



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Wednesday, 5 July 2006.

Leaders' Questions ... ..	661
Ceisteanna—Questions	
Taoiseach ... ..	674
Requests to move Adjournment of Dáil under Standing Order 31 ... ..	686
Order of Business ... ..	688
Visit of Northern Ireland Delegation ... ..	691
Order of Business ( <i>resumed</i> ) ... ..	691
Commissions of Investigation: Motion ... ..	706
Road Traffic Bill 2006 [ <i>Seanad</i> ]: Report Stage ... ..	707
Ceisteanna—Questions ( <i>resumed</i> )	
Minister for Communications, Marine and Natural Resources	
Priority Questions ... ..	714
Other Questions ... ..	731
Adjournment Debate Matters ... ..	736
National Wage Agreement: Statements ... ..	737
Road Traffic Bill 2006: Report Stage ( <i>resumed</i> ) ... ..	755
Private Members' Business	
Government Record: Motion ( <i>resumed</i> ) ... ..	794
Building Societies (Amendment) Bill 2006:	
Order for Second Stage ... ..	841
Second Stage ... ..	842
Criminal Justice Bill 2004: From the Seanad ... ..	873
National Economic and Social Development Office Bill 2002: From the Seanad ... ..	880
Adjournment Debate	
Health Services ... ..	886
Early School Leavers ... ..	888
School Accommodation ... ..	891
Questions: Written Answers ... ..	897

## DÁIL ÉIREANN

*Dé Céadaoin, 5 Iúil 2006.*  
*Wednesday, 5 July 2006.*

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

*Paidir.*  
*Prayer.*

### Leaders' Questions.

**Mr. Kenny:** This is the Taoiseach's last day in the Dáil for this session. He has quelled a mini-revolt on the backbenches and survived an abortive leadership challenge within the Progressive Democrats last week. The Government this year has collected €40 million more in taxes than was forecast in last year's budget. On that basis, it is projected that the Government will have collected €2 billion more in taxes this year than was forecast.

The worrying aspect is that the gap between what the Government says it will take in taxes and what it takes is growing. The gap was €100 million in 2003, €650 million in 2004, €1,800 million in 2005 and is heading for more than €2 billion this year. It is difficult to believe, therefore, what the Government says.

The Taoiseach, the Minister for Arts, Sport and Tourism and other Ministers are probably deciding what they must do to get back into office after the next election. That makes me wary of the possibility of a big budget bribe later this year. Given that the Government will probably have more than €2 billion more than was forecast, that becomes likely. In the year before the 2002 election, public spending increased by 40%. There was a different Minister for Finance. We were told we should party and forget about the hangover. However, that hangover consisted of stealth taxes and charges, budget cuts, services slashed and an inability to provide proper services with the people's money. The cost of living soared, competitiveness fell and jobs were lost in manufacturing.

In view of the Taoiseach's comments in recent days, can I take it there will be no big budgetary bribe this year?

**Mr. N. Dempsey:** Grow up, Deputy.

**Mr. Kenny:** To the Minister €60 million is only small change.

**Mr. McCormack:** The people will not buy it this time anyway.

**Mr. Kenny:** Can I take it that the Government will concentrate on attempting to provide the best level of quality services for the public with the public's money and that it will not do as it did prior to the 2002 election and increase public spending with a view to buying votes in an attempt to get back into Government? If that were to happen, and given the Government's record over the past nine years, it would be the worst Government that money can buy.

**Mr. N. Dempsey:** Like Fine Gael did with its promises on Eircom.

**Mr. Timmins:** The Government paid the taxi men.

**An Ceann Comhairle:** The Taoiseach without interruption. The Chair suggests to the leaders and whips of the parties that, before the autumn, they discuss how they will ensure that any Member of the House who is called by the Chair is heard without interruption.

*(Interruptions).*

**Mr. Stagg:** It will be winter before we will be back.

**An Ceann Comhairle:** If not, the Chair will deal with it. It cannot be allowed to continue. The Taoiseach without interruption.

**The Taoiseach:** I agree with Deputy Kenny and congratulate the Minister for Finance on an outstanding result in the six month figures. By any standard, these are good figures. They consistently follow what this Government has been doing in soundly managing the economy through excellent fiscal policies. Yesterday's figures show that an Exchequer surplus of €880 million was recorded in the second quarter of 2006. That compares to an Exchequer deficit of €594 million for the second quarter of last year. The budget deficit is at a far lower rate than we expected.

Due to the success of the economy, the great inward investment and the strength across the pharmaceutical, ICT and construction industries, tax yield is about €1 billion ahead of target. Tax receipts to the end of June are approximately 5.3% above the profile. I doubt that Deputy Kenny was questioning the figures or those who prepared them but obviously it is hard for people to compare the strength of the economy when it is growing at a rate so many percentage points higher than anywhere else in the European Union and in the world economy. People in the United States, Japan, Australia, Canada and the rest of Europe can see that we are outperforming them. The three tax heads, income tax, VAT and excise, are almost exactly on target and corporation tax and capital taxes are well ahead of tar-

[The Taoiseach.]

get. Overall, it looks as if taxes for the year will come in €1.75 billion ahead of target.

Overall net voted spending to the end of June has increased by 9%, it is behind the target set for this stage. Deputy Kenny is talking about next year but this year we are spending less than our forecasts and prudently keeping with the targets.

**Mr. McCormack:** It is being saved for next year.

**The Taoiseach:** That is against a debt to GDP ratio of under 20%, the second lowest in Europe and one of the lowest in the OECD countries. If that is netted against the €16 billion we have saved in the National Pensions Reserve Fund, which the Deputy supports, we have one of the lowest ratios of all.

If taxes come in as we think likely and expenditure comes in on target and there are no surprises, we will end 2006 €1.75 billion better off than expected because of the management of the economy. Instead of the expected borrowing of €3 billion, we will only need to borrow €1 billion. In six months the Minister for Finance and those working with him have improved our situation by 65%. That is good and let us hope we can continue to do that in the remainder of the year.

**Mr. Kenny:** I asked if we can assume there will be no attempt to have a big budget bribe later in the year. Everyone recognises the strength of the economy.

**Mr. Cowen:** Except the Opposition.

**Mr. Kenny:** Everyone recognises the strength of the consumer boom and the construction industry. It is not, however, the amount of money that is taken in that is the priority, it is how it is spent and the value for money in services.

The Taoiseach and the Government, in spite of the strong economy which every one supports and which the alternative Government, when it assumes office next year, will expand and develop, have presided over chaos in accident and emergency units, with 20,000 people on waiting lists and MRSA rampant in hospitals. Crime rates are rising and detection rates falling, with 29 murders this year alone and violent gun crime out of control on the streets. There is no effective road safety strategy and prices are rising faster than the rest of Europe. The economy is hugely dependent on personal debt in consumer spending and the construction sector. Agricultural and marine incomes have been wiped out. Class sizes are growing. There are 100,000 pupils in classes of more than 30 and completely inadequate educational facilities for thousands of others.

That is what this Government has delivered with the taxes it has collected in the last nine years. While no one doubts the strength of the economy or will do anything to harm it, the

Government's inability to accept responsibility for any action has resulted in an inferior level of service for the people who, when they pay for a service, expect one of the highest quality. Look at the transport delays and difficulties for commuters every day on the roads. Those are all down to bad, weak Government and an inability to accept responsibility for anything.

**The Taoiseach:** There is a strong economy because this Government has worked with the people to make it so. There are 600,000 more people working.

**Mr. Gogarty:** They have to work to pay their huge mortgages.

**The Taoiseach:** The population has increased by 14% so 2 million people are on the road every day and that creates difficulties. We prefer that there are more people on the roads. We export €150 billion of goods that cannot get from Ireland to other countries without transport.

**Dr. Cowley:** They cannot get into Dublin from the west.

**The Taoiseach:** We have built up huge industries across a range of areas and have high growth.

I am glad to see Deputy Kenny acknowledging the strength of the economy. Most of his party opposes our policies and votes against them and our budget strategy but we are building record numbers of homes and spending enormous amounts on transport. The Luas project, which the Opposition tried to laugh off, is now in profit, carrying more than 22 million passengers per year, the rail programme is moving on, our new strategy for science and technology has been announced and more resources are being invested in health, education and welfare to help the less well-off in society. We are building hospitals throughout the country, hundreds of additional first and second level schools and funding programmes through Science Foundation Ireland. That is where the money is going.

If I were in Opposition I would be in upset about that too.

**Deputies:** It will not be long.

**The Taoiseach:** We will continue doing that. It is uncomfortable for the Opposition to have to look at a country doing so well and know that it played no part in that for 25 years. The danger for the country is that perhaps it would play a part in it because we want to stay where we are and keep on going strong.

**Mr. J. O'Keeffe:** That is all this Government wants — to stay in power.

**An Ceann Comhairle:** I call Deputy Rabbitte.

**Mr. J. Breen:** The backbenchers are unhappy. They look very unhappy because their time is up.

**An Ceann Comhairle:** I have called Deputy Rabbitte and I ask Deputy James Breen to afford him the courtesy of being heard.

**Mr. J. Breen:** I apologise; I got carried away.

**Mr. Rabbitte:** The Taoiseach has just told the House how much better off the public finances are than had been anticipated. I want to tell the House about a man from Ballybunion called Tony O’Gorman who drove to my clinic on 7 April to tell me about his wife, who had been diagnosed as a multiple sclerosis sufferer and who has been awaiting the implantation of a Baclofen pump for two years because she is in permanent pain. She has been on morphine for nine months. My office and I have done everything we can. We have been in touch with the Minister, the hospital, the consultant, the Minister’s office and the Health Service Executive but nothing has happened.

I will outline the situation to the House in Mr. O’Gorman’s own words in a letter he wrote to me on 24 May:

As you previously know, Breda is disimproving by the day and at this stage, even to put her into bed or take her out, she is in cruel agony and ends up in tears morning and night. She has the district nurse and an assistant to take her up in the morning and to do normal procedures like washing her and dressing her pressure sores, which are not improving, only getting worse — it is very near to the bone — in time. As the infection in the sore is not decreasing it could very easily turn to gangrene which could be the cause of Breda losing a leg if action is not taken in time.

Every morning she is removed from the bed to the wheelchair and has to be moved from chair to chair several times a day in order to get relief from the pain and the spasms. This is an awful discomfort to her on a daily basis. She remains in this state every day and is unable to go anywhere as the pain would be too much.

As you previously know, she is taking 30 tablets a day and is so confused from these tablets that she is sleeping nearly 24 hours now. When she wakes it takes her a while to register where she is, forgetting a lot of every day things. She also has a pump on her which dispenses a drug called midazolam. This drip is injected into her 24 hours a day. This is to relieve spasm but she is only too prone to the tablets now and to the drip that it has occurred that they have no effect on her anymore. My daughter, who also cares for her, puts her to bed at night and found Breda to be stiffening in her upper body. That is due to the lack of physiotherapy. The procedure of physio cannot be started until she has the pump implanted, and her arms have weakened in the last few months also. We have tried

everything at this stage and in our opinion we have nothing to lose if this goes public.

**An Ceann Comhairle:** The Deputy’s time has concluded.

**Mr. Rabbitte:** He goes on to ask me to raise the matter in the Dáil. That was on 24 May. I did not do so because I felt that private discussions with the hospital, the consultant and the Minister might be more successful. This is the last Leaders’ Questions before the summer recess. If we have as much money as the Taoiseach says, why can this woman not get some relief from constant pain and have that appointment made at Cork University Hospital?

**Mr. McCormack:** The Government has cut back on home help and everything else.

**The Taoiseach:** I appreciate Deputy Rabbitte raising this matter. If he had spoken to me about it beforehand I could have checked it and tried to find out some details. I do not want to add to the discomfort of the O’Gorman family but if I can add my weight to try to do something for them I will do so. I have no knowledge of the case whatsoever. I do not know what has happened or what the pump is.

**Mr. McCormack:** That is what the Taoiseach is presiding over.

**The Taoiseach:** I do not know what the medical condition is but I will be glad to examine the individual case.

**Mr. Rabbitte:** I appreciate that the Taoiseach does not have any detail on the case and cannot be expected to comment on it. However, all the details that came to my clinic from Kerry on 7 April were sent to the Tánaiste, the hospital and all the other authorities. They know the detail inside out. On a number of occasions, Mr. O’Gorman offered to pay for the particular pump referred to. For some reason that is beyond me, however, the procedure has not been carried out. Everything they have tried has failed. When we raise the issue of the health services in a general way people have grown accustomed to it, but behind every ventilation of grievances about the health services a family is affected. The O’Gormans are one such family.

**An Ceann Comhairle:** The Deputy’s time has concluded.

**Mr. Rabbitte:** Nobody in a civilised society should be expected to live in the circumstances in which Mrs. O’Gorman is condemned to live. Any civilised society would seek to alleviate her pain and suffering. It is a terrible commentary that, in the midst of all the wealth the Taoiseach detailed



[Mr. Rabbitte.]

to Deputy Kenny, we cannot seem to deal with cases like this.

**The Taoiseach:** All I can do is check into the individual case and try to be helpful to the people involved. On the general point concerning staff, 130,000 people work in our health service every day. They deal with approximately 1 million people per year. One of the nice things about being Taoiseach is the letters I receive from families all over the country acknowledging and praising everything from coronary and cancer operations to complicated gynaecological procedures, as well as heart and lung transplants. These procedures are carried out by health service staff every day, using the vast resources we are able to give them from taxpayers and the economy generally in order to improve matters.

I will not attempt to understand the background to the pump the Deputy mentioned. I do not know why it could not be provided, nor what the clinical assessment was. Neither do I know why it had not happened after the Tánaiste's office was informed on 24 May. Like all these matters, when one checks them there is some reason behind it. Deputy Rabbitte has given an undertaking to examine the matter on behalf of a decent family. Mr. O'Gorman is obviously concerned about his wife, Breda. The Deputy has raised the issue here and I will show due respect to that family by checking on the matter. I will let Deputy Rabbitte know what I can find out.

**Caoimhghín Ó Caoláin:** Every winter we read headlines about the number of people spending many hours, or even days, on trolleys in the accident and emergency departments of our public hospitals. There is a myth that this is only a winter problem. Is the Taoiseach aware that the figures released yesterday by the Irish Nurses' Organisation show that some 202 people were on trolleys in A&E departments on the previous night throughout the State's hospital network? All of those 202 people were someone's child, brother or sister, parent or grandparent. The agony for all is obvious.

On 5 July 2005, this day 12 months ago, there were 232 people on trolleys according to the figures then applying. That is an improvement of 30 places but it is hardly something to trumpet given the fanfare that accompanied the announcement of the Tánaiste and Minister for Health and Children's ten-point plan to ensure an end to the accident and emergency crisis. What will the situation be like when it really becomes a crisis time of the year? If over 200 people are on trolleys today, what will it be like in November? Are we going to see record numbers of 500 plus on trolleys? What is the Taoiseach doing to address the problem now, rather than waiting until it becomes absolute bedlam?

The new treatment room that was established in Monaghan General Hospital remains closed

and unresourced. Given the figures the Taoiseach mentioned earlier concerning a significantly greater tax take, why are we still waiting for the Department of Health and Children to resource this essential facility? That hospital has faced much turmoil and trauma in recent years.

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

**Caoimhghín Ó Caoláin:** Where stands Fianna Fáil's promise, in its manifesto prior to the 2002 general election, to end the two-tier system within our acute hospital services? What about the commitment in the programme for Government to improve A&E services by significantly reducing waiting times and having senior doctors available at all times, including all appropriate consultants? I ask the Taoiseach to consider a final point. Is he aware, as I am, that we have a serious shortfall concerning the number——

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

**Caoimhghín Ó Caoláin:** ——of consultant radiologists within our hospital system? People are being unnecessarily detained overnight in hospital because there are insufficient consultant radiologists to read the scans in order to inform the clinicians of how best either to continue the management of patients or to decide on their discharge. Clearly, this places a huge cost on the families concerned——

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

**Caoimhghín Ó Caoláin:** ——on the health system and — I will finish on this point — on the statistics concerning the bed crisis. Does the Taoiseach not agree that, unquestionably, we need the additional 3,000 beds promised? In addition, however, there must be a holistic approach to the crisis identifying the areas that have to be addressed. People should not be unnecessarily detained because clinicians have not received the report of scans.

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

**Caoimhghín Ó Caoláin:** I ask the Taoiseach to advise us what steps he is taking to address this real crisis.

**The Taoiseach:** Deputy Ó Caoláin will be aware that the largest share of expenditure of additional revenues this year was given to health — over €1 billion into health resources and €500 million into the capital programme for health. That has been the case every year, with expenditure on health increasing from approximately €3 billion to €12 billion. Therefore, the resources are being

11 o'clock

provided. Most of that expenditure is reflected in staff, with approximately 35,000 more people, mainly medical and nursing staff, working to deal with these issues.

Most of the Deputy's questions were about accident and emergency units. He is right that this is the time of year to work on plans for the autumn. That is precisely what Ministers have been doing. Those of us who are on the Cabinet committee on health have regular meetings with the Department of Health and Children officials and the HSE with a view to improving the areas that need to be improved, dealing with problems where they exist and building on the successes. The key objectives are to try to tackle the problems in accident and emergency units in those hospitals where there are problems — I stress that is in a limited number, about 14 out of almost 60 hospitals — deal with the numbers of patients in accident and emergency units awaiting admission to an acute bed, the time those patients have to wait and the turnaround time for those patients who are treated without being admitted. They are the key objectives.

The number awaiting admission in June was 109, a reduction of 39% in the average numbers nationally between June 2005 and June 2006. I am not sure from where the Deputy got his figure. There was a 49% decrease in the average numbers waiting in the east and a 24% decrease in the average numbers waiting outside the east. The reduction can be attributed to a number of factors, particularly the impact of the private nursing home initiative for delayed discharges and increased management focus on accident and emergency units of hospitals. In recent months the seasonal factor has had an impact on the figures.

The Deputy asked about our plans. We will continue with the ten point plan and the short-term objectives that no patients will have to wait longer than 24 hours to be admitted to an acute bed. There will always be people on trolleys. Obviously when people come to accident and emergency departments they will be on a trolley. The elimination of trolleys in accident and emergency units is not the issue but rather that patients do not spend an excessive period there. No accident and emergency department is to have more than ten patients awaiting admission. The privacy and dignity of patients awaiting admission is to be preserved. The long-term objective is to ensure no patient will wait longer than six hours to be admitted after a clinical decision to admit has been made.

During June, 14 of the 18 targeted hospitals achieved their targets. The exceptions were Beaumont, Tallaght, Cork University Hospital and Drogheda hospitals. During the past two weeks eight of the 18 hospitals had patients waiting longer than 24 hours for admission. All this is being monitored closely.

The Deputy asked if I would say what is happening. The development-expansion of the minor

injuries units, chest pain clinics and respiratory clinics is moving well with provision for these units in Connolly Hospital in Blanchardstown, Cork University Hospital, St. Vincent's Hospital and St. James's Hospital. Outside Dublin we have provided for the expansion of minor injuries units in St. John's Hospital Limerick and Waterford Regional Hospital. These units are fully operational. In regard to the second MRI at Beaumont, the interim arrangements with a provider are in place. The second MRI is due to be commissioned later this year.

**Dr. Cowley:** What about——

**The Taoiseach:** Provision for acute medical units for non-surgical patients is being made as well as the transfer of 100 high dependency beds, 38 of which have been dealt with. All of these initiatives are being monitored carefully. We are providing admissions units and other facilities to alleviate pressure in accident and emergency departments in Cavan, Wexford, the Mercy Hospital in Cork and Our Lady of Lourdes Hospital, Drogheda. In Tallaght Hospital an admissions unit is being provided close to the accident and emergency department which is expected to be operational in September for 40 patients. St. James's Hospital has another low dependency unit as has Naas General Hospital. All these reforms are taking place, resources are being provided and construction work is under way during the summer.

The Deputy referred to the service provided by pathologists and radiologists. He has a point. As part of the social partnership talks I particularly asked the staff associations, both professional and non-professional, to work with the negotiators in the Department of Health and Children. The old concept that a hospital can work for seven hours a day while many of its main units have machinery and equipment that costs a huge amount is a system from the past. The Deputy is correct in saying that is part of the problem. It does not work if people finish at 4 p.m., 5 p.m. or 5.30 p.m. We have asked the unions to engage with us during the summer in real negotiations with a view to extending the hours. We know this will cost money.

In the private hospitals the units start at 6.30 a.m. and work until 8 p.m. or 9 p.m. Last night a friend of mine had a procedure at 8.30 p.m. This happens all the time. This will have to be done in the public hospitals also and we will have to pay our staff accordingly and, perhaps, buy out old agreements. One cannot run a hospital around the clock when some of the main units only work six or seven hours per day and where equipment costs the taxpayer millions of euro. We want to engage with the staff.

**An Ceann Comhairle:** The Taoiseach's time has concluded.

**The Taoiseach:** Sorry, a Cheann Comhairle, it is important. We want to engage with the staff and come to agreements where the length of the working day or the shift system will work so we can read the pathology lists and other lists and deal with these issues. However, we need the co-operation of the staff and staff associations to do that. I made a particular point of this in the negotiations. Also we want to make progress with the doctors and the common contract. I understand the consultants are anxious to help us improve the health service. Hopefully, during the summer they will make the necessary moves to help us. We cannot do it without them. They can, of course, take a belligerent view and not help us but that would not help the patient. We are also making progress with general practitioners. I hope we can continue with these reforms but we cannot do it on our own; we need the staff associations to work with us.

**Caoimhghín Ó Caoláin:** On that point where stands the renegotiation of the consultants' contract? Is the Taoiseach pursuing that with the necessary vigour to ensure consultants are appointed who will work solely within the public system? I welcome the fact the Taoiseach's friend has obviously had access to a procedure and I wish the person well. The 202 people on trolleys also have families. They are waiting within our public health system and it is their need and interest I wish to see addressed here. The Taoiseach can trundle out his responses on the amount of money thrown into the system but where is it being directed to when there is a new treatment room at Monaghan General Hospital that is unresourced for months, not open and not serving the community? That is unacceptable when we have a dearth of consultant radiologists to read scans while people are being left for days waiting and worrying about results, apart from the fact that but for the delay they may have been able to be discharged, saving them an expensive overnight stay in our hospital system and the system itself which must subsidise that presence.

Nothing in what the Taoiseach has said tells me that, given the past nine years of the horrendous state of our health service, over which he has presided, he has any answers to address the problems at the core of the health crisis. He has less than nine months to address the problem and convince the people and no amount of Houdini like tactics will fool them or cod them when it comes to the general election. People have memories. No matter what the Taoiseach does in the intervening period, unless he demonstrates he is serious about addressing this crisis in the interests of all our citizens, he will deservedly pay a very dear price.

**The Taoiseach:** I could go through all the procedures in every hospital under the capital programme. The Health Service Executive is putting €500 million this year alone into the hospitals.

That is a huge amount of money. The biggest problem is making sure they will all spend it.

**Caoimhghín Ó Caoláin:** Will they be staffed?

**An Ceann Comhairle:** Please, Deputy Ó Caoláin—

**Caoimhghín Ó Caoláin:** Bricks and mortar.

**The Taoiseach:** We are staffing them.

**Caoimhghín Ó Caoláin:** No. They are not being staffed.

**The Taoiseach:** The Deputy wants to ask questions. When I am replying he wants to ask more. Will he please listen?

**Caoimhghín Ó Caoláin:** Will the Taoiseach answer the question?

**The Taoiseach:** I will answer the question. Every single hospital is receiving assistance. There is not a crisis throughout the health service.

**Caoimhghín Ó Caoláin:** We are delighted to hear that view expressed.

**An Ceann Comhairle:** The Deputy had his opportunity to speak.

**The Taoiseach:** We have a difficulty in A&E units in some hospitals. However, daily throughout the country successful operations and procedures are carried out and people get medical and surgical treatment to help them back to full health. The picture the Deputy is trying to paint of 1 million people failing to get excellent care is wrong. It is sad that he paints that picture. At this very hour, people are being treated in hospitals throughout the country.

The Deputy should take into account that hospitals such as in Kilkenny and Waterford, which have fewer staff than the hospitals referred to by him, carry out the services more efficiently.

**Mr. McCormack:** Blame the staff.

**The Taoiseach:** Deputy Ó Caoláin is right about reform. I praise the excellent staff who carry out their duties, but some hospitals with more staff than those hospitals have problems. That is the reason reform is essential. We need reform such as a change in the length of the working day. The Deputy pointed out that sometimes people who come into hospital on a Monday do not get treatment until a Wednesday because the staff in the unit finish work at 4.30 p.m. This would not happen in any other area. How would industry work efficiently if people operating expensive equipment finished at 4.30 p.m.?



**Caoimhghín Ó Caoláin:** Doctors cannot operate in a hospital if operating theatres are closed.

**An Ceann Comhairle:** I ask Deputy Ó Caoláin to allow the Taoiseach.

**The Taoiseach:** The Deputy should listen to the point he made. His point was that people are in beds too long because facilities are not available. My response is that the reason for that is that the work practice for years has been that the services close at 4 p.m. or 4.30 p.m. The Government has been trying to change this so the units can remain open till 8 p.m. or 9 p.m. We will pay the staff and work with them to come to an agreement so patients do not have to remain in beds.

We have advanced the situation over nine years and whereas we had very few day cases, we now have hundreds of thousands of day cases and these people do not have the trauma of staying in hospital overnight. We brought in more consultants and hundreds of doctors to do this, but essential reforms are still needed.

The Deputy asked about the common contract for consultants. This issue is moving at a snail's pace, not because of the actions of the Department of Health and Children, the Government or the HSE, but because the consultants have a very good position. We want them to move through meaningful negotiation and do not want to take money from them. We know they are well paid, good and experienced people and do not want to take money from them. We only want to bring in necessary reforms to make the system work better. That is all we want to do. We want to engage with them. The Deputy asked me about the letter they sent back saying they would not engage with us. We just want to deal with them, as we would with any association or trade union so we can make progress with the patients the Deputy and others are concerned about.

**Mr. J. O'Keeffe:** The Government has had nine years to do that.

**The Taoiseach:** We have made huge progress in that period. I will not remind Deputy Jim O'Keeffe about what happened with some of the contracts during the years some of his colleagues were involved.

**Mr. J. O'Keeffe:** The Government has had nine years to bring about reform and has had tucks of money to do it.

**The Taoiseach:** We are engaged in the process and will continue our engagement. We have brought our health service to a stage where it is well resourced. We have a doctor and staff ratio higher than in most countries.

**Mr. Sherlock:** The Taoiseach should come to Mallow some time.

**The Taoiseach:** We are spending resources. We want to make the necessary reforms and will work with the HSE to do that. Deputy Ó Caoláin knows that in the hospital he mentioned it is in this area that some of the difficulties have arisen, and we are engaged in trying to solve them.

**Caoimhghín Ó Caoláin:** The only thing sadder than the Taoiseach is the reality of the hospital we must support and sustain.

## Ceisteanna — Questions.

### Commemorative Events.

1. **Mr. Costello** asked the Taoiseach the commemorations planned to mark the 90th anniversary of the Battle of the Somme; when these commemorations will take place; the persons who have been invited to attend; and if he will make a statement on the matter. [23792/06]

**The Taoiseach:** This year is the 90th anniversary of the Battle of the Somme, the attack having been launched on 1 July 1916. The Government held an official commemoration at the war memorial in Islandbridge last Saturday, 1 July. A special commemorative stamp has also been issued to mark the occasion.

Following appropriate Army ceremonial at Islandbridge, involving prayers and readings, the President laid a wreath at the cenotaph. Ambassadors from those countries which participated in the battle, namely the UK, France, Germany, Canada, South Africa, New Zealand, India and Australia also laid wreaths as did Mr. Nigel Hamilton, head of the Northern Ireland Civil Service and the Royal British Legion. After the ceremony, a Government reception was held in the Royal Hospital Kilmainham. Invitations to attend issued to political representatives North and South and to representatives of a broad selection of community interests. Members of the public also attended.

The commemoration of the Battle of the Somme is part of an overall programme that reflects the shared history and shared experience of the people of this island from all traditions in 1916.

Following consultations with the Royal British Legion, invitations were also extended to a number of military history societies and organisations established to honour the memory of those who served in disbanded Irish regiments such as the Dublin Fusiliers, the Prince of Wales Leinster Regiment and the Combined Irish Regiments Association. In addition, representatives of veterans' organisations such as the Naval Association, the Irish United Nations Veterans' Association and the American Legion were also invited.

**Mr. Rabbitte:** The Taoiseach always complains that we do not give due credit to the Government



[Mr. Rabbitte.]

for the good things it does. I pay tribute to it on this appropriate commemoration, which while overdue was a splendid success and greatly appreciated throughout the island. The Government did a good job.

**Mr. Sargent:** I too thank the Government for its input on this important commemoration. However, will the Government remind the British Prince of Wales, Prince Charles, about the Irish involvement in the First World War? Comments have been made that he mentioned a long list of countries, but somehow forgot to mention that Ireland played any part. Many families, mine included, which suffered significantly at the time and members of which fought in a British uniform, were hurt by the omission. Will the Taoiseach respond to that hurt?

**The Taoiseach:** I do not want to make too much of the omission. I know the royal family is aware of the Irish involvement. Prince Philip was here some time ago and he is very aware of the regiments involved and their flags. We will make the point. In fairness to the families, the nice thing about the day is that it is special for them. We have arranged a number of events for the families over the years. A few years ago we had a big reception in Dublin Castle in honour of the Dublin Fusiliers and this meant a lot to the families. We will point out the oversight and hopefully it will be reflected in some future contribution.

**Mr. Timmins:** I join Deputy Rabbitte in complimenting the Government on the commemoration last Saturday. I have driven by the war memorial in Islandbridge many times, but never realised there was such a beauty spot in that area. We sell ourselves short in that regard. Will the Taoiseach consider getting the OPW, the Department of Defence, or whoever is responsible for such areas, involved in informing the public about such areas and that they are worth visiting?

When reading for our discussion of the Defence (Amendment) Bill and about not being able to participate in the UN force in Macedonia, I discovered there is a Celtic cross in Macedonia commemorating 300 Irish members of the 10th Division who were killed in the First World War. Would the Taoiseach consider commissioning an audit of memorials to Irish personnel killed abroad so we can have a checklist to inform people?

I and Deputy McManus are on the 1916 commemoration committee and we attended a meeting prior to the Battle of the Somme commemoration. Our committee is tasked with drawing up advance plans for how the centenary of 1916 and of the Battle of the Somme might be commemorated. Will the Taoiseach consider sending us some correspondence, through the official from his Department involved, outlining the way for-

ward or explaining what is required as the committee is somewhat *ad hoc* currently?

**The Taoiseach:** I wish to acknowledge the work of the committee. It is *ad hoc* at present because we must consider how it should go forward. I do not wish to simply force a way forward because we need to discuss the best way to work this out. There is time available before the planning for the centenary so we do not need to make decisions over night. However, we should try to work out the best way forward and decide which projects to develop. A period of ten years may seem like a long time but it can pass quickly so we need to put plans in place. The Minister for Defence, Deputy O'Dea, will be involved.

The National Day of Commemoration will be next week, following which my staff will review all the events to consider the best way forward. I will raise with the Minister, Deputy O'Dea, and with the Defence Forces the issue of the memorials in various parts of the world. Irish people have been involved in a number of areas. There are dozens of memorials in Argentina to Admiral Browne and Irish people were also involved in Spain. The Irish contribution has been immense. In particular I note the Irish contribution to many naval forces. It is a case of combining all the commemorations.

The military museum has collected information on military flags used by the Irish. It was hoped to return some of the flags of the Irish regiments based in England to the National Museum in Collins Barracks which would be a fitting place for them. However, their release will involve diplomatic efforts but the Government will continue to try to achieve that. It would be a gesture by the British if they did this. The flags are sacredly held on to at very high levels. It would mean a lot to the families here if they were released.

The Deputy referred to the National War Memorial Gardens in Kilmainham. Some Deputies will recall how overgrown the site was a decade ago. I did not start the campaign to have it cleaned up and I will not take the credit for it, but there was a campaign a decade ago. The Office of Public Works, Dublin City Council and others have done a fine job. People can now be proud of the gardens, the cenotaph and the cross. It is a facility which the OPW will have highlighted as a place to visit as it is in the heart of the city near a large centre of population. I agree with the Deputy that many people may not be aware it exists.

#### National Security Provisions.

2. **Mr. Timmins** asked the Taoiseach when the last meeting of the high level group monitoring the threat of terrorism took place; and if he will make a statement on the matter. [23769/06]

**The Taoiseach:** Having regard to the security nature of the work of the national security com-

mittee, it would not be appropriate to disclose information about the dates of individual meetings or its proceedings. I can confirm that the committee met within the past month.

The committee is chaired by the Secretary General to the Government and comprises representatives at the highest level of the Departments of Justice, Equality and Law Reform, Defence, Foreign Affairs, the Garda Síochána and the Defence Forces. It ensures the Government and I are advised of high level security issues and the responses to them, but not operational security issues.

The committee meets as required and will continue to do so. In addition to their meetings, the members liaise on an ongoing basis to monitor developments which might have national security implications, in particular in the international arena.

**Mr. Timmins:** With reference to an issue I have raised before, several bodies are involved in planning for national emergencies, such as this high level task force and the group chaired by the Minister, Deputy O'Dea. Will the Taoiseach agree we would be better served to have just one co-ordinating body? It seems there are too many people responsible and it is difficult to see the crossover between them. An international body has recommended the setting up of a single group underpinned by legislation.

My second question refers to the hoax bomb scare at Dublin Airport yesterday. Had this committee any role to play in dealing with this incident? Has the Taoiseach received a report on the incident? Were proper procedures followed? Is the Government satisfied the procedures in place are adequate to deal with such a situation?

**The Taoiseach:** In answer to the Deputy's first question, this issue was examined. The Deputy is correct that following the events of 11 September 2001, the office of emergency planning was set up to co-ordinate the work of the various emergency services in preparing contingency plans. The task force on emergency planning, chaired by the Minister for Defence, meets frequently to assist in that role. It was suggested there be one unit but the Minister for Defence, through the office of emergency planning and the task force on emergency planning oversee the general area of emergency planning in order to promote the best possible use of State resources and to ensure compatibility between the different emergency planning requirements. The possibility of amalgamating responsibility for managing emergencies in a single agency was raised in the report of the Emergency Planning Society. As I stated previously, substantial costs would be associated with its suggested approach. Its responses to different types of emergency require different skills, experience and resources. It has been pointed out that dealing with a maritime oil pollution incident is different from reacting to a foot and mouth

threat. For this reason, primary responsibility remains with the agency with the relevant expertise and knowledge.

The office of emergency planning has been established on an administrative basis. It is appropriate from time to time to consider whether the work of the office needs to be supported by a statutory framework relating to emergency planning. The Government will consider any detailed proposals which the Minister in the light of experience may wish to bring in this regard. A consolidation of services would cause a large duplication of services into a single unit and the expertise might not be used that much. During the foot and mouth crisis, we were able to call on expertise from the veterinary college and the Department of Agriculture and Food and personnel from the marine institute can be called upon in the event of a marine issue. It would be a costly exercise to bring everyone into one unit and it is considered unnecessary.

The other issue raised by the Deputy is not related to the work of this committee. The airport police and the Garda Síochána co-ordinated yesterday's response to the incident in Dublin Airport. The Garda sought the assistance of the explosive ordnance disposal unit which arrived on site yesterday afternoon. The Dublin Airport Authority contingency plans for evacuation worked smoothly. It was necessary to evacuate the airport because the individual not alone threatened to throw a bomb but he also stated he had placed another bomb. The disruptive procedure was therefore necessary for the protection of the staff and the travelling public. The Garda Síochána and the explosives ordnance disposal unit were on hand quickly to assist.

**Mr. Sargent:** I refer to a statement by the head of anti-terrorist operations in Scotland Yard, Mr. Peter Clarke. He stated he is very concerned in the approach to the anniversary of the London bombings of 7 July last year. Has there been any contact with Scotland Yard by the Garda Síochána or the high level group on the possibility of any heightened threat to this country?

Has the high level group been asked to consider the visit of *HMS Ocean*, the very large British warship involved in the invasion of Iraq? Was the high level group involved in the decision to create an air exclusion zone around that ship?

**An Ceann Comhairle:** The Deputy is moving outside the scope of the question.

**Mr. Sargent:** The work of the high level group monitoring the threat of terrorism is fundamental to my question.

**An Ceann Comhairle:** The question only relates to its last meeting and not to any details of what the group might or might not have discussed.

**Mr. Sargent:** To make the question any use at all, I ask——

**An Ceann Comhairle:** That is the problem with these type of questions, which ask for the date on which there was a meeting.

**Mr. Sargent:** There is hardly any point in coming in here if that is the only reason to ask a question.

**An Ceann Comhairle:** The substance of this question cannot be widened beyond what is asked.

**Mr. Sargent:** I will leave it at that. I know this ship was brought in to promote beer, but with regard to the cost to the Irish taxpayer of preventing terrorism——

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

**Mr. Sargent:** Does the Taoiseach have anything to say on the role of the high level group with regard to anti-terrorist operations when it is presented with such an obvious provocation or draw to terrorists?

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

**The Taoiseach:** When any of these ships come in, the Garda and the Defence Forces are consulted and they express their concerns. As far as the high level group is concerned, a number of Deputies here — including Deputies Kenny and Rabbitte — know that it is better if we do not get into the issues in security briefings. There are always highly sensitive issues, and there is ongoing work and co-operation. It is happening every day across a range of areas.

Anything I might say would be unhelpful to the operations, although I am briefed on them from time to time. It is not that often, but it happens when there is a requirement. Senior people are involved in these issues, which take in security, intelligence and co-operation. There is a level of co-operation across frontiers, including Scotland Yard, Europol and Eurojust. There is co-operation with the United States on issues such as narcotics and arms.

It is an everyday issue, and Deputies can take it as such. There would be nothing helpful in me discussing these issues, other than to tell Deputies how the process works.

**Mr. Sargent:** The Taoiseach's statement today was not very helpful either.

**Mr. Kenny:** Have we ever had any simulated exercises in dealing with an emergency? These issues can be tested in theory but processes will only be put in practice if, unfortunately, an inci-

dent occurs. The best way to deal with this is to have a trial exercise.

When was the national emergency plan for nuclear accidents, NEPNA, last updated? A previous Minister of State, Deputy Jacob, sent around iodine tablets, which are now long out of date. Is there a proposal for a substitute?

**An Ceann Comhairle:** The Deputy has gone well outside the scope of the question.

**Mr. O'Dowd:** We will read the Fianna Fáil manifesto.

**Mr. Kenny:** The issue arises in the event of an emergency following a possible terrorist attack on Sellafield.

**An Ceann Comhairle:** I appreciate that but I have ruled on this for Deputy Sargent.

**Mr. Kenny:** That was the reason the tablets were circulated in the first place.

**The Taoiseach:** Stocks are available to the best of my knowledge. The national emergency plan for nuclear accidents is evolving, and it is also on an international level.

The Deputy's first question was on simulated emergency exercises. There has been a number of these. I know that some at sea have been done this summer, and a very big one has been carried out in Dublin Airport. That was a simulation of a major crash, and all services were used. It took several hours in late spring. The exercises continue so that we can consider response times and difficulties that might arise.

There are approximately three exercises a year. Huge effort is put into them. There is now a dedicated staff working to determine responses and consider what happens with services in action. They report on what occurs and relevant organisations are engaged with on any difficulties which arise. A core group works on this service the whole time.

**Caoimhghín Ó Caoláin:** Has the high level group addressed the issue of the use of Shannon Airport by US forces? Has it addressed the Council of Europe report on this Government's complicity in facilitating so-called extraordinary rendition of prisoners?

**The Taoiseach:** The group does not deal with such matters. Line Ministers deal with that. Our policy is that we are totally opposed to rendition of prisoners.

#### Official Engagements.

3. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of his meeting with an Iraqi parliamentary delegation during its recent visit here. [24577/06]



4. **Mr. Kenny** asked the Taoiseach when he next expects to meet the President of the European Commission; and if he will make a statement on the matter. [25547/06]

5. **Mr. Kenny** asked the Taoiseach the foreign visits he intends undertaking during the remainder of 2006; and if he will make a statement on the matter. [25550/06]

**The Taoiseach:** I propose to take Questions Nos. 3 to 5, inclusive, together.

On 21 June I met a delegation of senior political representatives from the main political groupings in Iraq. The delegation was visiting Ireland, both north and south, to discuss and learn from the Irish peace process. On behalf of the Prime Minister of Iraq, Mr. Nuri al-Maliki, the delegation conveyed good wishes to Ireland and the Irish people.

I reassured the delegation of the continued support of Ireland and the EU to help the new national unity government in Iraq to achieve unity, peace and prosperity for the people of Iraq. In the course of our discussions, I raised the matter of the murder of Margaret Hassan and I asked for assistance in this issue.

I will attend the ASEM VI summit in Helsinki on 11 September. I will also travel to Berlin on 9 October for a meeting with Chancellor Merkel. On 20 October, I will travel to Finland for an informal meeting of heads of state or Government. I will also meet the President of the European Commission and the college of commissioners on 8 November in Brussels. I will attend the European Council on 14 and 15 December.

**Mr. Rabbitte:** When the Taoiseach met the Iraqi delegation, did he inform the members of which side he was on with regard to the Iraqi war? It seems to vary depending on to whom the Taoiseach is speaking. Did the Taoiseach raise the disturbing accounts of abuse of human rights? There are reported accounts of massacre of civilians. Has the Taoiseach made any complaint in this regard to the US authorities?

Does the Taoiseach accept now, three years on, that the invasion of Iraq was an unmitigated disaster for a majority of the people? The violence is worsening every day, and horror follows horror on a daily basis. The work of the suicide bombers is threatening to create a sectarian conflict in the country. At least with the benefit of hindsight, does the Taoiseach acknowledge that the invasion has been disastrous?

**The Taoiseach:** Deputy Rabbitte knows the Irish position in the two years that led up to the war, when we were on the UN Security Council. Our diplomats, and the Ministers of the time, did everything they could to avoid a war in the first place. That was the Irish position. We did some very good work on the Security Council, and our respected ambassador, Mr. Richard Ryan,

chaired committees on the Security Council and put in an extraordinary effort to avoid the conflict, particularly without an explicit UN resolution.

When we were not on the Security Council, we did not have the same say on the issue. History will record that the work of Ambassador Ryan in particular was very helpful. It was helpful because he had good relationships and he was a senior diplomat. He tried hard to pull the Security Council together. That was not going to work later on anyway, as the American and British Governments had decided what to do.

My meeting with the representatives of these groups was not long, but I was struck by their determination to try to make a very difficult situation work and make the democratic process work. They pointed out that, unfortunately, their history has for hundreds of years, with various invasions and conflicts, always been horrendously violent. It is a sad predicament. All we can do is hope that with the current efforts of the United Nations, and Iraq's own administration, some sense of reasoning can be brought to the matter.

It is a very difficult position. The picture painted by the Deputy is the reality today, including suicide bombers trying to find locations where they can kill the maximum number of people. They attack places of worship, and how they can top that I do not know. The international community, especially those members who were so anxious to participate in the first place, should not abandon them now. There are many UN resolutions. The international community must try to assist them, not just abandon them in the short term because that is one of their biggest concerns as they move forward.

While my meeting with them was brief, I specifically mentioned some of the atrocities, the fact that the world looks at all these matters and that they cannot very well speak about some of the issues that happened and not follow issues in the future. I specifically raised that in the context of the Margaret Hassan case where we have been active on behalf of the family, both living in Kenmare in Ireland, in the UK and elsewhere, to achieve progress on this. The leader of the delegation gave an undertaking that they would try to help in this case. The assistance we seek in this case on behalf of her family is to find her remains. To try to do that at least for the Hassan family would do much to show people their humane concern.

**Mr. Kenny:** Arising from Deputy Rabbitte's correct comment about the horrific incidents occurring in Iraq, did the Taoiseach raise with the delegation the issue, raised in this House on a number of occasions, of the apparently scandalous fraud that has gone on in the spending of the money — €23 billion — for the reconstruction of Iraq? I understand that 363 tonnes of \$100 bills were shipped to Iraq and that there was a case being made for a UN investigation into the



[Mr. Kenny.]

serious allegations of fraud in the way that money was being spent and misused. Obviously, the visiting delegation would know only too well the difficulties being experienced by ordinary people in Iraq because no facilities have been provided with the result that terrorism and that kind of activity has cut loose. Did the Taoiseach raise that with the delegation?

Obviously, Mr. Balkenende's Government's time is at an end and a general election has been called in Holland. Is it the Taoiseach's view that of the small number of remaining countries where a referendum is required in respect of the European Constitution, nothing will happen until after the French general election and after the general election in Holland, a country where there were two difficulties in the context of its referendum result which were more local than European? Britain obviously has a problem with holding a referendum on this given the run in to its general election. The Taoiseach confirmed in the House that there probably will not be a referendum in this country until after the next general election.

**An Ceann Comhairle:** We have moved well outside the questions before us.

**Mr. Kenny:** It is a European matter on Questions Nos. 3 to 5, inclusive.

**An Ceann Comhairle:** No. There is one question which asks when the Taoiseach expects to meet the President of the European Commission, but it does not say anything about the matter raised.

**Mr. Kenny:** The heading is European questions.

**An Ceann Comhairle:** It broadens it.

**Mr. Kenny:** This is the last day of Taoiseach's questions for this session.

**An Ceann Comhairle:** We will never move through questions if Deputy Kenny takes that broad approach. On account of it being the last day of Taoiseach's questions,—

**Mr. Kenny:** The Ceann Comhairle will not have this again until next October. Will he show some leniency from his exalted position in that Chair? What is wrong with him?

**An Ceann Comhairle:** —I am showing Deputy Kenny leniency on all his questions.

**Mr. Kenny:** The Taoiseach knows the answers to these questions anyway and he is only too willing to give that valuable information to the nation.

**Mr. T. O'Malley:** A real Mayo man.

**The Taoiseach:** On the first issue about the UN involvement, all these matters must be watched carefully. I know, from the Minister for Foreign Affairs, Deputy Dermot Ahern, that there has been regular discussions at the foreign affairs meetings about much of the activities and the UN involvement in them.

On the European Constitution, I had the opportunity of speaking to the Finnish Prime Minister who took over the European Presidency the other day. Having analysed their own positions, more countries are firming up their support for the European Constitution and it is in a stronger position than it was a year ago. Chancellor Angela Merkel and others are probably part of that reason. Finland will ratify, which will bring it to 16 countries. Another one will probably do so. Others are committed to do it as well. The British position was always that they would do it if everybody else did and that they would put the effort into it.

What will happen now is that people will wait. The Dutch situation could improve the position of the European Constitution. Regardless of whether it will, that is the generally held view. How the French deal with it will probably be the crucial factor. Will they try to seek to amend it, which a year on people realise will be much more difficult than some thought? Recently I noted that some are changing their positions, even from what they stated six months ago. They realise that cherry picking will not work. We will just have to wait for what happens next summer regarding the French position.

It will come back to the ratification of the European Constitution in some slightly amended format. There is no support, as Deputy Kenny will know from his own group, for opening up a convention. If the Dutch or the French need an annexe, change, clarification or schedule, that can happen. There is nothing wrong with that.

**Mr. Gormley:** A declaration.

**The Taoiseach:** Yes.

**Mr. Gormley:** Like Ireland got.

**The Taoiseach:** Yes. That is allowed within the procedures. People do not want to unravel all the good work that Deputy Gormley did on the convention, which I acknowledged, and to go back down that road again. I think it will come around.

**Mr. Sargent:** Following the passing earlier this morning of the Defence (Amendment) Bill 2006, has the Taoiseach any plans to discuss with his EU counterparts Ireland joining the battle groups?

Following his visit to Finland, the Taoiseach acknowledged that the present draft of the European Constitution will not be adopted but he stated that there would probably be some alteration of some sort. Has he given any thought to

that and what exactly he meant by some alteration of some sort?

Will the Taoiseach redraft or raise the present status of the Seville declaration given that it clearly stated that Irish troops would not be participating in overseas operations except where there was authorisation of the UN and there is now a long litany of language as to how Irish troops might participate overseas? Will the Taoiseach be revisiting and defining the Seville declaration so that it has some meaning?

**The Taoiseach:** I do not want to go into the Defence (Amendment) Bill other than to state — I discussed this with my Finnish colleague — there is a significant movement from all of these countries, the former neutral countries, to involve themselves in the battle group on humanitarian issues and not to encounter the difficulties we had previously in Bosnia Herzegovina and other countries. We will be able to play our part in that and it is good that we do so.

The Seville declaration is clear and that would form the basis of the European Constitution in whatever form. That will remain in it. It does not require definition. It is clear. I stated in this House at that time what it meant.

I cannot be specific about what amendments the Dutch or the French might examine. There is a live debate in both countries about the kinds of things that perhaps they would look to include in the debate. They must come to the conclusion of that. I am almost certain that will not happen until after the Dutch general election in the autumn and after the French presidential election next year.

**Mr. Gormley:** On a point of order, did the Taoiseach state “the former neutral countries”? He stated that, did he not? He stated “the former neutral countries”.

**The Taoiseach:** I said the countries——

**Mr. Gormley:** He stated “former neutral”, did he not?

**The Taoiseach:** I am not sure if I did or not.

**Mr. Gormley:** He did.

**The Taoiseach:** What if I did? They have changed their position, as Deputy Gormley will know. There is a live debate in Sweden and Finland about joining NATO. They are changing their position fundamentally.

**Mr. Gormley:** So are we.

**The Taoiseach:** We are not. We will find ourselves in a very different position from that group. The reality is they have moved their position whereas we have not.

**Mr. Sargent:** Yes, we have.

**Caoimhghín Ó Caoláin:** During his meeting with the Iraqi parliamentary delegation, did the Taoiseach seek an account of the level of civilian casualties since the commencement of the war in Iraq? Is he aware the number is estimated at 43,000? Does he have information to shed light on the factual position? In light of his special facilitation of the ongoing war in Iraq, does the Taoiseach think it is incumbent on him to establish the true reality of civilian deaths and injuries?

**The Taoiseach:** I did not discuss those issues with the parliamentary delegation.

**Caoimhghín Ó Caoláin:** Will the Taoiseach seek the information?

**Mr. Timmins:** How many Irish nationals live in Iraq? Has the State official lines of contact with them?

**The Taoiseach:** Our embassy has a small number. I recall seeing them at the time of the two kidnappings with the Bigley and Hassan families. There are Irish nationals in Iraq and contact is maintained. Those who are there sought to say. The number is small but contact is maintained.

#### 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. McHugh:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the need for the development of a comprehensive policy for the care of the elderly; specifically to ensure that the policy being pursued by the HSE is in conformity with Government policy; the need for the Tánaiste and Minister for Health and Children to communicate immediately with the HSE to reverse the decision of the HSE western region to cap the monthly allocation towards the purchase of incontinent wear; the need to ensure older persons who reside in nursing homes are constitutionally accorded the same rights as people in the community; and to ensure all services available to medical card holders living in the community must continue to be available to those requiring long-term residential care.

**Mr. Gogarty:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the findings of the Dalton report, the issues raised as a result of this report; the wider implications for the greyhound racing industry; the wider issues regarding Government investment in sports whereby, incredibly, 37% of all sports funding goes to the horse and greyhound racing industries; and the need for the Government and, particularly, the

[Mr. Gogarty.]

Minister for Arts, Sports and Tourism to make a full statement in the House in advance of the recess.

**Ms C. Murphy:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the increased waiting lists for services to children with autism spectrum disorder; the increasing number seeking speech and language and occupational therapy services in the eastern region who are forced to go on waiting lists rather than receive services; this together with the deficiency of school places with home tuition being accepted as a stop gap measure by parents; and the failure to provide adequately for predictable needs and fund services which has resulted in a situation where all of the children of the State are not cherished equally.

**Dr. Cowley:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the reason a quarry at Breaffy, Castlebar, County Mayo, continues to operate illegally and is left in a very dangerous condition with sheer drops of 100 ft into a hole in the ground extending over several acres, which is located in close proximity to a packed national school of 300 pupils with no proper barrier to prevent a fatal accident. The quarry is extending relentlessly closer to the adjoining lands and school, which will within another six months be within 60 metres of the school and which will be the scene of a fatal accident if nothing is done soon.

**Mr. Ring:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the need for the Government to investigate why it is taking the Department of Social and Family Affairs so long to process pension claims resulting in applicants facing a delay of up to 15 weeks, despite the applications being submitted three months in advance of pension age; to investigate why 6,000 respite grant applicants are waiting for decisions on their claims; and the Government's proposals to deal with this issue.

**Mr. Sargent:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, to examine the reasons the Government refused the Standards in Public Office Commission powers to investigate allegations of corruption or wrongdoing and the need to combat the ingrained cultural acceptance of corruption in Ireland, according to Transparency International.

**Mr. Gormley:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the ongoing crisis in Gaza and the need for Israel and the European

Union to seek a solution to the crisis to ensure the living conditions of ordinary people can be improved by repairing damaged infrastructure and the need to condemn further attacks by Israel on power plants and the facilities vital for life.

**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. *a*12, motion re Report of the Independent Commission of Inquiry into the Bombing of Kay's Tavern, Dundalk; No. 20, Road Traffic Bill 2006 [*Seanad*] — Order for Report, Report and Final Stages; No. 21, Statements on national wage agreement, to be taken following the announcement of matters on the adjournment under Standing Order 21 and the order shall resume thereafter; No. 3, Building Societies (Amendment) Bill 2006 — Order for Second Stage, Second and Remaining Stages; No. 1*a*, Criminal Justice Bill 2004 — amendments from the Seanad; and No. 2, National Economic and Social Development Office Bill 2002 — amendments from the Seanad.

It is proposed, notwithstanding anything in Standing Orders, that (1) the Dáil shall sit later than 8.30 p.m. and business shall be interrupted not later than midnight; (2) No. *a*12 shall be decided without debate; (3) the Report and Final Stages of No. 20 shall be taken today and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 7 p.m. by one question which shall be put from the Chair and which shall, in regard to amendments, include only those set down or accepted by the Minister for Transport; (4) the proceedings on No. 21 shall, if not previously concluded, be brought to a conclusion at 4.45 p.m. and the statements shall be confined to the Taoiseach and the main spokespersons for the Fine Gael Party, the Labour Party and the Technical Group, who shall be called upon in that order and who may share time, which shall not exceed 15 minutes in each case; (5) the Second and Remaining Stages of No. 3 shall be taken today and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 11 p.m. and the following arrangements shall apply: (i) the proceedings on Second Stage shall, if not previously concluded, be brought to a conclusion after 85 minutes; the speeches shall be confined to a Minister or Minister of State and to the main spokespersons for the Fine Gael Party, the Labour Party and the Technical Group, who shall be called upon in that order and who may share their time, which shall not exceed 20 minutes in each case; and a Minister or Minister of State shall be called upon to make a speech in reply, which shall not exceed five minutes; (ii) the proceedings on the Committee and Remaining Stages shall, if not previously concluded, be brought to a conclusion

at 11 p.m. by one question, which shall be put from the Chair and which shall, in regard to amendments, include only those set down or accepted by the Minister for the Environment, Heritage and Local Government; (6) the proceedings on No. 1*a* shall, if not previously concluded, be brought to a conclusion after 30 minutes, and any amendments from the Seanad not disposed of shall be decided by one question, which shall be put from the Chair and which shall, in regard to amendments to the Seanad amendments, include only those set down or accepted by the Minister for Justice, Equality and Law Reform; and (7) the proceedings on No. 2 shall, if not previously concluded, be brought to a conclusion at midnight, and any amendments from the Seanad not disposed of shall be decided by one question, which shall be put from the Chair and which shall, in regard to amendments to the Seanad amendments, include only those set down or accepted by the Taoiseach.

Private Members' business shall be No. 56, motion re Government Record resumed, to conclude at 8.30 p.m.

**An Ceann Comhairle:** There are seven proposals to put to the House. Is the proposal for the late sitting agreed? Agreed. Is the proposal dealing for with No. *a*12 agreed? Agreed. Is the proposal for dealing with No. 20 agreed?

**Mr. Kenny:** My objection has nothing to do with the Bill itself, but the arrangement to take all Stages together.

**Mr. Rabbitte:** I have a similar view. This Bill is extremely important and with 64 amendments

tabled there is no way a fraction of them will be touched on. Once again, there is no necessity for us to be railroaded into this position. A few additional days could have provided for the proper scrutiny of legislation such as this.

**Mr. Sargent:** The Road Traffic Bill is a life and death issue. It does not do justice to the legislation to truncate it in this fashion. It needs additional time. We oppose taking it in this way.

**Caoimhghín Ó Caoláin:** I join with other voices in the Chamber in making the case for lifting the guillotine on the Road Traffic Bill. The case is well made regarding the number of amendments tabled and the fact that clearly by 7 p.m. we will not have addressed the greater number of them. Therefore, scrutiny of the legislation will be imperfect. It is not appropriate that this is rushed through on the eve of the summer recess. Further time should be allowed. It is of great importance.

Question put: "That the proposal for dealing with No. 20 be agreed to."

The Dáil divided by electronic means.

**Mr. Kehoe:** As a teller, under Standing Order 69 I propose that the vote be taken by other than electronic means.

**An Ceann Comhairle:** As Deputy Kehoe is a Whip, under Standing Order 69 he is entitled to call a vote through the lobby.

Question again put: "That the proposal for dealing with No. 20 be agreed to."

The Dáil divided: Tá, 75; Níl, 62.

Tá

Ahern, Bertie.  
Ahern, Michael.  
Andrews, Barry.  
Ardagh, Seán.  
Brady, Johnny.  
Brady, Martin.  
Brennan, Seamus.  
Browne, John.  
Callanan, Joe.  
Callely, Ivor.  
Carey, Pat.  
Carty, John.  
Collins, Michael.  
Cooper-Flynn, Beverley.  
Coughlan, Mary.  
Cregan, John.  
Cullen, Martin.  
Curran, John.  
Davern, Noel.  
de Valera, Sile.  
Dempsey, Noel.  
Dempsey, Tony.  
Dennehy, John.  
Devins, Jimmy.  
Ellis, John.  
Fahey, Frank.  
Finneran, Michael.  
Fitzpatrick, Dermot.

Fleming, Seán.  
Fox, Mildred.  
Gallagher, Pat The Cope.  
Glennon, Jim.  
Grealish, Noel.  
Hanafin, Mary.  
Harney, Mary.  
Haughey, Seán.  
Healy, Seamus.  
Hoctor, Máire.  
Jacob, Joe.  
Keaveney, Cecilia.  
Kelly, Peter.  
Killeen, Tony.  
Kirk, Seamus.  
Kitt, Tom.  
Lenihan, Brian.  
Lenihan, Conor.  
McEllistrim, Thomas.  
McGuinness, John.  
Moloney, John.  
Moynihan, Donal.  
Moynihan, Michael.  
Mulcahy, Michael.  
Nolan, M. J.  
Ó Fearghaíl, Seán.  
Ó'Connor, Charlie.  
Ó'Dea, Willie.



Tá—continued

O'Donnell, Liz.  
O'Donoghue, John.  
O'Donovan, Denis.  
O'Flynn, Noel.  
O'Keefe, Batt.  
O'Keefe, Ned.  
O'Malley, Fiona.  
O'Malley, Tim.  
Parlon, Tom.  
Power, Peter.

Power, Seán.  
Sexton, Mae.  
Smith, Brendan.  
Smith, Michael.  
Treacy, Noel.  
Wallace, Mary.  
Walsh, Joe.  
Woods, Michael.  
Wright, G. V.

Níl

Breen, James.  
Breen, Pat.  
Broughan, Thomas P.  
Bruton, Richard.  
Burton, Joan.  
Connaughton, Paul.  
Connolly, Paudge.  
Costello, Joe.  
Cowley, Jerry.  
Crawford, Seymour.  
Crowe, Seán.  
Cuffe, Ciarán.  
Deasy, John.  
Deenihan, Jimmy.  
Durkan, Bernard J.  
English, Damien.  
Enright, Olwyn.  
Ferris, Martin.  
Gilmore, Eamon.  
Gogarty, Paul.  
Gormley, John.  
Gregory, Tony.  
Hayes, Tom.  
Healy, Seamus.  
Higgins, Michael D.  
Hogan, Phil.  
Howlin, Brendan.  
Kehoe, Paul.  
Kenny, Enda.  
Lynch, Kathleen.  
McCormack, Pádraic.

McEntee, Shane.  
McGrath, Finian.  
McGrath, Paul.  
McHugh, Paddy.  
McManus, Liz.  
Mitchell, Olivia.  
Murphy, Catherine.  
Murphy, Gerard.  
Naughten, Denis.  
Neville, Dan.  
Ó Caoláin, Caoimhghín.  
O'Dowd, Fergus.  
O'Keefe, Jim.  
O'Shea, Brian.  
O'Sullivan, Jan.  
Pattison, Seamus.  
Penrose, Willie.  
Perry, John.  
Quinn, Ruairí.  
Rabbitte, Pat.  
Ring, Michael.  
Ryan, Seán.  
Sargent, Trevor.  
Sherlock, Joe.  
Shortall, Róisín.  
Stagg, Emmet.  
Stanton, David.  
Timmins, Billy.  
Twomey, Liam.  
Upton, Mary.  
Wall, Jack.

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

Question declared carried.

#### Visit of Northern Ireland Delegation.

**An Ceann Comhairle:** Before continuing with the Order of Business, I would like to welcome Lord Glentoran from Northern Ireland. I offer a céad míle fáilte. He is very welcome and I hope he has a very enjoyable visit.

#### Order of Business (Resumed).

**An Ceann Comhairle:** Is the proposal for dealing with No. 21, the conclusion of statements on the national wage agreement agreed?

**Mr. Sargent:** Are the statements intended to be part of a commitment in the agreement to engage with the political process? A line in the agreement states that the parties involved will meet with the political process. Does this refer to the parties in opposition as well as those in government? Are these statements an enactment of that proposal or is there another dimension to it and

do these statements stand alone, nothing more and nothing less?

**The Taoiseach:** The fact that we will be making statements on it will mean we will be engaging with that. However, as I outlined here recently, the Seanad will debate more of the interim reports of the social partnership process, and committees of the House already do so. I hope that it is all part of that. People want to make brief statements on it before the end of the session. We already had a debate on it in the Seanad.

**An Ceann Comhairle:** Is the proposal agreed? Agreed. Is the proposal for dealing with No. 3, conclusion of Second and Subsequent Stages of the Building Societies (Amendment) Bill 2006, agreed?

**Mr. Kenny:** It is not agreed. This is not the way to do business. We have awaited this Bill for a long time and, on the second last day of the Dáil

session, I object to all Stages being taken in this way. The Government Whip is aware of our difficulty in doing business in this way. It has nothing to do with the Bill. This is not the way to order business.

**Mr. Gilmore:** The Government has been preparing this Bill for approximately three years. I have a copy of the Dáil schedule for the spring session 2004, which promised publication of the Bill by Easter 2004. The Bill was not published until three weeks ago and the Government now proposes to allow approximately two hours to put it through all Stages in the House late tonight. It is complex legislation that provides for two separate sets of rules for two different building societies and requires considerably more scrutiny by the House than two hours would allow this evening. If it is put through in two hours this evening, it could come back to haunt the promoters.

**Mr. Sargent:** This Bill is rushed to the point of being reckless. Given the subject matter and the small number of individuals who will be affected directly by the legislation, I do not understand why it must take precedence over other urgent legislation and why it must be rushed before the recess. I have not been given reasons for doing so that stand up. I therefore object to it being rushed tonight.

**Caoimhghín Ó Caoláin:** Sinn Féin cannot agree to the proposal to guillotine all Stages of the Building Societies (Amendment) Bill 2006. This Bill will provide for the demutualisation of a number of building societies, including the Irish Nationwide Building Society. We are very cognisant of the concerns of many people who have had experience of the regime operated by the management of that building society throughout the years. We need proper Committee and Report Stages to address all the import of this legislation, which cannot be accommodated in the time afforded this evening. Accordingly, I record our opposition and request that it be removed from the guillotine process today.

Question put: "That the proposal for dealing with No. 3 be agreed."

The Dáil divided by electronic means.

**Mr. Stagg:** Given that we are witnessing the making of law by the Executive rather than by Parliament and to keep Deputy Davern out of harm's way, as a teller, under Standing Order 69 I propose that the vote be taken by other than electronic means.

**An Ceann Comhairle:** As Deputy Stagg is a Whip, under Standing Order 69 he is entitled to call a vote through the lobby.

Question again put: "That the proposal for dealing with No. 3 be agreed."

The Dáil divided: Tá, 74; Níl, 58.

Tá

Ahern, Bertie.  
 Ahern, Noel.  
 Andrews, Barry.  
 Ardagh, Seán.  
 Brady, Johnny.  
 Brady, Martin.  
 Brennan, Seamus.  
 Browne, John.  
 Callanan, Joe.  
 Carey, Pat.  
 Carty, John.  
 Collins, Michael.  
 Cooper-Flynn, Beverley.  
 Coughlan, Mary.  
 Cregan, John.  
 Cullen, Martin.  
 Curran, John.  
 Davern, Noel.  
 de Valera, Síle.  
 Dempsey, Noel.  
 Dempsey, Tony.  
 Dennehy, John.  
 Devins, Jimmy.  
 Ellis, John.  
 Fahey, Frank.  
 Finneran, Michael.  
 Fitzpatrick, Dermot.  
 Fleming, Seán.  
 Fox, Mildred.  
 Gallagher, Pat The Cope.  
 Glennon, Jim.  
 Grealish, Noel.  
 Hanafin, Mary.

Harney, Mary.  
 Haughey, Seán.  
 Healy-Rae, Jackie.  
 Hoctor, Máire.  
 Jacob, Joe.  
 Keaveney, Cecilia.  
 Kelly, Peter.  
 Killeen, Tony.  
 Kirk, Seamus.  
 Kitt, Tom.  
 Lenihan, Brian.  
 Lenihan, Conor.  
 McDowell, Michael.  
 McGuinness, John.  
 Moloney, John.  
 Moynihan, Donal.  
 Moynihan, Michael.  
 Mulcahy, Michael.  
 Nolan, M. J.  
 Ó Fearghaíl, Seán.  
 O'Connor, Charlie.  
 O'Dea, Willie.  
 O'Donnell, Liz.  
 O'Donoghue, John.  
 O'Donovan, Denis.  
 O'Keeffe, Batt.  
 O'Keeffe, Ned.  
 O'Malley, Fiona.  
 O'Malley, Tim.  
 Parlon, Tom.  
 Power, Peter.  
 Power, Seán.  
 Roche, Dick.

## Tá—continued

Sexton, Mae.  
Smith, Brendan.  
Smith, Michael.  
Treacy, Noel.

Wallace, Mary.  
Walsh, Joe.  
Woods, Michael.  
Wright, G. V.

## Níl

Breen, James.  
Breen, Pat.  
Broughan, Thomas P.  
Bruton, Richard.  
Burton, Joan.  
Connaughton, Paul.  
Connolly, Paudge.  
Costello, Joe.  
Cowley, Jerry.  
Crawford, Seymour.  
Crowe, Seán.  
Cuffe, Ciarán.  
Deasy, John.  
Deenihan, Jimmy.  
Durkan, Bernard J.  
English, Damien.  
Enright, Olwyn.  
Ferris, Martin.  
Gilmore, Eamon.  
Gogarty, Paul.  
Gormley, John.  
Gregory, Tony.  
Hayes, Tom.  
Healy, Seamus.  
Higgins, Michael D.  
Hogan, Phil.  
Howlin, Brendan.  
Kehoe, Paul.  
Kenny, Enda.

Lynch, Kathleen.  
McCormack, Pádraic.  
McGrath, Finian.  
McGrath, Paul.  
McHugh, Paddy.  
McManus, Liz.  
Mitchell, Olivia.  
Naughten, Denis.  
Neville, Dan.  
Ó Caoláin, Caoimhghín.  
O'Dowd, Fergus.  
O'Keefe, Jim.  
O'Shea, Brian.  
O'Sullivan, Jan.  
Pattison, Seamus.  
Penrose, Willie.  
Perry, John.  
Quinn, Ruairí.  
Rabbitte, Pat.  
Ring, Michael.  
Ryan, Seán.  
Sargent, Trevor.  
Sherlock, Joe.  
Shortall, Róisín.  
Stagg, Emmet.  
Stanton, David.  
Timmins, Billy.  
Upton, Mary.  
Wall, Jack.

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

Question declared carried.

**An Ceann Comhairle:** Is the proposal for dealing with No. 1a, the Criminal Justice Bill 2004 agreed? Agreed. Is the proposal for dealing with No. 2, the conclusion of the National Economic and Social Development Office Bill 2002 agreed? Agreed.

**Mr. Kenny:** I understand that the written judgment on the Mr. A case from the Supreme Court will be published on Monday. The Sullivan report, the internal inquiry into the breakdown in communications between the Director of Public Prosecutions and the Attorney General, is imminent. Both will appear after the Dáil is in summer recess. Some Deputies in the Opposition want the committee being set up, which has been agreed in principle, to have an opportunity to discuss the Sullivan report to learn from it. I have no intention of turning it into a Star Chamber where one can call the Attorney General or the DPP. Is the Minister for Justice, Equality and Law Reform willing to concede that? Arising from a serious constitutional crisis, it is important that we find out, based on the Sullivan report, what happened and what went wrong. Would the Taoiseach like the select committee to discuss that report? Will

we be asking the Government Chief Whip to schedule a debate in the House in the autumn? I would prefer if the matter could be dealt with by the select committee.

Will the medical practitioners Bill be published in late 2006? Is the education Ireland Bill dealing with teaching English to students as a foreign language, due for publication in late 2006?

**The Taoiseach:** The medical practitioners Bill is due later this year and the education Ireland Bill is due early next year.

I have not kept abreast of committee discussions but have endeavoured to ensure the Sullivan report will be published tonight or tomorrow. I have no difficulty with people raising this issue. I do not think there is anything in the report that will have a bearing on matters, other than that I hope some lessons will be learned from it.

**Mr. Kenny:** I am pleased to hear the Taoiseach state that.

**An Ceann Comhairle:** We cannot have a debate on it now.

**Mr. Durkan:** We are not having a debate on it.

**An Ceann Comhairle:** The Chair has been generous and a number of Deputies are offering.

**Mr. Kenny:** I hope the committee will be able to deal with the report.

**Mr. Stagg:** On a point of order, the Ceann Comhairle has indicated he will not allow Members other than party leaders raise——

**An Ceann Comhairle:** I did not indicate any such thing.

**Mr. Durkan:** I am delighted to hear that.

**Mr. Stagg:** I am glad to hear that.

**An Ceann Comhairle:** At 1 p.m. the Chair intends to move on to the next business.

**Mr. Stagg:** For the past few days, on the Order of Business, the Ceann Comhairle has done this and denied Deputies——

**An Ceann Comhairle:** If Deputy Stagg reads Standing Order 26——

**Mr. Stagg:** I will not be shouted down on this point.

**An Ceann Comhairle:** ——it is entirely at the discretion of the Chair. Not one of my predecessors allowed so many people to raise issues on the Order of Business.

**Mr. Stagg:** On the second last day of the session, this is the only opportunity Members other than the Front Bench have of raising matters in the House.

**Cecilia Keaveney:** The Opposition has wasted time with votes.

**An Ceann Comhairle:** Members have continuously——

**Mr. Stagg:** Is the Ceann Comhairle objecting to votes in the House? Is the Ceann Comhairle stating that we will be punished for voting?

**An Ceann Comhairle:** No, Deputy, I did not say I would punish you.

**Mr. Stagg:** That is what you are doing. If we have divisions in the House, ordinary Members will be punished by denial of the right to raise issues on the Order of Business that are in order.

**An Ceann Comhairle:** That is not what I am saying.

**Mr. Stagg:** When my turn comes, I wish to raise a matter concerning legislation but you indicated you will not allow it. Many other Members have indicated they would like to do likewise.

**An Ceann Comhairle:** I will if Deputy Stagg's turn comes before 1 p.m. Please allow Deputy Rabbitte to speak.

**Mr. Stagg:** I want an indication that the Ceann Comhairle will allow us to raise matters.

**An Ceann Comhairle:** I suggest Deputy Stagg read Standing Orders. If he is not satisfied with Standing Orders he can try to change them.

**Mr. Stagg:** I am quite happy with Standing Orders and with the precedent in the House that Members——

**An Ceann Comhairle:** I call Deputy Rabbitte.

**Mr. Stagg:** ——are entitled to ask about promised legislation on the Order of Business.

**An Ceann Comhairle:** The precedent of the House is that the Chair calls two or three Members. That has happened for the past 50 years.

**Mr. Stagg:** You are denying us that right because we called a vote. That is the reason.

**An Ceann Comhairle:** It is not because you called a vote.

**Mr. Stagg:** What is the reason?

**Cecilia Keaveney:** They are wasting time.

**An Ceann Comhairle:** The reason is that I must take account of the length of time we are in the House, even if there had not been a vote this morning.

**Mr. Stagg:** We can sit next week. There is no shortage of time.

**An Ceann Comhairle:** Deputy Rabbitte has been called. The House has just voted to move on to its business because Members wanted more time to discuss amendments. The Deputy cannot have it both ways. I call Deputy Rabbitte.

**Mr. Rabbitte:** My colleague, Deputy Howlin, advised me yesterday that he had been informally told that the O'Sullivan report was completed. The Taoiseach has confirmed that and that he has read it. Given that the issue convulsed the country, most people will find it difficult to understand how we can shut down the Dáil without an opportunity to discuss it. Will the Taoiseach confirm that he will make the report available to the spokespersons on justice so they will have an opportunity to reflect on it before the Order of Business tomorrow?

Does the Government intend to take action to deal with the fact that 12,000 senior citizens, recently retired, have been advised that they will



[Mr. Rabbitte.]

have to wait three months before they get their pension entitlements?

**An Ceann Comhairle:** That does not arise on the Order of Business. It is a matter for a line Minister.

**Mr. Quinn:** Three and a half months.

**Mr. McCormack:** Four months.

**Mr. Rabbitte:** How are these people, some of whom will be in serious distress, supposed to live in the interim?

**An Ceann Comhairle:** That is a matter for the line Minister.

**Mr. Rabbitte:** It is a matter for the Government.

**An Ceann Comhairle:** It is a matter for the line Minister. The Taoiseach, on the first question.

**The Taoiseach:** On the first question, as I said yesterday, I am endeavouring to get the report out as quickly as possible.

**Ms McManus:** What does that mean?

**The Taoiseach:** I answered that yesterday.

**Caoimhghín Ó Caoláin:** Extracts of the Carey report were leaked to the national media last week. What is the Government's position with regard to that report into the tragic death of Pat Joe Walsh at Monaghan General Hospital?

**The Taoiseach:** That report has not been published because of legal issues.

**Caoimhghín Ó Caoláin:** When will it happen?

**The Taoiseach:** I do not know.

**Mr. McCormack:** When will legislation be introduced to remove the bar on pharmacists who got their qualifications in other EU countries practising in Ireland? I refer to the pharmacy Bill. The current situation has led to restrictions and some pharmacists cannot practise in Ireland as a result.

**The Taoiseach:** It will be later this year.

**Mr. Sherlock:** When is the legislation to give corporate status to the Voluntary Health Insurance board likely to be published?

**The Taoiseach:** That is listed for late 2006. The heads of the Bill have been approved.

**Mr. Sargent:** Will the Taoiseach consider, on tomorrow's Order of Business, allowing the Dáil to sit a further week so the Sullivan report and

other important matters can be dealt with? Yesterday I asked the Taoiseach what would be the title of the legislation to implement the recommendations of the Kenny report. Does he have a name for the Bill? Will it be called the price of land suitable for building Bill or the control of speculators Bill?

**The Taoiseach:** I do not have the name of the Bill but it will try to implement the recommendations of the all-party committee report.

**Ms Enright:** Is the Taoiseach aware of an anomaly caused by a ban on the employment of staff nurses in some HSE areas and a resulting reduction in agency nurses of 25%?

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

**Ms Enright:** This relates to promised legislation, the nurses and midwives Bill, and it is causing particular difficulty in Portlaoise and Tullamore hospitals.

**The Taoiseach:** That legislation is due in 2007.

**Ms Shortall:** With regard to the Aer Lingus Act, the Taoiseach has said on a number of occasions that part of the proceeds from the sale of Aer Lingus will be used to make up the shortfall in the staff pension fund. It now transpires, following publication of the general principles yesterday—

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

**Ms Shortall:** —that the Government has no intention of doing that and that it will leave the pensioners high and dry.

**An Ceann Comhairle:** I call Deputy Broughan.

**Ms Shortall:** Does the Taoiseach wish to avail of this opportunity to correct the record of the House?

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

**Ms Shortall:** He made that statement on a number of occasions.

**An Ceann Comhairle:** I call Deputy Broughan.

**Ms Shortall:** A Cheann Comhairle, we were assured by the Taoiseach that the pensioners in Aer Lingus would be looked after. It now transpires that this will not happen.

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

**Ms Shortall:** The Government is going to take the money and run.

**An Ceann Comhairle:** The Deputy should submit a question to the line Minister.

**Ms Shortall:** It is a matter for the record of the House. The Taoiseach said that a number of times and I am asking if he wishes to correct the record.

**An Ceann Comhairle:** It will be debated in the House tomorrow when there will be a motion before the House.

**Ms Shortall:** It is a matter of the Taoiseach misleading the House.

**The Taoiseach:** Deputy Shortall is correct that I said the pensions issue is part of the principles of the Bill and the Minister will outline that tomorrow. Pensions will be part of it.

**Ms Shortall:** The Taoiseach said the proceeds would be used to make up the shortfall in the pension fund.

**An Ceann Comhairle:** I call Deputy Broughan.

**Ms Shortall:** The Taoiseach has given that assurance——

**An Ceann Comhairle:** We cannot have a debate on it now.

**Ms Shortall:** ——and he is now renegeing on it.

**The Taoiseach:** I am not.

**Ms Shortall:** The Taoiseach has misled the House on that, as well as the pensioners and the staff.

**Mr. N. Dempsey:** Deputy Shortall is attempting to mislead the House.

**An Ceann Comhairle:** I call Deputy Broughan. Deputy Shortall should resume her seat.

**Ms Shortall:** Did the Taoiseach do that deliberately? He has made false statements——

**An Ceann Comhairle:** The Deputy must withdraw that remark.

**Ms Shortall:** The Taoiseach has misled the House.

**An Ceann Comhairle:** The Deputy must withdraw the remark unequivocally.

**Ms Shortall:** I will withdraw it if the Taoiseach corrects the record.

**An Ceann Comhairle:** The Deputy must withdraw the remark unequivocally or leave the House.

**Ms Shortall:** I withdraw it, but——

**An Ceann Comhairle:** I call Deputy Broughan.

**Ms Shortall:** ——it is true.

**Mr. Broughan:** I have a question for the Chair first before my question for the Taoiseach. A Ceann Comhairle, you ruled out of order a tranche of questions, as you sometimes do, relating to the communications portfolio and specifically one question on arrears owed to——

**An Ceann Comhairle:** That is not relevant to the Order of Business.

**Mr. Broughan:** The post office network is the responsibility of that Minister.

**An Ceann Comhairle:** If the Deputy wishes to resubmit the questions to my office, I will look at them this afternoon.

**Mr. Broughan:** I will resubmit that question. My question to the Taoiseach relates to the Energy (Miscellaneous Provisions) Bill. Last week the clár for the Dáil stated that there would be a motion before the House yesterday. I took that to mean a tranche of amendments for the Energy (Miscellaneous Provisions) Bill which we are due to discuss next week on Committee Stage. Will the Bill be dealt with on Committee Stage or will the Minister produce a new Bill in October?

**The Taoiseach:** It will be discussed on Committee Stage next week. There is no new Bill.

**An Ceann Comhairle:** I call Deputy Durkan.

**Mr. J. O'Keeffe:** A Ceann Comhairle, I have been trying to speak for ten minutes. I signalled to the Chair ten minutes ago.

**An Ceann Comhairle:** I call Deputy Durkan.

**Mr. Durkan:** I received a considerable amount of correspondence from the Ceann Comhairle's office in the past 24 hours. I am always delighted to get such communications but was it really necessary to write to me 36 times to tell me about the issues that were not relevant to the Minister for Communications, Marine and Natural Resources? It is a good job I had put down 37 questions.

**An Ceann Comhairle:** It does not arise on the Order of Business. If the Deputy wishes, he can come to my office and I will be glad to discuss them with him. I call Deputy Connolly.

**Mr. Durkan:** I have been a Member of the House almost as long as the Ceann Comhairle and I am as good a judge as to what is or is not relevant as any other Member of the House. I have never previously seen Question Time emasculated to the extent that the Minister is not

[Mr. Durkan.]

responsible for anything and does not have to answer for anything——

**An Ceann Comhairle:** The Deputy cannot raise that matter now.

**Mr. Durkan:** I am raising it now. You always say you have no control over the Minister's replies——

**An Ceann Comhairle:** This House passed the legislation that transferred responsibility.

**Mr. Durkan:** ——but if we are not allowed to ask the questions, we can get nowhere. I wish to lodge the strongest possible protest at this. A total of 36 questions have been ruled out of order and other questions have been decimated and emasculated. The Minister should be ashamed of himself.

**Mr. N. Dempsey:** I do not disallow them.

**Mr. Durkan:** You should be ashamed of yourself.

**Mr. N. Dempsey:** Try asking a few relevant questions.

**Mr. Durkan:** Are you totally irresponsible? Are you responsible for anything? It is no wonder the system is running so badly.

**An Ceann Comhairle:** I am delighted to inform Deputy Durkan that the number of questions submitted and answered is at an all-time high.

**Mr. Durkan:** I am not surprised.

**An Ceann Comhairle:** There were over 43,000 parliamentary questions last year. I am equally delighted to inform him that a smaller percentage of questions are refused now than ever before. I call Deputy Connolly.

**Mr. Durkan:** I must get them all then.

**An Ceann Comhairle:** The Deputy should be more careful when submitting his questions.

**Mr. S. Power:** You get the golden boot.

**Mr. Connolly:** I wish to ask the Taoiseach about a report which was promised last December. We were assured it would be put into the public domain but it has been leaked because some people were given a view of it. I ask that the Walsh family be apprised of the contents of the report before further leaks occur.

**An Ceann Comhairle:** That has already been addressed.

**Mr. Connolly:** The issue was leaked into the public domain by those I have mentioned.

**An Ceann Comhairle:** That was dealt with this morning.

**Mr. Connolly:** Will the Walsh family be briefed?

**The Taoiseach:** I wish the report could be fully published.

**Mr. Connolly:** Could the family be briefed on it?

**The Taoiseach:** I will raise that point with the Tánaiste but she does not have a report. There are now legal battles.

**Mr. Connolly:** This is developing in a way that is distasteful to the family.

**The Taoiseach:** I agree.

**Mr. J. O'Keeffe:** I wish to raise two Bills, the defamation Bill, which I have long advocated, and the privacy Bill, about which I have considerable reservations because they are driven more by efforts to spangle media comment on ministerial misdemeanours than by anxiety to protect the public interest.

Two issues arise on these Bills. When will they be circulated? The Minister announced them at a press conference yesterday, in breach of parliamentary procedures. I understood that Bills must be circulated within the Houses before they could be announced outside. That should be considered at this afternoon's meeting of the CPP. Were these Bills announced without Cabinet approval and, if not, when was Cabinet approval given?

**The Taoiseach:** The press conference to announce the Bills took place yesterday and they have been approved by Cabinet. Considerable work was done on these Bills at Cabinet in the past year. The Bills are being circulated in the normal way, if they have not already been circulated — the text has been available. I have no control over when Bills are circulated but the Cabinet approved the text and the Bills would have gone to the office in the normal way.

**Mr. J. O'Keeffe:** Drafts were sent around by e-mail last night and it was clearly stated that the text would form the basis of the Bills which the Minister will present. It was also stated that the attached text was not definitive and may be subject to change. That was what we received last night after the press conference. I have still not seen a Bill circulated in the House in the normal fashion. What is going on?

**Mr. Quinn:** Surely the Deputy does not expect the Minister for Justice, Equality and Law Reform to consult the Taoiseach on an issue?

**Mr. J. O’Keeffe:** There are rules, processes and procedures, as the Ceann Comhairle knows.

**An Ceann Comhairle:** The Deputy has pointed out that he intends to ask his Whip to bring the matter to the attention of the CPP.

**Mr. J. O’Keeffe:** I want the Ceann Comhairle to deal with this. I also want to know when the Bills will be circulated in the normal way.

**The Taoiseach:** I understand that they are being circulated in the normal way.

**Mr. Stagg:** I asked the Taoiseach last week about secondary legislation under which the Minister for Education and Science would sign the necessary statutory instruments to bring into force the section of the Education for Persons with Special Educational Needs Act 2004 that will make mandatory the provision of individual education programmes for children with learning difficulties, but I got no answer to that question.

I had hoped the Irish abroad would have television coverage of the all-Ireland hurling and football finals this year following the enactment of the broadcasting Bill. When will that Bill be brought before the House?

I thank the Ceann Comhairle for giving in to the pressure from Members to allow normal questions on the Order of Business.

**An Ceann Comhairle:** To be absolutely clear, it is entirely at the discretion of the Chair, there is no divine right.

**Mr. Stagg:** The Ceann Comhairle had no notion of doing it until we kicked up.

**The Taoiseach:** The broadcasting Bill is undergoing the consultation process we agreed so it will probably appear in 2007. I asked the Department of Education and Science to supply the details to the Deputy so I apologise that he has not yet received an answer to that question. I will ask again for them today.

**Mr. Kehoe:** I asked some months ago about the charities regulation Bill. It was promised in the last session and this session. Will the Taoiseach give an undertaking that it will be included in the priority listing for the next session? The Taoiseach has stated that it is complex legislation but I would appreciate if it was published and debated because it is of some importance.

**The Taoiseach:** The Bill has priority for drafting. It is a long Bill but we hope to publish it in the autumn.

**Mr. O’Shea:** The full enactment of the Official Languages Act 2003 is imminent and the scheme from the Department of the Taoiseach has long since been accepted. Will the Taoiseach explain why there is not a single reference to the Irish language in the ten-year social partnership draft agreement?

