of the Act of 1961,

Section 61 (inserted by section 55 of the Act of 1968) of the Act of 1961,

Section 65 (as amended by section 6 of the Act of 1968) of the Act of 1961,

Sections 66, 68, 75, 78, 79, 80 and 121 of the Act of 1961,

Sections 8 to 14 and 18 (as amended by section 19 of the Act of 2002) of the Act of 1968,

Section 14 of the Act of 2002.

European Communities (Vehicle Testing) Regulations 1991 (S.I. No. 356 of 1991) (as amended by the European Communities (Vehicle Testing) (Amendment) Regulations 2002 (S.I. No. 56 of 2002) and the European Communities (Vehicle Testing) (Amendment) (No. 2) Regulations 2002 (S.I. No. 499 of 2002),

European Communities (Speed Limitation Devices) Regulations 1993 (S.I. No. 300 of 1993),

European Communities (Proof of Compliance) Regulations 2000 (S.I. No. 223 of 2000),

European Communities (Passenger Car Entry Into Service) Regulations 2001 (S.I. No. 373 of 2001),

European Communities (Mechanically Propelled Vehicle Entry Into Service) Regulations 2001 (S.I. No. 374 of 2001),

Part 9 of the Carriage of Dangerous Goods by Road Regulations 2001 (No. 492 of 2001) (as amended by the Carriage of Dangerous Goods by Road (Amendment) Regulations 2002 (S.I. No. 393 of 2002).

S.I. No. 840 of 2004.

ORDER

Entitled

Transport (Delegation of Ministerial Functions)
Order 2004

To be made by the Government The Government, on the request of the Minister for Transport and in exercise of the powers conferred on them by section 2(1) of the Ministers and Secretaries (Amendment) (No. 2) Act 1977 (No. 28 of 1977), hereby order as follows:

1. This Order may be cited as the Transport (Delegation of Ministerial Functions) Order 2004.

2. The powers and duties of the Minister for Transport conferred on him —

(a) by or under the enactments and the provisions of the enactments specified in Part 1,

(b) under the Regulations made under the European Communities Act 1972 (No. 27 of 1972) specified in Part 2, and

[Mr. Cullen.]

(c) under the provisions of the instruments specified in Part 3, of the Schedule to this Order are delegated to Ivor Callely, Minister of State at the Department of Transport.

SCHEDULE 1

Part 1

Enactments and provisions of enactments delegated

In this Part “Act of 1968” means the Road Traffic Act 1968 (No. 25 of 1968)

Sections 5, 11, 12, 13, 15, 16 (as amended by section 6 of the Act of 1968), 18, 60 (inserted by section 54 of the Act of 1968) 61 (inserted by section 55 of the Act of 1968) 65 (as amended by section 6 of the Act of 1968) 75, 78, 79, 80 and 121 of the Road Traffic Act 1961 (No. 24 of 1961)

Sections 8 to 14 of the Act of 1968

Section 14 of the Road Traffic Act 2002 (No. 12 of 2002)

Irish Aviation Authority Act 1993 (No. 29 of 1993)

Road Transport Act 1932 (No. 2 of 1932)

Road Transport Act 1933 (No. 8 of 1933)

Road Transport Act 1935 (No. 23 of 1935)

Transport Act 1944 (No. 21 of 1944)

Transport Act 1958 (No. 19 of 1958)

Road Transport Act 1971 (No. 8 of 1971)

Road Transport Act 1978 (No. 8 of 1978)

Road Transport Act 1986 (No. 16 of 1986)

Road Transport Act 1999 (No.15 of 1999)

Part 2

Regulations made under the European Communities Act 1972 delegated European Communities (Prohibition of Discrimination in Transport Rates and Conditions) Regulations 1975 (S.I. No. 175 of 1975)

European Communities (Vehicle Testing) Regulations 2004 (S.I. No. 771 of 2004)

European Communities (Road Passenger Transport) Regulations 1991 to 1999

European Communities (Merchandise Road Transport) Regulations 1991 to 1999

European Communities (Speed Limitation Devices) Regulations 1993 (S.I. No. 300 of 1993)

European Communities (International Carriage of Goods By Road) Regulations 1994 (S.I. No. 140 of 1994) (as amended by the European Communities (International Carriage of Goods by Road) Regulations 1994 (S.I. No. 188 of 1994))

European Communities (International Carriage of Passengers) Regulations 1999 (S.I. No. 174 of 1999)

European Communities (Proof of Compliance) Regulations 2000 (S.I. No. 223 of 2000)

European Communities (Fourth Motor Insurance Directive) Regulations 2003 (S.I. No. 651 of 2003)

European Communities (Mechanically Propelled Vehicle Entry Into Service) Regulations 2003 (S.I. No. 551 of 2003) (as amended by the European Communities (Mechanically Propelled Vehicle Entry Into Service) (Amendment) Regulations 2004 (S.I. No. 246 of 2004))

European Communities (Passenger Car Entry Into Service) Regulations 2003 (S.I. No. 552 of 2003) (as amended by the European Communities (Passenger Car Entry Into Service) (Amendment) Regulations 2004 (S.I. No. 245 of 2004))

Part 3

Provisions of other instruments delegated

Part 5 of the Carriage of Dangerous Goods by Road Regulations 2004 (S.I. No. 29 of 2004) Article 3(e) (inserted by Article 3(a) of the Dublin Transportation Office (Amendment) Order 1999 (S.I. No. 337 of 1999)) of the Dublin Transportation Office (Establishment) Order 1995 (S.I. No. 289 of 1995)

GIVEN under the Official Seal of the Government, December 2004.

Community Development.

303. **Mr. Haughey** asked the Minister for Community, Rural and Gaeltacht Affairs the allocations made to a centre (details supplied) in Dublin 5 in the past three years under the programme of grants for locally based community and voluntary organisations; the reason its current application has been refused; if he will review this decision in view of the fact that it will have to cut back its services as a result; and if he will make a statement on the matter. [22292/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): An application was received by my Department from the organisation in question under the 2005 Programme of Grants for Locally-Based Community and Voluntary Organisations.

Each application received under the Programme was assessed by Pobal on behalf of my Department by reference to the criteria set out in the published guidelines, and scored accordingly. The application from the organisation in question failed to achieve a sufficiently high score to enable it to be considered for funding on this occasion.

A request for a review of this application was received by my Department in February last. Following a comprehensive review, involving a complete reassessment of the organisation's application, the original decision was upheld.

I understand that my Department will be responding shortly to a request from the group for feedback in relation to their unsuccessful 2005 application.

The organisation previously received funding under this Programme of €6,000 in 2002, €4,000 in 2003 and €4,185 in 2004.

Security of the Elderly.

304. **Mr. Perry** asked the Minister for Community, Rural and Gaeltacht Affairs if persons who are over 80 and not in receipt of an old age pension are entitled to a security pendant through their local alert under the community support for older persons; and if he will make a statement on the matter. [22323/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): The Scheme of Community Support for Older People encourages and assists the community's support for older people by means of a community based grant scheme to improve the security of its older members. The scheme is administered by local community and voluntary groups with the support of my Department.

The scheme is open to people aged 65 and over who have a genuine need for assistance under this scheme.

Maximum individual grants are provided under the scheme as follows:

- €300 in respect of the once-off installation cost of socially monitored alarms
- €200 in respect of physical security equipment
- €200 in respect of security lighting
- €50 in respect of smoke alarms
- €150 in respect of interior emergency lighting for qualifying older people living on our offshore islands.

Water and Sewerage Schemes.

305. **Dr. Cowley** asked the Minister for Community, Rural and Gaeltacht Affairs if there is CLÁR funding available for the Achill Sound sewerage scheme, County Mayo; if, in view of the fact that the polluter pays principle means that it is making the scheme economically impossible, he will examine this situation; if he will consider meeting with the group to outline the possibilities available; and if he will make a statement on the matter. [22324/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I have been advised

that the Achill Sound Sewerage Scheme is a public scheme costing €8.55 million and that it has been approved under the Water Services Investment Programme in the Department of Environment, Heritage and Local Government for commencement in 2006.

I understand that discussions are on-going between that Department and Mayo County Council with regard to addressing certain funding aspects of the project. There are currently no measures operating under the CLÁR Programme for the funding or co-funding of major public water and sewerage schemes.

Community Development.

306. **Mr. O'Connor** asked the Minister for Community, Rural and Gaeltacht Affairs if his attention has been drawn to the work being done by a group (details supplied) in Dublin 24; the way in which the group might seek further resources; and if he will make a statement on the matter. [22629/06]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The group detailed in the Deputy's question received funding detailed as follows through the Tallaght Local Drugs Task Force for a parent support group.

	Total
	€
November 2001 — October 2002	31,744
November 2002 — April 2003	9,524
May 2003 — October 2003	9,524
November 2003 — April 2004	9,524
May 2004 — June 2004	2,508
July 2004 — December 2004	16,825
January 2005 — December 2005	33,351
January 2006 — December 2006	34,185
Total Funding received to date	147,185

The core funding of family support groups does not come within the remit of my Department. The Deputy may wish to raise this matter with the Minister for Social and Family Affairs.

Ministerial Responsibilities.

307. **Mr. P. McGrath** asked the Minister for Community, Rural and Gaeltacht Affairs the functions which have, since the last general election, been delegated to Ministers of State at his Department by the Government under powers conferred on it by Section 2 (1) of the Ministers and Secretaries (Amendment) (No. 2) Act 1977; and the statutory instrument number of each such order. [22838/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I refer the Deputy to

[Éamon Ó Cuív.]

my reply to Parliamentary Question No. 161 of 18 May 2006. The position remains unchanged.

Grant Payments.

308. **Mr. Aylward** asked the Minister for Agriculture and Food the outcome of an appeal in respect of an installation aid grant application by a person (details supplied) in County Limerick. [22277/06]

Minister for Agriculture and Food (Mary Coughlan): I am advised that a decision has not yet been taken by the Appeals Office on the case referred to.

309. **Mr. Kenny** asked the Minister for Agriculture and Food if, in relation to the early farm retirement scheme, she will provide figures for the number of participants in this scheme who had their pension entitlement wrongly offset; the amount of money involved; and the types of pensions or payments which have been found to have been wrongly offset. [22320/06]

Minister for Agriculture and Food (Mary Coughlan): It is a requirement of the EU Council Regulations under which the 1994 and 2000 Early Retirement Schemes were introduced that the Early Retirement Pension can be paid only as a supplement to any national retirement pension to which the participant, and his or her spouse or partner in a joint management arrangement, is entitled. This means that the value of any such national retirement pension payable must be deducted from the Early Retirement Pension.

It has been determined in consultation with the European Commission that the following pensions are National Retirement Pensions: Old Age Contributory pension, Old Age Non-Contributory pension, Widow/Widower's Contributory pension (at age 66), Widow/Widower's Non-Contributory pension (at age 66), Retirement pension, Invalidity pension, Blind Person's pension.

A national retirement pension is deducted on the basis of information supplied by the participant and/or by the Department of Social and Family Affairs. The type of pension to be deducted is clearly defined as above and these are the only types of pensions that have been deducted or offset from the early retirement pension.

In certain instances, a person's situation may change and their pension type or rate of pension may have altered and my Department may not have been made aware of such a change. Once my Department is notified of any such cases, where amounts have been incorrectly offset, adjustments and reimbursements, if necessary, are promptly made. It is not possible to quantify exactly the number of such cases, but it can be said that in the majority of cases the correct amount is deducted. In order to minimize these

occurrences, my Department writes to each participant on an annual basis seeking confirmation that the correct amount of national retirement pension is noted on our records.

310. **Mr. Kenny** asked the Minister for Agriculture and Food her views on a proposal from ERS participants that they should receive some form of reparation payment from her Department for those who have lost access to quota as a result of decoupling; and if she will make a statement on the matter. [22321/06]

Minister for Agriculture and Food (Mary Coughlan): There is no provision for additional payments to participants in the Early Retirement Schemes in relation to leased quotas.

However, my Department was aware, from an early stage in the negotiations leading to the introduction of the Single Payment Scheme, of the possible implications for retired farmers who had leased their holdings. In so far as it proved possible in the context of the EU Regulations governing the Single Payment Scheme, and following lengthy discussions with the European Commission, provision was made under the rules of the Single Payment Scheme to address some of the concerns of retired farmers.

As participants in the 1994 Scheme of Early Retirement from Farming had retired before the start of the reference period in 2000, they are not in a position to claim entitlements under the Single Payment Scheme. However, following agreement with the European Commission, a special category has been included in the National Reserve for farmers who inherit or otherwise receive land free of charge or for a nominal sum from a farmer who retired or died before 16 May, 2005 where the land in question was leased to a third party during the reference period. This will benefit the family members of retired farmers who decide to take up farming. Only landholders actively engaged in farming can receive entitlements from the National Reserve. A separate category (Category A) was included in the 2005 National Reserve application form to cater for this group, and similar arrangements will apply in 2006 and subsequent years.

It was open to participants in the current Early Retirement Scheme, who would have farmed during part or all of the reference period, to activate entitlements in 2005 and lease them to their existing transferee. Once that lease expires, the retired farmer has the option to lease or sell those entitlements with or without land. If the transferee did not want the entitlements, a transferor (retired farmer) who activated the entitlements in 2005 has until 2007 either to lease the entitlements or transfer them, with land, to another farmer.

311. **Mr. Connaughton** asked the Minister for Agriculture and Food if entitlements under var-

ious national reserve headings have been credited to persons (details supplied) in County Galway; and if she will make a statement on the matter. [22322/06]

Minister for Agriculture and Food (Mary Coughlan): The persons named submitted an application for an allocation of entitlements from the Single Payment Scheme National Reserve under Categories B and D.

Category B caters for farmers who, between 1 January 2000 and 19 October 2003, made an investment in production capacity in a farming sector for which a direct payment under Livestock Premia and/or Arable Aid schemes would have been payable during the reference period 2000- 2002. Investments can include purchase or long-term lease of land, purchase of suckler and/or ewe quota or other investments.

Category D caters for farmers who commenced farming after 31 December 2002 or who commenced farming in 2002 but who received no direct payments in respect of that scheme year.

It should be noted however that the rules governing the Single Payment Scheme stipulate that an applicant who is found to be eligible under more than one category in the Reserve may only receive an allocation of entitlements under whichever category is most beneficial to him/her.

Under Category B the persons named have applied for an allocation with regard to leased land (12.06 net hectares). The persons named also leased in 8.24 entitlements in respect of that leased-in land. The appropriate allocation due to the persons named in respect of the leased land will be made shortly and payment will follow in due course.

The persons named also qualify under Category B of the National Reserve in respect of purchase of 30 Suckler Quota rights in 2002 and the allocation due for this will issue along with the allocation due for the leased land.

My Department will write to the persons named setting out how the allocations are calculated.

Land Registry.

312. **Mr. Penrose** asked the Minister for Agriculture and Food if she will request the Irish Land Commission, to furnish original maps, which are attached to a property, which was associated with an estate (details supplied) in County Westmeath; and if she will make a statement on the matter. [22349/06]

Minister for Agriculture and Food (Mary Coughlan): As the Land Commission allotment in this case has been registered in the Land Registry and there are now registered Land Registry folios available for the parcels of land, copies of maps used in the registration process, or a certified copy of up to date Land Registry maps must

be obtained from the Land Registry Office and not my Department.

Ministerial Responsibilities.

313. **Mr. P. McGrath** asked the Minister for Agriculture and Food the functions which have, since the last general election, been delegated to Ministers of State at her Department by the Government under powers conferred on it by Section 2 (1) of the Ministers and Secretaries (Amendment) (No.2) Act 1977; and the statutory instrument number of each such order. [22839/06]

Minister for Agriculture and Food (Mary Coughlan): Mr. Brendan Smith T.D. Minister of State, was given delegated statutory powers and duties in relation to Food and Horticulture and additional responsibilities for the following work areas:

- Development of the Food Industry
- Monitoring of the Food Industry under the National Development Plan
- Local Slaughter Houses
- Livestock Breeding
- Horticulture/Plant Health/Organic Production/Animal Feedstuffs
- Early Retirement Scheme.

Statutory Instrument S.I. No. 779 of 2004 setting out the powers and duties delegated to Minister Smith was signed by the Taoiseach on 23 November 2004.

Mr. John Browne T.D. Minister of State, was given delegated statutory powers and duties in relation to Forestry, Animal Health and Welfare and Customer Care and additional responsibilities for the following work areas:

- Animal Health and Welfare
- Bovine Tuberculosis Eradication Programme
- Brucellosis Eradication Programme
- Bovine Tagging and Registration
- National Beef Assurance Scheme
- Forestry.

Statutory Instrument S.I. No. 778 of 2004 setting out the powers and duties delegated to Minister Smith was signed by the Taoiseach on 23 November 2004.

The powers and duties delegated to Mr. John Browne as set out above were delegated to Ms. Mary Wallace T.D. Minister of State, in 2006. Statutory Instrument No. S.I. 299 of 2006 was signed by the Taoiseach on 30 May 2006.

Departmental Property.

314. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform if further progress has

[Mr. Wall.]

been made in regard to acquiring a site for a group (details supplied) in County Kildare; if so, when the development will commence; and if he will make a statement on the matter. [22284/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I can inform the Deputy that my Department is endeavouring to purchase a site, the subject of this Parliamentary Question, from Kildare County Council for some time.

I wish to confirm that funding is available from my Department for the purchase of the site and for the building of a premises to meet the needs of the Project in question. Planning permission has been obtained in accordance with the plans and specifications. Once the purchase of the site is complete, the tender process for the construction of the premises will commence.

I am advised, by our legal representatives, that the outstanding minor issues have been addressed. My Department is now in receipt of the contract of sale and I am now confident that the purchase will be finalised very shortly.

Citizenship Applications.

315. **Mr. Aylward** asked the Minister for Justice, Equality and Law Reform the progress to date on the application for naturalisation by a person (details supplied) in County Kilkenny. [22285/06]

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 on 28 February 2006.

Officials in Citizenship Section are currently processing applications for naturalisation received in the first half of 2004 and, at the present time, there are over 8,000 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 first half of 2008.

I will inform the Deputy and the person concerned when I have reached a decision on the application.

Sexual Offences.

316. **Mr. O'Shea** asked the Minister for Justice, Equality and Law Reform his proposals to set up an appropriate forum for people for people alleging that they were sexually abused as children but whose cases are not being proceeded with, due to the lapse of time, to be heard; and if he will make a statement on the matter. [22286/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Child sexual abuse is a heinous offence which cannot be tolerated in any civilised society. As far as I, and the Government are concerned, there will be no hiding place for those

who are responsible for such vile crimes. In terms of specific action, the Government established the Commission to Inquire into Child Abuse to afford victims of abuse in childhood an opportunity to tell of the abuse they suffered to a sympathetic and experienced forum and to establish as complete a picture as possible of the causes, nature and extent of physical and sexual abuse of children in institutions and in other places.

Court action may be taken under the criminal and civil code of law in relation to allegations of child sexual abuse. Statutes of limitation are not a feature of the criminal code of law, where the State, in the public interest, seeks to prosecute those who commit offences because the committing of such offences, which may result in injury to individuals, are an affront also to society at large (though the courts will prevent a prosecution from proceeding in particular cases where they are satisfied that because of the passage of time it would be unsafe to proceed). The matter is the responsibility for the Criminal Justice System which includes the Gardaí, the Director of Public Prosecutions (DPP) and the Courts. I have no role in relation to the investigation or prosecution of offences and this is a matter for the Gardaí and the DPP.

By contrast, the civil law provides a means whereby an individual aggrieved by the actions of another can seek redress, usually in the form of monetary compensation for the wrong alleged. The limitation period for civil actions arising out of personal injury is generally three years from the date of the injury or, if later, the date on which the victim became aware (or could have become aware) of the injury. Where the injured person was under a disability at the time of the injury or of the date of knowledge, the three-year period does not start to run until the person is no longer under a disability. "Disability" in this context is used in a technical way as meaning either a person of unsound mind or a minor. Thus for an injury done to a person as a child, the latest point at which the person can commence civil proceedings would generally be age 21: that is, three years after reaching the age of majority.

In 2000, the Statute of Limitations (Amendment) Act was passed on foot of a Private Member's Bill proposed by Deputy Jan O'Sullivan and supported by the Government. This Act made important changes to the Statute of Limitation 1957 as it relates to acts of sexual abuse done to a person while a child. As a result of that Act, a victim of child sex abuse is regarded as under a disability if, as a result of that abuse or any other act of the abuser, the person is suffering a psychological injury which substantially impairs his or her ability to make a reasoned decision in relation to bringing the civil action. Thus the three-year period does not start to run in such cases until the victim has recovered sufficiently from the psychological injury to be able to decide whether to bring the action.

The amendments made to the Statute of Limitations Acts have assisted survivors of sexual abuse in bringing court actions. The Government also put in place a regional professional counselling service, dedicated specifically to providing support and help to survivors of child abuse.

Residence Permits.

317. **Mr. Haughey** asked the Minister for Justice, Equality and Law Reform if he will issue an appropriate letter to persons (details supplied) in Dublin 5 confirming that permission has been granted to them to remain in the State, as confirmed to this Deputy in a reply to Parliamentary Question No. 501 of 15 November 2005, to enable them to obtain the appropriate stamp or visa; and if he will make a statement on the matter. [22302/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I wish to inform the Deputy that letters advising the persons concerned that residency had been granted to them were issued on 11 November 2005.

Proposed Legislation.

318. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the provisions he intends to include in the Civil Law (Miscellaneous Provisions) Bill 2006 regarding, gambling, gaming or lotteries; and if he will make a statement on the matter. [22303/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Civil Law (Miscellaneous Provisions) Bill 2006 amends, *inter alia*, the Gaming and Lotteries Acts 1956-86 to insert new values for the minimum stake and prize amounts allowed for gaming machines. Provision is also made to allow the Minister for Justice, Equality and Law Reform to vary the amount in stake and prize money in the future.