**An Ceann Comhairle:** That does not arise on the Order of Business. A debate on the agreement is coming up soon.

**Mr. O’Shea:** This is a ten-year plan without a single word about the Irish language in it.

**The Taoiseach:** There will be a debate on the agreement.

**Mr. Wall:** We will go on a long holiday tomorrow and we will be leaving behind two permanent residents who are protesting outside the gates and another person who travels hundreds of miles to protest each week. Now this man’s daughter is travelling from Northern Ireland to protest with him.

**An Ceann Comhairle:** That does not arise on the Order of Business. The Deputy must find another way to raise the issue.

**Ms Burton:** There is special legislation before the House today on building societies. There is a long-standing issue on the credit unions and their capacity to lend money for housing and home improvements.

**An Ceann Comhairle:** The Deputy can raise that issue when the Bill comes before the House.

**Ms Burton:** The Minister promised that this issue would be considered for reform. This is important to thousands of members of credit unions.

**The Taoiseach:** I will bring the Deputy’s views to the Minister’s attention.

#### **Commissions of Investigation: Motion.**

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

That Dáil Éireann requests the Joint Committee on Justice, Equality, Defence and Women’s Rights, or a sub-committee thereof, to consider, including in public session, the Report of the Independent Commission of Inquiry into the Bombing of Kay’s Tavern, Dundalk, for the purpose of making such recommendations in relation to legislative or administrative provisions as the committee



[Mr. Kitt.]

considers appropriate, and to report back to Dáil Éireann by 17 November 2006.

Question put and agreed to.

**Road Traffic Bill 2006 [Seanad]: Report Stage.**

**An Ceann Comhairle:** Amendment No. 1 is out of order.

**Dr. Cowley:** Why is the amendment out of order?

**An Ceann Comhairle:** Because there is a potential charge on the Exchequer.

**Dr. Cowley:** What is the charge on people's lives? Car accidents are not being properly investigated and people have died as a result. I am calling for a special unit to investigate road traffic accidents.

**An Ceann Comhairle:** The Deputy might listen to the Chair. When the Chair is speaking, Members must resume their seats.

**Dr. Cowley:** I do not know why the issue cannot be debated. Something is wrong and I protest.

**An Ceann Comhairle:** The situation is that there are Standing Orders governing amendments, and amendments that place a charge on the Exchequer are not allowed and never have been allowed. If the Deputy feels that should be changed, he should use the appropriate methods to change it. We cannot spend the day debating amendments that have been ruled out of order.

**Ms Shortall:** May I make a point on section 2?

**An Ceann Comhairle:** We do not deal with sections on Report Stage. They were dealt with on Committee Stage. We only deal with amendments on Report Stage, but the Deputy can speak to Deputy Crowe's amendment.

Amendment No. 1 not moved.

**Mr. Crowe:** I move amendment No. 2:

In page 3, line 21, after "2006" to insert the following:

*"/ Achtanna um Tráchtar Bhóithre 1961 go 2006 "*.

On the previous issue, there is a group that meets on fatalities, with two members of the NRA and six gardaí. It happens unofficially but I do not know how much it costs. The amendment seeks to insert the Irish language wording for Road Traffic Acts at that point. The matter arose in discussions on Committee Stage and I am

interested to know why the Minister would be opposed to it. There are similar proposals in later amendments, but I cannot understand why the Irish language wording would not be included in the Bill. We have campaigned in Europe for recognition of the status of the Irish language, so it does not make sense to me why the Minister would not insert that wording in the Bill. The amendment involves a minor technical change and I hope the Minister will agree to it.

**Ms Shortall:** The Minister gave some assurances following a discussion on this matter on Committee Stage. I want to revisit the issue because queries have been raised with me concerning the legality of this. Section 2 arises out of two Supreme Court rulings on how EU directives are to be transposed. This deals with the issue in the future. I had a concern about the robustness of previous penalties which were applied. On Committee Stage, the Minister indicated that this section would not have any retrospective effect. I am concerned about the national car test, for example, and in particular the offence of driving without displaying an NCT certificate. This is an offence under Article 5, SI 395 of 1999. Last year, there were nearly 17,000 breaches of this regulation. Similarly, in the Kennedy case, the offences were created as a result of an EU directive. In this case, it was 96/96/EC. It was transposed not by the European Communities Act but by the 1961 Road Traffic Act.

This is similar, if not identical, to what happened in the Kennedy case. In that case, the penalty was considered to be *ultra vires*. The basis of the ruling was that the regulation arose directly out of EU legislation and, as such, should have been transposed by the European Communities Act or by new primary legislation which conferred authority on the Minister to make regulation for the matter in question.

Given the similarities here, the Minister should explain to the House why he is so confident that previous penalties will stand up. There is a view among some legal people that this is not the case. Previous penalties in respect of the NCT, including the non-display of an NCT certificate, may not have had a sound legal basis. If the Minister is prepared to give me a strong assurance on the matter, that is fine, but there are certainly doubts about this in my mind and other people's minds.

**Minister for Transport (Mr. Cullen):** It is unnecessary to insert the Irish translation of the Road Traffic Acts 1961 to 2006 here, as suggested by Deputy Crowe. The Bill will be translated into the Irish language when enacted and therefore there is no need for the amendment.

As regards Deputy Shortall's point, we discussed this at length on Committee Stage. While I am not a legal person, I have obtained legal advice to assure myself in this regard. That advice

confirmed what I said on Committee Stage, that the legislation is strong and the previous penalty points are secure. The Deputy is correct in that there is no more challenged law in this country than the road traffic legislation. The view expressed to me, however, is that the position is strong as it is.

Amendment, by leave, withdrawn.

**Mr. Crowe:** I move amendment No. 3:

In page 3, line 27, after “phone” to insert the following:

“and any other electronic equipment or general apparatus which may negatively affect a driver’s capacity to drive”.

The original Bill referred to mobile phones, but other electronic equipment is used in vehicles that can impair a driver’s capacity to drive. Such equipment includes electric shavers, DVD players and televisions, which I have seen being used in cars. The amendment aims to strengthen the Bill’s provisions in this respect. The current situation is madness. Everyone accepts that the mobile phone is out, but shavers, DVDs and TVs should be as well.

**Mr. Cullen:** Essentially, section 3(1) has only one purpose, namely, to put an end to the dangerous practice of holding a mobile phone while driving a motor vehicle. The subsection has been drafted to make it illegal to drive a motor vehicle while holding a phone by hand, or supporting it by the neck, shoulder or any other improvised or contrived methods involving the body. It is fair to say that this prohibition enjoys total support in the House, including Deputy Crowe. I would be concerned about changing the nature of the prohibition through extending its application to include any hand-held piece of equipment, as proposed by the Deputy, because a level of unnecessary complexity and ambiguity would be introduced to subsection (1) that would dilute its effectiveness.

The power to impose prohibitions or restrictions on the use of mobile phones, in-vehicle communication devices, and information and entertainment equipment for the purpose of preventing or avoiding driver distraction arising from the use of an array of in-vehicle technologies and other equipment on the market, which is what the Deputy is referring to, is given to the Minister in section 3(4). This power will be exercised through the making of regulations by the Minister. We discussed this on Committee Stage. It would be the appropriate way to deal with the many technologies and equipment which Deputy Crowe no doubt has in mind.

It should also be remembered that it remains open to the Garda Síochána to prosecute under the long-standing offences of careless driving for

the inappropriate use of technologies and equipment referred to in subsection (4), or any other equipment. Given that the legislative framework is now in place to do this, I ask the Deputy to withdraw his amendment.

**Mr. Crowe:** I have no problem in withdrawing the amendment if the Minister is saying that he will examine the possibility of making regulations in this regard. The current situation is ridiculous. In some cases it is quite serious because people are following soaps on televisions in their cars while driving. It is crazy.

Amendment, by leave, withdrawn.

**Acting Chairman (Mr. Kirk):** Amendments Nos. 4, 13, 16 to 22, inclusive, 31 to 34, inclusive, 41, 48, 51, 53 and 57 to 60, inclusive, are cognate and may be discussed together.

**Mr. Crowe:** I move amendment No. 4:

In page 3, line 28, to delete “the” and substitute “An”.

This is a technical amendment and it makes sense. The Bill refers to “the Garda Síochána”, whereas the title is “An Garda Síochána”.

**Mr. Cullen:** It has been the tradition in all Road Traffic Acts from 1961 onwards and in other Acts, such as the Criminal Justice Act, to refer to the Garda as “the Garda Síochána” in the English language version of the Acts and “An Garda Síochána” in the Irish language version of the Acts. This is standard practice in all our legislation. That is the difference of definition between the two.

Amendment, by leave, withdrawn.

**Acting Chairman:** Amendments Nos. 5 and 6 are related and may be discussed together.

**Ms Shortall:** I move amendment No. 5:

In page 4, line 6, after “to” to insert “promote driving with due care and attention or to”.

I have no idea why amendments Nos. 5 and 6 are grouped together, as they deal with different matters. The purpose of amendment No. 5 is to direct the Minister to promote positively good, careful and attentive driving. The vague language in the Bill talks about “interfering with driver capacity”. The Minister takes a more positive approach to the matter and the language used in the Bill should reflect that. Amendment No. 6 seeks the inclusion of a new paragraph as follows:

(e) any other equipment, apparatus, thing or activity which may impair or interfere with the driving capacity or capabilities of such a driver.

to leave an opening for the Minister to deal with developments in technology which are taking

[Ms Shortall.]

place at a fast rate. This would allow the Minister to ban or deal with new devices or apparatus that may come on stream without the need to resort to primary legislation. That would be a sensible approach which would widen the Minister's powers and enable him to keep up to date with various in-car technologies. I hope he can support it.

**Mr. Cullen:** This follows on in a more expansive way from Deputy Crowe's amendment. We discussed this matter on Committee Stage and obviously we want to keep the legislative framework as flexible as possible in terms of regulating in-vehicle communications systems. The Deputy is correct in saying that the ever-increasing use of technology is expanding daily. I note that one will soon be able to watch television on mobile phone. There are all sorts of questions about who will license them from some of the pay-per-view channels and so on. It is a serious issue. As stated on Committee Stage if I start to go down the road in primary legislation of identifying issues, a range of other issues would have to be added. Including it in a broadly based way where we have set the scene in terms of the use of hand-held mobile phones and allow for regulation to deal with a range of other issues more than covers the matter. Amendment No. 6 deals with the same issue.

Deputy Crowe referred to activities such as people shaving, drinking coffee, applying make-up, eating sandwiches or reading the newspaper. The list is endless. We have made the right start. The most overt and obvious danger in a car is the hand-held phone. Some would say that smoking cigarettes in a car is another issue. As a smoker, I am concerned about that one. There is a range of issues but we must start somewhere and I think we have made the right start. There will be a gathering up of all kinds of in-car technologies into the future. We are in the right frame and the strong advice to me is to keep it flexible.

**Ms Shortall:** My aim is to make the section more flexible so that if a new device comes on the market in six months' time, the Minister will be able to deal with it appropriately without having to go back to the drawing board. There has been much interesting research recently on the general issue of the ban on the use of hand-held mobile phones, some of which was covered in the media last week in the context of the accident rate for people who use mobile phones, whether hand-held or not. The research appears to indicate there is very little difference in accident rates involving people using hand-held and hands-free mobile phones. Some of the research has indicated that a hands-free phone is more dangerous because it involves the person stretching to wherever the phone is located on the dashboard.

There has been research on that for the past ten years and it was covered in a recent newspaper article.

Does the Minister have a view on that? Does the issue of banning them arise at European level? One must start somewhere. I am not criticising the Minister but one must look at the research and work on an evidential basis. It appears there is little difference in accident rates. Perhaps the Minister would commission a study on that issue because we may be fooling ourselves into thinking it is perfectly safe to use a hands-free unit when the research does not show that.

**Mr. Cullen:** There is evidence based on that issue. I have power to make regulations to prohibit and go further. However, we must strike a balance and I would like to get public buy-in to the approach we are taking in all these areas. The Deputy is right to acknowledge we are generally in agreement that we wanted to start with the obvious one. I would like some more information on it. It feeds into the European regulations that may be made and getting agreement in Europe.

A person said to me that having a passenger in the car and chatting with the passenger is equally bad, and worse still is trying to control one's children in the back seat of a car. I am not saying everybody has that problem but there are inevitably day to day distractions within a car and I am trying to strike a balance on what one does in a car. Obviously the important thing is to concentrate on one's driving.

We have made the right start in terms of hand-held mobile phones. I accept this issue will not go away because of the expansion of technologies. The Road Safety Authority has a keen interest in what is happening in this area. I would like to see a European approach to this issue. At a European Council meeting in a general discussion on road safety, I raised the matter of a European-wide set of regulations and standardisation.

We will come to another amendment later with which I have much sympathy, where the Deputy talks about tinted glass in cars. That is a genuine issue and one that will have to involve manufacturers. Some of these issues will involve some agreement between the different promoters of this type of equipment and how we use it.

Amendment, by leave, withdrawn.

Amendment No. 6 not moved.

**Mr. Cullen:** I move amendment No. 7:

In page 4, line 25, to delete "to a mobile" and substitute "to the use of a mobile".

I indicated on Committee Stage that I would bring forward this amendment. Section 3(7) sets out the defence provisions for the offence of holding a mobile phone while driving under subsection (1) or the offence of using a mobile phone

or an in-vehicle communication device contrary to a prohibition on their use that may be introduced by the Minister by means of regulations under subsection (1). It arose out of either Deputy Shortall's or Deputy Olivia Mitchell's amendment that I accepted. This amplifies the point I made on Committee Stage. Amendment No. 7 is a drafting amendment to bring greater clarity to the subsection. The insertion of these words in the amendment in the subsection accurately reflects the offence referred to in subsection (6) relating to the use of a mobile phone or an in-vehicle communication device. It amplifies it arising out of Deputy Olivia Mitchell's amendment.

Amendment agreed to.

**Acting Chairman:** Amendment No. 9 is a technical alternative to amendment No. 8 and amendment No. 10 is related. Amendments Nos. 8 to 10, inclusive, may be discussed together.

**Ms O. Mitchell:** I move amendment No. 8:

In page 4, to delete lines 27 to 29.

In all the amendments I have resubmitted, I have not tried to second-guess the Minister or to introduce new issues, partly because he promised another Bill but also because we have to give the new Road Safety Authority an opportunity to establish what needs to be done in many areas. Much of what is important can be done by way of regulation. I am anxious that the Bill we pass is sound. I kept my amendments to areas where the Act would be vulnerable in the future.

This is one of the areas where I consider that allowing people to use a hand-held mobile phone to call the Garda or an ambulance is leaving a hostage to fortune. I accept that in an emergency people must be able to telephone the ambulance, the Garda, the fire brigade or whoever else they want. Subsection (7)(b) caters for that whereas subsection (7)(a) opens up a minefield. There are opportunities for deceit by people who might later pretend they were telephoning the Garda when it might transpire they were telephoning to renew their passport. As well as the opportunity for deceit, one is offering a possible defence to people. The Bill would be much stronger if we were to remove what I consider a gaping hole.

**Mr. Cullen:** I understand where the Deputy is coming from. The fallout from recent Supreme Court rulings has made everyone in the House very familiar with the importance of providing reasonable defences for offences in legislation. Subsection (7) has been drafted so that the use of a hand-held phone would be considered permissible in two circumstances only. The first would be a call to the Garda or the emergency services on numbers prescribed by the Minister. It would be the intention to prescribe 999 and 112 as these

numbers. Calls to these numbers can be traced including, I understand, calls from pay-as-you-go mobile phones. That was the point raised by the Deputy on Committee Stage.

Given that subsection (7) is a defence provision, the onus would be on the person caught using a hand-held mobile phone to show to the satisfaction of the Garda or the court, as the case may be, that he or she was calling a prescribed emergency service. It would be relatively straightforward for a Garda to establish whether a call was to a prescribed emergency service telephone number. As indicated previously on Committee Stage I do not want to remove this defence provision from the Bill.

**Ms O. Mitchell:** I accept what the Minister has said. I feel that is covered in subsection (7)(b).

Amendment, by leave, withdrawn.

Debate adjourned.

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

## Ceisteanna — Questions (Resumed).

### Priority Questions.

#### Telecommunications Services.

17. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if it is reasonable that the biggest exporter of software in the world should have one of the worst performances in terms of the delivery of broadband services at home; and if he will make a statement on the matter. [26962/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The Deputy may be aware that the communications market in Ireland is fully liberalised and that the Commission for Communications Regulation, ComReg, is the statutory body with responsibility for regulatory oversight of this market.

The Government recognises however that a principal reason for the slow roll-out of competitive, affordable broadband services in Ireland, principally in the regions, has been a lack of investment by the private sector in the necessary infrastructure. The Government's regulatory and infrastructure policy has supported the private sector developing a competitive, affordable and rapidly growing broadband market that offers choice of products and providers to Irish consumers and businesses.

Ireland's broadband take-up is growing very strongly. By end-March 2006, there were 322,500 broadband subscribers in Ireland. This is equiv-



[Mr. N. Dempsey.]

alent to almost 8% of the population or approximately 22% of households. Broadband take-up here grew by 112% over the 12 months to March, which is more than twice the EU broadband growth rate.

It is estimated that there are already well over 350,000 broadband subscribers up to mid-2006, which is equivalent to approximately 8% of the population or one quarter of households with broadband. This compares to a figure of approximately three in ten households in the EU at the end of 2005. Ireland is now one of the fastest growing broadband markets in the European Union. Broadband take-up has more than tripled to date since I set a target of 400,000 in late 2004.

The combination of telecommunications regulation and competition is driving prices down for the benefit of Irish consumers and businesses.

The Government is addressing the infrastructure deficit in the regions by building high speed, open access metropolitan area networks in 120 towns and cities nationwide. These networks will allow the private sector to offer world-class broadband services at competitive costs.

My Department offers funding assistance for smaller towns and rural communities through the county and group broadband scheme, GBS. The GBS initiative is continually under review to ensure that it supports private sector roll-out of broadband services to new locations.

My Department's website, *www.broadband.gov.ie*, gives full details of broadband pricing and availability around the country. The website also lists the different products on offer and the contact details for each service provider. Almost 70 of these broadband providers offer almost 300 different types of broadband products. There is a choice of broadband services that can technically deliver broadband to any customer in Ireland at the moment.

**Mr. Durkan:** The Taoiseach expressed the view recently, when attempting to justify expenditure on electronic voting machines, that people in a country which is a leading worldwide exporter of software should, at least, be able to vote electronically. Does the Minister agree that we should equally expect that a country that is a leading exporter of software should be able to demonstrate how good the software is by ensuring broadband provision throughout the country is at least on a par with that available elsewhere in Europe?

Is the Minister aware of the recent OECD and EU reports on telecommunications technology in Ireland generally? These reports made severe criticisms of the costs associated with the provision of and access to broadband and the methodology used in its provision and demonstrated that the Irish consumer is the victim. Is he aware that in an open economy such as ours, it is essen-

tial that action is taken to drive forward the provision of broadband in a way that has not happened?

Will the Minister confirm that provision of broadband so far is only approximately 50% of what was anticipated for the end of 2005? Although Ireland is progressing at a faster rate than other European countries, this is only because we started from a much lower base. Despite this, we were placed further ahead four or five years ago.

Will the Minister indicate whether he as policy director has given instructions to ComReg and the service providers with regard to ensuring that obstacles to the provision of rapid broadband service are dealt with and resolved, for example, local loop unbundling, line rental costs and number change difficulties, which cost a fortune and take a colossal amount of time. Will the Minister indicate whether, because of the high dependence of the economy on such services, he has a programme or agenda in mind to seriously challenge those with responsibility for their provision?

**Mr. N. Dempsey:** The Deputy will be pleased to note that our international costs for broadband are the lowest of anywhere in Europe and that our domestic costs approximate the mid-European average.

With regard to our targets, I set a target of 400,000 broadband subscribers for the end of this year. In late 2004, there were just over 100,000 broadband subscribers. Many people said we would not achieve this, but I am delighted to inform Opposition Deputies that we will achieve that target quite comfortably and will be well on the way to 500,000 subscribers by the end of 2007.

We have put regulations in place with regard to local loop unbundling, line rental costs and number portability. We have also passed legislation giving responsibility in this area to an independent regulator, ComReg. The regulator must work within the law and the Constitution and cannot make unilateral decisions that have no basis in law or it will find itself in trouble. We are moving to strengthen ComReg's powers, but this will not allow Ministers on a whim to direct private companies to roll out broadband faster. What we are trying to do is to create a climate that will make it commercially attractive for providers to roll out broadband and put in place stronger regulation that will enable ComReg to try to speed up its provision. We also hope to be in a position to provide the 10% to 15% of people throughout the country who are outside the loop with broadband, either through group or MANs schemes.

**Mr. Durkan:** Is the existing legislation adequate to ensure the rapid provision of service and the removal of the obstacles to this? Is the

Minister satisfied it is strong enough and that ComReg has the necessary power? Do we comply with EU and national legislation in the provision of broadband and other telecommunications facilities?

Has the Minister a plan or programme for investment in telecommunications infrastructure for the future?

Without strategic investment there will be little or no chance of this country competing with other countries in the development of our respective economies. Will the Minister agree this investment has not taken place in the past four or five years?

**Mr. N. Dempsey:** The Deputy will be aware from my statements on the subject since I became Minister for Communications, Marine and Natural Resources, that I am not satisfied with the state of play regarding broadband and neither is the Government. As far back as 2002, the Government stated it was not satisfied the private sector was providing sufficient broadband capability. This was the reason the Government issued a policy document which put in place the metropolitan area networks, the group broadband scheme and also the roll out of broadband service to all schools. I agree with the Deputy that we are not in the forefront in Europe. If the Government had not tackled the matter, we would be even further behind. I agree the existing legislation is not adequate. This the reason the Government is drafting the Bill to give co-competition powers to ComReg. This legislation will be brought before the House in the autumn. Both Deputies opposite indicated they would be supportive of this Bill which will give extra powers to the regulator.

One of the frustrations which is being voiced by the Deputy and which I have voiced is that in the past the attitude of the service providers has been very negative. They have tended to take the legal route and contest everything, thus slowing the process. I hope the combination of powers and a change of attitude from the incumbent will help to deal with some of the issues to which the Deputy referred, in particular the local loop unbundling and the number portability.

### **Broadcasting Sector.**

18. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources if he intends for RTE to play a lead role in driving digital take-up here; if he has mandated RTE to begin a process of review and renewal to ensure, as the organisation itself has noted, that public service broadcasting will survive in the current competitive environment; his views on whether there is a need to review the structure of the television licence fee with the increasing preponderance of non-traditional television set technologies for receiving television services; if he will request

RTE to offer new public broadcasting services in view of its continued success and profitability and the high earnings of its presenters and management; and if he will make a statement on the matter. [26679/06]

**Mr. N. Dempsey:** My core policy objectives for the development of the broadcasting sector including RTE are detailed in my Department's Statement of Strategy 2005-2007.

These objectives are to create an environment that encourages the maintenance of high quality Irish radio and television services by commercial, community and public service broadcasters; to seek to retain access to a range of high quality programming in analogue and digital form, on a universal and free-to-air basis; and to secure a viable future for high quality public service broadcasting.

My key priorities for achieving these objectives include developing the regulatory framework by bringing forward a Bill to provide for the establishment of a single content regulator for both public and private broadcasters and the restructuring of RTE from a corporate point of view, ensuring adequate public funding for RTE and TG4 so they can deliver on their statutory mandate, building on progress made in maximising the effectiveness of television licence fee collection and facilitating the successful establishment of a digital terrestrial television platform on a pilot basis in 2006.

The purpose of the digital terrestrial television pilot is to help inform my decision on the roll out of DTT and the transition to digital broadcasting. In addition, the pilot will generate awareness and discussion among interested parties about a full national roll out of digital terrestrial television.

A number of the issues raised by the Deputy, including the public service broadcasting remit of RTE and the operation of the television licence regime, are currently being considered in the context of the development of the legislative proposals that will form the basis of the forthcoming broadcasting Bill.

**Mr. Broughan:** I thank the Minister for his reply. In the context of his objectives for public service broadcasting and RTE, is he concerned that currently there seems to be an atmosphere of fear and loathing in Donnybrook, Dublin 4, as some of the newspapers have characterised it? There has been a night of the long knives and there is blood on the tracks. Is the Minister concerned that recent events in Radio One have resulted in the removal or shunting to the graveyard shift of three of the jewels of public service broadcasting? Programmes removed include the major arts programme, "Rattlebag", fronted by Myles Dungan, which provided a number of years of distinguished broadcasting, and the eclectic music programme presented so brilliantly by

[Mr. Broughan.]

John Kelly, "Mystery Train". The easygoing and affable broadcaster, John Creedon was moved first to the afternoon and then to the graveyard shift. Is the Minister concerned by what is happening in public service broadcasting, given the profitability of RTE and the huge salaries being paid to broadcasters? The leading broadcaster, Pat Kenny, earns almost €900,000 per annum, Mr. Gerry Ryan earns almost €500,000, Mr. Joe Duffy earns almost €300,000 and the director general earns €400,000 per annum. Is it possible that additional programming could be made available to encompass some of the programmes which have been shafted? Is RTE management trying to create a type of Radio Five in BBC terms to take on the new national talk broadcaster? We may need both a Radio Four and a Radio Five. Will the Minister ask for additional services? Is there the possibility of a 24-hour news programme? Both I and the Deputies opposite have asked many times for a Parliament programme which would cover Parliament, the county councils and all the other activities of politics, along the lines of the BBC programme.

The Minister was unclear in a reply to my colleague, Deputy Shortall, last April about other devices for receiving television such as a 3G phone or a computer linked to an LCD screen. Do such devices require a television licence according to current legislation? Will the Minister address this gap, if it exists, in the broadcasting Bill? Who will collect the licence now that An Post is not interested in doing so?

The Minister has trotted out once again an account of his belated conversion to digital broadcasting in the last days of this Government. He attended a conference a few weeks ago at which a member of the European Commission stated that the digital switchover should be well advanced by 2010 in all member states, with a final deadline of early 2012. Will he agree there is no chance that Ireland will be so advanced? The NTL-Chorus report published yesterday showed the bulk of cable television subscribers are still analogue subscribers. Just like the situation with broadband, the Government has been dilatory and it needs to take strong action. The RTE report on digital broadcasting states that analogue reception on the east coast will by 2008 be seriously affected by the UK digital roll out which is now well advanced for 2009 to 2010. The Minister needs to take strong and early action to encourage digital roll out and use RTE as the flagship.

**Mr. N. Dempsey:** In answer to the Deputy's first question, I do not believe everything I read in the newspapers. I have read different versions of the so-called fear and loathing in Dublin 4. I am not worried by something reported in a newspaper. I agree with the Deputy with regard to the

radio programmes. I listen to the radio when I am travelling and the programmes referred to by the Deputy are three excellent and enjoyable programmes. I heard a discussion about the reasons for "Rattlebag" being moved. The explanation given by the head of radio at that stage was not unreasonable.

It is good for RTE to challenge itself, and it is good for programmes to be moved around. I will not get involved in how individual programmes should be managed or the daily running of RTE. The Deputy would be the first to challenge me if I did. The concept of shaking up the schedule, being innovative, changing programmes around and trying to hold people's interests is not a bad principle, especially in broadcasting as it gets even more competitive.

As somebody who always resented the inference that I was not earning the salary I was being paid out of the public purse, I will not comment on the salaries some of the people are being paid in RTE. The information is available and somebody clearly thinks the personnel are worth their salary. The issue would be subject to negotiation and I am sure RTE management are as good a negotiator as anybody else. Some of the salaries are based on returns coming back to the station relating to advertising. I do not know the details of the matter. We all feel that we earn our salaries. I will not comment on anybody else's salary.

There is merit in the Deputy's comments on Parliament programming. I recently met a person who has put forward a suggestion that there be a public service broadcasting station devoted entirely to parliamentary and political affairs. It would cover this House and the Seanad, along with the European Parliament and county councils etc. I am aware of another approach we are involved with which proposes to webcast the meeting of at least one county council. Such a development would be positive.

If the Deputy is telling me that this is of interest to the Labour Party, I would be delighted to convey that to the person concerned. It would be of interest to our party and the Deputies in Opposition. I will go back to the relevant person and convey that to him.

**Mr. Browne:** We will get even more exposure.

**Mr. N. Dempsey:** On the issue of licences, the Deputy is correct in that I did not give a very specific answer to the question he raised. In the context of the broadcasting Bill, the issue will need to be considered.

**Mr. Broughan:** Will the equipment I mentioned need a licence? Will a computer linked to an LCD screen require a licence, for example?

**Mr. N. Dempsey:** This is a debate which must be addressed in the broadcasting Bill. There needs to be anticipation, as God knows what will



happen in the next six or 12 months as all the platforms come together. The question must be addressed, and it will be with the broadcasting Bill.

On the matter of An Post, the Deputy may be one step ahead of me. An Post indicated at one stage that it was not interested in continuing to collect licence fees. That was approximately 18 months ago. I raised the matter when we had a meeting with An Post. As it was not interested, I indicated we would put it to tender. I was told at that stage that An Post was interested and thinking the matter over again. More recently, with the retirement of the chief executive of An Post, it was stated by the outgoing chief executive that this was not an area in which An Post was interested. That is not the official information I have from An Post.

The Deputy may be aware that we have moved responsibility for the collection of the licence fee from the Department to RTE which clearly has a vested interest in maximising the take. From that point of view, I know the licence fee will be collected by An Post for the coming year. After that, if An Post indicates it is not interested in continuing collection, it will be open to others.

On the subject of digital terrestrial television, I am firmly set on the current course. We started on DTT in 2000, provided for it in 2001 and advertised at that time. We got no response from the commercial market. We started drawing up a trial run for the Department itself for DTT, which will begin in the autumn. The pilot scheme will be in place for a maximum of two years. We will move the platform from that.

We will be well within the 2012 target which the Commission has set for DTT and switching to digital. The Deputy is correct in that certain parts of the UK are rolling the system out over a period of three or four years. Wales is scheduled to have it around 2010. That will affect analogue television reception of BBC and HTV programmes. We should look after our own.

### **Fisheries Protection.**

19. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources his views on whether the strategy group established by his Department on the future of the fisheries sector is sufficiently representative of those involved in the sector. [26947/06]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne):** The new seafood strategy group that I announced in Killybegs last week will develop a comprehensive, integrated, market-led vision for the future of the Irish seafood sector. It is based on a strategy that is centred on innovation, product development and value maximisation for our coastal communities and sustainable management of our marine resources and ecosys-

tems. This strategy will also feed into the new national development plan being drawn up for the 2007 to 2013 period so that the sector has access to the necessary development funding in coming years.

Given the importance of this review, I, along with the industry, wanted the seafood strategy group to be chaired by an independent, eminent and committed person, with wide experience in the Irish and global food industry. I was pleased when Mr. Noel Cawley, the former chief executive of the Irish Dairy Board, agreed to become chairman of the group. The other two group members are an tUas. Ruan Ó Bric, chief executive of Udarás na Gaeltachta for 25 years, and Mr. Joey Murrin, chairman of the National Salmon Commission. Between them, the group members have a wealth of relevant knowledge and experience at the highest level, and I am satisfied that they are eminently suited to carrying out this important task.

The strategy group will begin an in-depth consultation with all stakeholders immediately. Regional meetings are planned for July in Wexford, Kerry, Galway and Donegal, and all stakeholders, including the fisheries sector, will be invited to these meetings. Individuals and organisations will also be invited to make written submissions to the group. Accordingly, I am satisfied that all stakeholders will have every opportunity to participate fully in the development of the new strategy and I encourage them to do so.

**Mr. Ferris:** I thank the Minister of State for his response. Does he agree that the Government has failed to formulate a comprehensive strategy for the fishing industry, as requested by the main fishing organisations? Does he agree that it took considerable pressure from those organisations representing all sectors of the fishing industry to bring about a scenario where the Government will consider having them consulted as part of a future strategy?

I welcome that the strategy group has met the industry. Unless there is a comprehensive outcome which will contribute to the survival of the industry as well as its development, the strategy group will be little more than a talking shop. It will not have the support of those involved in the industry.

Will the Minister of State give an assurance that when the fishing organisations make their submissions to the strategy group later this summer, their views will be accorded priority? Will he assure the House that the recommendations they make for the future of the industry will be treated accordingly?

From the debates we have had, especially during the passage of the recent Bill, everybody is acquainted with the current state of the industry, irrespective of where they come from. We are also aware of the input and contribution of those

3 o'clock



[Mr. Ferris.]

who are actively involved in the industry and on the fishing fleets. It is important their views are taken into consideration and that they are given a paramount position in the development of the industry for the future.

**Mr. Browne:** Two months ago the Minister, Deputy Noel Dempsey, and I met in Dublin the industry liaison group, which is representative of all the fisheries organisations, processors and exporters. The suggestion came from them that we would create a totally independent group to look at the fishing industry in terms of quota reductions, the number of fishermen, the need for research and development and the need to introduce modern technology, innovation and added value, and, more importantly, to draw up a vision for the future of the fishing sector that will carry us over the next five or six years.

As a result, we drew up terms of reference and sent that to all the fisheries organisations and, indeed, to the Joint Committee on Communications, Marine and Natural Resources and those on the Opposition Front Bench. We received a number of recommended additions to the terms of reference which we have included — we have included practically all the fisheries organisations' additional recommendations to the terms of reference.

We also asked a number of eminent people to become actively involved under the chairmanship of Mr. Noel Cawley. Indeed, Mr. Cawley was very acceptable to the fishery sector as well as to the Department. Mr. Cawley and his group held a meeting yesterday morning with the industry liaison group. They have agreed to meet regularly over the coming months or as requested and agreed by Mr. Cawley and his group. I hope that this group will make recommendations by the end of September, although it may need a little extra time. The first meeting will take place in Wexford over the next week or two, and then across the country there will be meetings with full, open and frank discussion.

It is important to take on board that this is an independent look at the industry. Mr. Cawley has been very involved in drawing up strategies in the food sector in the past and we must acknowledge that the fishing industry is an important food sector. I hope that by the end of the year we will have a strong vision for the future of the fishing industry and that we can move forward together. As I stated in Killybegs, it is a matter not of the Department versus the fishermen, the fisheries organisations, the exporters and the processors, but of all of us moving forward together. Mr. Cawley's group will also look at the Department's role and we also may have some questions to answer. It is a totally independent review and we should leave it at that. The fisheries organisations are quite happy that some of the concerns they

had over the past couple of weeks on the independence of the group and on their input have been ironed out. We should move forward together. Let us get on with the vision and develop a fishing industry strategy for the future.

**Mr. Ferris:** I thank the Minister of State for his response. Without the fishermen everything else falls. There is much suspicion among those actively fishing, particularly given the way they have been treated over the past 30 years and in the recent past. The contact I have with the organisations is also one of suspicion and worry that if the submissions to develop the industry of those who fish day and night while at risk from the elements do not take precedence over everything else, the Minister will achieve nothing. I want the Minister of State to give an assurance here that their submissions will be afforded the considerations to which they are entitled.

**Mr. Browne:** Mr. Cawley agreed to take the job on the basis that it would be a totally independent review. The eminent group which we set up agreed to consult widely with the industry and to have a number of regular meetings with the industry as it progresses through to the final vision.

It is also important to maintain the group's independence. The fisheries organisations sought an independent group, which would look at the entire fishing industry, including the positive and negative aspects, the quota reduction and that too many fishermen are involved in the context of quota, and which would draw up a strategy that would enable fishermen and their families around our coastline to have a decent income for the future.

Let us be honest. What is happening at present, with reducing quota and the same number of fishermen, will not provide a viable fishing industry for the future. The group will look at all the aspects, including decommissioning, research and development, innovation, added value and new boats, replacement boats or removing fleet from the industry. We should not tie the hands of Mr. Cawley and his group because they would not take it on board. Mr. Cawley has been successful in the food sector and we should give him a chance. No doubt when he drafts the vision for the future, it will be one with which the fishermen will agree. Knowing Mr. Cawley, he cannot draft a fishing policy for the future without entering into dialogue with the fishery sectors and the communities on how any new policy for the future will affect coastal communities and the jobs in those communities, which is also important.

#### **Harbours and Piers.**

20. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources if he will

clarify the position regarding the future development of Ros a'Mhíl harbour, due to his Department's commissioned report to assess the viability which recommended two separate developments and in further view of the commitment given by the then Minister, Deputy Fahey, of €14.8 million for Ros a'Mhíl; and if he will make a statement on the matter. [26682/06]

**Mr. Browne:** In 2000, the Department commissioned O'Hare and Associates to carry out an assessment of the capability of the existing infrastructure and onshore facilities at Ros a'Mhíl fishery harbour centre to service safely and efficiently the existing and future requirements of the fishing industry and other potential sources of commercial traffic.

The thrust of the report recommended a phased development. Phase one of the development entailed the provision of dedicated ferry berths in an area of the inner harbour dredged to 3.6 meters and a small craft harbour in the same dredge area. Phase 2 involved the provision of a deep-water berth, with facilities for vessels up to eight metres draught. The report went on to recommend further phased developments.

This Department appointed consulting engineers to the project in July 2001 and they estimated the total cost of the development at €30 million. In 2004, the Department of Community, Rural and Gaeltacht Affairs agreed to co-fund phase one of the development. The dredging of the inner harbour and the dredging for the small boat facility is now complete at a cost of €5.1 million. This amount does not include any sum to cover the contractor's claim for additional fees.

Planning permission was sought and obtained for the overall development in 2002 and all statutory permits are in place. Amendments subsequently made to the development were submitted to Galway County Council for planning approval. Planning permission has been received for amendments to the layout of the inner harbour entailing construction of a rock spoil breakwater and shore access area. Currently, amendments to the proposed layout of the ferry berth pontoons and the configuration of the proposed deep-water quay are with Galway County Council for approval.

**Mr. Perry:** In light of the announcement by the then Minister, Deputy Fahey, of the investment of €14.8 million, while I welcome what the Minister of State, Deputy Browne, stated on the work carried out, this development is required because Ros a'Mhíl is a major fishery harbour centre situated close to the most productive fishing grounds. The Department's fishing figures for the past three years show that Ros a'Mhíl is the second most important fish landing port in the country. The difficulty is that landing of fish declined over the past year as the new generation of vessels are

unable to land. Fishing boats over 100 ft. have been prohibited from entering the harbour and unless deep-water facilities are provided Ros a'Mhíl's declining trend in fish landings will continue. One processing company cannot get fish.

From the tourism point of view, Ros a'Mhíl is the main port of access to the Aran Islands. With in excess of 350,000 passengers per annum, it is the fourth largest port in terms of passenger movements in the country. There are six ferries to the Aran Islands on a daily basis and a deep water berth would facilitate visits from cruise liners, with passengers disembarking for Connemara and the Aran Islands.

Given the fishing, tourism and commercial potential, the difficulty is that this was agreed in the national development plan and the then Minister, Deputy Fahey, announced €14.8 million for Ros a'Mhíl. The development has been slow and phase 2 has been frustrated. The Minister of State replied that certain works have been done, which I have seen, but there is a deep concern that the development will not proceed as originally envisaged. No funding is ring-fenced in the Department's budget, which we discussed a few weeks ago.

**Mr. Browne:** The dredging is complete and representatives of my Department and the Department of Community, Rural and Gaeltacht Affairs are carrying out a detailed analysis of the need for a dedicated passenger ferry terminal and the building of a number of pontoon berths required. The next stage is the completion of phase 1 through the installation of the pontoon berths and I hope planning permission will be granted in this regard soon. The contract will be awarded in the autumn with the work completed by spring 2007. The provision of the deep water quay is the next stage and this will provide a facility for the larger pelagic vessels using the harbour and for visiting foreign and domestic trawlers. The deep water quay will also be available to serve other industries such as offshore exploration.

With regard to funding, €84.35 million is available under the national development plan while up to the end of 2005 the Department had spent €120 million under this programme. This year €22.5 million is available for fishery harbour development. Planning permission rather than money is the issue. I hope permission will be granted soon and then we can go to tender to award the contract.

**Mr. Perry:** I thank the Minister of State for his reply. He said the project is ready for tender. The funding announced by the former Minister for the Marine, Deputy Fahey, is critical. Will the building of the deep water facility proceed, given that I have been assured planning permission is in place and funding is all that is required?

**Mr. Browne:** A number of stages were agreed and the next phase is the installation of the pontoon berths. As soon as planning permission is granted, that project will go to tender and a contract will be awarded in the autumn or earlier, if the permission comes through quickly. The work will be completed by next spring. Phase 2 is the provision of the deep water quay, which will be built after the pontoon berths have been installed. These phases have been agreed by both Departments and the people in Ros a'Mhíl. The issue is obtaining planning permission, installing the pontoon berths and then moving on to phase 2, the provision of the deep water quay, which, as the Deputy stated, is important for large pelagic vessels.

**Mr. Perry:** I thank the Minister of State for the clarification because there was major uncertainty among the people of Ros a'Mhíl. There was ambiguity among the key partners in the fishery harbour regarding the direction and timescale of the development. They sought clarity on the timescale and funding, not promises. The original cost of the development was estimated at €29 million, which was agreed by the Department and designs and costings were produced for the provision of dedicated ferry berths and a deep water pier 200 metres long with a minimum depth of 8 metres. Does the Minister of State agree to that?

**Mr. Browne:** I am not in the business of making promises. If planning permission is granted to provide the pontoon berths, the contract will be awarded in the autumn and completed by spring 2007. I have visited a number of ports in recent weeks. I intend to visit Ros-a-Mhíl in the next two or three weeks and I will have discussions while I am there. Phases 1 and 2 have been agreed. Phase 1 is about to be achieved as the planning permission should be granted soon. The Deputy and the people of Ros a'Mhíl should not be worried because we will honour whatever commitments have been agreed.

**Mr. Perry:** There were massive celebrations when the former Minister for the Marine, Deputy Fahey, made the original announcement in 2000. A marquee was erected amid high expectations. There has been much disappointment since but I am assured the Minister of State is not in festive mode and he will deliver what he has outlined. If he does not, the next Government will.

**Mr. Browne:** The former Minister, Deputy Fahey, made a commitment to Ros a'Mhíl and the development is under way. The senior Minister and I intend to see it through to the end. The Deputy should have no concerns. The first phase will be completed next spring and when we return following the election, we will complete the project.

**Mr. Durkan:** Á la marquee. The Minister of State should not hold his breath.

**Mr. N. Dempsey:** We would not like to have the people of Ros a'Mhíl waiting for the Opposition parties to get back into Government.

**Mr. Perry:** The Minister needs a rest.

**Mr. N. Dempsey:** I am mad for a fight.

#### Offshore Exploration.

21. **Dr. Cowley** asked the Minister for Communications, Marine and Natural Resources his views on whether a long-term strategic plan for the oil and gas industry operating here, and a repayment of at least 20 per cent on gross profits, should be enforced by statute on these speculator companies; and if he will make a statement on the matter. [26681/06]

**Mr. N. Dempsey:** The fiscal terms for the licensing regime under which offshore exploration companies operate are provided for by the Finance Act 1992. The system is straightforward and is based on a corporation tax rate of 25% applying to profits earned. Historic capital expenditures are 100% deductible at the start of production. No royalty or production bonus or their equivalents are required. The regime was introduced with a view to establishing a risk-reward balance, which reflects Ireland's circumstances, including the industry perception of relative prospectivity, and acknowledges the realities of competition for internationally mobile exploration/production investment.

I recently put in motion a review of the licensing regime under which offshore exploration companies operate in the State. My Department will engage the advice of external experts to independently validate the proposed changes and terms of reference for such engagement are being finalised. My concern is that the regime in place must be sufficiently progressive to accommodate both future variations in oil and gas prices and the high cost of deep-water field development. Amendment of the existing terms would only apply to future licences. Changes in the make-up of licensed entities are a normal part of the exploration business and, in the instance referred to, I very much welcome the renewed interest in the Irish offshore scene by the incoming partner. Since exploration is a licensed private sector activity, the question of a strategic plan for the industry prepared by Government does not arise.

**Dr. Cowley:** I thank the Minister for his detailed reply. I welcome the review of the fiscal terms and I am glad the Private Members' motion tabled by the Technical Group was instrumental in this happening.



However, it will only be when 50% of the Corrib gas field has been exploited that the company will have to pay 1 cent in tax. Given the 100% capital write off, it will be light years before tax is paid. In the meantime, significant funding is needed for hospital beds and so on. A licence was granted to Tony O'Reilly's companies, Providence Resources and Sosina Exploration, in November 2004. They, in turn, sold it to Exxon Mobil while retaining a 20% stake but Exxon Mobil is paying all the exploration costs, which are estimated at hundreds of millions of euro, before anything is found. It would have been much more equitable if the Exchequer had received this money. This leaves a dirty taste in every person's mouth in the context of the Corrib gas project because such funding could have been targeted at the local community. In County Donegal, an Irish company, Grianan, states it will give 10% of gross profits to the local community. It would be wonderful if 20% of gross profits resulting from exploration went to the local community affected. It would also act as an incentive. Will the Minister consider it?

I am on record as seeking a 50% stake in any oil or gas discovery for the State, including royalties. Sounds emanating from Providence Resources and Sosina Exploration suggest they have great hopes that much more gas will be found. It would be a shame not to be able to take advantage of such a situation. Both Norway and the community on the Shetlands have done well from exploration. Why should we always be the poor relation? Will the Minister comment on whether the local community should benefit?

**Mr. N. Dempsey:** I have stated all along that the community in the immediate vicinity of the pipeline and the terminal should benefit from any gas find. I have believed for a long time that where people are discommoded by a development in the national interest they should gain locally, and that includes those near the pipeline. Unfortunately, no one can gain from it until the gas is piped ashore, which has been a difficulty in the Corrib area.

I agree a local community, wider region and nation should benefit from any gas or oil exploration success. That is Government policy. Where Deputy Cowley and I differ is in what he might demand or feel is reasonable in that context. Our disagreement is a matter of figures rather than principle.

At present, the corporation tax rate of 25% applies to finds, with a 100% write-off of historic capital costs. That was deemed necessary when it was put in place between 1987 and 1992, particularly in the Finance Act 1992. Despite what Deputy Cowley previously described as generous terms — I agree they are generous — we have received few responses. We must keep exploration attractive and not put people off by taking

too much. Circumstances have fundamentally changed, particularly with the rise in prices of oil and gas during the past 18 months to two years. This enables us to review and revise the terms to ensure the State and taxpayers benefit more from future finds without scaring companies away.

We must remember 25% or 50% of nothing is nothing. If we do not attract exploration companies, the State itself must carry out that exploration. I recently spoke to someone who knows about these matters. Regarding the area off the west coast of Ireland, the usual cost for an exploration well is €20 million but it is estimated it will cost €70 million in some places. We must maintain a balance in the terms to make it attractive to prospectors. However, we are reviewing the terms and we will seek a greater take.

If, as I hope and as seems to be the case, greater prospectivity occurs and we have more discoveries, we will be in a much stronger position to increase the terms. I have spoken to experts who are not directly associated with oil exploration companies and who have conducted negotiations for other countries. They state if companies believe they have a good chance of finding oil and gas, they do not mind the terms increasing or the State's take being larger so long as they know they have a return.

I do not want to rake over old sores, but in the case of the Corrib, the costs have doubled during the past two years while the company is waiting to bring the gas ashore. The price has gone up so it is balanced to a certain extent. However, we must progress the issue.

**Dr. Cowley:** I agree that unless the Corrib gas does come ashore we can never profit from it. The difficulty is that a material deviation has taken place in the development plan under the 1992 terms. This deviation takes the form of transporting material several kilometres instead of putting it behind concrete dams at the site in Ballinaboy, and the Advantica report suggests major changes in pressure and so on. Does the Minister agree this is a material deviation requiring the development plan to be thrown out and negotiating a new plan to take people's safety fears into account? I attended a briefing with Shell and I am disappointed because it appears it will not change its position and is intent on doing what it intended from day one.

**Mr. N. Dempsey:** Neither the Deputy nor I should anticipate what Shell intends to do. The Advantica report deals with all safety issues in an objective way — I was asked about this matter prior to and after the report was published. It was given a free hand to examine those issues of concern to the people in the area. I categorically state to the Deputy that any future consent I give, and there are a number I must still give to Shell as the Corrib developer, must contain specifications



[Mr. N. Dempsey.]

fully in line with the Advantica report, and Shell accepts that. I assure the Deputy and people locally that all aspects of safety have been dealt with and will be fully met in any future consent.

### Other Questions.

#### Electricity Sector.

22. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources if, in view of his recent comments that the ESB should not be broken up into smaller parts or atomised, he will publish the Deloitte & Touche report on the ESB that he commissioned and is in possession of; when the energy Green Paper will be published; and if he will make a statement on the matter. [26622/06]

24. **Mr. Crawford** asked the Minister for Communications, Marine and Natural Resources when he expects to publish the Deloitte & Touche report; the bodies, groups, persons or agencies who have to date had sight of this report; if he expects the contents of the report to be reflected in proposed legislation; and if he will make a statement on the matter. [26571/06]

44. **Mr. Stanton** asked the Minister for Communications, Marine and Natural Resources the reason he has not published the Deloitte & Touche report; if he has set a date for publication; the groups, persons or bodies who have to date had access to part of its contents; and if he will make a statement on the matter. [26579/06]

91. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources when he intends to publish the Deloitte & Touche report with regard to dominance in the electricity market; the discussions which have taken place to date within the Government with regard to the report; and the consultation or action plan which is envisaged following publication of the report. [26590/06]

**Mr. N. Dempsey:** I propose to take Questions Nos. 22, 24, 44 and 91 together.

In my recent address to the Energy Ireland conference, I stated that the Government did not favour the privatisation or atomisation of the ESB in any circumstances. Future possible directions for the electricity sector, taking into account all relevant considerations including the development of the all-island single electricity market, competition, security of supply, generation adequacy and consumer needs, will be articulated in the energy policy Green Paper, under preparation in my Department, which will be finalised shortly. I intend to publish the report by Delo-

itte & Touche into the electricity sector in the wider context of that Green Paper. The Department of Finance and the Commission for Energy Regulation have received copies of the Deloitte & Touche report in confidence.

**Mr. Broughan:** This is one of a series of reports the Opposition has been eagerly awaiting in recent months. Why did the Minister not publish the Deloitte & Touche report while the Dáil was sitting? He is creating a situation where he can pre-empt the discussion and lay down his policy and, because the House will not be in session, we are at an incredible disadvantage. The report has cost taxpayers millions of euro, as far as I am aware, and appears to have been leaked in a selective way to certain journalists. For example, an article published last February claimed that Deloitte & Touche advocated splitting up the ESB into three companies, a transmission company, a power generation company and a customer supply company, and reducing its market share to 40%. Will the Minister confirm that that is the basic tenor of the report?

The Minister's reply refers to the energy Green Paper. When will that be published? The Minister has been lethargic, as has his predecessor, Deputy Dermot Ahern, on so many areas of policy — energy is as bad as broadband and digital radio and television. The United Kingdom Government is moving on to its third energy review over the past three or four years. Given the sky-rocketing price of oil, up to €74 or €75 a barrel, is it not incumbent on the Minister to publish the energy Green Paper and present it to Dáil Éireann in session to ensure we can have a proper public debate on it?

What is the Minister's reaction to today's news that the ESB is seeking to increase its prices by an astonishing 20% this year? Every summer, when the Dáil is not in session, the Labour Party, Fine Gael and the other Opposition parties hear about all these reports, which are usually followed by an announcement from CER around late August, again usually pre-empted by Government.

Is the request from the ESB that prices be increased again by 20% from early next year not shocking? Does it not mean that the Minister will have personally overseen the highest energy price increases in decades — 61% and rising — during the period of this Administration? Will that not be part of the Minister's legacy? We heard the Taoiseach blathering on this morning about the billions of euro spent on the health system, when we know more billions must be spent and additional manpower provided. That is the point, given that Ireland is rated 25th out of 26 in Europe in terms of health provision. Is it not a fact that energy prices are escalating, there is little competition in the market, there is a major report on the ESB and we are waiting for an

energy Green Paper and a White Paper, yet nothing is happening?

**Mr. N. Dempsey:** I am aware that the Deputy does not know what is happening but because he is not aware of what is happening——

**Mr. Broughan:** I am not the Minister. I would love to be but I am not.

**Mr. N. Dempsey:** I am not criticising the Deputy, I am saying that just because he does not know what is happening does not mean that nothing is happening.

**Mr. Durkan:** Murphy's law.

**Mr. Broughan:** Does the Minister know what is happening?

**Mr. N. Dempsey:** I would not like anyone to think that the diligent officials in my Department who are working on the energy paper are doing nothing. They are committed to this issue and have put in long hours with me over a considerable period to produce an energy paper that will be well worth the wait for Deputy Broughan and the other Deputies.

**Mr. Broughan:** When?

**Mr. N. Dempsey:** Over the coming weeks.

**Mr. Broughan:** In the first week in August.

**Mr. Browne:** Is the Deputy going on holidays?

**Mr. N. Dempsey:** If I can be around the first week in August, so can the Deputy.

**Mr. Broughan:** If the Minister tells me I will be around.

**Mr. N. Dempsey:** As soon as I can fix a date. It should be around that time.

**Mr. Broughan:** The Minister will do it that week.

**Mr. N. Dempsey:** I will probably be working throughout August. The Deputy should not make any holiday plans for August.

**Mr. Broughan:** I will go in July.

**Mr. Browne:** Down to Wexford.

**Mr. N. Dempsey:** The Deputy raised a number of questions, including the reason I did not publish the Deloitte & Touche report before now.

**Mr. Broughan:** Before the Dáil rises.

**Mr. N. Dempsey:** The reason is that it is an important part of the energy paper but it is not

the be all and end all. The Deloitte & Touche report is part of that. We have used it as an input in terms of the electricity sector in the overall energy paper we are producing. That is the reason it has not been published before now. It will be published some time after the energy policy document is published. It did not cost millions of euro. I do not have the figure available to me but it cost just over €1 million. It is a quality report, as I said previously.

The Deputy talked about selected leaks. The one aspect that has frustrated journalists, whatever about the Deputy, is that there have not been any leaks about the Deloitte & Touche report. The article the Deputy refers to that appeared last February is incorrect but it was a good piece of journalism in that they went into the website, examined the terms of reference for the study Deloitte & Touche eventually got and made a number of assumptions which were not accurate.

Regarding the ESB seeking a 20% increase, that is a matter for the Commission on Energy Regulation. Neither the ESB nor the CER will consult me on that matter. The levels of increase in electricity and gas prices are reflective of what is happening with fossil fuels generally but there is no doubt there is room for savings in terms of reducing costs and increasing efficiencies in the ESB. The level of efficiency of a variety of the plant in the ESB leaves a lot to be desired — it is not near the European average. There are labour practices in the ESB that add to the cost for the consumer and I am sure the Commission on Energy Regulation will take all those into account, as it did last year. I look forward to the Deputy's full support in ensuring we reduce ESB costs as much as we can——

**Mr. Broughan:** I will do so if the Minister follows Labour Party policy.

**Mr. N. Dempsey:** ——to make it much more efficient and make the market much more competitive when we move that forward.

**Mr. Broughan:** Is the Minister agreeing with the Labour Party?

**Mr. Durkan:** Would it not have been wiser to publish the Deloitte & Touche report thereby giving everybody, including the public and journalists, equal access to it? They would not have had to speculate if that had been done, and it is easy to speculate. The Minister might be able to resolve some of that speculation now. For example, what is his policy direction on the future ownership of the grid? Will it be kept in public ownership and will there be any change in that? For instance, in respect of any future agreements entered into in the aftermath of the need to introduce more competition, is the Minister satisfied that the security of the grid will be maintained

[Mr. Durkan.]

given that that is of absolute necessity? Will he further indicate whether he and his Department have learned from the experiences of Eircom regarding investment in infrastructure and providing for the future? What are those experiences and how will the Minister deal with them?

Having read the Deloitte & Touche report, is the Minister confirming that nobody has seen the report other than the two bodies to which he referred? Is that true? Is the Minister certain about that because if it were not true it would be very embarrassing for many people, including and most importantly the Minister?

**Mr. N. Dempsey:** I would not be so foolish as to make a statement like that on any report that has had this type of circulation, but all the copies of the Deloitte & Touche report are personalised to the individuals and organisations that received them. To my knowledge they are all still accounted for. However, I would not——

**Mr. Durkan:** They would not have revealed it.

**Mr. N. Dempsey:**——predict that nobody else would have seen it. Many journalists have asked me about its contents. The Deputy can ask the journalists. They have heard nothing from me.

On ownership of the grid, security of supply, the experience with Eircom etc., in my Energy Ireland speech a few weeks ago I clearly stated the importance of maintaining the grid and the transmission lines in public ownership, whether that is in a semi-State company like the ESB or in a separate company. The Government is determined they will stay in public ownership and will not go to a private company at any stage. From the point of view of security of supply and competitiveness it is extremely important that no single player has control over the transmission system to block others out and prevent competition etc. I can give the Deputy absolute assurance that there is no fear of the grid going into private ownership at any stage.

**Mr. Broughan:** I warmly welcome what the Minister has said and that the company will not be privatised or atomised especially considering what my colleague said about Eircom. I ask about rising electricity costs. Will the Minister consider giving CER some sort of strong consumer mandate? To put it the other way around will the Minister give consumers a role in CER either in terms of a consumer panel as proposed in the report of the Joint Committee on Communications, Marine and Natural Resources on energy before these energy price decisions can be made? In other words will the Minister amend the Energy (Miscellaneous Provisions) Bill as I requested on Second Stage to give consumers a role?

Has the Minister discussed the role of the ESB in the all-island market with the Northern Ireland Minister, David Hanson MP, who criticised the role and the more than 60% market share of the ESB in the Southern part of the market after next summer? Did the Minister make any similar comments to him about Viridian, the old Northern Ireland Electricity company which also owns a network and operating assets? In other words has the Minister discussed the future of the ESB with the Northern Ireland Minister following his criticisms of ESB in the context of the operation of the all-island market? Given the Minister's view that it should not be broken up or atomised and that structural reforms are needed, how does he envisage the generation side reaching the point of 40% or more in the all-island market where we could have true competition at the marginal cost level?

**Mr. N. Dempsey:** On consumers' interest, there are two aspects to the remit of the Commission for Energy Regulation, CER. One is competitiveness, which encompasses various aspects, and the other is consumer protection. I believe it has considered establishing consumer panels. However, more importantly, the national consumer agency, recently announced by the Minister for Enterprise, Trade and Employment, will have a role in the current application for a price increase. The ESB seeks an increase from CER, which puts it forward for public consultation. One of those consulted, representing the consumer interest, is the new national consumer agency.

*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 Finneran — that the Minister update the costings to 2006 levels in determining the grant level under the new farm pollution grant scheme; (2) Deputy McHugh — the decision of the Health Service Executive to cap the monthly allocation towards the purchase of incontinence wear for residents of nursing homes in County Galway; (3) Deputy Shortall — the need to fund fully a school group to prevent its closure in view of the critical service it is providing; (4) Deputy Hogan — that the Minister clarify his policy on the broadcasting of religious services on local radio stations; (5) Deputy Jim O'Keeffe — the issue of unauthorised development concerning the construction of a slipway and jetty at Walton Court, Oysterhaven, County Cork, which impedes access for the public along the foreshore and results in a hazard to navigation and the urgent need for the Minister to take action under the Foreshore Acts to ensure that the developer



removes all works from the foreshore and restores the area to its former condition; (6) Deputy Hayes — to ask the Minister why the Golden sewerage scheme is subject to major delays despite the pressing need to upgrade the facility (7) Deputy Connolly — the remedial works scheme at Mullaghmat, County Monaghan; (8) Deputy O'Connor — that the Minister respond to the accommodation crisis in a school in Tallaght; (9) Deputy Crowe — that the Minister report regarding the difficulties being experienced in a school in Tallaght; (10) Deputy Crawford — that the Minister ensure that all available beds are used in Monaghan General Hospital; (11) Deputy Perry — that the Minister appoint a full-time endocrinologist in Sligo General Hospital and provide a counselling service, paediatric diabetes nurse, chiropody services for all with diabetes, a community diabetes nurse specialist and free doctor visits or selected number of visits annually for diabetes patients; (12) Deputy Cowley — that the Minister explain the reason Ballina Urban District Council has encroached upon a special area of conservation for a car park; (13) Deputy Lowry — to discuss the urgent need to include a post-primary school (details supplied) in the school building programme and to swiftly proceed to construction; (14) Deputy Stanton — to debate the need to ensure that respite care grants are all paid without any more undue delay given that people are depending on them; and (15) Deputy Naughten — the need for the Minister to ensure that Irish beet growers receive a fair allocation of funds under the sugar restructuring budget.

The matters raised by Deputies Crawford, Shortall, O'Connor and Crowe have been selected for discussion.

### **National Wage Agreement: Statements.**

**The Taoiseach:** I am very glad of this opportunity to have an early debate in this House on Towards 2016, the ten-year framework draft social partnership agreement, negotiations on which concluded on 14 June last. Deputies will be aware that we have already had a debate on the draft agreement in the Seanad on Wednesday, 21 June.

As I said in my reply to questions in this House last Wednesday, I recognise that all parties have dedicated a great deal of time and effort to the negotiations and I again record my appreciation of their continued commitment, both to the immediate goal of securing a new agreement and to social partnership itself, often in the face of difficult negotiating conditions and misguided criticism, to which I will return later.

Towards 2016, if ratified, will be the seventh social partnership agreement we have negotiated since the process was initiated in 1987. I am glad to say that our economic and social circumstances have been radically transformed for the better

since those early days. Social partnership has been central to bringing about that transformation. In particular, the industrial relations environment, which has been transformed, has been critical to our success in attracting increased investment.

As with previous social partnership negotiations, the present draft agreement has reflected the NESC strategy, which provides a strategic analysis of the key opportunities and challenges facing us. A shared understanding of those issues and a consistency of approach in responding to them have been central factors in our successful adaptation to change over many years.

The evident track record of successful economic and social change through social partnership has been recognised and attracted very positive comments, from many international organisations and agencies, including the IMF, the OECD and the European Commission, which have understood its role in the transformation of our economy and society. It is why the European Council urged all member states to develop national reform partnerships, like Ireland, to underpin the Lisbon Strategy for growth and jobs, since neither governments acting in isolation nor public policy alone can deliver the change required.

Some have argued that the draft agreement, in so far as it relates to pay and the workplace, is really relevant only to a minority of private sector employees who are trade union members and that it is essentially a public service pay agreement. This displays a grave misunderstanding of how the Irish labour market works. While it may be true that a majority of employees in the private sector at any one time are not organised members of trade unions, it is equally true that wage determination is always shaped by the organised sectors, within the context of underlying labour market conditions. Wage norms and trends are strongly established, especially in small labour markets.

We know from our own experience the dire consequences when these norms are out of kilter with conditions across the economy generally. Collective bargaining across Europe is a powerful influence on wage setting, even in countries with much lower rates of trade union membership than Ireland. What matters is that the bargaining takes place on the broadest basis possible and with full awareness of the economic and social context. That is precisely what the partnership process secures.

Our model is successful precisely because it is flexible enough to take account of the wide diversity of situations in employment across the economy, while providing certainty and confidence that can successfully and effectively guide not just the setting of pay rates, but also all aspects of the employment relationship, in the right direction.

Employment standards issues arose, in admittedly a small number of companies, in the latter



[The Taoiseach.]

part of last year and caused widespread upset and passionate concern among many thousands of workers and citizens over the potential for displacement and a “race to the bottom” in the labour market. This demonstrated the need for mechanisms to provide assurance on decent standards and fairness, without compromising flexibility or adding unreasonably to the burden of regulation of the labour market. Setting that delicate balance requires the active engagement of all of the parties in our employment system. We are fortunate that the social partnership process provides precisely that opportunity. The proposals in the new draft agreement regarding employment rights and compliance represent a fair balance between the legitimate interests and objectives and will provide confidence for the future in a rapidly changing labour market.

The terms of the pay agreement are quite straightforward, with 10% payable over 27 months in four instalments of 3%, 2%, 2.5% and 2.5%. An additional 0.5% will be added to the payment from 1 July 2006 for those earning €10.25 per hour or less. As with previous agreements, provisions are included which enable employers to plead inability to pay or to seek off-setting productivity changes where circumstances require it. In addition, the parties have agreed to make a recommendation to the Minister for Enterprise, Trade and Employment as regards increasing the national minimum wage with effect from 1 January 2007. The proposed level of pay increases strikes a fair balance between the pressures on the enterprise sector to be competitive in international markets and the need to secure the living standards of our workforce.

The public sector pay terms are the same as for those of the private sector, except that the first payment will fall due on 1 December 2006 rather than 1 January 2006. As was the case under Sustaining Progress, these payments will only be made after the delivery of verified changes. The changes include better opening hours, more flexible operating arrangements, the application of ICT to achieve greater efficiency and improved promotion and recruitment practices, including in particular opening up more senior jobs to competition from those outside the public sector. The second benchmarking body is due to report its findings by the end of 2007. A parallel benchmarking process in respect of the pay of craft grades and related non-nursing and general operative grades is to be completed by the second half of 2007. Again, payment of any recommended increases will be dependent on ensuring the delivery of substantial change and flexibility.

The agreement is about much more than pay. The draft agreement addresses the need to maintain a supportive macro-economic environment to enhance productivity and competitiveness, the successful management of and response to social

needs and social change and the imperative of building a more inclusive society. Put simply, it is about mobilising our collective resources to improve people’s lives. Draft copies of the agreement have been circulated among Deputies, so I will only briefly set out the main elements.

Chapter two describes the macro-economic context to the agreement. A certain level of economic growth is assumed in the short to medium term. The draft agreement endorses the key national strategies, such as the NSS and NDP, which will inform investment and planning over the period. It also details key actions planned or already in place in terms of sectoral strategies in key areas such as science, technology and innovation, better regulation, public enterprise, manufacturing, transport, housing, energy, telecommunications, education and training, the environment, rural development and the agri-food sector.

Social partnership provides an effective mechanism for driving progress on the social agenda over the next ten years. As well as acting as a forum for dialogue and engagement between the key actors, it provides the means for us to work together to deliver better outcomes for the most vulnerable people in our society. In the developmental welfare state report published last year, NESC suggested that our strong economic performance could serve as a new context within which to seek major improvements within the social sphere. This requires a process of reinvention and repositioning of our social policies and the critical recognition that economic progress and social well-being are equally important and mutually reinforcing. The NESC analysis recognises that increases in social welfare alone will not overcome many of the difficult social problems we face as a society. The delivery of quality public services is essential. We also need to be proactive in encouraging innovative and pioneering responses to social challenges. Community and voluntary groups throughout the country have a key role to play in delivering these responses.

Towards 2016 sets out an ambitious agenda aimed at delivering tangible social change. It adopts a longer term perspective, recognising that many of these social challenges are particularly complex and require coherent and strategic responses. Significantly, the agreement puts in place a new social policy perspective based on the life cycle framework. This approach seeks to move us away from a situation where policy is developed along departmental lines to one where the focus is on the outcomes we need to achieve for people at different stages of their lives. The agreement sets out a vision and long-term goals for children, people of working age, older people and people with disabilities. It also highlights a number of emerging challenges and includes measures for responding to them. These include, for example, the integration of migrant communi-

ties, the acute needs of children in disadvantaged communities and support for the role of the community and voluntary sector in the future.

A range of priority commitments are set out under each life cycle stage to be pursued over the first phase of the agreement. For children, a number of measures aim at increasing the supply of child care and improving educational outcomes. For people of working age, there is a focus on measures to promote employability and access to employment, in recognition of the key role that employment plays in helping people to escape poverty and to improve their opportunities. For older people, the social partners have agreed to work together to develop an effective infrastructure of long-term care services on the basis of principles set out in the agreement. The social partners have agreed that the implementation of the national disability strategy provides the most appropriate mechanism for delivering the outcomes we wish to see for people with disabilities. A number of key issues have been highlighted so that they can be addressed through the Disability Act and the sectoral plans process. These goals cannot be achieved during the usual three year agreement. In this context, the Government and the social partners recognise that a ten year framework agreement is more appropriate for this type of effective social dialogue.

On the criticisms made of social partnership, it never ceases to amaze me that the most voluble critics, who denigrate social partnership and, therefore, the social partners, and deny its role in our economic and social transformation, never enlighten us with their suggestions for an alternative. Social partnership works and, despite the difficulties that have occasionally arisen, has proven itself a reliable and effective means of identifying, analysing and addressing key social and economic challenges.

One of the loudest and most often repeated criticisms is that social partnership is anti-democratic. Since its beginnings almost 20 years ago, social partnership has been based on an invitation by the Government of the day to the social partners to join it in discussing how to jointly develop policies and behaviours which better serve the needs of our people. It is entirely appropriate and democratic to recognise the independent roles and contribution made by various social partners.

At the same time, the partners fully recognise and accept that the Government must be able to exercise fully its prerogatives within the framework of political accountability. The Government entered these negotiations on the basis of our published programme for Government. We have been no different in this respect than previous administrations. We have maintained close ministerial oversight at all stages of the negotiations and the terms of the draft agreement were approved by the relevant Ministers in a process led by the Tánaiste and me. We are satisfied that

the outcome is entirely consistent with our programme. In implementing the agreement, we will be fully accountable to the Oireachtas. The substantive elements of the agreement require the introduction of 12 Bills, each of which will be subject to close scrutiny and debate here and in the Seanad. The expenditure implications will be dealt with in the budgetary and Estimates process in the normal way, with the normal full accountability, approval and oversight by the Oireachtas. All the implementation arrangements of the last agreement were reported on regularly to the Oireachtas. My ministerial colleagues were also answerable in this House in respect of their particular responsibilities under the agreement. This will continue. I welcome greater parliamentary scrutiny of the process and hope Oireachtas committees will take a greater interest in the substance of social partnership. I also see particular value in direct Oireachtas engagement with the chairs and directors of the social partnership institutions, NESC, NESF and NCPP. The social partners would also be happy to avail of opportunities to share their experiences and their views on the process.

The ten year duration of the draft framework agreement does not bind future Governments unreasonably. The ten year perspective is a realistic acknowledgement of the scale of the development objectives we share with the social partners, arising from the NESC analysis. While the detailed arrangements, including pay, set out in the agreement pertain to the first phase, it is right that we should set out a longer term agenda for social dialogue. It will be for each Government over that period to engage in the detailed discussion on the basis of its electoral mandate. The democratic process and social partnership are, therefore, complementary aspects of modern governance and I look forward to continuing engagement as a means of expressing this complementary relationship.

While talks on the farming sector have not yet concluded, the farming pillar has participated in the negotiations on the non-pay agreement. The draft agreement will now be subject to ratification over the coming weeks, in line with the internal procedures of each social partner pillar and organisation. All concerned will recognise the benefits of the new agreement for themselves and for the country as a whole. Therefore, it will be ratified and we will continue our successful experience of partnership to the benefit of all our people.

**Mr. Bruton:** I thank the Taoiseach for bringing this document to the Houses. It is extraordinary that we are setting out programmes for the next decade when the Dáil never had any role in Sustaining Progress. There was no prior debate on the framework within which it should be negotiated, no discussion on its proposals, no adoption or ratification by Parliament and no monitoring

[Mr. Bruton.]

report of the numerous commitments and programmes agreed. There is an unhealthy relationship between the social partnership foundation that is so important to the economy and the parliamentary system, which is equally vital. Anyone who has looked at arrangements over the past years will notice the dismal failure to create a bridge between social partnership and the Oireachtas.

Social partnership was born out of crisis and has been an important vehicle for unity of purpose across employers and trade unions and, gradually, a wider initiative. This was underpinned by the political initiative of Alan Dukes, the Tallaght strategy, which offered a level of social partnership within the political system to a Government dealing with intractable problems. At its birth, Parliament had a role in social partnership but this has decreased. The Oireachtas has been entirely eclipsed in its role in contributing to decisions on the distribution of scarce resources and legislation. Very few interest groups will approach parliamentarians for assistance with a major struggle about an important decision. Instead, they will go up the back stairs to meet Ministers and use monitor groups and steering group meetings within the partnership system. That is an unhealthy development. Major decisions on the distribution of available resources should be resolved primarily in these Houses. This is not a criticism of social partnership but of the way it has developed.

The basic institutional framework of social partnership provides an example. There are two implementation bodies, four research agencies, nine high-level policy committees and four major progress reports delivered each year. That presents a stark contrast to the support available to the Oireachtas for democratically elected representatives to deliver their mandate in crucial areas of decision making. We must examine developing a proper relationships between the institutions of social partnership and the Oireachtas.

I am disappointed the Taoiseach did not take this opportunity to do so. This debate is welcome but is merely a debate of one hour at the end of the process. It offers no real basis for participation by the Oireachtas in the next ten year strategy. We need a role in how the agenda is set. It is predominantly set by the NESC, which does much good work. As elected representatives we should be able to shape the agenda of partnership.

We must also have a role in the development proposals. The heads of Bills are supposed to be presented to Oireachtas committees so they can have an input at an early stage. This has been done in only two cases. There is no sense that the Government shares with Parliament as it does with social partners. This was clear in the debate on employment protection. No attempt was made to reach consensus in this House on the matter.

All debate took place between employers and trade unions.

Members of the Oireachtas represent civil society in its broadest sense. Those at social partnership talks represent vested interests. This term may imply criticism but they come from a particular angle and represent a particular group of people. We must make sure those with a broader mandate have greater participation.

Social partnership has been successful in many areas and was important in dealing with runaway debt and leapfrogging pay claims that caused inflation when Ireland was losing jobs hand over fist. It had a strategic role at that stage but has been less successful at dealing with the current reform agenda. It comes as no surprise that the social partnership model dominated by producer interests, namely Government, trade union or employer interests, has not addressed the needs of consumers. At a basic level, we see this where consumers feel disenfranchised and ripped off. We have been slow to open markets and the interests of those in markets have dominated public thinking rather than the interests of consumers, who are not represented at the social partnership table.

This Government resorted to stealth taxes after the last election. Consumers were seen as the soft touch because they were not represented in the partnership model. It was easy to impose higher charges on them. The Labour Party recently produced a document detailing 50 examples of stealth taxes.

Our pattern of housing development has been described as dysfunctional by the NESC. The interests of producers and developers have had an influence rather than the consumer, the first-time buyer or the family seeking housing with decent facilities such as schools and health services. The special development zone, a good concept of balanced development, has been used only once, in Adamstown, to achieve balanced housing development. Our dysfunctional housing system is vulnerable and is not providing the standard of service we require. We cannot blame this on social partnership but the ears of this Government are open only to some.

In the privatisation of Eircom, the interests of the workers and the State were looked after but those who had retired were given no recognition for building up the asset. The consumer was forgotten and the punter who bought the shares failed miserably. The scheme may have served some insiders and the Government but it did not cater for the national interest. Members on both sides of the House agree this was badly planned. We must learn from this and ensure we do not hear only those represented at the table.

It is disappointing that social partnership has not focussed on public service reform. Everyone knows this is a key issue. The Government has spent a considerable sum on health but people feel discontent. Many of the working practices in the health system must change. They are holding



back capacity to deliver to the front line. Partnership, however, has stepped back and not addressed them. It has not helped to create the momentum.

The Taoiseach correctly said recently that consultants are tough negotiators and will not give up contracts. If we accept that this is a key obstacle that must be moved, we must enlist the support of the broadest base to insist that this change and to face down the vested interests wherever they are found. That has been missing in social partnership. We have not faced down vested interests in the public service to ensure we get delivery to the front line. That is why people have been disappointed. They still see laboratories working for only certain hours of the day and consultants not being in accident and emergency departments when they are needed to make critical decisions about discharge, retention or admission. These issues afflict our capacity to deliver services.

We still have not put performance accountability into the public service systems. The unions in the education sector, for example, have not yet conceded the obligation to have proper accountability at school level. We are moving away from the level of accountability that must be in place to achieve best practice standards in education and other areas. The key issue in this regard is public service reform.

Fine Gael was first to point out that benchmarking would be paid without getting the reform to match it. We urged that it not be paid until that reform was in place. Looking back on that process many people now agree that we were absolutely right. The Government had not pushed the reform agenda. No union was forced to go beyond any difficult existing position. One did not hear screams from any group that benchmarking was asking it to deliver too much change. If it was a serious programme of reform, it would have caused that. We must ensure that we create a public service that is achieving the highest professional standards and is seeking to achieve best practice.

That is what benchmarking is about — achieving best practice in the delivery of education, health and so forth. Personnel are then paid because they are delivering best practice. That was the hidden ingredient. It was not simply a dead process of looking at comparative pay, estimating the gap and paying it. It was supposed to be about examining what is done in successful organisations and moving the public service organisation to do the same. That is what benchmarking must be about if it is to continue.

Under this agreement, it is due to continue. I welcome its continuation but it must be based on the Government establishing a real agenda of reform. Scarcely was benchmarking paid on the last occasion when we heard the Minister for Justice, Equality and Law Reform state that the way prisons were run had to be reformed and the Minister for Health and Children saying that the

administration of hospitals had to be reformed. However, those reforms were not included in the benchmarking negotiations to secure such change when the opportunity presented, an opportunity with a €1.3 billion price tag.

We must develop social partnership so it has the opportunity to confront the serious challenges we face. Those challenges must be put on the agenda and the voices of consumers and users of public services must be heard. We must also hear the voices of families who are being squeezed, whether they are first-time buyers or are trying to cope with child care or the many other pressures families must endure. We must hear the concerns of communities. The Taoiseach correctly pointed out that community is struggling to survive in the new, dysfunctional housing environment that has been created. That must be addressed but it is not being addressed sufficiently through the partnership process. I believe we must retain and develop partnership and make it confront the greater challenges that exist.

I welcome the life cycle debate that has been opened in this partnership agreement. I have long believed that we do not take note of the pressures on people. Our welfare system has largely been based on the old set up of the breadwinner being a man, the woman being at home and all the State had to deal with was unemployment and sickness. The truth is, however, that for families trying to cope with the difficult task of rearing children in the current tough environment, we must develop far more sophisticated interventions and supports. I welcome that element of the agreement and the NESC has been far-seeing in pushing for it.

My time is concluded. Fifteen minutes is not enough to do justice to what is supposed to be the start of a ten-year strategy but I am grateful for the opportunity to speak on it.

**Mr. Quinn:** I compliment all the negotiators who compiled this document. The duration of the negotiations is an indication of the necessity to shift from the old tax trade-off against wage moderation, which is long past its sell-by date. Another approach is required. That is reflected in the comments made by the Taoiseach and by many of the commentators who were directly involved in this process.

I was involved in the process in the past and am familiar with its internal operations and mechanisms. Most of the time it is the social partners and the civil servants who are involved, as the Taoiseach would be the first to admit. Political involvement is limited and tends to come more or less in a Supreme Court manner rather than in a District Court manner, when many of the options have been teased out.

Much work has gone into the agreement and I salute all the people who gave their time to it. Reading the document is wonderful and if its content were to be achieved, we would have heaven on earth. However, I doubt the capacity of this



[Mr. Quinn.]

Administration to deliver. The Taoiseach this morning, in response to Leaders' Questions, damned his own competence and that of his Government when he said that after nine years the Government is still trying to talk to the consultants about getting them to the negotiating table or about getting €500,000 worth of equipment operating after 4.30 p.m. The Taoiseach is a man of many talents and abilities but if he can come to that conclusion after nine years, only he can provide the answer.

Last night, I launched a book by Paul Williams entitled *The Untouchables*. It is about the history of the CAB, which has been in existence for ten years. The Taoiseach will recall that a Private Members' Bill, which was renamed the Proceeds of Crime Bill, was brought forward by the current Minister for Arts, Sport and Tourism and was supported by all sides of the House. By the end of July, within four weeks of the death of Veronica Guerin, the House had passed six Bills. The CAB was up and running and was statutorily empowered by October when the House returned after the summer recess. When this House was united following the atrocity of her murder and, indeed, the murder of Jerry McCabe, which preceded it, we moved very quickly.

Looking at this document, little of which I disagree with, although we need more time to examine it in the future, what is strikingly obvious is the absolute inability of this Administration to deliver. I can offer some examples, but I will be positive and discuss the good parts first. On behalf of the Labour Party and the wider labour movement, I welcome the section on employment rights and what the Government proposes to do in that area. As I said to the national council of ISME two weeks ago, the people in the private sector who secretly take pleasure in the demise of the trade union movement as a representative force — approximately one sixth of the workforce is now represented by trade unions and the bulk of that one sixth is in the public service — should be careful what they wish for because what will replace it will be far worse.

What is facing small companies, in particular, and those companies that refused to allow trade unions to represent their workforce is the employment lawyer, who knows adversarial confrontation and will take employers to the cleaners in terms of costs. We have already seen this happen in the Taoiseach's Government offices. Individual public servants are now rushing to lawyers rather than to their public sector unions to address confrontations where there are perceived wrongs in the place of employment.

We have already tried, through the establishment of the PIAB, to get the lawyers off the back of the insurance industry, where 42% of the cost of insurance was due to legal costs. Those who think the retreat of organised labour in the shape of traditional trade unions will make their job easier with regard to employees are seeing a false

dawn. The labour movement has transposed individually negotiated rights, whether in Guinness or Jacobs or any of the other old benchmark firms, on to the Statute Book of this republic and they are in place for all. That is the first point that should be made about the role of trade unions in social partnership.

Senator Shane Ross once asked in the Seanad what right trade unions have to negotiate if they only represent a minority of the workforce. They could represent a larger section of the workforce if certain companies allowed them to organise. Many people thank God for the presence of the trade unions at the negotiating table because it is more than their jobs are worth to get a trade union into the workplace.

The norm that is struck in social partnership pay negotiations will filter out beyond the corral of organised trade union members into the entire workforce. To that extent, it is of benefit to people who would like to be represented by trade unions but cannot be. Equally, it offers protection to employers who can rightfully say that the agreed rate is so much and they will not go beyond it. It provides a role and a benchmark that is clear and productive and adds to the marketplace in an open market economy an element of certainty that is necessary in terms of going forward three years.

I will not comment on the terms of the pay deal; that is for individual workers to vote upon in due course. I am talking about the process rather than the terms set out in the second section of the document.

I draw the Taoiseach's attention to a last minute "Jesus we forgot something, we'd better get it in quick" instance. The five objectives on page five are set out, with the last including deepening capabilities, achieving higher participation rates and more successfully handling diversity, including immigration. Those last two words are where someone said we have left something out and we must put it in. It screams at the reader. The contents do not mention a word of it except when it comes to work permits.

Ten years seems like a long time, but it is only as far back as 1996. Like yesterday or tomorrow, it is very close. If migration rates are maintained at current levels, 10% of the population of the Republic of Ireland — 400,000 people — will be foreign nationals. They are not just workers from 9 a.m. to 5 p.m. They come with families and have children who present at national schools. They have cultural attitudes and linguistic problems of integrating in society.

The rest of the northern European experience is crying out to us in this respect. We should talk to our Danish and Dutch colleagues or to the Swedes who opened their borders to immigrants about the problems of cultural respect and integration at the same time. We have so many lessons to learn. The Netherlands, a tolerant, open society from the time of the reformation, took in Sephardic Jews expelled from Portugal

and Spain and Protestants driven across the border from Catholic France and transformed the country. That open, tolerant, liberal society, which maintained that tradition until the 1990s, has now gone into reverse because of the convulsions it is experiencing in migration.

There is a free market neoliberal option of saying we need the workers, that we can forget about them once we no longer need them, and that we do not have to integrate them. The failure to integrate migrants into Dutch and Danish society, however, has transformed two open, tolerant countries into reactionary, conservative countries with a nasty tinge that none of us wants to see happen in this country. We will certainly not be Ireland of the welcomes for those people unless we are careful. We have no excuse because what we can see in the EU in a similar environment is what will happen here within ten years, only as far back as 1996. The increase of 400,000 people is the same as the populations of Cork, Limerick and Galway put together. This document does not deal with that.

Irish parents are now presenting their children for junior infants at overloaded primary schools where there are 36 children in the class, half of whom do not speak English as their first language. The parents are running to wherever they can to find another place for their children. We have a great national school system but no teacher can cope with that situation. On top of mainstreaming children with learning difficulties, schools must cope with children whose mother tongue is not English. We are overloading the system.

There is a gap between real thinking and aspiration in this document. The aspiration is to address the infrastructural deficit, as outlined on page 21. I agree with every word; there is still a significant infrastructural deficit. I have two cuttings from today's newspapers which demonstrate how we are not dealing with the infrastructural deficit in a strategic manner. The Macroom bypass and the Fermoy bypass are reported. The Taoiseach knows from his time in a local authority how long it takes to secure the paperwork, to hold public hearings and to make the compulsory purchase order for a bypass. This is nonsense. We should be looking at the road from Killarney to Rosslare with one hearing, one inquiry and one team.

Money is not the object. The Taoiseach already said this morning that there is a problem spending the capital budget. Part of the problem is that the Government is taking small bites when it should be swallowing loads. The Planning and Development (Strategic Infrastructure) Bill will not address this problem if the mentality in the National Roads Authority and the Government still focuses on bypasses. We would never have completed the gas pipeline from Cork to Dublin if we had used the bypass mentality. It was a single project with a single hearing, we took it in stages and it delivered. The Taoiseach knows that

the construction work, which is now coming in ahead of time and under budget, is only a third of the timeframe for a project. Two thirds of the timeframe is taken up by planning, preparation and the legal process.

Fianna Fáil and the Progressive Democrats are stuck in a bypass mentality. There is no great vision. The infrastructural deficit is on the Government benches. The capacity deficit is in the Government after nine years of unprecedented wealth. Not since the building of Leinster House was there such prosperity in Ireland, but this Government is incapable of getting expensive medical machines to work after 4 p.m. in the public sector and is still locked in a bypass mentality for infrastructure. Having said that, I want to see this document implemented and the Government that will replace the current Government next May will proceed to do it.

I endorse the Taoiseach's comments about the democratic deficit in social partnership. It is an open, participatory, inclusive process. When we return in the autumn, we should put in place a structured reporting mechanism where we take this document, if it is ratified, and divide it into sections for Oireachtas committees, establishing quarterly meetings with the relevant players from the social partners. During the Government that was formed in 1993-94, we tried to set up the NESF to address what we thought was a democratic deficit in the role of Oireachtas Members. We found that Oireachtas Members did not want to attend, however, and the level of participation was poor by all parties. Oireachtas Members want to be in the Chamber, not elsewhere. Therefore, we should bring in the social partners responsible for negotiating and implementing this agreement to our various committees in order to get a progress report and hold them to account in a manner that suits the culture and tradition of this House.

**Mr. Morgan:** I wish to share time with Deputies Finian McGrath, Connolly and Sargent.

**An Ceann Comhairle:** Is that agreed? Agreed.

**Mr. Morgan:** I am extremely disappointed with the amount of time that has been allocated for the discussion on this partnership deal. It would have taken several days to deal adequately with this issue. In his address, the Taoiseach said that some people who are critical of the agreement have no alternatives to offer, but he is wide of the mark. People such as myself are critical of the current social partnership model but would be happy to submit an alternative model that would be all-embracing and would deal with the real issues affecting low-paid migrant workers as well as indigenous workers.

The two demonstrable outcomes of social partnership are its manifest failure to halt a trend towards increasing inequality — not to mention reducing or eliminating inequality — and the

[Mr. Morgan.]

decline in trade union membership amongst workers. The new social partnership deal is not underpinned by an objective of bringing about a fairer distribution of wealth. That should be at the core of this deal but it is not even there. Its greatest flaw is that, like its predecessors, it fails the low paid completely.

While I welcome the fact it includes measures to improve the enforcement of labour law, it was outrageous that trade unions were forced to bargain for the rights of workers to be free from exploitation — imagine that in the 21st century. Vulnerable workers have had to await the outcome of a social partnership deal before seeing their existing rights enforced. The proper enforcement of existing labour law should not be seen as a concession to unions or used as a bargaining chip in negotiations. The requirement for workers to bargain for basic rights and entitlements is, along with the democratic deficit created by the process taking precedence over this House, among the fundamental defects of the social partnership process as it is currently structured.

A deal such as this must be deemed inadequate when the wage increases that have been conceded amount to a mere 10% over 27 months. This pay rise barely covers the rate of inflation over that period. Irish inflation is already soaring at significantly higher rates than the EU average of 2.2%. At 3.9%, it is close to double that figure. At a time of growing income differentials between the highest and lowest paid workers, the additional miserly 0.5% increase for low-paid workers is derisory.

A recent NESC report found that in the Twenty-six Counties the richest 20% of the working age population now earns 12 times as much as the poorest. That represents one of the highest levels of income inequality among OECD countries. While increases contained in the new deal may seem significant to some higher paid workers, low-paid workers lose out where, as in this agreement, percentage wage increases are applied. Where are the measures to reduce wage differentials between the highest and lowest paid workers? These should have been at the core of any agreement dealing with pay issues.

I agree with the comments made earlier in the debate by Deputy Bruton, that special interests need to be faced down in the public service. However, there are even more pressing needs to face down the significant private sector interests. Much of what is contained in the agreement is broadly aspirational and reflects Government promises, already given, to implement legislation. In the past, it has taken the Government years to deliver on promises contained within social partnership deals. For example, the Dáil has only recently passed legislation on a commitment to parental leave contained in the last deal. The inclusion of the inability-to-pay clause means wage increases conceded in the agreement are

inextricably linked to the term “competitiveness”. If giving a pay increase is not in the interests of business and its competitiveness, the get-out clause lies in that argument.

Unfortunately, I do not have time to address many of the other issues concerning this agreement. On the whole, the deal as it stands is unacceptable and has been found wanting on many levels.

**Mr. F. McGrath:** I am grateful for the opportunity to contribute to the debate on the new national wage agreement, the ten-year framework social partnership agreement 2006-15. I pay tribute to workers, members of the trade union movement and the Irish Congress of Trade Unions. I thank and commend all workers for their contribution to the development of the economy. When I hear people going on about the Celtic tiger, it gets up my nose when many of them forget to mention the magnificent, hard and dedicated work of Irish and foreign workers in this State. They have made a great economic and social contribution to the development of the economy. Their sweat, money and taxes have built the country. I thank and commend our workers as well as our foreign nationals for their great contribution to the country.

As regards the broader issues in this debate, it is essential that our workers are well paid for their labours. I challenge the employers on this matter and demand justice and fair play for all workers. Exploitation and low pay should never be tolerated. Anyone who exploits their staff should be strongly challenged.

I welcome the sections in page 5 of the agreement dealing with integrating an island of Ireland economy, as well as reinventing and repositioning Ireland’s social policies. I strongly support the ICTU and I urge the Government and employers to listen seriously to its constructive views. The ICTU’s solutions are sensible options to resolving many conflicts on this island. Congress is and should always be a major player. I commend again Irish workers for their magnificent contribution to the broader economy.

**Mr. Connolly:** We have had social partnership for over two decades and I have advocated it for all those years. I am delighted we have concluded a social partnership agreement, entitled Toward 2016, which will help us on our way forward. I generally agree with the concept of social partnership in that it allows us to plan for the long-term and permits companies to know their costs well in advance. A number of issues must be addressed, however, if the agreement is to receive universal acceptance, which it has not received. When it comes to voting on the agreement, I believe it will be quite a tight vote. We must address the issues of house price inflation and the amount the Government takes in stamp duty. We must also examine the faults in our health service,



in addition to energy costs for consumers, which include a State take in excise duties.

The sum of 10% over 27 months sounds good but many people on lower incomes are left further behind after each national wage agreement. We must address that problem by expanding the back-to-work scheme, child care services and medical cards. We must take these matters on board if we are to take this group of people along with us.

A number of workers' rights have been stitched into the social partnership agreement, including term time and parental leave. These are all welcome developments but they often come at a cost to the public who are denied the service that these people would normally be asked to provide. It is all right to give somebody a day off but such leave should not take away from the public services these people would normally provide. They should be replaced by someone else in the public service. Cash-strapped Departments can use this mechanism — giving staff all the unpaid leave they want — to save money. That is not good enough, however, because people deserve a service, so staff on leave should be replaced. We must address these issues and cannot allow them to continue unchecked.

**Mr. Sargent:** On behalf of the Green Party, Comhaontas Glas, I acknowledge the hard work of all those who worked to bring about this agreement, Towards 2016. Much of the agreement, especially the social provisions, is aspirational. Commitments need to be more concrete. Other aspects of the agreement are simply a rehash of existing policies. Many commitments are belated. I would be interested to hear why it has taken nine years for the Government to even consider drawing up a national strategy for family carers. However, aspects of the agreement, such as special pay increases for those on very low incomes and the belated decision to establish the office of the director of employment rights compliance with 90 labour inspectors and measures to address displacement of workers with cheaper labour, are welcome.

Some concern has been expressed that the social partnership process bypasses our democratic institutions. I share that concern. The commitments contained in the agreement are binding on succeeding Governments and because of this, it is important that the Dáil has a meaningful way of engaging with the partnership process and the finalising of agreements. That way is not, as the Tánaiste has suggested, through the Government.

The Green Party has consistently called for the establishment of a special Oireachtas committee to oversee and interact with the social partnership process. I repeat that call. My colleague, Deputy Boyle, our finance spokesperson, has stated that any Dáil debate on the agreement should be structured around a motion on whether the Dáil will agree or reject the agreement. With regard to the involvement of the State's democratic insti-

tutions, I am pleased to note that the agreement states, in a section on monitoring and reviewing arrangements, that "a meeting of all the parties to this ten-year framework agreement with the political process, chaired by the Taoiseach, will take place annually". I raised that issue on the Order of Business this morning. Will the Taoiseach elaborate on how this engagement with the political process will take place? I have yet to receive a formal invitation to such a process. I hope this is not an indication that the Government considers Opposition parties to be outside the political process.

Whether the social aspect and its life cycle approach and the other aspects of the agreement deliver for individuals is very much dependent on who is in Government until 2016. The Government has distinguished itself as a failed guardian of important aspects of previous agreements. For example, the commitment to provide 27,000 social housing units in the next three years, while welcome, will not be achieved if the parties opposite remain in Government. I also note that the commitment falls short of the National Economic and Social Forum recommendations. Moreover, I ask the Taoiseach to indicate clearly what his interpretation of "honouring" this commitment means, given his rather liberal interpretation of honouring previous commitments on social and affordable housing.

The Minister for Justice, Equality and Law Reform has observed that it is the meat in the sandwich that makes the difference. I was interested to read the speech of the Minister's party colleague and close ally, Senator Morrissey, in the Seanad on the issue. The Senator indicated that the agreement would not bind Progressive Democrats policy. I observe that the Taoiseach's partners in Government do not intend to take social partnership too seriously. I am sure this fact has been noted by putative parties to the agreement.

The successful implementation of the agreement depends on good Government and a sound economy. With this in mind, I have listened with interest to the Taoiseach's recent radio interview on the agreement. I welcome the fact that the Taoiseach has acknowledged that energy is a major driver of inflation. However, his insistence on producing an inflation figure with energy excluded is puzzling. It seems in no way relevant to the individual trying to feed his or her family or pay for medical treatment. Energy is the economy fundamentally. I hope this will spur the Government to adopt a more ambitious approach to energy policy.

Significantly, the Taoiseach appeared to convey the impression that he is complacent about the level of inflation which is approaching 4%. The Taoiseach also appears to be satisfied with house price inflation at 15%, even though one in five first-time buyers are being forced to take out 100% mortgages to buy houses that have an average price of more than €300,000. Judging by the



[Mr. Sargent.]

way he has repeatedly talked up the housing market, he appears to want house prices to continue to rise rapidly.

The 27-month pay deal comes to 4.05% per annum. Inflation, excluding house price inflation, is at 3.9% and is likely to continue to rise as the Taoiseach has admitted. I put it to the Taoiseach that if he maintains his complacent attitude to inflation and continues to spur house price inflation with his public pronouncements, the value of the pay deal and other aspects of the agreement will be wiped out. In this context, it would be fair to include in the agreement some kind of safeguard which would allow changes in the pay deal if inflation reaches certain thresholds.

In its editorial on the social partnership agreement, *The Irish Times* observed that “there are economic storm clouds on the horizon”. If the Taoiseach’s policy and public statements continue to push inflation and personal debt, I fear it may be correct.

I welcome aspects of the agreement but I observe that it is only as good as a Government that implements it. Whether its provisions are delivered depend on the ability of Governments in office until 2016 to manage the economy in the face of domestic pressures, such as housing demand and inflation, international pressures such as rising energy costs and the Government’s desire to have a trustful relationship with representative groups and with the people. Unfortunately, the Government is failing on each of these fronts.

#### **Road Traffic Bill 2006: Report Stage (resumed).**

Amendments Nos. 9 and 10 not moved.

**An Ceann Comhairle:** Amendment Nos. 11 and 12 are related and may be discussed together.

**Ms Shortall:** I move amendment No. 11:

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

4.—(1) As and from the commencement of *section 3*, a person who drives or attempts to drive a mechanically propelled vehicle in a public place where any of the windscreens or windows to the front or either side of the driver’s seat are non-transparent is guilty of an offence.

(2) A person who commits an offence under *subsection (1)* is liable on summary conviction to a fine of €5000.

We discussed this matter at some length. This amendment relates to tinted windscreens and side windows on vehicles and the fact that it would be impossible to enforce the new law in respect of hand-held mobile phones if one cannot see the driver. That is the main reason we need to move to outlaw tinted windows. I suspect there are

other reasons. It should be possible for the Garda or anybody else to see who is driving the car. On Committee Stage the Minister said he would look at standards and move towards change on a Europe-wide basis. That type of approach is like the retrofitting of cyclops mirrors. If we wait for the rest of Europe to do it, we will be waiting forever. This is an area where the Minister could lead the way. He can certainly introduce these changes in respect of cars in this country and, if issues arise in regard to foreign registered cars, they can be dealt with. The majority of those driving vehicles with tinted windows are Irish and could be dealt with if a change in the law were introduced. I ask the Minister to reconsider that issue.

**Minister for Transport (Mr. Cullen):** This matter was discussed on Committee Stage and I said we would return to it on Report Stage. I understand the motives of Deputy Shortall and other Deputies in tabling these amendments. I share their concerns about modifications to windscreens and side windows that result in excessively blacked out windows. However, regulating for the control of modifications to the glazing of motor vehicles gives rise to certain complex issues. I shall detail some of them with as much clarity as possible.

The regulatory framework for vehicle standards is set at a European level through a harmonised system of motor vehicle type approval. Standards for new cars in the EU are specified in a range of EU-type approval directives that are incorporated into a system known as EU vehicle whole type approval. Whole vehicle type approval facilitates the achievement of a single market for cars through harmonised safety and environmental standards. New cars must have whole vehicle type approval to be placed on the market in the EU and it is not open to a member state to ban vehicles which have it. To receive whole vehicle type approval a car must meet the technical specifications for a range of items, including the glazing and the field vision of drivers, which are set down in a series of separate directives. The technical specifications for glazing in these directives allow for tinting. There are enforcement difficulties in distinguishing between type approved and non-type approved glazing.

As I indicated on Committee Stage, I intend to develop national technical standards for glazing opacity in motor vehicles with a view to incorporating them into the construction, equipment and use of vehicle regulations. In that regard, I propose to ask the Road Safety Authority, on its establishment, to examine the matter and advise me on appropriate standards.

In the meantime, one of the recommendations contained in the PricewaterhouseCoopers report on the mid-term review of the NCTS is the establishment of a technical standards forum to consider and make recommendations on vehicle technical matters associated with the national car

test, NCT. I now intend to implement that recommendation. The matter of excessively blacked-out windows could be referred to such a forum on its establishment and I intend to do that. The outcome of the work of the proposed technical standards forum also involves industry. I intend to include all the stakeholders on it so that I can tie them into an agreement. I will ensure the manufacturers' representative is also on it. We may lead Europe in this regard.

I had intended dealing with the issue of glazing through the NCT, but now that the Deputy has raised it, I have had another look at it. We will put the issue into the mix of the forum and it is hoped we will get a resolution on it. If we have a resolution in time for the second Bill in this area, we will include it. I am acting as quickly as I can on the issue. To act unilaterally without agreement from the stakeholders would be a pointless exercise and would not put real meat on the bone.

**Ms Shortall:** The Minister seems to be taking a reasonable approach. However, he just said that if he could get agreement with the stakeholders, he would move to legislate in the other Bill promised. Earlier he said there were EU restrictions with regard to this. Which is it? We have been back and forth through the arguments in respect of cyclops mirrors. My advice is that there is nothing stopping the Minister from requiring the retrofitting of cyclops mirrors. The Minister of State spent some time dancing around the issue and took the same line as the Minister that he could not move unilaterally without the rest of Europe. Then he said that if he could get agreement —

**Mr. Cullen:** I wish to make it clear that I will deal with the glazing issue. I just set out the backdrop with regard to Europe.

**Ms Shortall:** I wonder what causes the difficulty. Is it at European level or does it relate to stakeholders?

**Mr. Cullen:** The difficulty certainly relates to the standards set at European level. Notwithstanding that, we can look at the issue.

**Ms Shortall:** Europe sets minimum standards, does it not?

**Mr. Cullen:** Yes. There appears to be much conflict with regard to the tinting being done, much of which is non-type approved. We can try to deal with this area. Even if I do not get agreement, I agree with the Deputy it is the right thing to do and I think we should do it. If we get enough of a consensus to make it work, I will move ahead with it.

Amendment, by leave, withdrawn.

Amendments Nos. 12 and 13 not moved.

**An Ceann Comhairle:** Amendments Nos. 14 and 15 form a composite proposal and will be discussed together.

**Ms O. Mitchell:** I move amendment No. 14:

In page 5, line 29, to delete "and".

This amendment attempts to make the legislation more robust. On Committee Stage the Minister said the section was adequate and that it limited the authorisation period. I have spoken to a number of people since and the information available to me is that it is open to interpretation and could allow a series of authorisations to be granted at the same time. We did not introduce random breath testing because it would be seen to be unconstitutional to give draconian powers to gardaí to stop people and the only way we felt it would be constitutional was if it were limited in some way. Perhaps this legislation hinges on our ability to show we are being proportionate and that we will impose limits.

The section attempts to constrain the powers of gardaí by reference to times and places, perhaps to places where drink driving was historically prevalent. My amendment seeks to include a definite expiration date. This would add to the legislation and make it more robust. I have spoken to legal people on the matter and they feel the section is quite open.

**Mr. Cullen:** Section 4 of the Bill outlines the scheme for roadside alcohol testing, known as mandatory alcohol testing, and the legal basis for the establishment and operation of Garda checkpoints. Mandatory alcohol tests can only be pursued on the specific written authorisation of an officer of the Garda not below the rank of inspector. That authorisation must be in writing and must clearly establish the place, date and the hours at any time between which a test may be operated. An authorisation may, potentially, straddle two separate dates. However, the hours during which the checkpoint may be established must be clearly set out in the authorisation.

The proposed amendment seems to envisage that an authorisation may extend for a period of up to eight days. This could not be the case based on the provisions presented in the text of the section. Authorisations must be specific. As I indicated on Second and Committee Stages, it is envisaged that the Garda Commissioner will prepare detailed guidelines for the operation of the checkpoints that will address this issue.

There is need for transparency in procedures for setting up checkpoints. With this in mind, the wording of the section was drafted very carefully following a significant consultation process with the Garda Commissioner and the Attorney General to get the correct balance of proportionality. I understand from where the Deputy is coming, but we carefully examined this area. More than any section, this one caused the greatest concentration and focus of both internal

[Mr. Cullen.]

advice from the Attorney General's office and external opinion. The best experts tried to get the balance right so that we could be confident in producing the legislation to the Oireachtas that it captured correctly the balance of proportionality and, therefore, had the most robust chance of withstanding any challenges in the court. Between the Garda Commissioner guidelines that will be set out and the advice from the Attorney General, we feel this is the best we can deliver and that it will withstand any challenge.

**Ms Shortall:** It is not clear from what the Minister said how this new arrangement will overcome the issue of proportionality unless there are draft guidelines of which the Minister is aware.

**Mr. Cullen:** I have not seen the guidelines. They will be an operational matter for the Garda.

**Ms Shortall:** Has the Attorney General suggested particular guidelines?

**Mr. Cullen:** I do not have a set of guidelines now.

**Ms Shortall:** With all due respect, having delayed this issue all last year on the basis of the Attorney General's concern about constitutional issues, it is bit much that we are now being told there is no problem. The public deserves an explanation why there has been such a *volte-face* in this regard. Last year there were particular constitutional problems, but now there appears to be no problem. It would be nice to have an explanation how the Minister got around these problems.

Does the Minister intend to set a target in respect of the number of checkpoints that will be set up in the different Garda divisions? This should not be left to the whim of the local Garda inspector. For example, we saw from figures relating to the roadside breathalyser that two Garda divisions made no use of it. This may be because of the particular leaning of the local Garda inspector or some other reason. Last year we were told some gardaí were concerned about complaints from publicans. If the mandatory testing is to work properly, the Minister needs to set clear guidelines in respect of targets. He needs to set targets for the next six to 12 months in respect of the number of checkpoints that should be set up. Otherwise this may not have any real effect. I ask the Minister to consider sending out a directive to the Garda Síochána or else ensuring that targets for the numbers of checkpoints would be contained in the new road safety strategy. I would welcome his commitment.

**Mr. Cullen:** I agree with the Deputy. There has to be transparency. It would be helpful if people in any area could expect a defined number of checkpoints and they should be informed at the

end of every quarter or period of time that these checkpoints have been set up. I would be interested in the statistics of the number of people caught randomly as opposed to the previous way.

The Road Safety Authority is having discussions with the Garda Síochána because it is beginning to develop the road safety strategy which will take over from the strategy which ends this year. I am not the Minister for Justice, Equality and Law Reform who is directly responsible for the day to day operations of the Garda Síochána. However, there is no difference between the Deputy's view and mine.

**Ms O. Mitchell:** I accept the Minister's good faith but if a proposal does not appear within the four corners of the Act then there is no guarantee it will be implemented. All the Opposition can do is try to make the legislation robust. We cannot depend on promised guidelines or on the whim of gardaí — no matter how senior the garda might be — in determining how precisely he limits and is proportionate in his actions. This should be copperfastened in legislation.

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

Amendment declared lost.

**Ms O. Mitchell:** I move amendment No. 15:

In page 5, line 30, after "operated" to insert the following:

“, and

(c) the date and time at which the expiration of the authorisation shall occur,

such date and time being not more than 8 days after the date referred to in *paragraph (a)*”.

Amendment put and declared lost.

Amendments Nos. 16 to 22, inclusive, not moved.

**Ms Shortall:** I move amendment No. 23:

In page 6, between lines 38 and 39, to insert the following:

“5.—Section 49 of the Principal Act is amended—

(a) in subsection (2) by the substitution of “50” for “80”,

(b) in subsection (3) by the substitution of “67” for “107”,

(c) in subsection (4) by the substitution of “22” for “35”,

(d) by the insertion of the following subsection after subsection (4):

“(4A) Subsections (2) to (4) shall apply to a person who is the holder of a learner permit as if the references therein to 50, 67 and 22 were references to 20, 27 and 9 respectively.”

This amendment relates to the blood alcohol limit for drivers. It proposes to bring Ireland into line with the majority of European countries in respect of the blood alcohol limits allowed. This country has a very serious problem with drink driving and there is a long way to go before the culture is changed. The Minister stated on Committee Stage that he believed we should follow a zero tolerance level in respect of alcohol and driving. That is all very well but this thinking must be put into effect in legislation. I am somewhat concerned about the approach adopted in recent times by the Minister and some of his Government colleagues. In an effort to deflect criticism the Minister is using the mantra of personal responsibility. I agree that everybody should take personal responsibility in respect of driving and many other aspects. However, Government is responsible for ensuring adequate detection rates.

In a comparison with most other European countries, Ireland fares abysmally when it comes to detection rates. The chances of being stopped and breathalysed are very slight. So long as a regime is in place that does not have a detection system on a par with the rest of Europe, people will continue to take chances. We know they are doing that and sadly, we saw carnage on our roads again last weekend, as there is all too frequently, particularly on weekend nights. The message has not got across.

It is known that when people are detected, the samples show they are not just one drink over the limit but rather are significantly over the limit. The Minister needs to take steps to ensure that the limit is reduced in line with the rest of Europe. Other countries have had successes and we should learn from what they have done. Is there something about Irish drivers that we can tolerate a level of 80 mg when others regard 50 mg as the appropriate limit? Research shows that the accident risk between 50 mg and 80 mg is quite significant in terms of response times and reaction to unforeseen circumstances. If the Minister is serious about clamping down on the issue of drink driving and if he is serious about changing that culture which desperately needs to be changed, he needs to introduce a new regime. Along with random breath testing, we need to have modern, progressive blood alcohol limits in line with the rest of Europe. For that reason I propose a reduction in the limits from 80 mg to 50 mg.

I refer to comments made by the Minister earlier in the year. I am concerned at his approach to road safety. He is very fond of issuing press statements, making announcements and flying kites. This is his opportunity to follow through on some of those ideas. I do not see the follow-

through in this legislation. We have certainly waited long enough for this Bill. When challenged about the omissions from the Bill, the Minister takes the line that it must be looked at further. He was looking at it last year and this year it is the road safety authority who are looking at it. He now says there will be another Bill. It is always another year away before radical change is brought about.

The public is increasingly pointing the finger at those who have responsibility for the legislation and for the enforcement regime and on the huge inadequacies in both those systems.

This point was made by the European Union Transport Ministers. One Minister said it was because of a fear of losing votes in the case of coming down too hard. There is a general view among politicians and among European Transport Ministers that the public has moved on past where politicians are. The days of being afraid of incurring the wrath of publicans or any other vested interests should be long gone. The public is looking for leadership on this matter; the public wants to see an end to the increasing level of carnage over many years. This is an opportunity for the Minister to show leadership on the problem of drink driving and to reduce the limits.

I refer to the issue of zero tolerance which should be a zero drink limit for learner drivers. My amendment proposes a zero limit or a negligible limit for learner drivers. We are far too lax regarding the more than 400,000 learner drivers on the roads. They are predominantly young people who end up with their cars wrapped around trees while some lie injured on the side of the road, late on Friday and Saturday nights. There is an onus on all to move to end this situation and to bring about an enforcement system that actually means something. I suggest that as well as reducing the limit for all drivers down to the European norm, that the limit for provisional drivers should be reduced to 0.2 mg, in line with the rest of Europe. I urge the Minister to support this amendment.

**Dr. Cowley:** I support Deputy Shortall's amendment. It is a good one. There was a slogan some years ago, "Just two will do", which was unfortunate as people would then get the idea that, provided they were below the limit, they could still drive. That is correct. The difficulty is that people do not improve with alcohol. Alcohol is a depressant on the central nervous system. A person who is completely drunk can be seen to have completely lost his or her marbles. A drunk would go around like somebody who has some type of brain lesion. Certain brain lesions can mimic the effects of alcohol. Cerebellar control comes from higher centres, so the higher centres are depressed. The result is that a person who is drunk demonstrates the effects of somebody with a brain lesion or brain damage. If a person drinks for long enough the effects will be permanent. Psychoses can result from excess chronic alcohol



[Dr. Cowley.]

usage. Unfortunately, this can lead people to end their days in a psychiatric hospital.

It is well known that the more alcohol taken, the more depressed the central nervous system will be. It also affects the higher centres of the brain in the cerebrum. A person drinking a number of pints of beer, for example, will be more affected than a person who has drunk just one or two pints. The difficulty is that the amount taken leads to a proportionate increase in disability. Somebody who is completely drunk is totally disabled and not fit to walk, let alone drive a car. The effect of 50 milligrams per 100 millilitres blood alcohol is different from the effect of 80 milligrams per 100 millilitres blood alcohol. It is proportionate, and there is an effect at the lower level.

Other countries in the EU have introduced the lower level because they feel it is not safe for a person to drive above this level, but the penny has not dropped with us. Although we are good Europeans in various ways, the message has not been brought home to us. It is time for the stipulation to be that no alcohol is acceptable for a person who is driving. That will not happen until the limit is reduced to as low as possible. People above the 50 milligram per 100 millilitres blood alcohol limit should not drive. I support the amendment.

**Mr. Cullen:** The purpose of this amendment is to reduce the legal thresholds of the amount of alcohol a person driving a mechanically propelled vehicle may consume before he or she is committing an offence. It would introduce a reduced blood alcohol level for drivers on provisional licences. For the sake of clarification I point out there is an offence relating to drink driving that does not refer to any particular level of alcohol having been consumed. That is often forgotten.

Road safety policy is pursued within the framework of the road safety strategy adopted by the Government. The current strategy does not promote a reduction in current alcohol levels. The focus of the strategy is on compliance with the current thresholds, which were established in the Road Traffic Act 1994. That is the immediate focus of this Bill.

This is the correct approach at this stage. I would not rule out a move to change the overall approach to alcohol levels at some stage. However, such a move should await the implementation and enforcement of other provisions being promoted in this Bill and the achievement of compliance with the current legal framework for drink driving.

I agree with the thrust of Deputy Shortall's comments, and the intent of the Bill centres on enforcement. The clear and significant level of enforcement is a key component of the Bill. Points have been made about some countries which have tried to enforce a zero alcohol limit for new, learner or young drivers, and that seems

to be working well. I indicated that this was a good idea worth considering. People have contacted me from the equality sector, regarding discriminatory behaviour etc. who have argued that it would be appalling to enforce such a limit on younger or inexperienced drivers.

**Ms Shortall:** Let them do so.

**Mr. Cullen:** I am just letting the Deputy know the mixed views we are getting on the issue, that it would be all wrong and grossly unfair to young people to do this to them.

**Ms Shortall:** This is about leading rather than following.

**Mr. Cullen:** I have no problem leading. This Bill has been described as the most radical move in road safety policy for a long time. It contains provisions for random alcohol testing, which nobody ever believed would be introduced in this country.

**Ms Shortall:** It remains to be seen how radical it will be.

**Mr. Cullen:** We will see. We have done and are doing a good job on the legislation and I expect to see the results carried through to practical application.

Deputies Cowley and Shortall have correctly made the point that young people are drinking excessively and wrapping their cars around trees. If these people ignore the 80 milligram per 100 millilitre blood alcohol limit, they will not pay much attention to the 50 milligram per 100 millilitre blood alcohol limit. The level of the limit does not affect those people. They are simply abusing the law. They have no consideration for themselves or their passengers, as we have seen in some recent accidents. They do not have any consideration for other road users either.

I am not ruling the move out, and there is a body of work to be done on the issue. The blood alcohol limits in the UK, which has one of the best road safety records in the world, are the same as ours. It is not necessarily about blood alcohol limits.

**Ms Shortall:** The pubs close at 10.30 p.m. or 11 p.m.

**Mr. Cullen:** My personal view, and I believe that of the Deputy, is that the issue concerns enforcement and the belief that one may be caught. It will clearly involve a culture change. People will need to see that it is no longer acceptable in Irish society to go out on the road half out of one's mind with drink, risking one's own life among others. We must get that message through, as we have in other areas of Irish society which have seen total change in fixed positions on a range of social policy over the years. Mindsets have definitively been changed, and I hope we

change our mindset in our attitude to drink driving and speeding.

**Mr. Gormley:** The Minister stated that he would not rule out a move to addressing blood alcohol limits in the long term. How long must we wait before that particular topic is addressed? The Minister spoke of people contacting him regarding discriminatory behaviour, ageism etc. Why is it not possible to introduce zero blood alcohol limits for all drivers? Why pick on the younger drivers?

**Mr. Cullen:** It is a matter for consideration.

**Mr. Gormley:** I ask the question because it seems that with regard to overall alcohol policy, this Government exercises a “softly softly” approach. It does not want to disturb the alcohol industry too much. We have seen this before with the Minister for Health and Children’s proposed introduction of the alcohol products Bill, which was mysteriously shelved.

Will the Minister take a tough line on the issue of alcohol? What has been stated today is very like what the Taoiseach and the Minister for Health and Children have said with regard to the alcohol products Bill. The system is more or less self-regulation, and the alcohol industry would police itself. That will clearly not work. The Minister has stated that he will consider the issue at some stage in the future. How long will it be left before it is considered? How long must we wait?

**Mr. Cullen:** I spoke on this at length on Committee Stage and I consulted the Road Safety Authority, which is drafting the new road safety strategy that comes into being next year. It is doing that with some urgency as a new strategy has to be in place when the current strategy ends at the end of this year. That is the timeframe and work is already being done on it.

**Mr. Gormley:** Will we get legislation relating to zero blood alcohol limits?

**Mr. Cullen:** I will wait for the recommendations. I will not ask the authority to do a job and then do it myself. It would be wrong to pre-empt the authority, ask them to do something and then decide what it is, irrespective of what the authority believes. It will come back with a strategy which I hope we will all discuss. All or part of it may require legislation, and we will provide that.

I have the latest relevant statistics. Some 84.6% of people tested through blood and urine samples were over the legal limit. What is more interesting is that 53.6% of people were over twice the legal limit.

**Mr. Gormley:** That is an absolute disgrace.

**Mr. Cullen:** I agree with the Deputy. There is no disagreement between Deputies on any side

of the House on this issue. It is astonishing that 53.6% of people who gave blood and urine samples in this area were over twice the legal limit. It is criminal beyond belief. Unfortunately, we see the results on our roads.

**Ms Shortall:** The Minister read out those figures and stated they were interesting. That is quite an understatement. Those figures are a national disgrace and an indictment of the Government’s ability to tackle this problem.

We all accept that there is a serious cultural problem with alcohol in this country and it is a problem on which all agencies and interests must work together to overcome. The Minister has an opportunity in this legislation. I would go so far as to say he has a serious responsibility to change that culture and one does that by changing the law and ensuring the law is enforced. Those figures show that most people ignore the fact that there is a limit in place at present. It is the Minister’s responsibility to ensure a proper enforcement regime is in place.

I ask the Minister not to continue doing this. Any time we ask him about enforcement, Garda numbers, Garda activity or such like, he states that these are matters over which he does not have control and which are for the Minister for Justice, Equality and Law Reform. That kind of buck passing is no longer good enough or acceptable from the Minister. A few months ago he set up this supposedly high level Cabinet sub-committee to deal with road safety so the Minister should stop making excuses. The Government is supposed to be dealing with this issue collectively and giving it priority attention. He should do so and stop stating that is someone else’s responsibility. It is the Minister’s responsibility as the person who has responsibility for the road safety strategy.

My party is stating here that it is time to show leadership on the matter and send out a strong clear message that drinking and driving will not be tolerated. One does that by bringing our limits into line with those of the rest of Europe and by ensuring, first, that the Garda gets a clear message from Government that it wants this matter tackled. At present, there is widespread ambivalence about alcohol and drink driving.

We know what has happened previously when attempts were made to reduce the limits. These Houses were overrun for a day by the vintners when they came in here. There was a significant backlash. We know what happened last year when there was talk of introducing café bars. The Minister should not play games on this. There is a massive vested interest in the drinks industry. It is his responsibility to stand up to these people because that kind of ambivalence is leading to the loss of life on a weekly basis in this country.

I urge the Minister to bring us into line with Europe and ensure that a clear message goes out to develop a new culture of respect for alcohol, at least when it comes to driving. There are many

[Ms Shortall.]

other matters. The Minister has flunked on the question of advertising by introducing a voluntary code. That is nonsense. He is doing the equivalent on the issue under discussion with some kind of voluntary self-regulation. He is stating people have personal responsibility. The Minister has responsibility for the law and for enforcement and he should take action on that. I am disappointed that he has not used this opportunity. All last year, any time we raised this we heard from the Minister that he was looking at it. This year the line has changed and it is the Road Safety Authority which is looking at it. How long more must we wait?

I am not prepared to accept the Minister's further long-fingering on this. I am pressing this amendment.

**Mr. Gormley:** Briefly——

**An Leas-Cheann Comhairle:** Deputy Shortall has replied to the debate.

**Mr. Gormley:** ——the Minister has given figures here which are a national disgrace.

**An Leas-Cheann Comhairle:** We cannot have a Committee Stage debate.

**Mr. Gormley:** The Minister spoke of a culture. He must change that culture. At all levels there

must be an interdepartmental approach to this. I have spoken at length about this at the Joint Committee on Health and Children. People are dying on our roads. We speak of personal irresponsibility, but the buck stops with the Minister.

**An Leas-Cheann Comhairle:** The Chair must put the amendment.

**Mr. Gormley:** I urge the Minister to send out the strongest possible signal here today that he means business. If he does not accept the amendment——

**An Leas-Cheann Comhairle:** I ask Deputy Gormley to resume his seat.

**Mr. Gormley:** The figures given here today are truly astonishing.

**An Leas-Cheann Comhairle:** Deputy Gormley should not ignore the Chair.

**Mr. Gormley:** The Minister cannot put his head in the sand any longer. He must act.

**Mr. Cullen:** A Leas-Cheann Comhairle——

**An Leas-Cheann Comhairle:** The Minister has spoken twice on this.

Amendment put.

The Dáil divided: Tá, 50; Níl, 76.

Tá

Breen, James.  
Breen, Pat.  
Broughan, Thomas P.  
Bruton, Richard.  
Burton, Joan.  
Connaughton, Paul.  
Connolly, Paudge.  
Cowley, Jerry.  
Crawford, Seymour.  
Crowe, Seán.  
Cuffe, Ciarán.  
Deasy, John.  
Deenihan, Jimmy.  
Durkan, Bernard J.  
Ferris, Martin.  
Gormley, John.  
Healy, Seamus.  
Higgins, Michael D.  
Hogan, Phil.  
Howlin, Brendan.  
Kehoe, Paul.  
Lowry, Michael.  
Lynch, Kathleen.  
McCormack, Pádraic.  
McGrath, Finian.

McGrath, Paul.  
McManus, Liz.  
Mitchell, Olivia.  
Morgan, Arthur.  
Murphy, Catherine.  
Neville, Dan.  
Ó Caoláin, Caoimhghín.  
O'Dowd, Fergus.  
O'Keeffe, Jim.  
O'Shea, Brian.  
O'Sullivan, Jan.  
Pattison, Seamus.  
Penrose, Willie.  
Perry, John.  
Quinn, Ruairi.  
Rabbitte, Pat.  
Sargent, Trevor.  
Sherlock, Joe.  
Shortall, Róisín.  
Stagg, Emmet.  
Stanton, David.  
Timmins, Billy.  
Twomey, Liam.  
Upton, Mary.  
Wall, Jack.

Níl

Ahern, Michael.  
Ahern, Noel.  
Andrews, Barry.  
Ardagh, Seán.  
Brady, Johnny.  
Brady, Martin.

Browne, John.  
Callanan, Joe.  
Callely, Ivor.  
Carey, Pat.  
Carty, John.  
Collins, Michael.

Níl—continued

Cooper-Flynn, Beverley.  
Coughlan, Mary.  
Cowen, Brian.  
Cregan, John.  
Cullen, Martin.  
Curran, John.  
Davern, Noel.  
de Valera, Síle.  
Dempsey, Noel.  
Dempsey, Tony.  
Dennehy, John.  
Devins, Jimmy.  
Fahey, Frank.  
Finneran, Michael.  
Fitzpatrick, Dermot.  
Fleming, Seán.  
Fox, Mildred.  
Gallagher, Pat The Cope.  
Glennon, Jim.  
Grealish, Noel.  
Hanafin, Mary.  
Harney, Mary.  
Haughey, Seán.  
Healy-Rae, Jackie.  
Hoctor, Máire.  
Jacob, Joe.  
Keaveney, Cecilia.  
Kelleher, Billy.  
Kelly, Peter.  
Killeen, Tony.  
Kirk, Seamus.  
Kitt, Tom.

Lenihan, Brian.  
Lenihan, Conor.  
McEllistrim, Thomas.  
McGuinness, John.  
McHugh, Paddy.  
Moloney, John.  
Moynihan, Donal.  
Moynihan, Michael.  
Mulcahy, Michael.  
Nolan, M.J.  
Ó Fearghaíl, Seán.  
O'Connor, Charlie.  
O'Dea, Willie.  
O'Donnell, Liz.  
O'Donoghue, John.  
O'Donovan, Denis.  
O'Flynn, Noel.  
O'Keefe, Batt.  
O'Keefe, Ned.  
O'Malley, Fiona.  
O'Malley, Tim.  
Parlon, Tom.  
Power, Peter.  
Power, Seán.  
Roche, Dick.  
Sexton, Mae.  
Smith, Brendan.  
Smith, Michael.  
Wallace, Mary.  
Walsh, Joe.  
Woods, Michael.  
Wright, G.V.

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

Amendment declared lost.

**Ms Shortall:** I move amendment No. 24:

In page 6, between lines 38 and 39, to insert the following:

“5.—Where a person applies to renew a learner permit but has not taken the driving test since the previous occasion on which the person was granted a permit, the licensing authority shall refuse the application if it is satisfied that the person has failed to take reasonable steps to obtain and fulfil an appointment to take the driving test.”.

This amendment relates to my suggestion that people are required to take a driving test. That is not too much to expect. In recent years the Government has failed to tackle serious problems we have with provisional drivers. We have an intolerable situation whereby approximately 500,000 unqualified people drive various types of vehicles. There is no question but that is a factor in the poor accident rate in the country.

For a long time the Minister has spoken about what he will do in respect of the driving test system. However, the initiative of 45,000 additional tests is quite disappointing as it represents a drop in the ocean of what is actually required to tackle the problem and bring waiting lists down to an acceptable level of six to ten weeks within a reasonable time. The initiative

states that waiting lists will be at 26 weeks within five years and will continue to deteriorate after that unless immediate action is taken.

An issue which came to my attention when I examined the situation is that people play the system. They drive on a provisional licence for two years and then apply for their next licence. All that is required is evidence that a person has applied to do a driving test and he or she does not need to actually do the test. The person then cancels the test and continues to drive on the new provisional driving licence he or she just received. That is done on a widespread basis.

Last year 23,000 tests were cancelled. If the Minister is serious about tackling this matter and bringing about sense or reason, it is obvious he must move to close that loophole. People are using the system. It represents an extraordinary waste of the tight resources in this area. We need all the test slots we can get. However, last year 23,000 were completely wasted at considerable expense to the taxpayer. It happens on an annual basis.

The Minister and his predecessor signalled they would bring an end to the practice of provisional licence holders driving unaccompanied which makes no sense whatsoever and does not happen anywhere else. It is a scandal and should be finished as quickly as possible. The Minister keeps stating it will be done as soon as the waiting lists are brought under control. However, that is a chicken and egg situation because the Minister



[Ms Shortall.]

must put in place a testing regime to ensure the system can cope with existing demand and he is not doing so. Sooner or later he must end that practice.

The Minister should move immediately to introduce a system whereby people are obliged to take a test before they can renew their licence. Surely, it is not too onerous or too much to expect that people sit a driving test. The Minister can do so at the stroke of a pen by agreeing to this amendment. A system can be in place within a year as most test centres have waiting lists reduced to less than a year. New provisional licences could be time-limited to one year and if holders wish to renew them they would have to show evidence they sat a test. It is a basic requirement.

**Ms O. Mitchell:** I strongly support this amendment. When I first came to this brief, the fact I found absolutely unbelievable, as do many members of the public, was not only was there such a long waiting list for driving tests but 400,000 drivers did not have to pass a test. Once people sit the driving test a certain number of times, they never have to do so again and people made a life choice based on this. It makes a nonsense of having this huge bureaucracy to pretend we have a testing system to which one must apply. That bureaucracy is based in Ballina and is hugely costly, possibly inefficient and completely underresourced.

However, the rules are in place and we do not implement them. People sit the test but do not have to pass it, and after a certain point they do not even have to bother sitting it. It makes absolute nonsense of road safety aspirations and strategies and the crocodile tears we cry when we hear of further road accidents and road deaths. Licensing, testing and instruction systems are fundamental and must happen before anything else does. The system allows indifference to prosper.

Deputy Shortall's amendment is only a beginning, and represents a sensible place to start. If we do not require retesting, people can either continue as they are and never bother take a test at all, apply for the test and not show up because it is not that important to them or show up without having made any preparation and fail yet again. They further reinforce the failure of the system by turning up again and again.

If the Minister does not show he is serious about changing the testing system, he will not receive co-operation from the public. The public thinks it is a laugh that we tolerate such an incredibly inefficient system which would not be tolerated in any banana republic. I support the amendment.

**Dr. Cowley:** I have sympathy with Deputy Shortall's amendment and I agree that many

people refuse to take the test. However, I feel consideration for older people should be entered into the equation. I asked a parliamentary question about the number of people over 65 years of age who are on provisional licences, and the reply was a couple of thousand.

Many of them have been driving for years and have never been involved in an accident. Many of them do not drink. They live alone in isolated rural areas and use the car as an essential lifeline. A restricted category should be created whereby an older person would still be allowed to go to the church or shop. This could be confined to daylight hours or a certain radius of, perhaps, five to ten miles.

I have been approached by many such people who have driven on provisional licences without incident for more than 20 years. They travel only limited distances. Perhaps they could have got a licence in the past but did not do so. They feel they would be unfairly discriminated against if they had to take a test because when they receive an invitation to take a test they feel threatened. They want a concession equivalent to one for younger people who are waiting for a driving test but who, in the future, may have to undergo mandatory training and spend an interval before they can apply for a licence.

Otherwise, these people in their mid-60s and mid-70s who live in remote areas will not be able to go to shops or to church on Sundays. They do not drink. They may be unable to take the test because it is too complicated. It is not that they do not want to do what is right, of course they do. However, at the same time they do not want to be stranded. They would settle for a limited test or a compulsory training programme if necessary.

**Mr. Cullen:** I rest my case.

**Ms O. Mitchell:** Deputy Cowley is putting the kibosh on it now.

**Dr. Cowley:** I am putting the kibosh on it because I must speak for my constituents—

**Ms O. Mitchell:** The Deputy does not have to do so.

**Dr. Cowley:** —and my older constituents in particular who deserve consideration.

**Ms Shortall:** What about the young men killed on the roads?

**Dr. Cowley:** I am talking about areas with no public transport. Those people deserve special consideration and I ask the Minister to take that into account.

**Mr. Crowe:** Everyone accepts there must be a requirement for people to sit the test. I sympath-

ise with the amendment but I have difficulty with the words “failed to take reasonable steps”. Deputy Shortall might expand on that. My experience is the opposite in terms of the people with whom I deal. Many young people want to take the test but cannot because of the backlog. As a public representative those are the cases I hear about.

The 23,000 cancellations every year is a substantial number and I do not understand how they can be justified. I would understand if people were not in the country when called to do the test, but 23,000 appears to be a very high figure. I am concerned that if we insert the words “failed to take reasonable steps” in the Bill, there would be increased bureaucracy at local authority level over what is a reasonable step. In other words, it may create a form of bureaucracy that will be difficult to resolve. Some sort of guarantee should be given that people will get the opportunity to sit the test in the period of their licence. That is not unreasonable. As I said, my experience is that people want to sit the test.

I spoke previously about the fact that some Members who are spokespersons did a mock test for one of the radio stations and we all failed. During the test I experienced the palpitations and so on that I felt when doing the original test. That was a wake-up call for me in terms of upskilling and not taking it for granted that I can sit even a mock test without first doing a pre-test course. That is my difficulty with the amendment and I would like Deputy Shortall to explain what “failed to take reasonable steps” means. My experience as a public representative is of young people contacting me to ask if I can do anything to get an earlier date for the test because they need it for a specific job and so on.

Another problem, and I raised it with the Minister, is the difficulty experienced by many young people along Border areas to get employment and so on. I have asked the Minister to examine the possibility of facilitating people sitting tests, especially those in areas of high unemployment, who have no alternative in terms of public transport. We must provide facilities to help such young people, and possibly older people, living in those areas.

**Mr. Cullen:** I am not sure whether I or Deputy Shortall should endeavour to answer the questions raised. We are on section 4, which deals with mandatory alcohol testing. This is more appropriately a matter for section 10 but I will deal with it now. It is not necessary to stipulate the conditions under which learner permits have effect in the Act. Those are dealt with in regulation. I appreciate the point Deputy Shortall is seeking to provide for, but detailed requirements concerning conditions to be met regarding eligibility for a learner permit and any renewal thereof should be set out in regulation rather than

in the Act which should deal with the enabling provisions.

Deputies have spent the past 45 minutes attacking me for not doing anything and putting matters off. I am happy that what I have achieved in road safety in the 18 months since I came into office has been to the point and that I have fulfilled much of what people sought for many years. The record in that regard will speak for itself.

This different arguments surrounding the issue of learner permits and who should have what, where and when must be teased out. I have had more suggestions and ideas from people on this issue than on any other and continue to get them daily, verbally or otherwise, from those who visited other countries. That is their right. On its appointment, the Road Safety Authority identified this issue as one of the key ones it wants to resolve and on which it wants to move forward.

Irrespective of whatever happened with different Ministers, I have set out to tackle the backlog which I agree is unacceptable. People driving on their own on provisional licences is unacceptable. It is wrong that someone can drive into a test centre, do a test, fail it, get back in their car and drive on the road again. That is beyond debate. It is wrong and we will have to change it but I do not want to change it in a way that discredits the whole process. There is little point in changing the system if we cannot implement the change we legally bring about. Issues must be resolved before we do that.

It is wrong to say we are dealing with only 40,000 tests. Of more than 100,000 tests — the backlog is approximately 130,000 — 40,000 as a proportion were outsourced but with the additional contracted workers we have brought in, the bonus scheme we put in place and our own driver testers, the majority of that proportion will be dealt with under the scheme. That sets us fair to change the learner driver approach radically.

I have sympathy with what Deputy Cowley said but I do not see any way we could have an amnesty for people driving on our roads, irrespective of who they are, without having done a test. There was an amnesty many years ago and I do not intend going down that road for any particular group. A number of people approached me on this issue. One lady who was driving on a provisional licence for 35 years told me that she presumed she would not be included in any future developments and that she would have to sit a test. She said she was an excellent driver and could not understand why she would have to take a test. I was trying to establish why she never took the test but I did not get an answer to the question. This woman was young, in her mid-40s. Now that I am a bit older I consider people that age to be young.

**Ms Shortall:** It is. We agree.

**Mr. Cullen:** I continually tell my children that I am still young.

**Ms O. Mitchell:** The Minister's children will never think so.

**Mr. Cullen:** In spite of our best efforts. I agree with the Deputy. Any fair assessment would conclude that we are making major progress in this area. I will resolve it but there is no point in my approaching it in a piecemeal fashion. Many different elements must be put in place. There are different interpretations of what is meant by a learner permit and a graduated licence. It is a combination of a starting point but with a graduated system leading to a full licence. It should not be easy to get a licence. It should be easy to apply to do the test and know that one can do it in a reasonably short timeframe, but the process of getting a licence should not necessarily be easy. It should be difficult enough and therefore appreciated when one gets it, with the assurance that one has reached a serious level of competence. For the reasons we have discussed on numerous occasions, I cannot accept the amendment.

**Ms Shortall:** The Minister said any fair assessment would show progress is being made. The only valid way of assessing road safety is by examining the figures, and the figures are going in the wrong direction. The numbers of fatalities and serious injuries are increasing. That is the only yardstick we can use. More lives are being lost, therefore, and the performance across a range of areas is not acceptable and is inadequate. That is why we need a new system in place.

Regarding the Minister's proposal on learner drivers, I have said from the outset that his projections are way off the mark. The additional 45,000 tests will do little to solve the problem. The Minister talked about the backlog of 130,000. There is a current waiting list of 130,000. In addition there is a backlog of 270,000 people driving around with provisional licences, who do not apply for a test. This is the true figure. The Minister will not make serious inroads with the meagre resources he has provided. The Minister rightly stated that all the complaints about the backlog come from people who want to get their tests completed as quickly as possible. It is for their sakes that we should end the system whereby a driver need never take a test. Some people apply for a test for the sake of renewing a provisional licence and then cancel.

**Mr. Cullen:** I need the people in place to do it.

**Ms Shortall:** They may defer the test and then cancel it later in the year and do so every year. As the IT system is such a shambles, that driving test slot is simply lost. Those slots should be filled by people genuinely trying to pass a test and get their full licence as quickly as possible. This loop-

hole means that provisional licence holders need never take a driving test and can drive legally for the rest of their lives. My amendment refers to "reasonable steps". Obviously some people will occasionally need to cancel for genuine reasons such as being sick. However, I am referring to the people who cancel twice a year or every year. That practice must be brought to an end. Unless the Minister agrees to the amendment, he is saying it is acceptable to have a system in which a provisional licence holder need never take a driving test in their lives.

**Mr. Cullen:** I am not saying that as the Deputy knows.

**Ms Shortall:** The Minister should move to close off the loophole and this is the opportunity to do so.

**Dr. Cowley:** Other countries provide for restricted categories and define when and where certain people can drive. I do not see why we cannot be innovative. Surely the system is supposed to suit the people. If a category needs consideration, at least we should hold an investigation to determine whether such a proposal is possible.

**Mr. Cullen:** I do not believe any system exists anywhere that provides for people to get a licence to drive without any test.

**Dr. Cowley:** We were the first country in Europe to introduce a smoking ban, on which I compliment the former Minister for Health and Children, Deputy Martin. Just because something is not done elsewhere does not mean we should not consider it here. Older people need every consideration because we will be old ourselves sometime.

**Ms Shortall:** A person can grow old waiting for a driving test in this country.

Amendment put and declared lost.

**Ms Shortall:** I move amendment No. 25:

In page 6, between lines 38 and 39, to insert the following:

"5.—Where a person who holds a full driver's licence is convicted by a court of an offence under section 49 or 50 of the Principal Act or an offence of driving without due care and attention or careless or dangerous driving or dangerous driving causing death, the person shall (upon the expiry of such, if any, period of disqualification as the court may impose) be required to surrender his or her driving licence to a licensing authority and shall if otherwise eligible and be entitled to apply for a learner permit, and notwithstanding any other provision of the *Road Traffic Acts 1961 to 2006*, the person may



drive unaccompanied only during the first year in which he or she holds such a learner permit, unless by the expiry of that year he or she has taken or re-taken as the case may be such driving test and passed such test.”.

The purpose of this amendment is to send a clear message in respect of road traffic offences. It was a very good idea first floated by the Minister and discussed on a number of occasions. Unfortunately we did not get the follow through, which seems to be a hallmark of his.

**Mr. Cullen:** In all fairness——

**Ms Shortall:** He releases the press statement and fails to follow through. The amendment provides for a system whereby a person who is found guilty of a serious traffic offence, as part of the penalty in addition to paying a fine or serving a prison sentence, he or she would need to resit the driving test. In the case of very serious traffic offences it is justified. I urge the Minister to support the amendment.

**Mr. Cullen:** The Deputy knows my general position on the matter. I do not disagree with her. The Deputy knows I have asked the road safety authority to consider this area. I reiterate that the courts have the power to require a person disqualified under a consequential order to obtain a certificate of competency by successfully undergoing the driving test as a prerequisite to having the driving licence restored. I am not sure they exercise that power very often. The conditions attached to a learner permit, including when a learner has become disqualified, are also set out in the regulation. I accept what the Deputy says. In general much of this is not enforced, which is unacceptable. We need a new regime that will meet the requirements of competency, efficiency and delivery of good standard in good time when people want it. I will not accept the Deputy's amendment, which is premature.

Amendment put and declared lost.

**Ms Shortall:** I move amendment No. 26:

In page 6, between lines 38 and 39, to insert the following:

“5.—Where a person has been convicted of an offence under section 49 or 50 of the Principal Act, the court sentencing that person may direct that following the expiry of the period of disqualification imposed on the person, the person may not drive or attempt to drive a mechanically propelled vehicle for such further period, not exceeding 5 years, as may be specified, unless the vehicle is fitted with an alcohol ignition interlock which measures alcohol concentration in the breath prior to ignition.”.

An alcohol ignition interlock is a device fitted to a car. If a court orders a person to have such a device fitted, the person must blow into it before being able to turn on the ignition. This is new technology, which has been tried in many countries, such as Australia and some European countries. While it is at an early stage the indications of the device's potential to tackle the problem of drink driving are very encouraging. As the Minister said earlier, those who are caught tend not to be just over the limit; large numbers are significantly over the limit. Similarly those who are caught tend to continue to reoffend. We need such a system to prevent those hardened law-breakers from starting the car unless they can pass the breathalyser test.

When I spoke about this on Committee Stage the Minister indicated that this technology was all very new and might have an application. As the indications are that it will be an important tool, we should legislate for such devices in the Bill. If the RSA later decides to implement the recommendation it would not be necessary to draft new legislation. Today a spokesperson from the Road Safety Authority indicated that it very much favoured alcolocks. Let us get ahead of the posse by putting the legislation in place so that we can introduce them when the need arises.

**Mr. Cullen:** The Deputy is right that I am waiting for confirmation from the Road Safety Authority on the matter, which has been raised by a number of bodies. It is interesting technology. If a person needed to blow into an alcolock and if he or she were over the limit it would end many problems. There are difficulties with some of these systems regarding who maintains and monitors them. That issue remains to be resolved. It is also an issue at European level as I recounted earlier. The courts can also impose this condition. Close monitoring of offenders is also required under the system. Apart from the narrow issue, I want these wider issues considered to determine how it could be introduced here.

There may also be issues regarding the EU Single Market, which I mentioned earlier. I do not want to pretend that inability to take action in this area is because Ireland is a member of the European Union. Obviously inasmuch as it is possible we want to move forward in harmony. I would be interested in the totality of a system that might be devised here involving the courts etc. The Road Safety Authority is very interested in the idea and I will wait until it comes back to me. I know one of the younger members of the authority has some very positive views on the matter.

**Ms Shortall:** I accept what the Minister has said and will withdraw the amendment on the basis that there is an undertaking to include it in the next step.

Amendment, by leave, withdrawn.



**Acting Chairman (Mr. Sherlock):** Amendments Nos. 27, 29 and 30 are related and may be discussed together.

**Dr. Cowley:** I move amendment No. 27:

In page 6, between lines 38 and 39, to insert the following:

“5.—Section 106 of the Principal Act is amended by inserting the following new paragraph after paragraph (d):

“(e) Where a member of the Garda Síochána is present at the scene of an accident, resulting in the death or serious personal injury, he or she shall require where possible the driver(s) of the involved vehicle(s) to—

(i) provide (by exhaling into an apparatus for indicating the presence of alcohol in the breath) a specimen of his or her breath, and

(ii) accompany him or her or another member of the Garda Síochána to a place (including a vehicle) at or in the vicinity of the scene of the accident and there to provide a specimen of blood or urine for examination for the presence of drugs including illegal drugs and alcohol, and to provide a specimen of his or her breath by exhaling into a special apparatus (if not already provided).”.

I am amazed that there is no provision for the automatic testing of a person involved in a road accident. A driver who kills somebody in a road accident can walk away without being tested for alcohol or other drugs which could have interfered with his or her ability to drive safely. The Minister has claimed that, with the introduction of mandatory breath testing for drink driving, the Government's safety strategy will start to yield benefits but the terrible reality is that the Bill leaves it to an individual garda to decide whether to administer a test in the aftermath of an accident. I am aware of tragic cases in which people were killed but the driver was not tested for alcohol or drugs.

The European Transport Safety Council's report, which was published on 9 May 2006, criticised Ireland for having the second lowest rate of alcohol testing within the EU and for the fact that only one fifth of gardaí are trained to use breathalysers. We all accept the need for public responsibility but a minimum level of legislative provision is also necessary if we are to ensure that somebody who commits a crime is brought to justice. Given that so few gardaí are able to use breathalysers, it is no wonder that people get away with drink driving.

The law as it stands provides that somebody may be required to submit to a preliminary test, which leaves the decision to the discretion of an

individual garda. I propose to amend the legislation to require that all drivers at the scene of an accident shall be required to submit to a test. Requiring everybody to be tested may give rise to resource problems because there are insufficient gardaí but there is an obligation on the Government to ensure that all drivers involved in serious or fatal accidents are breathalysed. If it is not practical to administer a test at the scene of the accident, it should be administered at the earliest possible opportunity. The Bill will be a complete farce if it is enacted without a provision for alcohol and drug testing.

Alcohol is the most commonly abused drug. This year alone, more than 200 people have died in road traffic accidents. I was glad to have assisted Public Against Road Carnage in devising a petition, which collected more than 20,000 signatures in County Donegal, to demand that the provision I propose form part of the Bill. People were appalled that this lacuna exists.

My amendment also provides that a person can be tested for drugs because a major problem exists in that regard. Yesterday, the *Irish Independent* reported that young people use cannabis as a drug of choice. Cannabis has a detrimental effect on young people and drivers and these drugs are commonly abused in secondary schools.

The drug problem is a result of the withdrawal of gardaí from rural areas. Young people aged between 20 and 25 who regularly drive while under the influence of drugs are a serious danger on our roads but they have little chance of being caught because of the lack of random drug testing. If a garda does not smell alcohol or discover drugs, he or she has no reason to arrest a person.

Ecstasy tablets, which cost €5, are widely used. They are reputed to give a high equivalent to the consumption of five to eight pints of beer. I have never taken Ecstasy but young people on provisional licences who pay high insurance premia are happier to take this drug than to drink alcohol. With no alcohol in their blood, they have nothing to fear from breathalysers. Mandatory random drug testing, as well as additional gardaí, would help in increasing detection rates. Large areas of the country have been left without gardaí. If people think they can get away with drink driving, they will attempt to do so.

Over the past ten years, alcohol consumption has increased by 41%. The Police Ombudsman for Northern Ireland, Ms Nuala O'Loan, has stated that the use of breathalysers in situations where injuries occur is consistent with human rights law. It is important, however, that gardaí are trained in the use of breathalysers.

**Ms O. Mitchell:** Is amendment No. 28 also being taken at this stage?

**Acting Chairman:** No, we are dealing with amendments Nos. 27, 29 and 30.

**Ms O. Mitchell:** My amendment No. 28 addresses the same issue as Deputy Cowley's amendment but I am happy to discuss it later.

I resubmitted amendments Nos. 29 and 30 because they provide for mandatory drug testing. Drugs have been implicated in a number of accidents. The drugs in question were for the most part prescribed. The Minister outlined the difficulties involved in devising a foolproof comprehensive test and noted that nine different testing systems had been tried in Europe but none worked. I accept that difficulties exist but they can be overcome. All I ask is that provision is made in the Bill to enable the Minister to introduce regulations when a suitable test is developed.

I do not wish to pursue people who are on prescribed drugs but want to emphasise the need for hard information as a basis for policy. Everybody has an idea with regard to improving road safety but the danger arises that, by attempting too much, we lose our focus on the real causes of accidents. That is why it is important that information is gathered at the scene of accidents. Amendment No. 29 is necessary if the other amendment is accepted. I will come back to amendment No. 28 if it will not be accepted now.

**Mr. Cullen:** Amendment No. 27 proposes that section 106 of the principal Act be amended so that where a member of the Garda Síochána is present at the scene of a collision where death or serious injury has occurred, he or she shall require the driver to provide a breath sample to establish the presence of alcohol. The driver may accompany a garda or another member of the Garda Síochána to a place, including a vehicle, to provide a blood or urine specimen for examination for the presence of drugs or alcohol. In the first instance, section 106 of the principal Act relates to the offence of leaving the scene of a collision or a hit and run. There would be little point in applying this amendment to hit and run cases because there is no driver to test.

There is no roadside test available for drugs, a matter about which all countries are exercised. Some nine systems have been tested recently and all have failed. There is no available method for taking a test. When such a test is put in place, many of the matters raised in other areas will come to the fore again. Significant research is being pursued by the Medical Bureau of Road Safety, which is involved in the international forum that deals with the issue. Should a garda form the opinion that drugs have been consumed, he or she can use section 14 of the 1994 Road Traffic Act to require the person to accompany him or her to a station to take a blood or urine sample.

Amendment No. 29 proposes that a member of the Garda Síochána can request a person in charge of a mechanically propelled vehicle to accompany him or her to a station if the garda is of the opinion that the person is under the influ-

ence of drugs and has been involved in a road traffic accident. A roadside breath sample can be requested to indicate the presence of alcohol from any driver involved in a collision. My difficulty with this amendment is that the detection of a driver under the influence must, until a robust method for preliminary drug testing is found, be based on the determination by a garda on the incapacity of the driver to control the vehicle. Certainty was brought to mandatory alcohol testing and I do not want these amendments to allow any opportunity for people to challenge measures in this. I appreciate the Deputy's intent but we must keep the legislation as tight as possible.

Amendment No. 30 proposes to introduce mandatory testing for substances other than alcohol. Given that the amendment proposes a link to the mandatory alcohol test system proposed in section 4, I presume it refers to drugs. A system for testing for the presence of drugs is not available. Once that system is in place, we will have to define procedures in legislation and I cannot stab at these in the dark.

**Dr. Cowley:** There is a case to be made for it. Deputy Olivia Mitchell has an amendment that refers to alcohol testing without drug testing and, on that basis, I withdraw the amendment.

Amendment, by leave, withdrawn.

**Acting Chairman:** Subsections 2 to 7 of the new section proposed by amendment No. 28 introduce a matter comprehended but not discussed previously. I ask that Deputy Mitchell take this into consideration.

**Ms O. Mitchell:** I move amendment No. 28:

In page 6, between lines 38 and 39, to insert the following:

"5.—(1) A member of the Garda Síochána, present at the scene of a road traffic accident, shall require any person who was in charge of vehicle that was involved in the road traffic accident to—

(a) (i) provide (by exhaling into an apparatus for indicating the presence of alcohol in the breath) a specimen of his or her breath, or

(ii) accompany him or her or another member of the Garda Síochána to a place (including a vehicle) at or in the vicinity of the checkpoint and there to provide, by exhaling into such an apparatus, a specimen of his or her breath,

or

(b) (i) leave the vehicle at the place where it has been stopped, or

(ii) move it to a safe place in the vicinity of the road traffic accident, and keep or leave it there until the person has com-

[Ms O. Mitchell.]

plied with a requirement made of him or her under *paragraph (a)*.

(2) A member of the Garda Síochána, for the purposes of making a requirement of a person under *subsection (1)* may indicate the manner in which the person must comply with the requirement.

(3) A person who—

(a) refuses or fails to comply forthwith with a requirement under *subsection (1)(a)* or *(b)(i)* or such a requirement in a manner indicated by a member of the Garda Síochána under *subsection (2)*, or

(b) without reasonable excuse, refuses or fails to comply immediately with a requirement under *subsection (1)(b)(ii)* or such a requirement in a manner indicated by a member of the Garda Síochána under *subsection (5)*, is guilty of an offence and is liable on summary conviction—

(i) to a fine not exceeding €5,000,

(ii) to imprisonment for a term not exceeding 6 months,

(iii) to disqualification from driving for a period not exceeding 2 years, or

(iv) to any combination of *(i)*, *(ii)* and *(iii)* of this subsection.

(4) A member of the Garda Síochána may arrest, without warrant, a person who commits, is committing or has committed an offence under this section.

(5) In a prosecution for an offence under—

(a) this section,

(b) section 49 or section 50 of the Principal Act, or

(c) Part III of the Act of 1994,

it shall be presumed, until the contrary is shown, that an apparatus provided by a member of the Garda Síochána for the purpose of enabling a person to provide a specimen of breath pursuant to this section is an apparatus for indicating the presence of alcohol in the breath.

(6) Nothing in this section shall be used to delay in any way, the provision of any medical assistance to a person injured in a road traffic accident.

(7) A person who does not comply with a requirement under *subsection (1)* by availing of protection under *subsection (6)*, shall continue to be obliged to comply with such requirement as soon as may be medically practicable.”.

The amendment is self-explanatory. It requires the Garda Síochána to test anyone involved in a road traffic accident for alcohol. It provides for a fine in the case of those who do not comply. The circumstances to which the Minister referred, where drivers may be unconscious, are catered for but the obligation is not removed. Whenever it is medically practicable, the test will be done.

The Minister stated that it would be unfair if one driver were conscious and the other unconscious but it is not a question of fairness. We are introducing mandatory alcohol testing for people who may be perfectly innocent. One may be stopped and tested on the way home. It would be strange if we could do that, on the one hand, but could not test someone at the scene of a road traffic accident on the basis that it would not be fair unless we stopped everyone else.

**Mr. Cullen:** I did not mean it that way. It would be challenged in court and we would lose.

**Ms O. Mitchell:** Testing is carried out in many cases for the purposes of prosecution, but I seek testing for the purposes of information on which to base policy. People think accidents are caused by drink driving and speeding. Perhaps this is true, but we should seek to ascertain to what extent this is the case. I would like this amendment to be accepted. It seems nonsensical that we can stop and test innocent people but those involved in an accident may not be tested.

**Dr. Cowley:** I support this amendment for the same reason I proposed the previous amendment. It is farcical that many are killed on our roads with no one held responsible. We are about to pass a Bill that will allow a driver to drink and drive, kill several people and walk away from the accident without being tested for alcohol. This amendment would redress the situation.

The Minister cannot ignore 20,000 signatures collected recently and handed in to his office yesterday. People want the Minister to address the situation. Tragedies have occurred, with people killed, and the driver walked away without being tested. Alcohol is perhaps the most common drug of abuse. It is unfortunate that the Bill does not address the situation.

**Mr. Crowe:** I was tempted to state that there is not a pub in Ireland where people do not drink and drive. We have all heard the urban legend of those who are over the limit and feign injury after an accident. When the garda comes to take the alcohol test the person claims to have had a drink to settle their nerves in the hospital, house or wherever. There is a difficulty then because, supposedly, they cannot be charged with being over the limit. There is also a difficulty where the fire brigade is called because the firemen will not give a breathalyser test.

I agree with the sentiments in this amendment. Such action needs to be taken. Everybody wants

to get rid of these lunatics on the roads but people will use all sorts of ploys to avoid being tested. The Minister must examine this issue. I do not know if this is the way forward but one hears on the grapevine that this is happening more often so it must be addressed.

**Mr. Cullen:** I do not have any evidence, overwhelming or otherwise, to suggest that people involved in serious accidents who are out of their minds with drink are not being tested for alcohol or drugs consumption. The Road Traffic Acts provide that a member of the Garda Síochána may require a person in charge of a mechanically propelled vehicle to provide a preliminary breath specimen where the vehicle is involved in a road collision. Garda discretion with regard to the use of preliminary roadside tests in such circumstances is necessary having regard to possible injuries sustained and I do not propose to alter that.

If we make it mandatory and somebody, for whatever reason, cannot be breathalysed on the road, the case will be thrown out of court and the person will walk away because procedures were not followed. We cannot make it mandatory because it will simply open a Pandora's box of escape routes for everybody. If somebody is unconscious on the side of the road, they patently cannot be given a breath test and if it is a mandatory procedure, the case will be thrown out of court because the procedure set out in law was not properly followed. That might seem bizarre but that is the situation.

The gardaí must have flexibility to deal with this. The power of the gardaí to require a person to provide a breath sample where a collision has taken place already exists and the gardaí certainly exercise it. Given that and the need to maintain Garda discretion in this matter, I ask the Deputy to withdraw the amendment. I remind Deputies that the Road Traffic Acts also place an obligation on a person to provide a blood or urine sample in a hospital. This applies where an event occurs involving a vehicle which results in persons being injured or a person claiming or appearing to have been injured whether the person is admitted to or attends a hospital and a member of the Garda is of the opinion that at the time of the event the person had consumed an intoxicant. An intoxicant includes alcohol and drugs or any combination of alcohol and drugs.

There must be that discretionary base when going into a court case.

**Ms O. Mitchell:** I withdraw the amendment.

**Dr. Cowley:** I wish to speak on the amendment.

**Acting Chairman:** The amendment has been withdrawn.

**Dr. Cowley:** I should have spoken before that. I was on my feet before it was withdrawn.

**Acting Chairman:** The amendment is withdrawn.

**Dr. Cowley:** I accept what the Minister has said but it is terrible that there are people who will be over the legal limit and will not go to a hospital but who will walk away from an accident and not be breathalysed. It is a farce that it is not included in the legislation.

**Acting Chairman:** The Deputy's observation will be recorded.

Amendment, by leave, withdrawn.

Amendments Nos. 29 to 34, inclusive, not moved.

**Acting Chairman:** Amendments Nos. 35 and 54 are related and may be discussed together.

**Mr. Cullen:** I move amendment No. 35:

In page 9, line 42, to delete "section 138(3)(a)" and substitute "section 138(3)".

This is a drafting amendment recommended by the parliamentary counsel. It corrects the existing text.

Amendment agreed to.

**Acting Chairman:** Amendment No. 37 is related to amendment No. 36. Amendments Nos. 36 and 37 will be discussed together.

**Ms Shortall:** I move amendment No. 36:

In page 9, line 44, to delete "4" and substitute "5".

The purpose of these amendments is to increase the disqualification periods for the most serious offences as well as dangerous driving. I hope the Minister will accept them.

**Ms O. Mitchell:** I second the amendment.

**Mr. Cullen:** The advent of the new administrative disqualification and fixed charge system for certain drink driving offences placed the spotlight on the range of mandatory disqualifications currently applied under the Road Traffic Acts. The immediate consequence of a decision to apply an administrative disqualification of six months to a specific group of drink driving offences means that the periods for minimum disqualification that apply following convictions for drink driving offences generally required review.

That review established that there was a need to look critically at the overall range of minimum disqualifications that are currently applied in respect of the more serious offences created under the Road Traffic Acts. The disqualifications in question are known as consequential disqualifications as they are applied as a consequence of conviction of an offence. The range



[Mr. Cullen.]

of offences to which they apply was set out in the Road Traffic Act 1994. That Act, with an amendment promoted through the Road Traffic Act 1995 in respect of certain drink driving offences, also established the minimum periods for such disqualifications.

Given the much higher profile that applies to road safety now and accepting that there is a broad consensus on the need for more consistent deterrents that reflect the seriousness with which society views breaches of traffic law, it is timely that the system for consequential disqualification should be reviewed. The section therefore provides that the minimum period of disqualification for the most serious offences, which include dangerous driving causing death or serious injury and the most serious drink driving offences, will be increased from two years to four years in respect of a first offence and from four years to six years for a second or subsequent offence. The new offence of striking a railway or other bridge which gave rise to death or serious injury has been added to the list.

The Deputy proposes that the periods be increased from two years to five years for the first offence and from four years to ten years for a second or subsequent offence. These proposed increases are disproportionate, having regard to the disqualifications generally. The periods in the Bill are a significant increase on the current position and it is still open to the courts to apply longer periods if it is deemed appropriate to do so. I recall when dealing with other issues similar to this it was pointed out to me that if one includes disproportionate provisions in the Bill, the courts will just do something different. The court will look at the proportionality of the provision and the range of years involved but it is open to the court to impose a longer period and a more severe penalty.

**Ms Shortall:** The Minister said I am seeking that the period be changed from two years to five years, but I am not. The Bill as drafted provides for a period of disqualification that is not less than four years for a first offence and six years for a second offence. I suggest that instead of four and six years, it should be five and ten years.

**Mr. Cullen:** There is not a great deal between us. The current period is two years and I am increasing it to four years. The Deputy is proposing that it be five years. I prefer to leave the Bill as it is.

Amendment, by leave, withdrawn.

Amendments Nos. 37 and 38 not moved.

**Mr. Cullen:** I move amendment No. 39:

In page 11, line 39, to delete "said".

Amendment agreed to.

Amendments Nos. 40 and 41 not moved.

**Ms Shortall:** I move amendment No. 42:

In page 12, between lines 2 and 3, to insert the following:

"8.—The speed limit on any non-national road in respect of which a local authority has not specified any alternative limit, whether before or after the commencement of this section, is 60 kilometres per hour."

I feel strongly that the default speed limit on our roads is too high at 80 km/h. Given that there are many more country roads and lanes than there are decent roads, it makes more sense to have a lower default speed limit that applies everywhere and on those roads that can take a higher speed, it should be up to a local authority to designate the speed limit. The default speed limit being so high leads to ridiculous situations on dangerous, narrow roads. It is not practical to talk about putting in place lower speed limit signs on these minor roads so it is logical, therefore, to put the signs on the better roads.

**Mr. Cullen:** The Oireachtas has only recently reduced the overall speed limits and the default limit. I have given strong powers to local authorities to look at this. I do not agree, however, that it is impractical for local authorities to look at signs on these roads. A person going out over a few weeks would resolve the ludicrous situation of roads which are clearly unfit for 100 km/h speed limits. It is possible to come off a dual carriageway with a 60 km/h speed limit on to a country road with a limit of 100 km/h.

At national level, the Oireachtas has done everything possible to overcome this. It is only recently that we set the default limit at 80 km/h. Deputy Shortall wants to reduce the limit to 60 km/h but I am not minded to go down that road yet. I would rather have full implementation of the powers the local authorities have in this issue, one they have failed to address. There has been sloppiness at local authority level and I have urged councillors to get the managers to get the issue on the agenda and resolve it for once and for all. That would be a better approach.

Amendment, by leave, withdrawn.

**Ms Shortall:** I move amendment No. 43:

In page 12, between lines 2 and 3, to insert the following:

"8.—(1) Where road works are being carried out by any person including a local authority, the person shall erect and maintain such signs as comply with requirements prescribed by the Minister for Transport, and such further or other road work signs if any as are required to obviate any danger to the public.

(2) A person (including a director, member, officer or employee of a body corporate whose default contributes to the non-compliance) who fails to comply with subsection (1) shall be guilty of an offence and on summary conviction shall be liable to imprisonment for 12 months or to a fine not exceeding €5,000 or both.”.

Again, I feel strongly about this. Since I met the father of the late Aisling Gallagher, I have been exercised by this issue. He spent a lot of time explaining the circumstances in the untimely death of his young daughter and brought home to me how lax the current regime is in regulating road works.

It was only when I tried to investigate some of the issues he raised that I realised we have a system where the National Roads Authority sets down regulations covering the management of road works carried out by a contractor. If there is a temporary surface on the road, the speed limit must be reduced in a corresponding fashion and clearly marked with safety alerts. That is how it should be. However, I was amazed to discover that the same requirement does not exist when local authorities are involved in road works.

As a result of that absence of regulation, a situation arose where Aisling Gallagher's father alleges she was driving along a familiar road on what appeared to be a brand new surface but which was not flagged as temporary and which had markings on it. When she had to brake, she had no grip because the surface was only temporary and, sadly, she went off the road. There have been allegations that similar conditions have pertained to other fatal accidents and it was through meeting him and hearing his story that I discovered there is no proper regulatory regime covering local authorities.

This is an appropriate place to close that gap because this Bill is primarily about road safety. We should introduce a new system whereby local authorities would be legally obliged to comply with the guidelines set down just as any other contractor is and failure to comply would attract penalties including a fine of up to €5,000 or 12 months imprisonment.

**Dr. Cowley:** I strongly support this amendment and congratulate Deputy Shortall for bringing it forward. I tabled a similar amendment but it was ruled out of order because of a potential charge on the Exchequer. The amendment allowed for an annual audit of fatal and serious road accidents to establish their causes. Current statistics are the tip of the iceberg on the number of accidents caused by road conditions. I also called for a special road traffic accident unit to be set up which would co-ordinate a full investigation of all serious and fatal accidents and make recommendations to ensure the prevention of such accidents in future.

Since the start of the year, 203 people have been killed in road accidents and we must learn the lessons. The numbers are not going down and we must find out the causes of these accidents. If we do not know the causes, we cannot prevent further accidents. A certain percentage are due to road conditions and we can do something about this. Aisling Gallagher's case makes it clear there are people who are not doing their jobs, such as local authorities involved in road works, and who are not following basic recommendations laid down by law by the NRA. As a result, people are being killed.

Aisling Gallagher's case was tragic. She was a young girl about to go to America with her whole life in front of her but she was killed around Christmas last year. She was doing nothing wrong, her car was in perfect working order, she had tax, insurance and her licence and she was driving at the proper speed. There were no drugs or alcohol in her blood but she died because someone did not do his job. The surface was temporary and markings were put down on it.

The HSA said it would not investigate because the lines were put on a temporary surface improperly. That was the excuse. Thanks to the persistence of Mr. Gallagher and myself, the case is now being investigated by the Health and Safety Authority. I was shocked to the core by the haphazard nature of the system of investigating serious and fatal accidents. For instance, I met the NRA, together with Mr. Tommy Gallagher, on 10 March 2005. The authority's representatives said it was not the NRA's responsibility to ensure that its directives, specifications, standards or guidelines were being implemented at any one site. They were not obliged to visit work sites or inspect work. They were not responsible or accountable for the competence or otherwise of the staff employed by any local authority on projects that had been funded by the NRA. We were informed that when the NRA funds a project, the local authority is not in any way answerable to the NRA regarding safety, work methods, work programmes, engaging in good work practices, risk assessments, contingency plans, health and safety regulations or correctly following the NRA directives. We were told in no uncertain terms that the only people any local authority was answerable to were the elected representatives.

**Acting Chairman:** I wish to advise the Deputy that his contribution is outside the terms of the amendment.

**Dr. Cowley:** With respect, Sir, it is not. This is all within the terms of the amendment, including the case of Sinéad McDaid who was killed on loose chippings because there was one sign up which was hidden by grass. I do not believe that is outside the terms of the amendment either. We are talking about rural conditions and people being responsible while others are fined. At present, however, nobody will take responsibility

[Dr. Cowley.]

for national secondary roads. Somebody must be made responsible for them, otherwise we will not get to the bottom of it.

I also wish to refer to the case of a man who was paralysed in Wexford because he skidded on loose chippings, which were swept up the next day. Another girl was killed in Edenderry, County Offaly, as a result of loose chippings that were swept up the following day. Such chippings are supposed to be swept up when the job is done.

**Acting Chairman:** I wish to advise the Deputy that his contribution is outside the terms of the amendment. He is giving what I would describe as a general Second Stage speech. He should confine himself to the amendment.

**Dr. Cowley:** With respect, Sir, I have to say that—

**Ms O. Mitchell:** The guillotine is at 7 o'clock.

**Mr. Cullen:** The Deputy is using up everybody's time.

**Acting Chairman:** He is indeed.

**Dr. Cowley:** Everybody's time. What about Sinéad McDaid's time? How about Aisling Gallagher's time?

**Ms Shortall:** That is a cheap shot.

**Dr. Cowley:** It is not a cheap shot.

**Acting Chairman:** If the Deputy will not conclude, I will ask an tAire to respond.

**Dr. Cowley:** Somebody must be responsible for investigating these cases.

**Ms O. Mitchell:** Why did the Deputy not turn up on Committee Stage?

**Acting Chairman:** Fan go fóill. I am asking the Deputy — I am telling him — to confine himself to the amendment. He is going outside the bounds of the amendment. He should please confine his remarks to the amendment and then I will call an tAire.

**Dr. Cowley:** With respect, Sir, I disagree that I am talking outside the terms of the amendment. I challenge that.

**Acting Chairman:** I am advising the Deputy that he is.

**Dr. Cowley:** I will not make an issue out of it. I strongly support this amendment. The NRA, the HSA and the Garda Síochána are not in a position to co-ordinate post-accident investigations properly. Somebody must be responsible for

doing so. What is the point of making regulations if they are not implemented?

**Mr. Cullen:** I wish to reply to Deputy Shortall's question by giving her some up-to-date and, hopefully, relevant information. As she knows, the 1996 traffic signs manual deals with this issue. I will try to foreshorten my reply because there is not a lot of time available. I examined the issue regarding local authorities, which seems to be central to what Deputy Shortall is saying. The overall manual is currently the subject of a comprehensive review. The immediate focus of that review is the presentation of a new chapter 8 relating to road work signage. A draft of the chapter has been circulated to local authorities for their views. It is my intention to publish the chapter as soon as the review has been completed, probably later this year when the consultation process is over. With its publication, the signs described in the new chapter 8 will provide the only reference point for the provision of road signs at road works. The chapter will represent a direction to local authorities from the Minister and, accordingly, they will be required to comply with the provisions that are set out in it. The Deputy is correct and the process to deal with the matter is already well under way.

**Ms Shortall:** I am satisfied with the Minister's reply and I withdraw the amendment.

Amendment, by leave, withdrawn.

**Dr. Cowley:** That had to happen because of the death of Aisling Gallagher.

**Mr. Cullen:** The Deputy should stop grandstanding.

**Dr. Cowley:** This is true, Minister, and I hope it will be enforced now.

**Mr. Cullen:** All of us in this House are equally concerned with those matters.

**Dr. Cowley:** I wonder.

**Mr. Cullen:** The Deputy should not grandstand in here.

**Dr. Cowley:** It takes so much to get action.

**Mr. Cullen:** The Deputy should not do that.

**Dr. Cowley:** I can give the Minister more names if he wants.

Amendments Nos. 44 to 46, inclusive, not moved.

**Acting Chairman:** Amendments Nos. 47 and 49 are cognate and may be discussed together.

**Dr. Cowley:** I move amendment No. 47:

In page 12, line 36, after “learner” to insert “and exempted older persons”.

I am referring again to older people who deserve some consideration. I ask the Minister to examine the possibility of mandatory retraining or some type of limited test for older people who have been driving for years. Older people do not want to evade their responsibilities but to do the right thing. In years gone by, however, they could have bought a driving licence without sitting a test, but did not do so. The Minister should examine the situation and try to provide some special restricted category for them. I recognise, as the Minister says, that it does not happen elsewhere but we introduced the smoking ban and other countries are following. The system should assist older people who deserve our support. I ask the Minister to examine that matter.

**Ms Shortall:** I have some sympathy with the last speaker concerning the position in which many older people find themselves, especially as we have allowed a regime to continue where one never has to take a test. It is essential for everybody to sit a certain test to establish a minimum level of driving competency. After that, however, there is the potential for a graduated licensing system. We have been promised that but there has been no move on it yet. Other jurisdictions issue restricted licences whereby drivers cannot drive at certain times or beyond certain speeds and must adhere to horsepower limits. We need to consider such a system.

I have a certain amount of sympathy with older people who may not have any experience of using technology. I ask the Minister to look at the manner in which the theory test is administered. It is simple for most people. Young people like it because they can press the buttons without difficulty but it is terrifying for many older people. The Minister should consider introducing the option of a written theory test in a limited number of centres. Many drivers are put off by the theory test but they might be eased into the testing regime if the Minister could re-examine the written test option. The whole idea of having a graduated licensing system also has merit.

**Mr. Cullen:** This issue was raised earlier. I understand where the Deputy is coming from and as a result of this debate I will feed this idea back into what is going on with regard to the permit issue. We must be clear on two fronts, however. First, we are not suggesting that any category of people can go on to our roads without meeting any standards whatsoever, including medical standards. That would not be acceptable. Second, we have an EU-wide recognition of driving licences. In other words, there is an equalisation of the standard across Europe whereby driving licences are recognised. If we contemplated going some way down that road, we would have to bear in mind that it would not impact on our ability to have Irish driving licences recognised for people

going on holidays and renting cars in an EU-wide scenario. Notwithstanding the Deputy’s position, which has been well articulated, I am not in a position to accept the amendment at this point, but I will feed it back into the review that is currently under way.

**Dr. Cowley:** I thank the Minister for that commitment.

Amendment, by leave, withdrawn.

**Mr. Cullen:** I thank Deputies for their support and co-operation and the discussion that took place on the Bill. I appreciate the effort by all parties to have the Bill passed. I also thank my officials.

**Ms O. Mitchell:** I thank the Minister, his officials and staff for the major effort that went into the Bill. If there was criticism, it was borne out of frustration to be able to do more in the Bill. I hope the Minister will follow through with some of the commitments he gave because we all want the same thing, an improvement in road safety.

**Ms Shortall:** I wish to echo those comments and thank all the officials for their hard work.

**Acting Chairman:** As it is now 7 p.m., I am required to put the following question in accordance with an order of the Dáil of this day: “That the amendments set down by the Minister for Transport and not disposed of are hereby made to the Bill; that Fourth Stage is hereby completed and that the Bill is hereby passed.”

Question put and agreed to.