As I indicated in the Adjournment Debate on 10th May, I propose to bring forward additional provisions aimed at tightening up the enforceability of gaming and lotteries law. These provisions are being developed for inclusion in the Bill at Committee Stage. They will reflect and reinforce current Oireachtas policy which stands for the prohibition of casino-style operations in the State and against the idea that casinos should be permitted and regulated.

Prison Committals.

319. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the number of persons in prison for each of 2004, 2005 and 2006; and if he will provide a breakdown of those persons by nationality. [22304/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The information requested by the Deputy is set out in the following tables. It should be noted that 11% (946) of all persons

who entered the prison system in 2004 were immigration detainees, the corresponding percentage for 2005 was 9% (860). 2004 A total of 8,820 persons accounted for the 10,657 committals to prison in 2004. The breakdown by nationality was as follows:

Nationality	Total
Irish	7,016
Other E.U.	215
Other European	845
Asian	217
African	374
North American	17
Central/South American	78
Austral/Asian	1
Not Recorded	57
Total	8,820

2005.

A total of 8,686 persons accounted for the 10,658 committals to prison in 2005. The breakdown by nationality was as follows:

Nationality	Total
Irish	6,501
E.U.	263
Other European	1,066
Asian	257
African	425
North American	13
Central/South American	100
Austral/Asian	6
Not Recorded	55
Total	8,686

2006 (up to 31May, 2006).

A total of 4,611 persons accounted for the 5,153 committals to prison up to and including 31 May, 2006. The breakdown by nationality was as follows:

Nationality	Total
Irish	3,383
Other E.U.	346
Other European	407
Asian	179
African	200
North American	8
Central/South American	53
Austral/Asian	1
Not Recorded	34
Total	4,611

[Mr. McDowell.]

I wish to further advise the Deputy that 946 of all persons who entered the prison system in 2004 were immigration detainees. The 2005 figure in this regard was 860 persons.

Road Traffic Offences.

320. **Ms O. Mitchell** asked the Minister for Justice, Equality and Law Reform the number of persons detected, summonsed and convicted for driving a school bus without wearing a safety belt each year from 2000 to date in 2006; and if he will make a statement on the matter. [22305/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) (No. 3) Regulations, 1991 provide an exemption from the requirement to wear a seat belt for the drivers of vehicles which carry eight or more passengers. Consequently the question of convictions does not arise.

Garda Remuneration.

321. **Mr. Cregan** asked the Minister for Justice, Equality and Law Reform if a special pension from An Garda Síochána will be made payable to a person (details supplied) in County Cork; and if he will make a statement on the matter. [22332/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): This officer was discharged from the Garda Síochána on the grounds of ill-health on 14 November, 2004 and was awarded an ordinary ill-health pension and retirement gratuity.

Under the Garda Síochána Pension Regulations a special pension is awarded only where a member is discharged on ill-health grounds as a result of an injury received in the execution of his duties. The Garda Commissioner, on the advice of the Chief Medical Officer, deemed that the officer was not discharged as a result of an injury received in the execution of his duties. Consequently, payment of a special pension does not arise in this case.

Garda Deployment.

322. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform the number of Gardaí who have applied for transfer in Waterford City and Waterford County in each of the past five years; and the details of where they requested to be transferred from and to. [22366/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda Commissioner that the personnel strength (all ranks) of An Garda Síochána rose to a record 12,641 on 8 June 2006 with the attestation of 273

new members. This compares with a total strength of 10,702 (all ranks) as at 30 June 1997 and represents an increase of 1,939 (or 18.1%) in the personnel strength of the Force during that period.

I have been further informed that the personnel strength of the Waterford/Kilkenny Division as at 9 June 2006 was 367 Gardaí (all ranks). The personnel strength of Waterford/Kilkenny Garda Division as at 31 December 1997 was 306 (all ranks). This represents a very sizeable increase of 61 (or 20%) in the number of personnel allocated to the Waterford/Kilkenny Division since that date, including an additional 13 Probationer Gardaí allocated to the Division in conjunction with the most recent allocation of Probationer Gardaí on 9 June 2006.

Garda management state that there are currently 14 Gardaí (all ranks) seeking a transfer out of the Waterford/Kilkenny Division. Where Gardaí are transferred out of a Division, replacements are provided for by way of allocation of Probationer Gardaí or inter-divisional transfers. Garda management further state that the information on total numbers of transfers sought in the past five years, and on where such members requested to be transferred to and from, is not readily available in the detail sought and can only be obtained by the disproportionate expenditure of Garda time and resources.

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. The first group of newly attested Gardaí under this accelerated recruitment programme came on stream in March and the second such group did so on the 8th of June. Further tranches of approximately 275 newly attested Gardaí will follow every 90 days thereafter until the programme is complete.

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 Co. Waterford will be given the fullest consideration.

323. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform if, in view of the fact that Waterford City and County have the lowest levels of Garda Síochána of any urban area, a disproportionate amount of new recruits will be allocated to the Waterford area; and if he will make a statement on the matter. [22371/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda Commissioner that the personnel strength (all ranks) of An Garda Síochána rose to a record 12,641 on 8 June 2006 with the attestation of 273 new members. This compares with a total strength of 10,702 (all ranks) as at 30 June 1997 and represents an increase of 1,939 (or 18.1%) in the personnel strength of the Force during that period.

I have been further informed that the personnel strength of the Waterford/Kilkenny Division as at 9th June 2006 was 367 Gardaí (all ranks). The personnel strength of Waterford/Kilkenny Garda Division as at 31st of December 1997 was 306 (all ranks). This represents a very sizeable increase of 61 (or 20%) in the number of personnel allocated to the Waterford/Kilkenny Division since that date, including an additional 13 Probationer Gardaí allocated to the Division in conjunction with the most recent allocation of Probationer Gardaí on the 9th of June 2006.

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.

The Garda authorities advise that the Assistant Commissioner, Human Resource Management, in consultation with Divisional Officers, arranges for the allocation of Garda personnel throughout the State. The Assistant Commissioner is aided in this regard by a model known as the Garda Establishment Redistribution Model which is a scientific, rational and pragmatic model and is the most effective means of distributing Garda personnel.

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. The first group of newly attested Gardaí under this accelerated recruitment programme came on stream in March and the second such group did so on the

8th of June. Further tranches of approximately 275 newly attested Gardaí will follow every 90 days thereafter until the programme is complete.

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 Waterford/Kilkenny Division will be given the fullest consideration.

Garda Stations.

324. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform if he will consider funding for a new Garda sub-station in the ward three area of Waterford City; and if he will make a statement on the matter. [22372/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): There are currently no plans to establish a Garda Sub-Station in the ward three area of Waterford City.

The Garda authorities point out that the opening of any new Garda station would necessitate the deployment of additional Garda personnel to indoor administrative duties. Such personnel can be utilised more effectively in providing a visible Garda presence on outdoor policing duties.

Criminal Prosecutions.

325. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform the reason the majority of sex offenders are not brought to justice; and the protection plans for child safety in place in view of the 8,150 sex offenders living and working in the community. [22414/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Government places a high priority on putting into place measures aimed at tackling crimes of rape, sexual assault and other crimes of a sexual nature.

All sexual offence cases are the subject of rigorous investigation by the Gardaí. All available resources are employed in respect of all sex offence cases to bring these investigations to a successful conclusion. Investigation files are forwarded to the Law Officers for a decision as to what charges are to be preferred. An Garda Síochána actively encourages people who are the victims of any crime to report the offence to the Gardaí. In addition, a number of established initiatives underpin this policy, such as the Garda confidential telephone number, Crimestoppers and Crimecall.

The Criminal Justice (Trafficking and Sexual Offences) Bill, at present at an advanced stage of preparation in my Department, will offer further protection to children against sexual exploitation. Also, an amendment to the Criminal Justice Bill 2004 has been tabled in relation to the reckless endangerment of children. This amendment arises out of the Ferns Report which was delivered to the Minister for Health and Children last

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October. The amendment is due to be discussed in the near future at Committee Stage of the Criminal Justice Bill.

There is a high attrition rate in rape cases in Ireland, and a large number of cases reported to the Gardaí do not reach prosecution stage for a variety of reasons. My Department has approved joint funding for comprehensive research into attrition rates in rape cases. The research, which is entitled “the Understanding of Attrition, Early Withdrawal, the Trial Process and Identifying Possible Changes to Support Complainants in Rape Cases”, is being carried out by the Department of Law at the National University of Ireland, Galway and the Rape Crisis Network Ireland, is being conducted over three years and is expected to be completed in 2007/2008. This research should provide a greater understanding as to why some victims choose not to report cases to the Gardaí, what can be done about under reporting and why, of the cases that are reported, only a relatively small percentage result in a court hearing.

The Garda Central Vetting Unit (GCVU) was established in 2002 and currently processes vetting requests in respect of, inter alia, prospective full-time employees of the Health Service Executive and certain agencies funded by the Health Service Executive, as well as in respect of selected employment in other sectors.

In 2004, an interagency Working Group on Garda vetting reported with a clear and focused strategy for enhancing national vetting arrangements. The strategy provides for an expansion of the GCVU’s vetting service to all organisations which recruit persons having substantial, unsupervised access to children and vulnerable adults. The implementation of the strategy is being overseen by an Implementation Group on Garda Vetting comprising key stakeholders.

The GCVU has been successfully decentralised to new, custom-designed office accommodation in Thurles, Co. Tipperary. Since its decentralisation in November, 2005 new liaison mechanisms have been successfully implemented in the Health Service Executive and are now being extended to all organisations previously registered for vetting. Significant changes have been made in the work processes of the Unit in order to streamline the processing of vetting applications and have resulted in an improved service being provided. In addition, an additional 17 staff have been provided to the GCVU to more than double its numbers from 13 to 30.

The expansion of the Garda Vetting service to new organisations and sectors will be by way of a phased roll-out to an increasing number of organisations in the child care and vulnerable adult care sector and a phased expansion plan, within current resource capacity, has been prepared and accepted by the Implementation Group on Garda Vetting. This has resulted in an increase in the

number of Health Service Executive personnel being vetted in the first quarter in 2006, as well as vetting being introduced for the Private Security Authority. A number of organisations from the voluntary sector are currently being identified for vetting services.

The expansion of the service being provided by the GCVU is proceeding in a planned and structured manner in consultation with Government Departments responsible for childcare, and will continue until vetting is provided for all personnel working in a full time, part-time and or voluntary capacity with children and or vulnerable adults.

The Sex Offenders Act, 2001, which commenced on 27 September 2001, sets out the obligations on persons convicted of a range of sexual offences. A convicted sex offender must notify his/her name(s), date of birth and current home address to the Garda Síochána within seven days of the conviction for the sexual offence concerned or, where the offender is sentenced to imprisonment, from the date of full release from prison.

Thereafter, the offender must notify the Gardaí of any change of name or address within seven days of that change. Notification of any address where the offender spends either as much as seven days or two or more periods amounting to seven days in any twelve month period must also be given to the Gardaí.

If the offender intends to leave the State for a period of seven days or more s/he must inform the Gardaí of this fact and the address at which s/he intends to stay and also notify the Gardaí of his/her return. If s/he did not intend to stay away for more than seven days but did, s/he must inform the Gardaí within a further seven days.

The provisions of the Act extend to any sex offenders entering this jurisdiction from abroad who have an obligation to register in their own countries.

It is an offence to fail to comply with the notification requirements. The penalty is imprisonment for up to 12 months or a fine of €1,900 or both.

The courts can also sentence an offender who has been found guilty of an offence under the schedule of offences in the Act to a period of statutory supervision under the Probation and Welfare Service on their release from prison.

The Domestic Violence and Sexual Assault Unit of An Garda Síochána monitor and manage the notification provisions. There are nominated Garda Inspectors in each Garda Division who are notified by the Domestic Violence and Sexual Assault Unit when a sex offender, who is subject to the requirements of the Sex Offenders Act, 2001, becomes resident in their Division and who have responsibility for monitoring such persons.

There are currently 915 persons subject to the Act’s requirements. The Act and its operation are kept under constant review.

Ministerial Responsibilities.

326. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform the person responsible for the overall supervision and management of the justice system here; and the person who takes responsibility when it fails citizens. [22415/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Irish criminal justice system has served the people well since the foundation of the State. In particular, our criminal justice system has acted down the years as a vital bulwark, protecting our citizens from the very real threat posed to the State from subversion and terrorism.

Political accountability for the criminal justice system is vested in the Minister for Justice. As the current holder of this post I can assure the Deputy that I will continue to implement the Government's ambitious modernising and reforming programme right across the system, from policing to management of prisoners.

Other office holders, judicial and non-judicial, share in responsibility to ensure the efficient management and operation of the criminal justice system and all are bound under the Constitution to do their utmost to ensure it serves the people to the highest possible standards.

Prison Therapeutic Services.

327. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform the reason the number of sex offence prisoners receiving therapy has decreased; and the reason he closed the major unit at the Curragh. [22417/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): There are three forms of direct therapeutic intervention for sex offenders currently operating within the Irish prison system. These are as follows: individual counselling from the Irish Prison Service's Psychology Service and from the Probation and Welfare Service; the Sex Offender Programme which has been in operation since 1994; and one-to-one interventions by visiting psychiatrists who provide support to prisoners.

Every effort is made to assist sex offenders in custody who are willing to participate at any level in their personal rehabilitation and relapse prevention. While it is not possible to quantify with absolute accuracy participation in all forms of rehabilitation, many of those in custody for sex offences have availed of one or more of the forms of intervention referred to above.

A total of 122 sex offenders have completed the Sex Offender Programme to date. This figure includes eight men who have recently completed the programme in Arbour Hill Prison. It is envis-

aged that another programme will commence in Arbour Hill Prison in Autumn 2006.

The number of suitably motivated offenders applying for participation on the Sex Offenders Programme has, however, declined in recent years and this is a matter of concern. The Irish Prison Service are currently examining this situation to determine what measures may be taken to increase the number of offenders participating on the programme. A number of additional psychologists have recently been appointed to the Irish Prison Service. These new psychologists will play an important role in working with offenders to address their offending behaviour, including work with sex offenders aimed at enhancing their preparedness for possible participation on the Sex Offender Programme.

As I have indicated to this House on a number of previous occasions, the permanent closure of The Curragh Place of Detention arose in the context of the implementation of the change agenda aimed at eliminating overtime payments and reducing other costs in the Irish Prison Service.

Garda Equipment.

328. **Ms Harkin** asked the Minister for Justice, Equality and Law Reform if he will clarify his reply to Parliamentary Question No. 385 of 16 May 2006, if Garda stations have fax machines and do not use them or if they do not have fax machines at all. [22421/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I presume that the Deputy is in fact referring to my reply to Parliamentary Question no. 531 of 30 May 2006. In response I can confirm that 21 Garda stations in the Sligo/Leitrim Division do not have fax machines.

Residency Applications.

329. **Mr. O'Shea** asked the Minister for Justice, Equality and Law Reform the position regarding residency for persons (details supplied) in County Waterford; and if he will make a statement on the matter. [22431/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The parents of the persons in question were granted permission to remain in the State in accordance with the revised arrangements for parents of an Irish child born before 1 January 2005, commonly referred to as the IBC/05 scheme.

The persons concerned have applied for permission to remain in the State on the basis that they are dependents of people granted residency under the IBC/05 scheme. It is currently taking approximately 12 months to process such applications due to the volume of cases on hands fol-

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lowing the cessation of the above mentioned scheme.

Drugs in Prisons.

330. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the way in which the Government will know whether it has been successful in making the prisons drug free when his office admits that it is difficult to quantify the precise level of illegal drugs consumed by prisoners or the numbers of prisoners actually abusing drugs, in view of the covert nature of illicit drug taking while in a custodial setting. [22435/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As I have repeatedly stated, no level of illegal drug consumption in a prison setting is acceptable to me or to the prison authorities. It is my intention and that of the Irish Prison Service to take all necessary measures to eliminate drug misuse among prisoners. There are currently a range of measures employed in the Irish Prison Service with the aim of eliminating both the supply of and the demand for drugs within the prison system. These measures continue to be updated and reinforced and the new Drugs Policy and Strategy for the Prison Service, again outlines my personal commitment to tackling this problem.

The absence to date of mandatory drug testing has made it impossible to accurately quantify the measure of drug misuse within our prison system. This new initiative will, for the first time, provide empirical evidence as to the extent of the problem and also provide information on trends in drug misuse. In addition, it will enable the identification and referral of drug abusers to treatment programmes, enable enhanced focusing of resources and act as a deterrent to drug misuse.

Measures to curtail the supply of drugs into prisons, include video surveillance, improved visiting/searching facilities and increased vigilance by staff. Netting has been installed over the recreation yards in a number of our closed prisons, to prevent contraband material, such as drugs, being propelled over exterior walls. Future prison designs will seek to locate recreation yards away from perimeter walls as part of further efforts to frustrate the supply of illegal drugs.

Measures to reduce the demand for drugs within the prison system include education, treatment and rehabilitation of drug addicted offenders. These programmes and interventions are delivered on an individual and coordinated basis by the Psychology Service, Probation and Welfare Service, Prison Education Service and prison officers. Particular initiatives put in place include Drug Free Areas, Drug Misuse Awareness Programmes, Support Programmes and appropriate health interventions, Substitution

Therapies, Vaccination Programmes and treatment for viral illnesses.

331. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if he will explain what the Irish Prison Service has learned from the Scottish Prison Service's decision to end mandatory drug testing after ten years due to the fact that it was not achieving the desired results in view of his office indicating that the Irish Prison Service are always conscious of the potential to learn from improvements in other countries with regard to drug treatment, particularly with regard to technological developments. [22436/06]

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(Mr. McDowell): The new Irish Prison Service Policy and Strategy, entitled Keeping Drugs out of Prisons fulfils the commitment in the Programme for Government to publish a plan to end all heroin use in Irish prisons as well as my own commitment to achieving a drug-free prison system. The new Policy and Strategy provides, for the first time, a coordinated and consistent national approach to eliminating the supply of drugs into prison as well as ensuring that appropriate treatment is available to prisoners to help them conquer their addiction.

The implementation of the new Policy and Strategy will see an intensification of efforts in the prison system to eliminate the availability of illicit drugs within prisons. This will involve the traditional means of effecting supply reduction — staff vigilance, physical searches and supervision of persons entering prisons — continuing to be reinforced by means of improved facilities and procedures. The Policy and Strategy also provides for a range of new measures to eliminate the supply of drugs into prisons, including enhanced visit security, the introduction of drug detection dogs and mandatory drug testing.

My Department is always cognisant of improvements in other countries with regard to drug treatment, particularly with regard to technological developments. To this end, the Irish Prison Service remains in regular contact with other jurisdictions, including the Scottish Prison Service, and it is my understanding the practice of mandatory drug testing has not been discontinued in that Prison Service. Mandatory drug testing is still conducted on a quarterly basis in order to aid management of the prison population. Prisoners, in order to progress through the system to a more enhanced regime setting, must undertake a Mandatory Drug Test.

I am satisfied that mandatory drug testing can play an important role in the overall strategy for tackling the scourge of drug use among prisoners in Irish prisons. Mandatory drug testing will provide information on trends in drug misuse, enable the identification and referral of drug abusers to treatment programmes, enable enhanced focusing of resources and act as a deterrent to

drug misuse. Mandatory drug testing will also provide important information to prison management that will contribute significantly to decision-making in relation to the management of individual prisoners sentences. The introduction of mandatory drug testing will allow the Irish Prison Service to deploy its resources in the most rational and productive manner.

332. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform if the guidelines in relation to mandatory drug testing in prisons have been drawn up; and if he will outline same. [22464/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I can advise the Deputy that the Irish Prison Service is currently drafting a document which will provide detailed instruction and guidance on the implementation of Mandatory Drug Testing.

EU Directives.

333. **Mr. English** asked the Minister for Justice, Equality and Law Reform the reason the regulations as enacted here only apply to family members lawfully resident in another Member State in relation to the enactment of the European Communities (Free Movement of Persons) Regulations 2006, in view of the fact that the regulations as adopted by the European Council do not include this limitation. [22649/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): On 28 April, 2006 I made the European Communities (Free Movement of Persons) Regulations 2006 which transposed into Irish law the European Directive on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States. The Directive replaced nine previous Directives and amended one European Regulation, No. 1612/68, on the freedom of workers within the Community.

The provision in the Regulations as referred to by the Deputy takes account of rulings from the European Court of Justice, in particular in the “Akrich” case (C-109/01), which dealt with the freedom of movement of workers within the European Union. In that case the Court ruled, *inter alia*, that in order to be able to benefit from the rights provided for in Article 10 of Regulation (EEC) No. 1612/68 on freedom of workers within the Community, a national of a non-Member State married to a citizen of the Union must be lawfully resident in a Member State when he/she moves to another Member State to which the Union citizen is migrating or has migrated.

Residency Permits.

334. **Mr. Andrews** asked the Minister for Justice, Equality and Law Reform the reason a

fee of €100 is being levied for Garda national immigration bureau cards in view of the fact that previously these cards were issued free of charge and in view of the fact that passports cost €75. [22679/06]

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, Residence and Protection Bill.

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.

I would also like to take this opportunity to point out that the Regulations which I have introduced provide for exemptions from payment of the fee. There are six categories 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

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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 more than one year, he/she will still only have to pay a fee of €100 for this certificate.

In relation to the Deputy's point regarding the cost of passports, I would like to clarify that the issuance and cost of Irish passports is a matter which falls under the remit of the Department of Foreign Affairs and not that of the Department of Justice, Equality and Law Reform.

Garda Investigations.

335. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the steps which have been taken to verify the accuracy of the allegations in correspondence (details supplied); and if he will make a statement on the matter. [22688/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have requested a report from the Garda authorities in relation to the allegations in question. I will contact the Deputy again when the report is to hand.

336. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform if he will meet with persons (details supplied). [22698/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am aware from a considerable volume of correspondence that both families wish to meet with me to demand separate independent inquiries into the tragic deaths of their sons — deaths which were unrelated save for the fact that both occurred following detention in Garda custody.

With regard to the first family I have read the Garda investigation file in the matter and the Director of Public Prosecutions has directed no prosecution on foot of that investigation file. At present, the inquest into the death is ongoing. I have informed the family that further consideration will be given to their request for a meeting when the inquest has been completed and a verdict returned.

The circumstances of the first case are quite different from those of the second case. In the first case, unlike the second case, all are agreed that the young man in question suffered serious injuries in a Garda Station.

As a consequence my position in relation to the second case remains unaltered from that outlined by me in my response to Parliamentary Question Number 409 of 6 July 2004. Thus I would be

unable to bring the matter further at any proposed meeting.

Garda Operations.

337. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform when the Garda unit for vetting people who apply to work with young people was established; the number of people in the unit; the areas of employment vetted by the unit; the average waiting time for vetting to take place; and if he will make a statement on the matter. [22699/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda Central Vetting Unit (GCVU) was established in January 2002 to deal with the then known demand for vetting applications. From a child protection perspective, the Unit processes vetting requests in respect of the following:

- prospective employees of the Health Service Executive (HSE);
- prospective employees of certain agencies funded by the HSE;
- childcare places funded by the Equal Opportunities Childcare Programme of the Department of Justice, Equality and Law Reform;
- special education facilities;
- special needs assistants in the general education sector;
- school transports; and
- prospective adoptive parents and fosterers.

The GCVU is currently staffed by 34 personnel, comprising 1 Garda Inspector, 2 Garda Sergeants and 31 civil servants. This level of staffing represents a more than doubling in the human resources allocated to the Unit in the past 12 months.

The current average processing time for vetting applications is approximately five weeks.

Since the GCVU's decentralisation to Thurles, Co. Tipperary, in November 2005, new liaison mechanisms have been successfully implemented in the HSE and are now being extended to all organisations previously registered for vetting. Significant changes have been made in the work processes of the Unit in order to streamline the processing of vetting applications, and these have resulted in an improved service being provided.

A planned expansion of the Garda vetting service to new organisations and sectors will occur by means of a phased roll-out to an increasing number of organisations in the child and vulnerable adult care sectors. To this end, a phased expansion plan, within current resource capacities, has been prepared. This has resulted in an increase in the number of HSE personnel being vetted in the first quarter in 2006, as well as vet-

ting being introduced for the Private Security Authority. A number of organisations from the voluntary sector are currently being identified for vetting services.

The expansion of the vetting service being provided by the GCVU is proceeding in a planned and structured manner in consultation with the Government Departments responsible for child and vulnerable adult care. This expansion will continue until vetting is provided for all personnel working in a full time, part-time and/or voluntary capacity with children and/or vulnerable adults.

Garda Training.

338. **Ms O. Mitchell** asked the Minister for Justice, Equality and Law Reform the number of Gardaí driving on provisional or full licences; and if he will make a statement on the matter. [22717/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that members of the Garda Síochána are allowed to drive official vehicles in two circumstances: (a) they hold at least a class “B” Driving licence and have been authorised to drive by the Chief Superintendent or (b) they have completed an official driving course.

Members on provisional licences are not permitted to drive official vehicles.

Divisional Officers or Chief Superintendents have the power to authorise a member who is a holder of a full class “B” Driving licence (standard car licence) to drive official cars and vans, subject to the member being otherwise deemed suitable. This applies only to a car or van. This is known as “Chief’s Permission”.

Members who have been issued with a Certificate of Competency — having completed an appropriate driving course — may also be authorised by Divisional Officers or Chief Superintendents to drive official vehicles. The Certificate of Competency allows a member to drive official vehicles where he/she has completed a course for that particular vehicle.

The fact that members who hold a current Class B Driving licence may with Chief’s Permission drive official cars is of assistance to Garda management from an operational point of view.

I have been further informed by the Garda authorities that the number of Gardaí who are driving Garda cars generally and have Chief Superintendent’s permission, in each region, as at 7 February, 2006 (the latest date for which figures are readily available) was as set out in the following table.

Region	Number
D.M.R	836
South Eastern	201

Region	Number
Eastern	226
Northern	252
Western	132
Southern	366
Total	2,013

Proposed Legislation.

339. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he has received correspondence from an association (details supplied) in relation to the Gaming and Lotteries Act 1979; his plans in this regard; and if he will make a statement on the matter. [22731/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As already indicated in my answer to Parliamentary Questions Nos. 491 and 494 on 30 May 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, the following views and proposals were conveyed in clear terms to that Association.

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

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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.

Since meeting with my officials, the Association has made a written submission which is now being examined in the Department.

Citizenship Applications.

340. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform if he will complete the application for naturalisation of a person (details supplied) whose family was granted naturalisation in 1993. [22803/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am pleased to inform the Deputy that I have recently approved the application for naturalisation of the person in question. A letter is due to issue to him in the next few days informing him of my decision and the procedures that need to be finalised before a certificate of naturalisation can issue.

Ministerial Responsibilities.

341. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform the functions which have, since the last general election, been delegated to Ministers of State at his Department by the Government under powers conferred on it by Section 2 (1) of the Ministers and Secretaries (Amendment) (No.2) Act 1977; and the statutory instrument number of each such order. [22840/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): There are two Ministers of State attached to my Department. Minister of State Frank Fahey, T.D. was appointed by the Government on 29 September, 2004 with responsibility for equality matters, particularly disability. There is no Statutory Instrument in this regard.

Powers and duties were delegated to Mr. Brian Lenihan, T.D. under S.I. Number 474 of 2002. However, as the Deputy is aware, a New National Childcare Investment Programme 2006-2010 was announced by the Minister for Finance, Mr. Brian Cowen, T.D. on 7 December last, in Budget 2006. Also announced was a landmark decision to create an Office of the Minister for Children, under the Minister for Children, Mr. Brian Lenihan, T.D. who will report directly to Cabinet

on matters relating to children and their welfare. The New Programme is a key element of the National Childcare Strategy 2006 — 2010 to be implemented by the new Office of the Minister for Children. It is effective from 1 January, 2006 and succeeds the Equal Opportunities Childcare Programme (EOCP) 2000-2006 which was run by my Department. The Youth Justice Service of the Department of Justice, Equality and Law Reform is also co-located at the new Office.

Garda Deployment.

342. **Mr. Stanton** asked the Minister for Justice, Equality and Law Reform the number of Gardaí stationed in the Fermoy district for each of the years 2002, 2003, 2004 and 2005; and if he will make a statement on the matter. [22865/06]

343. **Mr. Stanton** asked the Minister for Justice, Equality and Law Reform the number of Gardaí stationed in the Mitchelstown, Kildorrery and Kilworth Garda stations in the Fermoy district for each of the years 2002, 2003, 2004 and 2005; and if he will make a statement on the matter. [22866/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 342 and 343 together.

I have been informed by the Garda Commissioner that the personnel strength (all ranks) of An Garda Síochána rose to a record 12,641 on 8 June 2006 with the attestation of 273 new members. This compares with a total strength of 10,702 (all ranks) as at 30 June 1997 and represents an increase of 1,939 (or 18.1%) in the personnel strength of the Force during that period.

I have been further informed that the personnel strength of the Fermoy District as at 31 December 2002, 2003, 2004 2005 and 30 April 2006 was as follows:

Year	Total
2002	71
2003	73
2004	69
2005	71
30/4/2006	72

The personnel strength of the Mitchelstown, Kildorrery and Kilworth Garda Stations as at the 31st December 2002, 2003, 2004 and 2005 was as follows:

Station	2002	2003	2004	2005
Mitchelstown	18	18	15	17
Kildorrery	2	1	1	1
Kilworth	1	1	1	1

I am also advised that in conjunction with the most recent allocation of Probationer Gardaí on 9 June 2006 a total of 12 Gardaí are to be assigned to the Cork North Division — nine (9) Probationer Gardaí by way of first allocation on attestation, and a further three (3) Gardaí by way of permanent inter-Divisional transfer. The full allocation of 12 members is due to take place by 11 July 2006. I am further advised that four (4) of these 12 Gardaí are due to be assigned to the Fermoy District.

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. The second group of newly attested Gardaí under this accelerated recruitment programme came on stream in June and further tranches of approximately 275 newly attested Gardaí will follow every 90 days thereafter until the programme is complete.

Garda Investigations.

344. **Mr. Stanton** asked the Minister for Justice, Equality and Law Reform the number of group six headline offences recorded in the Fermoy district for each of the years 2002, 2003, 2004 and 2005; and if he will make a statement on the matter. [22867/06]

345. **Mr. Stanton** asked the Minister for Justice, Equality and Law Reform the number of group seven headline offences recorded in the Fermoy district for each of the years 2002, 2003, 2004 and 2005; and if he will make a statement on the matter. [22868/06]

346. **Mr. Stanton** asked the Minister for Justice, Equality and Law Reform the number of group eight headline offences recorded in the Fermoy district for each of the years 2002, 2003, 2004 and 2005; and if he will make a statement on the matter. [22869/06]

347. **Mr. Stanton** asked the Minister for Justice, Equality and Law Reform the number of group

15 non-headline offences recorded in the Fermoy district for each of the years 2002, 2003, 2004 and 2005; and if he will make a statement on the matter. [22871/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 344 to 347, inclusive, together.

Headline crime statistics for 2002 to 2005 for the Garda Division of North Cork, which includes the Garda District of Fermoy, are contained in the relevant Garda Annual Reports which are available in the Oireachtas Library.

Special Educational Needs.

348. **Dr. Cowley** asked the Minister for Education and Science the amount the Government is spending on defending cases brought by relatives of autistic people on account of the Government's failure to provide adequate services for people with autism; and if she will make a statement on the matter. [22467/06]

Minister for Education and Science (Ms Hanafin): To date in 2006 my Department has spent a total of approximately €100,000 on legal costs and settlements associated with court cases relating to educational provision for children with special needs compared to a total of approximately €1.6 million in 2005, €5.7 million in 2004 and €4.4 million in 2003. The vast majority of the cases in question relate to children with autism. The Department of Education and Science is not complacent in dealing with these cases and it attempts, wherever possible, to reduce the potential for litigation and the levels of legal costs where litigation arises.

It is the case however that legal costs associated with such cases may take some time to be submitted and processed and it is possible that further costs will be incurred before the end of the year. I would add that these figures do not include the costs of the State's Legal defence which is borne by the Attorney General's office.

I wish to assure the Deputy that I am most anxious that all children, including children with autistic spectrum disorders, receive an education appropriate to their needs. It is in recognition of this that my Department currently provides the following facilities for the education of children with autism: 159 Special Classes for children with autism, attached to special and mainstream schools; 15 pre-school classes; 5 Special classes for children with Asperger's Syndrome; 12 Stand-Alone facilities providing an Applied Behavioural Analysis (ABA) specific methodology.

I can confirm that I will continue to prioritise the issue of special needs education and, in cooperation with the National Council for Special Education and the education partners, ensure

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that all children with special educational needs are adequately resourced to enable them to meet their full potential.

Home Tuition Grants.

349. **Mr. Aylward** asked the Minister for Education and Science if she will make arrangements to pay home tuition allowance to a person (details supplied) in County Carlow. [22278/06]

Minister for Education and Science (Ms Hanafin): I can confirm for the Deputy that my Department sanctioned a home tuition grant for the child in question for January and February 2006. I understand that the child subsequently returned to school so the grant was discontinued. The child has since been asked to leave the school and the home tuition grant has been restored with effect from 23rd May 2006. The matter referred to by the Deputy will be examined by my officials and a decision will be conveyed to the parents as quickly as possible.

Schools Building Project.

350. **Mr. Walsh** asked the Minister for Education and Science if she will approve an extension to a school (details supplied) in County Cork. [22279/06]

Minister for Education and Science (Ms Hanafin): An application for capital funding towards the provision of an extension has been received from the school referred to by the Deputy. Officials in my Department are carrying out an examination of all the relevant factors such as current and projected enrolment, demographic trends and the likely impact of ongoing and proposed housing developments in the area with a view to determining the long term accommodation needs of the school. When this has been finalised, the application will be considered for progression in the context of the School Building and Modernisation Programme 2006 — 2010.

Schools Recognition.

351. **Ms O'Sullivan** asked the Minister for Education and Science the reason her Department has deferred the granting of national school status to a school (details supplied) in County Wicklow; if she will review that decision in view of the shortage of places and lack of choice of type of school patronage in that area; and if she will make a statement on the matter. [22293/06]

Minister for Education and Science (Ms Hanafin): I am pleased to inform the Deputy that the school referred to has been granted recognition from September 2006, in accordance with the provisions of Section 10 of the Education Act,

1998 and the published criteria for recognition of new schools.

State Examinations.

352. **Ms O'Sullivan** asked the Minister for Education and Science the number of students repeating the leaving certificate on a county basis in respect of the years 2004 and 2005; and if she will make a statement on the matter. [22294/06]

Minister for Education and Science (Ms Hanafin): The following are the total number of pupils repeating the leaving certificate in each county for the 2004/05 and the 2005/06 school years.

Total Number of Repeat Leaving Certificate Students for 2004/05 school year

County Name	2004/05 figures
Carlow	113
Cavan	32
Clare	160
Cork County	149
Cork County Borough	175
Donegal	220
Dublin County Borough	327
Dublin Fingal	16
Dublin South	236
Dún Laoghaire/Rathdown	92
Galway County	153
Galway County Borough	46
Kerry	242
Kildare	60
Kilkenny	27
Laoighis	33
Leitrim	40
Limerick County	56
Limerick County Borough	38
Longford	69
Louth	79
Mayo	196
Meath	79
Monaghan	37
Offaly	113
Roscommon	54
Sligo	101
Tipperary N.R.	81
Tipperary S.R.	90
Waterford County	23
Waterford County Borough	72
Westmeath	250
Wexford	88
Wicklow	39
Total	3,586

Total Number of Repeat Leaving Certificate students for 2005/06 school year

County Name	2005/06 figures
Carlow	114
Cavan	25
Clare	161
Cork County	100
Cork County Borough	126
Donegal	174
Dublin County Borough	280
Dublin Fingal	22
Dublin South	178
Dún Laoghaire/Rathdown	118
Galway County	115
Galway County Borough	51
Kerry	165
Kildare	70
Kilkenny	35
Laoighis	20
Leitrim	40
Limerick County	51
Limerick County Borough	27
Longford	50
Louth	83
Mayo	208
Meath	81
Monaghan	34
Offaly	93
Roscommon	31
Sligo	56
Tipperary N.R.	56
Tipperary S.R.	66
Waterford County	18
Waterford County Borough	57
Westmeath	207
Wexford	70
Wicklow	34
Total	3,016

Home Tuition Grants.

353. **Mr. P. Breen** asked the Minister for Education and Science further to Parliamentary Question Nos. 498 of 16 May 2006 and 214 of 1 June 2006, when her Department will be in touch with a person (details supplied) in County Clare; and if she will make a statement on the matter. [22325/06]

Minister for Education and Science (Ms Hanafin): My Department wrote to this pupil's parents confirming its intention to discontinue the practice of sanctioning home tuition grants for pupils who are also in full-time education. In this particular case, the home tuition grant was

sanctioned until 28th April 2006. My officials will be in further contact with the family in the coming days.

Special Educational Needs.

354. **Mr. P. McGrath** asked the Minister for Education and Science the individual special schools and schools with special classes which applied for the July Education Programme in each of the past four years; the cost of operating this programme per school for the month of July in each of the past four years; the number of pupils per school and class who benefited from this scheme; and if she will make a statement on the matter. [22347/06]

355. **Mr. P. McGrath** asked the Minister for Education and Science the number of special needs students who were facilitated with home tuition as part of the July Education Programme in each of the past four years; and if she will make a statement on the matter. [22348/06]

Minister for Education and Science (Ms Hanafin): I propose to take questions 354, 355 together. My Department's support package for the July Education Programme is available to all special schools and mainstream primary schools with special classes catering for children with autism who choose to extend their education services through the month of July. My Department also provides for a July Programme for pupils with a severe/profound general learning disability. My Department encourages all eligible schools to participate in this initiative in the interest of the children in question. Where school based provision is not feasible, home based provision may be grant aided.

The cost of the package includes agreed rates of remuneration for principals, teachers and special needs assistants involved in the July Programme. Participating schools also receive a special rate of capitation funding in respect of pupils participating in the programme. Funding is also available to facilitate the provision of school transport and escort services for the children.

My Department has seen a steady increase in the number of schools offering the July Programme which is detailed below.

Year	Total No. schools/classes	Total No. pupils home based provision
2002	38	116
2003	53	307
2004	59	633
2005	64	933

Pupil-Teacher Ratio.

356. **Ms Burton** asked the Minister for Edu-

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cation and Science the average class size at a school (details supplied) in Dublin 15; and if she will make a statement on the matter. [22378/06]

Minister for Education and Science (Ms Hanafin): The average class size in the school referred to by the Deputy for the 2005/06 school year is 29.4. Major improvements have been made in primary school staffing in recent years. Next September there will no less than 4000 extra teachers in our primary schools, compared with 2002. Not only is the average class size in our primary schools down to 24, but there is now one teacher for 17 pupils at primary level, including resource teachers etc.

Children with special needs and those from disadvantaged areas are getting more support than ever before to help them to make the most of their time at school. With the thousands of extra primary teachers appointed, recent years have seen the largest expansion in teacher numbers since the expansion of free education. Over the next two school years even more teachers will be put in place both for the above priority areas of disadvantage and special education and also under a reduction in the mainstream staffing schedule at primary level.

Primary schools are staffed on a general rule of at least one classroom teacher for every 29 children. Of course, schools with only one or two teachers have much lower staffing ratios than that — with two teachers for just 12 pupils in some cases and so on — but the general rule is that there is at least one classroom teacher for every 29 children in the school. Next year this is being reduced to 28 children per classroom teacher and in 2007/2008 it will be reduced to 27 children per classroom teacher.

The number of children in large classes has been reduced dramatically by this Government. Furthermore, what really puts the decrease in large classes in context is the fact that in 1996/97 five times more children were in classes of 35+ and ten times more children were in classes of 40+.

It is important to appreciate that there are a number of different reasons why a particular school may have a large class in a given year. Reasons why there are large classes include a significant fluctuation in enrolments from one year to the next and/or a decision by the school principal not to have multi-grade classes.

Regardless of the reason why there is a large class in a particular school one year, it should be noted that in the majority of cases this is not the situation in the following year. In the main, the same schools do not have large classes year after year and so the same children are not in large classes year after year.

Where some classes in a school have class sizes of greater than 29, it is often because a decision has been taken at local level to use their teaching

resources to have smaller numbers in other classes. Indeed, when the matter of why a particular school has a class of 35 in a particular grade is looked into, very often the answer is because there is another class in the same school with a much lower than average number of pupils in it.

Splitting classes may not always be an option for a particular school, because for example there might be a large group in junior infants and a small group in sixth class and so on. But where it is possible, principals should consider the benefits of having smaller multi-grade classes as against having large differences in class sizes at different levels in the school.

This Government has clearly demonstrated its commitment to improving staffing in our primary schools by hiring thousands of extra teachers in recent years and we will continue to make progress on this issue.

357. **Ms Burton** asked the Minister for Education and Science the average class size at a school (details supplied) in Dublin 15; and if she will make a statement on the matter. [22379/06]

Minister for Education and Science (Ms Hanafin): The average class size in the school referred to by the Deputy for the 2005/06 school year is 29.0. Major improvements have been made in primary school staffing in recent years. Next September there will no less than 4000 extra teachers in our primary schools, compared with 2002. Not only is the average class size in our primary schools down to 24, but there is now one teacher for 17 pupils at primary level, including resource teachers etc.

Children with special needs and those from disadvantaged areas are getting more support than ever before to help them to make the most of their time at school. With the thousands of extra primary teachers appointed, recent years have seen the largest expansion in teacher numbers since the expansion of free education. Over the next two school years even more teachers will be put in place both for the above priority areas of disadvantage and special education and also under a reduction in the mainstream staffing schedule at primary level.

Primary schools are staffed on a general rule of at least one classroom teacher for every 29 children. Of course, schools with only one or two teachers have much lower staffing ratios than that — with two teachers for just 12 pupils in some cases and so on — but the general rule is that there is at least one classroom teacher for every 29 children in the school. Next year this is being reduced to 28 children per classroom teacher and in 2007/2008 it will be reduced to 27 children per classroom teacher.

The number of children in large classes has been reduced dramatically by this Government. Furthermore, what really puts the decrease in large classes in context is the fact that in 1996/97

five times more children were in classes of 35+ and ten times more children were in classes of 40+.

It is important to appreciate that there are a number of different reasons why a particular school may have a large class in a given year. Reasons why there are large classes include a significant fluctuation in enrolments from one year to the next and/or a decision by the school principal not to have multi-grade classes.

Regardless of the reason why there is a large class in a particular school one year, it should be noted that in the majority of cases this is not the situation in the following year. In the main, the same schools do not have large classes year after year and so the same children are not in large classes year after year.

Where some classes in a school have class sizes of greater than 29, it is often because a decision has been taken at local level to use their teaching resources to have smaller numbers in other classes. Indeed, when the matter of why a particular school has a class of 35 in a particular grade is looked into, very often the answer is because there is another class in the same school with a much lower than average number of pupils in it.

Splitting classes may not always be an option for a particular school, because for example there might be a large group in junior infants and a small group in sixth class and so on. But where it is possible, principals should consider the benefits of having smaller multi-grade classes as against having large differences in class sizes at different levels in the school. This Government has clearly demonstrated its commitment to improving staffing in our primary schools by hiring thousands of extra teachers in recent years and we will continue to make progress on this issue.

358. **Ms Burton** asked the Minister for Education and Science the average class size at a school (details supplied) in Dublin 15; and if she will make a statement on the matter. [22380/06]

Minister for Education and Science (Ms Hanafin): The average class size in the school referred to by the Deputy for the 2005/06 school year is 26.5.