#### Private Members’ Business.

#### Government Record: Motion (Resumed).

The following motion was moved by Deputy Rabbitte on 4 July 2006:

That Dáil Éireann, noting that it is now more than four years since the last general election:

deploring the many failures of the current Government including:

- the failure to deal with rising crime rates, the lower detection rates and the continuing unacceptable level of crime, ranging from gun murders to vandalism and anti-social behaviour;
- the failure to adequately protect the children of the nation by its incompetent, disjointed and ill-judged response to the issues raised by the Supreme Court judgment in the CC case;



- the failure to ensure value for taxpayers' money and the shocking waste of public money on such ill-judged and mismanaged projects as electronic voting and PPARS, a health sector computer project which ran dramatically over budget without delivering an effective payroll system;
- the failure to deal with the crisis in accident and emergency units and to clear all hospital waiting lists within two years, as promised in May 2002;
- the failure to deliver affordable child care for hard-working families;
- the failure to provide adequate school buildings in developing areas; the increase in the number of children in classes of 30 or more; and the renegeing on the commitment to reduce class sizes for children under nine to below international best practice of 20:1;
- the failure to honour the commitment that 80% of all taxpayers would pay at the standard rate; the delay in closing off loopholes that allow a number of super-rich individuals to avoid paying their fair share of taxation; and the reliance instead on more than 50 stealth taxes;
- the failure to deal with rising prices which has now resulted in an annual inflation rate of almost 4%;
- the failure to deliver the required level of broadband roll-out to meet private and commercial needs;
- the failure to deal with escalating house prices which have increased at nine times the rate of inflation since 1997 or to deliver the required level of social and affordable housing;
- the failure of the Government to deliver an adequate strategy for road safety, particularly in regard to the implementation of the penalty points system;
- the failure to ensure that the benefits of economic growth were shared out fairly, as a result of which, according to Central Statistics Office figures published this week, 21% of the population are at risk of poverty; and
- the failure to halt the decline in the numbers engaged in farming and the continuing low level of income for many farm families;

censures the Government for its many failures;

believes that this arrogant, tired and fractured Administration has lost initiative and

coherence and has descended into aimless drift; and

concludes that the interests of the country and people would therefore best be served by the dissolution of the 29th Dáil and the holding of an early general election.

Debate resumed on amendment No. 1:

To delete all words after "General Election" in the first line and substitute the following:

"commends the Government for the strategic vision which it has displayed and the competence with which it has discharged its duties, such that:

- more than 600,000 jobs have been created since the Government took office in 1997 while the rate of unemployment has been reduced from 10.3% to 4.3% over the same period;
- a new strategy for science, technology and innovation to 2013 is being implemented, involving the initial investment of €2.7 billion up to 2008, which will drive economic growth, continue to create high quality and high paying jobs and facilitate social advancement;
- a truly integrated national transport network is being developed in Ireland through a record €7.8 billion investment in transport infrastructure over the past 9 years and a further €34.4 billion investment under Transport 21, which is the largest infrastructure programme ever undertaken in this State and will mean that €9.4 million is invested in transport every day for the next 10 years;
- the introduction of a national disability strategy has supported and reinforced the equal participation in society of people with disabilities through a €900 million multi-annual investment programme for disability support services and the implementation of a range of new legislative measures;
- the Office of the Minister for Children was established giving a clear focus on the needs of children at the heart of Government with the responsible Minister at the Cabinet table and an integrated approach to the implementation of the National Children's Strategy across all the relevant Departments;
- countless deaths and serious illnesses caused by second hand tobacco smoke are being avoided and the quality of people's lives have been vastly

- improved because the Government took the courageous step of introducing a smoking ban in workplaces across the country;
- the economy is being managed in a way that delivers increased prosperity for all citizens, allows increased resources to be used to improve public infrastructure, and allows for enhanced social services aimed at addressing the needs of the less fortunate in our society;
  - Ireland's fiscal performance is among the best in the developed world, with Government indebtedness the second lowest in the euro area;
  - this country now has a far more equitable tax system where the top one per cent of earners pay more than 20% of all income tax and the top 4% of all earners are expected to contribute about 40% of the total income tax yield for 2006, and where those on or below the average industrial wage will pay only 6% of all income tax, and where OECD data shows that once again Ireland has the lowest tax wedge (i.e. income tax plus employee and employer PRSI) as a proportion of gross wages in the EU;
  - the necessary resources have been provided to meet the priority needs in frontline and essential services such as new health units and disability services in the health area, special needs teachers and assistants in the education area and greatly increased numbers of gardaí to ensure public safety and to fight crime;
  - the net impact of the Government's successful measures to boost employment and improve social welfare rates has been to remove 250,000 people from consistent poverty;
  - the public is getting maximum value for money, through a robust framework that has been put in place for appraising and delivering capital projects from the multi-annual programme of capital investment which, at twice the European average, is transforming our infrastructure, with most projects now coming in ahead of time and within budget;
  - there has been an unprecedented reduction in waiting times for hospital procedures achieved through the National Treatment Purchase Fund and increased investment in hospitals and specialist staff, so that in most instances, the NTPF will offer treatment to any patient waiting more than three months;
  - the establishment of the Health Service Executive and its role in bringing unified management for the first time to major projects in information technology, hospital buildings and new services, is achieving consistent national service standards and best value for money;
  - significant improvements have been achieved over recent months in some of our 35 A & E departments through the substantial actions and unprecedented focus by management to address the problems that existed there;
  - there has been a five-fold increase in investment in school buildings, a new proactive approach to school planning in developing areas has been introduced and by next September there will be 4,000 more teachers in our primary schools;
  - an unprecedented programme of resourcing and reform of the criminal justice system has been undertaken, including bringing the strength of the Garda Síochána up to 14,000, so that serious crime rates are now lower per head of population than 10 years ago;
  - the Prison Service had sufficient resources to end the scandal of the 'revolving door';
  - the most comprehensive range of legislative measures to combat crime and anti-social behaviour in all its forms was introduced;
  - there was an immediate response by the State in successfully appealing to the Supreme Court the decision of the High Court to release 'Mr. A' and that emergency legislation was speedily enacted to deal with the issues arising from the Supreme Court judgment in the 'CC case';
  - a new comprehensive approach to road safety was introduced involving the establishment of the Road Safety Authority and the Garda Traffic Corps, the expansion of the penalty points system including the introduction of a fully computerised nationwide system from April and the soon to be enacted Road Traffic Bill 2006 will introduce mandatory alcohol testing, privately-operated speed cameras and a ban on hand-held mobile phones when driving;
  - the €499 million Equal Opportunities Childcare Programme 2000-2006 was implemented, securing the creation of 41,000 new quality child careplaces by

programme end, of which 29,000 were in place by the end of 2005;

- the €575 million on-going investment in the New National Childcare Investment Programme 2006-2010, will create an additional 50,000 child careplaces;
- there have been substantial increases in child benefit, which has quadrupled since 1997, and is now supplemented by the early childcare supplement, a universal payment of 1,000 euro per annum in respect of each child under the age of six;
- there have been very substantial improvements in maternity benefit, parental leave and adoptive leave since the Government took office;
- radical reform in the area of consumer protection was introduced by establishing the new Consumer Agency and abolishing the Groceries Order, which kept prices artificially high;
- the regional broadband strategy has resulted in a rapidly growing, competitive broadband market that has seen a tripling of broadband take-up, falling prices and greater choice in services and providers for the consumer;
- the largest ever spending on social welfare at €13.5 billion (equivalent to double the spend in 2000) was introduced in the last budget benefiting 1.5 million people;
- the commitment in the programme for Government to increase child benefit to €150 for the first two children and €185 for each subsequent child was achieved in this year's budget;
- the carer's allowance was increased to €200 per week for those over 66 (an increase of almost €43 in two years) and €180 per week for those under 66 (an increase of more than €40 in two years) and that the respite care grant increased to €1,200 (up from €835 in two years);
- pensioners have a decent income by increasing rates this year by €16 to €193.30 (contributory) and €14 to €182 (non-contributory);
- the policies and investment were put in place to deliver record increases in housing supply, including the building of one third of all houses in Ireland in the period since 1997 — more than half a million new homes — and the needs of almost 100,000 households were provided for through various social and affordable programmes in the same period; and

concludes that the best interests of the country and the people are served by allowing the Government to complete its programme before the dissolution of the 29th Dáil and the holding of a general election, which is due next year.”

—(The Taoiseach)

**Tánaiste and Minister for Health and Children (Ms Harney):** I wish to share time with the Minister for Arts, Sport and Tourism, Deputy O'Donoghue; the Minister of State at the Department of Agriculture and Food, Deputy Brendan Smith; Deputies Peter Power, O'Malley and Hoctor.

**Acting Chairman:** Is that agreed? Agreed.

**Ms Harney:** I am pleased to contribute to what is effectively a motion of no confidence in the Government. There is much interest in the World Cup. I was pleased last night to watch some of the match between Germany and Italy. This debate reminds me somewhat of bumble bee soccer. Everybody is swarming around the ball, they are all over the pitch, there is no coherence, no coordination, no strategy and certainly no goals being scored as there is not in bumble bee soccer.

To govern is to choose, as Napoleon once said. Next year the people will be involved in the serious business of choosing a Government. They will recognise that in choosing one, they have the capacity to drive the country forward or backwards. Elections are not about personalities, who looks good on the front cover of *Hello* magazine or who can provide the best political entertainment in either this Chamber or on television and radio. It is about the serious business of governing society for a five-year period. If there is anything we have learned during the past 30 years, it is that Government economic management determines the success or failure of the economy. If we do not keep our eye focused on the ingredients that delivered unprecedented economic success, economic dry rot will set in, but unfortunately by the time it is noticed, it will have disastrous consequences.

I often feel there is a view in the Opposition that the economic performance of the country is on automatic pilot, that one can go into the Department of the Taoiseach, press a button, keep one's finger on it and regardless of who pilots or co-pilots the aeroplane, it will go in the same direction. Statements such as, “we are on your side”, or “we are going to change a few procedures” sound fine, but the people are entitled to know what specific policies the would-be Government opposite will pursue in office. I suggest that if the parties opposite, Fine Gael, the Labour Party and the Green Party, are in Government together, they will not be able to get their act together in the cockpit. They will be wrestling over the controls on issues such as Aer Lingus, defence policy—

**Mr. Durkan:** I would not say that. We know all about wrestling over controls on the Government side also.

**Ms Harney:** —age of consent, Great Southern Hotels, school examinations, health reform. There is such incoherence among the three parties opposite that the plane would never take off and if it did, it would crash into the first mountain.

I wish to highlight some of the transformation that has taken place in Ireland during the past nine years. Unemployment is down from 10.9% to 4.3%; instead of 1.4 million people at work, 2 million people are at work; instead of a single person on average industrial earnings of €19,300 in 1997, that person is on €32,000 today; instead of paying tax after €70, they do not pay any tax.

**Mr. Durkan:** House prices went up tenfold. The Tánaiste should include that also.

**Ms Harney:** I will deal with that issue. Those people do not pay any tax on €304 per week.

**Mr. Durkan:** They do not have a chance.

**Ms Harney:** When one factors in what one calls stealth taxes and inflation, the average single person on the average industrial wage takes home €180 more than nine years ago.

**Mr. Durkan:** I hope the Tánaiste is not serious about that.

**Ms Harney:** I want to concentrate on three other issues where the Government's track record must be acknowledged. First, is the reduction in income tax which means we have the lowest income tax on work in all the European Union, second is the job record, and third is consistent poverty. Some 250,000 people have been removed from consistent poverty during the past nine years, down from 310,000 to 60,000.

**Mr. Stagg:** So sweet.

**Mr. Durkan:** Hospital trolleys.

**Ms Harney:** Let us take insurance reform. When we started to reform insurance, we did not get involved with simple woolly ideas. We got involved in serious structural change. We had a plan. We faced down the vested interests and even though parties opposite wanted me to allow everybody to get their legal costs, which would have meant no change, we resisted that. What has happened? Motor insurance has been reduced by €1 billion during the past three years and insurance on employment, employers' liability and public liability insurance is down by more than €600 million, a saving to consumers of €1.6 billion. When the Opposition talks about waste, let it talk about the facts. We have turned the corner on health reform.

**Mr. Durkan:** Really.

**Ms Harney:** In June the number awaiting admission on trolleys was down by 39%.

**Mr. Durkan:** In the middle of summer.

**Ms Harney:** I shall list all the hospitals, as of Monday last, where there was nobody waiting more than three to six hours for admission to a hospital bed, which is the international standard. It is a long list of hospitals: St. Luke's in County Kerry, St. John's in Tullamore, South Infirmary in Cork, south Tipperary, Portlaoise, Navan, Roscommon, Cashel, Nenagh, Louth County Hospital, Portluncula, Mullingar, University College Hospital Galway, Cavan, Monaghan, Ennis, St. James's Hospital in Dublin, St. Vincent's, Letterkenny and Waterford. That is 23 out of 35 hospitals where people were not waiting more than three to—

**Mr. Stagg:** What about Naas General Hospital?

**Mr. Durkan:** It was not among them.

**Ms Harney:** It is not. Comparing like with like, we have turned the corner. What is important about health reform? Members opposite criticise the establishment of the Health Service Executive.

**Mr. Durkan:** Rightly so.

**Ms Harney:** Everybody must acknowledge that one entity, which is what the Health Service Executive has become, is better than 58 bodies.

**Mr. Durkan:** What about MRSA?

**Ms Harney:** I have given but three examples recently of what that reform is delivering. In cancer care, everybody in the country, regardless of where they are treated, will get quality assured care. At total of 60% of breast surgery in this country in 2002 was performed by surgeons who did fewer than ten cases per year. That is highly dangerous and will change. It would not have changed under the old health board regime. In paediatrics, there will be a single hospital for very sick children. The old health board regime would not have had the capacity to do that. In the north east where there are 300,000 people and five hospitals, 50% of the elective work in the region comes to Dublin, so the patients are voting with their feet, and 25% of all hospital cases in the region come to Dublin. We are going to get a single new state-of-the-art hospital with the five hospitals being satellites of that new hospital.

**Mr. Durkan:** When?

**Ms Harney:** For as long as I have been a Member, I have heard people say that is the solution but nobody put it into practice.



**Mr. Durkan:** What about the people who are dying?

**Ms Harney:** My time is limited. As Ed Murrow, the US journalist said, do not confuse slogans with solutions. The Opposition is strong on slogans, but very poor on solutions. For the remainder of our mandate, we will focus on solutions. Many of the challenges society faces are challenges that come from success. The Government, with its coherent vision for the future and its coherent economic policy, elements fundamental to the success of any Government, will focus on providing the solutions the people are entitled to expect of their Government.

**Mr. Stagg:** Will the Government implement the Hanly report?

**Acting Chairman (Mr. Glennon):** I call Deputy O'Donoghue and ask Deputies to allow him speak without interruption.

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** Since Mullingar all those false dawns ago we have listened to the meaningless meanderings of an Opposition that is tiring the public with its rhetoric.

**Mr. Durkan:** The Minister has been prone to a few meanderings himself. Does he remember zero tolerance?

**Acting Chairman:** Please allow the Minister to continue.

**Mr. Durkan:** I am sorry, but he provoked me. What does he expect?

**Acting Chairman:** Deputy Durkan is too easily provoked.

**Mr. Durkan:** I am sorry. I am very sensitive. If he does not mention it again, I will say no more.

**Mr. O'Donoghue:** That was only the first sentence.

The remnants of the rainbow coalition government, the constituent parts of which include old Labour, the retired revolutionaries of the Democratic Left and the battered survivors of Fine Gael's last debacle, are joined today by the Green Party and "whatever you're having yourself" in an attempt at the greatest public deception since the foundation of the State.

They say they will replace the Government's policies with their own but they will not say what they are. They say they have a different vision for the country, but they will not say what it is. They say they can do things better, but they will not say how they will do it. They say that they know what they are doing, but they are the only ones saying that.

**Mr. Stagg:** The Minister's spin doctor has told him to repeat the same thing over and over.

**Mr. O'Donoghue:** Two years ago, the Mullingar man of Irish politics, Deputy Enda Kenny, promised the people a comprehensive policy strategy within 18 months. He has been ably assisted by the microphone man of Irish politics — the man with an opinion on everything and a policy on nothing — Deputy Rabbitte, or to give him his correct title, Pat the talker; the man who brings us today's talk today.

**Mr. Durkan:** The Minister has been known for more than one opinion also.

**Mr. O'Donoghue:** After nine years of wrestling with the responsibilities of enforced retirement, one would have expected a coherent policy or some semblance of a strategy. Sadly, these are not forthcoming. If the Opposition cannot tell us what it will do in Government and how it will do it, one cannot know what it will do.

**Mr. Durkan:** The Minister should save his speech for Listowel Writers' Week.

**Mr. O'Donoghue:** At least Fine Gael is consistent. It is 25 years since it won a general election and 25 years since it put a credible economic policy before the people. Kerry might have failed to win five all-Ireland senior football titles in a row, but Fine Gael is going for six general election defeats in a row.

**Mr. Durkan:** I assure the Minister I would not take that line.

**Mr. O'Donoghue:** In 1987, 1989, 1992, 1997 and 2002 Fine Gael sought the endorsement of the people and the people said "no". Each time Fine Gael substituted policy with a chant of "go on, go on, go on" and each time the response was "no", "no", "no". After the last election, the 33 "no's" turned into 33 lost seats.

**Mr. Durkan:** Let the Minister tell us about his forte, crime.

**Mr. O'Donoghue:** Tonight's motion gives us the opportunity to see if anything has changed.

**Mr. Durkan:** It gives the 16 backbenchers the opportunity to vote with the Minister.

**Mr. O'Donoghue:** The motion gives us the opportunity to see whether the Opposition's rhetoric lives up to its performance. The answer is "no", 33 times "no"

**Mr. Durkan:** Where did we hear that before?

**Mr. O'Donoghue:** In contrast, by every criterion which may be used to judge the success of a government, this Government has been a suc-

cess. Working in partnership with the most educated generation in the history of the State, we have created wealth and prosperity over the past nine years. The people enjoy a way of life that is unprecedented in terms of disposable income and the choices available. It is wonderful that after nine years we have ended mass unemployment, witnessed massive increases in pensions and children's allowances, experienced radical reductions in income tax and pursued a just and lasting peace on this island.

**Mr. Durkan:** The Government is collecting more taxes from them all the time.

**Mr. O'Donoghue:** We do not claim to have got everything right, but we know that all the energies of this talented and experienced Government are focused on constant and relentless improvement.

This motion is not about the Government, but about the Opposition. It is about an Opposition which relies as much on quick-pick criticisms as it does on quick pick solutions.

**Mr. Durkan:** The Minister is familiar with them himself.

**Mr. O'Donoghue:** Its criticisms do not survive the test of detailed analysis nor do its solutions stand the test of even cursory examination.

**Mr. Timmins:** Can we have this on DVD?

**Mr. Howlin:** Here in truth endeth the lesson.

**Mr. O'Donoghue:** Nobody knows what the Opposition wants to achieve or what standards it wants to set. Nobody knows the route it wants to take because it does not know itself.

We know the goals we want to achieve, the standards we want to set and the route we want to take.

**Mr. Stagg:** Why has the Government not done it up to now?

**Mr. O'Donoghue:** If the Opposition believes it is possible to provide top-class quality services to the people without getting the fundamentals of the economy right, it is as blinded by its prejudices as it is ignorant of the knowledge of what is required.

**Mr. Durkan:** Let the Minister tell us about struggling with conscience. It is an uneven contest. The Minister has upset me again.

**Mr. O'Donoghue:** We are determined that this new Ireland, which we have created with a vibrant, imaginative, innovative, educated and entrepreneurial generation, will be an Ireland of fairness, equality, opportunity and advancement.

**Minister of State at the Department of Agriculture and Food (Mr. B. Smith):** I am pleased to have the opportunity to address the motion and to set out how a modern agrifood sector has developed under the Government. It has been said that the two parties opposite are united more by what they are against than what they are for. This is certainly the case with regard to farming.

**Mr. Stagg:** On a point of order, will the Minister of State circulate his speech?

**Acting Chairman:** His speech will be circulated.

**Mr. B. Smith:** The Opposition motion was moved by the Labour leader who in a previous incarnation as a Democratic Left representative called farmer taxation a joke. His then leader sneered that farmers were rolling in it. When it was suggested that Ireland might seek the agriculture portfolio in the Barroso-led Commission, the former Labour Party leader, Deputy Quinn, said that Ireland should look forwards not backward. Such is the high regard for farmers exhibited by the Labour Party. Fine Gael and Deputy Durkan and his colleagues have aligned themselves with the Labour Party. The same Fine Gael constantly predicts doom for the Irish farmer.

How Fine Gael can claim to be the friend of Irish farmers beggars belief. That claim is completely cynical, as is the Fine Gael-Labour Party motion. Rather than being a backward pursuit, the reality is that agriculture and the agrifood sector is one of the largest indigenous sectors in the economy, with annual sales exceeding €18 billion. The Government constantly and successfully promotes the development of the agrifood sector. We should continue to be aware of its importance to our economy as it accounts for approximately 8.6% of GDP, 8.5% of employment and 8.5% of exports.

I was disappointed to hear Deputy Howlin sneer when the Minister, Deputy O'Donoghue, spoke about significant progress made in creating jobs for the people. I am disappointed by the attitude of the Labour Party towards the creation of employment.

**Mr. Stagg:** Does the Deputy want us to apologise?

**Mr. B. Smith:** It would rather see the people go on the boats and planes to England and America.

**Mr. Stagg:** That happened for a long time under the Fianna Fáil regime.

**Mr. B. Smith:** We are proud that emigration has ended.

**Mr. Stagg:** The Government should be ashamed of itself. It did not create the boom, but it threw it away.

**Mr. B. Smith:** The Opposition will not get the opportunity to destroy the economy.

The high level of these exports at €7.5 billion and the use of mainly indigenous resources mean the sector accounts for a significant level of the net foreign earnings from the trade of manufactured goods. The commitment of the Government to the long-term development of agriculture, food, forestry, and a vibrant rural economy is evident from the high level of public expenditure on the sector each year. The expected spend by the Department this year will be more than €3.2 billion. Last year was a very good year for farm incomes which rose by 24%, according to the Central Statistics Office, to reach a record €2.8 billion.

**Mr. Durkan:** That was before the WTO talks and the farm review.

**Mr. B. Smith:** Deputy Durkan should know that WTO talks are still in progress. The Deputy should not show his complete lack of knowledge of the sector.

**Mr. Durkan:** The very fact the Minister of State does not know about it is a clear indication of where he is going.

**Mr. B. Smith:** The WTO talks will continue next July.

This rise in aggregate farm income was due to a record level of payments to farmers by this Government in 2005. Total direct payments amounted to more than €2.2 billion, which included more than €1 billion under the single payment scheme, €550 million in rural development measures and more than €600 million in premia payments in respect of previous years. The rise in farm incomes is welcome even allowing for the once-off factors that occurred last year. This rise justifies the decision to adopt a full decoupling approach and the extra money in farmers' pockets will assist farming in adapting to more competitive market pressures.

**Mr. Stagg:** Is that the reason farmers are leaving in droves?

**Mr. B. Smith:** They are not leaving. That is a black lie.

**Mr. Stagg:** The Government is starving them out of the country.

**Mr. B. Smith:** With the assistance of the Chair, I will give the Deputy one statistic—

**Acting Chairman:** The Minister of State to continue without interruption.

**Mr. B. Smith:** The figure is 0.1%. I remind Deputy Stagg who has consistently spoken against the interests of Irish farming—

**Mr. Stagg:** I am a farmer's son and have never spoken against the interests of farmers in my life.

**Mr. B. Smith:** I never heard the Deputy speak in favour of anything.

**Mr. Stagg:** I often did and the Minister of State heard me but he did not like it.

**Mr. B. Smith:** For the first time, exports of food and drink from this country amounted to €7.5 billion.

**Mr. Stagg:** The Minister of State should calm down and not get excited.

**Mr. B. Smith:** I get excited when I listen to untruths. We have listened to Deputy Stagg for too long in this House misrepresenting rural Ireland, misrepresenting the farmers and misrepresenting the agri-food sector. I am very glad to support the Government amendment to a motion that has no substance. It is a motion put forward by two parties who lack direction and who lack any distinct policy. They only outline what they are against.

**Mr. Durkan:** Those are famous last words.

**Mr. Stagg:** The Minister of State should keep the spin going. He should calm down and not get excited.

**Mr. B. Smith:** I get excited when I listen to untruths. I believe in the truth.

**Mr. P. Power:** In the brief time available to me I am delighted to address this motion which is divorced from the reality of modern Ireland and based on the politics of cynicism. It does not refer to the fact that this country is the envy of every other economy in Europe and sadly, it is a motion that does not refer to the Government's record and achievement in bringing about lasting peace in Northern Ireland.

Deputy Rabbitte addressed the nation as only he can. He welcomed the motion because it would focus people's minds. I remind him that he should be very careful about what he wishes for because he might get it. The first thing the people in Limerick will focus on will be—

**Mr. Stagg:** Senator Peter Callanan told the Deputy that old story and he told it to everyone else also.

**Mr. P. Power:** —the future of Shannon Airport. They will look at what the Opposition has to offer.

*(Interruptions).*

**Mr. P. Power:** Fine Gael has an enlightened view on the future of Shannon Airport. It supported the Government policy of giving auton-

omy to it. On the other hand, the Labour Party takes a diametrically opposed view.

**Mr. Stagg:** The Government will flog it off tomorrow.

**Mr. P. Power:** If the putative Government was in power tomorrow morning, will it be autonomy for Shannon Airport or will it be brought back under the umbrella of Aer Lingus under a failed policy?

**Mr. Stagg:** The carpetbaggers will be in control of it, the same as Telecom.

**Mr. P. Power:** The second issue the people of Limerick will focus on will be the future of Aer Lingus, which the House will discuss tomorrow. Fine Gael supports the Government's reform programme in giving extra capital to Aer Lingus while the Labour Party is diametrically opposed to it.

**Mr. Stagg:** We told the Government how to do it without the carpetbaggers.

**Mr. P. Power:** The people will ask themselves whose policy will it be; will it be the Fine Gael or Labour Party policy? It is like the three card trick merchant; one never really knows what is under the cards.

**Mr. Stagg:** Deputy Fiona O'Malley will tell them how it is done, how two parties work together.

**Mr. O'Donoghue:** Find the lady.

**Mr. P. Power:** The electorate will be invited to participate in an effective guessing game at the next general election. They will not have a clue which card or which of their chosen policies will come up trumps. The only policy upon they agree is that they want to get into Government and share power without sharing one single policy—

**Mr. B. Smith:** Get them out.

**Mr. P. Power:** —before the people. This is an economy of full employment, of the lowest tax, the highest growth and the lowest debts in Europe. They want to get into power and throw that away.

**Mr. Stagg:** We have the worst services in Europe.

**Ms F. O'Malley:** This motion was supposed to teach the Government something of a lesson and in some way to cast aspersions on the record and the performance of the Government. This tactic has clearly backfired.

Lessons have been dished out but they are lessons on how to govern and what it means to

govern: to govern is to choose. The Members opposite have suggested themselves as an alternative government, but I question the basis for that suggestion. No policies were proffered yesterday. Deputy Rabbitte mouthed a list of platitudes which like motherhood and apple pie, we are all in favour of but there was not one detail as to how—

**Mr. Cuffe:** What about the Kenny report when it comes to platitudes?

**Ms F. O'Malley:** —any of it would be presented.

**Acting Chairman:** Allow the Deputy to speak without interruption.

**Ms F. O'Malley:** Why do they bother tabling a motion claiming they are ready for an election when they have not even bothered to put together anything of the fare they will offer the voters? If an election were called tomorrow, not one—

**Mr. Durkan:** What about the affordable housing the Deputy was complaining about?

**Ms F. O'Malley:** —policy was given yesterday. They will have an opportunity today. What are their big ambitions for the country? Where is the vision? How do they propose to keep the success this country has enjoyed to date?

This failure in the Opposition's ability to produce a policy has more to do with the fact that there is more that divides the proposed Government than unites it. We only need to look at the business of this House. Not just this week but last week—

**Mr. Durkan:** I advise the Deputy not to go there either. There is a three-way division on the other side of the House.

**Ms F. O'Malley:** There was a big division on Private Members' Business last week.

**Mr. Stagg:** Is the Deputy backing Deputy McDowell or Deputy Harney?

**Ms F. O'Malley:** Yesterday on the Planning and Development (Strategic Infrastructure) Bill, there was the same problem. The Opposition could not agree as they did not have any coherence, and this was the case also with the Defence (Amendment) Bill and we have already heard all about transport and difficulties with energy.

**Mr. Durkan:** The Deputy is promoting nuclear energy. What about her friends around her?

**Ms F. O'Malley:** It might do Deputy Durkan some good to listen.



**Acting Chairman:** If this continues any longer I will ask Deputy Durkan for his script.

**Mr. Durkan:** Mine will be very short.

**Ms F. O'Malley:** I remind Deputy Durkan that if he stands for nothing, he will fall for anything from every interest group that comes his way but he will still be lost.

**Mr. Durkan:** The Deputy has been practising that for a long time.

**Ms F. O'Malley:** Good governance is about choices. Knowing why one has made those choices and remaining steadfast to them. Consistency, courage and cohesion are all vital elements in a successful Government. There has been no evidence of any of this in the debate to date.

A general election is a job application. When applying for a job, one puts one's best foot forward, highlights achievements,—

**Mr. J. Breen:** The Deputy should stand for leader of the Progressive Democrats.

**Ms F. O'Malley:** —play to one's strengths and stresses one's enthusiasm for the challenges the post will offer. No job applicant ever got a job by down playing the other candidates.

*(Interruptions).*

**Ms F. O'Malley:** The same holds true in politics. Decrying the Government's performance is all very well—

**Mr. Stagg:** All her party did was go up a ladder and say Fianna Fáil could not be trusted.

**Ms F. O'Malley:** The people want to know what the Opposition will do if given the opportunity—

**Mr. Durkan:** They know what the Government has done and what it has not done.

**Ms F. O'Malley:** —and what choices an alternative Government would make.

**Mr. B. Smith:** It is a proud record.

**Mr. Durkan:** That is what the people will make a judgment on.

**Ms F. O'Malley:** Deputy Durkan is like an old bellows. I ask him to stay quiet. The trump card the Opposition continues to play is that it is time for a change. This is no panacea. If the Opposition thinks that will win them the next election, they are in for a shock. They will have to try harder and credit the people with intelligence.

**Mr. Durkan:** Many others are in for a shock also.

**Ms F. O'Malley:** Coherent and costed policies will have to be presented to the people.

**Mr. Kehoe:** The Deputy might be up there on her own next time.

**Ms F. O'Malley:** The Labour Party and Fine Gael missed that golden opportunity in the Private Members' motion tonight. The Deputies give the impression that they are looking to take over a scout den rather than a nation.

**Mr. Durkan:** With some of the activities on that side of the House, we could be forgiven for this.

**Ms F. O'Malley:** It is a nation which has enjoyed enormous prosperity. The people will not yield the prudent and careful management of the country on the basis of the Opposition "not having had a go for ages". Government is very different to being in Opposition.

**Mr. Durkan:** One might not think so.

**Ms F. O'Malley:** Governance is about being prepared to make hard choices, experience, conviction, dedication and drive. The Opposition has sadly been lacking all of these throughout the debate. Ireland is not a perfect nation, but it is not the grim, desolate and dangerous place set out by the Opposition. To say it is to let the people down.

I will conclude on this point.

**Mr. Kehoe:** I am glad the Deputy is concluding.

**Ms F. O'Malley:** In the next election the Government will stand on its record. I have no doubt it will be successful on that record.

**Deputies:** Hear, hear.

**Acting Chairman:** Deputy Hctor has two minutes.

**Ms Hctor:** I will only be getting revved up in two minutes. I am grateful for the opportunity to speak. When I heard the Labour Party's Private Members' time was to be devoted to a censure motion I was not surprised. It is another reflection of what goes on in Tipperary North, with attempts to highlight Nenagh hospital and downgrade it in their view.

**Mr. Stagg:** Deputy Michael Smith is looking after Nenagh hospital.

**Ms Hctor:** The Labour Party was not looking after it anyway. We only have to look at the record of the Labour Party and its investment in Nenagh hospital, which was nil. For it, it did not exist.

**Mr. Stagg:** The Deputy wished to close it. Deputy Smith pulled a quick one on her.

**Ms Hctor:** It should have been fixed at the time of Barry Desmond.

**Mr. Kehoe:** The Deputy wished to close it.

*(Interruptions).*

**Ms Hctor:** May I continue?

**Mr. Kehoe:** The Deputy wished to close it and Deputy Michael Smith wanted to keep it open.

**Acting Chairman:** The Opposition is eating into its own speaking time.

**Mr. Stagg:** I thought Deputy Hctor was supporting the Hanly report, until the rug was pulled from under her feet.

**Acting Chairman:** The Deputy is eating into his own speaking time.

**Ms Hctor:** I will again state that the Hanly report will be good for Nenagh hospital. We have already seen what has happened to Nenagh hospital.

**Mr. Stagg:** The Deputy better not tell that to her constituents in Nenagh if she wants to come back here.

**Ms Hctor:** Deputy Stagg should see the pilot projects that are there. He knows nothing about it.

**Mr. B. Smith:** Exactly.

**Mr. Stagg:** Deputy Smith is cuter than the Deputy.

**Mr. Parlon:** Deputy Stagg knows nothing about it.

**Ms Hctor:** Deputy Stagg can go back to Brendan Howlin and Barry Desmond and see what they did for the hospital.

**Mr. Stagg:** Deputy Smith pulled the rug from under Deputy Hctor at that meeting.

**Ms Hctor:** I invite the Deputy to go back and look at their record for Nenagh hospital. It does not exist because they did nothing for it.

**Mr. Stagg:** I do not need to go back. I know it without going back.

**Ms Hctor:** The Deputy should stay in Dublin, where he belongs.

We are grateful for the opportunity, however brief, to make the case against this ridiculous motion. It is a motion of annihilation and self-destruction for a party which has no record of delivery as far as north Tipperary is concerned. I stand by the statement.

**Mr. Wall:** The Deputy's party is there long enough without any change.

**Ms Hctor:** We have performed exceptionally well on a number of issues without a Minister in Tipperary North. There has been delivery on the Silvermines rehabilitation, and a delivery of €2.7 million on an extension to Nenagh hospital to include accident and emergency, X-ray and laboratory facilities.

**Mr. Stagg:** The Deputy's time is up.

**Acting Chairman:** There should be order in the House.

**Mr. Stagg:** The Acting Chairman is abusing his position.

**Ms Hctor:** Some €500,000 in funding has been announced for——

**Acting Chairman:** I have already informed Deputy Stagg that the exchanges across the floor were eating into the speaking time for the motion's proposers.

**Mr. Stagg:** That is not allowed under Standing Orders.

**Acting Chairman:** I am allowing it——

**Mr. Stagg:** The Acting Chairman is abusing his position.

**Mr. B. Smith:** That is an outrageous accusation. It should be withdrawn.

**Mr. Stagg:** As a member of Fianna Fáil, the Acting Chairman is abusing his position.

**Acting Chairman:** I am allowing Deputy Hctor to finish. If the Deputy would allow some order in the House——

**Mr. Stagg:** I will not withdraw the allegation. As a member of Fianna Fáil, the Deputy is abusing his position in the Chair.

**Mr. B. Smith:** It is an outrageous accusation.

**Mr. Stagg:** It is a forum and the Deputy has used her time.

**Acting Chairman:** I call Deputy Hctor.

**Ms Hctor:** I should be afforded the courtesy at least to continue.

**Mr. Stagg:** It is four minutes past the time. This is outrageous.

**Mr. O'Donoghue:** Deputy Stagg has been wandering all night.

**Mr. B. Smith:** He has nothing to say.

**Mr. Stagg:** It is outrageous that the Chair is allowing a Fianna Fáil speaker to take Opposition time.

**Ms Hoctor:** Over €500,000 of the €2.74 million will be spent this year in the refurbishment of the hospital.

**Mr. Stagg:** It is Opposition time.

**Ms Hoctor:** The money has been set aside by the Government to see that project through. There is no question of underspends, staff cuts or ward closures. It is especially encouraging that the radiology department will be included in the development plan. Whatever doubt remained about the X-ray unit has now been dispelled. The money is in place and the Government has looked after the issue.

We are proud of our record in Tipperary North. We intend to be back after the next election. I await the policies of the Labour Party to see how it may try to match our efforts.

**Caoimhghín Ó Caoláin:** I wish to share time with Deputies McHugh, Connolly, Catherine Murphy, James Breen, Gregory, Gogarty and Cuffe.

**Acting Chairman:** Is that agreed? Agreed. The Deputies have 15 minutes.

**Caoimhghín Ó Caoláin:** Sinn Féin has no difficulty in supporting the points in the Fine Gael and Labour Party motion as tabled, but it clearly does not go far enough. I wish to move the amendments in the names of the Sinn Féin Deputies. Amendment No. 2 reads:

After “May 2002;” in the sixth paragraph, to insert the following new paragraph:

- “— the failure to end the inequitable and inefficient two-tier system within our health services and the drive to privatise our health services through massive subsidies for the private health business while the public system is in crisis;”

Amendment No. 3 reads:

After “farm families;” in the fifteenth paragraph, to insert the following new paragraphs:

- “— the privatization of the national airline, Aer Lingus;
- the failure of the Minister for Justice, Equality and Law Reform to promote community safety and human rights and his misuse of his position to target individuals and groups in pursuit of his personal political agenda;
- the ongoing erosion of Irish neutrality and independent foreign policy through the continued provision of Shannon Airport facilities to US combat forces;

- the giveaway of our natural resources of gas and oil to multinationals such as Shell against the national interest and regardless of the concerns of local communities like those of Rossport, County Mayo;
- the failure to fulfil the Taoiseach’s commitment to provide for representation in the Dáil for citizens in the Six Counties and the overall sluggish approach to the peace process by the Irish Government;
- the failure to protect working-class communities from the scourge of illegal drugs;
- the failure to ensure the enforcement of employment law and in particular the failure to prevent the exploitation of migrant workers who continue to make a huge contribution to the Irish economy and to Irish society;
- the failure to address income inequality and low pay resulting in this State having one of the highest levels of income inequality amongst OECD countries where the richest 20% of the working age population now earns 12 times as much as the poorest 20%;”

The Fianna Fáil and Progressive Democrats Government has brought inequality in society and incompetence in government to new depths. This is despite the fact that vast amounts of revenue are at its disposal. Never had an Irish Government, and seldom had any government in the world, such resources with which to build a society and an economy on the basis of equality and excellence.

These resources have been grossly mismanaged by the Government. It has pursued fatally flawed policies, nowhere moreso than in the health services. Health policy is dominated by the privatisation agenda of the Progressive Democrats. While our public system struggles with shortages of beds and staff, the Government is pouring public money into the private health business. It is bolstering the two-tier system that makes our health services both inequitable and inefficient.

There is no mention of the two-tier system in this motion. That is because the Fine Gael and Labour parties cannot agree on it. The true political alignment in this Dáil was exposed just after midnight last night when Fianna Fáil and Fine Gael joined together to vote through a defence Bill that undermines Irish neutrality and independent foreign policy. They were opposed by Sinn Féin, the Green Party and several Independent Deputies. The Labour Party, sadly, abstained.

This is the latest example of how on real policy issues, there is little or no difference between the two large right-wing parties, Fianna Fáil and Fine Gael. In typical opportunistic fashion, the Labour Party simply went into hiding, fearful to vote for

the Bill lest it alienate many of their members and supporters, who value neutrality.

**Ms O'Sullivan:** Did the Deputy listen to Deputy Costello's comments last night?

**Caoimhghín Ó Caoláin:** The party was equally fearful of exposing too stark a difference between itself and its proposed Fine Gael partner in government.

There are also such gaps between Fine Gael and the Labour Party in other key matters, such as the privatisation of Aer Lingus, which Fine Gael supports and Labour, quite correctly, opposes. That is not to say that Deputy Rabbitte and his company would not swallow Fine Gael policies whole in order to get into Government. The Labour Party would do so in future, as it has done in the past. That is a mistake for the Labour Party. In the mean time, it must rally its support base to make the gains it believes possible in the general election.

Both Fine Gael and the Labour Party take the Green Party for granted in all of this, as do greater sections of the media, hoping that party will "do a Labour" and make up the numbers in a coalition. I have no doubt the Green Party will think very hard before going down that road. Few in the media, as is clear tonight, care to set out these uncomfortable facts. They are too busy teeing up the personality contest between Enda on one hand and Bertie on the other, and their respective side-kicks Pat and Mary.

The real issues are there and many are issues of difference between Fine Gael and the Labour Party. When the general election comes, it should not be fought on the narrow ground on which Fine Gael and the Labour Party agree. That is the reason we have tabled these amendments, challenging the Government's record on issues including the two-tier health system, the privatisation of Aer Lingus, the sinister role of the Minister for Justice, Equality and Law Reform, the erosion of Irish neutrality, the sell-off of our natural resources, the scourge of drugs in working-class communities, the rights of workers and the sluggish Government approach to the peace process.

I do not expect the Taoiseach to dissolve the Dáil during the summer recess, but whenever he does, Sinn Féin will be ready and waiting to challenge this Government and provide the real alternative in Irish politics, now and in the future.

**Acting Chairman:** Before Deputy McHugh begins, I indicated prior to the previous speaker that there were 15 minutes in the slot. The time allocated is actually 20 minutes.

**Mr. McHugh:** I am glad of the opportunity to speak on this Labour Party motion. There is no doubt that everything but the kitchen sink has been included in the motion. It is a recitation of some of the worst excesses of this Government.

These include the wasteful expenditure of taxpayer's money on projects and schemes which have proved to be useless, and ongoing expenditure on some of those failed projects.

The money wasted in such projects and other areas is unforgivable, not alone for the excessive amounts involved, but equally because of the good use the wasted money could have been put to in the provision of badly needed infrastructure throughout rural Ireland.

I come from the constituency of Galway East, which is crying out for investment in sewerage, water, roads, rail and broadband. These are all vital elements to enable a region to make some progress and an attempt to catch up with other areas not as neglected by successive Governments as Galway East. The lack of basic services such as water and sewage has led to the price of service building land becoming exorbitant. The lack of investment in services is totally counter-productive.

The younger citizens in our society are also suffering because of a lack of investment in primary and secondary school buildings. Many young pupils are housed in totally inferior buildings which would not have a hope of meeting health and safety regulations.

The motion also highlights the rising crime rates. No matter how the Minister, Deputy McDowell, dresses up the situation in legal speak, throughout this country people are afraid and have no confidence that the forces of law and order are equipped to protect them.

We spent a large portion of our time today discussing the Road Traffic Bill 2006. It is a wasted exercise if the resources to implement it are not provided. They are not being provided and until they are, people will continue to die.

**Mr. Connolly:** We have given three hours debate to an unlikely event. I do not detect any real desire for a summer election. If we held a straw poll on the Government side of the House, or on the Opposition side of the House, it would show that nobody wants a summer election. This call for a summer election is akin to whistling past the graveyard.

It is accepted that the most likely date for an election is in 12 months time, in May or June of next year. We all know what is happening here. If the main Opposition parties and we are serious about a general election, why offer the Government side a pairing arrangement? Why ask Deputies not to support their own motion and give the Government a way out? Are we afraid of our wish being granted? That is not logical. If we are serious about this here, let us pull the pin on the pairing arrangement. Let us stop this because otherwise it is a charade. That is what I believe. This is too serious an issue.

Tomorrow morning there will also be calls for an extension of Dáil sittings. We will call for the recess to be put back for another couple of weeks to sit and debate urgent issues. If we are serious



[Mr. Connolly.]

about that, let us sit down and form an all-party committee here. Let us agree at the start of a term that we will extend Dáil time to debate these issues, not stand up here to call for an extension of Dáil time. Let us do something about it.

We should extend the Dáil term and meet international norms. The dual mandate has been done away with. I have called for this previously and if we are serious, we should call for it again. Regrettably, I will not support this motion.

**Ms C. Murphy:** I would have masochistic tendencies if I sought a general election since I was only elected to the Dáil in March last year. However, I must admit to being less interested in who fills particular portfolios and more interested in the functioning and direction of government. The progress of this Government will be measured by the electorate in terms of solid delivery on the grounds of key public services. There are high profile failures on that score.

It is well understood that this country is awash with money, but has financial opportunity yielded the kind of results that should have been produced? It seems, for example, that there is a paralysis in decision making when the decision on a couple of hundred buses to ease the traffic crisis in Dublin and the surrounding counties is continuously delayed. There is a failure to recognise and plan for the rapid nature of population growth. That is why in places like Kildare there are too many examples of where class sizes are above 30 or where entire housing estates are without water for days on end because critical infrastructure lags behind housing development, not because of delays in the planning process but because of the failure to fund projects.

Recently a report issued by TASC identified 450 public bodies in existence at the end of 2005. The report touches on the key Government style, which I would describe as a hands-off model. It is *ad hoc*, it is irrational, it is expensive and it is not improving services.

The Government amendment commends the Government for the strategic vision it has displayed and the competence with which it has discharged its duties. Try telling that to the parent who contacted me today in utter distress because vital educational supports have been removed from her child who has special educational needs or to the 370 children aged six or over who have home tuition provided because this cash-rich State cannot provide them with a school place. It is time we decided that we are living in a society and stop this idea that we are living in some sort of an economy and trying to present that as some sort of a boon in its own right.

**Mr. J. Breen:** Never have I seen a situation where so many in the country are in open revolt against a sitting Government, where Ministers are in constant battles against those working under

them, and despite the availability of vast financial resources, where the constant squandering of public money has resulted in wide scale dissatisfaction among the grass-roots supporters of even the Government parties. Whether at national, provincial or county level, the result is the same. This Government has lost the support of the people and of the Acting Chairman, Deputy Glennon, and his 15 backbenchers.

The same theme is to be found consistently across every Department, that is, unfortunately, ineptitude and failure. County Clare can give a snapshot of the national picture in almost every department. Ennis General Hospital has gone from threats of being reduced to an accident and emergency unit with no night cover to a promise of €20 million investment at some unannounced date. No one is sure of the current status of the hospital, not even the Tánaiste and Minister for Health and Children, Deputy Harney.

This week has seen the release of statistics showing the latest increase in drug use and associated crime, yet in County Clare, despite promises of the Minister, Deputy McDowell, of increased Garda numbers, the Garda drug unit is staffed by two permanent and one temporary member to cover the entire county.

One of the biggest shames visited on County Clare in recent times has been the installation and attempted installation of telecommunications masts at Ard na Crusha, Ballynacally, Kilkee, Tober and Ennis. Next Saturday will see a large protest against the proposed mast at the ESB site on the Rocky Road in Ennis. An Bord Pleanála gave permission for the mast, saying that not to do so would be in contravention on Government national policy on telecommunications.

The plight of Gama workers in Ennis, and nationally, might never have been rectified but for my Independent colleague, Deputy Joe Higgins taking up their fight initially. Worse still has been the abuse of labour rights of Polish workers by the ESB at Moneypoint in County Clare.

The Minister for the Environment, Heritage and Local Government, Deputy Roche, holds a special place in the hearts of the people of County Clare. He has consistently deferred the issue of boundary extension application by Limerick County Council when he should have issued a strong and resounding "No". He has persistently stalled and prevented the development of sewerage schemes at Carrickaholt, Labasheeda, Kilkee, Mullach, Quilty and Feakle and he has single-handedly increased the profit of national water companies because the water quality to Ennis has been below the human consumption level for years.

**Mr. Gregory:** People would welcome an election at this time to give them the opportunity to remove this wasteful Fianna Fail-Progressive Democrats Government which has failed dismally to provide for the needs of people on a range of

critical issues. On the housing issue, for instance, in my constituency a two-bedroom terraced house in what were Corporation built estates like Cabra costs close to an incredible €500,000. It is way beyond the ability of a majority of local young people to obtain a home and remain living in their own community. The Government must accept its share of responsibility for this. For the Taoiseach after nine years of inaction to speak of his support for the Kenny report is a bit like his cynical statement to the anti-war marchers that he is against the war in Iraq, having handed over Shannon Airport to the United States war machine.

The two-tier health service and the appalling scandal of the accident and emergency units is one of the hallmarks of this Government for which they will pay a heavy price at the next election. The failure to tackle the drugs-crime crisis again demonstrates the inability of the Fianna Fáil-Progressive Democrats Government to effectively tackle the critical issues of concern to people.

The Minister for Justice, Equality and Law Reform, Deputy McDowell, attempted to ridicule the Independent Deputies — anything to divert attention from his own failure — with all the arrogance of the Progressive Democrats, the 3% party. That is the level of support for them. If Podge and Rodge formed a party, they would get more support than the Progressive Democrats. My message to the Minister, Deputy McDowell, is that when he is kicked out by the electorate we may well have Independent Deputies in government. There were Independents in government in the past and there will be again, and we will do better than this lot.

**Mr. Gogarty:** This motion to call an early election is opportunistic, cynical and pointless. Without a Dáil vote of no confidence, the only person who can call an election is the Taoiseach. One could cite many reasons that an election should be called and that voters would relish were one called. Fianna Fáil have squandered the fruits of the boom and filled the pockets of their developer paymasters. They have under invested in education, made a mess of health, betrayed tens of thousands of young people trying to get a house and sentenced thousands more to a life of unproductive commuting. However, the reality is an election will not be called as a result of this grandstanding. In fact, I would argue that the two parties favouring the motion would be seriously inconvenienced if the Taoiseach went to the country this summer.

When the election is called voters should be given a range of strong policy-driven options all aimed at bringing Ireland through the many challenges it will face in the coming era of high energy prices and economic uncertainty. In fact, with the exception of the Green Party and possibly a few others, they are faced with more of the same. Fine Gael, Fianna Fáil, the Labour Party and the

Progressive Democrats all signify the triumph of style over substance, populism over policies, Tweedle Dum or Tweedle Dee. The Mullingar Accord is a flag of convenience and the symbol on the flag is a sheep not only because the Mullingar Accord is characterised by timidity, fear of showing leadership and a preference of the safety of the flock, but also because they are just like Fianna Fáil and the Progressive Democrats in that their only message to the electorate is they can run the country more efficiently than the Government.

**Ms O'Sullivan:** What about our education proposals?

**Mr. Gogarty:** The electorate, therefore, will be given a choice between an incompetent Fianna Fáil-Progressive Democrats Administration and a bland, uninspiring Fine Gael-Labour Party clone. They are the Dolly alliance, a chip off the old block and a mirror image of the current Government. All these parties readily accept and actively seek corporate donations. Because of this, they are tainted by big business and the whiff of corruption even when their intentions are honourable. They are afraid to make long-term, sensible decisions for the good of the country because they are always focused on short-term electoral considerations of a populist nature. It does not matter which of the larger parties is in government following the next election. Fianna Fáil and the Progressive Democrats are tired and need to be given a break but the supposed Fine Gael-Labour Party alternative is more of the same.

If an election is called and voters want policies that are visionary, sensible and address quality of life issues for current and future generations, the only choice is Green. The more Green Party Deputies returned next year, the more people will have a focused and honest voice. Whether it is Tweedle Dum or Tweedle Dee, the Green Party will make the difference. We have policies to improve our health and education systems; to protect our environment; to guard against bad planning and corruption; to tackle gridlock; to improve Government and democratic input; to deal with the looming energy crisis; and to protect and enhance our quality of life.

Deputy Cuffe will outline reasons the Green Party offers the only alternative following the next election.

**Mr. Stagg:** On a point of order, the Chair is obliged to enforce a Standing Order, which sets out specifically the speaking slots for the various parties during private Members' time but the Chair has breached it again. I did not interrupt because an Opposition Member was in possession but the Chair was in breach of Standing Orders by allowing the Fianna Fáil Member an additional five minutes, thereby reducing the length of the Technical Group slot. I ask the Chair to abide by Standing Orders. The alterna-

[Mr. Stagg.]

tive is to continue with 20 minute slots, which will result in the Government losing its slot. The Standing Order is clear that the party which moves the motion has 15 minutes to respond at the end of the debate. I have no objection if the debate runs to 8.35 p.m.

**Acting Chairman:** As I informed the Deputy earlier, interruptions will be factored into the time for the debate.

**Mr. Stagg:** The Chair is not entitled to waive Standing Orders.

**Acting Chairman:** In the same way, I will adjust slots to take account of the time lost. The debate was on schedule until this interruption.

**Ms Shortall:** No, it was not.

**Acting Chairman:** Until this interruption, the debate was on schedule. I ask Deputy Cuffe to resume.

**Ms Shortall:** On a point of order, Deputy Burton is scheduled to contribute at 7.50 p.m.

**Acting Chairman:** The schedule states four and a half minutes from 7.50 p.m.

**Ms Shortall:** It is 7.55 p.m.

**Acting Chairman:** There were two and a half minutes remaining in the slot. The debate did not begin at 7 p.m. and is running approximately two and a half minutes late. That is why I presume the Deputies misunderstood the current position. That is why two and a half minutes were available to Deputy Cuffe.

**Mr. Stagg:** Will the division be called at 8.30 p.m.?

**Acting Chairman:** I will not be in the Chair at that time but my instruction to the person taking over will be that the debate commenced two and a half minutes late and it has been delayed by another two and a half minutes because of this exchange. How the Chair deals with this at 8.30 p.m. is a matter for the person who takes over. I am dealing with the debate as I find it.

**Mr. Cuffe:** I was inspired by the Minister for Arts, Sport and Tourism earlier. In the 1970s I spent time in the Kingdom not 100 miles from Caherciveen. A man drove along the beach every Sunday in a Hillman Avenger with a sad looking greyhound on the end of a piece of string running behind the car. A match commentary could be heard on the radio while the man had *The Sunday Press* spread out on the passenger seat. The man was cute and he was a character but not necess-

arily harmless and the Minister shares those characteristics.

The Green Party would happily form part of a Government that would take on board our policies.

**Ms Burton:** Deputy Gogarty does not agree.

**Mr. Cuffe:** With regard to children's issues, we would ensure quality as well as quantity. In planning, we would build living communities rather than soulless housing estates and end the legacy of bad and corrupt planning. We would implement the Kenny report on housing rather than talk about it and we would build affordable, energy efficient homes. With regard to transport, we would have the political courage to join the dots and build more Luas lines. The rainbow coalition was a good Government and we would be happy to add colour and depth to a future rainbow.

**Mr. Wall:** Tell Deputy Gogarty that.

**Ms Burton:** I wish to share time with Deputies Shortall, O'Sullivan, Neville and Bruton.

E.M. Forster's novel *Howard's End* contains the famous phrase "Only connect". The challenge for the alternative Government is to connect our booming economy with our social wellbeing. The central challenge for the next Government will be to create and sustain not only a successful economy but a successful society. The alternative Government will have as one of its central themes "Every Child Matters". That means we must address the gaping deficit in local facilities, primary school places and lift children out of poverty.

The Government parties made a number of simple promises to children during the last election. They promised class sizes of 20 and under for children aged nine and under. Since then they have dithered and flip flopped on this and many other promises to children. If we are to connect our successful economy and create a successful society, tax justice matters. It may come as a surprise to the Government parties that a single worker on the average industrial wage pays tax on overtime and bonuses at 42%. Despite their promise four and a half years ago that only 20% of workers would pay tax at the 42% rate, approximately 33% of PAYE workers still pay tax at the top rate. That is the position of ordinary workers.

In tandem with this, the scandal of top earners paying little or no tax continues apace, as highlighted by the last week's publication of the Revenue Commissioners' study on the effective tax paid by the top 400 earners. The number of high earners paying a zero effective rate increase from five to six. Moreover, the number of top earners paying an effective tax rate of less than 15% increased by 55 to 79, a staggering increase of almost 50%. The figures highlight that tax

avoidance by Ireland's top 400 earners increased significantly, due to the continued expansion of property-based tax breaks, in particular.

The Progressive Democrats big idea is to extend such tax breaks to private hospitals as the tax breaks for hotels are phased out. Our health service will be investor and tax driven rather than care centred.

8 o'clock

People want a society with a caring and quality health care system, not a society where care is only seen in the context of a tax break for a small band of high net worth investors.

Other blatant avoidance mechanisms continue to be nurtured by the Government. As young couples struggle to pay stamp duty on second-hand houses, people would be surprised to know high rollers in the property development business have the option of neatly sidestepping stamp duty by either licencing arrangements or conveying shares in a company rather than the property.

The Labour Party's campaign for tax justice has at its core the introduction of a minimum effective tax rate of 20% for the wealthy, including those notionally non-resident from our shores for tax purposes but who seem to spend almost all of their time in the country. The minimum effective tax rate would ensure that while necessary tax incentives could be provided, not even the very wealthy could avoid making a contribution at the lower PAYE rate of 20%. This is one of the reasons we need a general election and a new Government to connect the economy with the wellbeing of society.

**Ms Shortall:** I will concentrate on the area of road safety and the Government's grim record in that regard. The number of fatalities on the roads has steadily risen in recent years from 335 in 2003 to 396 last year. Regrettably, those numbers seem to be heading for more than 400 this year. Behind this trend is the devastating impact of death and serious injury on thousands of families. The impact has been most acutely felt in respect of young people. We now know that one in four drivers killed on the roads is aged under 25 years, as are 40% of those who die in motorcycle collisions. To put these figures in context, one must bear in mind the number of drivers under 25 years of age is only approximately 12% of the total.

As I have often stated, the Government is not to blame for these deaths. However, it is undoubtedly responsible for addressing the key causes behind them and serious injuries. In that regard, it has dismally failed to live up to its responsibility. The fact that legislation was only passed today to introduce much needed measures such as privatising the operation of speed cameras, mandatory breath testing and banning the use of mobile phones while driving says a lot about the low priority road safety is afforded by the Government. One can add to this the fact that the Rules of the Road are 14 years out of date,

driving instructors are in no way regulated and there is still no compulsory practical instruction for motorcyclists.

The fact of the matter is that many measures included in the road safety strategy have been dragged from the Government as a result of pressure from the public, the media and the Opposition. The more I examine that document, the more I am convinced it was rushed out for media purposes without being properly thought through. The Government has not even been able to set a target for serious injuries because it cannot agree on the definitions. The strategy stated the target would be set in the first annual review. Not only was no target set, but there has not even been an annual review of the strategy. The target of 11 million speed checks for the current year, probably the most important road safety target, was simply ignored by the Government. Even now when the Road Safety Bill has been passed, it will still be several months before all of these long promised measures are in place.

Tenders have not yet been sought for the operation of speed cameras and we know it will be the end of the year at the earliest before they are in place. That is simply inexcusable. We still do not have an explanation from the Government, the Garda Síochána or the Attorney General's office as to why we had to wait so long for the introduction of random breath testing. Suddenly it seems the phantom constitutional problems have disappeared.

In the area of driver testing there is the scandalous situation where 410,000 provisional drivers are on the roads, while waiting times for tests are up to 12 months. There is a long litany of delays and missed targets, as there is in so many other areas of Government activity. The problem regarding road safety is that when it comes to incompetence and delays, it involves life and death issues. When it comes to the next general election — the sooner it happens the better — a large percentage of the public simply will not forgive the Government for its incompetence in this critical area.

**Ms O'Sullivan:** It is hard to credit that in rich Ireland where another large surplus was announced yesterday more than 100,000 children, or more than one quarter of primary school children, are in classes of 30 or more. This figure has risen in the past three years. Our classes are among the largest in Europe. Would a Government with any sensible priorities make it a core issue to tackle when it has money to spare? Would a Government which gave a specific undertaking in its programme for Government to the people to reduce class sizes take the steps necessary to fulfil this undertaking? The Government does not.

Despite having the money and making the specific promise, it has broken its trust with schoolchildren. The promise to children under nine years of age and their families that the pupil-



[Ms O'Sullivan.]

teacher ratio in their classes would be on average 20:1 has no chance of being fulfilled. The Minister admitted this. How can members of the Government hold their heads up with a record like this on such an important issue?

The Minister for Education and Science's standard reply is that she spent the money on tackling disadvantage and children with special needs. However, that does not stand up. It is only this year, after nine years in government, that it finally introduced new measures to tackle educational disadvantage, just before the next general election. Up to now, there has been absolutely no addition to the schemes introduced by Niamh Breathnach in the 1990s, including the groundbreaking Early Start and Breaking the Cycle programmes.

On special needs, a Bill was enacted but it has not even been implemented. The resources and specialist staff such as educational psychologists and speech therapists are in such short supply that parents cannot access them when they need them. Schools try to arrange assessments and provide individual education plans for children with special learning needs without the supports they were promised. My colleague, Deputy Stagg, raised this issue on many occasions.

How can the Government state we have an education system which serves the needs of all children when the Department of Education and Science's most recent study of reading shows literacy standards have not improved one iota since 1998 and one in three children in disadvantaged areas experiences serious literacy and numeracy problems? A Government in good economic times must be judged by how it spends taxpayer's money. When it comes to the most basic aspects of the education system, it has failed to make a difference.

I will now outline some of our positive proposals because those on the Government benches constantly bleat that we state nothing positive. The Labour Party presented positive measures which we will implement in government. We published four policy documents on pre-school and primary education alone, including specific proposals to address educational disadvantage, the cost of going to school and the right to read. We also promised one year's free pre-school education for all children and reduced class sizes. I would love to hear the Green Party's policies to which Deputy Gogarty referred. He stated it would have 50 policies but it has not told us any of them yet.

Ireland has passed out most European countries on wealth production. However, we have fallen behind in offering opportunities to our children. This must change and it will change under a Labour Party and Fine Gael Government. Sometimes when I am in Dublin, I watch a programme called "Desperate Housewives". It is about dysfunctional self-obsessed people who, despite having buckets of money to spend, cannot

seem to get anything right. We have our own desperate Ministers and it is about time they got out of the drama and back to reality and that we had a general election.

**Ms Shortall:** Hear, hear.

**Mr. Neville:** I thank the Labour Party for giving me the opportunity to raise the issue of the Government's neglect in dealing with the needs of psychiatric services and its failure to introduce suicide prevention policies. I will begin by quoting from the report on suicide of the Joint Oireachtas Committee on Health and Children which was launched today. Regarding mental health it states:

Those with mental illness are known to be at higher risk of death by suicide but the type of mental health service one can access is a matter of luck. Funding for mental health services is allocated in a random manner with scant regard for need. The provision of mental health services for adolescents is high on aspiration but low on action.

The Government has failed those of our people who suffer from an psychiatric illness. In 1997, 11% of the total health budget was allocated to psychiatric services. At a time when most of our European partners are increasing their relative contribution to the services, the Government has reduced its contribution from 11% to 7%.

The Government has scandalously failed patients with a mental illness, their families, mental health service professionals and service providers. It is of no concern to it that up to 500 people take their lives each year and that in excess of 60,000 attempt suicide and self-harm. It is of no concern to it that Ireland's youth suicide rate was the fifth highest of the 25 European Union countries in 2004 after Lithuania, Finland, Estonia and Latvia. It is politically immoral of the Government to neglect this issue.

This year the Government allocated a paltry sum of €1.2 million towards suicide prevention measures. It set up the national suicide prevention office which has not contributed anything other than to try to mask the inaction of the Government. To justify this, it recently hijacked the work of NGOs.

I support the motion to replace the Government with an alternative that will deal with the urgent need to develop psychiatric services, the appalling neglect of child and adolescent psychiatric services and tackle the serious public health issue of suicide and attempted suicide. Our people of all ages who are in such a personal crisis deserve no less.

**Mr. Bruton:** Last night and tonight we saw the start of a campaign to spread fatalism about the country's capacity to do better. Government members want us to leave it to them. They say the Opposition cannot agree on policies or stra-

tegies and that we should leave it to them to manage technical change in the way they managed e-voting and the health computer systems. They say we should leave it to them to give people value for money, as they did with MediaLab Europe, Stadium and Sports Campus Ireland and the East and West Link toll bridges which bled people dry. They say we should leave it to them to deliver on their promises but the funny aspect about last night was that when it came to promises, there was a deafening silence from the benches opposite about the promises on which they had delivered.

What has happened to the high profile promises made, including those the then Minister for Health and Children, Deputy Martin, made to the effect that waiting lists would be brought to an end in two years? Waiting lists were only brought to an end because the Minister stopped publishing them. The reality is that they got longer because people could not even get an appointment. They must wait for one. They are not even registered on the list.

What happened to the promise that we would have classes of 20 for children under nine years? That was another solemn promise made in the general election campaign and repeated in the programme for Government. The silence from those on the opposite side of the House was deafening as to what had happened to that promise.

We were told we would see a reduction in taxes and that one in five would pay tax at the 42% rate but over 225,000 taxpayers have been denied that promise. The promises were coming thick and fast from the Government but where was the strategy to deliver on them? There was none. That is why the people are sick of the Government.

The Government produced a health strategy in 2001 but it collapsed before it got off first base. It collapsed in respect of its promise of 3,000 extra hospital beds and that there would be 60 primary care centres. Every pillar of that strategy has disappeared.

Another major strategy was to complete decentralisation in three years. Ten thousand jobs were to be moved to the regions to deliver regional regeneration. What has happened to that strategy? It has collapsed also. There will be a delivery of 10% in the so-called three year strategy. The Minister will say the implementation committee said it could not be done. It said it could be done because not a shred of thought had been put into producing a decentralisation strategy that could be delivered in three years. It was an abuse of power to bring forward that strategy without first putting together a business case for the moves, having a strategic plan as to how it would be delivered and anticipating the meltdown in key skills that was inevitable. These matters were not thought about. The strategy was put together on the back of a betting slip and, not surprisingly, it has not been delivered.

Not one Minister came into the House last night to step up to the plate and take responsibility for waiting lists not being brought to an end or to explain why we had not achieved the small class sizes promised or the reduced waiting times for patients in accident and emergency departments as was solemnly promised. The Government parties came into the House and tried to talk down the chances of the country doing better under a Fine Gael-Labour Party Government.

The truth is we do not accept the fatalism that has spread among the parties opposite. We do not accept that this is as good as it gets. The country could do a great deal better with a proper programme of well thought out reform, with Ministers taking responsibility for promises they make and having proper strategies when they make promises. That is the Government we want but sadly we have not seen it since 2001. The parties opposite have degenerated on that front.

It is difficult to take lectures from the Progressive Democrats about incoherence on the Opposition benches. That is from a man who meets every question with an open mouth and has burnt off the Government backbenches with his approach. It is difficult to take that strategy from the Government.

**Minister for Finance (Mr. Cowen):** It is a pity that when such debates are held, we do not have a two way debate but rather considerable interjection and heckling from the Members opposite, as I observed last night and tonight. It is a tactic which continues to be employed. Presumably, the consultants from the United States reckon it is the getting them somewhere.

**Mr. S. Ryan:** The Minister can do better than that.

**Mr. Cowen:** As far as the Government is concerned, we will defend our record of solid achievement. The country is in a different position from the one it was in in 1997 when we took office and since 2002, significant progress has been made. It is not clever or true to say every problem is solved or that every Government solved every problem.

**Mr. Crawford:** I thank the Minister.

**Mr. Cowen:** It is also not true to say that where there are problems, no progress whatsoever is being made. That simplistic debate is a turn-off for the electorate which is more sophisticated than that and deserve a higher level of debate.

Reflecting on what the Government is doing in the areas of health, education, social welfare and the capital programme, expenditure in these areas accounts for 80% of the budget. Where is the waste in education if three quarters of expenditure is on pay and pensions and we have an additional 10,000 teachers?

**Ms O'Sullivan:** We still have larger class sizes.

**Mr. Cowen:** With respect, we listened to what the Deputy had to say, yet she interrupts again. At what stage will the Opposition deal with the issue of such waste by being specific? Where is money being wasted in education? It is the Opposition's contention that we should be spending more money on education? We are doing this. One Member opposite referred to disadvantaged programmes. The Minister for Education and Science, Deputy Hanafin, introduced the disadvantage programme which provides for an additional 640 schools in the primary sector, 180 in the most disadvantaged areas, and 200 post-primary schools. The programme will be rolled out and will provide an additional 300 teachers. We are providing more teachers than we envisaged in the 2002 programme.

We have decided to provide more money to deal with people with disabilities and special needs. There are now 7,000 special needs assistants where there were 300.

**Ms Burton:** The Government did not do that.

**Mr. Cowen:** We should be clear about this issue if we are to debate it but we should acknowledge what is being achieved. If they wish, Opposition members can come forward with alternative approaches on the way the money can be spent but we must ensure it adds up. They cannot pick and choose to suit their argument.

**Mr. Hayes:** The Minister should acknowledge that the Government wasted money on e-voting machines.

**Mr. O'Dea:** Let the Minister speak.

**Mr. Hayes:** The Minister should acknowledge that point.

**Mr. O'Dea:** Deputy Hayes's colleagues were allowed to speak.

**Mr. Cowen:** To take education as an example, Deputies Rabbitte and Kenny sat at the Cabinet table and agreed to cut teacher numbers and free school funding. That happened. We replaced that agenda with a sustained commitment to education.

On crime, there is much debate each week in the House about Garda numbers but the rainbow Government cut Garda numbers.

**Ms Burton:** That is a lie.

**Mr. Cowen:** In 1997 it opposed our plan to hire 1,200 extra gardaí. In 2002 it stated it would be impossible for us to hire a further 2,000 gardaí but now states we have not hired enough. That does not inform the public about the issues to ensure we have safer streets in our communities.

**Mr. Kehoe:** The Minister should talk about what is happening today.

**Mr. Cowen:** We will defend our fiscal policies and continue to manage the economy responsibly.

Deputy Kenny spoke about election bribes. He should look at his party's programme at the last general election. It was an appalling indictment of an Opposition which had no clear vision of where it was going. The Government will continue to work through the national development plan, the plans we have for research and development which will be central to our economic development agenda, our education and health reforms, an issue we should debate more often in the House regarding the sectional and vested interests which are dictating at the expense of the public good. With resources and reforms there are sustained improvements. Some 3,400 patients are being treated every day in accident and emergency units. This comes to 1.25 million annually.

Where there are problems, let us identify and discuss them. However, let us not conduct a debate, as I have seen it here, continually in an absolutist fashion, on the idea that everything would be rosy tomorrow if the Opposition parties were in government—

**Ms Burton:** It would be better.

**Mr. Cowen:** — and things are going terribly badly because we are in government. It is really an attempt by the Opposition parties to overcome the frustration at being out of power, which I can understand. I look forward to next year and having a sensible, literate, informed debate on the economic and social direction the country should take, which will not be based on fatigued government or energetic opposition. Let it be based on facts and let the people make their choice on the basis of real information rather than the disinformation that has passed for debate in this House for the past two nights.

**Mr. Allen:** The Government parties have had nine years.

**Ms McManus:** I wish to share my time with Deputy Rabbitte.

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

**Ms McManus:** I agree with the Minister for Finance, Deputy Cowen, that this is a good opportunity to consider the record of the Government and separate it from its rhetoric. The trail of broken promises and cynical posturing by Ministers have alienated even committed Fianna Fáil voters. The Minister spoke about consultants. In his desperation to convince, the Taoiseach at every opportunity uses the phrase "the Government working with the people". His spin-doctors have obviously told him that the

people understand all too clearly how he and his Government have lost touch with them and their concerns. Somehow he is trying to gather some cover for himself by reinforcing a message that he and his Government are working with the people. However, nobody is fooled by that line.

At the last general election the Taoiseach made promises to bring hospital waiting lists to an end within two years. Last week in the Seanad the Leader of the House, Senator O'Rourke, said of these promises that "they are untruths as well". Those are her words, not mine.

**Mr. Cassidy:** She would know.

**Ms McManus:** She is right. The Deputy can dismiss something as easily as that.

**Mr. Cassidy:** It is a factual statement

**Ms McManus:** It does not work that way, because the people believe her and do not believe the Government which has hidden hospital waiting lists but they have not gone away. Some 20,000 are still waiting for surgical procedures and others for medical ones. Some are waiting for more than 12 months. None of the targets on waiting times set out in the health strategy has been met. In the west some are waiting for four years to see a specialist. This is the great record that the Minister, Deputy Cowen, wants us to debate. I am happy to debate the record, as opposed to the rhetoric.

The Government's amendment to the motion is also full of untruths. It is full of self-congratulation and self-delusion. We only need to consider how we compare internationally to get a true picture. The 2006 European health consumer index puts the Irish health service second last out of 25 OECD countries.

**Dr. Devins:** Those figures are four years out of date.

**A Deputy:** They are worse now.

**Ms McManus:** Long waiting lists, bleak medical outcomes, bad scores for infant deaths, MRSA infections in hospitals — I trust Government Deputies will not want to speak about this — and the lack of a health ombudsman typify the index findings. We are only above Lithuania and instead of hanging his head in shame, the Taoiseach came into the House last night and tried to flimflam us again.

This is the same Taoiseach who described as unintelligent people who had the temerity to complain when their loved ones were left on trolleys in casualty departments. He said: "It is a pity people are so unintelligent." That barefaced effrontery of the Taoiseach and his Government is most evident in the part of their amendment dealing with the Health Service Executive. Whatever the HSE is, it is certainly not bringing unified management to major projects in infor-

mation technology, nor is it achieving national service standards or best value for money. It is laughable that any Government would claim this bureaucratic muddle of its own making. The HSE is incoherent in its management structures, unaccountable and known for its secrecy, and lethargic to the extreme in improving standards. Regarding value for money, I need only mention PPARS.

I do not blame staff within the HSE or its chief executive. However, I do hold to account the Tánaiste and Minister for Health and Children, Deputy Harney, who from day one mishandled the transfer from the old system of administration to the new. Her pigheadedness in failing to prepare and plan properly has caused endless problems. Most importantly, there are real dangers arising from the lack of accountability within the health service. That is one lesson that should have been learned from the contaminated blood and Mr. Neary scandals. However, thanks to the Government, the system has become less accountable, less democratic and less transparent than it was before the HSE was established.

**Mr. Rabbitte:** I thank all colleagues in the House who contributed to a debate that brought the Taoiseach into Private Members' time for the first time since he came to defend Ray Burke. The debate brought the Minister for Justice, Equality and Law Reform and the Tánaiste in to sit beside each other, although the Minister for Justice, Equality and Law Reform refused to yield the Tánaiste's usual seat.

I am bound to say it was an odd debate in many ways. The Taoiseach approached it from a very unusual point of view. He pretended to believe it was the task of the Opposition at the end of term to come to the House and praise the Government. He then proceeded to dismiss the issues raised in the motion and went on to wade through a thicket of self-congratulatory rhymes about money spent. Glancing at the motion I cannot see how he could dismiss a motion about crime rates, lower detection rates, and the waste of money on PPARS, e-voting and other areas. Regarding promises made, it was he, not the former Minister for Health and Children, Deputy Martin, who promised to abolish waiting lists in hospitals in two years. He seems to believe that the increases in 50 stealth taxes in the lifetime of the Government are not worthy of debate in the House. Inflation is running at 4%. House prices have increased by nine times since 1997 but the Taoiseach believes these issues are not for debate in the House.

The Taoiseach went on to make an extraordinary charge against me five times that I was mad for power. This comes from the man who keeps trying to invite me to share power with him at every chance.

*(Interruptions).*



**Mr. Rabbitte:** The Minister for Justice, Equality and Law Reform looks across to the Opposition benches for what he believes is a cold house for him. He is quite wrong about this because there was considerable concern on these benches for the manner in which he hyperventilated last night. I believe he is suffering from Stockholm syndrome, which occurs when the captives become so friendly with the jailers that they make common cause with them. I believe the Minister has been captured by Fianna Fáil.

The Minister went to the trouble of dictating a script, from which I wish to deal with a few points. His main concern is that a Labour Party-Fine Gael alliance would fall apart. He instanced the period from 1982 to 1987 as an example. The period between 1982 and 1987 is as close to five years as does not matter. He did not mention 1989 to 1992.

The Minister said 10% of the people were unemployed in 1997. He did not refer to the fact that in 1992, when his former leader — for whom he had more regard than he has for the present one — left office as Minister for Industry and Commerce, the unemployment rate was 14%. He tried to impute motives to me arising from exchanges I had with the Ceann Comhairle, in which he claimed I had referred to the Ceann Comhairle's family. I reject that claim. I made a political charge but did not refer to the man's family one way or the other.

The Minister outlined a mathematical formula which he considers very clever and which he has used on several occasions, including in an interview with Pat Kenny. The equation states: "Fine Gael plus Labour equals slump." This comes from the man who would have us believe "Fine Gael plus Labour plus Deputy McDowell equals success" and the only problem with the former equation is that the Minister is not included. He went on to claim that any alternative Government would be dependent on Deputies Cowley, Gregory and Finian McGrath and a Seamus Treacy. I do not know any Seamus Treacy and hope no Government has to rely on him but I recall a Government which relied on Harry Blaney and Tom Kildea and Deputies Fox and Healy-Rae.

**Mr. J. Brady:** It was a good Government.

**Mr. Rabbitte:** Now, apparently, support from Independent Deputies for an alternative Government is a sign of terminal breakdown.

The Minister seems to have persuaded himself that only he has the divine right to rule in this country. Despite worsening crime figures, falling detection rates and his failure to reform the Garda, somehow he has an automatic right to be returned. The row within the Progressive Democrats would be a squabble in a shoe box were it not for the fact that one Minister happens to be in charge of health while the other is in charge of the criminal justice system. I am glad to see

Deputy Glennon, who is the first to show of last week's 16 worried backbenchers. Deputy Johnny Brady was never part of that group.

**Mr. Glennon:** Deputy Rabbitte's numbers are wrong.

**Mr. Cowen:** They are the equivalent of the entire Labour parliamentary party.

**Mr. Rabbitte:** They did not even come to the House last night to support the Taoiseach.

**Mr. Glennon:** That is wrong.

**Mr. J. Brady:** That is a lie.

**Mr. Rabbitte:** Deputy Johnny Brady was here. However, he was not one of the 16.

**Mr. Naughten:** Deputy Johnny Brady was not part of the 16.

**Mr. J. Brady:** On a point of order, I was here last night.

**Mr. Rabbitte:** I confirm that.

**Dr. Twomey:** He is not one of the apostles.

**Mr. Rabbitte:** I listened to the scatter of backbenchers who contributed, including Deputies O'Connor, Hoctor, Peter Power and Fiona O'Malley. Fear could be smelled in my office. Deputy Hoctor accused the Labour Party of seeking to downgrade Nenagh Hospital. My understanding is that the Government she supports wants to downgrade Nenagh Hospital, whereas Senator O'Meara is leading the charge for its preservation. The Senator had the support of Deputy Michael Smith who, as Minister for Defence, rebuked Deputy Hoctor for moving to implement the Hanly report at Nenagh.

**Dr. Devins:** Deputy Rabbitte is wrong.

**Mr. Penrose:** Does Deputy Devins want to speak up?

**Mr. Rabbitte:** I do not know which side Deputy Fiona O'Malley supports.

**Mr. Howlin:** She is with the Tánaiste.

**Mr. Rabbitte:** She supported the Government tonight.

**Mr. Howlin:** Poor Deputy McDowell is by himself.

**Mr. Rabbitte:** This is the same Deputy Fiona O'Malley who last week took to the letter page of *The Irish Times* to tell us about the Government's woeful performance on spiralling house prices.

**Deputies:** Hear, hear.

**Mr. Penrose:** She was right.

**Mr. Rabbitte:** As Deputy O'Connor and I are friends, I will not say anything about him.

**A Deputy:** That will put the fear in him.

**Mr. Rabbitte:** The Tánaiste told us this is a land of boom and bloom and milk and honey. She outlined all the good she is doing for the health service. We hope she is doing good work but, nine years later, the fact that the hospital service is causing such grief to her Fianna Fáil colleagues that they are disowning her and saying these issues would not arise if a Fianna Fáil Deputy was in charge is evidence of the reality.

The Tánaiste plucked insurance from the sky and asked us to look at how she had reformed that issue. In May 1997, I was a given the report of a working group chaired by the former director general of the Federated Union of Employers, Dan McAuley, which recommended the establishment of what is now the PIAB to reduce the legal costs of insurance claims. That recommendation was finally implemented six years later. The Tánaiste and the Minister of State, Deputy

Treacy, sat on the report until they were forced to act because of the outcry about the price of insurance, which was uneconomic for businesses and unaffordable for young drivers.

Tonight is the opportunity for the 16 Deputies whose concerns about the performance of this Government caused them to briefly revolt and whose suggestions for policy innovations were rejected at parliamentary party meetings.

**Mr. Cowen:** Place your trust in Deputy Rabbitte.

**Mr. Rabbitte:** This is their opportunity to cast their vote —

**Mr. Cowen:** Just because the Labour Party trusts him does not mean we will.

**Mr. Rabbitte:** —to back up their principles, unless they are motivated by electoral panic.

**Mr. Cowen:** There will be no reverse take-overs here.

**Dr. Twomey:** We can smell the fear now.

Amendment put.

The Dáil divided: Tá, 82; Níl, 61.

Tá

Ahern, Bertie.  
 Ahern, Michael.  
 Ahern, Noel.  
 Andrews, Barry.  
 Ardagh, Seán.  
 Blaney, Niall.  
 Brady, Johnny.  
 Brady, Martin.  
 Browne, John.  
 Callanan, Joe.  
 Callely, Ivor.  
 Carey, Pat.  
 Carty, John.  
 Cassidy, Donie.  
 Collins, Michael.  
 Connolly, Paudge.  
 Cooper-Flynn, Beverley.  
 Coughlan, Mary.  
 Cowen, Brian.  
 Cregan, John.  
 Cullen, Martin.  
 Curran, John.  
 Davern, Noel.  
 de Valera, Síle.  
 Dempsey, Tony.  
 Dennehy, John.  
 Devins, Jimmy.  
 Ellis, John.  
 Fahey, Frank.  
 Finneran, Michael.  
 Fitzpatrick, Dermot.  
 Fleming, Seán.  
 Fox, Mildred.  
 Gallagher, Pat The Cope.  
 Glennon, Jim.  
 Grealish, Noel.  
 Hanafin, Mary.  
 Harney, Mary.  
 Haughey, Seán.  
 Healy-Rae, Jackie.  
 Hoctor, Máire.

Jacob, Joe.  
 Keaveney, Cecilia.  
 Kelleher, Billy.  
 Kelly, Peter.  
 Killeen, Tony.  
 Kirk, Seamus.  
 Kitt, Tom.  
 Lenihan, Brian.  
 Lenihan, Conor.  
 McDowell, Michael.  
 McEllistram, Thomas.  
 McGuinness, John.  
 Martin, Micheál.  
 Moloney, John.  
 Moynihan, Donal.  
 Moynihan, Michael.  
 Mulcahy, Michael.  
 Nolan, M.J.  
 Ó Cuív, Éamon.  
 Ó Fearghaíl, Seán.  
 O'Connor, Charlie.  
 O'Dea, Willie.  
 O'Donnell, Liz.  
 O'Donoghue, John.  
 O'Donovan, Denis.  
 O'Flynn, Noel.  
 O'Keeffe, Batt.  
 O'Keeffe, Ned.  
 O'Malley, Fiona.  
 Parlon, Tom.  
 Power, Peter.  
 Power, Seán.  
 Roche, Dick.  
 Sexton, Mae.  
 Smith, Brendan.  
 Smith, Michael.  
 Treacy, Noel.  
 Wallace, Mary.  
 Walsh, Joe.  
 Woods, Michael.  
 Wright, G.V.

Níl

Allen, Bernard.  
 Breen, James.  
 Breen, Pat.  
 Broughan, Thomas P.  
 Bruton, Richard.  
 Burton, Joan.  
 Connaughton, Paul.  
 Costello, Joe.  
 Crawford, Seymour.  
 Crowe, Seán.  
 Cuffe, Ciarán.  
 Deasy, John.  
 Deenihan, Jimmy.  
 Durkan, Bernard J.  
 English, Damien.  
 Enright, Olwyn.  
 Ferris, Martin.  
 Gilmore, Eamon.  
 Gogarty, Paul.  
 Gormley, John.  
 Gregory, Tony.  
 Hayes, Tom.  
 Healy, Seamus.  
 Higgins, Joe.  
 Higgins, Michael D.  
 Hogan, Phil.  
 Howlin, Brendan.  
 Kehoe, Paul.  
 Kenny, Enda.  
 Lowry, Michael.  
 Lynch, Kathleen.

McCormack, Padraic.  
 McGrath, Finian.  
 McGrath, Paul.  
 McManus, Liz.  
 Mitchell, Olivia.  
 Morgan, Arthur.  
 Murphy, Catherine.  
 Murphy, Gerard.  
 Naughten, Denis.  
 Neville, Dan.  
 Ó Caoláin, Caoimhghín.  
 O'Dowd, Fergus.  
 O'Keeffe, Jim.  
 O'Shea, Brian.  
 O'Sullivan, Jan.  
 Pattison, Seamus.  
 Penrose, Willie.  
 Perry, John.  
 Quinn, Ruairí.  
 Rabbitte, Pat.  
 Ring, Michael.  
 Ryan, Seán.  
 Sherlock, Joe.  
 Shortall, Róisín.  
 Stagg, Emmet.  
 Stanton, David.  
 Timmins, Billy.  
 Twomey, Liam.  
 Upton, Mary.  
 Wall, Jack.

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

Amendment declared carried.

Amendments Nos. 2 and 3 not moved

Question put: "That the motion, as amended, be agreed to."

The Dáil divided by electronic means.

**Mr. Stagg:** Given the importance of the issue at hand and the absolute failure of the Government

to effectively or meaningfully respond to the motion, as a teller, under Standing Order 69 I propose that the vote be taken by other than electronic means.

**An Ceann Comhairle:** As Deputy Stagg is a Whip, under Standing Order 69 he is entitled to call a vote through the lobby.

Question again put: "That the motion, as amended, be agreed to."

The Dáil divided: Tá, 81; Níl, 61.

Tá

Ahern, Bertie.  
 Ahern, Michael.  
 Ahern, Noel.  
 Andrews, Barry.  
 Ardagh, Seán.  
 Blaney, Niall.  
 Brady, Johnny.  
 Brady, Martin.  
 Browne, John.  
 Callanan, Joe.  
 Callely, Ivor.  
 Carey, Pat.  
 Carty, John.  
 Cassidy, Donie.  
 Collins, Michael.  
 Connolly, Paudge.  
 Cooper-Flynn, Beverley.  
 Coughlan, Mary.  
 Cowen, Brian.  
 Cregan, John.

Cullen, Martin.  
 Curran, John.  
 Davern, Noel.  
 de Valera, Síle.  
 Dempsey, Tony.  
 Dennehy, John.  
 Devins, Jimmy.  
 Ellis, John.  
 Fahey, Frank.  
 Finneran, Michael.  
 Fitzpatrick, Dermot.  
 Fleming, Seán.  
 Fox, Mildred.  
 Gallagher, Pat The Cope.  
 Glennon, Jim.  
 Grealish, Noel.  
 Hanafin, Mary.  
 Harney, Mary.  
 Haughey, Seán.  
 Healy-Rae, Jackie.

Tá—continued

Hector, Máire.  
Jacob, Joe.  
Keaveney, Cecilia.  
Kelleher, Billy.  
Kelly, Peter.  
Killeen, Tony.  
Kirk, Seamus.  
Kitt, Tom.  
Lenihan, Brian.  
Lenihan, Conor.  
McDowell, Michael.  
McEllistram, Thomas.  
McGuinness, John.  
Martin, Micheál.  
Moloney, John.  
Moynihan, Donal.  
Moynihan, Michael.  
Mulcahy, Michael.  
Nolan, M. J.  
Ó Cuív, Éamon.  
Ó Fearghaíl, Seán.

O'Connor, Charlie.  
O'Dea, Willie.  
O'Donnell, Liz.  
O'Donoghue, John.  
O'Donovan, Denis.  
O'Flynn, Noel.  
O'Keeffe, Batt.  
O'Keeffe, Ned.  
O'Malley, Fiona.  
Parlon, Tom.  
Power, Peter.  
Power, Seán.  
Sexton, Mae.  
Smith, Brendan.  
Smith, Michael.  
Treacy, Noel.  
Wallace, Mary.  
Walsh, Joe.  
Woods, Michael.  
Wright, G. V.

Níl

Allen, Bernard.  
Breen, James.  
Breen, Pat.  
Broughan, Thomas P.  
Bruton, Richard.  
Burton, Joan.  
Connaughton, Paul.  
Costello, Joe.  
Cowley, Jerry.  
Crawford, Seymour.  
Crowe, Seán.  
Cuffe, Ciarán.  
Deasy, John.  
Deenihan, Jimmy.  
Durkan, Bernard J.  
English, Damien.  
Enright, Olwyn.  
Gilmore, Eamon.  
Gogarty, Paul.  
Gormley, John.  
Gregory, Tony.  
Hayes, Tom.  
Healy, Seamus.  
Higgins, Joe.  
Higgins, Michael D.  
Hogan, Phil.  
Howlin, Brendan.  
Kehoe, Paul.  
Kenny, Enda.  
Lowry, Michael.  
Lynch, Kathleen.

McCormack, Padraic.  
McGrath, Finian.  
McGrath, Paul.  
McManus, Liz.  
Mitchell, Olivia.  
Morgan, Arthur.  
Murphy, Catherine.  
Murphy, Gerard.  
Naughten, Denis.  
Neville, Dan.  
Ó Caoláin, Caoimhghín.  
O'Dowd, Fergus.  
O'Keeffe, Jim.  
O'Shea, Brian.  
O'Sullivan, Jan.  
Pattison, Seamus.  
Penrose, Willie.  
Perry, John.  
Quinn, Ruairi.  
Rabbitte, Pat.  
Ring, Michael.  
Ryan, Seán.  
Sherlock, Joe.  
Shortall, Róisín.  
Stagg, Emmet.  
Stanton, David.  
Timmins, Billy.  
Twomey, Liam.  
Upton, Mary.  
Wall, Jack.

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

Question declared carried.

**Building Societies (Amendment) Bill 2006:  
Order for Second Stage.**

Bill entitled an Act to amend certain provisions of the Building Societies Acts 1989 and 1992, in particular, to alter the powers of building societies; to facilitate the extension of the membership of building societies; to increase the investment powers of building societies; to amend provisions regarding the conversion of building societies to public limited companies, and to provide for miscellaneous matters relating to building societies.

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** I move: "That Second Stage be taken now."

Question put and agreed to.

**Building Societies (Amendment) Bill 2006:  
Second Stage.**

**An Ceann Comhairle:** I call on the Minister of State at the Department of the Environment, Heritage and Local Government, Deputy Noel Ahern, to move that the Bill be now read a Second Time.



**Mr. Gilmore:** I wish to raise a point of order before we proceed with Second Stage. I refer to Standing Order 136 which states:

A public Bill (not being a Bill to confirm a Provisional Order) affecting private interests in such a way that, if it were a private Bill, it would, under the Standing Orders relative to Private Business, require preliminary notices before its introduction, is known as a hybrid Bill and shall be subject to the provisions of Standing Order 60 of the Standing Orders relative to Private Business.

As I read it, Standing Order 60 of the Standing Orders relative to Private Business requires that where a public Bill is ordered to be read a Second

*9 o'clock* Time in either House on a day appointed and it appears to the Ceann Comhairle or the Cathaoirleach, as the case may be, that the Standing Orders relative to Private Business may be applicable to the Bill, the Bill shall be referred to the examiner who shall examine the Bill with respect to compliance with the Standing Orders relative to Private Business and shall proceed and report forthwith, and the order of the day relating to the Bill shall not be thereby affected. However, if the examiner reports that any Standing Order applicable to the Bill has not been complied with and the Joint Committee on Standing Orders reports that such Standing Order ought not to be dispensed with, the order of the day relating to the Bill shall be discharged.

Standing Order 1 relating to private Bills, states: "Every Bill promoted for the particular interest or benefit of any person of locality, as distinguished from a measure of public policy, shall be treated as a private Bill". I submit that there is a particular interest or benefit relating to particular persons in the Bill and that, therefore, the issue of whether it is a private or public Bill arises. It appears that, in so far as there is a private interest dimension to the Bill, it is a hybrid Bill under Standing Order 136.

I wish to ask if the Bill has been referred to the examiner and if there is any report from the examiner in respect of its status as a private or hybrid Bill. If this has not been done, what consideration has been given to the issue of it being a hybrid Bill?

**An Leas-Cheann Comhairle:** The order of the House takes precedence over what the Deputy says. Because it is an order of the House, we have no option but to proceed with the Bill. That is what the House ordered, notwithstanding anything in Standing Orders.

**Mr. Gilmore:** Standing Order 118 requires the Ceann Comhairle to examine a Bill to establish if it complies with Standing Orders.

**An Leas-Cheann Comhairle:** Notwithstanding anything in Standing Orders, the order of the

House takes precedence. The order of the House is that we proceed with the Bill.

**Mr. Gilmore:** I do not want to make life unnecessarily difficult for you on this matter, a Leas-Cheann Comhairle.

**An Leas-Cheann Comhairle:** The order of the House takes precedence over Standing Orders.

**Mr. Gilmore:** I ask you to hear me out, a Leas-Cheann Comhairle, because I think there is an issue here. There are provisions in the Bill, specifically sections 19 to 21, inclusive, which relate to private interests. For example, there are issues relating to the division of whatever moneys will arise from the demutualisation of one building society. A separate set of rules is being established for a second building society. There are issues relating to the rights of individual members of building societies, as distinct from members of their boards. This is unusual legislation in so far as it relates to individual companies and individual members of those companies and in so far as it relates differently to different building societies.

**An Leas-Cheann Comhairle:** We must proceed with the Bill in accordance with the order of the House.

**Mr. Gilmore:** Can I get an answer to my question?

**An Leas-Cheann Comhairle:** The order of the House takes precedence.

**Mr. Gilmore:** I would like an answer to my question. I would like to know if the Bill—

**An Leas-Cheann Comhairle:** The Chair has ruled on the matter. The ruling is that the order of the House takes precedence.

**Mr. Gilmore:** May I ask one simple question? The order of the House was made this morning. The Bill has been published since 9 June. Was it referred to the examiner? It is clearly a hybrid Bill. I would like to know if it was referred by the Ceann Comhairle who, under Standing Order 118, has a responsibility to this House to examine Bills to ensure their compliance with Standing Orders. As I understand it, the requirement is that the Ceann Comhairle must refer a hybrid Bill to the examiner who will then report to the House. There is an entirely different process for dealing with a private Bill.

**An Leas-Cheann Comhairle:** The Chair has ruled on what the Deputy has put forward. We will proceed with the Bill.

**Mr. Gilmore:** I will return to the matter.

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** I move: "That the Bill be now read a Second Time."

The purpose of the Bill is to amend and update certain provisions of building societies legislation contained mainly in the Building Societies Act 1989. The Bill is based, to a large extent, on recommendations of a review group which contained representatives of relevant Departments, the Financial Regulator and three building societies. The group proposed a package of reform measures. It concluded that any building society wishing to demutualise and develop as a public company should not be unduly restricted as regards the conditions under which they could pursue that option. However, it also recommended that any society wishing to continue to develop as a mutual should be adequately protected in retaining its mutual status. In addition, it considered that various provisions of the legislation should be updated to widen the powers and flexibility of building societies, subject to an appropriate level of approval by the Central Bank.

The main legislative framework for the building society sector is the Building Societies Act 1989 which broadened the range of business a building society could undertake, including activities such as holding and developing land for residential and commercial purposes, investment and support of corporate bodies, a wide range of financial services, conveyancing and auctioneering services. These extended powers enabled building societies, subject to Central Bank approval, to compete more equally with banks which were becoming increasingly active in the mortgage market that had been largely the preserve of the building societies.

An important change introduced in the 1989 Act enabled a building society to decide voluntarily to demutualise, in other words, to drop its mutual society status and become a public company. The Bill is, in a sense, an extension of the process begun in the 1989 Act in extending both the powers of building societies and their options for demutualisation.

During the 1980s nearly two thirds of mortgages were provided by building societies, with their proportion of total mortgage lending reaching a peak of over 70% in the early 1990s. However, since the enactment of the 1989 legislation, there has been much change in this area. The number of building societies in Ireland now stands at three: EBS, Irish Nationwide and the ICS. They account for approximately 20% of the mortgage market. This has resulted mainly from mergers and demutualisations. Two societies have converted into public companies under the provisions of the 1989 Act. Irish Permanent demutualised in 1994 and now trades as Permanent TSB, while the First National Building Society, now First Active, converted in 1998. Both demutualisations took place under the so-

called "protective provisions" in section 102 of the 1989 Act precluding a takeover for five years which are being amended in the Bill.

Although the timescale for processing the Bill is tight, it is very desirable to avoid any uncertainty for the market and bring closure to the issues surrounding possible future building society demutualisations. This is a technical Bill consisting almost entirely of amendments to the 1989 Building Societies Act and dealing, as it does, with financial services issues, the subject matter is somewhat outside the mainstream of my Department's functions. Its production has been very much a collaborative process between my Department, the Departments of Finance and Enterprise, Trade and Employment, the Financial Regulator, the building societies and the Attorney General's office.

I shall outline briefly some of the main provisions of the Bill. A number of sections contain either standard provisions in a Bill or purely technical amendments to the principal Act. While the main focus of attention in this area has been on the change in the demutualisation provisions, the Bill also provides for a number of other reforms in the legislation governing the operation and regulation of building societies. These arise from matters considered by the review group and subsequent proposals from the sector which have been agreed with the relevant Departments and the Financial Regulator. These include amendments to increase the powers and discretion of societies, subject to approval by the Central Bank, as appropriate, in matters such as the range of services they provide, how they source funding, the bodies in which they can invest, categories of customers who can be given membership and the extent to which specific approval of society members and the Central Bank is needed in order to undertake certain functions. I will outline briefly some of the main changes.

Section 7 allows building societies to extend membership to additional categories of customers and establish loyalty schemes for members. Section 8 broadens the scope of building societies to raise funds from different sources in line with other financial institutions and also extends their power to provide security for borrowings by various bodies in which they are empowered to invest.

Section 9 brings the powers of building societies in regard to mortgages into line with those of other financial institutions, including clarification of powers relating to refinancing and top-up loans and allows mortgages to be provided without the society having a first charge against the property. Section 10 permits a building society to make unsecured or partly secured loans without first having to adopt the power specifically to do so. The Central Bank will have a general supervisory role with regard to the making of these loans rather than prescribing a specific loan limit as currently.

[Mr. N. Ahern.]

Section 12 extends the existing powers of building societies to invest in or support other bodies, including investment in unincorporated bodies such as partnerships, as well as corporate bodies. Section 13 extends the range of financial services that can be offered by a building society, including any activities under the EU codified banking directive not otherwise permitted by the legislation. Examples of new services that could be provided arising from this include trading for the accounts of customers in money market instruments and other financial instruments and portfolio management and advice. Section 15 provides that powers ancillary or incidental and related to powers already adopted by members of a building society and approved by the Central Bank will not have to be separately adopted and approved.

Sections 19 to 27 provide for amendments of the legislative provisions relating to demutualisation. The main change in this area involves giving a building society discretion to decide to opt out of the five-year post-conversion protective provisions in existing legislation which preclude any individual or institution holding 15% or more of the shares of a demutualised society for five years. There are, in fact, two elements involved in this matter in the Bill. First, section 21 amends section 101 of the Building Societies Act 1989 to allow a building society, in specified circumstances, to propose a conversion scheme that will, effectively, disapply the provisions of section 102. This opt-out provision is designed to operate in a way that will not adversely affect any society wishing to retain mutual status. A society will only be able to disapply the protective provisions if it has, for the preceding five years, required a minimum of €10,000 to open a share account.

Section 19 contains a further provision to protect against pressure for demutualisation being brought to bear through members of a mutual building society. It extends an existing provision, in section 74 of the 1989 Act, precluding members from proposing conversion resolutions at annual general meetings. The reason for this change is that there were doubts as to whether certain types of resolutions referring to conversion were covered by the existing provision and also the need to cover resolutions relating to access to membership which, under the Bill, can constitute a route towards demutualisation. However, I have considered amendments tabled by Deputies to this section and accept that the current wording could be interpreted as being rather restrictive. In response to these concerns, I am prepared to bring forward an amendment on Committee Stage to ensure there will no be question of restricting the right of members to raise any issue for discussion.

The second element of the provisions relating to conversion and sale of a building society involves the insertion of a new section in the legislation providing for an integrated process of

conversion and immediate acquisition. Section 22 provides that a society opting to convert without the protection of the five-year post-conversion protective provisions will be empowered to do so through a combined “conversion-acquisition scheme” which will form part of the conversion scheme and as such, will be approved by the members of the society. This will enable the society to agree a trade sale of the company to be implemented immediately on demutualisation. If, for any reason, that acquisition does not proceed, for example, owing to some condition of the agreement not being fulfilled, the conversion will be terminated and the society will continue as a mutual building society.

These provisions merely provide additional options for demutualisation but they are not in any way prescriptive as to which, if any, of these options are taken. The Bill is primarily about giving building societies more options. It gives the existing building societies and any that might come into existence a greater range of options on their corporate status. As is well known, the Irish Nationwide Building Society has indicated a desire to be able to demutualise without the present five-year post-conversion restriction on conversion. It will, however, still be open also to any society to demutualise with the cover of the existing protective provisions. The Bill supports any society wishing to remain mutual, but allows any society which sees its future outside the mutual sector more ways to pursue that strategy. The decision rests entirely with each building society. That decision is ultimately made by its members who must decide whether to approve a conversion scheme. That will still be the case with the Bill.

It might be useful to outline a little more fully how the conversion process will actually operate. The demutualisation process is governed by a conversion scheme under the Act. While the scheme is drawn up by the directors of the society, it must be approved by its members and confirmed by the Central Bank which must consider any objections or representations made. There is also provision for members of the society to petition the High Court for cancellation of a conversion scheme. Where the conversion process is duly completed, the society must be registered under the Companies Acts, whereupon it will become incorporated as a public company; in effect, changing from a building society to a bank.

The intention of the Irish Nationwide Building Society to demutualise, following enactment of the changes provided for in this Bill, has been well signalled. The question of entitlements of members or borrowers of the society in the event of demutualisation has been the subject of media speculation. However, these entitlements are not prescribed in the legislation. The only specific provision in that regard in the legislation is a condition that any entitlements arising from a shareholding in a society are restricted to members who have held shares for at least two years. This



provision is being amended to make it absolutely clear that it does not restrict possible entitlements solely to shareholders.

As in the case of the two demutualisations that have already taken place, the details regarding entitlements are matters to be determined in the conversion scheme which governs the conversion process, subject to confirmation by the Central Bank. While the details of the conversion scheme are matters for the society and the Central Bank, I would be surprised if the precedents of the other two demutualisations did not generally apply, whereby qualifying shareholders and mortgage holders received entitlements, and where people qualified on both counts, they received dual entitlements.

I would like to clarify some of the proposed amendments. The criterion for opting out of the protective provisions has been formulated in a way that ensures sufficient protection for a society that wishes to remain a mutual society. This is achieved by making it a condition for opting out of the protective provisions that a building society has for at least five years prior to demutualisation restricted access to membership by requiring a minimum deposit of €10,000 to open a share account. In other words there will now be a five-year period of protection either before or after demutualisation, depending on whether a society wants to have the option of being sold following conversion to a public company. This is logical. The five-year buffer period prior to conversion is designed to discourage any potential predators and carpetbaggers, as opportunists trying to make a fast buck are termed, who could quickly emerge and have a destabilising effect if the post-conversion protection was dispensed with and nothing put in its place. This type of pre-conversion protection has, in practice, already been applied by Irish Nationwide.

It is important to be clear that the Bill does not oblige any member of a society to have a total of €10,000 on deposit for a period of five years to qualify for entitlements on conversion, as some reports have wrongly suggested. The specific conditions to be satisfied by individuals to qualify for entitlements will be set out in the conversion scheme, which must be approved by the members and the Central Bank. The €10,000 provision is a technical provision that acts as the condition for allowing a society to opt out of the existing five-year post conversion restriction on takeover, while also providing protection against possible predators and carpetbaggers. This provision is also favourable to longer-term members. I know some people are looking forward to proceeds from conversion offsetting possible shortfalls in endowment mortgages.

I would also like to correct a report that if a society wants to remain mutual, membership will be restricted to those who deposit a minimum of €10,000. As I have indicated, this condition is merely the criterion for giving an institution the

option to demutualise without the protection of the five-year ban on takeover after conversion.

Contrary to what was implied in a recent newspaper article, a society that has not, up to now, restricted access to membership would not have to wait for five years to convert from mutual status to a public company if it were to decide to embark on a policy of demutualisation. It is immediately open to any society to pursue demutualisation, if it so wishes, under the existing 1989 Act provisions, in the same way as the two societies that have already successfully converted. The Bill does not alter this option. However, a society would have to restrict access to membership for five years before it could avail of the new option under the Bill to dispense with the five-year post-conversion protective provisions.

The Bill will result in building societies in future having four possible options with regard to their status, namely, to remain mutual, to demutualise under the existing protective provisions, to opt out of those provisions and be taken over immediately or to opt out and be sold at a later date.

There is no reason to assume that a building society should inevitably take the demutualisation route. The legislation is designed to ensure that, in opening up additional options for institutions that wish to convert, no new dynamic is created that might bring additional pressure for demutualisation to bear on a society that wishes to remain mutual.

The provisions in the Bill have been developed in response to proposals from the sector and deal largely with technical aspects of financial services. The Government has a broadly neutral position on these matters. The objective is to ensure that the legislative framework facilitates efficiency and flexibility while maintaining a proper regulatory regime. These reforms reflect the fact that significant changes have taken place in the financial services sector in recent years.

The position in that regard has changed considerably since the 1989 Act was enacted. At that time, prospective house buyers, particularly first-time buyers, were very much at the mercy of building societies. Waiting lists were the order of the day, not only for mortgages, but often even for the right to apply for a mortgage. Matters have improved beyond recognition in that regard. The 1989 Act, which we are now amending, played a role in that transformation. The lending institutions have also developed greatly and have facilitated hundreds of thousands of additional households into home ownership, especially during the past ten years or so of tremendous growth in the housing market.

I acknowledge the role that some of the lending institutions now play with regard to affordable housing. Originally, local authorities, through the Housing Finance Agency, were the sole providers of mortgage finance to affordable house purchasers. In recent times, Bank of Ireland Mortgage Bank, followed by the Educational Building



[Mr. N. Ahern.]

Society and IIB Homeloans entered the market with loans tailored to meet the needs of purchasers of affordable housing.

Today's mortgage lending sector is not entirely without issues, but these are very different from the issues that were current in the 1980s and early 1990s. Since around the middle of last year, I have consistently expressed concern about the likely impact on house prices of increased lending and, in particular, 100% mortgages. In a recent quarterly bulletin the Central Bank commented that the gradual acceleration in house price inflation since last autumn had coincided with some easing of credit conditions and that this seemed, at least in part, to reflect an increased effort on the part of mortgage lenders to market some new products, specifically 100% mortgages.

As regards the longer-term evolution of building society legislation, this Bill is not, nor was it ever intended to be, a root and branch overhaul of building society legislation. Any more comprehensive updating of the legislation could best be looked at in the light of developments in legislation relating to the wider financial services sector and corporate governance generally. In this regard we are mindful that reviews of company law and financial services legislation are in progress. The far-reaching changes that have taken place in the mortgage lending market, including the much reduced number of building societies remaining, their smaller share of mortgage lending and the fact that they are now supervised by the Financial Regulator, in common with other financial institutions, have largely removed the rationale for a separate code of building society legislation. This point is reinforced by the fact that some of the changes being made by this Bill will further reduce the distinctions between building societies and banks.

The Government has, accordingly, decided in principle that the building societies legislative code should be brought within general financial services legislation at a future date. This will give a chance to reflect further on the role of the mutual sector and its continuing contribution to promoting diversity and price competitiveness in the mortgage market. Meanwhile, this Bill implements a number of important reforms and updating of building society legislation and brings clarity to the options available to societies regarding their future corporate status. Accordingly, I commend the Bill to the House.

**Mr. O'Dowd:** This is important legislation which will fundamentally alter the rights of mutual building societies to demutualise or to stay as mutual companies. This is rushed legislation and only one hour and 20 minutes remains to deal with all Stages of the Bill.

This Bill is supported by the collective wisdom of the building societies, the Financial Regulator and the Department of the Environment, Heritage and Local Government. Fine Gael is not

opposed in principle to the Bill. The views of those who borrowed from the Irish Nationwide Building Society and have fought a campaign in the press and in the courts to win justice, equality and fairness before the law are strongly and sincerely held. These views have been reflected in some of the Fine Gael amendments to the Bill. I am concerned that there will not be sufficient time to discuss these amendments line by line. Proper legislation depends on proper scrutiny. Any error made at this stage will continue into the future. A rushed Bill is bad law. This Bill has been in preparation for many years. I suggest that the Bill should not be rushed through all Stages tonight.

Members of the Irish Nationwide Building Society have brought issues to my attention. Section 19 amends section 74 of the Building Societies Act 1989 to extend an existing exclusion of conversion resolutions from the scope of members' powers to proposed resolutions at an annual general meeting, and to include also any resolutions relating directly or indirectly to the conversion or restriction of access to membership. The Minister of State's amendment will not cause any change. He proposes to allow them discuss anything they wish except a resolution. They will not be allowed place a conversion resolution before the meeting. The Minister of State proposes that members may raise issues but they cannot legally propose a motion to mutualise or demutualise the society.

**Mr. N. Ahern:** That is always there.

**Mr. O'Dowd:** The Minister of State's proposal will not change anything. I do not wish to accuse him of misleading the House but he is not being completely clear that there is no change and this is really window dressing.

I met the borrowers recently. They have endured trauma, penal interest rates and have been forced to fight their case in court. This Bill will not vindicate their rights. They want this Bill to be amended to put aside a special fund to meet any requirements which the courts may lay upon the new plc company when it comes into being. These people feel wronged and that they are not being listened to. The Minister of State has not listened to their views.

Fine Gael has three amendments to the Bill. I refer to the practice in the United Kingdom. A court procedure must be used before a company can be demutualised. The court may appoint an examiner to ensure the assets and liabilities of the company are in order. The company may even demutualise after that. Fine Gael proposes including this process in the Bill. Our amendment proposes that an application may be made to the High Court for an order sanctioning the conversion of a society into a company. It will propose that in any application, the Minister for Finance, the Minister for the Environment, Heritage and Local Government and any person, including an

employee who alleges that he or she would be adversely affected by the carrying out of this conversion, will have a right of audience. This right will be enshrined in law.

Fine Gael proposes that before the court can make any order, the court must be satisfied that all the assets and liabilities are in order. We propose that the court may appoint an independent actuary or other person who is deemed by the court to be sufficiently qualified for the purpose to investigate the society seeking conversion into a company and to report to the court on any issues arising from such investigation.

This is the current law in the United Kingdom. I ask the Minister of State the reason it is not the law here. The Bill should be amended to vindicate the rights of borrowers to ensure their case can be properly and independently heard and validated by a court.

**Mr. N. Ahern:** That is done by the Financial Regulator.

**Mr. O'Dowd:** We want the right to go to court, as is the procedure in the United Kingdom.

**Mr. N. Ahern:** They are free to petition the court.

**Mr. O'Dowd:** Fine Gael want that provision in the Act. This would make a difference to these borrowers who have been treated so appallingly. They borrowed money, went to court and won their case. The costs were awarded against the building society but it passed the costs of €100,000 onto the borrower. Before there is a transition from a mutual society to a plc company, these issues must be properly examined.

It is clear that first-time buyers get a better deal from the mutual building societies. The mutual society puts profit and effort into the service of members. The Educational Building Society is one of the most competitive societies. It is important that mutuality is retained. Studies undertaken by the House of Commons have found that where mutuality does not exist in a market, consumers are worse off, rates are higher and the executives of companies that were formerly mutual societies are higher paid. It has been found that mutuals perform better than their plc rivals in a variety of financial performance indicators. The inquiry found that substantial increases in remuneration had been enjoyed by directors of those institutions which had been demutualised but there was no corresponding improvement in performance. It found that we need diversity in the financial market, we need a challenge and we need mutuality.

That is the issue in a nutshell. This Bill is attempting to face north and south at the same time. It is allowing Irish Nationwide to demutualise. For the last five years, there has been a condition on new members that they would have a minimum figure of €10,000. Having that money

in place and having made the rule, it can go in for immediate conversion and acquisition if necessary, or conversion and takeover if that is desired.

On the other hand, the Bill is attempting to protect the only significant company that remains a mutual society. The issue is that the only main building society is the Educational Building Society. Under this proposed Act, if it wishes to demutualise, it can. It can do so in either of the ways that are currently available. If it wishes to demutualise tomorrow it will have to wait five years with regard to the rule of new members having €10,000 on deposit.

**Mr. N. Ahern:** That would be before it would be taken over.

**Mr. O'Dowd:** That is the point I am making. It can demutualise immediately but it cannot become a private limited company in terms of ownership of more than 15% of the shares for a period of five years.

**Mr. N. Ahern:** It cannot be taken over.

**Mr. O'Dowd:** Nobody taking it over may own more than the 15%. I do not object to the principle enshrined in what is being done. If the body wishes to stay mutualised, it can do so.

Pressure is clearly building from people which have been referred to as "carpet-baggers". There is a feeling that they would like to get their hands on the EBS. Anybody who may have borrowings or shares in the EBS may want it to demutualise, and they may want to get their €15,000 or €20,000.

I have looked at the experiences in the United Kingdom in the 1990s. The amounts of money were smaller when such bodies demutualised, and the benefit to the individual, be it the borrower or investor, was quite small. It was approximately £2,000 or £3,000. The money amount proposed for the Irish Nationwide is much bigger, significant sum. It would mean much to many people.

I have been told that if the Educational Building Society demutualised tomorrow, the benefit for the membership would be quite small. It would be much smaller than the current figure for Irish Nationwide.

This Bill is being rushed through. We have put down serious amendments to it, as the Government's amendment does not clarify anything. The future, particularly for the mutual building society, could be getting involved with credit unions nationally or international mutual banks. We need such market forces at play. We support the Bill in principle on the basis that we are neutral with regard to what building societies wish to do. We would like to see mutuality protected if that is the wish of a company.

The only issue which arises is in section 19, which we will return to. Perhaps the Minister of State will clarify on Committee Stage the ques-

[Mr. O'Dowd.]

tion of resolutions. If, for example, at the next annual general meeting of the Educational Building Society, the management and directors do not place a resolution on demutualisation before the meeting, such a resolution cannot be discussed. The issue can be discussed. Is that the difference?

A member can stand up and seek the company to demutualise, and 1,000 people could agree. There would be a debate but a legal decision cannot be made if the resolution does not come from the top. That gives protection to the idea of mutuality. That is the reason it must come from the directors.

The argument then can be if a sufficiently large number of investors or members of the Educational Building Society wants to demutualise, the road for them is to sack the directors.

**Mr. N. Ahern:** That is the rule as it stands. We are not bringing in a new rule.

**Mr. O'Dowd:** I appreciate the point being made by the Minister of State. I am trying to clarify the debate. Perhaps the Minister of State has received e-mails also from people who would like the membership to be able to propose the resolution. I appreciate that is not covered in the Bill, and I am not arguing that it should be. I wish to clarify the matter with the Minister of State that it cannot be so.

**Mr. N. Ahern:** My understanding is that rule existed as it was supposed to be. There has been concern about some discussions that have been evident at AGMs lately. Some people feel the discussions should not have got on the agenda. Some people wanted it made clearer that the issue could not be spoken on at all. The amendment allows its discussion.

At a finance committee in the Oireachtas, for example, a Member may want to put down a motion ordering the Minister for Finance to carry out an action. If it cannot be done, the Member may find a roundabout way to do it. The motion could relate to a report being brought forward, for example.

Under the amendment, the matter will be allowed to be discussed. The pure view of some people is that the issue should not even be talked of unless a directive came from directors.

**Mr. O'Dowd:** We will have an opportunity to discuss it on Committee Stage. We will be pressing our amendments to a vote, but we will support the Bill in principle. I thank the Minister of State's departmental officials and all the people in financial institutions to whom I spoke about this Bill. I was anxious to understand it fully, which I believe I do. We will be in favour of the Bill, but we will vote on Committee Stage for our amendments.

I urge the Minister of State to reconsider his position on them. We are trying to vindicate the

rights of the people who have been dispossessed of their finances, and their homes in some cases, by the building society.

**Mr. Gilmore:** I am deeply unhappy at the way in which this Bill is being handled by the Government. It has been preparing this Building Societies (Amendment) Bill for at least three years. The world and his mother knew this Bill would facilitate the demutualisation of Irish Nationwide.

I have no objection to the demutualisation of the Irish Nationwide Building Society, and I wish the members of the society well. The legislation which provides for it and which provides for other matters relating to building societies requires more scrutiny than is being allowed for in the House tonight.

The Government has been preparing this legislation for three years. I have a copy of the legislative programme of the Government for the spring session of 2004. It tells us that the Building Societies (Amendment) Bill would be published by Easter 2004. The Bill was not published until three weeks ago. The Government has deliberately chosen to have the Bill put through all Stages in this House in two hours, late at night on the penultimate sitting day of the session. It is no way to make law.

A Bill, particularly one of this complexity and in which there are issues of public interest arising, requires the kind of question and answer consideration and line by line examination that can only be given on a proper Committee Stage that we will not be afforded in tonight's debate.

Moreover, I believe this to be a hybrid Bill. Standing Orders provide for different rules for the treatment of public Bills and private Bills. A private Bill is defined in Standing Orders on private business as follows: "Every Bill promoted for the particular interest or benefit of any person or locality as distinguished from a measure of public policy shall be treated as a Private Bill". As the Minister of State, Deputy Noel Ahern stated, there are issues in this Bill which are matters of public policy but there are also issues in the Bill which are clearly matters of private interest.

A set of rules is being established in the Bill specifically for one building society. For example, there is a rule which confirms a status on a rule already made by the Irish Nationwide Building Society on the deposit of €10,000 for the period of two years. That is something that does not apply generally to the population. It is not a matter of public policy. It is a private matter which applies only to the members of that society. Second, a separate set of rules is being established in this Bill in respect of members of the other building society which is also a private matter. Third, distinctions are being made in the legislation as between the rights of individual members of building societies and their board of directors which ultimately may have implications in terms of beneficial interest and how it applies to direc-



tors as distinct from members. For example, it is known that in the case of the Irish Nationwide Building Society it is proposed that 15% of the so-called windfall will be reserved for the staff and directors of the building society. That involves significant financial implications, for the directors and staff of the building society and for the individual members. These are matters of private interest.

Matters of private interest being legislated for, I submit, are required to be dealt with by an entirely different procedure in this House than the normal procedure for a public Bill. Where there is a Bill which has both the private interest dimension and the public interest dimension, the Bill is regarded as a hybrid Bill.

I appreciate this is a matter for the Ceann Comhairle. The point I am making is not in any way a reflection on the Chair because the Chair has been put in a difficult position by the way in which the Government is rushing this legislation. The Chair of this House has a function in deciding whether a hybrid Bill is referred to the examiner, which is an office of this House established for the purpose of examining private Bills and determining how they are to be addressed. Let me explain what I mean by this, and its implications.

The first occasion on which a hybrid Bill appeared in these House was on 3 July 1924. It was the State Harbours Bill 1924 and there was a motion in the Seanad which referred that Bill to a joint committee for examination, in particular for its private aspects. I refer to what Senator Douglas, the then Leader of the Seanad, in explaining why that Bill was being dealt with as a hybrid Bill and why it was being referred to the joint committee, stated because it has relevance to this Bill. He stated:

This is the first case of what is known as a hybrid Bill, and a hybrid Bill is one which, having been introduced as a Public Bill, is, in the opinion of the Chairman of the Dáil in which it was introduced, one that should, nevertheless, as private interests were affected, comply with the Standing Orders relative to Private Business. Consequently the Ceann Comhairle referred this Bill on his own authority, as provided in the Order, to the Examiner, and the Examiner has sent a message that this Bill has complied with the Standing Orders relative to Private Business. When the Bill is a hybrid Bill it is treated, as far as the Committee's examination is concerned, the same as a Private Bill, but in all other stages it is treated as a Public Bill. The object of that is that private interests may petition during the Committee Stage, which is proposed to be by Joint Committee, exactly the same as a Private Bill, and their interests can be heard.

In other words, the procedure which is laid down in the Standing Orders of this House for the treatment of either a private Bill or a hybrid Bill

allows for a procedure, through a joint committee, whereby private interests who are aggrieved by their private interests being in some way compromised or affected by what are the private aspects of the Bill may petition that committee and may have it teased out.

I have received, during the course of the past couple of weeks since publication of this Bill, a number of submissions or pieces of correspondence from which it appears there are private interests which require to be heard in so far as the private issues in this Bill are concerned. Unfortunately, the way in which the Government is dealing with this Bill denies that right, which is provided for in the Standing Orders of this House and for which there is precedent going back as far as the early and dangerous days of the foundation of the State. In other words, in 1924, in those early the days when the Civil War was still a reality, the parliamentary practice and democratic practice upheld democratic rights of the individual citizen whose private interests were being affected by legislation which was going through the House and the ordinary citizen who was affected by that legislation could petition a joint committee, have his or her case heard etc. That right is being set aside by this Government.

Instead, we get this Bill, from which substantial amounts of money will accrue to individual pockets and by which other pockets may be deprived of part of that windfall, depending on the way in which it is distributed. Those people are being denied the right to have their case heard. The way in which the Government is dealing with this legislation is fundamentally undemocratic. It is in my view in breach of the Standing Orders of the House. It is, for whatever reason, literally rushing this Bill through the Oireachtas in the dead of night.

Reading the Long Title one would think that this Bill is designed to merely tidy up and perhaps update a little of the existing legislation governing building societies. The Bill is not designed to be one law; it is designed to be two laws, one for each of the existing building societies operating in Ireland. It is designed, not specifically as a matter of public policy but as a Bill to facilitate the demutualisation of one building society.

There are many questions to be asked about it, which, unfortunately, the time allowed for its debate will not permit. Why, for example, have we been presented with a Bill which deliberately and artificially creates different sets of rules for the two current mutual building societies? Why does the Bill facilitate the speedy demutualisation and sale of one building society, while effectively blocking the other building society from demutualisation? Why has the Minister not seen fit to prescribe, in even the broadest terms, some guidance on how this fast-track demutualisation and sale process should progress rather than give free rein to some interested parties? Why is the Minister proposing legislation which purports something as undemocratic as disallowing the mem-



[Mr. Gilmore.]

bership of a building society to decide on demutualisation? I appreciate the Minister is making an amendment in that regard but it is still an issue that must be addressed. Why does the Minister appear unconcerned that the management of a building society, which until recently used practices described by an Ombudsman ruling as being invalid and unlawful, may substantially be rewarded as a result of the demutualisation process? Why has no attempt been made to address the corporate governance issues associated with this financial sector within the legislation?

The origin of building societies lies in the struggle of working people to put a roof over their heads in the early 19th century. It is a struggle with which many in Celtic tiger Ireland can identify. Building societies first emerged in 19th century Britain as self-terminating savings co-operatives. Members, usually working men, could pool together to build their houses and when the last house was built, the society was disbanded. Later they became permanent societies that continued to admit new members. The essence of a building society is mutuality, that is, it is jointly owned by those borrowing and saving.

Ireland has only two remaining building societies, the Irish Nationwide Building Society, INBS, and the EBS. It has been well publicised that the board of the EBS wishes to retain its mutual status while the board of INBS wishes to demutualise and then sell as soon as possible. Demutualising a building society turns it into a bank and, therefore, one of the questions the House must address is whether more banks are needed and whether building societies still have a role in the housing and mortgage market. The concept of mutuality has worked well for many people who could not have borrowed from other institutions. At a time when many families find it difficult to purchase a home, we should re-examine the concept of mutuality and question whether this is the time to engage in demutualisation as house prices escalate and more people are priced out of the market. The demutualisation of building societies in Britain is being re-examined.

Sections 19, 21 and 22 work together to facilitate the desires of the respective boards governing the two existing building societies, the INBS and the EBS and, in doing so, two sets of rules are created. According to the membership rules for the INBS, a customer must have at least €10,000 in his or her share account for five years to be deemed a member. Strangely, section 21 stipulates that a building society that wishes to avoid the five-year rule set down in the Building Societies Act 1989 needs to restrict membership to those who lodge that amount with the society for five years.

Who drafted the section? What input had the board of the INBS? The section is tailored to allow the speedy demutualisation and sale of INBS and, in the process, to enrich the corporate

management at the expense of the membership. As well as identifying the INBS as an ideal candidate for fast-track demutualisation and sale, the section also prevents the EBS from doing likewise. Currently, the amount one must have in an account to be deemed a member of the EBS is €127. This means that to demutualise and sell while avoiding the five-year rule, the EBS would have to increase this sum almost by a factor of 100. Section 21 purports to protect building societies from carpet baggers but it does much more because it protects the respective aspirations of the boards of the INBS and the EBS with scant regard for their customers or for the public.

Section 22 provides for a building society fulfilling the €10,000 provision under section 21 to avoid the five-year rule laid down in the Building Society Act 1989. The rule imposes a five-year waiting period between demutualisation and sale. Section 21 waives this condition for the INBS. Is it in the country's interest or in the long-term interest of INBS customers that the five-year rule is not adhered to following demutualisation? The INBS and its management have been the subject of years of accusations — some substantiated — of bad business practices, lack of accountability and failing to pass on interest rate cuts. Late last year, the Ombudsman ruled against the INBS for its practice of charging early repayment penalties that were higher than a fair measure of the loss of the account to the building society. The ruling described the practice as “a penalty and amounted to a clog or fetter on the equity of redemption and, accordingly, was invalid and unlawful”. Other issues that borrowers were unhappy about were the very high penalties charged to borrowers in arrears, the failure to pass on interest rates cuts to non-home loan borrowers and the general lack of information provided by the society. It is incumbent on the society to iron out such problems and to remedy them prior to a sale taking place, and surely it is incumbent on the Minister, the Government and the Financial Regulator to ensure that happens in the public interest.

If section 21 is the “Nationwide” section, then section 19 is the “EBS” section or the section that seems to have been drafted by the EBS board. Under the Building Societies Acts 1989 and 1992, only the board of a building society could initiate demutualisation and the members of a society could not put forward a conversion resolution at a general meeting. Section 19 extends this stipulation by preventing a resolution from the membership to discuss conversion. I appreciate the Minister of State has indicated a willingness to amend and it is a great pity we will not have time for a fuller examination of his amendment on Committee Stage.

No provision in the Bill prevents the directors of a building society from taking a large slice of the value of the society after demutualisation. The directors of the society can name their price.

Recent press reports suggest 15% of the proceeds of the sale of the INBS could be earmarked for directors and employees. If this happens, it will mean the windfall each member receives will be approximately €2,000 less than the amount they would have received if the total amount had been distributed equally among members, employees and directors. If the directors and employees of the society receive 15% of the sale price, the legislation makes no provision to control how it is distributed within that group. It could very well be decided in proportion to salary and a director might receive a windfall up to €10 million. This means that, according to this legislation, on the one hand, members of one building society are being restricted from discussing demutualisation while, on the other, it is perfectly legal for the board of another building society to decide that individual directors can gain a large sum from the demutualisation process at the expense of society members and, ultimately, its borrowers. As a result of these shortfalls and the way in which the Bill is being progressed through the House, the Labour Party cannot support it.

**An Ceann Comhairle:** Before calling Deputy Ó Caoláin, I wish to deal with the status of the Bill which Deputy Gilmore addressed in detail in his contribution. I am satisfied the legislation is not a hybrid Bill. In addition to the ruling made earlier by the Leas-Cheann Comhairle in respect of the primacy of the order of the Dáil of today, the Building Societies (Amendment) Bill 2006 is a public Bill as it is an instrument of public policy which was moved by the Government and proposes to amend the principal Act, the Building Societies Act 1989, itself a public Bill at the time.

Even if Deputy Gilmore's contention were correct, in so far as it could be said to affect private interests, the Bill provides for public policy which would outweigh those interests and, accordingly, the Bill is a public Bill in any event, whichever way it would be interpreted. In this regard, I refer the Deputy to the ruling of some of my very illustrious predecessors. First, the Railways (Road Motor Services) Bill 1927, which applied to all railway companies, was a measure of public policy and, accordingly, was a public Bill — Official Report of Dáil Éireann, Vol. 19, col. 477. Second, while the Railways Bill 1933 affected private interests, a matter of public policy that outweighed those interests arose and the Bill, accordingly, was a public Bill. The fact the Government moved it, while not a test, strengthened the case for the ruling — Official Report of Dáil Éireann, Vol. 46, cols. 576-78.

**Caoimhghín Ó Caoláin:** I propose to share time with Deputies Finian McGrath, Connolly and Cuffe.

I wish to put on record Sinn Féin's opposition to the way this legislation is being rushed through the Dáil. This legislation is primarily designed to facilitate one building society, the Irish Nation-

wide, in giving up its mutuality and enabling it to be taken over immediately.

While Irish Nationwide by its past treatment, including overcharging of members and the fact its chief executive had to be compelled to come before the Flood tribunal to explain why his society had not complied with a tribunal order, has done the reputations of building societies no service, neither should its record be used to advance the cause of demutualisation.

Before the demutualisation of Irish Nationwide proceeds, measures must be taken to ensure those members who were scandalously treated in the past receive fair recompense. Mutual bodies, including building societies and credit unions, reflect the principle that our needs can often be satisfied by acting together rather than alone. Mutuals are usually formed so members can obtain goods and services which would otherwise be unavailable or prohibitively priced. When demutualisation happens, it is those disadvantaged communities whose needs are not met by banks which lose out.

A study of mutuality and corporate governance by the Centre for Business Research at Cambridge University found the beneficiaries of the wave of demutualisation which occurred across Britain during the 1990s included, "corporate managers whose earnings and status were enhanced following conversion, and speculative investors who profited from windfall gains". The losers were borrowers who faced higher loan costs and communities left with a reduced diversity of service.

Private sector banks motivated merely by profit have, in recent years, pulled out of disadvantaged areas such as parts of inner-city Dublin and rural areas where, because of the low incomes of those living in the area or the small population, they foresee low profit margins from the retention of those services. These types of areas benefit from the development of mutuals and gave birth to the credit union movement, one of the great movements of our country.

Properly run true mutuals can provide a better service at a lower cost. Sinn Féin supports the sections of the Bill which enable building societies which do not wish to demutualise to expand the range of products and services they can offer. While we may discuss the demutualisation of building societies now, the experience of other states suggests credit unions are the next likely target for financial predators.

I wish to deal with an important related issue. The future viability of the credit union movement is undermined by the failure of the Government to make changes on restrictions on lending practices of credit unions under the Credit Union Act 1997. Under the 1997 legislation, credit unions are restricted as to the proportion of their loans to be repaid over five and ten year periods. These restrictions do not apply to banks and other financial institutions. It means credit unions find themselves in breach of the law and if nothing is

[Caoimhghín Ó Caoláin.]

done, they will have to refuse top-up loans and many loans of five years and over.

Many credit union borrowers are on low incomes and have no equity to offer as security for bank loans. The credit union is their only source of borrowing. These restrictions cause difficulties for low-income families attempting to reschedule loans. The Minister must make a statement to the House on this matter and must take action to change the restrictions on credit union lending practices without further delay.

Until now, provisions under the Building Societies Act 1989 preclude 15% or more of the shares in a successor company being held by any individual or institution for five years after demutualisation unless the Central Bank directs that these provisions should not apply. This protective provision should be retained. It is not acceptable to remove it simply to facilitate one building society, in this case Irish Nationwide, whose central managerial track record is dubious to say the least.

What impact will this legislation have on the capacity of new mutuals to be formed in the confidence they will retain their proper function of enabling their members to engage in self-help? We should not make it easier or more attractive to demutualise. We should increase protection for mutuals, in particular protecting them from so-called "carpet-baggers", individuals who join building societies and possibly in the future credit unions, to vote for demutualisation and share in the distribution of assets.

Where building societies choose to demutualise, increased protective provisions must be built into law to prevent individuals pushing for demutualisation because they are likely to gain a personal windfall. We cannot realistically expect those who would potentially make a huge personal gain from demutualisation to argue against it on the basis of the benefits of mutualisation for communities. By restricting the ability of directors and employees to make windfall gains from demutualisation, this conflict of interest is removed. I tabled an amendment to this effect and hope we will discuss it, although the time is extremely restrictive.

I fully endorse the position adopted by Deputy Gilmore of the Labour Party and the arguments he presented on the question of the procedures for addressing this Bill. Despite the Chair's judgment a moment ago, real and serious questions are raised and I have no doubt they will continue to be discussed and debated. I intend to oppose the passage of this Bill for the reasons I outlined.

**Mr. F. McGrath:** I thank the Leas-Cheann Comhairle for the opportunity to speak on the Building Societies (Amendment) Bill 2006. It is important we have an informed debate and I regret the shortness of this debate. I also must admit I received mixed messages on this Bill.

Mr. Tom Doherty, the head of IT at the EBS, told me Irish Nationwide can demutualise if it wishes. The position of the EBS is not weakened by the legislation. He stated it is put on a level playing field with the banks in the way they are regulated and run their business. That is one view. He also believes a scare story on mutualisation was put about during the week which could not be raised by members at the AGM. He stated that story is not true and no further restrictions will be applicable after the legislation is implemented than before.

I also heard an opposing view on this issue. People, including my constituents, are concerned and believe it appears from the proposals that members of the EBS Building Society, a mutual company owned by its membership as is Irish Nationwide, will be discriminated against. In short, should this Bill be passed in its current form, it will restrict members of the EBS from having a future democratic influence on its destiny and will be a move to restrict the ability of the owners of the EBS to determine through democratic means and within the rules of the mutual society the future of the company. To propose to discriminate against such a group of people as the membership of the EBS, which numbers many thousands, cannot be permitted, given that it will differ significantly from the rights of Irish corporate owners.

Other concerns are raised about the proposal of a restriction based on an entry fee of €10,000, clearly referred to in the Bill. There is no common sense on how this figure was arrived at and, if anything, it suits the private agenda of the boards of directors of Irish Nationwide or the EBS. I welcome the debate. However, it should have been longer and more detailed.

I also take this opportunity to commend the work of the staff of the credit union movement, who have done a vast amount of work throughout the State, particularly in disadvantaged areas. I will support any progressive amendments which come before the House.

**Mr. Connolly:** The import of this Bill is that legislation will be updated so building societies will be enabled to demutualise and convert into companies while protecting the development of mutual societies. However, the Irish Nationwide Building Society will be the most immediately effected by the enactment of the Bill. As soon as the Bill clears the Oireachtas, the way will be paved for the demutualisation and sale of Irish Nationwide. Under previous law the Irish Nationwide Building Society would have had to wait five years after demutualisation before it could be sold to another company. The Irish Nationwide Building Society will now be free to opt out of a five-year ban. The EBS will not have that option, however, as this is restricted to building societies which have required a minimum deposit of €10,000 for five years to qualify for membership. After demutualisation, the Irish Nationwide



Building Society will change from a company owned and controlled by policy holders to a public limited company. That will leave the company open to a stock exchange flotation or to be purchased by another company, which is the most likely scenario.

With such a stampede to pass legislation within the next 24 hours, it is most likely that the Irish Nationwide Building Society will be sold before the year's end — some people reckon it will be before November. Under existing legislation, however, members could not propose a conversion resolution. Section 19 of the Bill does not even allow a discussion on conversion at annual general meetings. Members will never be allowed, therefore, to question the EBS's policy of remaining mutual or even contemplate demutualisation. How can that be justified in a democracy? Section 19 must be amended to permit discussion or proposals to initiate a demutualisation.

The corporate governance question needs to be addressed but the Bill fails to do that. Building society boards have tended to be dominated by strong individuals, and the Irish Nationwide Building Society is certainly in that category, with a mere three non-executive directors. Such a small board will be able to dictate and decide the terms of the demutualisation and the way the proceeds will be distributed.

The Bill should be amended to set a minimum of seven non-executive and a maximum of two executive members of the board, in line with best corporate governance policy. Any board considering demutualisation should be required to have a minimum of nine members for the period during which demutualisation is being arranged. A members oversight committee should also be a prerequisite to review the demutualisation proposal.

**Mr. Cuffe:** I was amused by the Ceann Comhairle's reference to precedence under Standing Orders. He appeared to put significant emphasis on the railways legislation from the 1920s. It is no coincidence that this Bill is being railroaded through the House.

I feel a grave sense of unease at discussing a Bill for the first time at 10.30 p.m. on the evening before the Dáil rises for three months. That does not reflect well on the Government and it is not a good move for the legislators. It is not a good day for democracy to move legislation through the House at what is close to the 11th hour. This legislation should be debated fully and any proposal to make changes in the mutual status should be debated fully by all those who will be affected. I am concerned that we are simply pushing this measure quickly through the House.

I propose that the Bill should only come into operation following a period of consultation with building society members and borrowers and following an analysis of the likely advantages and disadvantages to all future building society members and borrowers and after all ongoing

investigations by the Ombudsman for financial institutions into building societies' charging practices are complete and the report published. We are moving too quickly on this issue. It is a bit like electronic voting — we buy all the equipment first and then do the testing. We are lashing this Bill through the House this evening not having had the in-depth period of consultation I believe is necessary.

Demutualisation should not be possible without genuine prior consultation with the members and borrowers. It should not be possible without a study of the way it will impact the Irish mortgage market. We need to see the results of the investigations under way. If charging practices while the company is not a mutual one are not fully investigated and acted upon before the company is sold, it would be damaging to Ireland's reputation in the international financial area.

The Green Party opposes section 19. The current Act stops members from proposing a demutualisation motion but instead of removing this, the Government amendment Bill would prevent members from even discussing demutualisation. It gives members even less of a role in running the society, which is not good.

There should be some greater element of equality in what may occur, and the expected sale profit of perhaps €1.5 billion should be divided in an equitable manner, but the Government's Bill fails to provide for the way the profit will be divided and effectively hands the board a blank cheque. That is not the way to do business in this House or elsewhere. Furthermore, the Green Party believes that a members oversight committee should be appointed. That committee would review any demutualisation proposal. It is best practice in corporate governance that a members oversight committee be established to monitor a demutualisation proposal. Rather than putting legislation through the House that allows the directors to do what they want, we should carefully analyse any change. Any building society's board of directors should have a minimum of seven non-executive members and a maximum of two executive members. Otherwise, we are simply handing over the blank cheque. Best practice and corporate governance would suggest that prior to considering any demutualisation proposal, the board of directors should be reformed to ensure it is not dominated by the interests of a small group of individuals.

I am concerned about putting legislation through the House that is clearly motivated by one or two cases. It would be more appropriate if we were passing legislation that had a wider remit. I am concerned that we are looking after the interests of particular companies and individuals in the type of legislation being put forward.

The Green Party opposes the Bill in its current form. We have submitted amendments on the legislation and there is a risk, as Brendan Burgess points out, to our international reputation if, for instance, a foreign company buys Irish Nation-



[Mr. Cuffe.]

wide Building Society and then has to spend hundreds of millions of euro sorting out outstanding claims against it. We will be accused of not acting correctly and our financial reputation could suffer. We must reform this area but the legislation should be broader in its content and should not be seen to facilitate changes in any one organisation. To that end, the Green Party opposes the Bill.

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** I thank the Members for their views and comments, particularly Deputy O'Dowd who supported the principle of the Bill. It is a while since the question of the Bill was first raised and it has been discussed on and off for a number of years, but that does not mean it was drawn up in a day. There was a long process involving the Attorney General, Departments and the financial regulator, but it was difficult to come up with a formula that would take account of different circumstances for the different bodies involved.

As I said in my opening comments, the Bill amends the 1989 Act. The recommendations arose from a review group whose members were representatives of building societies, Departments, the Central Bank etc. They recommended greater discretion to building societies that wanted to opt out of the five-year rule. Listening to some Members I am not sure they fully grasped that but since 1989 it has been possible for building societies to demutualise. Some of them have taken that option but they were unable to sell on the company. They turned it into a public limited company but were unable to sell on for five years. I hear what Deputies have said they would like to see in the Bill. However, the Bill is not meant to cover everything. It is a framework Bill. The details of what happens afterwards or how building societies demutualise is covered in the individual conversion scheme and is subject to the rules of the building societies. Deputy Gilmore said that nothing could now stop the directors of the Irish Nationwide Building Society making a killing and they could take 15%. Somebody can stop them. The members of the building society can stop them. By passing the Bill we are not sanctioning any activity. We are giving options.

Up to now building societies had two options based on the 1989 Act. They could remain mutual or demutualise with the five-year rule. We have now extended the scope. Building societies can still remain mutual or can demutualise under the existing protective provisions, or they can now opt out of these provisions and be taken over immediately or opt out and be sold at a later stage. All we are doing is giving options. Any building society that decides to demutualise must undergo a long and almost tortuous process. It

is not just a case of the directors coming in and everybody rubber-stamping it.

The conversion process involves the preparation of a statutory conversion scheme by the society, on which the Central Bank must be consulted; the issuing of a statement to members outlining the proposals; the right to inspect the scheme; and approval of the scheme by members of the society. Members are required to give approval and if they are not happy they simply refuse. While they may not be able to bring forward the schemes themselves, they have the important right to refuse. The process also involves application to the Central Bank for confirmation of the scheme and the issuing of public notice of this, the right of any person to make objections or representations to the Central Bank, confirmation of the scheme by the Central Bank following consideration of any objections or representations, the right of members of the society to petition the High Court for cancellation of a conversion scheme and finally the registration under the Companies Act. Many procedural stages must be followed. While the process may be initiated by the directors, the members are very important. While some may be in a great hurry to take their money and run, I am sure they are good at looking after their own interests and if they do not feel they are getting a fair share, they can simply reject the scheme, which would deny the directors, staff and anyone else from getting more than they want them to.

Some Deputies spoke about credit unions. The Department of the Environment, Heritage and Local Government has no role regarding credit unions. In the future the Department may no longer deal with legislation such as this, which is a bit of a throwback to the days when mortgages were linked to housing or whatever. However, there is now much financial and banking legislation, which is more appropriate to the Department of Finance and its agencies.

Demutualisation has been allowed since 1989. Some Deputies spoke as if we were introducing that provision tonight. The Bill does not push any building society towards demutualisation: it gives them the option. It is then up to the members.

I have tried to amend one aspect over which some concern was expressed. Deputy Gilmore may have been correct in referring to different sections being for different groups. I have tried to be fair in that regard. While the proposal for demutualisation comes from the directors, some motions that reached the floor of a society's AGM have been blocked. I have tried to loosen the provisions somewhat to allow it to be discussed. We all know from public meetings we attend in different walks of life that in discussion it is possible to get across the thinking of the floor to those in control without the need to pass a motion. I am making that change which gives it the flexibility it required. I would not like to be associated with trying to deny free speech — none of us could do that in our occupation.

**Mr. O'Dowd:** Except here on a Bill like tonight's.

**Mr. N. Ahern:** I thank Members for their views. I understand the Whips agreed to let the Bill pass tonight and I thank the parties for their co-oper-

ation in that regard. I accept the points made that Members would like more time, but so be it.

**An Leas-Cheann Comhairle:** As it is now 10.44 p.m., I am required to put the question in accordance with an order of the Dáil of this day.

Question put.

The Dáil divided: Tá, 100; Níl, 33.

Tá

Ahern, Michael.  
 Ahern, Noel.  
 Allen, Bernard.  
 Andrews, Barry.  
 Ardagh, Seán.  
 Brady, Johnny.  
 Brady, Martin.  
 Breen, Pat.  
 Browne, John.  
 Bruton, Richard.  
 Callanan, Joe.  
 Carey, Pat.  
 Carty, John.  
 Cassidy, Donie.  
 Connaughton, Paul.  
 Cooper-Flynn, Beverley.  
 Cowen, Brian.  
 Crawford, Seymour.  
 Cregan, John.  
 Cullen, Martin.  
 Curran, John.  
 Davern, Noel.  
 de Valera, Sile.  
 Deasy, John.  
 Deenihan, Jimmy.  
 Dempsey, Tony.  
 Dennehy, John.  
 Devins, Jimmy.  
 Durkan, Bernard J.  
 Ellis, John.  
 English, Damien.  
 Enright, Olwyn.  
 Fahey, Frank.  
 Finneran, Michael.  
 Fleming, Seán.  
 Fox, Mildred.  
 Gallagher, Pat The Cope.  
 Glennon, Jim.  
 Grealish, Noel.  
 Hanafin, Mary.  
 Harney, Mary.  
 Haughey, Seán.  
 Hayes, Tom.  
 Hoctor, Máire.  
 Hogan, Phil.  
 Jacob, Joe.  
 Keaveney, Cecilia.  
 Kehoe, Paul.  
 Kelleher, Billy.  
 Kelly, Peter.

Kirk, Seamus.  
 Kitt, Tom.  
 Lenihan, Brian.  
 Lenihan, Conor.  
 Lowry, Michael.  
 McCormack, Pádraic.  
 McDowell, Michael.  
 McEllistrim, Thomas.  
 McGrath, Paul.  
 McGuinness, John.  
 McHugh, Paddy.  
 Martin, Micheál.  
 Mitchell, Olivia.  
 Moloney, John.  
 Moynihan, Michael.  
 Mulcahy, Michael.  
 Murphy, Gerard.  
 Naughten, Denis.  
 Neville, Dan.  
 Nolan, M.J.  
 Ó Cuív, Eamon.  
 Ó Fearghail, Seán.  
 O'Connor, Charlie.  
 O'Dea, Willie.  
 O'Donnell, Liz.  
 O'Donoghue, John.  
 O'Donovan, Denis.  
 O'Dowd, Fergus.  
 O'Flynn, Noel.  
 O'Keeffe, Batt.  
 O'Keeffe, Jim.  
 O'Keeffe, Ned.  
 O'Malley, Fiona.  
 O'Malley, Tim.  
 Parlon, Tom.  
 Perry, John.  
 Power, Peter.  
 Power, Seán.  
 Ring, Michael.  
 Roche, Dick.  
 Sexton, Mae.  
 Smith, Brendan.  
 Smith, Michael.  
 Stanton, David.  
 Timmins, Billy.  
 Treacy, Noel.  
 Twomey, Liam.  
 Wallace, Mary.  
 Walsh, Joe.  
 Woods, Michael.

Níl

Breen, James.  
 Broughan, Thomas P.  
 Burton, Joan.  
 Connolly, Paudge.  
 Cowley, Jerry.  
 Crowe, Seán.  
 Cuffe, Ciarán.  
 Ferris, Martin.  
 Gilmore, Eamon.  
 Gogarty, Paul.  
 Gormley, John.

Gregory, Tony.  
 Healy, Seamus.  
 Higgins, Joe.  
 Higgins, Michael D.  
 Howlin, Brendan.  
 Lynch, Kathleen.  
 McGrath, Finian.  
 McManus, Liz.  
 Morgan, Arthur.  
 Murphy, Catherine.  
 Ó Caoláin, Caoimhghín.

Níl—continued

O'Shea, Brian.  
O'Sullivan, Jan.  
Pattison, Seamus.  
Penrose, Willie.  
Quinn, Ruairí.  
Rabbitte, Pat.

Ryan, Seán.  
Shortall, Róisín.  
Stagg, Emmet.  
Upton, Mary.  
Wall, Jack.

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

Question declared carried.

**An Ceann Comhairle:** As it is now 11 p.m. I am required to put the following question in accordance with the order of the House today: "That the amendments set down by the Minister for the Environment, Heritage and Local Government for Committee Stage and not disposed of are hereby made to the Bill, in respect

of each section undisposed of that the section or, as appropriate, the section as amended is hereby agreed to in Committee, the Title is hereby agreed to in Committee, the Bill as amended is, accordingly, reported to the House, that Fourth Stage is hereby completed and the Bill is hereby passed."

Question put.

The Dáil divided: Tá, 100; Níl, 34.

Tá

Ahern, Michael.  
Ahern, Noel.  
Allen, Bernard.  
Andrews, Barry.  
Ardagh, Seán.  
Brady, Johnny.  
Brady, Martin.  
Breen, Pat.  
Browne, John.  
Bruton, Richard.  
Callanan, Joe.  
Carey, Pat.  
Carty, John.  
Cassidy, Donie.  
Connaughton, Paul.  
Cooper-Flynn, Beverley.  
Cowen, Brian.  
Crawford, Seymour.  
Cregan, John.  
Cullen, Martin.  
Curran, John.  
Davern, Noel.  
de Valera, Síle.  
Deasy, John.  
Deenihan, Jimmy.  
Dempsey, Tony.  
Dennehy, John.  
Devins, Jimmy.  
Durkan, Bernard J.  
Ellis, John.  
English, Damien.  
Enright, Olwyn.  
Fahey, Frank.  
Finneran, Michael.  
Fleming, Seán.  
Fox, Mildred.  
Gallagher, Pat The Cope.  
Glennon, Jim.  
Grealish, Noel.  
Hanafin, Mary.  
Harney, Mary.  
Haughey, Seán.  
Hayes, Tom.  
Hoctor, Máire.  
Hogan, Phil.  
Jacob, Joe.  
Keaveney, Cecilia.  
Kehoe, Paul.  
Kelleher, Billy.  
Kelly, Peter.

Kirk, Seamus.  
Kitt, Tom.  
Lenihan, Brian.  
Lenihan, Conor.  
Lowry, Michael.  
McCormack, Pádraic.  
McDowell, Michael.  
McEllistrim, Thomas.  
McGrath, Paul.  
McGuinness, John.  
McHugh, Paddy.  
Martin, Micheál.  
Mitchell, Olivia.  
Moloney, John.  
Moynihan, Michael.  
Mulcahy, Michael.  
Murphy, Gerard.  
Naughten, Denis.  
Neville, Dan.  
Nolan, M.J.  
Ó Cuív, Éamon.  
Ó Fearghaíl, Seán.  
O'Connor, Charlie.  
O'Dea, Willie.  
O'Donnell, Liz.  
O'Donoghue, John.  
O'Donovan, Denis.  
O'Dowd, Fergus.  
O'Flynn, Noel.  
O'Keefe, Batt.  
O'Keefe, Jim.  
O'Keefe, Ned.  
O'Malley, Fiona.  
O'Malley, Tim.  
Parlon, Tom.  
Perry, John.  
Power, Peter.  
Power, Seán.  
Ring, Michael.  
Roche, Dick.  
Sexton, Mae.  
Smith, Brendan.  
Smith, Michael.  
Stanton, David.  
Timmins, Billy.  
Treacy, Noel.  
Twomey, Liam.  
Wallace, Mary.  
Walsh, Joe.  
Woods, Michael.

Níl

Breen, James.  
 Broughan, Thomas P.  
 Burton, Joan.  
 Connolly, Paudge.  
 Costello, Joe.  
 Cowley, Jerry.  
 Crowe, Seán.  
 Cuffe, Ciarán.  
 Ferris, Martin.  
 Gilmore, Eamon.  
 Gogarty, Paul.  
 Gormley, John.  
 Gregory, Tony.  
 Healy, Seamus.  
 Higgins, Joe.  
 Higgins, Michael D.  
 Howlin, Brendan.

Lynch, Kathleen.  
 McGrath, Finian.  
 McManus, Liz.  
 Morgan, Arthur.  
 Murphy, Catherine.  
 Ó Caoláin, Caoimhghín.  
 O'Shea, Brian.  
 O'Sullivan, Jan.  
 Pattison, Seamus.  
 Penrose, Willie.  
 Quinn, Ruairí.  
 Rabbitte, Pat.  
 Ryan, Seán.  
 Shortall, Róisín.  
 Stagg, Emmet.  
 Upton, Mary.  
 Wall, Jack.

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

Question declared carried.

### **Criminal Justice Bill 2006: From the Seanad.**

The Dáil went into Committee to consider amendments from the Seanad.

**Mr. J. O'Keeffe:** May I make a suggestion? We have only 20 minutes for this debate. I invite the Minister to give a three minute dissertation on the 35 amendments that we will consider in the debate.

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** If the House is willing to discuss the amendments made in the Seanad together, I am happy to accede to the Deputy's suggestion. The first amendment made by the Seanad relates to section 5. It was on foot of an adaptation of a Fine Gael amendment in that House and it provides that a record shall be made as soon as is practicable but a failure to record the direction with regard to the preservation of a crime scene in writing shall not by itself render any evidence inadmissible. There was agreement that it would be a travesty of justice if a failure to make a clerical record of an uncontested decision ended up with evidence being rendered inadmissible.

The second amendment originated in an amendment which was put forward by Senator Cummins. It was adapted on foot of a suggestion I made. It extends the definition of a place in the context of a preservation of the scene of a crime regime to include a dwelling, residence, building or abode, a vehicle whether mechanically propelled or not, a vessel whether sea-going or not, an aircraft whether capable of operation or not or a hovercraft.

The next set of amendments looks complicated and formidable but they are the parliamentary counsel's amendments to our amendments. In response to amendments tabled by Deputy Jim O'Keeffe in this House, that there should be no

reduction of the minimum mandatory ten-year sentence where there was a second offence, the parliamentary counsel came to the conclusion that the original wording offered by his office was open to the interpretation that the maximum sentence was prescribed and that life imprisonment would be available for the first offence but might not be available for a second or subsequent offence. Obviously, that would be nonsense. There was a view that the relevant provisions relating to minimum mandatory sentences should be amended to make it clear that the maximum sentence still applied.

The amendment to section 148 is a purely technical amendment to substitute the word "education" for "educational" when using the term "vocational education committee". The last amendment is one proposed by Senators Henry and Norris. It arose out of an amendment which Deputy Ó Snodaigh originally made to the Criminal Law (Insanity) Act, which abolished the notion that the Minister could designate a part of a prison to be a place for the detention of people who were not guilty by reason of insanity. Unfortunately, when I accepted Deputy Ó Snodaigh's amendment, because I considered it a correct amendment, there was a consequential change. Section 13(1) was still based on the proposition that the Minister could designate part of a prison to be a place of detention for people who had been acquitted under the Act. It was decided that the provision should be tidied.

The amendments are not amendments of substance. I do not wish to excite further divisions between Fine Gael and the Labour Party this evening as they already have had their divisions—

**Mr. Morgan:** Why not? That is not like the Minister.

**Mr. McDowell:** None of these amendments is contentious. Four of them arise from Opposition



[Mr. McDowell.]

amendments and give effect to those amendments, whether they were made by this or the other House and whether they are applicable to the Criminal Law (Insanity) Bill or this Bill. I do not expect the Deputies to have any difficulty with the amendments.

**Mr. J. O’Keeffe:** In the spirit of the Minister’s remarks, I should formally ask if the Minister’s amendments are supported by his Progressive Democrats colleague, the Tánaiste, Deputy Harney, in light of the obvious situation that exists within that party.

**Mr. McHugh:** That was under the belt.

**Mr. J. O’Keeffe:** In this instance, however, those divisions will not surface. I expect the legislation has the support not just of the other side of the Cabinet but of the Progressive Democrats side of the Cabinet. The development of this Bill reinforces the case for the parliamentary process and dealing with legislation in a way where there is a genuine and constructive effort on the part of the Legislature to improve the legislation, discuss it and put down amendments on all Stages. Above all, it reinforces the case for not using guillotines on serious legislative measures. The consequence of a guillotine can mean that the beneficial effects of the legislative process are stymied.

It is clear from the Minister’s comments that the Seanad has further improved the Bill following Committee and Report Stages in the Dáil. That rebuts the case of those who suggest the Seanad is a useless body. Clearly it has given thorough consideration to the Bill and the amendments made there have improved the Bill. Some of them are technical. They are approved by the parliamentary counsel and I accept his view. A number of them were proposed by Fine Gael on different Stages in both Houses and were accepted by the Government so obviously I support them.

The only issue of substance that is affected is that of minimum mandatory sentences. I have long held the view that if the House is to legislate for minimum mandatory sentences, those sentences should be both the minimum and mandatory. The history of that issue, however, has been that due to the deference to judicial discretion, minimum mandatory sentences have effectively been neither minimum nor mandatory because of the exceptional circumstances clause. That is the reason I put down an amendment to ensure that whatever about a first offence, on a second offence the minimum mandatory sentence should be exactly that.

A number of the Seanad amendments arise from the acceptance of Fine Gael’s approach and its incorporation in the Bill. Obviously I accept the amendments that the parliamentary counsel

deems necessary as a consequence of that change. I support the amendments made in the Seanad.

**Mr. Howlin:** I thought I had concluded my contributions on this legislation last week. It was certainly a marathon effort and bolting together various legislative measures was not an ideal way of dealing with this Bill. However, I paid tribute to the Minister last week for approaching the Bill in an open way by taking on board reasonable suggestions from this side of the House — not every member of the Government does that. It makes it worthwhile to do the work and research when there is a listening ear for reasoned argument that will make an impact on legislation. In that spirit the other House had an opportunity to go over our work with a fine tooth comb and has seen fit to make further suggestions that have been accepted by the Minister. I have no difficulty with any of them.

The Minister, even late in the evening, could not resist having a go at the Opposition over divisions.

**Mr. McDowell:** The eyes of the media are on us. The Deputy can be absolutely sure of that.

**Mr. Howlin:** The good thing is that everything here is captured for posterity. If I were in the Minister’s position, I would not mention disunity or division. The old adage that people in glass houses should not throw stones holds true.

**Mr. McHugh:** Strike the remarks from the record.

**Mr. Howlin:** I have a cordial relationship with my colleague, Deputy Jim O’Keeffe, which is more than can be said for Progressive Democrats Cabinet Ministers or parliamentary party members, who are now barely on speaking terms. It is very noticeable around the House. If I were in the Minister’s position, I would not draw attention to it so clearly.

When we legislate for a provision for an oral directive, it is important that it is subsequently recorded. There must be a level of practicality and I have no difficulty with the amendment which states that a mistake in not recording the directive in written form does not negative its usefulness. That is sensible, although I hope there will be a written recording.

The bulk of the amendments were tabled by the Minister and relate to mandatory sentencing for firearms and drug offences. The intention of the House and the Minister is that there would not be a lesser provision for a subsequent offence than for an initial offence and that should be clear in the text of the Bill. I have no difficulty with that. The other amendments are not of great moment and I accept them. I thank the Minister for providing us with a written brief so that we did not have to trawl through the Bill once more.

The Bill, its tortuous journey through these Houses notwithstanding, is not bad legislation. It will strengthen the arm of the Garda Síochána and act as a buffer in the increasingly complicated and difficult fight against crime. We will make political capital on these issues but we recognise the extraordinarily difficult and at times life threatening job members of the Garda Síochána do. I was happy to issue a statement congratulating the force on the successful raid on a drugs factory in the last week. I hope the force is further armed by this legislation.

**Mr. Morgan:** I will begin by expressing my support for the republican wing of the Progressive Democrats in the struggle for the leadership of the party. It is not exactly my own brand of republicanism but I have heard the Minister proclaim it loudly on many occasions. Unlike mine, it is not anchored in the 1916 Proclamation. We have differences but given that the Minister's leader has never proclaimed any brand of republicanism, we will stick with Deputy McDowell for now.

**Mr. McHugh:** We will stick with him as leader for now.

**Mr. Howlin:** He is the sole trader. He would surely be leader in that outfit.

**Mr. Morgan:** On behalf of my colleague, Deputy Ó Snodaigh, I will support amendments Nos. 1 and 2 but I have difficulties with some of the other amendments.

We recognise the urgent need for reform of the Judiciary and we support judicial discretion over sentencing outcomes. We also acknowledge that the Minister is not introducing absolute mandatory minimum sentencing but he is introducing minimum sentences and pushing judicial discretion in that direction. That causes considerable unease in my party and its support base. Under the Constitution, judges are responsible for administering justice in this State and this should include the determination of punishment. Punishment must be proportionate to each crime and to that end the public must be protected while maintaining the discretion to ensure proportionality in the interests of justice.

In supporting amendments Nos. 1 and 2 and expressing some difficulty with the others, I derived some pleasure from my colleague, Deputy Ó Snodaigh, causing the Minister some discomfiture by having to refer to the amendment accepted from him earlier. It was a solid amendment and I acknowledge that the Minister accepted it, even if it required further amendment this evening.

**Mr. Cuffe:** I welcome some of the changes to the Bill. The watering down of the proposal for anti-social behaviour orders is a step in the right direction and I am pleased that the Minister has

accepted that the Children Act must be fully implemented. It was worrying that many parts of the Act had been gathering dust on the shelf over recent years.

I take a jaundiced view of some aspects of the Bill, such as electronic tagging and the toys for boys approach to policing. More helicopters, four wheel drive vehicles and electronic tagging will not help to address the causes of crime. I also have a wider concern about the Bill that while the Minister is keen to address certain aspects of policing and enforcement, he does not have the same vigour when it comes to addressing the causes of crime. The Minister's political ideology leaves him with a blind spot when it comes to tackling the areas of social exclusion in the State that are often breeding grounds for violent crime. Many of these areas need dramatic State investment in environmental improvement, housing, education and family support, and none of that comes cheap.

I urge the Minister to ponder that and to examine the trends in these areas. As a result of the economic boom, there have been improvements in employment but people have been left behind. They require support in those areas and an investment in everything from bricks and mortar to raising people's hopes. I accept that some aspects of the Bill will help but there is a commensurate need to do more to tackle the causes of anti-social behaviour and crime.

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I thank Deputies for contributing to this debate. There is consensus that the amendments made in the Seanad were sensible and I am glad this House is willing to identify with them and accept them without division. I fully accept it is embarrassing for Fine Gael and the Labour Party to contemplate division. Within two weeks they have divided three or four times on matters of central importance. This is a harbinger of what might be to come if the electorate were foolish enough to elect a slump coalition.

**Mr. J. O'Keeffe:** The Minister is incorrigible.

**Mr. Howlin:** The Leas-Cheann Comhairle should put the question by Order of the House.

**Mr. Bruton:** To protect us from this.

**Mr. McDowell:** Deputy Cuffe made the point that one should be conscious of the causes of crime. I agree completely that one should be, because remedial and reactive measures are not the only way that society deals with criminality and the causes of crime. I remind the Deputy that the resources to which he addressed his mind just a moment ago do not emanate from nowhere. They come from the pursuit of policies which, as Deputy Kenny said yesterday in the House, are ones where the Government creates the envir-

[Mr. McDowell.]

onment for the generation of resources within society.

**Mr. Howlin:** The Minister will be back in Fine Gael yet.

**Mr. J. O’Keeffe:** I feel the knock on the door.

**Mr. McDowell:** The crucial thing that must always be remembered is that those parties that consistently opposed efforts to create a congenial climate for the creation of resources in this society should now rethink their positions. I am a good man for rethinking my position.

**Mr. McHugh:** He does not always come to the same conclusion though. He is always right, that is his final conclusion.

**Mr. McDowell:** Other Deputies seems to be totally blind to the fact—

**Mr. Howlin:** The Minister thinks he is always right.

**Mr. McDowell:** —that they opposed, tooth and nail, every single tax reduction to which they are now irrevocably committed to maintaining, when they were put before this House.

**Mr. J. O’Keeffe:** Codology.

**Mr. McDowell:** They voted against every Finance Bill and every measure that was introduced to make Ireland successful.

**Mr. Howlin:** We brought in that rate of tax as a bulwark of economic policy.

**Mr. McDowell:** They have a sad attachment to the outdated ideology of another era.

**Mr. J. O’Keeffe:** The Minister is floundering.

**Mr. McDowell:** It may well be that in the remaining eight, nine or ten months of the life of this Dáil—

**Mr. McHugh:** Eleven.

**Mr. McDowell:** We will bring it to wherever the Opposition wants. It may well be that there will be considerable changes of stance on the part of some parties jockeying for public support.

**Mr. J. O’Keeffe:** What does the Minister have in mind?

**Mr. McDowell:** The proof of the pudding will be in the eating. Two parties have brought Ireland from its knees to a standing position.

**Mr. McHugh:** Write it down.

**Mr. McDowell:** Two parties have always been the central components of slump coalitions.

**Mr. J. O’Keeffe:** The Minister actually believes this rubbish. What a sad case.

**Mr. McDowell:** From now on, there is only one issue, namely, whether we want to continue Ireland’s success or if we want to elect a slump coalition because that is what the rainbow has on offer.

**Mr. J. O’Keeffe:** The Minister for ridicule thinks he is at the L&H debating society.

**An Leas-Cheann Comhairle:** The time for this debate has expired and I am required to put the following question in accordance with an order of the Dáil of this day: “That Seanad amendments Nos. 1 to 35, inclusive, are hereby agreed to in Committee and agreement to the amendments is hereby reported to the House.”

Question put and agreed to.

**An Leas-Cheann Comhairle:** A message will be sent to the Seanad apprising it accordingly.

#### National Economic and Social Development Office Bill 2002: From the Seanad.

The Dáil went into Committee to consider amendments from the Seanad.

**An Leas-Cheann Comhairle:** Is Seanad amendment No. 1 agreed to?

**Caoimhghín Ó Caoláin:** May I ask who is proposing the amendment on behalf of the Government? Will they outline to the House exactly the *raison d’être* behind each of the amendments presented?

**An Leas-Cheann Comhairle:** I call an tAire Stáit on Seanad amendment No. 1.

**Caoimhghín Ó Caoláin:** With your indulgence, a Leas-Cheann Comhairle, will colleagues agree to the procedure that applied to the previous legislation, which was very useful and mature? That is, that the Minister of State would address the composite number of amendments — there are six in total. He could give a short address outlining the background to each amendment. He could then allow each of the other Deputies to respond accordingly. That means that everyone will get a fair chance to participate.

**Minister of State at the Department of the Taoiseach (Mr. Kitt):** I would be very happy to do that with the agreement of the Leas-Cheann Comhairle. Amendment No. 1 is to section 1 of the Bill, which contains the list of definitions. It proposes to delete the words “unless the context otherwise requires” from line 27, which I am advised by the Parliamentary Counsel are no

longer required as a result of the Interpretation Act.

Amendment No. 2 reads "Section 5: In page 6, line 22, "by the Taoiseach" deleted." The purpose of this amendment is to delete the words "by the Taoiseach" from section 5 of the Bill, which deals with expenses incurred in the administration of this Act. I am advised that this amendment will make the Bill consistent with the similar section 6 in the Statistics Act 1993, which also comes under the responsibility of the Department of the Taoiseach.

Seanad amendment No. 3 reads as follows:

Section 20: In page 13, subsection (2), lines 40 to 42, paragraph (a) deleted and the following new paragraph substituted:

"(a) paragraphs (a) and (b) do not apply to a member of the Forum to whom *section 15(3)(a)* applies who is nominated as a member of Seanad Éireann or is elected as a member of either House of the Oireachtas, and".

We have done this to make sure we cover the position of those who are nominated as Members of the Seanad.

Seanad amendment No. 4 reads, "In page 14, subsection (4), line 20, "member or" deleted." That is just a tidying up exercise.

Seanad amendment No. 5 reads:

In page 14, subsection (4), line 21, "Forum" deleted and "Forum (subject to *subsection (5)*)" substituted.

Seanad amendment No. 6 reads:

In page 14, between lines 23 and 24, the following new subsection inserted:

"(5) *Subsection (4)* does not apply to a person, who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein, to whom *section 15(3)(a)* applies being appointed under *section 15(2)* as a member of the Forum."

This is probably the most significant amendment. It came from a proposal by Senator Ryan in the other House. I thank him again for alerting me to this matter.

Seanad amendment No. 3 proposes a small but important change to section 22(a). This subsection makes an exception in the case of the forum to the requirement contained in section 21 that a member of the council, forum or centre who becomes a public representative, must cease to be such a member. The amendment is required to include Senators who are nominated in addition to those who are elected.

The purpose of Seanad amendment No. 4 is to delete the words "member or" from subsection (4). The Parliamentary Counsel has advised that these words are superfluous.

Seanad amendment No. 5 is required to refer in subsection (4) to a proposed new subsection (5).

Seanad amendment No. 6 proposes that the new subsection (5) be inserted. The purpose of that new subsection is to make an exception to persons who are, for the time being, entitled to sit in either House of the Oireachtas and to whom section 15(3)(a) applies, from being disqualified from membership of the forum. This is an important amendment as otherwise there would be a contradiction in the Bill between section 15(3), which defines the composition of the forum and requires that 15 members of the forum shall be Members of either Dáil Éireann or Seanad Éireann, and section 24 which would otherwise disqualify elected Members from membership of the forum. This amendment comes to the heart of the issue raised by Senator Ryan in the Seanad. We are accepting that there was a contradiction there and we are putting forward this amendment to rectify it. I thank Members of the Seanad for proposing these amendments, which I commend to this House.

**Mr. Bruton:** I have no objection to these amendments being made. I still regret the Bill has missed the opportunity to forge a more mature relationship between the Oireachtas and the various institutions of the social partnership of which these are prominent parts. As I said earlier, the Dáil should have a role in shaping the agenda of social partnership. Currently that is a task primarily done by the National Economic and Social Council from which the Dáil is excluded. Token membership for Members of the Oireachtas on some of these fora which are dealing with subsets of the overall agenda of social partnership is not an adequate response.

Recognising that social partnership is a permanent feature of the way we do our business, we need to have a more mature relationship with the Oireachtas where people who are elected this House to represent the broad citizenship have a greater say instead of relying primarily on representatives from interest groups, who have a valid say, but not to the exclusion of Members of the Oireachtas who have a broad mandate. While this was a missed opportunity, the Minister of State knows the views of the different Members so I will not labour the point at this stage.

**Ms Burton:** I am sure the Minister of State is relieved at this late hour that the end is in sight. I said to him previously this is really the quango of quangos, the über quango and the quango to beat all the quangos. It is a conglomeration of them all. In that sense it will have a breadth of representation which will always be interesting. Social partnership has served the country well but, like all structures that become embedded, it runs the risk of becoming exclusive, especially to newer people and interest groups.

I was interested to hear the debate on social partnership and wage matters being referred to again as the national wage agreement. In the end is my beginning. We are back where we were



[Ms Burton.]

approximately 20 years ago on terminology. Nonetheless, I hope the body will serve some useful purposes. I think there are many problems with the membership of such bodies. Those willing to serve on them actively are a fairly select group of people and, being willing to serve, they are actively in demand. Since the National Economic and Social Forum was conceived in the 1992-94 period, it has done much valuable work, especially on sectoral issues and broad issues affecting Departments, such as children's access to pre-school education and the question of educational opportunities in society.

There is a problem about Deputies and Senators genuinely being able to participate in such bodies. Often they meet on a Wednesday morning, which is difficult for most Members. Nonetheless they do valuable work. Some imagination must be put into acquiring continuous capacity to draw people of talent to serve. I wish the Minister of State well with the future organisations and operation.

**Mr. Boyle:** The amendments are largely technical in nature and there is no reason for the House to divide. They will be widely accepted but they show, as other speakers have said, a continuing flaw that lies at the heart of the Bill and the structure that is being proposed in that the proper involvement of the Members of the Oireachtas in the partnership process is not being properly acknowledged in legislation. I speak as one who was a member of the National Economic and Social Council. My last meeting was on the day of the general election in 2002 and because I was elected that day, I was obliged to resign. I did not have a choice in the matter.

It is curious that the main set of amendments arising from the Seanad, as the Minister of State has acknowledged, came from Senator Ryan who recognised the huge dichotomy that existed between clauses that restrict Members of the Oireachtas from being involved in bodies such as those mentioned in the Bill, while at the same time there is one body, the National Economic and Social Forum, that is very much part of the Bill and of which Members of the Oireachtas are a constituent part. While that kind of double-think is going on, this is a structure that will continue not to interact properly with elected representatives.

There is a job of work to be done in explaining all the constituent parts. Even after my own membership of the National Economic and Social Council, I am at a loss to know what the Centre for Partnership does. It has never been properly explained in all the debates in this House or analysed in subsequent committees of the House. We are very clear on what the National Economic and Social Council and the National Economic and Social Forum are about and they play valuable roles in informing debate. That debate could

be better informed and wider and more interactive if more actors were involved.

The only other point I would make in this limited debate is that there is Dáil acknowledgement of the national partnership agreement. We have been promised a debate in the House and that there will be a motion surrounding such a debate. As legislators we should insist that such partnership agreements can only come into effect after a vote in this House, that it is not only a matter for the Executive, especially when there are areas in this agreement that are meant to be binding for ten years, which potentially and most probably will cover the lifetimes of other Governments. On those grounds all Members should be involved in such decision making. It is not likely we will have such a debate until October, by which time the main social partners, ICTU and IBEC, will have had their decision-making processes. It is a matter to which the Government should give consideration as the first business of the House when it returns at the end of September or early October, namely, a formalisation of the role the House should play in such agreements in the future.

**Caoimhghín Ó Caoláin:** As other Deputies have done, I indicate acceptance of the amendments as presented. I will not repeat any of the points already made. One would be tempted to ask who else might incur expenses other than the Taoiseach and the Administration etc.

The only point of importance to make, especially this week, is to echo the Minister of State's commendation of the further scrutiny of the legislation by the Seanad and the useful role it has played in terms of greater exactitude in the final legislation that will go to the President. Surely, against the backdrop of repeated guillotines in this and the previous week, there must be a realisation that what we are putting through in this most imperfect and truncated opportunity for Members is legislation that is likely to be littered with flaws, faults and issues that may have to be revisited.