Major improvements have been made in primary school staffing in recent years. Next September there will no less than 4000 extra teachers in our primary schools, compared with 2002. Not only is the average class size in our primary schools down to 24, but there is now one teacher for 17 pupils at primary level, including resource teachers etc.

Children with special needs and those from disadvantaged areas are getting more support than ever before to help them to make the most of their time at school. With the thousands of extra primary teachers appointed, recent years have seen the largest expansion in teacher numbers since the expansion of free education.

Over the next two school years even more teachers will be put in place both for the above priority areas of disadvantage and special education and also under a reduction in the mainstream staffing schedule at primary level. Primary schools are staffed on a general rule of at least one classroom teacher for every 29 children. Of course, schools with only one or two teachers have much lower staffing ratios than that — with two teachers for just 12 pupils in some cases and so on — but the general rule is that there is at least one classroom teacher for every 29 children in the school. Next year this is being reduced to 28 children per classroom teacher and in 2007/2008 it will be reduced to 27 children per classroom teacher.

The number of children in large classes has been reduced dramatically by this Government. Furthermore, what really puts the decrease in large classes in context is the fact that in 1996/97 five times more children were in classes of 35+ and ten times more children were in classes of 40+. It is important to appreciate that there are a number of different reasons why a particular school may have a large class in a given year. Reasons why there are large classes include a significant fluctuation in enrolments from one year to the next and/or a decision by the school principal not to have multi-grade classes.

Regardless of the reason why there is a large class in a particular school one year, it should be noted that in the majority of cases this is not the situation in the following year. In the main, the same schools do not have large classes year after year and so the same children are not in large classes year after year.

Where some classes in a school have class sizes of greater than 29, it is often because a decision has been taken at local level to use their teaching resources to have smaller numbers in other classes. Indeed, when the matter of why a particular school has a class of 35 in a particular grade is looked into, very often the answer is because there is another class in the same school with a much lower than average number of pupils in it.

Splitting classes may not always be an option for a particular school, because for example there might be a large group in junior infants and a small group in sixth class and so on. But where it is possible, principals should consider the benefits of having smaller multi-grade classes as against having large differences in class sizes at different levels in the school. This Government has clearly demonstrated its commitment to improving staffing in our primary schools by hiring thousands of extra teachers in recent years and we will continue to make progress on this issue.

359. **Ms Burton** asked the Minister for Education and Science the average class size at a school (details supplied) in Dublin 15; and if she will make a statement on the matter. [22381/06]

Minister for Education and Science (Ms: Hanafin): The average class size in the school referred to by the Deputy for the 2005/06 school year is 28.6.

Major improvements have been made in primary school staffing in recent years. Next September there will no less than 4000 extra teachers in our primary schools, compared with 2002. Not only is the average class size in our primary schools down to 24, but there is now one teacher for 17 pupils at primary level, including resource teachers etc.

Children with special needs and those from disadvantaged areas are getting more support than ever before to help them to make the most of their time at school. With the thousands of extra primary teachers appointed, recent years have seen the largest expansion in teacher numbers since the expansion of free education. Over the next two school years even more teachers will be put in place both for the above priority areas of disadvantage and special education and also under a reduction in the mainstream staffing schedule at primary level. Primary schools are staffed on a general rule of at least one classroom teacher for every 29 children. Of course, schools with only one or two teachers have much lower staffing ratios than that — with two teachers for just 12 pupils in some cases and so on — but the general rule is that there is at least one classroom teacher for every 29 children in the school. Next year this is being reduced to 28 children per classroom teacher and in 2007/2008 it will be reduced to 27 children per classroom teacher.

The number of children in large classes has been reduced dramatically by this Government. Furthermore, what really puts the decrease in large classes in context is the fact that in 1996/97 five times more children were in classes of 35+ and ten times more children were in classes of 40+. It is important to appreciate that there are a number of different reasons why a particular school may have a large class in a given year. Reasons why there are large classes include a significant fluctuation in enrolments from one year to the next and/or a decision by the school principal not to have multi-grade classes.

Regardless of the reason why there is a large class in a particular school one year, it should be noted that in the majority of cases this is not the situation in the following year. In the main, the same schools do not have large classes year after year and so the same children are not in large classes year after year.

Where some classes in a school have class sizes of greater than 29, it is often because a decision has been taken at local level to use their teaching resources to have smaller numbers in other classes. Indeed, when the matter of why a particular school has a class of 35 in a particular grade is looked into, very often the answer is because

there is another class in the same school with a much lower than average number of pupils in it.

Splitting classes may not always be an option for a particular school, because for example there might be a large group in junior infants and a small group in sixth class and so on. But where it is possible, principals should consider the benefits of having smaller multi-grade classes as against having large differences in class sizes at different levels in the school. This Government has clearly demonstrated its commitment to improving staffing in our primary schools by hiring thousands of extra teachers in recent years and we will continue to make progress on this issue.

360. **Ms Burton** asked the Minister for Education and Science the average class size at a school (details supplied) in Dublin 15; and if she will make a statement on the matter. [22382/06]

Minister for Education and Science (Ms: Hanafin): The average class size in the school referred to by the Deputy for the 2005/06 school year is 27.8.

Major improvements have been made in primary school staffing in recent years. Next September there will no less than 4000 extra teachers in our primary schools, compared with 2002. Not only is the average class size in our primary schools down to 24, but there is now one teacher for 17 pupils at primary level, including resource teachers etc.

Children with special needs and those from disadvantaged areas are getting more support than ever before to help them to make the most of their time at school. With the thousands of extra primary teachers appointed, recent years have seen the largest expansion in teacher numbers since the expansion of free education. Over the next two school years even more teachers will be put in place both for the above priority areas of disadvantage and special education and also under a reduction in the mainstream staffing schedule at primary level. Primary schools are staffed on a general rule of at least one classroom teacher for every 29 children. Of course, schools with only one or two teachers have much lower staffing ratios than that — with two teachers for just 12 pupils in some cases and so on — but the general rule is that there is at least one classroom teacher for every 29 children in the school. Next year this is being reduced to 28 children per classroom teacher and in 2007/2008 it will be reduced to 27 children per classroom teacher.

The number of children in large classes has been reduced dramatically by this Government. Furthermore, what really puts the decrease in large classes in context is the fact that in 1996/97 five times more children were in classes of 35+ and ten times more children were in classes of 40+. It is important to appreciate that there are a number of different reasons why a particular

school may have a large class in a given year. Reasons why there are large classes include a significant fluctuation in enrolments from one year to the next and/or a decision by the school principal not to have multi-grade classes.

Regardless of the reason why there is a large class in a particular school one year, it should be noted that in the majority of cases this is not the situation in the following year. In the main, the same schools do not have large classes year after year and so the same children are not in large classes year after year.

Where some classes in a school have class sizes of greater than 29, it is often because a decision has been taken at local level to use their teaching resources to have smaller numbers in other classes. Indeed, when the matter of why a particular school has a class of 35 in a particular grade is looked into, very often the answer is because there is another class in the same school with a much lower than average number of pupils in it.

Splitting classes may not always be an option for a particular school, because for example there might be a large group in junior infants and a small group in sixth class and so on. But where it is possible, principals should consider the benefits of having smaller multi-grade classes as against having large differences in class sizes at different levels in the school. This Government has clearly demonstrated its commitment to improving staffing in our primary schools by hiring thousands of extra teachers in recent years and we will continue to make progress on this issue.

361. **Ms Burton** asked the Minister for Education and Science the average class size at a school (details supplied) in Dublin 15; and if she will make a statement on the matter. [22383/06]

Minister for Education and Science (Ms Hanafin): The average class size in the school referred to by the Deputy for the 2005/06 school year is 31.0. I should point out that, according to my Department's records, there were 627 pupils enrolled in the school at 30th September, 2005 and a Principal and 22 mainstream class teachers, including one developing school post, were allocated to the school for the current school year. Accordingly, the average class size in the school should be 28.5. As a result of the improvement in the staffing schedule, the teacher allocation for the school for the 2006/07 school year will be Principal and 23 mainstream class teachers.

Major improvements have been made in primary school staffing in recent years. Next September there will no less than 4000 extra teachers in our primary schools, compared with 2002. Not only is the average class size in our primary schools down to 24, but there is now one teacher for 17 pupils at primary level, including resource teachers etc.

Children with special needs and those from disadvantaged areas are getting more support

than ever before to help them to make the most of their time at school. With the thousands of extra primary teachers appointed, recent years have seen the largest expansion in teacher numbers since the expansion of free education. Over the next two school years even more teachers will be put in place both for the above priority areas of disadvantage and special education and also under a reduction in the mainstream staffing schedule at primary level. Primary schools are staffed on a general rule of at least one classroom teacher for every 29 children. Of course, schools with only one or two teachers have much lower staffing ratios than that — with two teachers for just 12 pupils in some cases and so on — but the general rule is that there is at least one classroom teacher for every 29 children in the school. Next year this is being reduced to 28 children per classroom teacher and in 2007/2008 it will be reduced to 27 children per classroom teacher.

The number of children in large classes has been reduced dramatically by this Government. Furthermore, what really puts the decrease in large classes in context is the fact that in 1996/97 five times more children were in classes of 35+ and ten times more children were in classes of 40+. It is important to appreciate that there are a number of different reasons why a particular school may have a large class in a given year. Reasons why there are large classes include a significant fluctuation in enrolments from one year to the next and/or a decision by the school principal not to have multi-grade classes.

Regardless of the reason why there is a large class in a particular school one year, it should be noted that in the majority of cases this is not the situation in the following year. In the main, the same schools do not have large classes year after year and so the same children are not in large classes year after year.

Where some classes in a school have class sizes of greater than 29, it is often because a decision has been taken at local level to use their teaching resources to have smaller numbers in other classes. Indeed, when the matter of why a particular school has a class of 35 in a particular grade is looked into, very often the answer is because there is another class in the same school with a much lower than average number of pupils in it.

Splitting classes may not always be an option for a particular school, because for example there might be a large group in junior infants and a small group in sixth class and so on. But where it is possible, principals should consider the benefits of having smaller multi-grade classes as against having large differences in class sizes at different levels in the school. This Government has clearly demonstrated its commitment to improving staffing in our primary schools by hiring thousands of extra teachers in recent years and we will continue to make progress on this issue.

362. **Ms Burton** asked the Minister for Education and Science the average class size at a school (details supplied) in Dublin 15; and if she will make a statement on the matter. [22384/06]

Minister for Education and Science (Ms Hanafin): The average class size in the school referred to by the Deputy for the 2005/06 school year is 29.3.

Major improvements have been made in primary school staffing in recent years. Next September there will no less than 4000 extra teachers in our primary schools, compared with 2002. Not only is the average class size in our primary schools down to 24, but there is now one teacher for 17 pupils at primary level, including resource teachers etc.

Children with special needs and those from disadvantaged areas are getting more support than ever before to help them to make the most of their time at school. With the thousands of extra primary teachers appointed, recent years have seen the largest expansion in teacher numbers since the expansion of free education. Over the next two school years even more teachers will be put in place both for the above priority areas of disadvantage and special education and also under a reduction in the mainstream staffing schedule at primary level. Primary schools are staffed on a general rule of at least one classroom teacher for every 29 children. Of course, schools with only one or two teachers have much lower staffing ratios than that — with two teachers for just 12 pupils in some cases and so on — but the general rule is that there is at least one classroom teacher for every 29 children in the school. Next year this is being reduced to 28 children per classroom teacher and in 2007/2008 it will be reduced to 27 children per classroom teacher.

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Where some classes in a school have class sizes of greater than 29, it is often because a decision has been taken at local level to use their teaching

resources to have smaller numbers in other classes. Indeed, when the matter of why a particular school has a class of 35 in a particular grade is looked into, very often the answer is because there is another class in the same school with a much lower than average number of pupils in it.

Splitting classes may not always be an option for a particular school, because for example there might be a large group in junior infants and a small group in sixth class and so on. But where it is possible, principals should consider the benefits of having smaller multi-grade classes as against having large differences in class sizes at different levels in the school. This Government has clearly demonstrated its commitment to improving staffing in our primary schools by hiring thousands of extra teachers in recent years and we will continue to make progress on this issue.

Pupil-Teacher Ratio.

363. **Ms Burton** asked the Minister for Education and Science the average class size at a school (details supplied) in Dublin 15; and if she will make a statement on the matter. [22385/06]

Minister for Education and Science (Ms Hanafin): The average class size in the school referred to by the Deputy for the 2005/06 school year is 28.1.

Major improvements have been made in primary school staffing in recent years. Next September there will no less than 4000 extra teachers in our primary schools, compared with 2002. Not only is the average class size in our primary schools down to 24, but there is now one teacher for 17 pupils at primary level, including resource teachers etc.

Children with special needs and those from disadvantaged areas are getting more support than ever before to help them to make the most of their time at school.

With the thousands of extra primary teachers appointed, recent years have seen the largest expansion in teacher numbers since the expansion of free education. Over the next two school years even more teachers will be put in place both for the above priority areas of disadvantage and special education and also under a reduction in the mainstream staffing schedule at primary level.

Primary schools are staffed on a general rule of at least one classroom teacher for every 29 children. Of course, schools with only one or two teachers have much lower staffing ratios than that — with two teachers for just 12 pupils in some cases and so on — but the general rule is that there is at least one classroom teacher for every 29 children in the school. Next year this is being reduced to 28 children per classroom teacher and in 2007/2008 it will be reduced to 27 children per classroom teacher.

The number of children in large classes has been reduced dramatically by this Government. Furthermore, what really puts the decrease in

large classes in context is the fact that in 1996/97 five times more children were in classes of 35+ and ten times more children were in classes of 40+.

It is important to appreciate that there are a number of different reasons why a particular school may have a large class in a given year. Reasons why there are large classes include a significant fluctuation in enrolments from one year to the next and/or a decision by the school principal not to have multi-grade classes. Regardless of the reason why there is a large class in a particular school one year, it should be noted that in the majority of cases this is not the situation in the following year. In the main, the same schools do not have large classes year after year and so the same children are not in large classes year after year.

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This Government has clearly demonstrated its commitment to improving staffing in our primary schools by hiring thousands of extra teachers in recent years and we will continue to make progress on this issue.

364. **Ms Burton** asked the Minister for Education and Science the average class size at a school (details supplied) in Dublin 15; and if she will make a statement on the matter. [22386/06]

Minister for Education and Science (Ms Hanafin): The average class size in the school referred to by the Deputy for the 2005/06 school year is 30.6. I should point out that, according to my Department's records, there were 734 pupils enrolled in the school at 30th September, 2005 and a Principal and 26 mainstream class teachers were allocated to the school for the current school year. Accordingly, the average class size in the school should be 28.2.

Major improvements have been made in primary school staffing in recent years. Next September there will no less than 4000 extra teachers in our primary schools, compared with 2002. Not only is the average class size in our primary schools down to 24, but there is now one

teacher for 17 pupils at primary level, including resource teachers etc.

Children with special needs and those from disadvantaged areas are getting more support than ever before to help them to make the most of their time at school.

With the thousands of extra primary teachers appointed, recent years have seen the largest expansion in teacher numbers since the expansion of free education. Over the next two school years even more teachers will be put in place both for the above priority areas of disadvantage and special education and also under a reduction in the mainstream staffing schedule at primary level.

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The number of children in large classes has been reduced dramatically by this Government. Furthermore, what really puts the decrease in large classes in context is the fact that in 1996/97 five times more children were in classes of 35+ and ten times more children were in classes of 40+.

It is important to appreciate that there are a number of different reasons why a particular school may have a large class in a given year. Reasons why there are large classes include a significant fluctuation in enrolments from one year to the next and/or a decision by the school principal not to have multi-grade classes. Regardless of the reason why there is a large class in a particular school one year, it should be noted that in the majority of cases this is not the situation in the following year. In the main, the same schools do not have large classes year after year and so the same children are not in large classes year after year.

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[Ms Hanafin.]

This Government has clearly demonstrated its commitment to improving staffing in our primary schools by hiring thousands of extra teachers in recent years and we will continue to make progress on this issue.

365. **Ms Burton** asked the Minister for Education and Science the average class size at a school (details supplied) in Dublin 15; and if she will make a statement on the matter. [22387/06]

Minister for Education and Science (Ms Hanafin): The average class size in the school referred to by the Deputy for the 2005/06 school year is 29.8.

Major improvements have been made in primary school staffing in recent years. Next September there will no less than 4000 extra teachers in our primary schools, compared with 2002. Not only is the average class size in our primary schools down to 24, but there is now one teacher for 17 pupils at primary level, including resource teachers etc.

Children with special needs and those from disadvantaged areas are getting more support than ever before to help them to make the most of their time at school.

With the thousands of extra primary teachers appointed, recent years have seen the largest expansion in teacher numbers since the expansion of free education. Over the next two school years even more teachers will be put in place both for the above priority areas of disadvantage and special education and also under a reduction in the mainstream staffing schedule at primary level.

Primary schools are staffed on a general rule of at least one classroom teacher for every 29 children. Of course, schools with only one or two teachers have much lower staffing ratios than that — with two teachers for just 12 pupils in some cases and so on — but the general rule is that there is at least one classroom teacher for every 29 children in the school. Next year this is being reduced to 28 children per classroom teacher and in 2007/2008 it will be reduced to 27 children per classroom teacher.

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This Government has clearly demonstrated its commitment to improving staffing in our primary schools by hiring thousands of extra teachers in recent years and we will continue to make progress on this issue.

366. **Ms Burton** asked the Minister for Education and Science the average class size at a school (details supplied) in Dublin 15; and if she will make a statement on the matter. [22388/06]

Minister for Education and Science (Ms Hanafin): The average class size in the school referred to by the Deputy for the 2005/06 school year is 29.8.

Major improvements have been made in primary school staffing in recent years. Next September there will no less than 4000 extra teachers in our primary schools, compared with 2002. Not only is the average class size in our primary schools down to 24, but there is now one teacher for 17 pupils at primary level, including resource teachers etc.

Children with special needs and those from disadvantaged areas are getting more support than ever before to help them to make the most of their time at school.

With the thousands of extra primary teachers appointed, recent years have seen the largest expansion in teacher numbers since the expansion of free education. Over the next two school years even more teachers will be put in place both for the above priority areas of disadvantage and special education and also under a reduction in the mainstream staffing schedule at primary level.

Primary schools are staffed on a general rule of at least one classroom teacher for every 29 children. Of course, schools with only one or two teachers have much lower staffing ratios than that — with two teachers for just 12 pupils in some cases and so on — but the general rule is that there is at least one classroom teacher for every 29 children in the school. Next year this is being reduced to 28 children per classroom teacher and

in 2007/2008 it will be reduced to 27 children per classroom teacher.

The number of children in large classes has been reduced dramatically by this Government. Furthermore, what really puts the decrease in large classes in context is the fact that in 1996/97 five times more children were in classes of 35+ and ten times more children were in classes of 40+.

It is important to appreciate that there are a number of different reasons why a particular school may have a large class in a given year. Reasons why there are large classes include a significant fluctuation in enrolments from one year to the next and/or a decision by the school principal not to have multi-grade classes. Regardless of the reason why there is a large class in a particular school one year, it should be noted that in the majority of cases this is not the situation in the following year. In the main, the same schools do not have large classes year after year and so the same children are not in large classes year after year.

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This Government has clearly demonstrated its commitment to improving staffing in our primary schools by hiring thousands of extra teachers in recent years and we will continue to make progress on this issue.

Special Educational Needs.

367. **Ms Enright** asked the Minister for Education and Science the reason a person (details supplied) in Donegal, who suffers from dyslexia and who will be sitting their leaving certificate in June 2006, has been refused reader assistance and waiver; the assistance they can avail of before the exam; and if she will make a statement on the matter. [22405/06]

Minister for Education and Science (Ms Hanafin): The State Examinations Commission has statutory responsibility for operational matters relating to the certificate examinations, including the scheme of reasonable accommodation for persons with special needs. In view of this, I have forwarded your query to the State Examinations Commission for direct reply to you.

Schools Recognition.

368. **Mr. J. O’Keeffe** asked the Minister for Education and Science if her attention has been drawn to the proposals to establish a residential Irish language secondary school on Oileán Chléire in west Cork; if she will nominate an official from her Department to engage in discussion with a group (details supplied) who are promoting the proposal in order that it can be examined and developed for consideration; and if she will make a statement on the matter. [22465/06]

Minister for Education and Science (Ms Hanafin): I am not aware of any such proposal. Officials in the School Planning Section of my Department will fully consider the matter should a proposal be received from the group in question.

Schools Building Projects.

369. **Mr. J. O’Keeffe** asked the Minister for Education and Science the band rating allocated to both schools in relation to the proposed new community college and gaelscoil for Bantry in west Cork; the estimated cost of the proposed school bundle as referred to by her in Parliamentary Question No. 588 of 30 May 2006; and if her attention has been drawn to the fact that a site has been secured for these schools and outline planning permission has been obtained. [22466/06]

Minister for Education and Science (Ms Hanafin): My Department’s Planning Section has assigned a band rating of 1.4 to the new community school and a band rating of 2.2 for the Gaelscoil Bheanntrai. The capital value of a PPP school bundle needs to be €50m approximately to attract sufficient interest from the private sector and to ensure my Department receives value for money over the lifetime of the contract.

I am aware that County Cork VEC has entered into a contract with Cork County Council to purchase the site for the new community college and Gaelscoil Bheanntrai and that a grant of outline planning permission was received on the 17 May 2006 for both the community school and Gaelscoil Bheanntrai. As indicated to the Deputy in my reply of 30 May 2006 the precise make up of the next PPP school bundle will be determined by my Department in consultation with the National Development Finance Agency.

Pupil-Teacher Ratio.