On the point the Minister of State made about the final amendment, which was attributed to Senator Ryan, I have no doubt that if the legislation had gone through without that having been identified, the Minister of State would have had to come back. That is a fact. That is the import of it. Given all the legislation, from the Defence (Amendment) Bill last night to the Building Societies (Amendment) Bill tonight and so many other Bills over recent weeks, surely the lesson must be taken on board from this exercise that this is something to be avoided at all costs. Greater sitting time would accommodate the requirement of better scrutiny and a more perfect legislative process. I have no doubt that all Members would be enthused by such an approach. On behalf of my colleagues I acknowledge the amendments as presented and record support for them.

**Minister of State at the Department of the Taoiseach (Mr. Kitt):** I thank the Opposition Deputies for their comments and their welcome for the amendments. As the Deputy rightly said, the main amendment came through from the Seanad, which demonstrates its importance. We acknowledge its role and the role of Senator Ryan in particular.

This will not be headline legislation, but it brings together three important bodies, including the national centre for partnership and performance. I have noted some of the work it does and find it exciting because it is visionary. Perhaps we should publicise it more because it is looking at partnership in the workplace, particularly the workplace of the future. This is welcome. It is important to have such a body of committed people in the sophisticated economy and society in which we live. They can try to look into the crystal ball to see what issues may arise in the workplace, such as work-life balance, bullying and harassment and other complex issues that need to be addressed. We need a body like this to do that. In the area of technology there is huge potential to make life easier for everybody. It is important to bring the three bodies together and create a synergy between them and that is what we are doing.

Deputy Bruton raised the issue of the lack of Oireachtas involvement in the partnership process. In the context of the social partnership, I believe it is the duty of Government to govern. However, I acknowledge that as partnership has expanded to the voluntary pillar etc., there is an issue to be addressed. We need to put our heads together as to how we do this. Deputy Quinn spoke earlier in the debate on partnership on the new agreement Towards 2016, and mentioned the role of committees. There is so much detail in the agreement that I believe there is significant potential for committees to examine some of the issues in the coming years. I accept partnership is an issue that needs to be addressed.

Perhaps we could look at the issue under the process of Dáil reform. We have not got far with regard to Dáil reform, but we could deal with it in the context of reform of the role of committees. I am not sure we can do it in the short term, but I acknowledge there are issues that need to be addressed in the context of the Oireachtas as whole with regard to scrutiny of such a major document as Towards 2016. It is certainly a comprehensive agreement.

I thank the Deputies for their co-operation on this technical business at this late hour.

**An Ceann Comhairle:** The question is: "That Seanad amendments Nos. 1 to 6, inclusive, are hereby agreed to and agreement to the amendments is accordingly reported to the House."

## Adjournment Debate.

### Health Services.

**Mr. Crawford:** I thank the Chair for the opportunity to raise this issue. No issue has caused more problems for people in the Cavan-Monaghan region than health. I urge the Minister to intervene to ensure that all available beds in Monaghan General Hospital are put to use in light of the fact that Our Lady of Lourdes Hospital, Drogheda cannot cope with even its own day surgery requirements and patients in urgent need there now find their appointments cancelled.

I raise this issue because this morning I learnt of the case of a woman who was to have a pin removed from her ankle in a day procedure in Our Lady of Lourdes Hospital. However, the procedure was cancelled at the last minute, as was a similar procedure for her neighbour, due to the lack of beds. I understand at least three or four other procedures were also cancelled. I am advised that the lady concerned may have her operation on Friday. It is over ten weeks since she had the pin inserted and a cast put on her foot after a serious break in her ankle. She is a main carer for her 82 year old mother and handicapped sister. This delay is just a symptom of the problem in Drogheda.

I had a letter dated 6 June from a consultant stating that he could empathise completely with a person such as I wrote to him about who suffered substantial delays in treatment. He said the bed situation in Our Lady of Lourdes was very difficult due to the volume of trauma victims and that it was not unusual for no patient to be admitted on his operating list for day treatment. This was very frustrating for everybody. According to some people there is no shortage of beds, but this has proven to be untrue in the case of the Drogheda hospital.

I highlight these two cases to demonstrate the impossible situation for all concerned. I demand that the Tánaiste and Minister for Health and Children, Deputy Harney, should check the facts when she and her experts state that patients in Cavan and Monaghan are now in danger.

The Health Service Executive and its teams state they must only allow level 3 critical care patients to be dealt with in Drogheda. This means that within three months all level 3 care for patients needing ventilation and other organ failure support should be centralised at Our Lady of Lourdes Hospital. This is not viable or responsible. We know beyond question that Drogheda hospital cannot cope currently with its load, not to mind an increased load.

The only reason there may be problems in Monaghan General Hospital is that the Government removed services and staff by devious means. There is now a danger it will use the Dáil

Question put and agreed to.

[Mr. Crawford.]

summer recess to further cut services. I warn those who allow this happen, whether the Minister, those she employs with taxpayers' money or those who support her in the House, that they will be exposed for the lives they put at risk. It is all very well to close down a service when a proper replacement service is in place, but to force people to use an ambulance service before decent roads or services are available is unforgivable.

Last night the Taoiseach advised the House of the many billions of euro he could spend. He tried to make people believe the Government has delivered on medical cards and home help, yet it is desperately trying to advertise doctor-only cards in order to get them into the system before the next election. It hopes people will forget that at least 100,000 medical cards have been lost over the past few years.

A 94 year old woman who is on her death bed can only get five hours home help per week. This works out at less than four hours in real terms.

However, the HSE sends me and *12 midnight* others a ten-page document that makes it seem the situation is different. The facts on the ground indicate otherwise. Health in Cavan-Monaghan is in crisis. No tall stories or shouting will change that. I urge the Minister for Education and Science, who is here to represent the Minister for Health and Children, to persuade the Tánaiste to examine the situation and see what she do about it.

**Minister for Education and Science (Ms Hanafin):** I will take this matter 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 the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. The Department of Health and Children has been in touch with the HSE and has been advised that three hospital bed usage review groups have been established in the HSE north-east, one in the Cavan Monaghan hospital group, one in the Louth hospital group and one in Our Lady's Hospital, Navan. I am advised that the purpose of these groups is to review, on an ongoing basis, bed usage in each hospital and to alleviate overcrowding where possible by the introduction of any initiative deemed appropriate; to develop and implement effective admission, transfer and discharge policies and procedures; to work in partnership to manage bed usage in each hospital or hospital group in a more effective manner; and to liaise with primary community continuing care colleagues regarding arrangements for clinically discharged patients. The membership of these groups includes nursing, medical and administrative representation.

In addition, an inter-hospital bed usage group has also been established to address bed usage

issues in the north east and how they impact on the throughput of patients throughout the region, and to manage hospital bed usage more effectively. The membership of this group includes hospital management, directors of nursing and hospital consultants.

With particular regard to day surgery, the HSE has advised the Department that the establishment of a joint department of surgery in the Louth hospital group and the establishment of a single department of surgery in the Cavan Monaghan hospital group has resulted in a more effective throughput of patients receiving surgery, with a result that waiting times for day procedures and surgical out-patient appointments have dropped considerably.

Following the recent publication of a review of acute hospital services in the former North Eastern Health Board area, the HSE is to establish a north east steering group to quickly address the issues that require immediate attention and at the same time develop a longer-term strategy to deliver a world class health service during the next ten years. The group will have representation from key stakeholders such as clinicians and primary care providers. There will also be widespread public engagement on the issues highlighted in the report.

The report concluded that the present system, where five local hospitals deliver acute care to relatively small populations, is exposing patients to increased risks, is not serving the community well and is not sustainable. The consultants believe there is an unprecedented opportunity over the next ten years to develop a very high quality responsive emergency and planned care service, in line with international standards, by developing local services within existing hospitals and other local centres supported by a new regional hospital.

### Early School Leavers.

**Ms Shortall:** I thank the Minister for coming to the House at this hour of the night to respond to the debate. This is an important issue, the future of the Ballymun education support team school completion programme and specifically the school group within that SCP programme. The group was set up in 1998. It caters for six children who could be regarded as being in the group of most highly at-risk children who are out of school. They are aged between 13 and 15 years. This is a special project set up to change their thinking about school, to give them positive experiences and to enable them to acquire qualifications.

The scheme has been remarkably successful. Last year it catered for six children, all of whom had difficulties at home and who had been in contact with the Educational Welfare Service and who had been assigned to a junior liaison officer. Their school attendance rates had dropped very



low before finally leaving school. The year spent in the programme has made a significant difference to them. Their attendance level has risen to 90% and they all achieved FETAC awards.

The Minister will be aware of the worth of this programme. It is referred to in the Department's publication, *Guidelines Towards Best Practice for School Completion Programmes*. It is the only school completion programme operating an out of school group. Various organisations in Ballymun have co-ordinated this scheme. There is general support for the scheme and an appreciation of the valuable role it plays.

It has not ever been properly funded and there was a shortfall. This service provides an essential safety net and education service for six children and costs a mere €95,000 per year. The funding available from the Minister's Department is currently only €60,000. The shortfall has been made up through various means over the years. The service was forced to close in 2002. Since then the local drugs task force has made up the shortfall of €35,000 but the task force can no longer continue this funding. This successful project may close by Christmas unless the funding is put on a proper footing. They are asking for a very small amount of €35,000 to radically change the future prospects of six children who are at risk. Two miles up the road in Finglas, young offenders are being cared for in the Finglas children's centre at a cost of more than ten times that amount for one young person, approximately €400,00 a year. The centre in Lusk, a few miles north, is costing between €300,000 and €400,000 per young person.

I appeal to the Minister to guarantee the funding of €35,000. It would be criminal if this project had to close down for the lack of such a small amount of money. This is a critical year for lots of reasons. The concern is that the funding might be committed for this year but that there could be another crisis next year. The group want a commitment on a long-term basis for full funding. The amounts of money involved are very small. The work is very worthwhile because it completely changes the future prospects for critically at-risk children. If the Government is serious about tackling the problem of education disadvantage and early school leaving and wants to prevent young people from ending up in conflict with the law, then I urge the Minister to make that commitment.

**Ms Hanafin:** I thank Deputy Shortall for raising this matter and for speaking about the school completion programme, a very successful programme targeted at children and young people who are at risk of early school leaving. It is targeted at those in danger of dropping out of the education system or those who may have already dropped out. It is a broadly based programme which is cross-community and cross-sectoral. It works between the primary schools and the second level schools and involves the community

to ensure the maximum participation by as many people as possible. It generally targets four to 18 year olds who are both in and out of school to ensure the best outcome for them.

The Deputy referred to multi-annual retention plans. The funding under the school completion programme is provided to projects on the basis of multi-annual retention plans drawn up and agreed between the local management committee and the Department of Education and Science.

**Ms Shortall:** It is not index-linked.

**Ms Hanafin:** The funding is not just agreed on a once-off basis but rather on a multi-annual basis. I accept that projects cannot be stop-start. A local retention plan contains strategies for the whole-school, targeted strategies for individual students and those who are already outside the formal system, as referred to by the Deputy.

As we head into the holidays, this programme offers supports during holiday time in recognition of the fact that continuous support must be given to young people at risk of early school leaving. Various holiday programmes are offered in conjunction with other agencies, such as sporting and cultural activities, literacy and numeracy development programmes, art, drama and music and youth work, sports and arts camps, English language support for students for whom English is not the mother tongue, science camps, familiarisation days and week-long transfer programmes for new entrants to second level schools to smooth their transition to the new school. An issue identified as being a particular problem for students from the most disadvantaged areas is the fear of moving into a second level school. Up to 800 children, aged between seven and 11, will in July and August attend summer literacy camps which aim to help those with literacy difficulties learn through art, dance, music and drama. The 20 summer camps have been organised and funded by the Department. Increased access will be provided to the 200 second level and 320 urban and town primary schools in SCP 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.

There are currently 82 school completion programme sites in 21 counties, involving 108 post-primary schools and 302 primary schools, with 53 second level schools in the stay in school retention strand. That is in 17 counties, targeting approximately 23,000 young people at risk of early school leaving. In total, €24.7 million has been allocated by my Department to the school completion programme for 2006.

One might have got the impression from Deputy Shortall that the only amount of money being given for the project was in the region of €35,000. Some €402,000 was given to the school completion programme in Ballymun. That is on top of the extra supports which all those schools



[Ms Hanafin.]

have by way of home school, community liaison, resource teachers etc. It is a very good school completion programme providing general support for almost 1,600 primary students and approximately 600 post-primary students. Intensive targeted supports are provided for 201 primary students and 52 post-primary students. It also caters for the six pupils particularly mentioned by the Deputy.

The school completion programme has submitted its retention plan for the coming year, which outlines all its proposed activities for the coming year, including the estimated cost of retaining the support for the six pupils who are out of school in the "school group." It is not just a case of looking for €35,000. They are looking for that on top of the €402,000.

**Ms Shortall:** I am referring specifically to the school group.

**Ms Hanafin:** That is part of the overall school completion programme. The funding allocation for next year is currently being considered and the local management committee will be notified directly on the matter. The good work being done should be borne in mind along with available resources for the rest of the programmes around the country.

**Ms Shortall:** Is that a "Yes" or a "No"?

**An Ceann Comhairle:** I call Deputy O'Connor. Deputy Crowe will speak on the same issue as Deputy O'Connor.

**Ms Shortall:** The Minister is surely not going to let it close. It would be criminal to do so.

**An Ceann Comhairle:** I remind Deputy Shortall that the Chair is speaking.

### **School Accommodation.**

**Mr. O'Connor:** I thank the Ceann Comhairle for allowing me to raise this issue. I am glad to join with my colleague and neighbour, Deputy Crowe, in doing so. I am particularly pleased that the Minister has been good enough to attend to the issue herself at this strange hour. That we are here discussing the issue highlights its importance.

This relates to St. Mark's schools in the Springfield estate in Tallaght, where I live. They were founded in 1974 and opened by Mr. Richard Burke, the then Fine Gael Minister for Education, on the day Erskine Childers died. These schools have a fine history and have educated young people in the parish during that period, including two of my three sons.

There are currently 440 pupils enrolled in the senior school and 550 in the junior school. The Minister will know those figures, as Deputy Crowe and I have previously raised this matter on

a number of occasions. Over 400 of those young people are what we might term "newcomers" or from the international community.

This debate takes place after South Dublin County Council on Wednesday initiated discussions on the Tallaght area plan report at its Tallaght area committee. I mention this because we have often stated that Tallaght has developed tremendously over the years. Many of the schools in Tallaght have had falling numbers, as the Minister knows and may tell us. That trend is now changing.

Going around Tallaght today one may see politically-motivated posters indicating that a large number of new apartments is being built. This is adding to the burden which the schools are dealing with throughout the Tallaght region, and particularly in St. Mark's parish and its local schools. It is causing many problems. The principals, who do a tremendous job, must deal with parents on a daily basis who cannot understand why their child cannot be guaranteed a place and are being told they may have to go elsewhere. The difficulty is that parents do not wish to do so. I understand this plight as I hope the Minister does.

Many of these parents have other children in those schools. There is now much pressure on accommodation. Deputy Crowe has recently pointed out, through a Dáil question, the particular accommodation pressures being experienced by the schools. There will be more challenges for the schools next year. The physical education hall and other facilities will have to be used to cater for classes. Teachers and parents have been telling me that this will mean children will have less than 30 minutes of physical education per week. That will cause its own problems.

There has been much talk about two prefabs which are 20 years old and which are clearly not fit to be used. We are asking the Minister to consider the crisis accommodation needs of these schools. They have made it clear to us that six prefabs are required as quickly as possible. If the schools are not able to provide the additional accommodation in September, they will literally be turning children away. The schools have served the community well, with approximately 1,000 pupils. They are now packed to the door and they are under much pressure.

Particular pressures are caused because it has such a large international aspect to its population. I have heard others speak on other constituencies, but in Tallaght it is unique. That population will continue to rise.

I know the Minister has an interest in education in Tallaght and I look forward to welcoming her to Tallaght next Tuesday when she opens the VEC offices. I ask her to give special consideration to this issue and help my local schools.

**Mr. Crowe:** I thank the Ceann Comhairle for affording us the opportunity to speak on this

issue. I will begin by describing the location of the school, which is at the edge of a RAPID area. As Deputy O'Connor has stated, its catchment covers an area which contains hundreds of apartments, and people are still moving in at the moment. The area has seen significant changes in recent years, and one in three of the houses in the area is rented.

The school is a microcosm of the community, which has itself been through significant change. Some of the changes have been positive, others have been negative. We have heard much about the new challenges facing Irish society, and the education system in particular. We have heard talk of multiculturalism and a plural society, integrating people from different cultures, etc. This process needs extra resources and commitment.

I am asking for a commitment from the Minister to consider the special circumstances of this school. What happens in this school will reflect on the relationships both within the school and without. I am not trying to create a scare, but that is a factor which must be taken into account by the Department.

Approximately 50 countries are represented in the school. Six of the 24 classrooms have been divided. Deputy O'Connor spoke of the two prefabs, but these were closed down by the Health and Safety Authority — not the school — because of their condition. The authority stated that the prefabs were unsafe.

Much money has been spent on the school in recent years, but there is talk of converting the music room into a classroom, not specifically for music. There is also talk of putting a false ceiling in the school. The library has been removed, and pupils are being taught within the library space itself.

Will this case be like the school I mentioned before in Donegal, where children with special needs were being taught in an adult toilet? Will that scenario face the children in this school? Parents have asked us as local representatives to do everything in our power to stress to the Minister over the coming period, before September, that there will be no room in the school for their children.

It has been suggested that these children should go to other schools in the area. The problem for the parents is to get the children to the alternative schools. Many of the parents who have approached me have lived all their life in the area and attended the school themselves. They feel they have some rights, as taxpayers and as people who have been committed to that community all their lives. Is it too much to ask that their kids be allowed to go to that school?

There is an accommodation crisis in the school and it will get more difficult as the years go by. Certainly, there is a need for extra classrooms. It will affect not only the junior school but also the senior school because there is a roll-on effect.

While this is called the Adjournment debate and no doubt the Minister probably has her answer written out in front of her, this matter needs to be looked at seriously. If at all possible, someone should speak not only to the school principal and the board of management but to the people who live in that community and have a role in the future of the school.

There is significant support for these new families. Like everyone, I am worried about the effect that this may have on community relationship in the school. That is not posing threats or anything else, but dealing with the reality of what is there at present.

**Ms Hanafin:** I thank Deputies O'Connor and Crowe for raising this matter on the application by St. Mark's Junior School for additional accommodation and the position in general on primary provision in the Tallaght area.

I am sure the Deputies will appreciate that in providing educational infrastructure, the Department's main responsibility is to ensure that schools in an area can, between them, cater for all eligible pupils seeking places. This may result in pupils not obtaining a place in the school of their first choice, but ensures that at all times the use of existing publicly-funded accommodation is maximised. This approach also ensures that the development and support of one school over others does not occur. Schools in an area are expected to implement enrolment policies which complements this position.

In the circumstances, when any school submits an application for capital funding, this is not considered in isolation from the circumstances prevailing in its neighbouring schools. If a school enrolls over and above what it can accommodate while there is vacant accommodation in other schools in its area, an application for capital funding cannot succeed. This is the practical application and implication of my Department's policy as outlined.

Earlier this year, St. Mark's Junior School in Tallaght submitted an application for capital funding under my Department's 2006 additional accommodation scheme. At the time it sought the provision of two extra classrooms to cater for increased enrolments. This application was refused on the grounds that my Department is satisfied that there is considerable spare capacity in neighbouring schools.

The school subsequently appealed this decision and increased its application to six extra classrooms, for both it and St. Mark's Senior School, but in addition, for the first time, the issue of the need to replace two old prefabs was raised. If there are problems with the standard of accommodation which might require replacement, *sin scéal eile*. Immediately, the Department contacted the school authority for a report which it commissioned in this matter. This will be exam-

[Ms Hanafin.]

ined when it is received as part of an assessment of the school's appeal.

As Deputy O'Connor stated, there are significant developments planned for the greater Tallaght area and my Department is aware of this. The school planning section is liaising with South Dublin County Council on future school requirements for the area in this regard.

Furthermore, the Department of Education and Science will review all existing provision to determine its long-term needs to meet the challenges presented by the proposed developments. It will do this in consultation with the local

schools inspector. The Department has already asked St. Mark's to submit an application for permanent accommodation. This will kick start the process from its perspective.

While we accept that the Tallaght area is growing, at present there appears to be adequate provision in the area for the number of students coming forward. There are two separate issues. On the first, we have asked the school to make the application for permanent accommodation. On the second, we will take a careful look at the standard of the school's temporary accommodation as soon as it sends us its report.

The Dáil adjourned at 12.25 a.m. until 10.30 a.m. on Thursday, 6 July 2006.

## Written Answers.

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

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*Questions Nos. 1 to 5, inclusive, answered orally.*

*Questions Nos. 6 to 13, inclusive, resubmitted.*

### CSO Publications.

14. **Mr. Gogarty** asked the Taoiseach if he will report on the Central Statistics Office publication Vital Statistics Fourth Quarter 2005 and Yearly Summary; and if he will make a statement on the matter. [24027/06]

**Minister of State at the Department of the Taoiseach (Mr. Kitt):** The Central Statistics Office published the Fourth Quarter and Yearly Summary on Vital Statistics for 2005 on the 15th of June this year, when it was also laid before this House. The statistics contained in the report are classified by year of registration. The Fourth Quarter and Yearly Summary 2005 contains a wealth of information on Ireland's social and demographic development. Some of the main general findings include:

- The number of births registered in 2005 was 61,042. This was 642 fewer than the number registered in 2004. The total period fertility rate (TPFR), was 1.88 children in 2005. This was lower than the 2004 rate of 1.95 children, but is still the highest rate in the EU.
- The number of deaths registered in 2005 was 27,441. This was 710 fewer than the number registered in 2004.
- The number of marriages registered in 2005 was 20,723. This was 104 more than the number registered in 2004.
- The number of divorces granted by the Circuit Court and the High Court in 2005 was 3,433. This was 86 more than the corresponding 2004 figure.

For the benefit of Deputies, the following statement summarises the principal findings of the 2005 Yearly Summary.

Summary of main points from the 2005 Yearly Summary

- The number of births that was registered in 2005 was 61,042 comprising 31,369 males and 29,673 females. This was a decrease of 642 on the 2004 figure. The birth rate in 2005 was 14.8 births per 1,000 population. This was a decrease on the 2004 figure of 15.3 births per 1,000 population.
- 40.5% of births registered in 2005 were to first time mothers. 32% of births were to second time mothers. 17% of births were to third time mothers. 10.5% of births were to mothers who already had three or more live born children.
- The average age at maternity was 31.0 years in 2005, compared with an average age of 30.8 years in 2004. The average age at first birth was 28.7 years in 2005, compared with an average age of 28.5 years in 2004.
- The number of births outside marriage registered in 2005 was 19,528. This was 410 fewer births outside marriage than registered in 2004. 32% of all births registered in 2005 were outside marriage.
- The total period fertility rate (TPFR) gives the theoretical average number of children who would be born alive to a woman during her lifetime if she were to pass through her childbearing years conforming to the age-specific fertility rates of a given year. The TPFR in 2005 was 1.88 children. This was a decrease on the 2004 figure of 1.95 children.
- The number of deaths registered during 2005 was 27,441, comprising 13,904 males and 13,537 females. This was a decrease of 710 on the 2004 figure.



[Mr. Kitt.]

- Of the deaths registered in 2005, 28% were due to cancer; 24% of deaths were due to ischaemic and other forms of heart disease; 12% of deaths were due to other diseases of the circulatory system; 14% of deaths were due to diseases of the respiratory system.
- There were 431 deaths due to suicide, 353 male and 78 female deaths.
- During 2005 the number of deaths of infants under one year was 244 compared with 300 in 2004. The infant death rate in 2005 was 4.0 per 1,000 live births. This was a decrease on the 2004 figure of 4.9 infant deaths per 1,000 live births. The Irish rate is lower than the current estimated EU average of 4.5 infant deaths per 1,000 live births. 35% of infant deaths occurred on their first day.
- The number of marriages registered during 2005 was 20,723. This was 104 more than the number registered in 2004. The number of divorces granted by the Circuit Court and the High Court was 3,433. This was 86 more than the corresponding 2004 figure.

15. **Mr. Gogarty** asked the Taoiseach if he will report on the Central Statistics Office publication Consumer Prices, Bi-Annual Average Price Analysis, Dublin and Outside Dublin, May 2006; and if he will make a statement on the matter. [24028/06]

**Minister of State at the Department of the Taoiseach (Mr. Kitt):** In May and November of each year the Central Statistics Office (CSO) undertakes a special average price analysis for Dublin and Outside Dublin using the prices collected for the Consumer Price Index (CPI) for those months. The CSO collects approximately 55,000 prices quotations at various locations throughout the State for a range of goods and services for the purpose of compiling the monthly CPI. From this extensive database it has been possible to calculate comparable average prices for two regions, namely Dublin and Outside Dublin, in respect of 73 common goods and services. These 73 goods and services account for approximately 24.5% of the total value of the CPI basket of goods and services. The results of this exercise have been published by the CSO on a bi-annual basis commencing with the May 2004 publication and the most recent figures relate to May 2006.

The publication contains four tables presenting information on average price levels and comparisons for Dublin and Outside Dublin for the goods and services in question. A copy of the publication can be obtained by download from the CSO website or on request from the CSO.

In May 2006, 40 of the 73 goods and services (55%) showed higher average prices in Dublin

with the remaining 33 (45%) showing lower average prices in Dublin. Overall, on a weighted basis for the products covered, average prices in May 2006 in Dublin were 3.5% higher than elsewhere. Similar differences of 3.1% and 3.2% were recorded in November 2005 and May 2005 respectively. When the price of drink in licensed premises is excluded from the comparison the remaining difference in overall average prices between Dublin and the rest fell to just 0.3% in May 2006.

#### Land Prices.

16. **Mr. Naughten** asked the Taoiseach the increase in agricultural land prices since 1999; and if he will make a statement on the matter. [23614/06]

**Minister of State at the Department of the Taoiseach (Mr. Kitt):** The average price of agricultural land in 1999 was €11,264 per hectare. The latest year for which figures are currently available is 2004, when the average price of agricultural land was €16,261 per hectare. This was an increase of €4,997 per hectare or 44.4% over the five year period. These figure exclude transactions involving small areas of land (i.e. under 2 hectares) and sales where the price was below €500 or above €35,000 per hectare.

*Questions Nos. 17 to 22, inclusive, answered orally.*

#### Telecommunications Services.

23. **Mr. Kenny** asked the Minister for Communications, Marine and Natural Resources the position held by Ireland in the European league in terms of full availability of broadband; and if he will make a statement on the matter. [26552/06]

35. **Mr. Deenihan** asked the Minister for Communications, Marine and Natural Resources when he expects 100% availability of broadband throughout the country, as is the case in Northern Ireland; if he has identified ways and means to speed up the provision of the technology; his views on whether the utilisation of the various means available through a variety of service providers can achieve the objective much sooner than anticipated, provided that technical or financial obstructions are removed; and if he will make a statement on the matter. [26556/06]

70. **Mr. J. O'Keeffe** asked the Minister for Communications, Marine and Natural Resources the time schedule recognised for the provision of 100% broadband services throughout the country; and if he will make a statement on the matter. [26554/06]

83. **Mr. J. O'Keeffe** asked the Minister for Communications, Marine and Natural Resources

the reason for the low uptake of broadband at various locations throughout the country; and if he will make a statement on the matter. [26555/06]

120. **Ms Lynch** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the fact that over 900 households in the greater Stamullen region in County Meath have no access to broadband facilities; if he will bring forward measures to ensure that Stamullen and numerous other rural and urban communities across the country are broadband enabled; the reason he has no plans to make Ireland 100% broadband enabled as has occurred with great success in Northern Ireland; and if he will make a statement on the matter. [26637/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 23, 35, 70, 83 and 120 together.

The provision of telecommunications services, including broadband, is a matter in the first instance for the private sector companies operating in a fully liberalised market, which is regulated by the independent Commission for Communications Regulation, ComReg, using a range of different broadband technologies.

The Government's regulatory and infrastructure policy has supported the private sector developing a competitive, affordable, and rapidly growing broadband market that offers choice of products and providers to Irish consumers and businesses.

Ireland's broadband take-up is growing very strongly. By end-March 2006, there were 322,500 broadband subscribers in Ireland. This is equivalent to almost 8% of the population or about 22% of households. Broadband take-up in Ireland grew by 112% over the twelve months to March. In fact, broadband take-up is continuing to accelerate compared to the 106% growth rate in 2005. This is more than twice the EU broadband growth rate.

It is estimated that there are already well over 350,000 broadband subscribers up to mid-2006, which is equivalent to approximately 8% of the population or one-quarter of households with broadband. This compares to about 3 in 10 households in the EU at the end of 2005.

It is accurate to say that Ireland is currently ranked low in terms of broadband take-up. However, Ireland's low ranking in the 'take-up' league tables reflects the relatively late launch of affordable and competitive broadband services in Ireland by telecoms and cable TV companies in the early 2000s. In contrast, Ireland is now one of the fastest growing broadband markets in the European Union. In fact, broadband take-up has more than tripled to date since I set a target of 400,000 in late 2004.

In a fully liberalised market, my Department does not provide broadband services to customers. Broadband is, in fact, available in almost all parts of Ireland through a combination of DSL, fixed-wireless, cable-TV, and satellite technologies. The availability and pricing of these specific services is a matter for the private companies themselves. The Government is supporting the growth in broadband services throughout Ireland through its telecoms regulation and infrastructure policies.

The combination of telecommunications regulation and competition is driving prices down for the benefit of Irish consumers and businesses. For example, DSL pricing fell by 25% in 2005 and, according to ComReg data, it is now estimated to be about 30% below the EU average. Irish consumers now benefit from the third cheapest entry-level broadband product compared to other EU countries.

The Government is addressing the infrastructure deficit in the regions by building high-speed, open-access Metropolitan Area Networks (MANs) in 120 towns and cities nationwide. Phase One of this Programme has delivered fibre optic networks to 27 towns and cities throughout the country. This Programme has been extended to over 90 towns in various locations nationwide. It is expected that these MANs will be completed during 2006 and 2007. These networks will allow the private sector operators to offer world-class broadband services at competitive costs.

My Department also offers funding assistance for smaller towns and rural communities through the County and Group Broadband Scheme (GBS). The scheme, which is technology-neutral, subsidises the roll-out of the most suitable broadband infrastructure for a particular area. The most recent call for proposals has now closed and I expect to launch further schemes of this nature shortly. To date, over 150 projects have been approved for funding under this Programme. In relation to the Stamullen region in County Meath, raised by Deputy Lynch, the GBS programme was available to fund broadband infrastructure in that area but no application was received. The GBS initiative is continually under review to ensure that it is supporting the private sector rolling out broadband services to new locations.

My Department's website, [www.broadband.gov.ie](http://www.broadband.gov.ie), gives full details of broadband pricing and availability around the country, including DSL, cable, fibre, satellite and fixed wireless technologies. The website also lists the different products on offer and the contact details for each service provider. There is a choice of broadband services that can technically deliver broadband to any customer in Ireland at the moment.

Today, there are almost 70 of these broadband providers, a mixture of DSL, fixed wireless, satellite and cable. They are offering almost 300 different types of broadband products. Wireless broadband technology is improving rapidly. The

[Mr. N. Dempsey.]

lowering of equipment prices has made this technology much more attractive of late especially in rural areas that cannot obtain ADSL connectivity. The developments of Wi-Max and HSDPA (High Speed Downlink Packet Access) offer considerable potential for the future.

*Question No. 24 answered with Question No. 22.*

#### **Offshore Exploration.**

25. **Dr. Twomey** asked the Minister for Communications, Marine and Natural Resources the extent to which he has had discussions with principals or interested parties involved in oil, gas or other mineral explorations, on or offshore; if discussions have taken place regarding the licensing regime in the future; if previous commitments will be honoured; if discussions have taken place regarding the structures of a future regime; and if he will make a statement on the matter. [26574/06]

29. **Ms Enright** asked the Minister for Communications, Marine and Natural Resources his proposals in relation to the operation regarding the issue of licences for oil, gas or other mineral exploration; if it is intended to review existing procedures in this regard. [26585/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 25 and 29 together.

My Department has ongoing and widespread contacts with both the industry and the sector in general in relation to a wide range of issues. I recently put in motion a review of the licensing regime under which offshore exploration companies operate in this country. My Department will engage the advice of external experts to independently validate the proposed changes and terms of reference for such engagement are being finalised at present.

My concern is that the regime in place must be sufficiently progressive to accommodate both future variations in oil and gas prices and the high cost of deep-water field development. Any amendment of the existing terms would only apply to future licences.

With regard to non-petroleum minerals, exploration and development is undertaken by private enterprise and regulated under the Minerals Development Acts, 1940 to 1999. The current Programme for Government includes a commitment to consolidate and update the Minerals Development Acts, 1940 to 1999. Last week the Government gave its approval for the priority drafting of a new Minerals Development Bill to give effect to that commitment. This Bill, when enacted, will streamline procedures for permitting exploration for and development of mineral deposits and will help make Ireland more attractive for investment in mineral exploration. All

extraction of minerals under the current Minerals Development Acts, is subject to payment of royalties to the State. I do not propose to change that policy in the new legislation.

Interested parties were consulted in our consideration of the proposed legislation by way of an invitation to prepare submissions and officials of my Department and representatives of the Irish Mining and Exploration Group of IBEC last year concluded a joint review of our exploration and mining legislation.

#### **Electricity Interconnectors.**

26. **Ms Enright** asked the Minister for Communications, Marine and Natural Resources the progress to date in the provision of east west electricity interconnectors; and if he will make a statement on the matter. [26545/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Security of energy supply is a key imperative for Ireland and the European Union. The relatively small size of the Irish electricity market underlines the need for greater interconnection as a means of enhancing security of supply, promoting competition and integrating the Irish electricity market. In this context, the East-West electricity interconnector project is a key priority for the Government. I recently brought the matter to Government for a decision as to the mechanism to secure East-West interconnection in terms of financing and developer selection, informed by the advice of the Commission for Energy Regulation (CER).

My Department will now contact the CER to communicate the actions which should now be taken to ensure that the target date of no later than 2012 for operation of the interconnector is met. An announcement will be made shortly of the full detail of the Government decision proceeding with East-West interconnection. The Deputy will also note that the Committee Stage of the Energy (Miscellaneous Provisions) Bill is scheduled to take place on 13th July next.

The Bill provides the necessary legislative powers for the CER, with my consent, to secure the construction of an interconnector by means of competitive tender, authorisation process, or inclusion in the development plans of the transmission system operator. The Bill provides for the possibility that related costs can be recouped through the transmission use of system charge. The Bill also addresses a present anomaly facilitating a regulated interconnector not owned by the ESB.

#### **Proposed Pipeline.**

27. **Mr. Stagg** asked the Minister for Communications, Marine and Natural Resources the position with regard to mediation efforts of the Corrib gas issue; the effect of recent planning rulings on Shell's pipeline and proposed refinery and if and when he expects an announcement on



an agreed approach to bringing the gas deposit ashore; the way this will benefit County Mayo, Connaught and Ireland; and if he will make a statement on the matter. [26657/06]

34. **Mr. Ring** asked the Minister for Communications, Marine and Natural Resources the position in regard to the availability of supply from the Corrib gas field; if the issues which have impeded the progress of the project in the past have been fully addressed by the various interested bodies involved; if any or all of the contentious issues have been addressed; if there are remaining matters to be dealt with; when it is expected that all outstanding issues, existing or potential, have been fully examined, evaluated and resolved with a view to making supply available; the schedule in this regard; and if he will make a statement on the matter. [26583/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 27 and 34 together.

As Deputies will be aware, as a result of local concerns over the safety of the Corrib gas pipeline, I commissioned a comprehensive independent safety review last August. Following a detailed review process, including two separate phases of public consultation, Advantica, the international consultants contracted to do the work, provided me with their report earlier this year. This review found that proper consideration was given to safety issues in the selection process for the design option and route. Moreover, the review found that if a number of additional provisions were made, there would be a substantial safety margin in the design.

The most important of these provisions was that an additional pressure limitation mechanism, to ensure that the pressure in the pipeline can never go above 144bar, be incorporated into the design. Other recommendations included the drawing up of an integrity management plan and the use of PD8010 as the design code for the project.

The Review was published in May, along with a report to me on the Advantica report by my Technical Advisory Group (TAG). This Group accepted the recommendations of the Advantica Report and made a number of recommendations of their own.

I have accepted these recommendations, and any future consents to conduct further work on the project will be dependent upon the developer meeting the requirements set out in these reports. I also appointed Mr. Peter Cassells, to act as mediator between the various parties. The developer, Shell, has already accepted the recommendations made by both Advantica and TAG and has committed itself to co-operating fully with the mediation process. Given the sensitivities involved, I do not consider it would be helpful for me to comment on the mediation process that

is ongoing. I remain hopeful that a successful conclusion will be achieved.

When the mediation process has concluded and the additional requirements made of Shell arising from the Advantica Review, TAG recommendations and my own Department's recommendations are met, a significant construction period will be required before gas can be brought ashore.

The Corrib gas will bring significant benefits to the State as a whole. It will have a positive impact on the security of gas supply and the balance of payments. It will also encourage further exploration and investment. In addition there will be local benefits, in terms of employment and infrastructure development.

An Bord Gais has recently had its new connection policy approved by the energy regulator. This policy will frame a feasibility study of connections to towns in Co. Mayo with a view to providing services as soon as the Corrib field is on stream.

As regards the planning issue raised by Deputy Stagg I can advise him that I have no function in relation to planning matters and that this is a matter between the planning authority and the developers of the Corrib Gas Field.

#### **Electricity Generation.**

28. **Mr. Crawford** asked the Minister for Communications, Marine and Natural Resources his proposed role for the ESB for the generation and transmission of electricity in the future; and if he will make a statement on the matter. [26570/06]

38. **Mr. Naughten** asked the Minister for Communications, Marine and Natural Resources his preferences for the future ownership of the electricity grid; and if he will make a statement on the matter. [26577/06]

54. **Mr. Kehoe** asked the Minister for Communications, Marine and Natural Resources if discussions have taken place with ESB management or staff regarding the future development of the ESB in conjunction with increased electricity demands and deregulation; and if he will make a statement on the matter. [26567/06]

59. **Mr. Naughten** asked the Minister for Communications, Marine and Natural Resources his preferred options for the future role of the ESB in the energy market at both generation and transmission levels; and if he will make a statement on the matter. [26578/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 28, 38, 54 and 59 together.

Future possible directions for the electricity sector, taking into account all relevant considerations including the development of the all-island



[Mr. N. Dempsey.]

Single Electricity Market, competition, security of supply, generation adequacy and consumer needs, will be articulated in the forthcoming Energy Policy Green Paper. The Green Paper, informed by the Deloitte & Touche report, among other contributions, will confirm the need for change, over time, in the electricity sector and considers the role of ESB in that regard.

As I indicated recently, the Government recognises the strategic value of maintaining the ESB as a strong and commercially viable company into the future. The retention of natural monopoly networks including the grid, in State ownership, is also a core policy tenet for the Government. I have stated that the Government does not in any circumstances favour the privatisation or atomisation of ESB. EirGrid has been fully established operationally as the national independent Electricity Transmission Operator with effect from 1st July.

Future market structures will need to take account of the reluctance of independent generators to enter the market on foot of the perceived and actual dominance of ESB. They will also reflect the creation of the Single Electricity Market from July 2007 under the all-island energy framework. The Single Electricity Market will be both a driver and enabler of further change.

In regard to my contacts with ESB Board management and staff, these are an ongoing part of my role as Minister, and that of my Department, with responsibility for the corporate governance of the ESB. On the particular issue of the future development of the company, I can confirm that representatives of the ESB unions, along with ICTU representatives, last week made a presentation to me on their joint submission to the Deloitte & Touche Review. I expect that both management and staff will take the opportunity presented by publication of the Green Paper to provide further input on this issue.

*Question No. 29 answered with Question No. 25.*

### **Alternative Energy Projects.**

30. **Mr. Connolly** asked the Minister for Communications, Marine and Natural Resources if it is proposed to develop a native biomass or biofuel industry to enable in excess of 25 per cent of electricity and 10% of petrol and diesel requirements to be replaced and produced from arable crops such as elephant grass, oilseed rape, wheat and sugar beet; and if he will make a statement on the matter. [24640/06]

49. **Mr. G. Mitchell** asked the Minister for Communications, Marine and Natural Resources the extent to which various alternative and renewable fuels are being developed; and if he will make a statement on the matter. [26540/06]

50. **Mr. Cassidy** asked the Minister for Communications, Marine and Natural Resources the potential biomass has as an energy source here. [24476/06]

93. **Mr. P. Breen** asked the Minister for Communications, Marine and Natural Resources the extent to which he intends to encourage the development of alternative or renewable fuels having particular regard to the need for import substitution, reduced dependence on fossil fuels and compliance with Kyoto protocols; the extent to which measures taken to date are expected to meet these requirements; and if he will make a statement on the matter. [26573/06]

104. **Ms O. Mitchell** asked the Minister for Communications, Marine and Natural Resources if he has had recent consultations with, the Department of Agriculture and Food, with a view to the utilisation of farm land previously used for beet growing for bio-fuel production; and if he will make a statement on the matter. [26539/06]

107. **Ms McManus** asked the Minister for Communications, Marine and Natural Resources if the Government will institute a comprehensive biofuels strategy including the refinery and distribution network; if he has liaised with the Department of Agriculture and Food in relation to sugar refinery assets at Mallow which could be converted to biofuels and in relation to the cultivation of biofuels crops; and if he will make a statement on the matter. [26659/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 30, 49, 50, 93, 104 and 107 together.

Biofuels and biomass policies are critical components of overall energy policy objectives to significantly enhance the contribution of renewable energy sources to electricity, heat and transport. The Renewables Directive (2001/77/EC) obliges Ireland to develop and implement a programme capable of increasing the amount of electricity from renewable energy sources to 13.2% of total consumption by 2010. The target of 13.2% approximates to 1450 Megawatts (MW) of installed generating capacity to be operational to the electricity network by 2010. This figure has been the minimum required by the EU Directives but I have now increased Ireland's target to 15% of consumption, which approximates to 1650MW, by 2010.

Currently Ireland has over 850MW of renewable capacity connected. This consists of approximately 590MWs of wind powered plant, 236MW of hydro powered plant with the balance (circa 35MWs) made up of different biomass technologies. The additional new capacity required to achieve the target will be delivered by projects already selected under the Alternative Energy Requirement programme and the

new Renewable Energy Feed In Tariff (REFIT) programme. Developers of biomass electricity generating plant may enter the REFIT programme. Biomass offers new opportunities for rural communities through diversification into energy crops and management of forest by-products. It offers significant potential for environmentally sustainable energy production, and provides valuable waste management solutions.

For these reasons I have provided for a significantly higher biomass feed-in price in the recently launched REFIT programme (€72 per megawatt hour compared to €57/MWh for wind-powered plants). I have also established new programmes to support the renewable heat and transport fuel sectors, which provide significant new opportunities for the development of bio-energy.

I have recently launched a new grant aid scheme for commercial renewable heat technologies. The scheme will allow companies and small businesses to obtain grants for the installation of wood chip and wood pellet boilers in large buildings and commercial premises. This programme is in addition to the Greener Homes scheme that I launched in March, which provides grant aid for individual domestic householders for renewable heat technologies, which includes grants for the provision of wood chip and wood pellet stoves and boilers. There has been very strong interest in the scheme since it was launched.

The 2005 pilot mineral oil tax relief scheme for biofuels has resulted in eight projects being awarded excise relief and will result in 16m litres of biofuels being placed on the Irish transport market by next year. Building on the success of this scheme, and following extensive discussions with industry and relevant Government Departments and agencies, I agreed with the Minister for Finance a further targeted package of excise relief valued at over €200m, which was announced in the Budget. The new excise relief programme will be rolled out from this year to 2010 and will enable us to reach the initial target of 2% market penetration of biofuels by 2008. This approximates to the amount of biofuels that can be produced in Ireland at present under current land use patterns, and bearing in mind the technical advances that would be required to support the economic large-scale development of second-generation biofuels from elephant grass, straw, wood and waste products.

Under current EU fuel standards, biofuel blends above 5% are not covered by all engine warranties, and any market levels around 10% could require widespread engine modification. The Department is currently reviewing these projections with the Department of Agriculture and Food and relevant industry players. When fully operational the new scheme is expected to support the use and production of some 163 million litres of biofuels each year and will provide new opportunities for the farming sector. The scheme will achieve CO<sub>2</sub> savings of 257,000 tonnes by

2010 and represents 52% of the annual CO<sub>2</sub> reductions to be achieved through vehicle and fuel tax measures identified in the National Climate Change Strategy.

The scheme requires State-aids approval from the Commission and I intend to launch the scheme in the coming weeks subject to ongoing discussions with the Commission. The Government is also providing funding towards the capital cost of developing biofuels processing facilities, which will critically underpin the excise relief package.

The potential for using existing facilities at the former sugar factory in Mallow for the production of biofuels and switching to the production of energy crops, is ultimately a commercial decision for developers. The new excise relief programme, which is subject to State-aid approval, will provide a framework in which farmers and potential developers can consider all such options.

One of the aims of the new scheme is to stimulate the development of biomass/feedstock production in Ireland to support a sustainable domestic biofuels industry. There are considerable potential benefits to be accrued from a cohesive approach to bio energy and biofuels for both the demand and supply sides. The Government is committed to ensuring that all relevant Departments and Agencies deliver collectively to best effect and consultations are ongoing across a range of Government Departments, including the Department of Agriculture and Food.

I will continue to work closely with my colleague the Minister for Agriculture and Food, in ensuring an integrated approach to bio energy issues and in the area of transport fuels I have asked my officials to give particular priority to maintaining and enhancing a fully holistic approach across Departments to progressing the biofuels/bio energy agenda, addressing supply and demand challenges and opportunities in a strategically planned way.

#### **Telecommunications Services.**

31. **Ms O'Sullivan** asked the Minister for Communications, Marine and Natural Resources the amount spent on phase 1 of the MANs; the amount it is estimated that Phase 2 and 3 of the MANs project will cost; the amount of the MANs network that is currently lit; the level of uptake on the MANs; the recent contact he has had with the MANs operator; the way he intends to invigilate the operator if the present multi-million euro level of losses continues; and if he will make a statement on the matter. [26624/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The total cost of the Phase One MANs was approximately €85 million. All 27 networks are now complete. They have been handed over to the Management Services Entity, eNet, which was contracted in

[Mr. N. Dempsey.]

June 2004 to manage, market and maintain the networks on behalf of the State for a period of fifteen years. All the completed networks are lit and open for business. There were forty-four MAN customers by the end of April 2006.

It is important to note that the MANs will realise a return on investment over a longer period than the private sector is prepared to risk. The creation of such open-access infrastructure is seen as an essential enabler of development, and is already offering opportunities for businesses both large and small to become and remain competitive through ICT.

e-Net's contractual obligations for the management, operation and maintenance of the MANs are set out in the Concession Agreement between my Department and e-Net. Tight controls exist within the Concession Agreement to closely monitor e-Net's performance. e-Net formally reports to my Department on a quarterly basis and is obliged to file various documents throughout the contract term dealing with its activities. e-Net also publishes an annual set of accounts. The Department is at all times entitled to carry out an audit of the networks.

The cost for phase two is estimated to be in the region of €140 million. Phase two will provide networks in more than 90 towns. Subject to funding being available, a further phase that would construct networks in the remaining towns with populations greater than 1,500, could cost €80 million.

#### Departmental Schemes.

32. **Dr. Upton** asked the Minister for Communications, Marine and Natural Resources the uptake of the scallop and whitefish decommissioning programmes and the expected outcome on the whitefish programme up to the conclusion of these supports; and if he will make a statement on the matter. [26661/06]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne):** The fishing vessel decommissioning scheme, the most extensive ever announced by the Government was originally launched in October 2005 and provides up to €45 million in funding to remove up to 25% of the older, larger and more active vessels in the whitefish sector and also remove excess capacity in the scallop fleet.

To date, twenty-one whitefish vessels and nine scallop vessels and have been decommissioned under the first phase of the decommissioning scheme. €11.6 million in grant aid has been paid in respect of these vessels and funds are available to pay the €4.4 million balance of grant aid allocated to these vessels, subject to the necessary proofs of compliance with the conditions of the scheme being provided to BIM. Consequently, some €29 million in grant aid remains available

to fund the decommissioning of additional whitefish vessels.

The decommissioning scheme sets itself the target of removing up to 11,000 Gross Tonnes of capacity from the polyvalent and beam trawl segments of the whitefish fleet and to reduce the capacity of the scallop sector to approximately 4,800 kilowatts of engine power. The twenty-one whitefish vessels removed, to date, have a capacity of 3,354 Gross Tonnes, which represents approximately 30% of the whitefish target. The nine scallop vessels removed from the scallop sector represents the full programme of decommissioning recommended by Mr. Pdraig White's report of July 2005.

At the 'Fish Ireland Expo' in Killybegs last Thursday, I launched the second round of the Fishing Vessel Decommissioning Scheme. This round, which is restricted to whitefish fleet, seeks to retire a further significant portion of the older whitefish vessels, so that those vessels remaining in the fleet, can operate in a climate where their catching power and economic requirements are in better balance with the resources available to the State, under the Common Fisheries Policy.

The closing date for the second round of the scheme is Friday 18 August and I anticipate that eligible whitefish vessels will be approved for decommissioning grants in September 2006.

#### Alternative Energy Projects.

33. **Mr. English** asked the Minister for Communications, Marine and Natural Resources the number of potential electricity or renewable energy suppliers with whom his Department has had discussions in the context of the development of renewable energy, compliance with Kyoto principles, adherence to the EU objectives and his Department's projections for the future; and if he will make a statement on the matter. [26558/06]

74. **Mr. Stanton** asked the Minister for Communications, Marine and Natural Resources if he has satisfied himself regarding the progress to date in the provision of alternative electricity generating sources with particular reference to renewables and import substitution; if he intends to incentivise alternative generating capacity; and if he will make a statement on the matter. [26580/06]

116. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has had discussions with the ESB or other potential electricity generating interests with a view to the future development of the alternative energy sector and the need for security of supply; and if he will make a statement on the matter. [26526/06]

225. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources



if he has had discussions with the ESB or other potential electricity generating interests with a view to the future development of the alternative energy sector and the need for security of supply; and if he will make a statement on the matter. [26696/06]

255. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the number of potential electricity or renewable energy suppliers with whom his Department have had discussions in the context of the development of renewable energy, compliance with Kyoto principles, adherence to the EU objectives and his Department's projections for the future; and if he will make a statement on the matter. [26733/06]

274. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has satisfied himself regarding the progress to date in the provision of alternative electricity generating sources with particular reference to renewables and import substitution; if he intends to incentivise alternative generating capacity; and if he will make a statement on the matter. [26756/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 33, 74, 116, 225, 255 and 274 together.

Support programmes put in place by this Government have more than doubled the capacity of renewable energy powered electricity generating plants connected to the electricity target in the last two years. Building on this progress, I also announced recently an ambitious programme to treble the contribution by renewable energy sources from 5% of electricity produced to 15% by 2010.

There are over 860Meggawatts of renewable capacity connected to the national grid today. This consists of approximately 590MW of wind powered plant, 236MW of hydro powered plant with the balance (c. 35MWs) made up of different biomass technologies. The new target will require growth in the sector to more than double from the 860 megawatts, or so, currently connected to 1650 megawatts by 2010. On 1st May last I launched a new support programme which moved away from an emphasis on competitive tendering operated over the previous decade to a fixed price type support mechanism.

This new system was developed after a public consultation programme, work within the Renewable Energy Development Group which included representatives from the regulator's office, the network operators, suppliers and project developers. My officials have also had ongoing meetings with at least four suppliers likely to participate in the new support programme, which is commonly referred to as REFIT.

The new programme has been favourably received, generally speaking, by both electricity producers and retail suppliers. The programme opened on 1st June and sixty one applications were received. My officials are currently in consultations with the applicants following an initial examination of applications. Based on market interest to date I am satisfied the historically high growth rate can be delivered on time.

Additional targets beyond 2010 will be determined in the context of the development of an all-island electricity market. The aim is to develop a long term strategy to support increased renewable energy penetration on the island as a whole. To this end a consultation paper entitled "2020 Vision for Renewable Energy" was published in July 2005. The responses to this paper are available on my Department's website and will inform future policy in this area.

As part of this work a major all-island grid study is underway to examine the implications of significantly increased renewables in the electricity mix on the island by 2020.

*Question No. 34 answered with Question No. 27.*

*Question No. 35 answered with Question No. 23.*

#### **EU Regulations.**

36. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources if he will clarify the position in view of the EU position on minimum import price against the Norwegian salmon industry, which is designed to remain in place for five years, and in further view of the fact that Brussels was clear to note that that intervening period should be used by the Government to restructure the industry, and make it more competitive and ready for open market trading; the action being taken regarding same; and if he will make a statement on the matter. [26588/06]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne):** On 21 January 2006, the Council of the European Union adopted a Regulation imposing anti-dumping measures in the form of a Minimum Import Price of EUR 2.80 per kilogram for imports of farmed salmon (whole fish, fresh, chilled or frozen) from Norway to the EU. The Norwegian government decided on 21st February 2006 to file a complaint with the World Trade Organisation (WTO) in respect of the European Union's Anti-Dumping measures. The case is under consideration by the Disputes Settlement Body of the WTO. The Department will continue to work closely with the industry representatives, the EU Commission and the UK authorities to ensure that there is a robust case made in defence of the current Anti Dumping measures.



[Mr. Browne.]

In relation to the restructuring of the Irish farmed salmon sector, under the National Development Plan, grant aid is available to support investment in aquaculture aimed at increasing the competitiveness of the Irish salmon farming sector.

In addition, a new grant aid initiative was announced late last year to improve the competitiveness and environmental impact of marine based salmon farms, in the context of restructuring the sector. The rate of grant aid applicable to qualifying projects is to 65% of eligible expenditure with a total grant aid budget available of €1 million. The impact of this measure is intended to allow the Irish salmon farming industry to achieve a more competitive unit cost of production. The Measure is being implemented during the course of 2006 and is designed to be part of a co-ordinated response to restructure the sector during the period of the Minimum Import Trade Protection Measure put in place by the Commission of the EU.

I am pleased to announce that last Wednesday, the 28th June 2006, the NDP Aquaculture Measure Selection Committees approved grant aid, under the Technical and Environmental Support Programme (TESP), on 7 projects with a total investment value of €3.5m. It is expected that these projects will be completed by the end of 2006 and that the effect of these investments will be to substantially improve the competitiveness and the environmental impact of the Irish salmon farming sector.

BIM is also stepping up its marketing effort by pursuing a strategy of differentiating Irish farmed salmon in the home and international market, through the use of the world class product quality assurance scheme already in place, together with increased niche marketing of the unique Irish organic salmon.

#### **Broadcasting Services.**

37. **Ms Burton** asked the Minister for Communications, Marine and Natural Resources his views on the analysis of RTÉ, that the process of digital switch over that has already begun in the UK will affect the television reception in Irish homes along the eastern seaboard by 2008 and along the border regions by 2012; and if he will make a statement on the matter. [26650/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The UK has a schedule to switch off analogue TV in different regions from 2008 to 2012. In the development of a switchover plan, the Irish communications regulator will work closely with the UK to ensure the continued protection of analogue TV in Ireland. Notwithstanding, it should be noted that as the UK switch off analogue TV progresses, reception in Irish homes will be affected because Irish analogue TV view-

ers will no longer be able to receive UK channels. It is expected that viewers who have digital TV will continue to receive UK channels.

Currently, digital TV is available in Ireland over cable and satellite. A pilot to explore the possibilities for introducing digital terrestrial television is also being launched by my Department with a view to ensuring that Ireland's broadcasting services continue to compete with the rest of Europe in the future.

*Question No. 38 answered with Question No. 28.*

#### **Energy Reserves.**

39. **Mr. Costello** asked the Minister for Communications, Marine and Natural Resources the Government's target for oil reserves to be held in Ireland or abroad under the auspices of the National Oil Reserves Agency; the number of days the reserve currently stands at; his views on access to stocks held abroad in the event of an oil crisis; and if he will make a statement on the matter. [26633/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Under the European Communities (Minimum Stocks of Petroleum Oils) Regulations, 1995, the National Oil Reserves Agency (NORA) acts as an agent of the Minister for Communications, Marine and Natural Resources and is responsible for the maintenance of such levels of strategic oil reserves as I, as Minister, determine at least once a year.

On 1 May 2006 Ireland's oil stocks reserves were estimated — using the International Energy Agency methodology — at 99 days net imports. This comprised 32 days stocks held in Ireland by NORA, 32 days held in Ireland by oil companies and oil consumers, with the balance of 35 days being held abroad either directly by NORA or on its behalf under what, in the industry, is termed "stock tickets" — the latter being a mechanism whereby NORA has the option to buy, under commercial contracts and at market prices, volumes of oil in the event of an oil emergency being declared. At 1 May 2006 therefore some 64 of the 99 days stocks were held in Ireland, with 67 of the 99 days being under the control, either directly or indirectly, of NORA.

The holding of stocks in other EU Member States is provided for in the relevant EU Directive on oil stocks which provides that where stocks are held abroad the actual availability of the stocks for the beneficiary body — in this case NORA — must be guaranteed at all times throughout the period of the contract by the undertaking holding the stocks.

Over the past 5 years, Ireland's monthly levels of oil reserves — using the IEA methodology — have been consistently in or around 100 days. In

addition, in the event of a significant global oil supply crisis, Ireland's oil reserves would be extended out over the period to supplement continuing available commercial supplies. In this context reserves provide cover for periods far in excess of their expression in terms of number of days.

#### **Internet Use.**

40. **Mr. Coveney** asked the Minister for Communications, Marine and Natural Resources the extent to which directly, through the Regulator or through the use of improved technology, he will ensure the elimination of spam on the internet. [26534/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The Commission for Communications Regulation (ComReg) has no function with regard to spam. The development of technology is a matter for the industry itself.

My Department and the Office of the Data Protection Commissioner are represented on working groups set up by the EU and the OECD to explore the options for controlling spam, the EU in the context of the Member States and the OECD in the wider global context.

#### **Greenhouse Gas Emissions.**

41. **Mr. O'Shea** asked the Minister for Communications, Marine and Natural Resources the plans he has to follow the example of the British Government and ensure that Government offices are carbon neutral by 2012; and if he will make a statement on the matter. [26646/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Under the Public Sector programme, operated by Sustainable Energy Ireland (SEI), energy performance is enhanced through improved design, investment and management in new and refurbishment projects. This programme recognises the diversity of buildings, potential for improvement, impending regulations and directives, and the capacity to influence other sectors of the economy.

To date the public sector programme has supported over 150 projects within this sector. The annual energy savings relating to public sector approved projects is €4.4m. This represents a 39% reduction in CO<sub>2</sub> emissions per SEI funded public sector buildings after intervention. Recently supported projects include the new civic offices for Kildare County Council, an 850kW wind turbine at Dundalk Institute of Technology, and the refurbishment and extension of Cork County Hall.

The OPW is playing a key role by establishing an energy management bureau for 200 of the

largest central government offices. A web based monitoring and reporting system will enable comparison of the performance for all buildings. The bureau will identify poor and abnormal performing buildings and conduct selective energy audits to determine causes and report on remedial measures or investment opportunities. Under the recent Energy End-use Efficiency and Energy Services Directive of the European Union, the public sector is required to give a lead to the rest of the economy in energy efficiency.

Officials in my Department are currently in contact with the OPW and SEI with regard to examining the possibility of installing energy efficient technologies in decentralised buildings. I will be publishing a Green Paper on Energy Policy within weeks which will launch the consultation on this and related issues with a view to publishing a White Paper towards the end of the year.

#### **Proposed Legislation.**

42. **Mr. McEntee** asked the Minister for Communications, Marine and Natural Resources if the satisfaction he expressed at the joint launch of the new geological map of Ireland is indicative of his intention to reintroduce the GSI Bill, previously withdrawn from circulation; his views on whether it is timely to update the relevant legislation having particular regard to the vintage of the existing law; and if he will make a statement on the matter. [26576/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I accept fully that it is important to modernise the legislation governing the operations of the Geological Survey of Ireland. A certain amount of preparatory work on such legislation has been undertaken in my Department.

However, the question of converting the GSI into a non-commercial state agency, as distinct from its current status as a division of the Department, has arisen separately from the preparatory work on the draft legislation. I believe that it is important to form conclusions in relation to this issue before proceeding with new legislation. If a change of status is proposed then the proposed legislation will need to be expanded in scope.

#### **Fisheries Conservation.**

43. **Mr. Wall** asked the Minister for Communications, Marine and Natural Resources if he will report on the work of the three person expert group in relation to salmon fishery; if he will follow the scientific advice and the decision of the National Salmon Commission; and if he will make a statement on the matter. [26662/06]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne):** I announced last March that I had decided to adopt the recommendations made to me by the National Salmon Commission (NSC) in relation to the total allowable salmon catch for 2006. At the same time I also reaffirmed the Government's commitment to fully align with the scientific advice provided on the management of the wild salmon fishery by 2007.

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 wild salmon 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.

The group placed advertisements in the media last April inviting submissions from interested parties, the closing date for which was 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.

*Question No. 44 answered with Question No. 22.*

#### **Fisheries Industry.**

45. **Mr. Penrose** asked the Minister for Communications, Marine and Natural Resources the reason there are no figures available for the numbers of people employed in the seafood processing industry for the years 2001 to 2004; the way he plans to develop a seafood strategy without any hard data for seafood production and employment in those years; the directions given to his Department and the marine agencies such as BIM on establishing statistical data on the seafood sector; and if he will make a statement on the matter. [26639/06]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne):** Bord Iascaigh Mhara (BIM) main-

tains a comprehensive set of annual data on aquaculture production, domestic seafood sales, seafood exports and imports. A census of employment in all seafood processing and marketing companies generated comprehensive data on this sector for the years 2000 and 2005. A specific database is maintained on all client companies in this sector on which data, including employment numbers, is regularly updated thereby allowing for estimates to be produced.

Council Regulation (EC) No. 1543/2000 of 29 June 2000 establishing a Community framework for the collection and management of the data needed to conduct the common fisheries policy came into force on 1 January 2004 in respect of the fishing fleet and 1 January 2006 in respect of the processing sector. The collection of data as provided for in the above Regulation is being undertaken by BIM in respect of employment in the fisheries sector. I will make available to the Deputy a detailed compendium of statistics on the seafood sector as provided for by BIM.

This data will be made available to the 3-man Strategy Group that I recently appointed to oversee the development of a new seafood strategy to take the industry forward.

#### **Alternative Energy Projects.**

46. **Mr. Sargent** asked the Minister for Communications, Marine and Natural Resources the measures he has taken to promote condensed boilers. [26599/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The House of Tomorrow programmes of Sustainable Energy Ireland (SEI) stimulate the widespread take-up of more sustainable energy planning, specification and construction practices in both new home building and the home improvement markets.

Among the demonstration projects funded under the House of Tomorrow programme are many featuring condensing boilers which show a higher efficiency in their use of energy. The experience in these pilot projects is a valuable input to consideration of policy options for the future.

In order to comply with the requirements of Article 8 of the Energy Performance of Buildings Directive (EPBD), SEI is also developing a programme for the promotion of energy efficient boilers and boiler servicing in Irish homes. The first step in the programme is the development of a national database that will provide details regarding the efficiency of home-heating appliances which are placed on the market in Ireland.

The database will have two functions (1) to provide data on heating appliance efficiency for the energy rating of homes to meet the requirements of the EPBD and (2) to provide general

consumer information on the efficiency of heating appliances available for purchase in Ireland.

The database will be known as the Home-heating Appliance Register of Performance (HARP) Database and is expected to be published in September 2006. The appliances will be listed in order, with the most efficient appliances placed at the top of the list. This will serve to highlight and promote the more efficient heating appliances that are available on the market, such as condensing boilers.

The registration process involved will also enable the Government to ensure that all boilers listed in the database comply with the requirements of the Boiler Efficiency Directive, which sets minimum energy efficiency requirements for boilers placed on the market.

#### Post Office Network.

47. **Mr. P. McGrath** asked the Minister for Communications, Marine and Natural Resources if he has received information regarding the closure of post offices throughout the country in the past five years; the number of post offices downgraded or closed down; the number of sub-post offices closed; and if he will make a statement on the matter. [26564/06]

87. **Mr. Hayes** asked the Minister for Communications, Marine and Natural Resources the number and location of rural post offices and urban post offices that have been closed or downgraded in the past five years; and if he will make a statement on the matter. [26560/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 47 and 87 together.

The opening, conversion and closure of individual post offices is a matter for the board and management of An Post. With regard to the post office network, as clearly set out in the Programme for Government, this Government and the board of An Post are committed to the objective of securing a viable and sustainable nationwide post office network.

Notwithstanding that, in line with similar trends across Europe, An Post has undertaken some network restructuring in recent years, Ireland still has one of the highest number of post offices per head of population in the EU. While the Government will support the network in any way it can, the best way to maintain a viable nationwide network is for An Post to enhance existing services and, building on existing strengths, to develop new product offerings. In this light, I asked An Post to bring forward a strategy to put the network on a long-term financially sustainable footing while maintaining its nationwide reach.

The Government recently approved that the board and management of An Post enter into

exclusive negotiations with the company's preferred bidder, Fortis, to expand the range of retail financial services available through the post office network with a view to increasing the levels of post office business.

I would refer the Deputies to Appendix 1 as follows which outlines the information requested on the location of the 435 post offices closed or converted to agency in the last five years.

Appendix: Location and number of post offices either converted to agency or closed

Carlow	4
Cavan	27
Clare	10
Cork	50
Donegal	22
Dublin	12
Galway	19
Kerry	10
Kildare	5
Kilkenny	17
Laois	7
Leitrim	16
Limerick	24
Longford	8
Louth	9
Mayo	39
Meath	10
Monaghan	14
Offaly	10
Roscommon	20
Sligo	21
Tipperary	27
Waterford	4
Westmeath	20
Wexford	20
Wicklow	10

#### Internet Use.

48. **Mr. Quinn** asked the Minister for Communications, Marine and Natural Resources if he will estimate the level of e-literacy across the State; if there are significant differences in e-literacy due to age, gender, geographical differences; the measures he is recommending to his colleagues in the Departments of Education and Science and Finance to address the lack of basic computer skills across certain demographic categories; if he and his Government colleagues are considering bringing forward a digital inclusion strategy; the reason the Government supplied no data to the EU and Eurostat in a recent survey on e-literacy across the EU; the way he interacts with his colleague e-Minister Mr. Tom Kitt on e-literacy issues; the way responsibilities are divided between the two Ministers in relation to



[Mr. Quinn.]

these matters; and if he will make a statement on the matter. [26636/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I have no function in these matters. This question is more appropriate for the inclusion Policy Unit in Department of the Taoiseach.

*Questions Nos. 49 and 50 answered with Question No. 30.*

#### Fishing Industry Development.

51. **Mr. Quinn** asked the Minister for Communications, Marine and Natural Resources if the Government is supporting proposals by the European Commission to ease the fisheries aid rules and introduce a new limit on fisheries aid to be set at €30,000 per person over a three year period; the timeframe for introducing this new limit; the amount of times his Department has sanctioned the payment of fisheries aid in the years 2000 to 2005; and if he will make a statement on the matter. [26635/06]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne):** An Bord Iascaigh Mhara is the responsible authority for the administration of de minimis aid for the fisheries sector in Ireland. Currently the Commission Regulation on de minimis aid to the agriculture and fisheries sectors, Commission Regulation (EC) No 1860/2004, allows Member States to make grant aid payments up to a maximum of €3,000 per individual in any period of 3 years without requiring approval under EU State Aid rules.

The European Commission has now proposed a new Regulation for the fisheries sector. The new regulation proposes raising the ceiling to €30,000 per beneficiary, per three year period. In accordance with the procedure applying to the setting of de minimis aid, the Commission will now consult the Advisory Committee on State Aid, and will subsequently publish the draft

Regulation in the Official Journal of the European Union for consultation purposes. I will examine the new proposals, in consultation with Industry representatives to determine Ireland's position with regard to this draft Regulation. The draft Regulation will be discussed at EU level during the autumn.

Under de minimis rules BIM, as the implementing body for grant aid to the fisheries sector, has made 237 grant payments between 2000 and 2005 amounting to €199,499, for projects concerning vessel safety and tonnage re-measurement.

#### Harbours and Piers.

52. **Ms Shortall** asked the Minister for Communications, Marine and Natural Resources if he will provide information on the €7.9 million funding for coastal protection and small harbours during 2006; if this funding will increase in 2007; and if he will make a statement on the matter. [26629/06]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne):** Under the Small Fishery Harbours Programme 2006 €4.186 million has been allocated for the improvement of facilities at small harbours and landing places with a key role in maintaining jobs in fishing, aquaculture and ancillary activities. €3.721 million has been allocated under the Coastal Protection Programme 2006 to address priority coast protection works around the coastline.

A number of the projects are being co-funded with the Department of Community, Rural and Gaeltacht Affairs and this Department under the CLÁR scheme. This scheme is to facilitate minor repairs and safety works on small piers, slipways and coastal erosion in CLÁR areas, including Gaeltacht areas and islands.

A list of projects under the Coastal Protection and the Small Harbours Programmes showing breakdown of funding is attached.

The financial envelope including funding requirements for the fishery harbours and coast protection measures under the NDP 2007-2013 is currently being formulated.

Small Harbours Programme 2006

Project	Project Description	DCMNR Cost 75%/ 37.5%	Co-funded DCRGA 37.5%	Total cost 100%
		€000's	€000's	€000's
<i>Wexford</i>				
Courtown	Grouting and structural repairs to harbour wall	37.5	—	50
Kilmore Quay	Site investigation to complement hydrographic survey	135	—	180
Killurin Pier	Slipway reconstruction and safety works	22.5	—	30
Slade Harbour	Structural improvements to old pier wall	30	—	40
Cahore	Protection works	18.75	—	25

Project	Project Description	DCMNR Cost 75%/ 37.5%	Co-funded DCRGA 37.5%	Total cost 100%
		€000's	€000's	€000's
<i>Waterford</i>				
Ardmore Pier	Raising of the Deck Level	12	—	16
Blackwater	Construction of slipway and turning circle	45	—	60
<i>Cork</i>				
Knockadoon	Redecking & reproofing of slipway	75	—	100
Schull Pier	Relocation of services and new lighting	33.75	33.75	90
<i>Kerry</i>				
Caherciveen Pier	Additional fendering	7.5	7.5	20
Renard	Repair and stabilisation of pier (study)	75	—	100
Tarbert	Structural assessment	8	—	10
<i>Limerick</i>				
Kilteery	Surface decking	19	—	25
<i>Clare</i>				
Ballyvaughan	Pier Repairs	44.625	44.625	119
Doonbeg	Pier extension and dredging (SI and design)	22.5	—	30
Carrigaholt	Repairs to old pier & dredging	64	64	170
<i>Galway</i>				
Cleggan Pier	New Berthage & access (preliminary report)	54.75	—	73
Blackweir, Maree	Holding tank & breakwater	120	—	160
Rosroe	New key wall and slipway	74.55	74.55	198.80
Ballyconnelly	Construction of access road	60	60	160
Wallace Quay	Construction of access road, new deck slab and parapet wall	75	75	200
Parkmore Pier, Kinvara	Essential repairs	22.5	—	30
<i>Mayo</i>				
Purteen	New development options study	75	—	100
Newport	Repairs to quay and dredging	37.5	—	50
Roigh pier	New Slipway	75	75	200
Cloghmore	Re deck old pier and structural improvements	56.25	56.25	150
<i>Sligo</i>				
Raghly Pier	Harbour Improvement works	202.5	—	280
<i>Donegal</i>				
Dungloe	Slipway and turning area	67.5	67.5	180
Burtonport	Dredging	585	—	780
Buncrana	Breakwater	225	—	300
Woodquarter	Lighting	7.5	—	10
Portnoo	Urgent safety works	22.5	—	30
Arranmore, Stacamore Pier	Re-decking and mooring rings	7.5	7.5	20
Donegal Town	Pontoons for small craft and waterbus with slipway extension	150	—	200
Totals	—	2,568.17	565.67	4,186.80

[Mr. Browne.]

## Coast Protection Programme 2006

Project	Project Description	DCMNR Cost 75%/ 37.5%	Co-funded DCRGA 37.5%	Total cost 100%
		€000's	€000's	€000's
<i>Louth</i>				
Port Beach	Study	29.25	—	39
Annagassan	Rock revetment Phase 3 (Continuation)	97.5	—	130
<i>Meath</i>				
Mornington	Armour Protection	75	—	100
Bettystown-Laytown	Coastal Protection Study	9	—	12
Laytown-Seafield Road	Coastal Protection study	9	—	12
<i>Dublin (Fingal)</i>				
Portrane	Repairs to dunes at the Borrow	75	—	100
<i>Dublin City Council</i>				
Clontarf	Studies/advanced design/site investigations	187.5	—	250
<i>Dún Laoghaire-Rathdown</i>				
Killiney	Gabions at Killiney Beach (continuation)	215.981	—	287.975
<i>Wicklow</i>				
The Murrough	Coastal Studies	41.25	—	55
Bray	Flood prevention works work to promenade	4.5	—	6
Bray to Greystones	Protection works to cliff walk (continuation)	69.085	—	92.113
<i>Wexford</i>				
Courttown	Project planning and design stage for major protection scheme	75	—	100
Rosslare	Rock revetment	375	—	500
Ballinamona	Restore access to beach	37.5	—	50
Carne	Rock revetment	75	—	100
Rosslare	Study of coastal dynamics and protection requirements	150	—	200
Rosslare	Maintenance work at Rosslare Strand	45	—	45
<i>Waterford</i>				
Bonmahon	Reconstruction of sand dunes Protection works scheme design	656.2	—	875
Ballyquin	Rock armour and Gabion wall	75	—	100
<i>Cork</i>				
Glyeen	Cliff protection works (Continuation)	206.25	—	275
<i>Kerry</i>				
Rossbeigh	Cliff and road protection studies and design. Linked to dredging at Cromane Pier project	15	—	20
Maharees	Revetment works	14	—	18
Baile an Rannaig	Protection to sand dunes in Smerwick Harbour	26.25	26.25	70
Cooncrome	Protection works to car park	18.75	18.75	50
Gleesk	Repairs and strengthen to sea wall	11.25	11.25	30
<i>Mayo</i>				
Mulranny Beach	Repairs to causeway and bridge	37.5	37.5	100
<i>Donegal</i>				
Bundoran	Construction of retaining wall	78.375	—	104.500
Total		2,709.94	93.75	3,721.588

### Alternative Energy Projects.

53. **Mr. Wall** asked the Minister for Communications, Marine and Natural Resources the implications of the consolidation of the national retail and wholesale oil distribution network on his expressed aim of developing a vibrant Irish bio-fuels sector and network; and if he will make a statement on the matter. [26647/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The importation, distribution and retail oil industries are fully privatised and deregulated. Companies make business decisions based on commercial considerations.

Under the merger provisions of the Competition Act 2002, parties to mergers and acquisitions must notify the Competition Authority of their proposed merger or acquisition in advance and obtain regulatory clearance before they can complete the transaction. The Authority is independent in respect of its statutory functions.

Biofuels are not generally available through the petrol station network at present. I do not expect that current trends in the network, which is a commercial matter for the companies concerned, will adversely affect ambitions to progressively mainstream biofuels within the fuel supply system.

*Question No. 54 answered with Question No. 28.*

### Broadcasting Services.

55. **Mr. Connaughton** asked the Minister for Communications, Marine and Natural Resources the extent to which radio and television programmes here are being made available throughout the island; if he has examined the prospect for a higher degree of transmission to other jurisdictions; and if he will make a statement on the matter. [26542/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** There are no specific legislative impediments to commercial broadcasters who wish to broadcast to the Irish community in Britain, or elsewhere in the European Union, on a purely commercial basis.

As regards public service broadcasting, RTÉ's statutory mandate, as defined in section 28(1) of the Broadcasting Act, 2001, provides that RTÉ's radio and television services shall be made available, in so far as is reasonably practicable, to the whole community on the Island of Ireland. As such RTÉ's statutory mandate does not extend to the provision of radio or television services to Irish communities living in Britain or elsewhere.

As a consequence RTÉ may not use the proceeds of the television licence fee to provide such

services. However, it should be noted that many people living outside of the Island of Ireland already enjoy access to a considerable quantity of RTÉ's television programming by way of the Internet, and to RTÉ's radio services by way of satellite, LW and MW and the Internet.

In the light of the recommendations of the Task Force on Emigration, the issue of amending RTÉ's public service remit to include the provision of television services to Irish communities in Britain is currently being considered in the context of development of the legislative proposals that will form the basis of the proposed Broadcasting Bill.

It is anticipated that these legislative proposal will be published shortly.

### Postal Services.

56. **Mr. English** asked the Minister for Communications, Marine and Natural Resources the extent to which post codes are expected to be used to improve the viability of An Post and the quality of service to the consumer; and if he will make a statement on the matter. [26559/06]

66. **Mr. Noonan** asked the Minister for Communications, Marine and Natural Resources the total cost of the introduction of post codes; the revenue expected to be generated therefrom in a single year; and if he will make a statement on the matter. [26547/06]

82. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources if he has had meetings with An Post or unions regarding his pledge to have new postcodes in place by 2008; and if he has taken their concerns on board. [26504/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 56, 66 and 82 together.

In order to examine the introduction of a post-code system in Ireland, I established a Working Group comprised of people with experience of the postal sector, together with the Department of Environment, Heritage and Local Government, which is the lead Department for the Irish Spatial Data Infrastructure Initiative to examine the issue of the introduction of a postcode system in Ireland.

This group produced its report last year which found that the introduction of a publicly available postcode could deliver many potential benefits by improving efficiencies and quality in the postal sector, stimulating mail volume growth, assisting utilities and emergency services and assisting in the delivery of Government services.

To further investigate the matter, I asked Com-Reg to appoint consultants with the specialist



[Mr. N. Dempsey.]

expertise to provide technical and economic advice including assessing the costs and benefits of the introduction of a postcode. ComReg appointed both technical and economic consultants. I appointed a National Postcode Project Board, comprising representatives of Government departments, together with public and private sector organisations to oversee the work and output of the consultants.

One constituent part of the consultants' work programmes was that they were to engage in a process of stakeholder consultation with a view to arriving at a postcode model that best meets the needs of the stakeholders and measures the likely costs and benefits of the introduction of such a postcode.

Both the technical and cost benefit advisors to the project engaged have concluded their consultations with key stakeholders including An Post and its union and are now finalising their reports to the postcode board the most appropriate postcode system for Ireland, the costs and benefits arising from its introduction along with a detailed implementation plan. The board will then present its recommendation to me for my consideration in the coming week.

### Electricity Generation.

57. **Mr. Timmins** asked the Minister for Communications, Marine and Natural Resources the persons to whom the responsibility will fall to build the new electricity generation station at Aghada; and if he will make a statement on the matter. [26569/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Within the liberalised, competitive energy market, it is open to any person to apply for the necessary authorisations and permissions to construct a power generating station. Naturally, this would be a commercial decision for the individuals involved.

In the event that new generation capacity is necessary to ensure security of supply, Regulation 28 of S.I. 60 of 2005 provides that it is the responsibility of the Transmission System Operator to so advise the Commission for Energy Regulation (CER). The CER is then required to take such measures as it considers necessary to protect security of supply. Such measures may include securing, with my consent as Minister, the provision of new or additional generating capacity by competitive tender.

Under Section 16(1) of the Electricity Regulation Act, 1999, as amended by Regulation 13 of S.I. 60 of 2005, a person shall not construct or reconstruct a generating station unless the Commission for Energy Regulation has granted an authorisation to the person. Section 16(2) of the

Electricity Regulation Act 1999 specifies that this applies also to ESB.

Section 18 of the Electricity Regulation Act, 1999 provides that the Minister for Communications, Marine and Natural Resources shall specify by order the criteria in accordance with which an application for an authorisation to construct or reconstruct a generating station may be determined by the Commission.

S.I. 309 of 1999 sets out these criteria. In summary, the criteria are: safety and security of the electricity system, efficient use of energy, compliance with grid or distribution code(s), application for relevant statutory consents, ability to construct / commission in specified timeframe, provision of specified ancillary services, fuel-switching capability, fitness of applicant (including financial capacity and technical skills), and ability to comply with Public Service Obligations.

In addition to the authorisation to construct a generating station from the CER, a proposed developer of a generating station must also obtain the necessary planning permissions and a grid connection offer from the Transmission System Operator.

The Aghada power generation site is owned by the ESB and, in accordance with section 2(1) of the Electricity (Supply) (Amendment) Act 1982, ESB would require prior Ministerial approval for any major capital expenditure proposed for that site, including the development of a new electricity generating station. No formal proposal has been received to date by the Minister from the Board in this regard.

58. **Mr. Boyle** asked the Minister for Communications, Marine and Natural Resources further to his recent commitment to increase the share of electricity generated from renewable sources to 15 per cent by 2010, the proposed means by which the new target will be achieved; and if he intends to increase the renewable energy feed in tariff programme accordingly. [26591/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I launched REFIT on 1st May and the programme opened on 1st June. Sixty one applications were received and my officials are currently in consultations with the applicants.

The published target in REFIT is an additional 400 megawatts (MW). However the programme is designed in such a manner that it can continue to accept any additional applications and the capacity limit can be increased. There is, therefore, no administrative barrier to preclude the current REFIT programme from delivering the additional capacity required.

*Question No. 59 answered with Question No. 28.*

### Offshore Exploration.

60. **Ms B. Moynihan-Cronin** asked the Minister for Communications, Marine and Natural Resources the stage oil and gas exploration licenses are at for the Slyne and north west exploration province; the persons who are carrying out his promised review of licensing terms and conditions; the terms of reference of the review; when it will be complete and available to the Houses of the Oireachtas; if he will be making a submission to the Department of Finance in time for Budget 2007; and if he will make a statement on the matter. [26658/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I expect to issue licence offers to successful applicants in the Slyne/Erris/Donegal Round shortly.

In relation to the review of licensing terms under which exploration companies operate, my Department has already carried out considerable analysis with a view to amending the licensing terms. Terms of reference for an independent review of licensing terms and the work already completed by my Department are being finalised with a view to being put out to tender. Consultation with the Minister for Finance would of course be necessary in circumstances where it is proposed to amend the existing fiscal terms.

### Navigational and Communications Technology.

61. **Mr. McEntee** asked the Minister for Communications, Marine and Natural Resources if, arising from the recent launch of the new geological map of Ireland, it is intended to complete GPS associated mapping throughout the whole country with a view to enhancing navigational and communications technology with consequence to consumers; and if he will make a statement on the matter. [26575/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I understand from my colleague, the Minister for Finance (Mr B Cowen) that Ordnance Survey Ireland has completed national coverage of GPS compatible mapping for the state and has the capability to supply such data in either the widely used Irish Grid format or new developed Ordnance Survey GPS compatible format known as Irish Transverse Mercator (ITN). I have no function in this matter.

### Natural Gas Grid.

62. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources if, with regard to the recommendations made in the Advantica Report for changes to pipeline and valve stations to ensure that the Corrib pipeline pressure does not exceed 150 bar, he has received

information from the developer on the changes which will be required to fulfil this recommendation; and if this will require changes to the project approval process. [26589/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I have not yet received the information referred to in the Deputy's question. The company has informed my officials that there is extensive redesign work to be done, involving some ten or so different technical teams, and that, because of the developer's internal quality control procedures, it will take some time for such work to be cleared through their internal system before they are submitted for my approval. The consent to construct a pipeline in connection with the Corrib Field development included a condition that my consent is required prior to installation.

In relation to the process that will apply to future projects, I have accepted recommendations arising from the safety review, which will result in change. An example of such change is that I will in future be requiring certain information at the beginning of the consenting process, which currently is asked for on a phased basis.

### Communications Masts.

63. **Mr. Neville** asked the Minister for Communications, Marine and Natural Resources if he has received information indicating health problems arising from the proximity to mobile phone masts or electricity transmission lines; and if he will make a statement on the matter. [26549/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The consensus of scientific literature to date regarding possible adverse health effects from exposure to electromagnetic fields from facilities such as power lines, mobile phones and their base stations is that there is no evidence of a causal relationship between such exposure and ill health.

The Government approved the establishment of an inter-departmental committee on the health effects of electromagnetic fields in September of last year. The committee is chaired by my Department and will provide advice to Government on the appropriate action to be taken on foot of the recommendations contained in the report, "Non-ionising radiation from mobile phone handsets and masts", published in June, 2005 by the Joint Oireachtas Committee on Communications Marine and Natural Resources.

This committee has overseen the establishment of an expert group on the health effects of electromagnetic fields, which has undertaken a thorough review of the latest scientific reports and will report to the committee on the current scien-

[Mr. N. Dempsey.]

tific consensus and science based policy. The inter-departmental committee expects to report to Government by the end of the summer.

#### Mobile Telephony.

64. **Mr. G. Murphy** asked the Minister for Communications, Marine and Natural Resources his proposals to encourage greater competition through deregulation of the mobile telephone service; and if he will make a statement on the matter. [26533/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I have no function in the matter raised by the Deputy.

The communications market in Ireland is fully liberalised. Responsibility for the regulation of electronic communication service providers rests with the independent regulator, the Commission for Communications Regulation (ComReg), in accordance with the requirements of the Communications (Regulation) Act, 2002 and the regulations, which transpose the EU Regulatory Framework for Electronic Communications.

ComReg is independent in the exercise of its functions and has as one of its key objectives, under the Communications Regulation Act, 2002, the promotion of competition in the exercise of its functions.