370. **Ms Burton** asked the Minister for Education and Science the number of children of nine years of age and under in classes of more than 20 at a school (details supplied) in Dublin 15; and if she will make a statement on the matter. [22550/06]

Minister for Education and Science (Ms Hanafin): There are 128 children of nine years of age and under in classes of more than 20 at the school referred to by the Deputy in the current school year.

Major improvements have been made in primary school staffing in recent years. Next September there will no less than 4000 extra teachers in our primary schools, compared with 2002. Not only is the average class size in our primary schools down to 24, but there is now one teacher for 17 pupils at primary level, including resource teachers etc.

Children with special needs and those from disadvantaged areas are getting more support than ever before to help them to make the most of their time at school. With the thousands of extra primary teachers appointed, recent years have seen the largest expansion in teacher numbers since the expansion of free education. Over the next two school years even more teachers will be put in place both for the above priority areas of disadvantage and special education and also under a reduction in the mainstream staffing schedule at primary level. Primary schools are staffed on a general rule of at least one classroom teacher for every 29 children. Of course, schools with only one or two teachers have much lower staffing ratios than that — with two teachers for just 12 pupils in some cases and so on — but the general rule is that there is at least one classroom teacher for every 29 children in the school. Next year this is being reduced to 28 children per classroom teacher and in 2007/2008 it will be reduced to 27 children per classroom teacher.

The number of children in large classes has been reduced dramatically by this Government. Furthermore, what really puts the decrease in large classes in context is the fact that in 1996/97 five times more children were in classes of 35+ and ten times more children were in classes of 40+. It is important to appreciate that there are a number of different reasons why a particular school may have a large class in a given year. Reasons why there are large classes include a significant fluctuation in enrolments from one year to the next and/or a decision by the school principal not to have multi-grade classes.

Regardless of the reason why there is a large class in a particular school one year, it should be noted that in the majority of cases this is not the situation in the following year. In the main, the same schools do not have large classes year after year and so the same children are not in large classes year after year.

Where some classes in a school have class sizes of greater than 29, it is often because a decision has been taken at local level to use their teaching resources to have smaller numbers in other classes. Indeed, when the matter of why a particular school has a class of 35 in a particular grade is looked into, very often the answer is because

there is another class in the same school with a much lower than average number of pupils in it.

Splitting classes may not always be an option for a particular school, because for example there might be a large group in junior infants and a small group in sixth class and so on. But where it is possible, principals should consider the benefits of having smaller multi-grade classes as against having large differences in class sizes at different levels in the school. This Government has clearly demonstrated its commitment to improving staffing in our primary schools by hiring thousands of extra teachers in recent years and we will continue to make progress on this issue.

371. **Ms Burton** asked the Minister for Education and Science the number of children of nine years of age and under in classes of more than 20 at a school (details supplied) in Dublin 15; and if she will make a statement on the matter.
[22551/06]

Minister for Education and Science (Ms Hanafin): There are 472 children of nine years of age and under in classes of more than 20 at the school referred to by the Deputy in the current school year.

Major improvements have been made in primary school staffing in recent years. Next September there will no less than 4000 extra teachers in our primary schools, compared with 2002. Not only is the average class size in our primary schools down to 24, but there is now one teacher for 17 pupils at primary level, including resource teachers etc.

Children with special needs and those from disadvantaged areas are getting more support than ever before to help them to make the most of their time at school. With the thousands of extra primary teachers appointed, recent years have seen the largest expansion in teacher numbers since the expansion of free education. Over the next two school years even more teachers will be put in place both for the above priority areas of disadvantage and special education and also under a reduction in the mainstream staffing schedule at primary level. Primary schools are staffed on a general rule of at least one classroom teacher for every 29 children. Of course, schools with only one or two teachers have much lower staffing ratios than that — with two teachers for just 12 pupils in some cases and so on — but the general rule is that there is at least one classroom teacher for every 29 children in the school. Next year this is being reduced to 28 children per classroom teacher and in 2007/2008 it will be reduced to 27 children per classroom teacher.

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Splitting classes may not always be an option for a particular school, because for example there might be a large group in junior infants and a small group in sixth class and so on. But where it is possible, principals should consider the benefits of having smaller multi-grade classes as against having large differences in class sizes at different levels in the school. This Government has clearly demonstrated its commitment to improving staffing in our primary schools by hiring thousands of extra teachers in recent years and we will continue to make progress on this issue.

372. **Ms Burton** asked the Minister for Education and Science the number of children of nine years of age and under in classes of more than 20 at a school (details supplied) in Dublin 15; and if she will make a statement on the matter. [22552/06]

Minister for Education and Science (Ms Hanafin): There are 70 children of nine years of age and under in classes of more than 20 at the school referred to by the Deputy in the current school year.

Major improvements have been made in primary school staffing in recent years. Next September there will no less than 4000 extra teachers in our primary schools, compared with 2002. Not only is the average class size in our primary schools down to 24, but there is now one teacher for 17 pupils at primary level, including resource teachers etc.

Children with special needs and those from disadvantaged areas are getting more support than ever before to help them to make the most of their time at school. With the thousands of extra primary teachers appointed, recent years have seen the largest expansion in teacher numbers since the expansion of free education. Over the next two school years even more teachers will be put in place both for the above priority areas of disadvantage and special edu-

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Splitting classes may not always be an option for a particular school, because for example there might be a large group in junior infants and a small group in sixth class and so on. But where it is possible, principals should consider the benefits of having smaller multi-grade classes as against having large differences in class sizes at different levels in the school. This Government has clearly demonstrated its commitment to improving staffing in our primary schools by hiring thousands of extra teachers in recent years and we will continue to make progress on this issue.

373. **Ms Burton** asked the Minister for Education and Science the average class size at a school (details supplied) in Dublin 15; and if she will make a statement on the matter. [22553/06]

Minister for Education and Science (Ms Hanafin): The average class size in the school referred to by the Deputy for the 2005/06 school year is 27.2.

[Ms Hanafin.]

Major improvements have been made in primary school staffing in recent years. Next September there will no less than 4000 extra teachers in our primary schools, compared with 2002. Not only is the average class size in our primary schools down to 24, but there is now one teacher for 17 pupils at primary level, including resource teachers etc.

Children with special needs and those from disadvantaged areas are getting more support than ever before to help them to make the most of their time at school. With the thousands of extra primary teachers appointed, recent years have seen the largest expansion in teacher numbers since the expansion of free education. Over the next two school years even more teachers will be put in place both for the above priority areas of disadvantage and special education and also under a reduction in the mainstream staffing schedule at primary level. Primary schools are staffed on a general rule of at least one classroom teacher for every 29 children. Of course, schools with only one or two teachers have much lower staffing ratios than that — with two teachers for just 12 pupils in some cases and so on — but the general rule is that there is at least one classroom teacher for every 29 children in the school. Next year this is being reduced to 28 children per classroom teacher and in 2007/2008 it will be reduced to 27 children per classroom teacher.

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small group in sixth class and so on. But where it is possible, principals should consider the benefits of having smaller multi-grade classes as against having large differences in class sizes at different levels in the school. This Government has clearly demonstrated its commitment to improving staffing in our primary schools by hiring thousands of extra teachers in recent years and we will continue to make progress on this issue.

374. **Ms Burton** asked the Minister for Education and Science the average class size at a school (details supplied) in Dublin 15; and if she will make a statement on the matter. [22554/06]

Minister for Education and Science (Ms Hanafin): The average class size in the school referred to by the Deputy for the 2005/06 school year is 26.3.

Major improvements have been made in primary school staffing in recent years. Next September there will no less than 4000 extra teachers in our primary schools, compared with 2002. Not only is the average class size in our primary schools down to 24, but there is now one teacher for 17 pupils at primary level, including resource teachers etc.

Children with special needs and those from disadvantaged areas are getting more support than ever before to help them to make the most of their time at school. With the thousands of extra primary teachers appointed, recent years have seen the largest expansion in teacher numbers since the expansion of free education. Over the next two school years even more teachers will be put in place both for the above priority areas of disadvantage and special education and also under a reduction in the mainstream staffing schedule at primary level. Primary schools are staffed on a general rule of at least one classroom teacher for every 29 children. Of course, schools with only one or two teachers have much lower staffing ratios than that — with two teachers for just 12 pupils in some cases and so on — but the general rule is that there is at least one classroom teacher for every 29 children in the school. Next year this is being reduced to 28 children per classroom teacher and in 2007/2008 it will be reduced to 27 children per classroom teacher.

The number of children in large classes has been reduced dramatically by this Government. Furthermore, what really puts the decrease in large classes in context is the fact that in 1996/97 five times more children were in classes of 35+ and ten times more children were in classes of 40+. It is important to appreciate that there are a number of different reasons why a particular school may have a large class in a given year. Reasons why there are large classes include a significant fluctuation in enrolments from one year to the next and/or a decision by the school principal not to have multi-grade classes.

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375. **Ms Burton** asked the Minister for Education and Science the number of classes in a school (details supplied) in Dublin 15 which have 30 or more children; and if she will make a statement on the matter. [22555/06]

Minister for Education and Science (Ms Hanafin): There are 16 classes of 30 or more children in the school referred to by the Deputy in the current school year.

Major improvements have been made in primary school staffing in recent years. Next September there will no less than 4000 extra teachers in our primary schools, compared with 2002. Not only is the average class size in our primary schools down to 24, but there is now one teacher for 17 pupils at primary level, including resource teachers etc.

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28 children per classroom teacher and in 2007/2008 it will be reduced to 27 children per classroom teacher.

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376. **Ms Burton** asked the Minister for Education and Science the number of classes in a school (details supplied) in Dublin 15 which have 30 or more children; and if she will make a statement on the matter. [22556/06]

Minister for Education and Science (Ms Hanafin): There are 3 classes of 30 or more children in the school referred to by the Deputy in the current school year.

Major improvements have been made in primary school staffing in recent years. Next September there will no less than 4000 extra teachers in our primary schools, compared with 2002. Not only is the average class size in our primary schools down to 24, but there is now one teacher for 17 pupils at primary level, including resource teachers etc.

Children with special needs and those from disadvantaged areas are getting more support

[Ms Hanafin.]

than ever before to help them to make the most of their time at school. With the thousands of extra primary teachers appointed, recent years have seen the largest expansion in teacher numbers since the expansion of free education. Over the next two school years even more teachers will be put in place both for the above priority areas of disadvantage and special education and also under a reduction in the mainstream staffing schedule at primary level. Primary schools are staffed on a general rule of at least one classroom teacher for every 29 children. Of course, schools with only one or two teachers have much lower staffing ratios than that — with two teachers for just 12 pupils in some cases and so on — but the general rule is that there is at least one classroom teacher for every 29 children in the school. Next year this is being reduced to 28 children per classroom teacher and in 2007/2008 it will be reduced to 27 children per classroom teacher.

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377. **Ms Burton** asked the Minister for Education and Science the number of classes in a school (details supplied) in Dublin 15 which have 30 or more children; and if she will make a statement on the matter. [22557/06]

Minister for Education and Science (Ms Hanafin): There is 1 class of 30 or more children in the school referred to by the Deputy in the current school year.

Major improvements have been made in primary school staffing in recent years. Next September there will no less than 4000 extra teachers in our primary schools, compared with 2002. Not only is the average class size in our primary schools down to 24, but there is now one teacher for 17 pupils at primary level, including resource teachers etc.

Children with special needs and those from disadvantaged areas are getting more support than ever before to help them to make the most of their time at school. With the thousands of extra primary teachers appointed, recent years have seen the largest expansion in teacher numbers since the expansion of free education. Over the next two school years even more teachers will be put in place both for the above priority areas of disadvantage and special education and also under a reduction in the mainstream staffing schedule at primary level. Primary schools are staffed on a general rule of at least one classroom teacher for every 29 children. Of course, schools with only one or two teachers have much lower staffing ratios than that — with two teachers for just 12 pupils in some cases and so on — but the general rule is that there is at least one classroom teacher for every 29 children in the school. Next year this is being reduced to 28 children per classroom teacher and in 2007/2008 it will be reduced to 27 children per classroom teacher.

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Educational Projects.

378. **Mr. Blaney** asked the Minister for Education and Science if a school (details supplied) in County Donegal will be included in the school support programme; and if she will make a statement on the matter. [22558/06]

Minister for Education and Science (Ms Hanafin): I wish to assure the Deputy that no school has been told that they are going to lose any of the resources that they have been receiving under existing schemes for tackling disadvantage as a result of the introduction of the new DEIS initiative. On the contrary, the new School Support Programme is aimed at providing even more extra resources for the most disadvantaged schools in the country.

Schools that did not qualify for the new programme will keep the extra resources they are getting under existing schemes for the 2006/07 school year and after that they will continue to get support in line with the level of disadvantage among their pupils.

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 schools in Donegal.

It is precisely with this goal in mind that DEIS was designed. For example, 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.

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. No school has been told that they will lose any resources as a result of DEIS.

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 referred to by the Deputy has submitted a review application.

It is intended that the review process will be completed by the end of the current school year. Major improvements have been made in primary school staffing in recent years. Next September there will no less than 4000 extra teachers in our primary schools, compared with 2002. Not only is the average class size in our primary schools down to 24, but there is now one teacher for 17 pupils at primary level, including resource teachers etc.

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Special Educational Needs.

379. **Ms C. Murphy** asked the Minister for Education and Science her views on dyslexia workshops; if she will award grant aid to such initiatives; and if she will make a statement on the matter. [22588/06]

380. **Ms C. Murphy** asked the Minister for Education and Science the categories of specific or special learning needs required to have an individual learning plan; if it is intended to expend these categories; and if she will make a statement on the matter. [22589/06]

405. **Mr. Stagg** asked the Minister for Education and Science if her attention has been drawn to the workshops organised by an association (details supplied) in many areas; if her attention has further been drawn to the fact that the need for such workshops arises from the widespread non implementation of her Department's policy and guidelines for slow learners; if her attention has further been drawn to the fact that the staff and other resources required by the workshops are fully funded by the parents of the pupils concerned; her views on grant aid to workshops to defray these costs; and if she will make a statement on the matter. [22722/06]

407. **Mr. Stagg** asked the Minister for Education and Science if she has satisfied herself regarding the take up and implementation of the individual learning programme for slow learners and for dyslexic pupils in particular at national school level; the percentage of national schools that have implemented this programme; her views on making the programme obligatory rather than optional; and if she will make a statement on the matter. [22724/06]

408. **Ms C. Murphy** asked the Minister for Education and Science if she has satisfied herself with the level of use of individual learning plans for children in need of special educational supports; if she will alter the manner in which such plans are incorporated into the education system by moving away from merely recommending their use and towards a situation where schools are required to implement them; if her Department has monitored in the past, currently monitors, or intends to monitor the learning outcomes achieved for pupils in schools which implement ILPs as compared with schools which do not; her views on the merits of individual learning plans; and if she will make a statement on the matter. [22795/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 379, 380, 405, 407 and 408 together.

The Deputies will be aware of the significant initiative for allocating resource teachers that I introduced in primary schools in September 2005. The new scheme allocates resource teachers to schools to cater for the needs of children with high-incidence special educational needs, such as dyslexia and those children with low attainments. This ensures that schools have the resources in place to cater for pupils with high-incidence special educational needs who may enrol in their school.

The Learning-Support Guidelines 2000 advise schools to devise and implement an Individual Profile and Learning Programme in respect of all pupils with low achievement in literacy and numeracy. The Learning Support Guidelines are provided to schools as best practice guidance. While the process is not mandatory, schools are strongly advised to put procedures in place that ensure that the child's needs are identified and appropriate interventions are put in place.

I do not intend to make the Individual Profile and Learning Programme process mandatory. Rather, since their publication, my Department has provided and continues to provide support to schools and teachers on the implementation of the Learning-Support Guidelines. A copy of the Learning-Support Guidelines has been distributed to all primary teachers. Trainers from the Primary Curriculum Support Programme have provided a training day on the implementation of the Learning-Support Guidelines for the teachers in every primary school in the country and additional training courses and advice and support has been provided for school principals, learning support teachers and resource teachers. This support is on-going. The Learning-Support Guidelines are also used as the core textbook in the year-long training programmes for learning-support teachers that are provided by the Colleges of Education and the universities and which are funded by the Teacher Education Section of my Department.

As provided for in the Education for Persons with Special Educational Needs (EPSEN) Act

(2004), an education plan for each individual pupil with special educational needs will become mandatory when the relevant sections of the EPSEN Act are commenced. In preparation for this, the National Council for Special Education (NCSE) has drawn up guidelines on the Individual Education Plan Process. It is intended to publish these guidelines before the end of the current school year. These guidelines will provide advice and assistance to schools, teachers and parents on devising and implementing Individual Education Plans (IEPs). It is expected that schools will use these guidelines to draw up school policies and procedures in relation to IEPs in advance of the mandatory requirement for them.

I have asked the NCSE to provide me with an implementation plan in relation to the EPSEN Act. I expect to receive this plan by October 2006. This plan will enable me to decide on the commencement of the remaining sections of the Act, including the sections related to IEPs. In relation to the matter of dyslexia workshops, I can confirm that my Department provides funding to the Dyslexia Association. This funding helps the organisation operate an information service for members and the public. In addition, part of the funding assists in meeting the costs associated with the attendance of some children from disadvantaged backgrounds at workshops and programmes organised by the association.

The Deputies may be aware that my Department has developed an information resource pack on dyslexia in cd-rom, dvd and video format, in association with the Department of Education in Northern Ireland. This product has been made available to all primary and post-primary schools. The DVD and video provides support for parents of pupils with dyslexia while the CD-Rom assists teachers who are teaching children with dyslexia in the mainstream classroom. Major improvements have been made in primary school staffing in recent years. Next September there will no less than 4000 extra teachers in our primary schools, compared with 2002. Not only is the average class size in our primary schools down to 24, but there is now one teacher for 17 pupils at primary level, including resource teachers etc.

Children with special needs and those from disadvantaged areas are getting more support than ever before to help them to make the most of their time at school. With the thousands of extra primary teachers appointed, recent years have seen the largest expansion in teacher numbers since the expansion of free education. Over the next two school years even more teachers will be put in place both for the above priority areas of disadvantage and special education and also under a reduction in the mainstream staffing schedule at primary level. Primary schools are staffed on a general rule of at least one classroom teacher for every 29 children. Of course, schools with only one or two teachers have much lower staffing ratios than that — with two teachers for just 12 pupils in some cases and

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381. **Ms C. Murphy** asked the Minister for Education and Science the recommended case load for resource teachers; if it is intended to set minimum standards for such teachers; and if she will make a statement on the matter. [22590/06]

Minister for Education and Science (Ms Hanafin): Primary school pupils with special educational needs are allocated between 3 and 5 support teaching hours per week. Once a school or cluster of schools acquires 22 additional resource teaching hours, a full-time resource teacher may be recruited. A full-time resource teacher is expected to teach for up to 25 hours per week. On this basis resource teachers would typically have between 5 and 8 pupils with low-incidence special educational needs on a caseload.

[Ms Hanafin.]

In post-primary schools SENOs allocate hours in respect of students with certain professionally assessed high- and low-incidence disabilities. The allocations range from 2.5 to 5 hours per child. A full-time resource teacher at post-primary level would have a caseload of 22 hours, however a teacher in such a setting may also teach other subjects and in theory could have just one student for resource teaching support.

The following teachers can be appointed to resource teacher posts: (i) Fully recognised and probated primary teachers; or (ii) Teachers who were granted provisional or restricted recognition from the Department of Education and Science before 28th March 2006. (iii) Teachers who are registered with the Teaching Council on or after 28th March 2006, and who are eligible to teach in mainstream or special education settings.

To be qualified as a resource teacher in the post-primary sector, a person must be qualified as a post-primary teacher and, in addition, hold a recognised post-graduate qualification in special educational needs (SEN) teaching. There is also provision for appointment of a teacher without such a post-graduate qualification if no fully qualified SEN teacher is available.

Major improvements have been made in primary school staffing in recent years. Next September there will no less than 4000 extra teachers in our primary schools, compared with 2002. Not only is the average class size in our primary schools down to 24, but there is now one teacher for 17 pupils at primary level, including resource teachers etc.

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Schools Amalgamation.

382. **Mr. McGuinness** asked the Minister for Education and Science if she will sanction the amalgamation of two schools (details supplied) in County Kilkenny, in view of the fact that there is full agreement at local level; if the amalgamation will be approved in order that the administrative process can be completed while waiting on the technical reports on the sites; and if she will make a statement on the matter. [22616/06]

Minister for Education and Science (Ms Hanafin): The next step in the proposed amalgamation of the two schools, to which the Deputy refers, is for a technical assessment to be carried out on existing buildings to determine which, if any, would be suitable to act as a host for the new school.

The Deputy will be aware that on 13 January last, I outlined details of 62 schools which are being given the go ahead to proceed with major capital works such as new school building projects, extensions or refurbishment. The first key step for these schools is the appointment of the design team that will design and plan the works. Technical visits are currently being carried out on these projects as part of this process.

As soon as that series of technical visits is completed, officials in my Department will be in a position to proceed with other technical assessments such as the case of the two school sites referred to by the Deputy. My Department will be in direct contact with the school authorities in question when it is in a position to schedule a technical inspection of the buildings concerned.

Education Schemes.

383. **Ms Enright** asked the Minister for Education and Science the reason her Department does not provide funding to a community-based organisation (details supplied) in County Laois, in view of the fact that the bulk of its work centres around supporting and encouraging children to continue in mainstream education; and if she will make a statement on the matter. [22633/06]

384. **Ms Enright** asked the Minister for Education and Science if she will examine an innovative educational scheme (details supplied) in County Laois with a view to making it a pilot project to assist in primary education here; and if she will make a statement on the matter. [22634/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 383 and 384 together.

Tackling educational disadvantage is one of my main priorities and the new plan for educational inclusion, DEIS (Delivering Equality of Opportunities in Schools) aims to ensure that the educational needs of children and young people, from pre-school to completion of upper second-level education (3 to 18 years), from disadvantaged communities are prioritised and effectively addressed. The plan 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 new School Support Programme which is currently being rolled out in 840 schools selected to participate, will rationalise existing schemes and integrate them into the new School Support Programme, which 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.