#### Broadcasting Services.

65. **Mr. Sherlock** asked the Minister for Communications, Marine and Natural Resources if there have been developments to the digital television policy that Ireland informed the European Commission it was preparing in 2003; and if he will make a statement on the matter. [26653/06]

85. **Mr. M. Higgins** asked the Minister for Communications, Marine and Natural Resources the number of households which have a television; the number of households with two or more television sets; the breakdown of the main television platforms in households including satellite, Irish terrestrial, cable or MMDS and multi-terrestrial; if each individual television set in a household will need to be converted to digital; the percentage of digital households here; if the remaining households with a television set will be affected by the turning off of the analogue signal; and if he will make a statement on the matter. [26648/06]

94. **Mr. Sherlock** asked the Minister for Communications, Marine and Natural Resources the overall cost for the digital switch over, including costs for infrastructure, trials for promoting and evaluating DTT and DAB, costs for the simulcast period, of establishing a general digital

information campaign and of developing a digital stakeholders group; and if he will make a statement on the matter. [26652/06]

111. **Mr. Bruton** asked the Minister for Communications, Marine and Natural Resources if it is intended that digital television will be free to air; and if he will make a statement on the matter. [26528/06]

119. **Mr. M. Higgins** asked the Minister for Communications, Marine and Natural Resources his views on statements made by a European Commission official at the recent ComReg and OECD conference on spectrum management that the EU believes digital switch-over should be well advanced by 2010 in all Member States with a final deadline of early 2012; if he has made a decision on when the analogue signal should be switched off; if the analogue transmission network will survive beyond 2012 to 2015; and if he will make a statement on the matter. [26649/06]

124. **Ms Burton** asked the Minister for Communications, Marine and Natural Resources the prospect of a national rollout of digital audio broadcasting services; his views on establishing a national information campaign to inform the general public on digital television and radio services; and if he will make a statement on the matter. [26651/06]

125. **Mr. S. Ryan** asked the Minister for Communications, Marine and Natural Resources the way Irish digital television and broadcasting rollout compares with the best international performers in the UK, the rest of the EU and further afield; the level of digital development reached and that we should aspire to; and if he will make a statement on the matter. [26654/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 65, 85, 94, 111, 119, 124 and 125 together.

A digital terrestrial television (DTT) pilot programme is currently being implemented by my Department. The purpose of the pilot is to bring further momentum to the transition to digital terrestrial broadcasting and to test and trial various aspects of the service.

The infrastructure for the DTT pilot is now in the roll-out phase and is expected to be operational by autumn 2006. The initial transmission sites are at Clermont Carn in the northeast and Three Rock covering parts of the Dublin region. The trial is planned to continue over a two-year timeframe and will provide the opportunity for technical and user testing of both existing and new broadcast services, including both television and audio services.



Figures by the CSO from February 2006 indicate that the total number of households with a television in 2005 was 1.43 million. Surveys by Comreg suggest that at the end of the first quarter of 2006, there were approximately 641,000 digital TV subscribers which include cable/MMDS and satellite customers. Digital households now represent approximately 45% of all households with a television.

At the end of the 1st quarter of 2006, there were approximately 570,300 subscribers to cable/MMDS television services in Ireland. Digital subscribers, as opposed to analogue subscribers, have increased in number, now representing 41% of cable/MMDS subscribers. Surveys by Comreg indicate that approximately 32% of Irish households currently receive free-to-air analogue services.

My Department's broadcasting policy objectives include seeking to retain access to a range of high quality programming in analogue and digital format on a universal and free-to-air basis. The DTT pilot demonstrates my commitment to the long-term provision of free-to-air DTT in Ireland. The trial will operate under a trial licence granted by Comreg and as such, it is not intended that any charges will be applied for services broadcast during the two-year period.

As the pilot is developed and proposals for a national DTT rollout emerge, I will outline my intentions regarding digital switchover. Switchover of analogue television services is being strongly advocated by the European Commission, with 2012 a target date suggested by the Commission. While the pilot is underway, I intend to hold discussions with all relevant stakeholders around the issue of digital switchover.

When decisions have been taken about the nature and timing of analogue switch over, it will be necessary to ensure that Irish viewers are fully informed of all the issues arising.

According to a report by Ofcom, the UK communications regulator, nearly 70% of UK households received digital television services at the end of 2005. Western European countries have an average of 30% digital households while the United States have nearly 55% of households with digital services. Surveys indicate that Finland, Sweden, Norway and Italy all have at least 30% of digital households currently. By comparison, Ireland currently has approximately 45% of households receiving digital services.

*Question No. 66 answered with Question No. 56.*

67. **Ms Shortall** asked the Minister for Communications, Marine and Natural Resources when he is going to publish the Deloitte and Touche and William Fry solicitors report on TG4; if he has decided to make TG4 an independent statutory body; the timeframe for this develop-

ment; and if he will make a statement on the matter. [26628/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I have examined the consultants' report on the implementation plan for the establishment of TG4 and have formulated my proposals, which I will circulate shortly to Government. I will consider publishing the report after the Government has considered my proposals.

#### **Resource Exploration.**

68. **Mr. O'Dowd** asked the Minister for Communications, Marine and Natural Resources the extent of positive indicators arising from oil, gas or other mineral explorations, onshore or offshore; if adequate scientific resources are being made available to develop the sector; and if he will make a statement on the matter. [26584/06]

267. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if there have been indications of a viable oil, gas or other mineral finds in the past 12 months; if he expects further developments or announcements in this area in the near future; and if he will make a statement on the matter. [26749/06]

278. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent of positive indicators arising from oil, gas or other mineral explorations, onshore, or offshore; if adequate scientific resources are being made available to develop the sector; and if he will make a statement on the matter. [26760/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 68, 267 and 278 together.

Traditionally and for sound reasons exploration for hydrocarbons and other minerals is a private sector activity licensed by the State.

The Corrib Gas Field (1996) is the only recent offshore discovery that can be said at this stage to have a definite commercial viability. In the case of Seven Heads, production has not reached anticipated levels and the results of the Dooish (2002) discovery are still being assessed. Earlier this year there was a media report relating to the Lough Allen Basin. This article in a business magazine, reported an estimate of the resource potential which was carried out for the operator. This is a stage in the exploration process and may form the basis or justification for further exploration. Unfortunately, this estimate does not constitute a discovery.

A challenge for Ireland is the fact that some companies still view Ireland as a high-risk area for hydrocarbon exploration, lacking the potential for commercial discoveries. The fact is that



[Mr. N. Dempsey.]

very few wells have been drilled in comparison to other regions. It is worth noting that while only 9 exploration wells were drilled west of Ireland in the past 10 years, two significant discoveries were made — Corrib and Dooish. In order to promote a more positive international view of prospectivity in the region, my Department has been actively involved in the assessment of petroleum systems west of Ireland. These in-depth studies, which are available to the industry at a reasonable price, demonstrate that contrary to what some believe, the Irish offshore has a potential for undiscovered oil and gas on a par with other producing regions in the North Atlantic. My Department is actively seeking opportunities to communicate this message to the Industry.

With regard to non-petroleum resources no new economic deposits of non-petroleum minerals have been discovered in recent years. There have been some encouraging results, however. Exploration adjacent to existing base metal mines at Navan, Co. Meath (Boliden Tara Mines Ltd.) and Galmoy, Co. Kilkenny (Galmoy Mines Ltd.) has discovered additional resources which have the potential to extend the life of those mines. I have recently granted new State Mining Licences to both companies for extraction of parts of these additional resources. My Department will continue to promote exploration both offshore and onshore.

#### Telecommunications Services.

69. **Mr. Hogan** asked the Minister for Communications, Marine and Natural Resources the number of new entrants to the telecommunications market who have applied to or are willing to get involved in the provision of broadband or other telecommunications services or facilities throughout the country; if his attention has been drawn to the obstacles encountered by such companies; his proposals to free up the system and give the customer the benefit of an open deregulated and competitive service; and if he will make a statement on the matter. [26529/06]

113. **Mr. Deenihan** asked the Minister for Communications, Marine and Natural Resources the number of potential broadband service providers of which he is aware and which are anxious but unable to compete effectively in the provision of broadband services throughout the country; the action which is required to ensure that those in a position to provide services can do so without obstruction of either financial or technical nature; and if he will make a statement on the matter. [26557/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 69 and 113 together.

The authorisation regime under the current regulatory framework for telecoms has lowered the barriers to entry for operators. The provision of telecommunications services, including broadband, is a matter in the first instance for the private sector companies operating in a fully-liberalised market. The Commission for Communications Regulation, ComReg, is the statutory body with responsibility for regulatory oversight of this market.

*Question No. 70 answered with Question No. 23.*

#### Departmental Agencies.

71. **Mr. Rabbitte** asked the Minister for Communications, Marine and Natural Resources the way he has invigilated the performance of the marine agencies including the Marine Institute, Bord Iascaigh Mhara and his own Department in performing their duties; the agency which has been primarily mandated with collecting data on production and employment levels in the whole marine sector; the reason returns have not been made to the EU Commission for 2002 to 2005; and if he will make a statement on the matter. [26642/06]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne):** Performance governance of both the Marine Institute and Bord Iascaigh Mhara (BIM) is subject to a number of stringent measures. Both Agencies have signed performance contracts with the Department. Performance contracts are agreed yearly in advance between the Department and Agency, and are subject to rigorous quarterly reviews. In addition, the Marine Institute and BIM publish an Annual Report and Annual Review which details progress against objectives each year.

The strategy for the development of the seafood sector is encapsulated in the Department's Statement of Strategy 2005-2007. Governance of performance is on a quarterly and annual basis.

The Economic and Social Research Institute (ESRI) was responsible for the collection of data relating to employment for the annual economic reports (AER) of the fishing fleet from 1998-2004. BIM took over this activity in 2005. Council Regulation (EC) No. 1543/2000 of 29 June 2000 establishing a Community framework for the collection and management of the data needed to conduct the common fisheries policy came into force on 1 January 2004 in respect of the fishing fleet and 1 January 2006 in respect of the processing sector.

In relation to data on production, the Department provides details to the EU Commission of landings of all stocks on a monthly basis. This information has been provided to the Commission for the years 2000-2005.

### **Telecommunications Services.**

72. **Mr. Crowe** asked the Minister for Communications, Marine and Natural Resources his views on whether it is fair that taxpayers have to foot the bill of addressing deficient broadband infrastructure while the private sector, and Eircom in particular, will then come in and reap the profits. [26501/06]

110. **Mr. Morgan** asked the Minister for Communications, Marine and Natural Resources if, in view of the fact that the reason for the slow roll-out of broadband services in this state has been due to the lack of investment by the private sector in the necessary infrastructure to deliver broadband to all areas, he will admit that privatisation in this sector has been a disaster; and if he will encourage companies such as Eircom to address the deficiencies in broadband infrastructure. [26503/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 72 and 110 together.

The provision of telecommunications services, including broadband, is a matter in the first instance for the private sector companies operating in a fully-liberalised market, regulated by the independent Commission for Communications Regulation, ComReg.

The Government recognises however, that a principal reason for the slow roll-out of competitive, affordable broadband services in Ireland, principally in the regions, has been a lack of investment by the private sector in the necessary infrastructure.

The Government is addressing the infrastructure deficit in the regions by building high-speed, open-access Metropolitan Area Networks (MANs) in 120 towns and cities nationwide. Phase One of this Programme has delivered fibre optic networks to 27 towns and cities throughout the country.

This Programme has been extended to over 90 towns in various locations nationwide. It is expected that these MANs will be completed during 2006 and 2007. These networks will allow the private sector to offer world-class broadband services at competitive costs.

It is important to note that the MANs will realise a return on investment over a longer period than the private sector is prepared to risk. The creation of such open-access infrastructure is seen as an essential enabler of development, and is already offering opportunities for businesses

both large and small to become and remain competitive through ICT.

The Department also offers funding assistance for smaller towns and rural communities through the County and Group Broadband Scheme. The scheme is technology-neutral, allowing the community to select the most suitable broadband delivery platform for the area. To date, over 150 projects have been approved for funding under this Programme.

The privatisation of Eircom was driven by the liberalisation of the market and was part of a broader trend that was reflected across the EU. It was a good sale for Eircom shareholders — the taxpayers of Ireland. It is worth pointing out that Ireland in 2006 has more choice in terms of telecoms services and providers. The basic price basket for telephony is now much cheaper than before Eircom was privatised.

The result of Government investment in the Regional Broadband Programme has meant increased activity and competition in the broadband market and greater choice for the consumer.

### **Broadcasting Legislation.**

73. **Ms O. Mitchell** asked the Minister for Communications, Marine and Natural Resources the discussions he has had with the various interested parties in the context of a review of broadcasting legislation with particular reference to the public and independent sector, local and national, radio and television; and if he will make a statement on the matter. [26538/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The priority issues to be addressed by the legislative proposals that will form the basis of a new Broadcasting Bill are as follows: The establishment of a single content regulator for commercial, community and public service broadcasters. The establishment of RTÉ as a company under the Companies Acts. The provision of a statutory mechanism for future adjustments to the level of the television licence fee. The development of the Right of Reply mechanism, allowing persons whose reputation and good name have been damaged by an assertion of incorrect facts in a television or radio programme to gain redress.

Work on developing the legislative proposals needed to address these issues is continuing. I anticipate that I will be in a position to bring the proposals to Government shortly, with publication of the Broadcasting Bill in 2006. My intention in framing the legislative proposals will be to ensure that the broadcasting regulatory environment continues to encourage the parallel development of high quality broadcasting by Irish public service, commercial and community broadcasters.

[Mr. N. Dempsey.]

In the context of the development of broadcasting policy, my officials and I have cause, on a regular basis, to meet with the various interests that comprise the broadcasting sector including, but not limited to, commercial broadcasters, public service broadcasters and independent producers.

At many of these meetings the issues to be addressed in the forthcoming Broadcasting Bill, given their relative importance to the sector, have been raised and discussed in general terms.

*Question No. 74 answered with Question No. 33.*

#### **Fishing Industry Development.**

75. **Mr. Gilmore** asked the Minister for Communications, Marine and Natural Resources the sea fisheries output including the tonnage and the main species caught for each of the years 2001 to 2005 for the five national harbours Killybegs, Castletownbere, Howth, Rossaveal, Dunmore

East and for Dingle, Clogherhead, Greencastle, Kilmore Quay, Union Hall and for the fifteen or so smaller fishery harbours; and if he will make a statement on the matter. [26630/06]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne):** The information sought is being compiled in the Department and I will arrange for it to be transmitted direct to the Deputy at an early date.

76. **Mr. Gilmore** asked the Minister for Communications, Marine and Natural Resources the percentage of the European catch, Ireland's TAC for demersal, pelagic and shellfish represent for each of the years 2001 to 2005; and if he will make a statement on the matter. [26631/06]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne):** Details of the EU Total Allowable Catch (TAC) and Ireland's quota as a % of this TAC for the years 2001-2005 are provided in the following table.

Common Name	Area	ECTAC	IRL Quota	IRL % of TAC	ECTAC	IRL Quota	IRL % of TAC	ECTAC	IRL Quota	IRL % of TAC	ECTAC	IRL Quota	IRL % of TAC
Anglerfish	Vb (I), VI, XII, XIV	8,000	800	10%	4,770	477	10%	3,180	318	10%	3,180	318	10%
Anglerfish	VII	23,000	1,740	8%	18,600	1,410	8%	15,810	1,198	8%	20,902	1,584	8%
Blue whiting	Vb (I), VI, VII, XII, XIV	163,000	26,080	16%	107,281	17,165	16%	433,000	17,165	4%	209,653	62,174	30%
Cod	I, II	16,150	242	1%	16,355	245	1%	16,353	245	1%	19,800	293	1%
Cod	Vb (I), VI, XII, XIV	3,700	833	23%	4,600	1,035	23%	1,808	407	23%	848	191	23%
Cod	VIIa	2,100	1,385	66%	3,200	2,017	63%	1,950	1,284	66%	2,150	1,416	66%
Cod	VIIb-k, VIII, IX, X	10,500	1,070	10%	8,700	977	11%	6,700	875	13%	5,700	824	14%
Haddock	Vb (I), VI, XII, XIV	19,000	1,730	9%	14,100	1,535	11%						
Haddock	VIa,							7,973	1,214	15%	6,503	1,010	16%
Haddock	Vib							702	107	15%	702	55	8%
Haddock	VII, VIII, IX, X	13,200	2,930	22%	9,300	2,067	22%	8,185	1,819	22%	9,600	2,133	22%
Hake	Vb (I), VI, VII, XII, XIV	23,600	1,300	6%	15,118	834	6%	16,823	1,114	7%	21,926	1,209	6%
Herring	I, II	73,840	6,670	9%	73,840	6,670	9%	48,493	4,377	9%	72,804	6,458	9%
Herring	Vb (I), VIaN, VIb	35,700	5,390	15%	35,700	5,393	15%	29,340	4,432	15%	29,340	4,432	15%
Herring	VIaS, VIIbc	13,900	12,640	91%	14,000	12,727	91%	14,000	12,727	91%	14,000	12,727	91%
Herring	VIIa	6,900	1,800	26%	4,800	1,250	26%	4,800	1,250	26%	4,800	1,250	26%
Herring	VIIghjk	20,000	17,290	86%	8,000	6,914	86%	13,000	11,235	86%	13,000	11,235	86%
Horse mackerel	Ila (I), North Sea (I)	49,400	1,950	4%	49,400	1,950	4%	41,667	1,641	4%	46,788	1,846	4%
Horse mackerel	Vb (I), VI, VII, VIII, XII, XIV	233,000	55,010	24%	143,000	33,763	24%	130,000	30,693	24%	131,879	31,137	24%



[Mr. Browne.]

Common Name	Area	EC TAC	IRL Quota	IRL % of TAC	EC TAC	IRL Quota	IRL % of TAC	EC TAC	IRL Quota	IRL % of TAC	EC TAC	IRL Quota	IRL % of TAC
Mackerel	II, Vb (1), VI, VII, VIII, XII, XIV	329,410	70,270	21%	317,869	67,807	21%	296,349	63,216	21%	217,477	46,149	21%
Megrimms	Vb (1), VI, XII, XIV	4,840	630	13%	4,360	565	13%	3,600	466	13%	2,880	373	13%
Megrimms	VII	17,920	2,970	17%	14,336	2,373	17%	18,099	2,996	17%	19,263	3,189	17%
Norway lobster	Vb (1), VI	12,600	170	1%	11,340	153	1%	11,300	153	1%	12,700	172	1%
Norway lobster	VII	21,000	7,750	37%	17,790	6,561	37%	17,450	6,436	37%	19,544	7,207	37%
Plaice	Vb (1), VI, XII, XIV	2,400	880	37%	1,728	630	36%	1,227	447	36%	982	358	36%
Plaice	VIIa	2,400	1,365	57%	2,400	1,364	57%	1,675	876	65%	1,608	1,051	65%
Plaice	VIIbc	300	240	80%	180	144	80%	160	144	90%	160	128	80%
Plaice	VIIfg	800	80	10%	680	209	31%	660	39	7%	476	202	42%
Plaice	VIIhjk	1,350	590	44%	970	424	44%	582	203	44%	466	204	44%
Pollack	Vb (1), VI, XII, XIV	1,100	150	14%	1,100	155	14%	880	124	14%	563	79	14%
Pollack	VII	17,000	1,300	8%	17,000	1,298	8%	17,000	1,298	8%	17,000	1,298	8%
Saithe	Vb (1), VI, XII, XIV	7,000	395	6%	14,000	425	3%	17,119	415	2%	15,044	494	3%
Saithe	VII, VIII, IX, X	6,500	1,960	30%	8,710	2,450	28%	6,968	1,960	28%	5,574	1,568	28%
Sole	Vb (1), VI, XII, XIV	155	125	81%	125	100	80%	106	85	80%	68	54	79%
Sole	VIIa	1,080	130	12%	1,100	134	12%	1,010	123	12%	960	117	12%
Sole	VIIbc	100	85	85%	80	65	81%	80	65	81%	65	55	85%
Sole	VIIfg	1,160	35	3%	1,070	33	3%	1,240	39	3%	1,000	31	3%
Sole	VIIhjk	720	325	45%	650	293	45%	390	176	45%	650	293	45%
Whiting	Vb (1), VI, XII, XIV	4,300	1,250	29%	3,500	1,029	29%	2,000	582	29%	1,600	478	30%
Whiting	VIIa	2,640	1,525	58%	1,000	576	58%	500	288	58%	514	296	58%
Whiting	VIIb-k	22,500	6,260	28%	31,700	8,814	28%	27,000	7,507	28%	21,600	6,006	28%

### Telecommunications Services.

77. **Mr. McCormack** asked the Minister for Communications, Marine and Natural Resources if he anticipates entering into discussions with the new owners of Eircom with a view to achieving a higher degree of investment in communication technology, the completion of local loop unbundling and the removal of barriers to an accelerated programme for the delivery of broadband and the telecommunications sector generally, having particular regard to the need to achieve a specific level of investment commensurate with the scale of the companies' responsibilities and the requirements of the economy; and if he will make a statement on the matter. [26544/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I recently met with Mr Pierre Danon, who is to be the non-executive Chairman of Eircom. I meet with industry players on a regular basis. Any investment in infrastructure would be a commercial decision for Eircom in a fully liberalised market.

Promotion and regulation of local loop unbundling is the responsibility of the Commission for Communications Regulation, ComReg under the Communications Regulation Act of 2002 and the transposed EU regulatory framework for Electronic Communications Networks and Services.

### Natural Gas Grid.

78. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources when he expects to turn on supply from the Corrib gas pipeline; and if he will make a statement on the matter. [26581/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Completion of the development works is clearly the principal factor that will determine the date for the developer to turn on first gas. This is a matter for the developer.

### Energy Resources.

79. **Mr. Kehoe** asked the Minister for Communications, Marine and Natural Resources if he has made suggestions, issued instructions or expressed opinions in regard to the impact on the consumer of higher energy prices with particular reference to current and future economic needs, incorporating higher demands; and if he will make a statement on the matter. [26566/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I have no function in relation to the regulation of electricity and gas charges. This is a matter which falls within the statutory responsibility of the Commission for Energy Regulation (CER) under the

Electricity Regulation Act, 1999, as amended by section 3 of the European Communities (Internal Market in Electricity) Regulations 2005 (S.I. No. 60 of 2005). Nor do I currently have powers to issue policy directions to the CER in this respect.

However, as the Deputy may be aware, during the course of the second stage debate on the Energy (Miscellaneous Provisions) Bill on the 18th of May of this year, I expressed the view that when various applications were made to the CER for increases in electricity and gas charges, and the CER granted large increases to the companies concerned, it resulted in the airing of considerable comments and criticism.

Some of that criticism was based on the belief that the CER was only looking at one aspect of the issue, that is, providing an economic return for the companies and trying to attract other competitors into the market. While I am not saying I agree with that criticism, it was expressed widely.

People raised concerns about consumer protection, which is also a role for the Regulator and one it has tried to balance with the competition elements of its remit. It is foreseeable that in future, depending on the operation of political leadership, a Government or this House might be unanimous in the view that the balance between the weighting the CER gives to issues such as competitiveness as opposed to that given to consumer protection is wrong. However, the power provided for in section 6 of the Energy (Miscellaneous Provisions) Bill will allow the House and the Government to have a say on such matters, in an open and transparent fashion.

Section 6 of the Energy (Miscellaneous Provisions) Bill amends the Act of 1999 by inserting a new section 10A, which provides that the Minister for Communications, Marine and Natural Resources may give general policy directions to the CER to be followed by the CER in exercise of its functions. Before giving such a direction the Minister shall publish a draft of the proposed direction and give reasons for it. Interested parties would have at least 21 days within which to make representations to the Minister's consideration prior to the direction being given with or without amendment.

### Broadcasting Services.

80. **Mr. G. Mitchell** asked the Minister for Communications, Marine and Natural Resources if he has had recent discussion with broadcasting or sporting authorities with a view to ensuring free to air transmission in the future; and if he will make a statement on the matter. [26541/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** On 5th April last, I announced that it was my intention, following consultation with my Cabinet colleagues, to continue to designate the current list of designated events as events of major importance to society for which the right of a qualifying

[Mr. N. Dempsey.]

broadcaster to provide coverage on a live basis on free television should be provided in the public interest.

This decision was made following a public consultation process conducted by my Department that resulted in close to 190 submissions being received from members of the public and interested parties. The criteria that must be met in order to justify designation are set down in the Broadcasting (Major Events Television Coverage) Act, 1999.

### **Fishing Industry Development.**

81. **Mr. Gormley** asked the Minister for Communications, Marine and Natural Resources the implications of the EU agreement on €4 billion fisheries fund for the National Strategic Plan; and the plans he has put in place for the allocation of the fund. [26597/06]

106. **Mr. Penrose** asked the Minister for Communications, Marine and Natural Resources the way the recent agreement on the European Fisheries Fund has impacted on his aquaculture strategy; his targets for the growing Irish aquaculture production up until 2013; and if he will make a statement on the matter. [26640/06]

117. **Mr. Howlin** asked the Minister for Communications, Marine and Natural Resources if he will report on the agreement on the new €4 billion European Fisheries Fund; the level of funding the Irish fishing industry and coastal communities will receive under the EFF; the level of funding on an annual basis between 2007 and 2013; the amount which will be allocated to young fishermen, aquaculture, LEADER-type initiatives in coastal communities and stock conservation measures under the programme; and if he will make a statement on the matter. [26626/06]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne):** I propose to take Questions Nos. 81, 106 and 117 together.

The period of the 2000-2006 NDP has seen the beginning of the process of restructuring and transformation of the fisheries industry across all its sectors as it adapts to changing conditions. Our key strategic goal to 2013 must be to ensure the long-term economic, social and environmental sustainability of this industry, and maintain the value of its activity to the coastal and rural communities who rely on it, as well as to the economy as a whole.

This will require the targeting of investment so as to achieve the highest possible level of value generation within the seafood industry. To achieve this, it will be necessary to take integrated, market led action to improve competitiveness and profitability across all sectors of the industry — sea fishing, aquaculture, processing

and marketing, and at each stage of the value chain.

Detailed priorities for all areas of the industry including aquaculture will be defined as part of the development of the overall programme for investment in the seafood sector under the new NDP, taking into account the final form of the European Fisheries Fund, which was agreed at the EU Fisheries Council on 19 June. In order to inform this process, I have proposed plans for the development of a comprehensive strategy to take the sector forward and inform funding priorities for the 2007-2013 period.

I launched the Seafood Strategy Group at the Fish Ireland Exhibition on Friday last. This 3-person Strategy Group will lead the review of the seafood sector including, engaging in detailed consultation with all stakeholders and to come up with a visionary Seafood Development Strategy. This strategy is to feed into the National Strategic Plan required by the EFF and in turn the new National Development Plan that the Government is drawing up for the 2007-2013 period. It is vital that the needs of the Seafood Sector are reflected in the new NDP so that the sector can access the necessary development funding in coming years.

With regard to future priorities for aquaculture under the NDP 2007- 2013, given that Ireland is no longer a low cost economy, constant improvement in efficiency is required of this sector for it to remain competitive. Key to achieving this will be the application of technological innovation to further develop environmentally sustainable techniques, including organic farming, and achieve successful diversification into new species, while ensuring the highest international quality standards are met.

The next step is to develop a detailed programme of investment for the seafood industry as a whole, through which the funds to be available under the EFF can be utilised to best advantage and, which is in line with our commitments under the European Common Fisheries Policy. Allocation of these funds to the various sectors and initiatives has not yet been agreed. This will be done in consultation with the key industry stakeholders as outlined above.

*Question No. 82 answered with Question No. 56.*

*Question No. 83 answered with Question No. 23.*

### **Telecommunications Services.**

84. **Mr. S. Ryan** asked the Minister for Communications, Marine and Natural Resources the recent proposals by European Commission Information Society Commissioner, Ms. Viviane Reding to establish an EU telecoms regulator and an EU spectrum management and licensing agency; the implications of these proposals for the forthcoming Electronic Communications Bill;

and if he will make a statement on the matter. [26655/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The European Commission is undertaking a review of the regulatory framework for electronic communications, which came into force in 2003. The Commission has just recently published proposals and possible policy options for change to the overall framework as part of a consultation that will run until the end of October.

The Commission's proposals are currently being examined and each of the options listed will be considered fully.

*Question No. 85 answered with Question No. 65.*

#### Communications Masts.

86. **Mr. Neville** asked the Minister for Communications, Marine and Natural Resources if he has satisfied himself that non-ionising radiation from mobile telephone or electricity transmission lines are within EU guidelines in terms of safety; and if he will make a statement on the matter. [26548/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The international limits on exposures for non-ionising radiation, developed by the International Commission for Non-Ionising Radiation Protection (ICNIRP), have been adopted in Ireland on the basis of EU Council Recommendation 1999/519/EU on the limitation of exposure of the general public to electromagnetic emissions. These limits cover both mobile telephony and electricity transmission.

The Commission for Communication Regulation (ComReg) requires compliance with these limits as part of the licence agreement with operators and audits emissions of non-ionising radiation from telecommunication sites including masts.

The ESB complies with the most up-to-date international electromagnetic fields guidelines and recommendations in its operations. The ESB ensures that the above guidelines are not exceeded.

*Question No. 87 answered with Question No. 47.*

#### Broadcasting Services.

88. **Mr. Allen** asked the Minister for Communications, Marine and Natural Resources if parish church broadcasting services which were discontinued by order of the Regulator have been or will be restored without undue cost to the consumer. [26530/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The Commission for Communications Regulation (ComReg) is the statutory body responsible for the management of the radio spectrum in Ireland.

ComReg recently launched a licensing scheme that will allow religious and community organisations to transmit services and events, such as religious services, for the benefit of people in local communities throughout the country. The spectrum allocated for the scheme is in a frequency band which will not cause interference to other services using spectrum, including emergency and aviation services.

The regulations governing the issue of these licences required my consent as Minister for Communications, under the Wireless Telegraphy Act 1926. ComReg advised Church representatives that while they did not require churches to discontinue relaying services, they expect all parishes to comply with the new licensing arrangements which came into effect on 30 June.

#### Nuclear Power.

89. **Dr. Upton** asked the Minister for Communications, Marine and Natural Resources his response to the proposal of the Joint Committee on Communications, Marine and Natural Resources to conduct a public debate on nuclear power in the autumn session of Dáil Éireann; and if he will make a statement on the matter. [26660/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The Government has confirmed that the long-standing statutory ban on nuclear power generation in Ireland will remain.

Given that nuclear power is back on the international agenda because of sustainability and security of supply concerns, it is clear that all the issues and implications inherent in nuclear power will continue to be the subject of international debate from all kinds of perspectives.

In that context I have no particular difficulty in principle with the proposal of the Joint Committee to conduct a debate under its auspices on nuclear generated electricity. It is a matter for the Committee itself to pursue the scope for conducting this debate in the context of Oireachtas business procedures.

#### Telecommunications Services.

90. **Mr. Connaughton** asked the Minister for Communications, Marine and Natural Resources the public and private or corporate investment in the Digital Hub to date; and if he will make a statement on the matter. [26543/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Exchequer expenditure at the Digital Hub since 2000 is



[Mr. N. Dempsey.]

approximately €127 million to date. This includes approximately €76 million investment in property and infrastructure as well as approximately €51 million in operational costs.

The Digital Hub has been and will continue to be successfully developed as a digital industry cluster, as well as a regeneration of an historic community area in the heart of Dublin.

In October 2005, the Agency announced a competition to develop land in the Digital Hub. This land is to be developed as a mixture of residential, commercial and retail properties, in addition to public spaces. Private developers competed on the basis of bids of cash plus office space.

In November 2005, I announced the acceptance of tenders for two sites, with a combined area of almost 5.6 acres for approximately €118 million. In return for the land, the State will receive a combination of €72.4 million in cash and €45.7 million in high quality offices, which will accommodate digital enterprises as the Digital Hub grows. The break down of the tenders means that the Digital Hub will receive over 13,000 square metres (140,000 sq.ft.) of office space.

In relation to industry development in the cluster, about 50 companies, employing approximately 500 employees, are located in the Hub. These enterprises are involved in a range of activities including games software development, mobile technology, animation and TV production. As private companies, it would not be appropriate for the Minister to seek or publicise their investments in the Digital Hub.

*Question No. 91 answered with Question No. 22.*

92. **Mr. Kenny** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the frustration of the business sector in their efforts to obtain broadband services at various locations throughout the country; and if he will make a statement on the matter. [26553/06]

118. **Mr. McCormack** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the numerous requests for provision of broadband from the domestic and the corporate market; his proposals to ensure the delivery of such services in the near future; and if he will make a statement on the matter. [26586/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 92 and 118 together.

The provision of telecommunications services, including broadband, is a matter in the first instance for the private sector companies operating in a fully-liberalised market, regulated by the independent Commission for Communi-

cations Regulation, ComReg. Part of the difficulty lies in the slow pace of Local Loop Unbundling (LLU). Promotion and regulation of Local Loop unbundling is the responsibility of ComReg under the Communications Regulation Act of 2002 and the transposed EU regulatory framework for Electronic Communications Networks and Services. ComReg has been in ongoing discussions with the industry on progressing LLU in recent months.

A principal reason for the slow roll-out of broadband services generally has been the lack of investment by the private sector in the necessary infrastructure to deliver broadband to all areas. The Government in partnership with the Local Authorities is addressing the broadband infrastructure deficit in the regions by building high-speed, open-access Metropolitan Area Networks (MANs) in 120 towns and cities nationwide. Phase One of this Programme has delivered fibre optic networks to 27 towns and cities throughout the country.

When designing the networks, the Local Authorities, in co-operation with the IDA, Enterprise Ireland and other relevant development agencies, take account of existing and proposed business parks and areas zoned for industrial development. The route of each MAN incorporates all these elements where economically and technically feasible. These networks are offering these towns opportunities to attract inward investment in advanced technology and knowledge based enterprises.

This Programme has been extended to over 90 towns in various locations nationwide. It is expected that these MANs will be completed during 2006 and 2007. These networks will contribute to balanced regional development and allow the private sector to offer world-class broadband services at competitive costs.

The creation of such open-access infrastructure is seen as an essential enabler of development, and is already offering opportunities for businesses both large and small to become and remain competitive through ICT. There are currently 14 service providers using the MANs, including Smart, Vodafone, Magnet, which have enabled broadband connectivity to thousands of end users.

My Department also offers funding assistance for smaller towns and rural communities through the County and Group Broadband Scheme. The scheme is technology-neutral, allowing the community to select the most suitable broadband delivery platform for the area. To date, over 150 projects have been approved for funding under this Programme.

My Department's website [www.broadband.gov.ie](http://www.broadband.gov.ie) gives full details of broadband availability in all areas, including ADSL, cable, fibre, satellite and fixed wireless. The website also lists prices of the various service levels on offer and contact details for each service provider.

Broadband subscriber numbers have increased hugely in the last year. The latest ComReg quarterly report states there are 322,500 broadband subscribers as of end-March 2006, which represents a year-on-year increase of 112%. This is equivalent to 8% of the population or 22% of households. While DSL dominates the Irish broadband market (74% market share), Fixed Wireless Access and Cable show continued high growth. ComReg have estimated that there are over 350,000 subscribers as of end-June 2006.

*Question No. 93 answered with Question No. 30.*

*Question No. 94 answered with Question No. 65.*

### **Proposed Legislation.**

95. **Mr. McGinley** asked the Minister for Communications, Marine and Natural Resources his proposals to introduce legislation governing the broadcasting sector; and if he will make a statement on the matter. [26537/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The priority issues to be addressed by the legislative proposals that will form the basis of a new Broadcasting Bill are as follows: The establishment of a single content regulator for commercial, community and public service broadcasters. The establishment of RTÉ as a company under the Companies Acts. The provision of a statutory mechanism for future adjustments to the level of the television licence fee. The development of the Right of Reply mechanism, allowing persons whose reputation and good name have been damaged by an assertion of incorrect facts in a television or radio programme to gain redress.

Work on developing the legislative proposals needed to address these issues is continuing. I anticipate that I will be in a position to bring the proposals to Government shortly with publication of the Broadcasting Bill in 2006.

My intention in framing the legislative proposals will be to ensure that the broadcasting regulatory environment continues to encourage the parallel development of high quality broadcasting by Irish public service, commercial and community broadcasters.

### **Electricity Generation.**

96. **Mr. Timmins** asked the Minister for Communications, Marine and Natural Resources if evaluation or appraisal has been carried out of the various power stations throughout the country currently due for decommissioning or with an identifiable limited lifespan in the context of deregulation and the introduction of generating capacity from sustainable sources; and if he will make a statement on the matter. [26568/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I was recently apprised of a decision by the ESB Board not to undertake any further significant investment in the 620 Megawatt generating station at Tarbert, which is likely to lead to the closure of the plant within a number of years. I am also aware that a number of other plants within the ESB's portfolio may be subject to similar consideration over the next few years, however I have not been given any formal notification by the ESB Board of its intentions in this regard.

However, in accordance with the electricity transmission system Grid Code (i.e. the Regulations which all generators are required to adhere to), there is a requirement for a plant / operator to give a minimum of 24 months notice of plant closure. It should be noted that EirGrid, the Transmission System Operator {TSO}, has not been formally notified of any plant closures over the coming 10 year period and therefore, at this juncture, no planned closures have been confirmed.

The Commission for Energy Regulation (CER) has responsibility for the security of supply of electricity and gas in Ireland. EirGrid {TSO} is responsible for the production of an annual assessment of the adequacy of generation over the subsequent seven year period ("Generation Adequacy Report"), which takes into account both historical and forecast demand and supply (generation).

The results of the most recent Generation Adequacy Report, covering the period 2006-2012, noted that there would be a requirement for new generation capacity on the system from 2009 onwards. However, this study was completed in November 2005, before the announcement concerning the decision on the Tarbert Station was made.

With regard to the assessment of plant with an identifiable limited lifespan, the CER has advised that it is aware that certain plant are of an age that consideration in the future will be given to their expected remaining lifespan. It is noted that there has been some poor performing plant in recent years and this poor performance can be attributed to, amongst other things, the age of some plant on the system.

The EirGrid "Generation Adequacy Report 2006-2012" considers plant availability / performance, which can be linked in part to plant age, and concludes that new generation plant is required from 2009 onwards. The report also concludes that "the timing and quantity of new plant required will largely depend on the availability performance of the existing plant."

EirGrid will take cognisance of this and all other factors relating to electricity supply and demand, in the preparation of its next Generation Adequacy report, which is expected to be published at the end of this year, to cover the period 2007-2013.

[Mr. N. Dempsey.]

I would also advise the Deputy that significant new thermal generation capacity of up to 536 MW came on stream in the first quarter of this year at Tynagh, Co. Galway (384MW) and Aughinish, Co. Limerick (152MW). In addition to the above, Viridian (Huntstown Power Ltd.) has announced, and is proceeding with, the construction of a second new 400MW generating station in Huntstown, which is currently scheduled to come on stream in late 2007.

The CER is currently planning the introduction of an All Island Market for electricity, which, with the introduction of a specific capacity mechanism, is intended to provide for the appropriate incentives and market signals to attract new generation capacity, including sustainable sources of generation. The new market design will also take into account the particular attributes of sustainable forms of generation and will be designed to support such generation.

Support programmes put in place by this Government have more than doubled the capacity of renewable energy powered electricity generating plants connected to the electricity target in the last two years.

Building on this progress, I also announced recently an ambitious programme to treble to 15%, the contribution of renewable energy sources to electricity production by the year 2010.

There are over 860 Megawatts (MW) of renewable capacity connected to the national grid today. This consists of approximately 590MW of wind-powered plant, 236MW of hydro powered plant with the balance (approximately 35MWs) made up of different biomass technologies.

The new target will require growth in the sector to more than double from the 860 MW or so, currently connected to, 1650 MW by 2010. The target will be delivered by projects built under the Alternative Energy Requirements (AER) support programme and the new Renewable Energy Feed in Tariff (REFIT) programme. The terms and conditions of the REFIT programme are available on my Department's website at [www.dcmnr.gov.ie](http://www.dcmnr.gov.ie).

### Broadcasting Services.

97. **Mr. O'Dowd** asked the Minister for Communications, Marine and Natural Resources his preferred options for the development of the radio and television industry with particular reference to terrestrial broadcasting and the changing and growing needs of the consumer; and if he will make a statement on the matter. [26550/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** My core policy objectives for the development of the broadcasting sector are detailed in my Department's Statement of Strategy, 2005- 2007. These objectives are: To create an environment that encourages the maintenance of high quality Irish

radio and television services by both independent broadcasters and RTÉ. To secure a viable future for high quality public service broadcasting. To seek to retain access to a range of high quality programming in analogue and digital form on a universal and free-to-air basis.

My key priorities for achieving these objectives include the following: Developing the regulatory framework by bringing forward a Bill to provide for the establishment of a single content regulator for both public and private broadcasters and restructuring RTÉ from a corporate point of view; Ensuring adequate public funding for RTÉ and TG4 so that they can deliver on their statutory mandate; Building on progress made in maximising the effectiveness of television licence fee collection; and facilitating the successful establishment of a Digital Terrestrial Television platform on a pilot basis in 2006.

I am of the opinion that Irish viewers will be best served by a broadcasting environment that includes a strong public service broadcasting presence together with private broadcasters.

### Fisheries Protection.

98. **Mr. Costello** asked the Minister for Communications, Marine and Natural Resources the measures he has introduced to deal with alleged illegal fishing activity on Irish waters or ports; the estimates from his Department for black fish catches in each of the years 2001 to 2005; the percentage of the overall annual fishing turnover in terms of both tonnage and profit carried out in the black economy; and if he will make a statement on the matter. [26632/06]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne):** Where illegal fishing activity is detected by the Department or the Naval Service, the case is referred to the Attorney General's Office for consideration and appropriate action. Details of all landings known to the Department are reported to the EU Commission, as required by EU legislation.

In relation to wide ranging allegations brought to the attention of the Ministers in the summer of 2004 and subsequent wide ranging allegations, taking account of the matters raised and the potential seriousness of the allegations, the matters were formally referred to An Garda Síochána for investigation. Those investigations are solely a matter for An Garda Síochána and I have no role in these investigations. Any findings of illegal landings determined in such investigations and reported to the Department will, in accordance with legal advice, be reported to the EU Commission.

Insofar as fisheries control and surveillance is concerned, the position is that all fishing vessels operating within the Irish fisheries patrol area are subject to checks by Irish control authorities, at sea or in Irish ports. Checks at sea include an



inspection or records and catch onboard to ensure the proper recording of catches in the EU logbook. The Department's land-based inspectorate also does regular checks of all vessels landing into Irish ports.

In this regard, I wish to stress in particular the great importance which Ireland attaches to compliance with the rules of the CFP including the reporting obligations on fishermen. As part of the drive to increase the effectiveness of fisheries surveillance, major enhancements to national fisheries control and enforcement capabilities have been implemented in recent years, and currently there is a recruitment process underway for additional Sea-Fisheries Protection Officers. This commitment is also demonstrated by the recent decision to establish an independent body charged with the enforcement of national, EU and international sea-fisheries law. This independent body is an important feature of the new sea fisheries legislation, the Sea Fisheries and Maritime Jurisdiction Act, 2006 recently enacted by the Oireachtas. This legislation is intended to strengthen Ireland's capacity to provide a dissuasive code of deterrents and sanctions to address over-fishing and all illegal fishing activity.

#### **Postal Services.**

99. **Caoimhghín Ó Caoláin** asked the Minister for Communications, Marine and Natural Resources if he will make a statement regarding his future plans of privatisation regarding An Post; and the percentage of the company the State will retain. [26505/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** This Government has no plans to privatise or part-privatise An Post.

#### **Fishing Fleet Modernisation.**

100. **Mr. Gogarty** asked the Minister for Communications, Marine and Natural Resources his views on the judgement of the European Court of First Instance against the European Commission over its refusal to allow 20 Irish fishing vessels to increase the size of their vessels; and the implication of the Court's ruling for the €21 million in penalties levied on six of the vessel owners by the Government for exceeding their tonnage. [26596/06]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne):** The EU Regulations covering fleet policy for the period up to the end of 2001 provide that an increase in the capacity of a sea fishing boat could be allowed where the capacity increase results exclusively from safety improvements and does not increase the fishing effort of the vessel concerned. The EU Regulation provides that the decision, in respect of each appli-

cation, must be made by the EU Commission on a case by case basis. A number of owners of Irish fishing vessels made applications to the EU Commission to have "safety tonnage" granted in respect of their vessels. In April 2003 a Commission decision (No 245/2003) determined the amounts of "safety tonnage" granted based on the applications made to the EU Commission. Many of the applications made by Irish vessel owners were rejected.

23 owners of Irish fishing vessels, whose applications were rejected, challenged the Commission Decision. The State supported the case made by the vessel owners in the Court. The European Court of Justice in its judgment has annulled the Commission Decision 245 / 2003 in so far as it applies to 20 applicants who appealed.

I have been advised by the Attorney General that, as a result of the Court judgment, the options open to the EU Commission would appear to be as follows: the Commission may now undertake a "case by case" assessment of the applications to determine if they meet the requirements of the EU Regulation or it may lodge an appeal to the Court of Justice.

It should be noted that the State has adhered to its obligations and was not a party to the error made by the Commission in dealing with the applications. The national fleet policy requires that vessel owners remove 100% replacement capacity when introducing a fishing boat into the Irish fleet. In the event that a vessel owner wished to introduce a fishing vessel, in respect of which an application for "safety tonnage" was made to the EU Commission, any allocation of tonnage granted subsequently was allocated to the recipients who were able to use or trade that capacity which is a valuable tradeable commodity.

Seven fishing vessels in the RSW Pelagic Segment of the fleet were permitted to introduce larger vessels without the provision of the necessary 100% replacement capacity on the basis that the relevant capacity was not readily available on the market and applications were being made to the EU Commission for "safety tonnage" in respect of the increased capacity involved. Following the Commission Decision of 245/2003, the Minister introduced a policy (Fleet Policy Directive 2/2003) that required these vessel owners remove equivalent replacement capacity from the whitefish fleet. This Ministerial Policy provided for equality of treatment for all vessels within the fleet whereby all vessels must provide 100% replacement capacity "up-front". Any additional capacity granted to these vessel owners following a revised Commission decision on "Safety Tonnage" will be allocated to them on the same basis as that allocated to the rest of the fleet.

#### **Telecommunications Services.**

101. **Ms O'Sullivan** asked the Minister for Communications, Marine and Natural Resources



[Ms O'Sullivan.]

the reason the Government made no submission to a EU consultation process on the extension of the European Universal Service Obligation for broadband internet services; if he subsequently supported a decision on foot of this consultation process to exclude broadband internet services and mobile telephony services from the scope of universal service; his views on the recent comments by the new chairperson of the Dublin Chamber of Commerce, Mr Eugene McCague, who said that the Government must establish new targets for the establishing of widespread availability of open-access, affordable, always-on broadband infrastructure and services as they had completely failed to achieve any of their previous targets and that Ireland may lose out on inward investment due to the too slow roll-out of broadband services; and if he will make a statement on the matter. [26623/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** My Department engages fully with the EU Commission on communications issues. As the Deputy may be aware, universal service in the communications area is a safety net for those whose financial resources or geographical location do not allow them to access the basic communications services that are already available to the great majority of citizens.

The Commission concluded that the mobile communications does not fulfil the criteria for inclusion in the scope of universal service as consumers already have widespread affordable access, and neither does broadband internet services as the current level of take up does not meet the criterion of use of the service by “a majority of consumers”.

In relation to Irish broadband targets, the Deputy should note that in late 2004, when there were approximately 100,000 broadband subscribers, I set a new target of reaching 400,000 broadband subscribers by end-2006. A combination of private sector competition and Government policy has stimulated a rapidly growing broadband market in Ireland. The latest ComReg data reports that there were over 320,000 broadband subscribers by end-March 2006. I am confident of reaching my target by the end of this year. Government policy and private operators ensure an attractive telecoms market for foreign investors wish to locate in Ireland. Mr Sean Dorgan, of the IDA, has commented that Ireland's current broadband take-up has not had a negative impact on foreign investment into Ireland.

#### Postal Services.

102. **Mr. Bruton** asked the Minister for Communications, Marine and Natural Resources his Department's policy in regard to the future development of An Post; and if he will make a statement on the matter. [26527/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The future development and continued viability of An Post and its services is, in the first instance, a matter for the board and management of An Post.

I believe that there will continue to be a key national role for An Post, both in delivery of mails and as a quality service provider of Government and financial services through its nationwide network of post office outlets. However, it must overcome the many challenges it faces such as globalisation, liberalisation and developments in technology that are changing the way people communicate.

To place the company on a firmer financial basis to face these challenges, An Post prepared a Recovery Plan, incorporating details of proposed new Collection and Delivery arrangements, which are now in the process of being implemented.

With regard to the post office network, this Government and the Board of An Post are committed to the objective of ensuring the continuation of a viable and sustainable nationwide post office network as set out in the Programme for Government.

I have asked the company to ensure that any strategy for the development of the company should ensure the long-term viability of the post office network. Following recent Government approval the board and management of An Post have now commenced exclusive negotiations with the company's preferred partner, Fortis, to expand the range of retail financial services available through the post office network with a view to increasing the levels of post office business. If the initiative proves to be successful, it could lead to a significant increase in post office business and contribute to the enhanced viability of the network.

#### Fishing Industry Development.

103. **Ms McManus** asked the Minister for Communications, Marine and Natural Resources the way levels of output and employment in the Irish fisheries and seafood sector compare with other major European maritime nations such as Spain, Portugal, United Kingdom, France and Holland over the past decade; and if he will make a statement on the matter. [26641/06]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne):** Employment in the Irish fisheries and seafood sector plays a significant role in regions where alternative employment opportunities are scarce. The number of people employed in the seafood sector covers the catching, aquaculture and processing sectors as well as ancillary industries such as marketing and distribution.

The European Commission's data available indicate that 421, 318 people approximately are

employed in the seafood sector across the 25 Member States. The figures used are indicative and data relate to different years and are outlined in the following table which also shows the numbers employed in the fisheries sector as a % of the total employment in each of these countries.

Member State	Total Employed in Fisheries Sector	Fisheries Sector as % of total employment
		%
Spain	87,310	0.5
France	64,712	0.3
Italy	47,957	0.2
Greece	37,701	0.9
United Kingdom	33,534	0.1
Ireland	11,665	0.6

Previously, employment surveys were carried out by Member States on an ad hoc basis. As the definition of these surveys was not harmonised across Member States, direct comparison has been difficult in the past.

Under the provisions of the Data Collection Regulation Member States are now required, from 1 January 2004, to submit economic data including employment levels to the European Commission on an annual basis. Bord Iascaigh Mhara now has the responsibility to conduct these surveys in Ireland. This will enable more comparative analysis on employment levels in the sector to be carried out going forward.

*Question No. 104 answered with Question No. 30.*

105. **Ms B. Moynihan-Cronin** asked the Minister for Communications, Marine and Natural Resources the measures he intends to introduce to tackle the major structural problems in the fishing sector, in view of the decrease in fleet size of 75 per cent in Dingle harbour in the past 20 years, and with similar decreases in other fishing ports; his views on whether measures are necessary to stabilise and maintain the fishing fleet; and if he will make a statement on the matter. [26625/06]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne):** The Government is supporting the development of the seafood industry through a number of integrated schemes designed to secure a sustainable future for the industry under the aegis of the National Development Plan 2000-2006.

The two successful fleet renewal programmes and the recent introduction of a decommissioning scheme with a budget of €45 million over the next two years will together deliver the necessary

restructuring, renewal and modernisation of the fishing fleet, which is designed to bring a modern, safe and efficient fleet into balance with the available fishing opportunities.

Earlier this month agreement was reached on the European Fisheries Fund which will apply over the period 2007-2013. I believe that this new fund which contains a range of measures and initiatives will prove particularly relevant for the Irish Seafood Sector in the years ahead.

I have decided to introduce a number of support schemes that will provide financial support to the industry in the short-term. These schemes are the second round of the decommissioning scheme for whitefish vessels, grants for young skippers and aid for energy efficient fishing gear.

I also announced last week the decision to appoint a 3-man Strategy Group to lead a review of the seafood sector. This group will engage in consultations with all relevant stakeholders and regional meetings are planned for July. The Strategy will identify the necessary initiatives (and funding required) to ensure a sustainable knowledge based seafood sector in the long-term that maximises employment and economic activity in Ireland's communities dependent on seafood and related marine industries. The Strategy will feed into the National Development Plan that the Government is drawing up for 2007-2013.

I believe these schemes along with the Strategy for the seafood sector will provide for a sustainable and viable industry into the future.

*Question No. 106 answered with Question No. 81.*

*Question No. 107 answered with Question No. 30.*

### **Telecommunications Services.**

108. **Mr. Rabbitte** asked the Minister for Communications, Marine and Natural Resources his plans for the management of spectrum space; if he has directed his Department and ComReg to undertake research in this regard; his views on whether Irish spectrum space will be commercially auctioned; if the regional radio communications conference 2006 has taken place yet; the Government's negotiating position on the frequency spectrum allocations for Europe for the next 20 years; and if he will make a statement on the matter. [26643/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Access to spectrum space is an essential requirement for many sectors including telecommunications, broadcasting, aviation, shipping, public safety and defence services. This, together with the significant pace of change of radio communications technology, makes the management of the radio

[Mr. N. Dempsey.]

spectrum a complex task with no single approach being applicable for all services.

Both my Department and the Commission for Communications Regulation actively participate in the relevant fora in Europe concerning spectrum policy, use and management and consequently stay abreast of the latest developments and trends.

I can support the introduction of market mechanisms, such as auctions, for spectrum management where the use of the spectrum is directly subject to market forces. Where the use of the spectrum is required for the provision of security, social, cultural or public policy objectives then market mechanisms may not be the appropriate way to manage the spectrum.

The ITU Regional Radio communications Conference 2006 for the planning of spectrum for digital broadcasting concluded recently in Geneva.

As indicated above, the radio communications sector is changing at a rapid pace and the establishment of long term strategies covering up to 20 years may not be the most appropriate way forward. However the participation of both my officials and those of the Commission for Communications Regulation in the relevant European fora ensures that Ireland's interests are adequately presented and taken into account.

#### **Inland Fisheries.**

109. **Mr. Sargent** asked the Minister for Communications, Marine and Natural Resources if he will confirm that the Government has given a commitment to the EU that it will meet scientific advice in 2007, ensuring that fisheries will only take place in estuaries and rivers on stocks which have been shown to be above their conservation limit; when he expects the independent group to make their report to him; and if he will publish the same. [26600/06]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne):** I introduced the Wild Salmon and Sea Trout Tagging Scheme Regulations and other conservation bye-laws for the 2006 season on the 25 April last. When first announcing these proposals in March, I reaffirmed the Government's commitment to fully align with the scientific advice provided on the management of the wild salmon fishery by 2007.

Officials in the Department keep the relevant directorates of the EU Commission informed on an ongoing basis of developments in the management of the wild salmon fishery.

I established the Independent Group, to which the Deputy refers, to examine the implications for the commercial sector in 2007 and beyond arising from my undertaking to fully align the management of the wild salmon fishery with the scientific advice. I expect that the Independent Group will

submit its report to me in September. It is my intention to publish the findings of the Independent Group when appropriate.

*Question No. 110 answered with Question No. 72.*

*Question No. 111 answered with Question No. 65.*

#### **Broadcasting Services.**

112. **Mr. Gormley** asked the Minister for Communications, Marine and Natural Resources his views on the European Commission's investigation into broadcasters here, following the Commission's ruling against Dutch Government aid paid to NOS; the communication he has had with the Commission in this regard; and the bearing the Commission's ruling will have on the proposed legislation for the establishment of a new Broadcasting Authority of Ireland. [26598/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I assume that the Deputy is referring to the EU Commission's investigation into the funding of RTÉ. As the Deputy may be aware this investigation arose in the context of a formal complaint by TV3, made originally in 1999, alleging infringements of Articles 92-94 of the EC Treaty relating to, among other things, the payment of licence fee revenue and direct grants to RTÉ. This is one of a number of complaints made by commercial television operators across the European Union against the funding arrangements in various member states for public service broadcasters.

Following a period of investigation, the EU Commission forwarded an Article 17 letter to the Irish authorities on 3 March 2003 setting out its preliminary views. The letter included a number of recommendations which the Commission considers must be implemented before the funding scheme for RTÉ can be considered as compatible with the relevant provisions of the EC Treaty, including recommendations relating to the implementation of the transparency directive. The recommendations proposed by the Commission are of a detailed legal and regulatory nature and have been subject to ongoing constructive discussion with the Commission.

The outcome of the Article 17 process is a matter of negotiation between the Irish authorities and the European Commission. Accordingly, it would be inappropriate for me to make any detailed comments. At this stage, however, I am confident that Ireland will be able to achieve a satisfactory outcome.

*Question No. 113 answered with Question No. 69.*

#### **Electricity Generation.**

114. **Mr. Gogarty** asked the Minister for



Communications, Marine and Natural Resources the number of the existing power plants here which are scheduled to be closed down in the next ten years; and the consequences of the proposed closure of Tarbert Power Station on the generation adequacy requirements for the country. [26595/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I was recently apprised of a decision by the ESB Board not to undertake any further significant investment in the 620 Megawatt generating station at Tarbert, which is likely to lead to the closure of the plant within a number of years. I am also aware that a number of other plants within the ESB's portfolio may be subject to similar consideration over the next few years, however I have not been given any formal notification by the ESB Board of its intentions in this regard.

However, in accordance with the electricity transmission system Grid Code (i.e. the Regulations which all generators are required to adhere to), there is a requirement for a plant / operator to give a minimum of 24 months notice of plant closure. It should be noted that EirGrid, the Transmission System Operator {TSO}, has not been formally notified of any plant closures over the coming 10 year period and therefore, at this juncture, no planned closures have been confirmed.

The Commission for Energy Regulation (CER) has responsibility for the security of supply of electricity and gas in Ireland. EirGrid {TSO} is responsible for the production of an annual assessment of the adequacy of generation over the subsequent seven year period ("Generation Adequacy Report"), which takes into account both historical and forecast demand and supply (generation).

The results of the most recent Generation Adequacy Report, covering the period 2006-2012, noted that there would be a requirement for new generation capacity on the system from 2009 onwards. However, this study was completed in November 2005, before the announcement concerning the decision on the Tarbert Station was made.

EirGrid will take cognisance of the decision on the Tarbert Station, and all other factors relating to electricity supply and demand, in the preparation of its next Generation Adequacy report, which is expected to be published at the end of this year, to cover the period 2007-2013.

The CER is currently planning the introduction of an All Island Market for electricity, which, with the introduction of a specific capacity mechanism, is intended to provide for the appropriate incentives and market signals to attract new generation capacity, including sustainable sources of generation. The new market design will also take into account the particular attributes of sus-

tainable forms of generation and will be designed to support such generation.

I would also advise the Deputy that significant new thermal generation capacity of up to 536 MW came on stream in the first quarter of this year at Tynagh, Co. Galway (384MW) and Aughinish, Co. Limerick (152MW). In addition to the above, Viridian (Huntstown Power Ltd.) has announced, and is proceeding with, the construction of a second new 400MW generating station in Huntstown, which is currently scheduled to come on stream in late 2007.

#### **Natural Gas Grid.**

115. **Dr. Twomey** asked the Minister for Communications, Marine and Natural Resources if he, officials of his Department or others appointed by him, have concluded their discussions with the various interest groups involved in the construction of the Corrib gas pipeline; if all the issues have been resolved to the satisfaction of the various interests; and if he will make a statement on the matter. [26582/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** As the Deputy will know, I appointed Mr Peter Cassells as mediator in the dispute between objectors to the proposed development and the developers. He has, for some months now, been meeting with concerned parties and individuals. I understand that he is nearing completion of his work and I await his report, which I expect to receive shortly. Neither my officials nor I have been involved in the mediation discussions.

*Question No. 116 answered with Question No. 33.*

*Question No. 117 answered with Question No. 81.*

*Question No. 118 answered with Question No. 92.*

*Question No. 119 answered with Question No. 65.*

*Question No. 120 answered with Question No. 23.*

#### **Telecommunications Services.**

121. **Mr. Howlin** asked the Minister for Communications, Marine and Natural Resources if he will provide information on reports that the European Commission's proposals on tackling roaming fees imposed on mobile phone users have been watered down; the measures the Government brought forward at the European level in this regard; if he is examining measures to reduce the high level of termination charges that Irish mobile users face; and if he will make a statement on the matter. [26644/06]



**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** As Minister for Communications, I have strongly supported Commissioner Reding's initiative to bring forward a Regulation on international roaming charges. High roaming charges are a barrier to communications across Europe and have a negative impact on the economic and social development of the Union and I have raised this issue at Council and the Taoiseach raised it also at the last Spring Council. The Commission has recently published detailed proposals on tackling international roaming charges, which I am currently studying. In regard to my response to the Commission's proposal, the overriding principle will be that this initiative result in real and tangible reductions in users' costs.

Roaming is also an important issue for Ireland in a North/South context, with operators introducing initiatives following discussions I had with my former Northern Ireland colleague, Minister for Enterprise, Trade and Investment, Angela Smith M.P. and regulators from both jurisdictions.

122. **Mr. Boyle** asked the Minister for Communications, Marine and Natural Resources his views on the recent incidents of successful legal challenges to the regulatory decisions of the Commission for Communications Regulation with regard to the opening up of both the fixed line and mobile phone network; the legal bill for the State in these two legal challenges; and the changes which are proposed to be made to the regulatory or appeal processes as a result of these recent decisions. [26592/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Matters arising from the outcome of appeals of regulatory decisions, including costs, are primarily a matter for ComReg, which is independent in the exercise of its functions under the provisions of the Communications Regulation Act 2002. However, as part of my overall policy-making role for the telecommunications sector, I keep the operations of all the bodies under the aegis of my Department under review and where improvements are necessary, to develop the overall environment in which the sector operates, they will be made.

#### **Departmental Agencies.**

123. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources if he will report on the recent establishment of the Irish Energy Council; the amount of money which will be designated to the IEC for its establishment and maintenance; the way Sustainable Energy Ireland will be affected by the new institute; if the level of funding to SEI's will be reduced; if the Irish Energy Council will be the lead energy authority in the State; the way responsibilities in the energy sector will be div-

ided between IEC and SEI; and if he will make a statement on the matter. [26627/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Energy issues are very much centre-stage right now, nationally, in the EU and world-wide and the groundwork which resulted in the creation of the Irish Energy Council commenced a strategic review of the whole energy research area some time ago. This was followed up through last year by extensive consultation with interested parties, resulting in my decision to establish the Council. The Council has a number of important tasks to undertake. These include making recommendations to me on priority areas for research, and helping to ensure that energy research policy sits well with national energy policy, as well as relevant policy in transport, environment, agriculture, enterprise, science and education. I have required the Council to have regard to the all-Island dimension in doing its work, which I believe is important in the light of other joined-up work we are doing in the energy sector.

The role of SEI is not diluted by the creation of the Council. SEI is the Sustainable Energy Authority of Ireland, and the Council is a non-statutory body. The Council is intended to be a light-touch co-ordinating body which will provide the framework within which SEI and other agencies involved with energy research can work more effectively, and it will also address issues which are somewhat outside the remit of the existing players, such as developing and maintaining the appropriate research capacity, both intellectual and physical, to serve our needs on a long-term basis. A sum of €3.5M was provided in this year's Estimates for Energy RTDI (which means energy research, technological development and innovation), and includes the work of the Council. The exact amount of money required by the Council itself has not been determined, and will not be until the Council has itself got itself properly into gear.

*Questions Nos. 124 and 125 answered with Question No. 65.*

#### **Electricity Generation.**

126. **Mr. P. Breen** asked the Minister for Communications, Marine and Natural Resources his preferred options for the generation of electricity in the future from wind, oil, gas, coal, hydro or renewable fuels; the most appropriate blend of generation capacity in view of the need to maintain continuity of supply and compliance with Kyoto and the optimum use of natural renewable resources; and if he will make a statement on the matter. [26572/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Maintaining diversity in fuels for electricity generation

is one of the key issues in energy policy. While our electricity fuel mix is currently heavily reliant on fossil fuels, particularly gas, we have doubled our renewable generating capacity over the past two years and are on course to exceed our target of 13.2% of electricity from renewable energy by 2010. Because of this rapid progress, I recently announced that I am setting a revised target of 15% for 2010. The forthcoming Energy Green Paper will set an even more ambitious target for 2020.

In addition, the Green Paper will also address the importance of maintaining a diverse mixture of other fuels such as coal, clean coal, peat and gas in the future. The Commission for Energy Regulation is responsible for issuing authorisations for the construction of generating stations and, accordingly, is responsible for taking account of the mix of plant type on the system and the type of plant required in the context of the Generation Adequacy Report published by the Transmission System Operator.

#### Consultancy Contracts.

127. **Mr. Gilmore** asked the Taoiseach the total

		€	
2004	RTE	35,256.79	PR Consultancy — EU Presidency
2004	Grayling Gilmore	29,803.65	PR Consultancy — EU Presidency
2004	Carr Communications	12,147.74	Disability Bill — Public Relations.
2005	The Design Consultancy	145.20	Short Jpeg Film — Asia Strategy

The projects associated with these payments were: promotion of awareness of Ireland's hosting of the EU Presidency from July 2003 to January 2004; preparatory work on the National Disability Strategy from May 2004 to July 2004; and promotion of the new "Asia Strategy" during 2005.

#### Departmental Appointments.

128. **Mr. Gilmore** asked the Taoiseach the

Title	Year	Salary (incl. Overtime & allowances)	Expenses
Special Adviser and Programme Manager	2002	172,699.00	1,089.91
	2003	179,280.00	1,778.51
	2004	193,426.00	3,060.23
	2005	197,764.00	248.6
	2006	218,845.00	556.73
Special Adviser	2002	83,595.00	277.02
	2003	95,041.00	0
	2004	107,456.00	0
	2005	115,073.00	0
	2006	129,483.00	0
Special Adviser	2002	83,595.00	584.47
	2003	95,041.00	767.91
	2004	107,456.00	3,761.98
	2005	115,073.00	1,067.54
	2006	129,483.00	1,290.18

amount paid in terms of fees or expenses for the appointment of press or public relations consultants from outside his Department for each year since 2002; the firms appointed and the specific project or responsibility for which they were engaged; and if he will make a statement on the matter. [26966/06]

**The Taoiseach:** My Department has engaged Public Relations Consultants to a value of €77,353.38 since 2002. The breakdown for each year is as follows:

	€
2002	Nil
2003	Nil
2004	77,208.18
2005	145.20
2006	Nil

These payments comprised of the following transactions:

number of political appointees and non established civil servants appointed to his Department since June 2002; the nature of the post to which each such person is appointed; the annual cost in terms of salaries or expenses in respect of each such post for each year since 2002; and if he will make a statement on the matter. [26981/06]

**The Taoiseach:** The information sought by the Deputy is contained in the following schedule.

## [The Taoiseach.]

Title	Year	Salary (incl. Overtime & allowances)	Expenses
Special Adviser	2002	57,971.00	0
	2003	71,577.00	0
	2004	82,578.00	0
	2005	87,774.00	0
	2006	94,417.00	0
Special Adviser	2002	103,320.00	0
	2003	106,074.00	0
	2004	114,443.00	169.49
	2005	117,153.00	162.88
	2006	129,483.00	0
Programme Manager to Tanaiste	2002	122,113.00	850.5
	2003	125,496.00	1,998.16
	2004	135,397.00	1,027.22
	2005	138,433.00	2,111.44
	2006	153,190.00	0
Special Adviser (with responsibility for co-ordination between all Ministers of State)	2004	41,521.00	0
	2005	57,051.00	2,036.45
	2006	62,200.00	0
Government Press Secretary	2002	48,783.00	971.25
	2003	92,628.00	1,005.97
	2004	109,869.00	2,428.1
	2005	115,073.00	1,879.91
	2006	129,482.00	1,229.58
Deputy Government Press Secretary — left 31/07/05	2002	72,837.00	2,878.87
	2003	97,352.46	2,128.02
	2004	96,482.26	2,158.03
	2005	55,670.82	1,533.39
Deputy Government Press Secretary	2005	32,789.00	517.69
	2006	101,303.00	1,226.34
Personal Assistant	2002	33,561.69	0
	2003	38,390.89	364.84
	2004	45,525.98	0
	2005	46,137.00	0
	2006	49,912.00	385.63
Personal Assistant	2002	45,883.35	760.37
	2003	48,912.25	0
	2004	56,554.63	316.36
	2005	57,256.00	1,333.59
	2006	58,732.00	194.74
Personal Assistant — left 29/10/04	2002	39,805.00	0
	2003	27,972.46	0
	2004	23,351.59	0
Personal Assistant	2002	40,832.00	404.59
	2003	45,975.25	1,094.59
	2004	51,281.63	2,763.81
	2005	52,321.00	1,385.99
	2006	55,339.00	584.73
Personal Assistant	2002	42,154.75	0
	2003	42,366.95	0
	2004	46,669.58	0
	2005	50,661.82	0
	2006	51,087.00	0

Title	Year	Salary (incl. Overtime & allowances)	Expenses
Personal Assistant	2002	55,237.60	0
	2003	46,547.04	0
	2004	54,280.02	0
	2005	54,596.00	0
	2006	54,720.00	0
Personal Assistant to Minister of State and Government Chief Whip — started 26/10/04	2004	6,915.15	0
	2005	40,107.00	0
	2006	49,080.00	0
Personal Secretary	2002	20,043.52	0
	2003	26,484.99	0
	2004	23,493.45	0
	2005	32,309.04	0
	2006	36,673.00	0
Personal Secretary to Minister of State and Government Chief Whip — started 29/09/04	2004	8,172.84	0
	2005	40,677.00	0
	2006	42,947.00	0
Usher	2002	27,499.93	0
	2003	29,051.38	0
	2004	31,558.76	0
	2005	33,522.71	0
	2006	36,193.00	0
Special Adviser to Minister of State & Govt. chief whip started 1/10/04	2004	16,797.00	1,342.34
	2005	74,519.00	3,054.69
	2006	81,374.00	0
Special Adviser — left 13/01/03	2002	68,889.00	774.76
	2003	4,734.38	0
Special Adviser to Chief Whip & MOS Hanafin — left 8/10/04	2002	31,131.00	0
	2003	66,134.41	0
	2004	59,243.85	0
Personal Secretary to MOS Roche — left 29/09/04	2002	15,364.00	0
	2003	28,096.51	0
	2004	28,022.08	0
Personal Assistant to Chief Whip & MOS Hanafin — left 8/10/04	2002	13,666.00	0
	2003	43,157.29	832.15
	2004	43,786.09	0
Personal Secretary to Chief Whip & MOS Hanafin 28/07/03-10/10/04	2003	10,486.01	0
	2004	23,998.15	0
Personal Secretary to Chief Whip & MOS Hanafin — left 18/03/03	2002	19,336.00	0
	2003	9,807.16	0
		7,223,154.72	58,438.57

129. **Mr. Gilmore** asked the Taoiseach the number of staff broken down by grade employed within the private office and the constituency office; the number of such staff who are permanent civil servants; the number who are political appointees; the annual cost of each such office in terms of salary, overtime and expenses in respect

of each Minister of State allocated to his Department; and if he will make a statement on the matter. [26996/06]

130. **Mr. Gilmore** asked the Taoiseach the number of staff broken down by grade employed within his private office and his constituency



[Mr. Gilmore.]

office; the number of such staff who are permanent civil servants; the number who are political appointees; the annual cost of each such office in terms of salary, overtime and expenses; and if he will make a statement on the matter. [27011/06]

**The Taoiseach:** I propose to take Questions Nos. 129 and 130 together.

Office	Salary (incl. overtime)	Expenses
	€	€
Taoiseach's Private Office	673,731.00	17,023.09
Taoiseach's Constituency Office	265,388.00	Nil
Office of the Chief Whip & Minister of State	456,941.00	7,719.21
Office of the Minister of State for European Affairs	124,675.87	1,166.03

### Departmental Advertising.

131. **Mr. Gilmore** asked the Taoiseach the total amount spent by his Department in terms of advertising in newspapers, magazines and electronic media in respect of each year since 2002; and if he will make a statement on the matter. [27026/06]

**The Taoiseach:** Details of advertising undertaken by my Department in each year since 2002 are set out in the attached table. This all related to newspaper advertising.

Year	Amount
	€
2002	51,164*
2003	10,212*
2004	21,608*
2005	27,731
2006 (Jan to June)	46,991*

\*Included in the above figures are payments made by my Department for advertisements which were or are due to be recouped from the Change Management Fund. The following details apply:

2002 — €18,203  
 2003 — €5,444  
 2004 — €16,685  
 2006 — €46,991

### Departmental Agencies.

132. **Mr. Rabbitte** asked the Taoiseach the sanctioned staffing level and the number of vacancies which currently exist in respect of the Office of the Attorney General; and if he will make a statement on the matter. [27198/06]

133. **Mr. Rabbitte** asked the Taoiseach the sanctioned staffing levels in the Office of the Parliamentary Counsel in respect of the Office of the Attorney General; the number of vacancies

I refer the Deputy to the answers he was given on Wednesday, 7 December 2005 (Ref 38323/05) and Tuesday 13 December, 2005 (Ref 39019/05). There have been no changes in the staffing of these offices since that date.

The projected annual cost of these Offices for 2006 are as follows:

that exist; and if he will make a statement on the matter. [27199/06]

134. **Mr. Rabbitte** asked the Taoiseach the number of legal drafters currently employed on a contract basis in the Office of the Parliamentary Counsel in respect of the Office of the Attorney General; the sanctioned number of contract legal drafters; and if he will make a statement on the matter. [27200/06]

135. **Mr. Rabbitte** asked the Taoiseach the criteria under which legal drafters are engaged on contract in the Office of the Parliamentary Counsel; and if he will make a statement on the matter. [27201/06]

136. **Mr. Rabbitte** asked the Taoiseach when the last promotional examination for the post of assistant parliamentary counsel grade 1 in the Office of the Parliamentary Counsel took place; and if he will make a statement on the matter. [27202/06]

**The Taoiseach:** I propose to take Questions Nos. 132 to 136, inclusive, together.

The current sanctioned staffing level in the Office of the Attorney General is 120. At present, there are 117.73 staff members serving with 5.27 vacancies. However, 3 of the staff are supernumerary while training for secondment to other Departments (see below). Two vacancies are expected to be filled on 10 July.

In November, 2005 the Department of Finance gave sanction to the Office to recruit up to 6 Advisory Counsel (Grade III). These recruits are to be trained in the AGO before being seconded as legal advisors to other Departments. Ultimately, these new staff are to be counted as part of the sanctioned staff numbers in their host Department but are counted as supernumeraries in the AGO until they actually take up duty in these Departments. At present, the Office has 3

of these supernumerary staff and a further 3 are expected in the next few months. Additionally, the Office in April 2005 received Department of Finance sanction to increase the number of Assistant Parliamentary Counsel (Grade II) by 6. However, such an increase is dependent on a similar reduction in the number of Contract Drafters engaged so that, overall, the total staff numbers remain unchanged.

The current sanctioned staffing level for permanent staff in the Office of the Parliamentary Counsel is 19. As stated above, this figure can increase to 25 provided such an increase is offset by an identical reduction in the number of Contract Drafter positions. At present, there are 2 vacancies (the precise figure is 1.7 as staff numbers are affected by atypical working patterns) in the number of Assistant Parliamentary Counsel.

Earlier this year, in conjunction with the Public Appointments Service, the Office of the Parliamentary Counsel held a recruitment competition for permanent drafting staff. Although there were 40 applicants, only 3 were successful at all stages of the competition and were offered positions. Of these, 1 accepted the offer and took up duty on 26 June, 1 has declined the position and 1 is still considering the offer of appointment. The Office of the Parliamentary Counsel has sanction to fill up to 8 Contract Drafters positions in total and currently it engages 7 drafters on a contract basis. However, not all of these work full-time and their contribution is equivalent to 5 full-time drafters.

The Contract Drafting positions are filled pursuant to Department of Finance sanction. All Contract Drafters engaged by the Office have significant drafting experience in common-law jurisdictions similar to our own. In the past, all have previously held senior drafting positions, including, former heads of office of the UK Office of Parliamentary Counsel, the Canadian Federal Drafting Office and the Office of the Scottish Parliamentary Counsel. All Contract Drafters come highly recommended. Typically, a Contract Drafter will be given a one-year contract which may subsequently be extended depending on the level of work dictated by the Government's Legislative Programme and the availability of permanent staff, which can be affected by term-time working arrangements, maternity leave etc.

The last promotional competition for a post of Assistant Parliamentary Counsel (Grade I) in the Office of the Parliamentary Counsel took place in September, 2003, resulting in the promotion of an existing Assistant Parliamentary Counsel (Grade II). While there are currently 2 promotional vacancies at the Grade I level, staff at the Grade II level are relatively new and still undergoing training. Up to this time, management's view has been that, in the main, the staff were not yet ready for promotion to this Principal

Officer equivalent position. However, the situation will be reviewed in the Autumn.

### Hospitals Building Programme.

137. **Mr. Rabbitte** asked the Tánaiste and Minister for Health and Children the matters discussed at her meeting on 28 June 2006 with the leaders of the main Protestant Churches; and if she will make a statement on the matter. [26031/06]

175. **Mr. O'Connor** asked the Tánaiste and Minister for Health and Children if she will report on her meeting with leaders of the main Protestant churches here on 28 June 2006 in Government buildings regarding Tallaght Hospital; her views on the issues; and if she will make a statement on the matter. [27167/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Taoiseach, Professor Brendan Drumm and I met with the leaders of the Protestant Churches and representatives of the Adelaide Hospital Society on 28 June 2006 to discuss a number of issues relating to the Adelaide and Meath Hospital incorporating the National Children's Hospital, Tallaght. The delegation expressed concern at the implications for the National Children's Hospital of the recent Government decision to endorse the development of a single national tertiary paediatric hospital on a site to be made available by the Mater Hospital at Eccles Street, Dublin 1. A number of other matters relating to the provision of hospital services at Tallaght were also discussed.

The delegation submitted a document proposing a wide range of service developments at the hospital over the next 10 years. It was agreed that the proposals, which have very significant resource implications, would be examined by my Department and the Health Service Executive.

### Health Services.

138. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children the position regarding a public nursing home place for a person (details supplied) in Dublin 3; and if he will support the family on this matter. [27283/06]

159. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if a person (details supplied) in Dublin 3 will be assisted in obtaining a place in a public nursing home; and if he will work with the family on this matter. [26908/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** I propose to take Questions Nos. 138 and 159 together.

[Mr. S. Power.]

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, the Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

#### Cancer Incidence.

139. **Mr. Wall** asked the Tánaiste and Minister for Health and Children the most recent figures available to include the past five years of the number of deaths from mesothelioma or lung cancer due to asbestos contamination; and if she will make a statement on the matter. [26772/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Central Statistics Office has informed my Department that under the International Classification of Diseases Version 9 (ICD-9), mesothelioma deaths are included in code 163, Malignant Neoplasm of Pleura. The number of deaths with this underlying cause in the last 5 years is as follows:

Year	No. of deaths
2001	15
2002	19
2003	18
2004	24
2005	23

140. **Mr. Wall** asked the Tánaiste and Minister for Health and Children if, in view of the fact that mesothelioma cases or fatalities generally originate in the construction industry, these figures are included in the annual release by the Health and Safety Authority or the Health Service Executive; and if she will make a statement on the matter. [26774/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Deputy's question with regard to the Health Service Executive has been forwarded to the Executive for consideration and direct reply. The Deputy may wish to note that the Health and Safety Authority comes under the aegis of the Department of Enterprise, Trade and Employment.

#### Adoption Services.

141. **Mr. Wall** asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No. 118 of 28 June 2006 the position of the application for adoption by persons (details supplied) in County Kildare which was submitted

to the Irish Adoption Board over a year ago; if contact has been made by the Irish Adoption Board with the Health Services Executive and the United Kingdom Adoption Services; if so the status of the contact between all of the relevant parties; and if she will make a statement on the matter. [26775/06]

**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.

#### Hospital Services.

142. **Mr. Gormley** asked the Tánaiste and Minister for Health and Children the number of major incidents that have been declared in hospitals between 21 June 2005 and 21 June 2006; the reason, in each case, for those major incidents being declared; and if she will make a statement on the matter. [26776/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

#### Medical Cards.

143. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children if the new income threshold guidelines for availing of general practitioner visit cards as contained in the press release (details supplied) on her Department's website are correct; if so, if the details contained in the link which follows are incorrect; and if she will make a statement on the matter. [26778/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** In my Department's press release of 26 June 2006 I announced the increase in the basic income guidelines for the GP visit card to 50 per cent above the medical card income guidelines. The press release listed a range of examples based on persons with different earnings and expenses and in different family situations — this information is correct. The following table gives details of these and other sample cases outlining the weekly income and outgoings which would allow persons to be entitled to a GP visit card on foot of these recently increased income guidelines.

## Increases in GP Visit Card Guidelines — June 2006

## Sample Cases

	Medical Card	GPV Card	Weekly Outgoings			Total Outgoings	Total Guidelines
	Base guidelines		Mortgage/rent	Childcare	Travel to work		
<i>Single Person Living Alone</i>							
Aged up to 65 years	184.00	276.00	100	0	50	150	426.00
Aged between 66-69 years	201.50	303.00	100	0	50	150	453.00
<i>Single Person Living with Family</i>							
Aged up to 65 years	164.00	246.00	0	0	50	50	296.00
Aged between 66-69 years	173.50	260.00	0	0	50	50	310.00
<i>Married Couple / Single Parent Families with Dependent Children</i>							
Aged up to 65 years	266.50	400.00	200	0	100	300	700.00
With 1 Child	304.50	457.00	200	150	100	450	907.00
With 2 Children	342.50	514.00	200	300	100	600	1,114.00
With 3 Children	383.50	576.00	200	450	100	750	1,326.00
With 4 Children	424.50	637.00	200	600	100	900	1,537.00
Aged up to 65 years	266.50	400.00	250	0	100	350	750.00
With 1 Child	304.50	457.00	250	150	100	500	957.00
With 2 Children	342.50	514.00	250	300	100	650	1,164.00
With 3 Children	383.50	576.00	250	450	100	800	1,376.00
With 4 Children	424.50	637.00	250	600	100	950	1,587.00
Aged up to 65 years	266.50	400.00	300	0	100	400	800.00
With 1 Child	304.50	457.00	300	150	100	550	1,007.00
With 2 Children	342.50	514.00	300	300	100	700	1,214.00
With 3 Children	383.50	576.00	300	450	100	850	1,426.00
With 4 Children	424.50	637.00	300	600	100	1,000	1,637.00
Aged up to 65 years	266.50	400.00	350	0	100	450	850.00
With 1 Child	304.50	457.00	350	150	100	600	1,057.00
With 2 Children	342.50	514.00	350	300	100	750	1,264.00
With 3 Children	383.50	576.00	350	450	100	900	1,476.00
With 4 Children	424.50	637.00	350	600	100	1050	1,687.00†

†This is the amount of nett income a person can earn if they have the outgoings shown

### Legislative Programme.

144. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children the steps taken to deal with hallucinogenic substances other than magic mushrooms; if consideration has been or will be given to considering such substances, including magic mushrooms, as Class B drugs; and if she will make a statement on the matter. [26827/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Misuse of Drugs Regulations 1988, arising under the Misuse of Drugs Acts 1977 and 1984 set out in Schedules 1 to 5 the specific restrictions, exemptions and obligations which apply to various controlled substances. Substances included in Schedule 1 have the highest level of control whereas substances in Schedule 5 are subject to less stringent controls.

Schedule 1 mainly includes hallucinogenic substances which are not recognised in this country as having legitimate medical use and as such are not generally available through normal commercial channels. The use of these drugs is, by virtue of the Misuse of Drugs (Designation) Order, 1998, limited primarily to scientific research or forensic analysis. The production, supply (including administration) and possession is, in all cases, subject to special licensing. Examples of drugs in Schedule 1 are cannabis and cannabis resin, raw opium and ecstasy. Psilocin and Psilocybin, the active ingredients in magic mushrooms, and magic mushrooms in their raw state are already included in Schedule 1.

### Hospital Services.

145. **Mr. English** asked the Tánaiste and Minister for Health and Children her views on whether it is wise to remove emergency services



[Mr. English.]

from Our Lady's Hospital in Navan that is built over a mine that employs some 600 people underground; and if she will make a statement on the matter. [26836/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** I presume that the Deputy is referring to a recommendation contained in a report by consultants who were engaged by the Health Service Executive (HSE) to undertake a review of acute hospital services in the former North Eastern Health Board area. The review, which commenced in March 2006, has recently been completed and the report has been considered by the Board of the HSE. It concludes that the present system, where five local hospitals deliver acute care to relatively small populations, is exposing patients to increased risks, that it is not serving the community well and is not sustainable.

The consultants believe that there is an unprecedented opportunity over the next 10 years to develop a very high quality responsive emergency and planned care service, in line with international standards, by developing local services within existing hospitals and other local centres supported by a new Regional Hospital. The HSE is to establish a North East Steering Group to quickly address the issues that require immediate attention and at the same time develop a longer term strategy to deliver a world class health service during the next 10 years. The Group will have representation from key stakeholders such as clinicians and primary care providers. There will also be a widespread public engagement on the issues highlighted in the report.

146. **Mr. English** asked the Tánaiste and Minister for Health and Children the number of people on dialysis in the north east; the number of people receiving this treatment in hospitals in the north east; the name of the hospital's providing this treatment; the number of patients receiving this treatment in their homes; the number of patients who leave the north east to go to Dublin for dialysis; the travelling costs involved in providing this treatment in Dublin to patients from the North East; if there are plans to provide for kidney dialysis at Our Lady's Hospital in Navan; and if she will make a statement on the matter. [26839/06]

**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.

147. **Mr. English** asked the Tánaiste and Minister for Health and Children the number of home care packages that have been applied for by people in County Meath; the number of successful applicants that have been provided; the number of applicants that have yet to be processed; the requirements for a person to apply; and if she will make a statement on the matter. [26841/06]

**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.

#### **Housing Aid for the Elderly.**

148. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if she will expedite an application under the housing aid for the elderly scheme in the name of a person (details supplied) in County Kilkenny; if the application will be approved to allow the work to commence; and if she will make a statement on the matter. [26875/06]

**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.

149. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if she will expedite an application for funding under the housing aid for the elderly scheme in the name of a person (details supplied) in County Kilkenny; and if she will make a statement on the matter. [26876/06]

**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.

#### **Health Services.**

150. **Mr. McHugh** asked the Tánaiste and Minister for Health and Children the expenditure to be incurred on a project (details supplied) in 2006; the elements of works on which moneys will be expended; the elements of the project that will proceed in 2006; and if she will make a statement on the matter. [26877/06]

**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.

151. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if a surgical appointment will be arranged for a person (details supplied) in County Kildare; and if she will make a statement on the matter. [26878/06]

**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.

152. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if funding can or will be offered through the Health Service Executive for the purchase of a house or site for patients of an organisation (details supplied) in County Kildare on foot of an application made by this organisation; and if she will make a statement on the matter. [26879/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** Under the Health Act 2004, the Health Services Executive (HSE) has the responsibility, with effect from 1st January 2005, to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. Voluntary organisations providing health and personal social services are funded by the Executive and it is a matter for the Executive to agree

the levels of service and the appropriate funding in respect of each such organisation. My Department has requested the Parliamentary Affairs Division of the HSE to reply directly to the Deputy regarding the status of the organisation's application for funding.