A key objective of this action plan is to enhance integration and partnership working, both within the education sector itself and between all other relevant Government departments, agencies, organisations and groups. Under DEIS, my Department, through the network of ten regional offices is enhancing its capacity to work in partnership with locally based agencies

and individuals promoting social inclusion measures.

Measures under DEIS 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. A key component of my Department's strategy to discriminate positively in favour of children and young people who are at risk of early school leaving is the School Completion Programme. This programme was implemented to directly target those in danger of dropping out of the education system and in line with current thinking favours an integrated cross-community and cross-sectoral approach based on the development of local strategies to ensure maximum participation levels in the education process. It entails targeting individual young people aged 4 — 18, both in and out of school, and arranging supports to address inequalities in education access, participation and outcomes.

Increased access will be provided to the 200 second level and 320 urban/town primary schools in SSP to a range of academic and non-academic supports based in-school, after school, out-of-school and during holiday time, based on best practices identified through the School Completion Programme (SCP). There are currently 82 School Completion Programme project sites located around the country and with the roll out of the new School Support Programme the number of project sites will be increased. In this context, I am not in favour of introducing new individual pilot schemes at this stage.

Schools Building Projects.

385. **Ms Burton** asked the Minister for Education and Science further to her recent announcement of a new primary school in Dublin 15 for September 2006 under the patronage of the Catholic Archdiocese of Dublin, and a new school under the patronage of Educate Together, the location of each site; the size of each site; the cost of acquiring each site; the number of pupils who will be catered for by each school; and if she will make a statement on the matter. [22635/06]

Minister for Education and Science (Ms Hanafin): In April this year I took a decision to grant recognition to a new primary school for the Dublin 15 area, with effect from this coming September under the Patronage of the Catholic Archdiocese of Dublin. The rate and pace of development in this area is unprecedented and this decision was taken to ensure that we have sufficient educational infrastructure in place to cater for the ever increasing number of pupils seeking school places. It is planned that this school, St. Benedict's, Ongar, will be located in temporary accommodation on the Mary Mother of Hope NS site.

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With regard to permanent accommodation, it is intended that both the new Catholic School, St. Benedict's and Castaheaney Educate Together National School will be accommodated on the reserved school site at Ongar. The acquisition process for this site is currently being finalised. In order to protect the public procurement process it is normal policy not to comment on the purchase price of individual sites.

A sixteen classroom school will be constructed initially on this site with a target completion date of September, 2007 to meet the immediate accommodation needs of Castaheaney Educate Together National School. However, the ultimate long term enrolment of both schools concerned will be the subject of further discussions with the school management authorities concerned.

386. **Mr. P. Breen** asked the Minister for Education and Science if extra funding will be made available to a school (details supplied) in County Clare in order to complete a building project; and if she will make a statement on the matter. [22642/06]

Minister for Education and Science (Ms Hanafin): As part of the expansion of the devolved scheme for primary school building works, a grant of €275,000 was sanctioned in March 2006 to enable the management authorities of the school in question to extend and refurbish their school. Devolving funding to school management authorities allows them to have control of their projects, assists in moving projects more quickly to tender and construction and can also deliver better value for money.

The Schemes are not structured on the basis that the Department funding must be supplemented by local fundraising. They do however allow a school to supplement the funding from local resources if they so wish. The critical element is that with devolved authority the school must set the scope of works to match the funding allocated. The Department does not define the precise works to be carried out. A school can make choices within the budget allocated.

Setting the scope of works is the critical first step. Clearly where a school has a known level of resources apart from the Department funding or knows its capacity to raise additional resources it is open to that school to extend the scope of works to include additional facilities. However if the scope of works is not set appropriately from the outset based on the budget available there is a risk that the school will be faced with a funding gap when the project is at construction.

The choices to be made within these devolved schemes rest with the school and that is the cornerstone of any policy of devolution. The school authority knows the budget and must decide what it is capable of building with that budget. The time to identify a problem is at the outset before entering any contract.

Schools can raise with my Department any site specific problems or unusual planning stipulations that impose additional costs and these will be examined.

Otherwise schools must reduce the scope of intended works so as to remain within budget.

A school does not have to accept the invitation to participate in a devolved scheme and instead be considered for inclusion in the mainstream school building programme in line with the project's priority band rating. The school in question recently submitted an appeal for additional funding which will be considered as soon as possible. The school management will be notified of the decision at an early date.

School Accommodation.

387. **Mr. Hayes** asked the Minister for Education and Science when work will begin on providing additional accommodation to a school (details supplied) in County Tipperary. [22643/06]

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 2 rating. Progress on the proposed works is being considered in the context of the School Building and Modernisation Programme from 2006 onwards.

School Services Staff.

388. **Mr. Haughey** asked the Minister for Education and Science the reason some primary school secretaries are paid indirectly by way of an ancillary grant to the school per child, while other school secretaries are paid directly by her Department; if those paid by way of an ancillary grant are at a disadvantage in view of the fact that PRSI has to be paid by the school first and that pupil numbers in a school can fall; and if she will make a statement on the matter. [22650/06]

Minister for Education and Science (Ms Hanafin): My Department provides funding towards the cost of secretarial services in primary schools under two separate schemes. One is the 1978 scheme under which my Department meets the full cost of salary. These secretaries are paid directly through my Department's payroll. The 1978 scheme is being phased out and no new posts are being created under the scheme. The new Ancillary Services Grant scheme has superseded the 1978 scheme.

The new Ancillary Services grant scheme is a more extensive scheme covering the funding of ancillary services in primary schools, including secretarial services. The scheme is flexible in nature giving Boards of Management and schools

discretion as to the manner in which secretarial services are provided.

Under the new scheme the arrangement is that each school receives a grant from my Department for the provision of secretarial and other ancillary services. It is a matter for each school to determine how best to meet its secretarial requirements. My Department has no direct role in the pay and conditions of service of secretaries employed directly by schools under these arrangements.

Third Level Fees.

389. **Mr. Perry** asked the Minister for Education and Science the reason a person (details supplied) in County Sligo has to pay fees for their studies as they are the holder of an Irish passport; and if she will make a statement on the matter. [22653/06]

Minister for Education and Science (Ms Hanafin): Under the terms of the Free Fees Initiative the Exchequer meets the tuition fees of students who are first-time undergraduates and hold EU nationality or official refugee status and have been ordinarily resident in an EU Member State for at least three of the five years preceding their entry to an approved third level course. It is a matter for each institution to determine students eligibility for free fees under my Department's Free Fees Initiative.

I would emphasise the distinction between the criteria that determines eligibility under the Free Fees Initiative, and the criteria by which individual institutions establish what rates of tuition fees should be charged, in cases where a student does not qualify for free fees. The universities are autonomous bodies and, as such, may determine the level of fees to be charged in cases where the Free Fees Initiative does not apply.

Psychological Service.

390. **Mr. Kenny** asked the Minister for Education and Science the number of psychologists available to primary schools in the Dublin area; the waiting times for psychological assessments; and if she will make a statement on the matter. [22656/06]

Minister for Education and Science (Ms Hanafin): All primary and post primary schools have access to psychological assessments either directly through my Department's National Educational Psychological Service (NEPS) or through the Scheme for Commissioning Psychological Assessments (SCPA) that is administered by NEPS and full details of which are available on my Department's website.

NEPS does not keep waiting lists for assessments of children but in common with other psychological services encourages a staged assessment process, whereby each school takes responsibility for initial assessment, educational planning and remedial intervention, in consul-

tation with their assigned NEPS psychologist. Only if there is a failure to make reasonable progress in spite of the school's best efforts, will a child be referred for individual psychological assessment. This system allows the psychologists to give early attention to urgent cases and also to help many more children indirectly than could be seen individually.

Children who manifest very special or urgent needs in school and who have not been previously assessed by a psychologist and are brought to the attention of a NEPS psychologist by the Principal teacher will usually be assessed by the psychologist within that school term. Normally, principals of schools prioritise those children in need of psychological assessment in consultation with the assigned psychologist.

In the case of schools that do not currently have dedicated NEPS psychologists assigned to them, as I already mentioned, such schools have access to educational psychological assessments through the SCPA. Under this Scheme, schools can commission assessments from a member of the panel of private practitioners approved by NEPS, and NEPS will pay the fees directly to the psychologist concerned.

NEPS provides assistance to all schools and school communities that experience critical incidents, regardless of whether or not they have a NEPS psychologist assigned to them. NEPS also provides psychological services to schools in Dublin for children with visual impairment and for children with hearing impairment.

Since the establishment of the NEPS in 1999, the number of NEPS psychologists has increased from 43 to 122 at present. Thirty psychologists (30) are currently assigned to primary schools in Dublin. The Public Appointments Service has concluded a new recruitment competition for the appointment of Educational Psychologists to NEPS. Regional panels have been established to allow my Department give greater priority in filling vacancies to areas with the greatest need. Two newly appointed psychologists have been assigned to a Dublin region. My Department is currently in the process of recruiting a further 9 psychologists.

Special Educational Needs.

391. **Mr. Kenny** asked the Minister for Education and Science the way in which parents whose special needs children are attending pre-schools throughout Dublin are to access primary schools in view of the fact that most of these primary schools have waiting lists for children with special needs; and if she will make a statement on the matter. [22657/06]

Minister for Education and Science (Ms Hanafin): It is open to all parents to approach schools with a view to enrolling their children, including those with special educational needs. A specific function of the National Council for

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Special Education, through its network of local special educational needs organisers (SENOs), is to identify appropriate educational placements for all children with special educational needs. The SENO is a focal point of contact for parents/guardians and schools.

Contact with the relevant SENO can be made by contacting the NCSE, Mill Street, Trim, Co. Meath, telephone number (046) 948 6400 or by accessing the NCSE website at www.ncse.ie.

School Enrolments.

392. **Mr. Kenny** asked the Minister for Education and Science the number of children attending secondary school in the Rathcoole, County Dublin area in each of the years 2000 to 2006; the projected numbers for the next five years; and if she will make a statement on the matter. [22658/06]

Minister for Education and Science (Ms Hanafin): There is one postprimary school in Rathcoole, Holy Family Community School and enrolment details since 2000 are as follows:

2000	711
2001	689
2002	678
2003	662
2004	676
2005	661

Details regarding the projected pupils numbers for this school are not available in my Department. However, future needs in the area will be assessed in the light of an application from the Holy Family Community School for major capital works.

393. **Mr. Kenny** asked the Minister for Education and Science the number of children attending secondary school in the Clondalkin, Dublin 22 area in each of the years from 2000 to 2006; the projected numbers for the next five years; and if she will make a statement on the matter. [22659/06]

Minister for Education and Science (Ms Hanafin): There are four Post-Primary providers in the Clondalkin area namely, Coláiste Bríde, Moyle Park College, Collinstown Park Community College and Deansrath Community College. Details of enrolments at these schools since 2000 are as follows.

2000	2,747
2001	2,673
2002	2,568
2003	2,579
2004	2,538
2005	2,509

Figures for projected enrolments in Clondalkin are not held in my Department.

However I am satisfied that between them, the existing schools can cater for current and emerging needs.

394. **Mr. Kenny** asked the Minister for Education and Science the number of children attending secondary school in the Newcastle, in County Dublin area in each of the years from 2000 to 2006; the projected numbers for the next five years; and if she will make a statement on the matter. [22660/06]

Minister for Education and Science (Ms Hanafin): There is no Post-Primary provision in Newcastle. Students from this area attend secondary school in the neighbouring areas of Rathcoole, Lucan and Clondalkin.

395. **Mr. Kenny** asked the Minister for Education and Science the number of children attending secondary school in the Lucan area in County Dublin in each of the years from 2000 to 2006; the projected numbers for the next five years; and if she will make a statement on the matter. [22661/06]

Minister for Education and Science (Ms Hanafin): There are five Post-Primary providers serving students in Lucan, namely, Coláiste Phádraig, St. Joseph's College, St. Kevin's Community College, Cóláiste Cois Life and Lucan Community College. Details of enrolments since 2000 are as follows.

2000	2,736
2001	2,706
2002	2,738
2003	2,772
2004	2,718
2005	2,731

While details of projected numbers requiring places in Lucan over the next five years are not held in my Department I am satisfied that between them, the Post-Providers in the area can cater for current needs. However, given the level of population growth in Lucan in recent years, my Department will be assessing the actions necessary to cater for the long term needs at post-primary level in the general Lucan area.

396. **Mr. Kenny** asked the Minister for Education and Science the number of children attending national school in the Rathcoole, County Dublin area in each of the years from 2000 to 2006; the projected numbers for the next five years; and if she will make a statement on the matter. [22662/06]

Minister for Education and Science (Ms Hanafin): There are two primary schools serving the needs of children in Rathcoole, namely Holy Family National School and Scoil Chronain. The

following is details of enrolments in the Rathcoole area since 2000.

2000	456
2001	479
2002	480
2003	492
2004	495
2005	512

Figures for projected numbers for the next five years are not available in my Department.

397. **Mr. Kenny** asked the Minister for Education and Science the number of children attending national school in the Newcastle, County Dublin area in each of the years from 2000 to 2006; the projected numbers for the next five years. [22663/06]

Minister for Education and Science (Ms Hanafin): There is one primary school in Newcastle, namely Newcastle National School and enrolment details since 2000 are as follows:

2000	228
2001	237
2002	237
2003	224
2004	222
2005	224

My Department has determined that a 24 classroom primary school will be required in Newcastle to meet future needs in that area. Negotiations regarding the acquisition of a site are ongoing in this regard.

398. **Mr. Kenny** asked the Minister for Education and Science the number of children attending national school in the Clondalkin, Dublin 22 area in each of the years from 2000 to 2006; the projected numbers for the next five years; and if she will make a statement on the matter. [22664/06]

Minister for Education and Science (Ms Hanafin): There are eighteen primary schools serving the pupils of Clondalkin, namely, Our Lady Queen of Apostles National School, Gaelscoil na Camoige, St. Bernadette's Senior National School, Scoil Naomh Ide, St. Mary's Junior National School, Talbot Senior National School, St. Peter Apostle Senior National School, Scoil Naomh Aine, Scoil Naomh Seosamh, St. Bernadette's Junior National School, Scoil Naomh Eoin, Neillstown National School, Gaelscoil Chluain Dolcain, Scoil Nano Nagle, Sacred Heart National School, St. Ronan's National School, St. Mary's Senior National School and Scoil Mhuire. Enrolment details at these schools since 2000 are as follows.

2000	5,583
2001	5,517
2002	5,415
2003	5,427
2004	5,329
2005	5,340

Figures for future enrolments are not held in my Department, however, I am satisfied that the eighteen primary providers between them can cater for emerging needs in that area.

399. **Mr. Kenny** asked the Minister for Education and Science the number of children attending national school in the Lucan, County Dublin area in each of the years from 2000 to 2006; the projected numbers for the next five years; and if she will make a statement on the matter. [22665/06]

Minister for Education and Science (Ms Hanafin): There are twelve primary schools in Lucan serving the needs of that area, namely, Archbishop Ryan Junior National School, Archbishop Ryan Senior National School, Scoil Mhuire Esker National School, St. Thomas Junior National School, Scoil Aine Senior National School, St. Andrew's National School, Lucan Boys National School, Scoil Mhuire National School, Griffeen Valley Educate Together National School, Lucan Educate Together National School, Gaelscoil Naomh Pdraig and Gaelscoil Eiscir Riada. Enrolment details at these schools since 2000 are as follows:

2000	3,304
2001	3,472
2002	3,653
2003	4,109
2004	4,236
2005	4,536

These schools have a potential capacity of 5,736 pupils. Therefore, I am satisfied that, between them, the schools in Lucan can cater for current and future needs.

400. **Mr. Kenny** asked the Minister for Education and Science when building work will proceed on the new schools in Adamstown; the number of children they will cater for; the expected completion date; and if she will make a statement on the matter. [22666/06]

Minister for Education and Science (Ms Hanafin): The initial requirement in Adamstown is for two primary schools and one post-primary school. These schools will cater for about 900 primary pupils and 1,000 post-primary pupils. The immediate requirement is for the primary schools and I am pleased to advise the Deputy that my Department is liaising directly with the developers in Adamstown on the procurement of these

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schools under a design and build. I understand that the developers have recently applied for planning permission for these schools and it is intended that construction will commence later this year with a view to facilitating the first intake of pupils in September 2007.

Site Acquisitions.

401. **Mr. Kenny** asked the Minister for Education and Science if a site has been selected for a school (details supplied) in County Dublin; the negotiations which have taken place for same; and if she will make a statement on the matter. [22667/06]

Minister for Education and Science (Ms Hanafin): The Property Management Section of the Office of Public Works, which acts on behalf of my Department in relation to site acquisitions generally was requested to source a site for the school referred to by the Deputy. Site proposals have been received by OPW following their recent advertisement for possible site options. These site proposals will now need to be assessed.

402. **Mr. Kenny** asked the Minister for Education and Science the landbank available in Dublin for school sites in the future; her plans to cater for future schooling needs in Dublin; and if she will make a statement on the matter. [22668/06]

Minister for Education and Science (Ms Hanafin): With regard to rapidly developing areas in Dublin, my Department is maximising the use of existing school facilities by providing extensions where site capacity allows along with the provision of new schools on Greenfield sites. This year alone, I authorised six primary school extensions, one post primary extension and six new primary schools to enter architectural planning in Dublin. This level of development is planned to continue with site negotiations at advanced stages for other school projects.

There are two sites in the Dublin area in the ownership of my Department that have yet to be developed. One of these is at Kingswood Heights, Tallaght for a post primary school and the other site is in Rathcoole, Co. Dublin for a primary school. My Department is pursuing an ongoing programme of site acquisitions for school building purposes in many locations throughout the country including the Dublin area. Local Authorities are obliged by statute to refer draft local area development plans to my Department for observation and comment so that lands can be zoned for future education use. There are numerous such sites reserved for education purposes particularly in the rapidly developing areas around Dublin so as to ensure that there will be sufficient land set aside and available for the future development of education infrastructure.

School Enrolments.

403. **Mr. Kenny** asked the Minister for Edu-

cation and Science the number of children on the waiting list for a school (details supplied) in County Dublin; and if she will make a statement on the matter. [22669/06]

Minister for Education and Science (Ms Hanafin): Information regarding waiting lists in individual schools are the responsibility of the management authorities of the school in question. While information has been previously submitted to my Department regarding enrolments at the school referred to by the deputy, the up to date position is not available in my Department.

School Staffing.

404. **Ms Enright** asked the Minister for Education and Science the reason for the removal of a resource teacher from a school (details supplied) in Dublin 6; and if she will make a statement on the matter. [22695/06]

Minister for Education and Science (Ms Hanafin): This school currently has the services of three learning support/resource teachers. One of these posts is due to be suppressed because a number of pupils, who had been allocated individual resource teaching hours, are leaving the school. However, I am informed that the school has submitted applications for resource teaching support to the Special Educational Needs Organiser in respect of other pupils due to enrol in the school. The outcome of these applications will determine the level of resource teaching support in the school for the 2006/2007 school year.

Question No. 405 answered with Question No. 379.

School Placement.

406. **Mr. Durkan** asked the Minister for Education and Science when primary school placements will be offered to persons (details supplied) in County Kildare; and if she will make a statement on the matter. [22723/06]

Minister for Education and Science (Ms Hanafin): The compulsory school starting age in a National School is 6 years of age and Rule 64 (1) of the Rules for National Schools provides that a child must be at least 4 years of age before she/he may be enrolled in a National School. Children of compulsory school-going age must have a place in a National School and overall there are more than enough places available.

Enrolment in individual schools is the responsibility of the managerial authority of those schools and my Department does not seek to intervene in decisions made by schools in such matters. My Department's main responsibility is to ensure that schools in an area can, between them, cater for all pupils seeking places. This may result, however, in some pupils not obtaining a place in the school of their first choice.

It is the responsibility of the managerial authorities of schools that are not in a position to admit all pupils seeking entry to implement an

enrolment policy in accordance with the Education Act. In this regard a board of management may find it necessary to restrict enrolment to children from a particular area or a particular age group or, occasionally, on the basis of some other criterion.

Where a board of management refuses to enrol a student in a school the parent of the student or, where the student has reached 18 years of age, the student themselves, following the conclusion of any appeal procedures at school level, has a statutory entitlement under section 29 of the Education Act 1998 to appeal that decision to the Secretary General of the Department of Education and Science.

Under the appeal process, a committee is established to hear the appeal. Oral hearings are conducted with a minimum of formality. In most cases appeals must be dealt within 30 days. Where appropriate, the Secretary General may give whatever directions to the board of management that are considered necessary to remedy the matter complained of.

Questions Nos. 407 and 408 answered with Question No. 379.

Vocational Education Committees.

409. **Mr. Kehoe** asked the Minister for Education and Science the plans she has to give a chairman's allowance to the chairperson of the different county vocational education committees; and if she will make a statement on the matter. [22796/06]

Minister for Education and Science (Ms Hanafin): My Department has been in discussions with the Irish Vocational Education Association (IVEA) in relation to their request for the introduction of an allowance for the Chairpersons of VECs. This matter is under consideration within my Department and a response will be furnished to the IVEA in due course.

Ministerial Responsibilities.

410. **Mr. P. McGrath** asked the Minister for Education and Science the functions which have, since the last general election, been delegated to Ministers of State at her Department by the Government under powers conferred on it by Section 2 (1) of the Ministers and Secretaries (Amendment) (No. 2) Act 1977; and the statutory instrument number of each such order. [22841/06]

Minister for Education and Science (Ms Hanafin): There are two Delegation of Functions Orders currently in force in my Department. Under the Education and Science (Delegation of Ministerial Functions) (No. 2) Order 2004 (SI No. 521 of 2005), the Government delegated to Mr Brian Lenihan TD, Minister of State at the Department of Education and Science, the powers and duties of the Minister for Education and Science conferred on her by or under the Children Acts 1908 to 1989, the Children Act

2001 and the Education (Welfare) Act 2000. The delegation does not include powers and duties that require the Minister to give her agreement to the exercise of any power or performance of any duty by another Minister.

Under the Education and Science (Delegation of Ministerial Functions) (No. 3) Order 2004 (SI No. 522 of 2005) the Government delegated to Ms Síle de Valera TD, Minister of State at the Department of Education and Science, the power and duties of the Minister for Education and Science conferred on the Minister by or under the Youth Work Act 2001; section 7(1)(c)(i) of the Education Act 1998, insofar as it relates to adult education, including educational disadvantage, among adults; and section 7(1)(c)(ii) of the Education Act 1998 insofar as it relates to transport services. Both of these orders were made on 7 December 2004.

Prior to these, there have been a number of Delegation Orders made since the convention of the current Dáil. These are the Education and Science (Delegation of Ministerial Functions) (No. 1) Order 2002 (S.I. No. 653 of 2002); the Education and Science (Delegation of Ministerial Functions) (No. 2) Order 2002 (S.I. No. 654 of 2002); the Education and Science (Delegation of Ministerial Functions) Order 2003 (S.I. No. 526 of 2003); and the Education and Science (Delegation of Ministerial Functions) (No. 2) Order 2003 (S.I. No. 738 of 2003).

Army Compensation Claims.

411. **Ms Burton** asked the Minister for Defence further to Parliamentary Question Nos. 67, 121 and 126 of 9 May 2006, the number, of those who were awarded gratuities, who were officers; the number who were not; the rate of gratuity paid to each; the number of those, in respect of the Section 12(2) double compensation of the 59 cases received, who were officers; the number who were not; and the amount by which awards are reduced in cases where partial reduction applies. [22391/06]

412. **Ms Burton** asked the Minister for Defence further to Parliamentary Question Nos. 67, 121 and 126 of 9 May 2006, the status of the remaining two cases in view of the fact that there were 59 cases eligible for review under Section 13(2) of which 48 cases were decided and nine not; the number of those awarded pensions who were officers and the number who were not; the number of those awarded gratuities who were officers and the number who were not; the rate of pension awarded to those who were officers; and rate of pension awarded to those who were not. [22392/06]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 411 and 412 together.

The information requested is being compiled and will be forwarded to the Deputy as soon as possible.

Ministerial Responsibilities.

413. **Mr. P. McGrath** asked the Minister for Defence the functions which have, since the last general election, been delegated to Ministers of State at his Department by the Government under powers conferred on it by Section 2 (1) of the Ministers and Secretaries (Amendment) (No. 2) Act 1977; and the statutory instrument number of each such order. [22842/06]

Minister for Defence (Mr. O'Dea): Since the last general election, no specific function has been delegated to the Minister of State at my Department, Mr. Tom Kitt, T.D., who is also Minister of State at the Department of the Taoiseach. I do, however, request his assistance in the execution of certain duties, on an ongoing basis. Minister Kitt has deputised for me at official events on a number of occasions when I have been unable to attend due to prior diary commitments.

Social and Affordable Housing.

414. **Dr. Cowley** asked the Minister for the Environment, Heritage and Local Government if he will ensure that under the State lands initiative, local authorities should give some of their land to provide lands in the context of the affordable housing initiative; his views on whether community zoning could be a simple system if it is prioritised by the Government and as stated to this Deputy that this could be a simple operation; and if he will make a statement on the matter. [22307/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Under the terms of the Sustaining Progress Affordable Housing Initiative, a series of lands belonging to local authorities have been released to the initiative. To date, 131 affordable housing units have been provided on three sites in Buckley's Field, Blackrock, Cork (32 units), Finglas Road (50 units) and Flemington, Balbriggan (49 units). Construction is also underway on ten sites belonging to local authorities which will yield a total of 574 affordable housing units.

In addition to these specific projects, local authorities are also progressing numerous projects on their own lands under their social and other affordable housing programmes. The zoning of land for particular purposes is a function of local authorities within the development plan process, as set out in the Planning and Development Act 2000. My Department actively engages with local authorities on a range of initiatives towards community improvements. Local authorities will generally have regard to potential financial implications of zoning exclusively for community use, and may prefer to adopt an integrated approach to the planning requirements of an area in consultation with the relevant stakeholders.

To assist local authorities in this process, I recently published Draft Guidelines on Development Plans for Planning Authorities for public consultation which set out, inter alia, the need for

development plans to include objectives for the integration of the planning and sustainable development of the area with the social, cultural and community requirements of the area and its population. The closing date for comments and submissions on the Draft Guidelines is 21 July 2006.

Noise Pollution.

415. **Mr. F. McGrath** asked the Minister for the Environment, Heritage and Local Government the action a person can take regarding the noise pollution from jet skis that are operating off the prom in Clontarf as they are disturbing children at 9.30 pm; and if he will advise on this matter. [22638/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Under the Environmental Protection Agency Act 1992 (Noise) Regulations 1994, a local authority or any person may seek an order in the District Court to have noise giving reasonable cause for annoyance abated. The procedures involved have been simplified to allow action to be taken without legal representation. A public information leaflet outlining the legal options available to persons experiencing noise nuisance is available from my Department and on the Department's website, www.environ.ie.

The Maritime Safety Act 2005 includes provisions on the regulation and control of watercraft in the interests of safety and the prevention of nuisance or injury to persons. It is open to any person who feels that noise from a watercraft is causing a serious nuisance to raise the matter with the local authority or harbour authority concerned for consideration having regard to the provisions of the 2005 Act.

Company Closures.

416. **Mr. Stanton** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 298 of 29 January 2003 if the property that was held by a company (details supplied) on Haulbowline Island under a lease dated 22 May 1996 and made between the Minister for Finance, the Minister for Communications, Marine and Natural Resources and the company has been disclaimed through the courts following the voluntary liquidation of a company; the situation regarding the ownership or control of this property; the size of the property; his future plans for the property; and if he will make a statement on the matter. [22726/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The case in question was one in which the liquidator of the company initiated proceedings to disclaim the lease, granted by the State through the Departments of Finance, and Communications, Marine and Natural Resources on a site of total area in the region of 20 hectares at Haulbowline, Cobh, County Cork, under Section 290 of the Compan-

ies Acts, on the basis that the lease constituted “onerous property”.

Ultimately, the lease of the site was not disclaimed through the courts as the liquidator in the intervening period exercised a break clause in the lease. Notwithstanding the exercise of this break clause, the liquidator was constrained to remain on site until June 2003 in order to secure the proper removal from the site of certain licensed radioactive materials then held on site. On completion of this, the site reverted to State custody.

My Department was mandated by Government, inter alia, to secure and maintain the site, and to procure and have carried out an appropriate site investigation. The reports on the site investigation will help inform Government on the potential future uses of the site, and I will be reporting their conclusions to Government in the relatively near future. Pending finalisation of the reports, and the subsequent deliberations of Government, it would not be appropriate to offer views about the future of the site.

Question No. 417 answered with Question No. 140.

Register of Electors.

418. **Mr. Callely** asked the Minister for the Environment, Heritage and Local Government when the register of electors based on the revised Dáil Éireann constituencies will be available; and if he will make a statement on the matter. [22317/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Electoral (Amendment) Act 2005 implemented the Constituency Commission’s 2004 recommendations in relation to Dáil constituencies. The revised constituencies will come into force on the dissolution of the Dáil and will be effective for the next general election; in the period up to the dissolution of the Dáil, the existing constituencies apply for any bye-elections which may be held.

The compilation and maintenance of the register of electors is a matter for each local registration authority. In July 2005 my Department wrote to local authorities requesting that the current register of electors should be adapted so that both the existing and the revised constituencies could be identified from it. All local authorities have confirmed that the appropriate adaptations have been made and that copies of the register for the revised constituencies are available on request.

Departmental Statistics.

419. **Mr. Callely** asked the Minister for the Environment, Heritage and Local Government the statistics available on the amount of moneys paid to local authorities by way of development levy and charges for each year from 2000 to 2005; and if he will make a statement on the matter. [22318/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The following table, which is based on information supplied by planning authorities, sets out the development contributions collected by local authorities for the period 2000-2004 and an estimate of development contributions collected in 2005.

County Area	2000	2001	2002	2003	2004	Estimate 2005
	€	€	€	€	€	€
Carlow	866,523	721,492	527,526	4,108,871	5,423,712	4,979,226
Cavan	980,322	985,723	1,250,997	1,726,563	2,443,668	2,905,970
Clare	1,337,849	1,342,238	1,848,373	5,030,619	15,012,318	8,639,087
Cork	10,101,535	9,803,819	13,650,879	18,640,420	23,372,801	38,739,433
Donegal	2,003,808	3,011,577	2,886,599	4,077,770	5,408,421	5,420,650
Dún Laoghaire-Rathdown	5,978,273	6,067,832	7,761,776	8,248,405	12,005,514	23,000,000
Fingal	13,612,512	14,764,631	16,338,872	22,828,194	36,418,076	50,780,348
Galway	2,854,367	3,688,593	3,472,987	6,283,355	10,192,308	12,653,760
Kerry	1,659,269	1,902,843	3,540,009	4,142,871	8,414,791	12,105,223
Kildare	6,428,684	6,078,742	9,249,082	9,681,082	21,553,713	20,220,462
Kilkenny	952,403	2,949,594	3,242,523	3,990,300	8,104,213	13,541,275
Laois	1,732,248	1,511,250	2,531,622	4,058,654	4,846,814	12,907,000
Leitrim	643,846	427,771	763,472	1,904,028	2,177,356	4,200,000
Limerick	1,632,093	2,277,417	2,896,451	3,246,640	5,102,569	12,675,000
Longford	670,007	866,501	1,438,301	1,306,556	2,840,998	3,574,312
Louth	4,270,854	5,174,232	8,993,794	11,621,455	13,576,797	28,110,342
Mayo	1,933,749	1,301,687	786,940	1,266,487	4,156,144	19,043,049
Meath	6,028,641	12,861,534	9,506,636	21,223,966	23,739,581	40,130,188
Monaghan	28,760	1,039,145	1,021,967	1,187,936	1,684,053	8,725,905

[Mr. Roche.]

County Area	2000	2001	2002	2003	2004	Estimate 2005
Offaly	1,411,426	983,783	1,194,923	2,440,985	5,077,802	5,197,593
Roscommon	1,173,977	798,832	1,958,157	3,449,130	3,679,966	6,389,417
Sligo	543,721	1,286,519	2,416,388	2,527,829	2,669,171	4,479,110
South Dublin	10,901,971	10,704,857	11,243,420	2,397,997	20,759,303	31,566,815
Tipperary North	643,639	1,092,348	1,014,080	15,249,361	5,227,791	6,913,274
Tipperary South	1,346,764	1,204,065	2,003,725	3,751,818	5,342,596	5,227,000
Waterford	2,018,992	1,659,281	1,596,213	1,663,166	3,519,316	5,044,301
Westmeath	1,942,817	2,067,964	1,819,521	3,793,639	5,274,025	8,338,049
Wexford	4,517,653	5,096,974	6,507,272	8,043,630	11,591,327	32,124,511
Wicklow	3,095,140	5,236,242	7,929,194	8,951,778	11,541,145	33,380,176
Sub Total	91,311,843	106,907,486	129,391,699	186,843,506	281,156,288	461,011,476
<i>City Council</i>						
Cork City	1,924,379	1,820,076	3,094,378	7,521,882	10,831,391	11,043,400
Dublin City	10,563,548	7,606,758	8,654,092	11,378,014	27,571,393	58,403,217
Galway City	3,523,296	3,815,743	5,142,663	5,795,645	7,358,804	5,400,000
Limerick City	1,255,951	1,214,372	2,493,006	2,521,556	4,592,920	7,687,886
Waterford City	1,801,140	611,577	2,219,625	1,388,454	5,807,685	6,450,605
Sub Total	19,068,315	15,068,526	21,603,764	28,605,551	56,162,193	88,985,108
Total	110,380,157	121,976,012	150,995,463	215,449,057	337,318,481	549,996,584

Question No. 420 answered with Question No. 61.

Land Acquisition.

421. **Mr. Connaughton** asked the Minister for the Environment, Heritage and Local Government the position of an application for sale of a bog by a person (details supplied) in County Galway; and if he will make a statement on the matter. [22327/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I understand that an offer to purchase will shortly issue from my Department in this case.

Local Authority Housing.

422. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government if his Department has at any stage issued a circular to local authorities regarding the conditions and standards which social housing which the local authority is re-allocating must meet; and if he will make available any such circular which have been issued in the past ten years. [22334/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Circulars HRT 8/93 (15 June 1993) and HRT 2/97 (14 April 1997) advised local authorities of their obligations under the Housing (Standards for Rented Houses) Regulations 1993 which detail standards for rented houses includ-

ing local authority houses. Copies of these circulars are available from my Department.

423. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government the progress to date on the application by a group (details supplied) in County Louth for capital funding for a women's refuge in Drogheda to his Department under the capital assistance scheme and the National Lottery fund; and if he will make a statement on the matter. [22368/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): An application for funding under the voluntary housing capital assistance scheme has been received from Drogheda Borough Council in respect of this project and clarification on a number of aspects sought from the Council is awaited. When this is to hand the application will be further considered. Officials from my Department will, if required, meet with the Council and the voluntary body to discuss ways in which the project may be progressed.

424. **Mr. Deasy** asked the Minister for the Environment, Heritage and Local Government the number of social and affordable houses that have been funded by his Department and completed in Waterford city and Waterford county in each of the past five years. [22369/06]

Minister of State at the Department of the Environment, Heritage and Local Government

(Mr. N. Ahern): Details of the number of social and affordable houses that have been provided in Waterford City and county in each of the past five years are set out in my Department's Housing Statistics Bulletins, copies of which are available in the Oireachtas Library and on the Department's website at www.environ.ie. The majority of these have been funded through either Exchequer capital provision or non-voted expenditure in the form of loans from the Housing Finance Agency.

Fire Stations.

425. **Mr. Deasy** asked the Minister for the Environment, Heritage and Local Government if he will allocate funding for the construction of a new fire station at Kilmacthomas, County Waterford. [22370/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O'Keeffe): My Department has received no formal plans from Waterford County Council in respect of the provision of a new fire station at Kilmacthomas.

Local Authority Housing.

426. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government the directive he has issued on the draft framework plan for a project (details supplied) in County Sligo; and if he will make a statement on the matter. [22398/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): My Department met with officials from Sligo Borough Council on 7 June 2006 to discuss the draft framework plan for the regeneration of this estate. The overall proposals are now being examined in my Department in relation to their scope and suitability as well as indicative costings and implementation. A response from the Department will be conveyed to the Borough Council as soon as possible.

427. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government when a decision will be made on the location of the count for the next general election for the Carlow-Kilkenny constituency; the person who makes this decision; and if the count could be held in County Carlow at the next general election as it has been held in County Kilkenny for the last number of general elections. [22407/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Under electoral law, the returning officer for the Dáil constituency concerned (in the case of Carlow-Kilkenny, the Kilkenny County Registrar) is responsible for

all matters in connection with the conduct of the election, including the selection of a place to be used as a count centre.

428. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government the outcome of the meeting which he indicated, in reply to Parliamentary Question No. 554 of 16 May 2006, that he was holding on that date with the managers of Limerick City, Limerick County and Clare County Councils regarding possible boundary changes in Limerick; and if changes which would see the three estates of Moyross which are not currently within the city council area become part of Limerick city were discussed. [22408/06]

429. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government the action he will take to ensure that the boundaries of Limerick city are extended in line with the desire of the majority of residents of the three estates of Moyross not currently within Limerick city to join with the rest of the Moyross local authority estate and become part of Limerick city in view of the fact that Limerick County Council has indicated in a letter to a representative of this Deputy's party in Limerick that they have no objection to the transfer going ahead. [22409/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 428 and 429 together.

I met with the Limerick City Manager, and the Limerick County and Clare County Managers on 16 May 2006 with a view to initiating consideration of the range of options open to the three Councils in the context of the application by Limerick City Council for an alteration of the boundary of the City of Limerick, including the Moyross area, and my response of 5 April 2006 to the Limerick City Manager. The Managers have agreed to put in place a suitable exploratory process, with the assistance of my officials, having regard to the need to develop the Limerick/Shannon Gateway to its full potential.

Public Service Charges.

430. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government the amount of commercial rates collected by each local authority in 2005; and if he will make a statement on the matter. [22423/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The amount of rates income included by each local authority in its 2005 budget is set out in the following table. Details of actual amounts collected will be available following publication by all local authorities of their 2005 annual financial statements.

[Mr. Roche.]

Local Authority	Local Authority Type	2005 Budgeted Rates Income
		€
Carlow	County Council	3,971,318
Cavan	County Council	6,137,500
Clare	County Council	26,758,658
Cork	County Council	67,964,000
Donegal	County Council	16,484,600
Dún Laoghaire Rathdown	County Council	65,072,500
Fingal	County Council	80,106,155
Galway	County Council	13,969,550
Kerry	County Council	14,181,348
Kildare	County Council	26,519,938
Kilkenny	County Council	7,989,239
Laois	County Council	6,916,657
Leitrim	County Council	3,150,070
Limerick	County Council	21,498,969
Longford	County Council	2,800,400
Louth	County Council	5,284,300
Mayo	County Council	10,441,604
Meath	County Council	14,344,694
Monaghan	County Council	4,371,298
North Tipperary	County Council	5,374,346
Offaly	County Council	4,557,663
Roscommon	County Council	6,388,300
Sligo	County Council	3,519,742
South Dublin	County Council	86,457,410
South Tipperary	County Council	5,651,216
Waterford	County Council	4,360,700
Westmeath	County Council	5,776,433
Wexford	County Council	13,207,038
Wicklow	County Council	8,917,112
Cork	City Council	48,576,900
Dublin	City Council	229,456,190
Galway	City Council	21,786,738
Limerick	City Council	24,270,497
Waterford	City Council	15,916,744
Clonmel	Borough Council	3,976,091
Drogheda	Borough Council	5,284,300
Kilkenny	Borough Council	3,960,500
Sligo	Borough Council	5,367,982
Wexford	Borough Council	2,695,129
Arklow	Town Council	1,619,470
Athlone	Town Council	2,549,912
Athy	Town Council	1,580,225
Ballina	Town Council	2,399,925
Ballinasloe	Town Council	1,095,270
Birr	Town Council	937,847
Bray	Town Council	4,497,319
Buncrana	Town Council	1,127,662
Bundoran	Town Council	722,114
Carlow	Town Council	4,310,612
Carrickmacross	Town Council	1,121,828

Local Authority	Local Authority Type	2005 Budgeted Rates Income
		€
Carrick-On-Suir	Town Council	653,482
Cashel	Town Council	449,274
Castlebar	Town Council	2,265,061
Castleblaney	Town Council	606,653
Cavan	Town Council	1,389,083
Clonakilty	Town Council	950,946
Clones	Town Council	402,779
Cobh	Town Council	661,653
Dundalk	Town Council	10,154,542
Dungarvan	Town Council	2,219,000
Ennis	Town Council	3,485,480
Enniscorthy	Town Council	1,147,091
Fermoy	Town Council	836,573
Kells	Town Council	511,462
Killarney	Town Council	5,742,481
Kilrush	Town Council	538,303
Kinsale	Town Council	852,562
Letterkenny	Town Council	3,679,722
Listowel	Town Council	1,301,278
Longford	Town Council	1,878,948
Macroom	Town Council	577,801
Mallow	Town Council	1,811,153
Midleton	Town Council	1,236,707
Monaghan	Town Council	2,553,590
Naas	Town Council	4,637,162
Navan	Town Council	1,790,717
Nenagh	Town Council	2,622,723
New Ross	Town Council	999,188
Skibbereen	Town Council	787,002
Templemore	Town Council	358,000
Thurles	Town Council	1,907,500
Tipperary	Town Council	1,071,268
Tralee	Town Council	6,680,174
Trim	Town Council	545,968
Tullamore	Town Council	3,057,217
Westport	Town Council	2,223,393
Wicklow	Town Council	1,012,184
Youghal	Town Council	1,135,815

431. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government the proposals he has to ensure a more equitable waiver system in regard to refuse charges; and if he will make a statement on the matter. [22424/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Waste collection is properly a local service with individual arrangements being locally determined and tailored to local circumstances. It has never been a matter in which central Government has intervened. The present legal framework, as determined by the Oireachtas, reflects this local nature of waste

management services. In accordance with section 52 of the Protection of the Environment Act 2003, the determination of waste management charges (and the provision of waivers) is a matter for the relevant local authority, where it acts as the service provider. Similarly, where a private operator provides the collection service, it is a matter for that operator to determine charges. I have no statutory function in the determination of waste charges and waivers. However, I have been giving consideration to the overall regulation of the waste management sector including whether, and to what extent, there might be a need to identify public service obligations appro-

[Mr. Roche.]

appropriate to service providers. I will bring proposals to Government in this regard shortly.

Planning Issues.

432. **Ms Burton** asked the Minister for the Environment, Heritage and Local Government the position on the establishment of management companies in respect of new housing developments which consist of traditional houses, in view of his statements to Dáil Éireann that traditional housing developments would not be the subject of management company type arrangements; if his attention has been drawn to the fact that currently new housing estates of traditional houses are being advertised in the Dublin 15 area subject to a management company being set up and purchasers of the houses being liable to pay an annual service charge; the regulations which he has put in place in respect of the development of such management companies; and if he will make a statement on the matter. [22452/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I have made it clear that it is not appropriate for planning authorities to attach planning conditions requiring management companies to maintain the roads, services, etc., in the case of traditional housing estates, by which I mean estates of houses with their own front and back gardens. It is, of course, open to developers to require that purchasers of residential units become members of a management company irrespective of whether there are planning conditions requiring such companies and it is a matter for buyers to exercise their discretion as to whether to purchase in such a scheme.

As I have stated previously, the related issues of planning conditions regarding management companies and taking in charge can be complex, particularly in the newer mixed estates which contain apartments, duplex houses and terraced houses, with shared facilities such as car-parking and gardens. Genuine questions arise as to whether it is appropriate that all facilities on these estates, which may include high specification paving, lighting and landscaping, should be taken in charge and maintained at public expense. Many of these facilities are replacing the traditional gardens which, in a conventional housing estate, would fall to be maintained by the residents rather than the local authority.

My Department is at present updating the residential density guidelines following on the publication of the Housing Policy Framework: Building Sustainable Communities, last December. It will be appropriate to examine further the issues of taking in charge and management companies in this context. My attention has not been drawn to the developments referred to in the Question.

However, in replying to a survey by my Department as to their policy on attaching planning conditions regarding management companies to residential estates, Fingal County Council stated that they were not aware of any instance where they had conditioned a management company in a housing-only context. They stated that in the case of mixed developments, involving apartments and housing, there are instances where management companies have been required, but that in such cases the range of services to be provided by the management company is confined to those not taken in charge in normal housing, such as highly landscaped open space areas and incidental landscaping to a high standard of specification. In such cases, the usual local authority services such as public lighting, water services, bin collection, road sweeping, etc are not required to be provided by the such companies.

Question No. 433 answered with Question No. 112.

Recreational Development.

434. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government the funding applied for by Drogheda Borough Council, Dundalk UDC, Ardee Town Commissioners and Louth County Council to his Department for playgrounds for each of the past three years; and if he will make a statement on the matter. [22683/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Prior to the Local Authority Playground Grants Scheme 2004, my Department did not operate a specific scheme of grants for playground projects. The 2004 Scheme provided up to 50% funding for the development of new, or renovation of existing, playgrounds throughout the country. While the scheme was administered by the National Children's Office, the grants were paid out of my Department's Vote. Over €2 million was allocated to County and City Councils in respect of 32 new or refurbished playground projects. €72,000 was allocated to Louth County Council under that scheme for a playground at Dundalk. In 2005 my Department provided funding of over €2 million to local authorities for the development of playground facilities. A fixed grant of €60,000 was allocated to each County and City Council, including Louth County Council, to meet the cost of purchase and delivery of playground equipment. No applications for funding were received from Drogheda Borough Council or Dundalk or Ardee Town Councils.

Water and Sewerage Schemes.

435. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government

the water and sewerage schemes funded in 2006 by his Department in County Louth. [22684/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Details of the major water and sewerage schemes in County Louth that have been approved for funding by my Department are set out in the Water Services

Scheme	Amount	Recouped to
	€	
Drogheda & Dundalk PPP Contract for Operation and Maintenance	254,001.15	Louth County Council
Drogheda Wastewater Treatment Plant Extension	2,027,009.93	Louth County Council
Tullyallen Sewerage Scheme	197,141.67	Louth County Council
Dundalk Sewerage Scheme	324,298.73	Dundalk Town Council

I have also allocated a block grant of €914,000 to Louth County Council for 2006 under the devolved Rural Water Programme.

436. **Mr. J. Breen** asked the Minister for the Environment, Heritage and Local Government the position on Cooracare Labasheeda, Carrigaholt sewerage schemes; the prospective timescale for the start of the aforementioned; and if he will make a statement on the matter. [22725/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Carrigaholt, Labasheeda and Cooraclare Sewerage Scheme is included in my Department's Water Services Investment Programme 2005-2007 as a scheme to commence construction in 2007. Clare County Council is currently reviewing the scheme with a view to improving the cost effectiveness of the proposals. The Council's revised proposals will be given the earliest possible consideration when received in my Department.

Local Authority Housing.

437. **Mr. M. Higgins** asked the Minister for the Environment, Heritage and Local Government the proposals his Department has received from Galway City Council in the past three years; the number in the Department; the number sanctioned; the number awaiting sanction with their projected dates for sanction; and the number of social housing units likely to be provided in 2006, and in 2007. [22800/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The information requested is being compiled and will be forwarded to the Deputy as soon as possible.

438. **Mr. M. Higgins** asked the Minister for the Environment, Heritage and Local Government his views on the figures submitted to him by

Investment Programme 2005-2007 which is available in the Oireachtas Library. My Department recoups expenditure by local authorities on individual schemes in the Programme on foot of certified claims submitted by authorities. Details of the claims recouped to Louth County Council and Drogheda Town Council to date in 2006 are set out in the following table.

Galway City Council, in accordance with the Housing Action Plan 2004, as a realistic assessment of existing and projected housing needs in Galway city; and the progress which has been made on submission to date. [22801/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): In 2004 I sought the preparation by local authorities of social and affordable housing action plans for the period 2004-2008. The Action Plans, now at their midway stage are currently being reviewed. The review is focusing on how targets have been met in the first two years of the plan and on incorporating any adjustments required for the remaining years of the plan, in light of performance including expected 2006 outputs, and the results of the recent Housing Needs Assessment.

To facilitate the review my Department has held bilateral meetings with all local authorities to discuss progress, changing needs and targets for the remainder of the Plan. Following the meetings local authorities are required to submit review statements. These will comprise a commentary on overall performance; noting any significant deviations from the original planned targets and the reasons for such deviations; indicating if the overall targets are still valid in light of the recent Housing Needs Assessment or for other reasons; explaining any proposed changes to the targets for the remaining period of the plan; reviewing the plan in light of developments in areas such as Rental Accommodation Scheme (RAS), preparation of Traveller Accommodation Programmes etc. The reviews will also take account of the requirement for authorities to have in place Active Land Management strategies. In this regard authorities will be required to confirm that adequate attention is paid to the land requirements necessary to underpin the expected scale of social and affordable housing delivery. The outcome of the reviews will ensure

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that local authorities continue to have a framework for the integrated and cohesive planning and delivery over the coming years of specific social and affordable housing measures based on their relevant housing strategy.

In relation to Galway City Council, officials from my Department met with the local authority earlier this month to discuss their Action Plan. I expect that the Review Statement to be submitted following this meeting will present a realistic assessment of existing and projected needs in Galway and outline how the Council proposes to address these needs. Figures in relation to progress to date are available in the Annual Housing Statistics Bulletin published by my Department.

Architectural Heritage.

439. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the extent of further planned restoration works at the Geraldine Castle, Maynooth, County Kildare; and if he will make a statement on the matter. [22809/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Restoration works representing an investment of some €2 million has already been carried out at Maynooth Castle which has facilitated the provision of visitor access and a guide service. No further restoration works are planned.

Water and Sewerage Schemes.

440. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government when he expects the augmentation of the sewerage treatment system serving Naas, Sallins, Prosperous and Newbridge to be completed; the extent to which the procedure has advanced to date; and if he will make a statement on the matter. [22812/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Kildare County Council's revised Preliminary Report and Water Services Pricing Policy Report for the Upper Liffey Valley Sewerage Scheme, which will serve these towns, are under examination in my Department and I expect a decision to issue to the Council shortly. The scheme is included in my Department's Water Services Investment Programme 2005-2007 to commence construction next year. Following approval of the Preliminary Report the Council will be in a position to prepare Contract Documents.

Local Authority Housing.

441. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government

when he will allocate sufficient funds for a comprehensive local authority housing building programme in County Kildare; and if he will make a statement on the matter. [22813/06]

Minister of State at the Department of the Environment, Heritage and Local Government

(Mr. N. Ahern): I recently informed local authorities of their financial capital allocations for their local authority housing programmes and have urged them to accelerate progress on the implementation of their housing programmes in order to commence construction and secure completion of as many social housing schemes as possible in 2006. An allocation of €43.2 million has been notified to the Kildare authorities of which €42 million is in respect to the main housing construction programme; this will provide for an estimated 300 house completions and the commencement of over 250 housing starts in 2006.

442. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government when he will allocate sufficient funds to increase maximum loan available through the shared ownership scheme to a realistic level and thereby ensure that applicants are not forced to seek supplementary loans from other sources, thereby undermining their ability to repay the combined amount; and if he will make a statement on the matter. [22814/06]

Minister of State at the Department of the Environment, Heritage and Local Government

(Mr. N. Ahern): I refer to the reply to Questions Nos. 238 and 239 of 4 May 2006. The loan limit for the Shared Ownership Scheme was reviewed and increased with effect from 1 January 2006. The maximum loan that may now be advanced by a local authority in respect of the share of a dwelling being purchased (minimum 40%) is €185,000. While the cost of a dwelling may substantially exceed this amount, the borrower's income must be sufficient to meet the financial commitments involved under the scheme. In determining the level of approved finance or the maximum house price, local authorities are duty bound to consider the ability of applicants to make the necessary mortgage and rent payments. I have no proposals to increase loan limits further but will continue to keep them under review.

443. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact some applicants for local authority houses have been on waiting lists for more than seven years; and if he will make a statement on the matter. [22815/06]

Minister of State at the Department of the Environment, Heritage and Local Government

(Mr. N. Ahern): The relative priority of households on the local authority waiting lists is determined in accordance with the authorities' schemes of letting priorities, the making of which is a function reserved to the elected members. It is the case that some applicants for local authority housing are on waiting lists for longer periods on the basis that their housing need has a relative lower priority compared with the needs of households who have been allocated housing.

In December 2005, the Government launched a new Housing Policy Framework: Building Sustainable Communities which outlines key principles underpinning housing policy and investment over the coming years. Substantial increased investment in social and affordable housing is outlined in the framework. This will allow for some 23,000 new social homes to be commenced between 2006 and 2008; and some 15,000 affordable homes to be delivered. In total, some 50,000 households will benefit over the coming three years from an Exchequer capital investment package of close to €4 billion. Allied to this, a package of reforms is proposed to improve equity, efficiency and effectiveness. The focus is on improving community participation, improving services to ensure personal choice, autonomy and responsibility.

Water Quality.

444. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if he has satisfied himself regarding the adequacy and quality of the available domestic water supply; the extent to which adequate storage capacity exists or is intended; and if he will make a statement on the matter. [22816/06]

446. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the number of water schemes throughout the country deemed to be polluted; the action taken or pending; and if he will make a statement on the matter. [22818/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 444 and 446 together.

Management of public drinking water supplies is the responsibility of the local authorities which have a range of instruments and measures available to them to produce and conserve sufficient stocks to meet anticipated needs and to ensure quality standards. In addition, my Department coordinates and finances a major programme of investment in improved infrastructure, active leakage control, telemetry and rehabilitation of water mains. Details of such projects are set out in the Water Services Investment Programme 2005-2007 which is available in the Oireachtas Library. The schemes included in the Programme

are derived mainly from regular assessments of needs undertaken by local authorities, at my Department's request, as an input to the overall strategy for meeting necessary water supply and treatment requirements. Earlier this year, I announced a record allocation of €133 million for the 2006 Rural Water Programme. The main focus of this allocation is on upgrading group water schemes using sub-standard private sources. These schemes serve approximately 4% of households nationally and planned upgrades are being advanced as a matter of urgency.

Some €3.7 billion will be spent under the National Development Plan 2000-2006 on the provision of water services infrastructure. Substantial increases in water treatment and storage capacity, both for domestic and industrial use, are being achieved as a result of this investment. Schemes completed in the period 1997 to 2005 have produced additional drinking water treatment capacity equivalent to the needs of a population of over one million. The increase in storage capacity over the same period was sufficient to meet the requirements of a population of over 1.5 million. Successive Environmental Protection Agency reports on drinking water verify the fundamentally good quality of public drinking water supplies in Ireland. The most recent report, for 2004, has confirmed an overall compliance rate for all supplies of 96.4%. The report includes details of the results for all schemes monitored and is also available in the Oireachtas Library. Overall, the resources being put in place under the Water Services Investment Programme and the Rural Water Programme should ensure that the coverage and quality of the national water supply infrastructure is adequate to meet current and anticipated demands.

Local Authority Housing.

445. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if he has sought or received information from the various local authorities in regard to the number of unfinished housing estates throughout the country; his plans to resolve the issue, either directly or through the local authorities; and if he will make a statement on the matter. [22817/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In circular letter PD 1/06, issued on 25 January 2006, my Department requested certain information from planning authorities regarding estates to be taken in charge. A summary of this information, based on replies received from planning authorities, is set out in the following table:

[Mr. Roche.]

C.L PD 1/06: Summary of responses

1	Housing estates to be taken in charge in 2006	587
2	Number of houses involved in estates in Answer 1	27,449
3	Number of housing estates for which the life of the relevant planning permission expired more than 2 years ago which have not yet been taken in charge	2,181
4	Number of estates referred to in Answer 3 in which the relevant permission expired more than 7 years ago	883
5	Number of estates referred to in Answer 3 which are finished (i.e. completed to the required standard under the planning permission)	771
6	Number of houses involved in the finished estates referred to in Answer 5	33,098
7	Number of estates referred to in Answer 3 which are unfinished (i.e. not completed to the required standard within the appropriate period or since)	1,155
8	Number of houses involved in in the unfinished estates referred to Answer 7	32,592

Note: The status of some estates, i.e. finished or unfinished, was not known by planning authorities, hence the total of the number of finished and unfinished estates in Answers 5. and 7 (1,988) does not equal, as it should, the number of estates in Answer 2. Circular letter PD 1/06 also stated that it is necessary for all planning authorities to establish, as a priority, a policy on taking in charge which should be approved by the members of the authority, and reported on to those members on a regular basis and at least once annually. It was further stated that the policy should as a minimum provide that: developers should be required, through the development management process/permission, to complete estates to a standard that is acceptable to the authority for taking in charge, whether in its entirety or, for larger developments, in stages; certain specified standards to be met. Those standards should be set out, where possible, in consultation with local representatives of the construction industry; an acceptable level of security to be provided by the developer towards the completion of the estate. This security will not be released until the estate is completed to the specified standards; the procedures to begin taking in charge housing estates will begin promptly on foot of a request by the owners of the houses in the estate or by the developer, as appropriate. Where an estate is not completed within the appropriate period, enforcement action will be pursued against the developer vigorously and promptly to ensure that the developer completes the estate. All available legal remedies will be used to enable that to be done. The bond obtained from the developer will be applied to carry out any outstanding work where needed to ensure the estate is completed within a reasonable period; sufficient funding will be made available from local authority resources to address 'problem' or longstanding cases on a phased basis. Timeframes for taking in charge such cases will be communicated to local residents and adhered to. Particular priority will be placed on resolving those estates that have been left

unfinished/not taken in charge for the longest period.

Finally the Strategic Infrastructure Bill, which is currently before Dáil Eireann, proposes to amend section 35 of the Planning Act to enable the planning authority to refuse permission to a developer who has been in substantial non-compliance with a previous planning permission. The applicant will have to apply to the High Court if he or she wishes to have the decision overturned. This will be a reversal of the current position as set out in section 35, whereby a planning authority wishing to refuse permission in such a case must obtain the authorisation of the High Court.

Question No. 446 answered with Question No. 444.

Local Authority Funding.

447. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the funding made available by his Department for sewerage schemes categories under the heading of small schemes; if his attention has been drawn to the need for a substantial increase in such funding with particular reference to minimising pollution; and if he will make a statement on the matter. [22819/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I have allocated €19.825m to county councils for 2006 in respect of the Small Public Water and Sewerage Schemes measure of the Rural Water Programme. Responsibility for the operation of the measure, including the prioritisation, selection and implementation of individual schemes, has been devolved to county councils since 1997. Based on a recommendation by the National Rural Water Monitoring Committee, investment under the Rural Water Programme in recent years has concentrated on improving drinking water quality in rural water supplies and in privately sourced group water schemes, in particular. Completion of the rural water upgrading proposals set out in the Committee's Action Plan will facilitate a

review of the funding arrangements for other measures in the Rural Water Programme, including a greater emphasis on small public water and sewerage schemes.

448. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the inadequacy of the funding available for group sewerage schemes throughout the Country; his plans to address this issue; and if he will make a statement on the matter. [22820/06]

449. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government his proposals to increase the funding available to the various local authorities for group sewerage schemes; and if he will make a statement on the matter. [22821/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 448 and 449 together.

In June 2005 I approved funding for the provision of new waste water facilities at seven locations in County Tipperary as a pilot programme to test a range of new, small-scale waste water collection and treatment systems under Irish conditions. The pilot programme, proposed by the National Rural Water Monitoring Committee, will also test a low cost, low maintenance system to collect, treat and dispose of effluent from existing septic tanks. The objective of the pilot scheme is to evaluate new approaches to meeting the waste water collection and treatment needs of rural villages and to examine the potential role for group sewerage schemes in extending the collection systems to households outside the catchment of new or existing sewerage schemes. Implementation of the pilot programme is currently underway. Three of the schemes are expected to be completed by September and the remainder by the end of the year. Performance monitoring of each scheme will commence immediately after commissioning and I will be asking the National Rural Water Monitoring to report on results as they become available. Overall assessment of the pilot programme will inform any review of the current group sewerage scheme grants.

Local Authority Housing.

450. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if he will initiate an accelerated local authority house building programme; and if he will make a statement on the matter. [22822/06]

453. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the number of local authority houses built by the various local authorities and excluding construction by the voluntary or charitable sectors

throughout the country in each of the past five years; the number of applicants on local authority housing waiting lists; if a projection has been carried out to reduce the waiting lists appreciably; and if he will make a statement on the matter. [22825/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 450 and 453 together.

The most recent assessment of need for social housing was undertaken by local authorities in March 2005 indicated that there were 43,684 households on local authority waiting lists compared with 48,413 in March 2002 — a decrease of almost 10%. Information on the number of local authority housing units constructed each year for the past five years up to the end of September 2005 is published in my Department's Annual Bulletins of Housing Statistics and is also available on my Department's website at www.environment.ie. Information for the full year 2005 will be published shortly in my Department's Annual Bulletin of Housing Statistics and on the Department's website. In December 2005, the Government launched a new Housing Policy Framework: Building Sustainable Communities which outlines key principles underpinning housing policy and investment over the coming years. Substantial increased investment in social and affordable housing is outlined in the framework. This will allow for some 23,000 new social homes to be commenced between 2006 and 2008; and some 15,000 affordable homes to be delivered. In total, some 50,000 households will benefit over the coming three years from an Exchequer capital investment package of close to €4 billion. Allied to this, a package of reforms is proposed to improve equity, efficiency and effectiveness. The focus is on improving community participation, improving services to ensure personal choice, autonomy and responsibility. The overall impact of these measures will impact positively on waiting lists for social and affordable housing. I recently informed local authorities of their financial allocations for their local authority housing programmes and have urged them to accelerate progress on the implementation of their housing programmes in order to commence construction and secure completion on as many social housing schemes as possible in 2006. The total allocation for 2006 is €942 million. This should allow for the completion of over 5,000 housing units in 2006.

Fire Service.

451. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the extent to which expenditure on the fire services is in keeping with modern requirements and international standards; if the latest technology is available throughout the service; and if

[Mr. Durkan.]

he will make a statement on the matter.
[22823/06]

452. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if, arising from recent reports, he has in mind proposals to enhance, augment or upgrade the full-time or part-time fire services with particular reference to the need for modern equipment for use in emergencies or in the event of a terrorist attack; and if he will make a statement on the matter. [22824/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 451 and 452 together.

The provision of a fire service, including equipment, training and the employment of both full-time and retained fire-fighting personnel, is a statutory function of the individual fire authorities and my Department has no direct role in this matter. My Department supports the local fire authorities through the setting of general policy, the provision of capital funding, the issue of guidance to fire authorities in relation to fire prevention and operational matters and other such initiatives. Over the past 25 years, almost €240 million has been provided by my Department to local fire authorities under the fire services capital programme for the provision of new and refurbished fire stations and the purchase of fire appliances and other equipment. At this stage, over two-thirds of our fire stations, including almost all of the busiest stations, have been replaced, we have a modern fleet of front-line fire appliances, and we have a modern emergency response communications system. The fire services capital allocation for 2006 is almost €20 million. The Fire Services Council assists fire authorities through the provision of training courses and seminars to supplement the training provided by the authorities themselves. Since 2001, my Department has provided over €2.3 million to the Fire Services Council for this purpose. Also, since 2001, my Department has provided almost €4.2 billion in general purpose grants to assist the local authorities in carrying out their statutory functions, including the provision of fire services.

Question No. 453 answered with Question No. 450.

Question No. 454 answered Question No. 74.

Ministerial Responsibilities.

455. **Mr. P. McGrath** asked the Minister for

the Environment, Heritage and Local Government the functions which have, since the last general election, been delegated to Ministers of State at his Department by the Government under powers conferred on it by section 2 (1) of the Ministers and Secretaries (Amendment) (No.2) Act 1977; and the statutory instrument number of each such order. [22843/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Since the last general election no order has been made in respect of my Department to formally delegate functions to Ministers of State. I refer to the reply to Question No. 230 of 18 May 2006 which sets out the present position in relation to the delegation of functions in my Department.

Heritage Centres.

456. **Mr. Boyle** asked the Minister for the Environment, Heritage and Local Government the progress in the development of a Pearse Heritage Centre at Rosmuc, County Galway; and the role other Departments are playing with this project. [22850/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department is involved in ongoing discussions with both the Department of Community, Rural and Gaeltacht Affairs and the Office of Public Works on the possible development of a visitor centre at Pearse's Cottage in Rosmuc. Important issues have arisen around development costs as well as the future running of such a centre. Further discussions are planned in the near future.

Community Development.

457. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government when decisions will be reached on recent funding applications (details supplied) to the local government policy section of his Department under the social and community facilities scheme 2006; and if he will make a statement on the matter. [22851/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): All eligible projects submitted under the Social and Community Facilities Capital Scheme will be appraised against the assessment criteria which are set out in guidelines issued to local authorities. When this appraisal process is complete a number of projects will be selected for grant aid. It is envisaged that allocations will be made to successful projects by the middle of this year.