153. **Mr. Bruton** asked the Tánaiste and Minister for Health and Children further to Parliamentary Questions Nos. 178 and 179 of 4 April 2006, if she will provide a copy of the report she received from the Health Service Executive; if she will provide the costing as per Parliamentary Question No. 178; and if she has reviewed security at this location following a serious incident (details supplied). [26901/06]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** I have sent the Deputy the report concerned which has been provided by the Health Service Executive. The Executive's report contains the information sought on costs requested. The issue of security following the incident referred to by the Deputy has been the subject of a review by the HSE which has statutory responsibility for the provision and management of health and personal social services under the Health Act, 2004 including this service. I have therefore asked the Executive to furnish the Deputy with details of this review.

154. **Mr. N. O'Keeffe** asked the Tánaiste and Minister for Health and Children if an early appointment will be arranged in respect of a person (details supplied) in County Cork. [26902/06]

**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.

#### **Hospitals Building Programme.**

155. **Mr. English** asked the Tánaiste and Minister for Health and Children the works which are planned for the replacement of the special care unit at Athlumney, Navan, County Meath under the Health Service Executive Capital Expenditure Programme 2006-2010; when tender documents will be made for the works to be carried out; the schedule of works that has been drawn up; the timeframe for construction to commence and to be completed; the stage the project is at; the amount of allocated funding that will be spent for each of the years of the project; and if she will make a statement on the matter. [26903/06]

**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.

#### **Cancer Incidence.**

156. **Mr. Costello** asked the Tánaiste and Minister for Health and Children the incidence of cancer diagnosed among residents of all 26 counties here; and if she will make a statement on the matter. [26905/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** Statistics in relation to cancer incidence are collated by the National Cancer Registry. My Department has asked the Director of the Registry to examine this matter and to reply directly to the Deputy.

#### **Hepatitis C Compensation.**

157. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if a person will be able to establish entitlement to compensation and health provision under the new Hepatitis C Compensation Bill; and if he will clarify this matter. [26906/06]

158. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children the reason the IHS, IKA, PA and TA were not informed of the radical proposals to the Hepatitis C Compensation Bill 2006; and if she will make a statement on the matter. [26907/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 157 and 158 together.

The Hepatitis C Compensation Tribunal Act 1997 and 2002 provide for a no-fault compensation scheme for persons who were infected with Hepatitis C, or HIV, or both, from the administration within the State of infected blood or blood products, including Anti-D Immunoglobulin and products used to treat persons with haemophilia or other blood clotting disorders.

Under the Health (Amendment) Act 1996, a person who in the opinion of the Chief Executive Officer of the Health Service Executive has contracted Hepatitis C directly or indirectly from the use of Anti-D or the administration of blood or blood products within the State, is entitled to a range of health and personal social services, regardless of means. The Hepatitis C Compen-

sation Tribunal (Amendment) Bill, 2006 provides for a new definition of Hepatitis C diagnosis for the purposes of the Hepatitis C Compensation Tribunal Acts 1997 and 2002. Briefly, persons making claims after 20 June 2006 will have to show that they have tested positive for Hepatitis C with one of a list of internationally recognised diagnostic tests for Hepatitis C, or that they had an acute episode of jaundice within 16 weeks of the administration of Anti-D, in order to be eligible to apply for compensation. The Bill also provides that the same definition will apply to the Health (Amendment) Act 1996. Applications seeking to establish entitlement to relevant health care services lodged with the HSE prior to 20 June, 2006 will not be affected.

As I advised the House during the debate on the Bill last week, certain sections of the Bill were drafted as a result of litigation and for legal reasons I was unable to discuss their content in advance of publication on 20 June last.

*Question No. 159 answered with Question No. 138.*

#### **Nursing Home Subventions.**

160. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children the reason the mother of a person (details supplied) was turned down for subvention allowance for a nursing home. [26909/06]

**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.

#### **Health Services.**

161. **Mr. G. Mitchell** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in Dublin 12 will receive an appointment for a hearing test and an appointment with a speech therapist; and if she will make a statement on the matter. [26910/06]

**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.

162. **Mr. N. O’Keeffe** asked the Tánaiste and Minister for Health and Children the reason there is no social services or social workers available to the southern Health Service Executive at weekends; if her attention has been drawn to the fact that such a service is provided during bank holiday weekends; and if she will ask the southern HSE to consider having this service put in place without delay. [26911/06]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** The management and provision of health and personal social services including the service referred to by the Deputy under the Health Act, 2004 is the statutory responsibility of the Health Service Executive. I have therefore forwarded the Deputy’s question to the Parliamentary Affairs Division of the Executive and asked them to investigate the matter and to reply to the Deputy directly.

#### Mental Health Services.

163. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the funding which is being allocated for mental health services in 2006; and if she will make a statement on the matter. [26912/06]

**Minister of State at the Department of Health and Children (Mr. T. O’Malley):** An additional €26.2 million funding has been allocated to the Health Service Executive for mental health services in 2006 for the further enhancement of services in line with “A Vision for Change”, the recently published report of the Expert Group on Mental Health Policy. This includes an additional €1.2 million for the further development of suicide prevention initiatives. This brings the estimated total revenue spend on mental health services in 2006 to in excess of €800 million.

#### Consultancy Contracts.

164. **Mr. Gilmore** asked the Tánaiste and Minister for Health and Children the total amount paid in terms of fees or expenses for the appointment of press or public relations consultants from outside her Department for each year since 2002; the firms appointed and the specific project or responsibility for which they were engaged; and if she will make a statement on the matter. [26967/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** The information requested is being collated in my Department and will be forwarded directly to the Deputy as soon as possible.

#### Departmental Appointments.

165. **Mr. Gilmore** asked the Tánaiste and Minister for Health and Children the number of political appointees and non established civil servants

appointed to her Department since June 2002; the nature of the post to which each such person is appointed; the annual cost in terms of salaries or expenses in respect of each such post for each year since 2002; and if she will make a statement on the matter. [26982/06]

166. **Mr. Gilmore** asked the Tánaiste and Minister for Health and Children the number of staff broken down by grade employed within the private office and the constituency office; the number of such staff who are permanent civil servants; the number who are political appointees; the annual cost of each such office in terms of salary, overtime and expenses in respect of each Minister of State allocated to her Department; and if she will make a statement on the matter. [26997/06]

167. **Mr. Gilmore** asked the Tánaiste and Minister for Health and Children the number of staff broken down by grade employed within her private office and her constituency office; the number of such staff who are permanent civil servants; the number who are political appointees; the annual cost of each such office in terms of salary, overtime and expenses; and if she will make a statement on the matter. [27012/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 165 to 167, inclusive, together.

The tables detail the number and grade of staff employed in my private and constituency offices and the annual cost of each office in terms of salary, overtime and expenses. All staff are permanent civil servants except for Special Advisers, Personal Assistants and Personal Secretary.

#### Private Office

Grade	Number of Officers (Wholetime Equivalents)
Special Advisers	3
Personal Assistant	1
Higher Executive Officer (Private Secretary)	1
Executive Officer	2
Staff Officer	1
Clerical Officer	6

#### Constituency Office

Grade	Number of Officers (Wholetime Equivalents)
Personal Assistant	1
Personal Secretary	1
Clerical Officer	2.5



[Ms Harney.]

## Annual Cost — (1/7/05-30/6/06)

	Private Office	Constituency Office
	€	€
Salary including PRSI ER and Pension Contributions	794,941.50	316,339
Overtime	615.88	—
Expenses	23,143.70	3,283.50

In addition to the three Special Advisers listed above, a senior manager is on loan from the Health Services Executive (HSE) and works as part of my advisory team but is not contracted by the Department and continues to be an employee of the HSE.

The tables detail the numbers, grade and remuneration of staff employed in the private and constituency offices of the Ministers of State. All staff are civil servants except for Special Adviser, Personal Assistants, Personal Secretaries and Civilian Drivers.

## Minister of State, Brian Lenihan TD — Private Office

Grade	Number of Officers
Special Adviser	1
Higher Executive Officer (Private Secretary)	1
Executive Officer	1
Clerical Officer	3
Civilian Drivers	2

## Minister of State, Brian Lenihan TD — Constituency Office

Grade	Number of Officers
Personal Assistant	1
Personal Secretary	1
Clerical Officer	2.8

## Minister of State, Tim O'Malley TD — Private Office

Grade	Number of Officers
Higher Executive Officer (Private Secretary)	1
Executive Officer	1
Staff Officer	0.5
Clerical Officer	2.6
Civilian Drivers	2

## Minister of State, Tim O'Malley TD — Constituency Office

Grade	Number of Officers
Personal Assistant	1
Personal Secretary	1
Executive Officer	1
Staff Officer	0.8
Clerical Officer	1

## Minister of State, Seán Power TD — Private Office

Grade	Number of Officers
Higher Executive Officer (Private Secretary)	1
Executive Officer	1
Clerical Officer	3.25
Civilian Drivers	2

## Minister of State, Seán Power TD — Constituency Office

Grade	Number of Officers
Personal Secretary	1
Executive Officer	1
Clerical Officer	2

## Annual Cost — Minister of State Brian Lenihan TD — (1/7/05-30/6/06)

	Private Office	Constituency Office
	€	€
Salary including Employer PRSI and Pension Contributions	295,604.94	195,753.13
Overtime	—	21,433.66
Expenses	6,053.14	77.53

## Annual Cost — Minister of State Tim O'Malley TD — (1/7/05-30/6/06)

	Private Office	Constituency Office
	€	€
Salary including Employer PRSI and Pension Contributions	261,271.92	207,682.88
Overtime	282.90	896.67
Expenses	21,334.88	—

## Annual Cost — Minister of State Seán Power TD — (1/7/05-30/6/06)

	Private Office	Constituency Office
	€	€
Salary including Employer PRSI and Pension Contributions	267,601.01	146,998.31
Overtime	—	—
Expenses	20,946.46	—

In the time available it has not been possible to collate the information in respect of the period 2002 to 30/06/05. The information will be forwarded to the Deputy as soon as it is available.

### Departmental Advertising.

168. **Mr. Gilmore** asked the Tánaiste and Minister for Health and Children the total amount spent by her Department in terms of advertising in newspapers, magazines and electronic media in respect of each year since 2002; and if she will make a statement on the matter. [27027/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** The information, involving many divisions of my Department, is not readily available in the format as requested by the Deputy. I have requested my Department to retrieve the relevant data and to assemble it and to present it in the format as requested.

### Lottery Funding.

169. **Mr. Wall** asked the Tánaiste and Minister for Health and Children her views on correspondence (details supplied) in relation to lottery funding; and if she will make a statement on the matter. [27051/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** Under the Health Act 2004, the Health Services Executive (HSE) has the

responsibility, with effect from 1st January 2005, to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. Voluntary organisations providing health and personal social services are funded by the Executive and it is a matter for the Executive to agree the levels of service and the appropriate funding in respect of each such organisation. In relation to this organisation, an application has been made to the HSE for once-off Lottery funding. The HSE are currently in the process of assessing applications for 2006 lottery funding and will contact the organisation with regard to this application in due course.

### Health Services.

170. **Mr. Wall** asked the Tánaiste and Minister for Health and Children the position of an application for a person (details supplied) in County Kildare in relation to their application for orthodontic treatment. [27052/06]

**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 Investigations.

171. **Mr. Neville** asked the Tánaiste and Minister for Health and Children if she will investigate the death of a person (details supplied); and if she will ensure that the concerns of the family are addressed. [27053/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** I have been informed that the Health Service Executive investigated the incident that occurred prior to the death of the person referred to by the Deputy. I understand that the Health Service Executive has met with the family of the deceased and the findings of the investigation were discussed in detail with the family. The family has subsequently raised the matter with the Office of the Ombudsman who in turn made enquiries with the Health Service Executive. The Health Service Executive has recently responded to the Office of the Ombudsman in a letter dated 29th June 2006.

### Health Services.

172. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children the reason and appointment for a person (details supplied) in County Wexford for a necessary ankle operation cannot be given; the further reason no stand-in has been appointed in Waterford Regional Hospital as the only orthopaedic surgeon is on extended leave. [27054/06]

**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.

### Alcohol Abuse.

173. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children her proposals to address the increasing problem of alcohol misuse (details supplied); and if she will make a statement on the matter. [27061/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The Government is concerned about alcohol-related harm and the increase in consumption in the total population as well as the increased prevalence of high-risk drinking. This problem calls for a concerted cross-Departmental approach involving a range of key Departments and stakeholders. The two reports of the Strategic Task Force on Alcohol (STFA) provide a blueprint for tackling alcohol related harm. The reports have been presented to the Government and the Department of Health and

Children and other relevant Departments have been authorised to implement the recommendations coming within their remit.

Significant progress has been made in implementing the recommendations of the reports in areas such as advertising, responsible serving, education and research. A Working Group on Alcohol was established under the Special Initiative on Tackling Alcohol and Drug Misuse in Sustaining Progress to help mobilise the stakeholders through social partnership to achieve targeted and measurable reductions in these areas. The Group's remit was to examine the areas of high-risk drinking, underage drinking and drink driving and to identify actions which member organisations could adopt to address these issues with a view to developing a programme of action. The Working Group has now submitted its report which includes recommendations on issues such as community mobilisation, workplace alcohol policies, advertising, labelling, education and awareness.

As aspects of the Deputy's question relate to the management and delivery of health and personal social services, including the future development and implementation of alcohol awareness initiatives and campaigns, my Department has requested the Parliamentary Affairs Division of the Health Services Executive to arrange to have this matter further investigated and to have a response issued directly to the Deputy.

### Nursing Home Repayments Scheme.

174. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children when she will commence the issue of repayment under the nursing home repayments scheme; and if she will make a statement on the matter. [27069/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health (Repayment Scheme) Act 2006 was signed by the President on 23 June 2006. This Act provides a clear legal framework for a scheme to repay recoverable health charges for publicly funded long term care.

The Health Service Executive (HSE) have announced the appointment of a preferred service provider, a consortium comprising of KPMG accountancy group and McCann Fitzgerald solicitors, to administer this repayment scheme. The consortium has already commenced its preparatory work and intends to launch the scheme publicly in mid-July. The HSE has indicated that the consortium will, within four weeks of appointment, begin to issue application forms and begin notifying approximately 7,600 living patients of the amount of repayment due to them. The HSE has indicated that the details of these repayments have been prepared in advance of the appointment of the company. On submission of an application and receipt of notification of the calculated amount of repayment due, the appli-

cant will have a period of 28 days in which to appeal or reject the calculated amount of repayment due prior to the issuing of money by the HSE.

Repayments will be made as soon as possible, with priority given to living persons, and provision has been made for repayments to continue up to 2008. It is anticipated that all repayments will have been completed within this period, however if required the cut off date for receipt of applications can be extended.

*Question No. 175 answered with Question No. 137.*

#### **Health Services.**

176. **Mr. Hogan** asked the Tánaiste and Minister for Health and Children the reason for the delay in reaching a conclusion regarding the recognition of a clinic (details supplied) in County Kilkenny, in respect of the provision of dialysis for kidney patients; and if she will make a statement on the matter. [27168/06]

**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.

#### **Pension Provisions.**

177. **Mr. S. Ryan** asked the Tánaiste and Minister for Health and Children the progress on the implementation of the contents of circular S 12/05 for pensioners who were employed as non-officers in the former health boards throughout the counties; if the necessary finance and resources have been made available to ensure that the benefits of the circular are passed on to the pensioners; and the approximate number of pensioners involved in each area. [27169/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Deputy's question relates to the administration and management of superannuation payments for former employees of the health boards, which are the responsibility of the Health Service Executive. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to have this matter investigated and to issue a reply directly to the Deputy.

#### **Health Services.**

178. **Mr. Cregan** asked the Tánaiste and Minister for Health and Children the situation regarding entitlements to the primary school dental

service; if entitlement extends to children attending a private or fee-paying school; the reason for refusals and the legislative base for same; and if she will make a statement on the matter. [27173/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** Children in specific classes in national school, usually second, fourth and sixth class, are targeted for preventive measures under the school based approach; the children in these classes are screened and referred for treatment as necessary; the programme has been specifically designed to ensure that children are dentally fit before they leave national school. The screening provided in second, fourth and sixth classes ensures that follow up appointments for examination, treatment or orthodontic review are made, as necessary, with the Dental Surgeon in the clinic designated for the particular school(s). Children who have attended national school retain eligibility to dental treatment up to their 16th birthday.

The Irish Medicines Board (Miscellaneous Provisions) Act, 2006, which was recently adopted by the Oireachtas, contains provision for the amendment of section 66 of the Health Act 1970 and the Health (Amendment) Act, 1994. The amendments provide for dental health examinations for all primary school children whether they are educated in national primary schools, private primary or Montessori schools or who are home taught. It is intended that the Irish Medicines Board (Miscellaneous Provisions) Act, 2006, will be commenced in the near future. The statutory position governing the eligibility of children to dental treatment under the Health Service Executive (HSE) service is Section 66 of the Health Act, 1970, the Health (Amendment) Act 1994 and the Health (Dental Services for Children) Regulations, 2000 (S.I. No. 248 of 2000). Section 66(3) of the Health Act, 1970 states that "When the governing body of a school which is not a national school so requests, a health board may at its discretion by order apply this section to the school."

#### **Disabled Drivers.**

179. **Mr. Cregan** asked the Tánaiste and Minister for Health and Children if breakdown data for the medical or physical condition of successful applicants to the disabled drivers scheme is available. [27178/06]

**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



[Mr. T. O'Malley.]

have this matter investigated and to have a reply issued directly to the Deputy.

#### **Hospital Services.**

180. **Mr. Cregan** asked the Tánaiste and Minister for Health and Children the waiting times for a standard x-ray from the main Dublin hospitals (details supplied); and the reason general practitioners are not asked to refer people elsewhere when the situation is known and not changing significantly. [27179/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

#### **Medical Cards.**

181. **Mr. Cregan** asked the Tánaiste and Minister for Health and Children if she will clarify the situation regarding a person in receipt of an over 70 medical card, who is being charged for a B12 injection which they received free of charge until recently; the reason for same; if the medical card does not cover such charges; if general practitioners are allowed to make such charges; and the other issues which are not covered by medical cards. [27180/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** Medical Card holders are entitled to general medical and surgical services and a supply of prescribed approved medicines and appliances without charge. GPs contracted under the General Medical Services Scheme (GMS) are paid an annual capitation fee in respect of GMS services to medical card holders. Accordingly where B12 injections are indicated as necessary as part of the recognised treatment of an ongoing medical condition of a patient in possession of a medical card, they should be provided free of charge to that patient.

#### **Health Service Staff.**

182. **Mr. Sargent** asked the Tánaiste and Minister for Health and Children the action she is taking on the crisis in the schools dental health service where in Clare, for example, there are only four dentists working where there should be eight. [27207/06]

**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.

#### **Services for People with Disabilities.**

183. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if the home aids and appliances requested by a person (details supplied) in County Kilkenny will be provided; if an occupational therapist's report is available regarding this request; if she will expedite the matter. [27208/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

#### **Services for People with Disabilities.**

184. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No. 238 of 3 May 2006, the details of topics discussed and outcome of the three consultation workshops held in May 2006; the number of people who participated in each event; if her Department has reached conclusions as a result of the workshops; and if she will make a statement on the matter. [27209/06]

185. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No. 238 of 3 May 2006, if she has received notification from either the Health Service Executive, the Department of Education and Science or the National Council for Special Education as to when the consultation process regarding part two will be completed; when the necessary regulations provided for in part two will be completed; and if she will make a statement on the matter. [27210/06]

186. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No. 238 of 3 May 2006, the timescale for commencement of the provisions of Part 2 of the Disability Act 2005; and if she will make a statement on the matter. [27211/06]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** I propose to take Questions Nos. 184 to 186, inclusive, together.

The three consultation workshops which were held in May 2006 focused specifically on the area of assessment of need. Around 300 people were invited and over 200 attended over the three days. The key themes which were discussed during the February conference on the assessment of need process were also discussed at these sessions, which provided an opportunity for a broader range of people with disabilities to have an input into the process. The key themes were: the Assessment of Need process; building on best practice to deliver on obligations under the Disability legislation; and strengthening the links “on the ground” i.e. links between education, other statutory bodies and HSE. The views expressed during the consultation as a whole fed into the development of the Department’s and the HSE’s thinking in relation to assessment of need process.

They were particularly helpful in the preparation of the part of my Department’s Sectoral Plan which outlines the arrangements for the implementation of Part 2 of the Disability Act 2005. The Department also worked with the Department of Education and Science, the HSE and the National Council for Special Education in the preparation of the arrangements for the implementation of this Part. The Sectoral Plan for the Department will be published within the next two to three weeks.

#### **Child Care Services.**

187. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No. 238 of 23 May 2006, the updated figures for the number of enquiries that the city and county childcare committees have received with regard to voluntary notification for childminders; the number of notifications the childcare committees have received since the introduction of the tax exemption for childminders; the breakdown of same per childcare committee; and if she will make a statement on the matter. [27212/06]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** With reference to the information provided to the Deputy in Parliamentary Question No. 238 of 23 May 2006, regarding the number of enquiries received by City and County Childcare Committees (CCCs) from childminders, in relation to voluntary notification since the introduction of the tax exemption in respect of income from childminding, I am advised that further updated information is not readily available at this point in time.

I understand that on 23 June 2006, a supplementary letter issued, advising the Deputy that the Office of the Minister for Children is currently putting new arrangements in place with the CCCs to improve the quality of future data collection and to ensure that it is available in a more timely and consistent format. When this exercise

is completed, the Deputy will be advised of any updated information available.

As the Deputy is aware, the new Childminding Relief was introduced in Budget 2006. This Relief means that where an individual minds up to three children in the minder’s own home, no tax will be payable on the childminding earnings, provided the amount is less than €10,000 per annum. If childminding income exceeds €10,000, the total amount will be taxable, as normal, under self-assessment. An individual will be obliged to return his/her childminding income in a tax return and also to notify their CCC that they are providing a childminding service.

The first tax year for which this tax exemption applies is 2006 and tax returns for 2006 must be made by October 2007. Until that time, the final take-up of this initiative cannot be fully established.

#### **Health Service Staff.**

188. **Mr. M. Higgins** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that changed regulations by the Royal College of Psychiatrists in Britain in relation to registration of psychiatrists has resulted in such changed circumstances as would breach the regional expectations for qualification and employment of a person (details supplied) from abroad working in the Irish system; and if she will make a statement on the matter. [27218/06]

189. **Mr. M. Higgins** asked the Tánaiste and Minister for Health and Children if she will ensure that the implementation of regulations, changes to same, and their implementation by health boards or the appropriate section of the Health Service Executive, will not deprive those who have been taken in to training schemes as consultant psychiatrists within the Irish health system or will not have the circumstances for their qualification arbitrarily changed in such a way as to endanger their employment, temporary or permanent; if she will further ensure that those affected by such changes will be treated on a basis of equality, with equal opportunities for meeting such additional conditions being available to European and non-European applicants, and those at all stages of the qualification process. [27219/06]

190. **Mr. M. Higgins** asked the Tánaiste and Minister for Health and Children if she will ensure that changes in required qualification by such bodies as the Royal College of Psychiatrists in London will not be implemented in such a way as to undermine the protection afforded to existing employees in Irish hospitals under the protection of the Fixed Term Employees Act 2002. [27220/06]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Irish Psychiatric Training Committee oversees postgraduate training in psychiatry and advises the Medical Council as to the suitability of trainees for the specialist register. It is working closely with the Royal College of Psychiatrists in the UK and is fully apprised of relevant developments there.

A working group was set up some months ago, by the Committee, to review training in Ireland and the Postgraduate Medical and Dental Board has provided funding to the Committee to engage a project director to review and implement new processes of training in the light of the changes in the UK.

I understand that the Medical Council will be discussing the issue further with the Irish Psychiatric Training Committee and that the Council's Registration Committee, at its next meeting, will consider any potential impact on applications for entry to the register of medical specialists.

The National Hospitals Office/Comhairle na nOspidéal has set down the qualifications, training and experience necessary to become a consultant psychiatrist in Ireland. The Irish Psychiatric Training Committee will continue to provide the training necessary to fulfil those requirements.

#### **Financial Confidentiality.**

191. **Mr. Costello** asked the Minister for Finance if his attention has been drawn to the fact that anti-terrorist agencies in the USA have been monitoring all money transactions between the US and Ireland since 2001; if the Government was informed of the illegal activity at any time; the steps the Government propose to take to protect the confidentiality of citizens here; and if he will make a statement on the matter. [26874/06]

**Minister for Finance (Mr. Cowen):** As I indicated yesterday in reply to a question on this issue from Deputy Michael D Higgins, it is my understanding from media reports that the US authorities have had access, for the purpose of identifying terrorist financing, to information from a Belgium-based and financial industry owned company with US offices that operates a worldwide messaging system used to transmit electronic messages among banks to facilitate financial transactions.

If it was the case, as has been reported, that the subpoena was served on the banking consortium's US subsidiary, then the monitoring in question — especially with the knowledge of the consortium that owns the network — on foot of a subpoena, would appear to be a matter of US law.

The Government were not aware of the data transfer until these reports were published in the media.

The Deputy may wish to note that the activities of this financial intermediary are overseen, but only in so far as they relate to financial stability,

by a committee drawn from the major central banks under the leadership of the National Bank of Belgium.

As regards the wider issue of access to data on financial transactions, I would remind the Deputy that, while there is a strong general principle that confidential banking information should not be disclosed to third parties, this principle may be over-ridden where there are compelling public policy considerations — for example where breaches of the criminal law arise. For instance, in Ireland, banks are obliged to report any suspicions of an offence under the money laundering provisions of the Criminal Justice Act, 1994 to the Gardaí and the Revenue Commissioners.

#### **Flood Relief.**

192. **Mr. Costello** asked the Minister for Finance the progress on works undertaken to secure the Tolka River against flooding; the amount of work that has been completed; the work which remains to be completed; when the entire work will be completed. [26872/06]

**Minister of State at the Department of Finance (Mr. Parlon):** Flood relief works on the River Tolka are in the main being undertaken by the Commissioners of Public Works on behalf of the three local authorities concerned, Fingal and Meath County Councils and Dublin City Council. I take it the question relates to works in the Dublin City Council area.

Most of the major works planned have been completed at this stage. Works to strengthen the wall upstream of Glasnevin Bridge and to widen the channel at Griffith Park are continuing. Some minor pointing of the wall at East Wall Road will be completed this summer.

The report referred to in my reply to the Deputy's question on 25th April has not been received yet. Some minor works may be carried out in the vicinity of Finglas Weir.

#### **Traffic Management.**

193. **Mr. Costello** asked the Minister for Finance if he will meet representatives of a group (details supplied) to discuss the Office of Public Work's proposals for traffic in the Phoenix Park, Dublin 7; and if he will make a statement on the matter. [26873/06]

**Minister of State at the Department of Finance (Mr. Parlon):** The position remains unchanged from that outlined in my response of 23rd May to the Deputy's most recent question about this issue.

#### **Tax Statistics.**

194. **Ms Burton** asked the Minister for Finance if, in respect of the Revenue Commissioners study of the effective tax rates of the top 400 earners for the tax year 2002 recently published, the



figures provided include PRSI and income levies; and if he will make a statement on the matter. [26886/06]

195. **Ms Burton** asked the Minister for Finance if, in respect of the Revenue Commissioners study of the effective tax rates of the top 400 earners for the tax year 2002 recently published, the amount of the income of the individuals concerned derived from directorships, Sch. D Case I & II, dividends from quoted and unquoted companies, rental income, other investment income and capital gains; and if he will make a statement on the matter. [26887/06]

196. **Ms Burton** asked the Minister for Finance if, in respect of the Revenue Commissioners study of the effective tax rates of the top 400 earners for the tax year 2002 recently published, the cost of the tax write offs for all of the concerned individuals; the social insurance cost of the write offs; the effective rate of social insurance paid on income by these people; the cost of the write offs on health levies; the effective rate of health levies paid on income by these people; and if he will make a statement on the matter. [26888/06]

198. **Ms Burton** asked the Minister for Finance the cost of tax write off's for creative artists in 2002; if individuals studied in the Revenue Commissioners report on the effective tax rates of the top 400 earners for the tax year 2002 had creative artist tax write offs that were not covered by the report; the amount of the total reduction in tax liabilities for these individuals as a result; and if he will make a statement on the matter. [26890/06]

200. **Ms Burton** asked the Minister for Finance in respect of the Revenue Commissioners study of the effective tax rates of the top 400 earners for the tax year 2002 recently published, in view of the fact that it is over seven months since the 2004 returns were filed and processed, if the same information can be made available for the tax year 2003; and if not, the reason for this. [26892/06]

**Minister for Finance (Mr. Cowen):** I intend to take Questions Nos. 194, 195, 196, 198 and 200 together.

I am advised by the Revenue Commissioners that PRSI and income levies are not included in the tax figures used in the study. The Revenue Commissioners collect PRSI and income levies on behalf of the Department of Social and Family Affairs and the Department of Health and Children. They are treated as income tax only for collection purposes as provided for by the Social Welfare (Consolidation) Act, 1993 and the Health Contributions Act, 1979.

It should be noted that there are no reliefs against PRSI and the Health Levy in the same

way generally as there are reliefs against income tax so the need to study the effect of such reliefs does not arise in these cases.

I am informed by the Revenue Commissioners that the breakdown of the gross income figure used in the study of the effective tax rates of the top 400 earners in 2002 is approximately as follows:

	€m
Schedule D, Case I and II	175
Rental Income	55
Directors' PAYE Income	210
Other Income	273*
Total	713

\*Includes distributions, investment and other PAYE income.

It is not possible to identify separately dividends from quoted and unquoted companies or other investment income. Since capital gains do not attract income tax, these figures were not included in the study of the effective rates of the top 400 earners.

The cost to the Exchequer of the exemption of certain earnings of writers, composers and artists in 2002 was €23.9m. The study of the top 400 earners for the tax year 2002 did not include artists' exempt income. Of the top 400 earners, ten had artists' exempt income totalling €2.18m, giving rise to a putative reduction in tax liability of some €915,000 assuming that it was all taxable at 42%.

A Revenue Commissioners' study of the effective tax rates of the top 400 earners in 2003, on the lines of that recently published for 2002, is not yet available.

The Revenue Commissioners have advised that the purpose of the study is to inform them in general terms about trends and about the behaviour of high earners. It is a study which requires detailed research and analysis. In this context having regard to business priorities it is generally carried out in the later part of the year.

As regards the remaining information sought by the Deputy, in particular the cost of write offs, I am advised by the Revenue Commissioners that it could not be compiled within the time allowed. I am further advised that the Commissioners will be in touch with the Deputy and will make available as much as possible of the information sought within a few weeks.

#### Tax Collection.

197. **Ms Burton** asked the Minister for Finance further to Parliamentary Question No. 113 of 8 June 2006, if he will provide details to support the information in view of the fact that the average rate of tax paid by high wealth individuals increased from 24.3 percent in 2002 to 30.2 percent in 2003; and if he will make a statement on the matter. [26889/06]



**Minister for Finance (Mr. Cowen):** I am not clear what additional details the Deputy requires in relation to the information provided in my reply to question no. 113 of 8th June 2006.

However, I am advised by the Revenue Commissioners that the average rate of tax paid by high wealth individuals in 2002 and 2003 was arrived at by expressing the aggregate tax paid as a percentage of the aggregate income of the individuals concerned.

As explained in my earlier reply the aggregate income figures used is the figure before the deduction of certain reliefs, such as capital allowances and trading losses, but it does not include certain income such as artists' exempt income and patent income. It was not possible to include deposit interest retention tax ("DIRT") as tax paid in the computation of average rate for the years 2002 and 2003 whereas the related income has been included.

*Question No. 198 answered with Question No. 194.*

199. **Ms Burton** asked the Minister for Finance if, in respect of the Revenue Commissioners study of the effective tax rates of the top 400 earners for the tax year 2002 recently published, the effect the Christina O case had on the liabilities of the individuals concerned; and if he will make a statement on the matter. [26891/06]

**Minister for Finance (Mr. Cowen):** I am advised by the Revenue Commissioners that they do not comment on the tax affairs of specific taxpayers. In relation to the methodology used for the top 400 study, I am advised that in calculating the effective rate used in the study, the income figure used was the figure before deducting specific reliefs, such as capital allowances or trading losses. Speaking generally, ships or yachts which are used for the purposes of transporting either passengers or freight do qualify for capital allowances in the same way as other plant and machinery used for the purpose of a business.

*Question No. 200 answered with Question No. 194.*

### Departmental Publications.

201. **Ms Burton** asked the Minister for Finance when he intends to publish the TSG papers for the 2006 Budget; and if he will make a statement on the matter. [26893/06]

**Minister for Finance (Mr. Cowen):** The TSG papers for the 2006 Budget were published on the Department of Finance website on Friday, 30th June 2006. The documents may be viewed on [www.finance.gov.ie](http://www.finance.gov.ie) — Policy Areas and Publications — TSG Group.

### Public Procurement Contracts.

202. **Mr. Deasy** asked the Minister for Finance the status of on the proposed new forms of public procurement contracts; if he will revise the third draft of the proposed contracts, that was issued by his Department on 7 April 2006, to take account of outstanding issues raised by the contractors; his views on whether the contractors have genuine concerns that the proposed contracts have elements that are contrary to the principles of appropriate risk transfer and fair payment conditions; and if he will make a statement on the matter. [26894/06]

**Minister for Finance (Mr. Cowen):** The Government in mid 2004 decided to reform construction procurement so as to help 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 now developed a suite of Standard Forms of Construction Contract.

My officials have had extensive and constructive consultations with the construction industry over the last year on the content of the contracts. During this process, there has been very significant movement on the part of the State to help meet the industry's concerns without compromising the core policy of having fixed price lump sum contracts with appropriate risk transfer, tendered on a competitive basis as the norm for future capital works projects. Following a very useful exchange of views with representatives of the construction industry in early June, I am aware that there are a small number of outstanding concerns for the industry. It would not be appropriate for me to comment further on the details at this time. However, let me say that I have listened carefully to the industry's comments and views and I am currently reflecting on the points made with a view to finalising the contracts very shortly.

It is important that we move the process on now and prepare for the next phase of implementation, which is a comprehensive training programme for public sector practitioners, to ensure that the new arrangements are used appropriately across the public sector as soon as possible.

### Tax Code.

203. **Mr. N. O'Keeffe** asked the Minister for Finance if he will consider the hardship being imposed on coach operators who have to pay VAT on new school buses where such a vehicle would be exempt from VAT if it was to be used as a tour bus; and if he will consider this situation in view of the new safety regulations which have to be met now on all school buses and the additional financial expenditure being imposed on operators. [26895/06]

**Minister for Finance (Mr. Cowen):** The provision of passenger transport services, including school transport services, is exempt from VAT under the EU Sixth VAT Directive. This means that school transport providers do not charge VAT on the services they supply and cannot recover VAT on the goods and services that they purchase for use in providing that service. Essentially, only VAT registered businesses which charge VAT are able to recover VAT.

Refund orders have in the past been used in a limited way to provide refunds of VAT on certain aids and appliances for the disabled, medical equipment donated voluntarily to hospitals and certain touring coaches. These orders are focused and are designed to target particular sectors. However, it is no longer possible under EU law to introduce new schemes which would allow for VAT refunds to exempt bodies or non-taxable persons.

#### **Tax Yield.**

204. **Mr. McGuinness** asked the Minister for Finance the revenues that would have been lost if VAT on house purchases had not been increased in Budget 2003; and if he will make a statement on the matter. [26896/06]

**Minister for Finance (Mr. Cowen):** I am advised by the Revenue Commissioners that it is not possible to furnish precise figures of the VAT take on house purchases, as the information sought on VAT returns does not require the yield from particular sectors of trade to be identified. However, based on data published by the Department of the Environment, Heritage and Local Government, the estimated additional net VAT yield from the sale of new houses (including apartments) as a result of the VAT rate of 12.5% being increased to 13.5% on 1 January 2003 is as follows: €115.6m in 2003; €144.3m in 2004; and, €151.5m in 2005.

A decrease of 1% in the reduced VAT rate would cost the Exchequer €358m per annum. Such a reduction would have little or no impact on the price of new houses but would be very costly to the Exchequer.

205. **Mr. McGuinness** asked the Minister for Finance the yield from the two per cent insurance levy in 2005; and if he will make a statement on the matter. [26897/06]

**Minister for Finance (Mr. Cowen):** A 2% stamp duty is charged on most non-life insurance premiums and is part of the normal stamp duty system. The exceptions are re-insurance, voluntary health insurance, marine, aviation and transit insurance and export credit insurance. It was introduced in 1982.

The yield in 2005 is €90.8m.

The purpose of the non-life levy is to broaden the stamp duty base while maintaining low direct tax rates.

#### **Tax Collection.**

206. **Mr. McGuinness** asked the Minister for Finance the cost of increasing the income disregard threshold so that home carers can qualify for a tax credit equivalent to the PAYE credit; and if he will make a statement on the matter. [26898/06]

**Minister for Finance (Mr. Cowen):** I am informed by the Revenue Commissioners that statistics are not available at this time which would enable the information requested by the Deputy to be provided.

Budget 2006 introduced a new tax exemption for childminding where an individual minds up to three children, who are not their own, in the minder's own home. The cost of the exemption was estimated to be €4 million in a full year.

Where the gross annual income from the provision of these childcare services does not exceed €10,000, the income is fully exempt from tax. To avail of this relief, the care provider must be self-employed (not an employee) and include the gross income in their annual return of income to the Revenue Commissioners. The claim for tax exemption is made in this return. The claim must be accompanied by evidence that the care provider has notified the Health Service Executive that they are providing childminding services. In practice, this will mean the officer appointed by the local City or County Childcare Committee. An individual must 'elect' to claim the exemption by notice in writing to the inspector on or before the specified return date for the chargeable period.

The specified return date for 2006 is 31 October 2007. Accordingly, it will be some time after that before comprehensive statistics in relation to the number of claimants become available and the cost of any increase in the threshold can be estimated.

#### **Flood Relief.**

207. **Mr. O'Shea** asked the Minister for Finance the position regarding the John's River, Waterford City flood relief scheme; and if he will make a statement on the matter. [26899/06]

**Minister of State at the Department of Finance (Mr. Parlon):** The Commissioners of Public Works are in discussion with Waterford City Council with a view to finding the most effective way to advance the proposed flood relief scheme.

#### **Consultancy Contracts.**

208. **Mr. Gilmore** asked the Minister for Finance the total amount paid in terms of fees or expenses for the appointment of press or public

[Mr. Gilmore.]

relations consultants from outside his Department for each year since 2002; the firms appointed and the specific project or responsibility for which they were engaged; and if he will make a statement on the matter. [26968/06]

**Minister for Finance (Mr. Cowen):** I take it that the Deputy is referring to payments made in each of the years 2002, 2003, 2004 and 2005. My Department did not make payments solely for public relations work in those years. It did, however, make payments in respect of two con-

tracts in the period which, while mainly for other purposes, involved a public relations element. Details are in the first table. In addition, the Euro Changeover Board of Ireland, which operated under the aegis of my Department, made a payment in 2002 for public relations services. Details are in the second table. Finally, the National Development Plan/Community Support Framework (NDP/CSF) Information Unit, which operates under the aegis of my Department and is part-funded by the EU, made two payments in respect of public relations work in the period. Details are in the third.

The Department of Finance

Year	Company	Total Amount Paid	Project/Responsibility
		€	
2004	Q4	23,700	To provide project and event management, advice and media support in relation to the informal meeting of the Council of Economics and Finance Ministers of the EU in Co Kildare on 2-4 April 2004 during the Irish Presidency of the EU. It is estimated that some €23,700 of the total cost of that contract related to the public relations aspect, i.e. support in dealing with the national and international media attending the event.
2004	Media Group, Ogilvy & Mather and Elucidate	38,500	General marketing of the E-tenders website, including advertising and public relations. It is estimated that some €38,500 of the total cost of that contract related to public relations.
2005	Media Group, Ogilvy & Mather and Elucidate	54,000	General marketing of the E-tenders website, including advertising and public relations. It is estimated that some €54,000 of the total cost of that contract related to public relations.

Euro Changeover Board of Ireland

Year	Company	Total Amount Paid	Project/Responsibility
		€	
2002	Carr Communications	37,394	Public relations services for the Euro Changeover Board of Ireland.

NDP/CSF Unit

Year	Company	Total Amount Paid	Project/Responsibility
		€	
2003	Grayling Communications (Formerly Curtin Communications)	306,000	To raise awareness and increase understanding of the NDP/CSF (National Development Plan/Community Support Framework) 2000-2006.
2004	Drury Communications Research	46,198	Public awareness research on National Development Plan/Community Support Framework 2000-2006

**Departmental Staff.**

209. **Mr. Gilmore** asked the Minister for Finance the number of political appointees and non-established civil servants appointed to his Department since June 2002; the nature of the post to which each such person is appointed; the annual cost in terms of salaries or expenses in respect of

each such post for each year since 2002; and if he will make a statement on the matter. [26983/06]

**Minister for Finance (Mr. Cowen):** During my tenure as Minister for Finance since September 2004, a Special Advisor, a Personal Assistant and

a Personal Secretary have been appointed on an unestablished contract basis in my Department,

the annual salaries costs and other expenses for whom are as follows:

Position Held	Special Advisor	Personal Assistant	Personal Secretary
	€	€	€
Salaries (other expenses)			
2006 (6 months)	40,255 (16,358)	35,326 (3,285)	12,342
2005 (12 months)	77,729 (32,465)	55,336 (2,589)	24,968
2004 (3 months)	17,076 (1,000)	10,398	5,340

For the period June 2002 to September 2004, the following staff were employed on an unestablished contract basis in this Department during

the tenure of my predecessor Mr Charlie McCreevy TD:

Position Held	Personal Assistant	Personal Secretary
	€	€
Salaries (other expenses)		
2004 (9 months)	34,811 (13,447)	39,931 (1,737)
2003 (12 months)	42,234 (8,927)	43,403 (1,674)
2002 (7 months)	23,575 (6,720)	24,568

210. **Mr. Gilmore** asked the Minister for Finance the number of staff broken down by grade employed within the private office and the constituency office; the number of such staff who are permanent civil servants; the number who are political appointees; the annual cost of each such office in terms of salary, overtime and expenses in respect of each Minister of State allocated to his Department; and if he will make a statement on the matter. [26998/06]

**Minister for Finance (Mr. Cowen):** The staffing of the office of the Minister of State in my Department is set out as follows:

Minister of State's Office

Grade	Number	Salary Range
		€
Higher Executive Officer	1	42,180-53,541
Clerical Officer	1	20,995-34,050

Both of these staff members are permanent civil servants.

To date in 2006, allowance payments amount to €9,344.

The amount paid in expenses for the same period amounts to €660.92. There have been no overtime payments to date in 2006.

The Office of Public Works, for which the Minister of State in my Department holds responsibility, has provided the following details of the staffing in that office:

Minister of State's Private Office (OPW)

Grade	Number	Salary Range
		€
Executive Officer	2	29,152-48,078
Staff Officer	1	31,656-42,268
Clerical Officer	2	20,995-34,050

Minister of State's Constituency Office (OPW)

Grade	Number	Salary Range
		€
Personal Assistant	1	42,180-49,856
Personal Secretary	1	21,002-40,520

The five staff in the Private Office are permanent civil servants. The two staff serving in the Constituency Office are each employed on an unestablished contract basis for the duration of the tenure of the Minister of State. In addition two civilian drivers are employed on an unestablished contract basis with an annual salary of €31,552.

To date in 2006, overtime and allowance payments in respect of the Minister of State's Private Office (OPW) amount to €10,120. Overtime and allowance payments to staff in the Constituency Office (OPW) for the same period amount to €5,662.

The amount paid in expenses, travel — foreign and domestic — official entertainment and miscellaneous this year to date is €9,597 in respect of the staff and €22,963 in respect of the Constituency Office.



211. **Mr. Gilmore** asked the Minister for Finance the number of staff broken down by grade employed within his private office and his constituency office; the number of such staff who are permanent civil servants; the number who are political appointees; the annual cost of each such office in terms of salary, overtime and expenses; and if he will make a statement on the matter. [27013/06]

**Minister for Finance (Mr. Cowen):** The staffing of my private office and constituency office is set out below:

Minister's Private Office

Grade	Number	Salary Range
		€
Administrative Officer	1	31,828-56,361
Executive Officer	2	27,692-43,944
Staff Officer	2	31,656-34,448
Clerical Officer	3	22,102-35,838

Minister's Constituency Office

Grade	Number	Salary Range
		€
Executive Officer	1	27,692-43,944
Staff Officer	1	31,656-34,448
Personal Assistant	1	42,180-53,541
Personal Secretary	1	21,002-40,520

To date in 2006, overtime, salary related allowances and allowance payments amount to €38,165.

The amount paid in expenses, travel — foreign and domestic — official entertainment and miscellaneous for the same period amounts to €45,876.

In addition to the above, there are 4 Clerical Officers, (Salary Range €22,102-35,838) who provide typing and administrative support services to my private office, the constituency office and to the Department of Finance Press Office. 2 of these Clerical Officers workshare.

The Personal Assistant and Personal Secretary in my Constituency Office are employed on an unestablished contract basis for the duration of my tenure as Minister for Finance. All of the other staff in my Private Office and Constituency Office, as set out above, are permanent civil servants.

### Departmental Advertising.

212. **Mr. Gilmore** asked the Minister for Finance the total amount spent by his Department in terms of advertising in newspapers, magazines and electronic media in respect of each year since

2002; and if he will make a statement on the matter. [27028/06]

**Minister for Finance (Mr. Cowen):** As the Deputy will appreciate, in the time available for answering the present question it has not been possible to compile the information sought. However, I am having the information compiled and it will be forwarded to him as soon as it is possible.

### Tax Code.

213. **Mr. Deenihan** asked the Minister for Finance if it is proper for a chief tax inspector to threaten a client with further penalties and interest if the client decides to appeal to the Revenue Commissioners as set out in the revenue Charter; and if he will make a statement on the matter. [27049/06]

**Minister for Finance (Mr. Cowen):** I am advised by the Revenue Commissioners that there are no circumstances in which it is appropriate for an officer of the Revenue Commissioners to 'threaten' a customer. As stated in Revenue's Customer Service Charter 'You can expect to be treated courteously, with consideration and in a non-discriminatory way in your dealings with Revenue'.

There are separate mechanisms in place for a customer to:

1. Lodge a CUSTOMER SERVICE complaint about the standard of service received in their personal contact with Revenue, whether by phone, correspondence, Fax, E-mail or as a caller at one of our Public Offices.
2. Request an INTERNAL REVIEW in relation to any aspect of the way in which their tax and duty affairs have been handled.
3. Make an APPEAL under statutory provisions.

Revenue's Customer Service Leaflet CS4, sets out the relevant procedures to be followed and is available at any Revenue office and on the Revenue website [www.revenue.ie](http://www.revenue.ie).

A taxpayer's right to seek a review of Revenue's handling of his or her tax or customs affairs, or of decisions made by a Revenue official, has always existed. This right is specifically recognised in our Customer Service charter. The taxpayer may choose to have the review undertaken locally, or by a Revenue Principal Officer appointed to carry out such reviews, or by an External Reviewer and that Principal Officer jointly.

I am advised by the Revenue Commissioners that recourse to the internal review procedure does not interfere in any way with a person's right to take his or her case to the independent Appeal Commissioners or to the Ombudsman, where appropriate.

If the Deputy has information in relation to a specific case, he should submit the details to the Revenue Commissioners (Mr. Michael Treacy, Operations Policy and Evaluation Division — tel: 01 644 56 47; e-mail: mltreacy@revenue.ie). I have been assured that any information supplied will be fully investigated.

#### Departmental Correspondence.

214. **Mr. Costello** asked the Minister for Finance if he will respond to correspondence from a person (details supplied) in Dublin 7 which is critical of the services provided by the Revenue Commissioners Office to citizens; and if he will make a statement on the matter. [27050/06]

219. **Mr. Costello** asked the Minister for Finance his views on a letter (details supplied) in relation to services provided by the Revenue Commissioners to citizens; and if he will make a statement on the matter. [27196/06]

**Minister for Finance (Mr. Cowen):** I propose to take Questions Nos. 214 and 219 together.

I have been advised by the Revenue Commissioners that the telephone service for PAYE customers was temporarily restricted to deal with a backlog of correspondence and also to allow staff to become familiar with a major new computer system. This system will enable Revenue to provide an enhanced customer service to PAYE customers. A full telephone service from 9.15am to 5.30pm was restored on 15 May and the backlog of correspondence has now been substantially reduced. Revenue regrets the difficulties that PAYE customers had in making contact by phone and also regrets the delays that occurred in dealing with correspondence.

In relation to the particular case referred to, the Revenue Commissioners have advised that if the matter has not yet been resolved contact should be made directly with the District Manager at Dublin Region North City District, Aras Brugha, 9-15 O'Connell Street, Dublin 1, Telephone no. 01 8894001, who will deal with the matter immediately.

#### Decentralisation Programme.

215. **Mr. D. Moynihan** asked the Minister for Finance if he has secured accommodation to facilitate decentralisation to Macroom, County Cork. [27165/06]

**Minister of State at the Department of Finance (Mr. Parlon):** The Commissioners of Public Works have been consulting the Department of Agriculture & Food about the latter's detailed brief and will advertise the site requirement as soon as agreement has been reached with the Department on the size of the site required.

#### Tax Code.

216. **Mr. Cregan** asked the Minister for Finance the rates of stamp duty on private dwellings; the various thresholds; the amount it would cost if the €318,000 exemption level was given as an exemption against all sales, to all first time buyers and all buyers up to €500,000; and if he will make a statement on the matter. [27175/06]

**Minister for Finance (Mr. Cowen):** In the case of second-hand residential property, the rates of stamp duty are:

Consideration	First-time owner-occupiers	Others
	%	%
Up to €127,000	0	0
From €127,001 to €195,500	0	3
From €195,501 to €254,000	0	4
From €254,001 to €317,500	0	5
From €317,501 to €381,000	3	6
From €381,001 to €635,000	6	7.5
Over €635,000	9	9

All owner occupiers can purchase a new home between 38sq. m and 125sq. m, where a Floor Area Compliance Certificate has been obtained, without a liability to stamp duty. Where a new house is over 125sq. m, stamp duty is charged on either the value of the site or 25% of the value of the property, whichever is the greater, using the rates listed above.

In the case of a non-owner occupier of a new home, stamp duty is charged at the rates applying to non-first-time buyers of second-hand residential property, ("Others" — listed above).

I am informed by the Revenue Commissioners that the estimated cost of extending the current stamp duty exemption of €317,500 to all residential property is €244 million in a full year, based on the 2005 stamp duty yield. The cost of charging stamp duty only on the difference between €317,500 and the purchase price of residential property up to €500,000 for all first buyers and other purchasers is estimated at €200 million in a full year, based on the 2005 stamp duty yield.

#### Tax Yield.

217. **Mr. Cregan** asked the Minister for Finance the tax take from DIRT tax in 2004 and 2005; if there is an analysis of the size of accounts or age of account holders; if tax take from accounts under €100,000 is known or can be estimated; if tax take from accounts under €100,000 held by pensioners can be estimated; and if DIRT can be abolished in total or part as it is adding to the disincentive to save due to the fact that interest rates are below the rate of inflation. [27176/06]

**Minister for Finance (Mr. Cowen):** I am informed by the Revenue Commissioners that the

[Mr. Cowen.]

net yield from DIRT collected in 2004 and 2005 was €144 million and €167 million respectively.

The amount of DIRT due to be paid each year is dependent on the amount of monies on deposit and the rates of interest applying to such deposits rather than on the number of accounts involved. I am informed by the Revenue Commissioners that the statutory return of DIRT filed by the financial institutions requires details only of the relevant amount of interest paid in the year and the appropriate tax in relation to the payment of that interest. There is, therefore, no basis for compiling the information requested in relation to the yield by size of accounts, by ages of account holders or by reference to account holders who are pensioners.

A refund of deposit interest retention tax is provided for where an individual is not liable or fully liable to income tax and is over 65 years of age at some time during the tax year or is permanently incapacitated by reason of mental /physical infirmity from maintaining himself or herself. (Bodies qualifying for 'charitable' status and companies are also entitled to refund of DIRT). The taxpayer must advise Revenue that he or she meets the legislative requirements and the amount of the retention tax suffered. I am informed by the Revenue Commissioners that the total amount of DIRT repaid in 2005 was €2.3 million and the number of such repayments was 971. With deposit interest rates being very low in recent years, the quantum of the interest earned and tax retained would be very small in many cases and may be considered uneconomic to reclaim.

I have no plans to make changes to the DIRT system.

#### **Disabled Drivers.**

218. **Mr. Cregan** asked the Minister for Finance if he will report on the disabled drivers scheme; the number of approvals which were given for new cars for drivers in the most recent year for which figures are available; the number of approvals for passengers that are accompanied; the estimated cost of the scheme; if the scheme has been or is under review; and the status of such a review. [27177/06]

**Minister for Finance (Mr. Cowen):** I am informed by the Revenue Commissioners that number of vehicles purchased in 2005 that had VRT remitted/repaid under the Disabled Drivers and Disabled Passengers (Tax Concessions) Scheme, was 1,884 for drivers and 2,729 for passengers (total, 4,613).

There are around 9,500 persons, including both drivers and passengers currently availing of the scheme. In 2005, the scheme cost over €56 million.

The operation of the scheme was reviewed by a special Interdepartmental Review Group. The

terms of reference of the Group were to examine the operation of the existing scheme, including the difficulties experienced by the various groups and individuals involved with it, and to consider the feasibility of alternative schemes, with a view to assisting the Minister for Finance in determining the future direction of the scheme.

The Group's Report, published on my Department's website in July 2004, sets out in detail the genesis and development of the scheme. It examines the current benefits, the qualifying medical criteria, the Exchequer costs, relationship with other schemes and similar schemes in other countries. The Report also makes a number of recommendations, both immediate and long-term, encompassing the operation of the appeals process and options for the possible future development of the scheme. The short-term recommendations in respect of the appeals process have been implemented.

In respect of the long-term recommendations, including the qualifying disability criteria, I should say that given the scale and scope of the scheme, further changes can only be made after careful consideration. For this reason, the Government decided that the Minister for Finance would consider the recommendations contained in the Report of the Interdepartmental Review Group in the context of the annual budgetary process having regard to the existing and prospective cost of the scheme.

The best way of addressing the transport needs of people with disabilities of whatever kind, and the effectiveness, suitability or otherwise of the Disabled Drivers Scheme in that regard will be considered and progressed in consultation with the other Departments who have responsibility in this area. A car tax concession scheme can obviously only play a partial role in dealing with this serious issue, and examination of the scheme is taking place in that context. Any changes to this scheme will be considered in the context of the overall development of policy in this area.

*Question No. 219 answered with Question No. 214.*

#### **Tax Code.**

220. **Mr. Cregan** asked the Minister for Finance if he will examine the situation in relation to tax relief for medical bills, rent payments, service charge payments and so on for pensioners who are below the tax exemption limits which have increased in recent years; if a system to allow relief against such costs will be arranged as is the case whereby such pensioners reclaim DIRT tax deductions; and if he will make a statement on the matter. [27224/06]

**Minister for Finance (Mr. Cowen):** The age exemption limits system applies where total income is not more than €17,000 for a single person aged 65 or over and not more than €34,000

in the case of a married couple where one or other spouse is aged 65 or over.

The system applies only as an alternative to the normal system of credits and bands. It is therefore not possible to combine elements of the two systems.

To allow tax relief for medical bills, rent payments, service charge payments etc. where tax has not been paid, as seems to be suggested by the Deputy, would amount to the provision of a subsidy through the tax system and would raise issues of policy, practicality and cost. I have no plans to provide for such a system at this time.

The position in relation to DIRT is different in that it is an actual deduction of tax. It was introduced in 1986 and only two reliefs apply viz. in respect of those aged 65 or over and those who are physically or mentally incapacitated. In these cases, DIRT which is deducted by a financial institution on deposit interest may be refunded if the person claiming the refund is not otherwise liable to income tax on their total income.

#### Foreshore Licences.

221. **Mr. P. Breen** asked the Minister for Communications, Marine and Natural Resources the progress which has been made with foreshore licences as regards Quilty, Scariff and Feakle, County Clare; and if he will make a statement on the matter. [26782/06]

222. **Mr. P. Breen** asked the Minister for Communications, Marine and Natural Resources the progress which has been made with foreshore licences as regards Labasheeda, Cooraclare and Carrigaholt in County Clare; and if he will make a statement on the matter. [26783/06]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne):** I propose to take Questions Nos. 221 and 222 together.

The Office of the Chief State Solicitor, acting on behalf of the Department, has drawn up a draft Foreshore Licence Agreement for the Quilty, Scariff and Feakle sewerage schemes. At the request of Clare County Council the Department has agreed to amend one of the terms and the revised draft Agreement has been sent to the Council for execution.

The Department has no record of an application for Foreshore Licences in respect of the Labasheeda, Cooraclare and Carrigaholt sewerage schemes.

#### Telecommunications Services.

223. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his plans for the accelerated provision of broadband services necessary for the economic well-being of the country; and if he will make a statement on the matter. [26963/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The Deputy may be aware that the communications market in Ireland is fully liberalised and that the Commission for Communications Regulation, ComReg, is the statutory body with responsibility for regulatory oversight of this market.

The Government's regulatory and infrastructure policy has supported the private sector developing a competitive, affordable, and rapidly growing broadband market that offers choice of products and providers to Irish consumers and businesses.

Ireland's broadband take-up is growing very strongly. By end-March 2006, there were 322,500 broadband subscribers in Ireland. This is equivalent to almost 8% of the population or about 22% of households. Broadband take-up in Ireland grew by 112% over the twelve months to March. In fact, broadband take-up is continuing to accelerate compared to the 106% growth rate in 2005. This is more than twice the EU broadband growth rate.

It is estimated that there are already well over 350,000 broadband subscribers up to mid-2006, which is equivalent to approximately 8% of the population or one-quarter of households with broadband. This compares to about 3 in 10 households in the EU at the end of 2005. Ireland is now one of the fastest growing broadband markets in the European Union. In fact, broadband take-up has more than tripled to date since I set a target of 400,000 in late 2004.

The Government is addressing the infrastructure deficit in the regions by building high-speed, open-access Metropolitan Area Networks (MANs) in 120 towns and cities nationwide. These networks will allow the private sector to offer world-class broadband services at competitive costs.

My Department offers funding assistance for smaller towns and rural communities through the County and Group Broadband Scheme (GBS). The GBS initiative is continually under review to ensure that it is supporting the private sector rolling out broadband services to new locations.

224. **Mr. O'Dowd** asked the Minister for Communications, Marine and Natural Resources the progress to date in the provision of broadband in County Louth, and in particular to detail any problem in the provision of broadband; if he will comment on the problem in Monasterboice and any other areas; and if he will make a statement on the matter. [26693/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The provision of telecommunications services, including broadband, is a matter in the first instance for the private sector companies operating in a fully liberalised market, regulated by the independent



[Mr. N. Dempsey.]

Commission for Communications Regulation (ComReg).

It has been clear for some time that the sector has failed to invest at the level necessary to keep pace with the demand for broadband, so my Department's regional broadband programme is addressing the infrastructure deficit by building high speed, open access broadband networks, in association with the local and regional authorities, in the major towns and cities. These Metropolitan Area Networks (MANs) will allow the private sector to offer world-class broadband services at competitive costs.

Twenty-seven MANs are now completed under Phase One, including Dundalk and Drogheda in County Louth. The second phase of the programme involves the building of MANs in over 90 towns with a population of 1,500 and above that do not have a satisfactory broadband offering from the private sector. Ardee is one of five towns included as part of the North East Phase Two rollout. The works contractor has recently been appointed and construction is about to commence. The estimated completion date for these networks is quarter two 2007.

My Department administers a group broadband scheme which is designed to promote the rollout of broadband access through the establishment of sustainable broadband services in towns, villages, rural hinterlands and underserved areas of larger towns on the basis of local and regional authority coordination and community driven initiatives. The most recent call for proposals has now closed and I expect to launch further schemes of this nature shortly.

There were two group broadband schemes projects approved for County Louth and these cover the areas of Omeath, Ravensdale, Kilcurry, Knockbridge, Faughart, Ballymascanian, Bellurgan, Jenkinstown, Rampark, Giles Quay and Clogherhead, Termonfeckin, Grangebellow, Waleshestown.

These projects represent a total capital investment by the Internet service providers of over €330,000 in Co. Louth and a total of over €150,000 in grant aid was approved to implement these projects. These projects will cover 14 communities with a population of over 7,800.

My Department's website [www.broadband.gov.ie](http://www.broadband.gov.ie) gives full details of broadband availability in all areas, including ADSL, cable, fibre, satellite and fixed wireless. The website also lists prices of the various service levels on offer and contact details for each service provider. It currently lists eleven service providers in Monasterboice offering broadband by either wireless or satellite means.

Furthermore, a joint industry/Government fund of €18 million has been established for the Broadband for Schools Programme, which should provide every school in the country with broadband in 2006. This is a crucial strand in the

strategy of integrating ICT into teaching and learning, and my Department's wider vision of promoting the use of broadband technologies in local communities around the country. The installation phase is now almost complete, with over 90% of all schools broadband enabled.

*Question No. 225 answered with Question No. 33.*

#### Postal Services.

226. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his Department's policy in regard to the future development of An Post; and if he will make a statement on the matter. [26697/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I refer the Deputy to my reply to Parliamentary Question No. 107 of 5th July 2006.

#### Broadcasting Services.

227. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if it is intended that digital television will be free to air; and if he will make a statement on the matter. [26698/06]

228. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the schedule for the provision of digital television; and if he will make a statement on the matter. [26699/06]

247. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the degree to which digital television is expected to become available in early date; and if he will make a statement on the matter. [26724/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 227, 228 and 247 together.

The digital terrestrial television (DTT) pilot programme is currently being implemented by my Department. The purpose of the pilot is to bring further momentum to the transition to digital terrestrial broadcasting and to test and trial various aspects of the service.

Detailed procurement processes, inviting expressions of interest and tenders for various aspects of the infrastructure build programme, were recently completed by my Department. The infrastructure for the DTT pilot is now in the rollout phase and is expected to be operational by autumn 2006.

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

testing of both existing and new broadcast services.

The DTT pilot project currently underway demonstrates my commitment to the long-term provision of DTT in Ireland. I expect that the pilot will generate awareness and discussion among broadcasters, investors and other interested parties with a view to moving towards a full national rollout of DTT in time.

#### Telecommunications Services.

229. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the number of entrants to the telecommunications market who have applied or are willing to get involved in the provision of broadband or other telecommunications services or facilities throughout the country; if his attention has been drawn to the obstacles encountered by such companies; his proposals to free up the system and give the customer the benefit of an open deregulated and competitive service; and if he will make a statement on the matter. [26700/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I refer the Deputy to my reply to Parliamentary Questions Nos. 69 and 113 of 5th July 2006.

230. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if parish church broadcasting services which were discontinued by order of the Regulator have been or will be restored without undue cost to the consumer; and if he will make a statement on the matter. [26701/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I refer the Deputy to my reply to Parliamentary Question No. 88 on Wednesday 5th July 2006.

#### Mobile Telephony.

231. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his proposals to encourage greater competition through deregulation of the mobile telephone service; and if he will make a statement on the matter. [26704/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I refer the Deputy to my reply to Parliamentary Question No. 64 answered on 5 July 2006.

#### Internet Use.

232. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which directly, through the Regulator or through the use of improved technology, he will ensure the elimination of spam on the

internet; and if he will make a statement on the matter. [26705/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I refer the Deputy to my reply to Parliamentary Question No. 40 of 5th July 2006.

#### Broadcasting Legislation.

233. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his proposals to introduce legislation governing the broadcasting sector; and if he will make a statement on the matter. [26708/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The priority issues to be addressed by the legislative proposals that will form the basis of a new Broadcasting Bill are as follows:

- The establishment of a single content regulator for commercial, community and public service broadcasters.
- the establishment of RTÉ as a company under the Companies Acts.
- The provision of a statutory mechanism for future adjustments to the level of the television licence fee.
- The development of the Right of Reply mechanism, allowing persons whose reputation and good name have been damaged by an assertion of incorrect facts in a television or radio programme to gain redress.

Work on developing the legislative proposals needed to address these issues is continuing. I anticipate that I will be in a position to bring the proposals to Government shortly with publication of the Broadcasting Bill in 2006.

My intention in framing the legislative proposals will be to ensure that the broadcasting regulatory environment continues to encourage the parallel development of high quality broadcasting by Irish public service, commercial and community broadcasters.

234. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the discussions he has had with the various interested parties in the context of a review of broadcasting legislation with particular reference to the public and independent sector, local and national, radio and television; and if he will make a statement on the matter. [26709/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The priority issues to be addressed by the legislative proposals that will form the basis of a new Broadcasting Bill are as follows:

[Mr. N. Dempsey.]

- The establishment of a single content regulator for commercial, community and public service broadcasters.
- The establishment of RTÉ as a company under the Companies Acts.
- The provision of a statutory mechanism for future adjustments to the level of the television licence fee.
- The development of the Right of Reply mechanism, allowing persons whose reputation and good name have been damaged by an assertion of incorrect facts in a television or radio programme to gain redress.

Work on developing the legislative proposals needed to address these issues is continuing. I anticipate that I will be in a position to bring the proposals to Government shortly, with publication of the Broadcasting Bill in 2006.

My intention in framing the legislative proposals will be to ensure that the broadcasting regulatory environment continues to encourage the parallel development of high quality broadcasting by Irish public service, commercial and community broadcasters.

In the context of the development of broadcasting policy, my officials and I have cause, on a regular basis, to meet with the various interests that comprise the broadcasting sector including, but not limited to, commercial broadcasters, public service broadcasters and independent producers.

At many of these meetings the issues to be addressed in the forthcoming Broadcasting Bill, given their relative importance to the sector, have been raised and discussed in general terms.

#### **Alternative Energy Projects.**

235. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has had recent consultations with the Department of Agriculture and Food with a view to the utilisation of farm land previously used for beet growing for bio-fuel production; and if he will make a statement on the matter. [26710/06]

236. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which various alternative and renewable fuels are being developed; and if he will make a statement on the matter. [26711/06]

266. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which he intends to encourage the development of alternative or renewable fuels having particular regard to the need for import substitution, reduced dependence on fossil fuels and compliance with Kyoto protocols; the extent to which measures taken to date are expected to

meet these requirements; and if he will make a statement on the matter. [26748/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 235, 236 and 266 together.

I refer the Deputy to my reply to Parliamentary Questions Nos. 30, 49, 50, 93,104 and 107 of today.

#### **Telecommunications Services.**

237. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has had recent discussions with broadcasting or sporting authorities with a view to ensuring free to air transmission in the future; and if he will make a statement on the matter. [26712/06]

248. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which he expects free to air broadcasting of various sports and sporting activities in the future; and if he will make a statement on the matter. [26725/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 237 and 248 together.

On 5th April last, I announced that it was my intention, following consultation with my Cabinet colleagues, to continue to designate the current list of designated events as events of major importance to society for which the right of a qualifying broadcaster to provide coverage on a live basis on free television should be provided in the public interest.

This decision was made following a public consultation process conducted by my Department that resulted in close to 190 submissions being received from members of the public and interested parties. The criteria that must be met in order to justify designation are set down in the Broadcasting (Major Events Television Coverage) Act, 1999.

238. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which radio and television programmes here are being made available throughout the island; if he has examined the prospect for a higher degree of transmission to other jurisdictions; and if he will make a statement on the matter. [26713/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** There are no specific legislative impediments to commercial broadcasters who wish to broadcast to the Irish community in Britain, or elsewhere in the European Union, on a purely commercial basis.

As regards public service broadcasting, RTÉ's statutory mandate, as defined in section 28(1) of the Broadcasting Act, 2001, provides that RTÉ's

radio and television services shall be made available, in so far as is reasonably practicable, to the whole community on the Island of Ireland.

As such, RTÉ's statutory mandate does not extend to the provision of radio or television services to Irish communities living in Britain or elsewhere.

As a consequence RTÉ may not use the proceeds of the television licence fee to provide such services.

However, it should be noted that many people living outside of the Island of Ireland already enjoy access to a considerable quantity of RTÉ's television programming by way of the Internet, and to RTÉ's radio services by way of satellite, LW and MW and the Internet.

In the light of the recommendations of the Task Force on Emigration, the issue of amending RTÉ's public service remit to include the provision of television services to Irish communities in Britain is currently being considered in the context of development of the legislative proposals that will form the basis of the proposed Broadcasting Bill.

It is anticipated that these legislative proposal will be published shortly.

#### **Digital Hub.**

239. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the public and private or corporate investment in the Digital Hub to date; and if he will make a statement on the matter. [26714/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I refer the Deputy to my reply to Question 90 of 5th July 2006.

#### **Telecommunications Services.**

240. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he anticipates entering into discussions with the new owners of Eircom with a view to achieving a higher degree of investment in communication technology, the completion of local loop unbundling and the removal of barriers to an accelerated programme for the delivery of broadband and the telecommunications sector generally, having particular regard to the need to achieve a specific level of investment commensurate with the scale of the companies responsibilities and the requirements of the economy; and if he will make a statement on the matter. [26715/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I refer the Deputy to my reply to Parliamentary Question No. 77 on Wednesday 5th July 2006.

241. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if, in view of the slow progress in the provision of broadband facilities throughout the country, he has considered issuing new instructions or directions to the Regulator with a view to identifying and speeding up the process, having particular regard to the current and future needs of both the domestic and commercial sectors of the economy; and if he will make a statement on the matter. [26716/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I have no plans to issue instructions or directions to the Commission for Communications Regulation, ComReg in relation to the provision of broadband facilities. The provision of telecommunications services, including broadband, is a matter in the first instance for private sector companies operating in a fully liberalised market.

#### **Electricity Generation.**

242. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the progress to date in the provision of east west electricity interconnectors; and if he will make a statement on the matter. [26717/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I refer the Deputy to my reply to Parliamentary Question No. 26545/06 of 5th July 2006.

#### **Postal Services.**

243. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the cost of the introduction of post codes; the revenue expected to be generated therefrom in a single year; and if he will make a statement on the matter. [26720/06]

256. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the extent to which post codes are expected to be used to improve the viability of An Post and the quality of service to the consumer; and if he will make a statement on the matter. [26734/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I proposed to take Questions Nos. 243 and 256 together.

I refer the Deputy to my reply to Parliamentary Questions Nos. 56 and 66 of the 5th July 2006.

#### **Radiation Levels.**

244. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has satisfied himself that non-ionising radiation from mobile telephone or electricity transmission lines are within EU guidelines in terms



[Mr. Durkan.]

of safety; and if he will make a statement on the matter. [26721/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I refer the Deputy to my answer to Question No. 86 of 5th July 2006.

#### Communications Masts.

245. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has received information indicating health problems arising from the proximity to mobile phone masts or electricity transmission lines; and if he will make a statement on the matter. [26722/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I refer the Deputy to my answer to Question No. 63 of 5th July 2006.

#### Broadcasting Legislation.

246. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his preferred options for the development of the radio and television industry with particular reference to terrestrial broadcasting and the changing and growing needs of the consumer; and if he will make a statement on the matter. [26723/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** My core policy objectives for the development of the broadcasting sector are detailed in my Department's Statement of Strategy, 2005-2007. These objectives are: to create an environment that encourages the maintenance of high quality Irish radio and television services by both independent broadcasters and RTE; to secure a viable future for high quality public service broadcasting; to seek to retain access to a range of high quality programming in analogue and digital form on a universal and free-to-air basis.

My key priorities for achieving these objectives include the following: developing the regulatory framework by bringing forward a Bill to provide for the establishment of a single content regulator for both public and private broadcasters and restructuring RTE from a corporate point of view; ensuring adequate public funding for RTE and TG4 so that they can deliver on their statutory mandate; building on progress made in maximising the effectiveness of television licence fee collection; facilitating the successful establishment of a Digital Terrestrial Television platform on a pilot basis in 2006.

I am of the opinion that Irish viewers will be best served by a broadcasting environment that includes a strong public service broadcasting presence together with private broadcasters.

*Question No. 247 answered with Question No. 227.*

*Question No. 248 answered with Question No. 237.*

#### Telecommunications Services.

249. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the position held by Ireland in the European league in terms of full availability of broadband; and if he will make a statement on the matter. [26727/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I refer the Deputy to my reply to Parliamentary Question No. 23 of 5 July 2006.

250. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the frustration of the business sector in their efforts to obtain broadband services at various locations throughout the country; and if he will make a statement on the matter. [26728/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I refer the Deputy to my reply to Parliamentary Questions Nos. 92 and 118 of 5 July 2006.

251. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the time schedule recognised for the provision of 100 per cent broadband services throughout the country; and if he will make a statement on the matter. [26729/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I refer the Deputy to my reply to Question No. 23 of 5 July 2006.

252. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the reason for the low uptake of broadband at various locations throughout the country; and if he will make a statement on the matter. [26730/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I refer the Deputy to my reply to Question No. 23 of 5 July 2006.

253. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources when he expects 100 per cent availability of broadband throughout the country as is the case in Northern Ireland; if he has identified ways and means to speed up the provision of the technology; his views on whether the utilisation of the

various means available through a variety of service providers can achieve the objective much sooner than anticipated, provided that technical or financial obstructions are removed; and if he will make a statement on the matter. [26731/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I refer the Deputy to my reply to Question No. 23 of 5 July 2006.

254. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the number of potential broadband service providers of which he is aware and which are anxious but unable to compete effectively in the provision of broadband services throughout the country; the action which is required to ensure that those in a position to provide services can do so without obstruction of either financial or technical nature; and if he will make a statement on the matter. [26732/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I refer the Deputy to my reply to Parliamentary Questions Nos. 69 and 113 of 5 July 2006.

*Question No. 255 answered with Question No. 33.*

*Question No. 256 answered with Question No. 243.*

#### **Post Office Network.**

257. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the number and location of rural post offices and urban post offices that have closed or downgraded in the past five years; and if he will make a statement on the matter. [26735/06]

258. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has received information regarding the closure of post offices throughout the country in the past five years; the number of post offices downgraded or closed down; the number of sub post offices closed; and if he will make a statement on the matter. [26739/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 257 and 258 together.

I refer the Deputy to my reply to Parliamentary Questions Nos. 47 and 87 of 5 July 2006.

#### **Energy Resources.**

259. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has made suggestions, issued instructions or expressed opinions in regard to the impact on the consumer of higher energy prices with particular

reference to current and future economic needs, incorporating higher demands; and if he will make a statement on the matter. [26741/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I refer the Deputy to my reply to Parliamentary Question No. 79 of 5 July 2006.

#### **Electricity Generation.**

260. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if discussions have taken place with ESB management or staff regarding the future development of the ESB in conjunction with increased electricity demands and deregulation; and if he will make a statement on the matter. [26742/06]

263. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his proposed role for the ESB for the generation and transmission of electricity in the future; and if he will make a statement on the matter. [26745/06]

271. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his preference for the future ownership of the electricity grid; and if he will make a statement on the matter. [26753/06]

272. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his preferred options for the future role of the ESB in the energy market at both generation and transmission levels; and if he will make a statement on the matter. [26754/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 260, 263, 271 and 272 together.

I refer the Deputy to my answer to Questions Nos. 28, 38, 54 and 59 of 5 July 2006.

261. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if evaluation or appraisal has been carried out of the various power stations throughout the country currently due for decommissioning or with an identifiable limited life span in the context of deregulation and the introduction of generating capacity from sustainable sources; and if he will make a statement on the matter. [26743/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I refer the Deputy to my reply to Parliamentary Question No. 96 of 5 July 2006.

262. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the person to whom the responsibility will fall to

[Mr. Durkan.]

build the new electricity generation station at Aghada; and if he will make a statement on the matter. [26744/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I refer the Deputy to my reply to Parliamentary Question No. 57 of 5 July 2006.

*Question No. 263 answered with Question No. 260.*

#### Consultancy Contracts.

264. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources when he expects to publish the Deloitte and Touche report; the bodies, groups, persons or agencies who have to date had sight of this report; if he expects the contents of the report to be reflected in proposed legislation; and if he will make a statement on the matter. [26746/06]

273. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the reason he has not published the Deloitte and Touche report; if he has set a date for the publication; the groups, persons or bodies who have to date had access to part of its contents; and if he will make a statement on the matter. [26755/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 264 and 273 together.

I refer the Deputy to my answer to Questions Nos. 22, 24, 44, 91 of 5 July 2006.

#### Electricity Generation.

265. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his preferred options for the generation of electricity in the future from wind, oil, gas, coal, hydro or renewable fuels; the most appropriate blend of generation capacity in view of the need to maintain continuity of supply and compliance with Kyoto and the optimum use of natural renewable resources; and if he will make a statement on the matter. [26747/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I refer the Deputy to my reply to Parliamentary Question No. 126 of 5 July 2006.

*Question No. 266 answered with Question No. 235.*

*Question No. 267 answered with Question No. 68.*

#### Energy Resources.

268. **Mr. Durkan** asked the Minister for

Communications, Marine and Natural Resources the extent to which he has had discussion with principals or interested parties involved in oil, gas or other mineral explorations, on or offshore; if discussions have taken place regarding the licensing regime in the future; if previous commitments will be honoured; if discussions have taken place regarding the structures of a future regime; and if he will make a statement on the matter. [26750/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I refer the Deputy to my reply to Question No. 25 of 5 July 2006.

#### Telecommunications Services.

269. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if, arising from the recent launch of the new geological map of Ireland, it is intended to complete GPS associated mapping throughout the whole country with a view to enhancing navigational and communications technology with consequent to consumers; and if he will make a statement on the matter. [26751/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I refer the Deputy to my answer to Parliamentary Question No. 61 of 5 July 2006.

#### Departmental Surveys.

270. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if the satisfaction he expressed at the joint launch of the new geological map of Ireland is indicative of his intention to reintroduce the GSI Bill, previously withdrawn from circulation; his views on whether it is timely to update the relevant legislation having particular regard to the vintage of the existing law; and if he will make a statement on the matter. [26752/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I refer the Deputy to Parliamentary Question No. 42 of 5 July 2006.

*Questions Nos. 271 and 272 answered with Question No. 260.*

*Question No. 273 answered with Question No. 264.*

*Question No. 274 answered with Question No. 33.*

#### Energy Resources.

275. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources when he expects to turn on supply from the

Corrib gas pipeline; and if he will make a statement on the matter. [26757/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I refer the Deputy to my reply to Question No. 62 of 5 July 2006.

276. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he, officials of his Department or others appointed by him have concluded their discussions with the various interest groups involved in the construction of the Corrib gas pipeline; if all the issues have been resolved to the satisfaction of the various interests; and if he will make a statement on the matter. [26758/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I refer the Deputy to my reply to Question No. 115 of 5 July 2006.

277. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the position in regard to the availability of supply from Corrib gas field; if the issues which have impeded the progress of the project in the past have been fully addressed by the various interested bodies involved; if any or all of the contentious issues have been addressed; if there are remaining matters to be dealt with; when it is expected that all outstanding issues, existing or potential have been fully examined, evaluated and resolved with a view to making supply available; the schedule in this regard; and if he will make a statement on the matter. [26759/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I refer the Deputy to my reply to Questions Nos. 27 and 34 of 5 July 2006.

*Question No. 278 answered with Question No. 68.*

Year	2001	2002	2003	2004
Total Dividend Accruing to Exchequer	NIL	€37.7m	€63.7m	€73.5m

### Energy Resources.

282. **Mr. English** asked the Minister for Communications, Marine and Natural Resources the options available to reduce the energy costs for companies (details supplied), two of the largest manufacturing employers for the people of County Meath; and if he will make a statement on the matter. [26838/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Sustainable Energy Ireland (SEI) provides support and advice to companies that wish to manage

### Energy Resources.

279. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources his proposals in relation to the operation regarding to the issue of licences for oil, gas or other mineral exploration; if it is intended to review existing procedures in this regard; and if he will make a statement on the matter. [26761/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I refer the Deputy to my reply to Question No. 29 of 5 July 2006.

### Telecommunications Services.

280. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the numerous requests for provision of broadband from the domestic and the corporate market; his proposals to ensure the delivery of such services in the near future; and if he will make a statement on the matter. [26762/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I refer the Deputy to my answer to Questions Nos. 92 and 118 of 5 July 2006.

### Electricity Generation.

281. **Mr. McGuinness** asked the Minister for Communications, Marine and Natural Resources the dividend income accruing to the Exchequer from the ESB over the past four years; and if he will make a statement on the matter. [26763/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The table below lists ESB dividends in respect of 2001 to 2004, as paid to the Ex chequer. The dividend in respect of 2005 will be approved at the company's Annual General Meeting, which is scheduled for September this year.

their energy budgets. In a context where world energy prices are expected to rise, it is even more necessary to examine how energy efficient strategies and technologies can be deployed to cut back on energy use and on costs. Both of the companies referred to are members of the Large Industry Energy Network (LIEN), a voluntary network initiative operated by SEI for the largest industrial energy consumers in Ireland.

### Consultancy Contracts.

283. **Mr. Gilmore** asked the Minister for Communications, Marine and Natural Resources



[Mr. Gilmore.]

the total amount paid in terms of fees or expenses for the appointment of press or public relations consultants from outside his Department for each year since 2002; the firms appointed and the specific project or responsibility for which they were engaged; and if he will make a statement on the matter. [26969/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** There was one public relations contract initiated by my Department during the period. The firm, Fleishman-Hillard of 15 Fitzwilliam Quay, Dublin 4, was contracted on Friday 11 November 2005 to provide advice and support to the Department on the restructuring of the Inland Fisheries sector. The value of the contract was €16,940.

#### Departmental Staff.

284. **Mr. Gilmore** asked the Minister for Communications, Marine and Natural Resources the number of political appointees and non-established civil servants appointed to his Department since June 2002; the nature of the post to which each such person is appointed; the annual cost in terms of salaries or expenses in respect of each such post for each year since 2002; and if he will make a statement on the matter. [26984/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** My Department is compiling the data sought by the Deputy in this regard, and I shall forward it to him as soon as possible.

285. **Mr. Gilmore** asked the Minister for Communications, Marine and Natural Resources the number of staff broken down by grade employed within the private office and the constituency office; the number of such staff who are permanent civil servants; the number who are political appointees; the annual cost of each such office in terms of salary, overtime and expenses in respect of each Minister of State allocated to his Department; and if he will make a statement on the matter. [26999/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** There are currently 4 staff employed in the private office of the Minister of State at my Department, details as follows: one Higher Executive Officer, one Executive Officer and two Clerical Officers, all of whom are permanent civil servants; and two civilian drivers, who are appointed directly by the Minister of State. The current annual salary cost of the Minister of State's private office is €218,510. No overtime costs have been incurred in the last 12 months.

There are three people employed in the constituency office of the Minister of State at my Department, details as follows: one Personal

Assistant and one Personal Secretary, who are political appointees; and one Clerical Officer, who is a permanent civil servant and one temporary Clerical Officer, who is a non-established civil servant.

The current annual salary cost of the Minister of State's constituency office is €131,887. In the last 12 months, overtime costs amounted to €9,282.

Expenses for both private and constituency office of my Minister of State in the last 12 months amounted to €183,731.

286. **Mr. Gilmore** asked the Minister for Communications, Marine and Natural Resources the number of staff broken down by grade employed within his private office and his constituency office; the number of such staff who are permanent civil servants; the number who are political appointees; the annual cost of each such office in terms of salary, overtime and expenses; and if he will make a statement on the matter. [27014/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** There are currently nine staff employed in my private office, details as follows: one Administrative Officer, three Executive Officers and four Clerical Officers, all of whom are permanent civil servants; and One Special Advisor who is a political appointee. The current annual salary cost of my private office is €359,410. In the last 12 months, overtime costs amounted to €1,190.

There are five people employed in my constituency office as follows: one Executive Officer and two Clerical Officers, all of whom are permanent civil servants; and one Personal Assistant and one Personal Secretary who are political appointees. The current annual salary cost of my constituency office is €170,525. No overtime costs have been incurred in the last 12 months.

Expenses for the last 12 months for both my private and constituency offices amounted to €169,210.

#### Departmental Expenditure.

287. **Mr. Gilmore** asked the Minister for Communications, Marine and Natural Resources the total amount spent by his Department in terms of advertising in newspapers, magazines and electronic media in respect of each year since 2002; and if he will make a statement on the matter. [27029/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Advertising by my Department is the subject of a draw-down contract which is put out to tender on a regular basis by the Government Supplies Agency (GSA). The Department's advertising is placed under the GSA contract with the selected advertising agency, except for recruitment

notices, which are placed through the Public Appointments Service and certain other advertisements, which go through the Office of Public Works or the Government Publications Office.

The attached table shows the total amounts spent on advertising each year on behalf of my Department.

Advertising Spend for the years 2002-2005

Year	Amount Paid
	€
2002	536,000.00
2003	443,323.59
2004	282,965.47
2005	352,283.60

*Notes*

2002: new Department of Communications, Marine & Natural Resources was created in June, 2002.

2001 to 2004 include expenditure by the Forestry Service (transferred to Department of Agriculture & Food on 1 January, 2005).

### Energy Resources.

288. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has received communication from any of the parties involved in the delivery of natural gas from the Corrib gas field; if agreement has been reached with a view to delivery of supply to the consumer in early date; and if he will make a statement on the matter. [27041/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I refer the Deputy to my reply to Questions Nos. 26657 and 26583 of today.

Over the course of the project my Department has had detailed communication with the developers of the Corrib Gas Field on matters relating to the project.

In relation to the supply of gas to consumers, completion of the development works by the developer is clearly the principal factor that will determine the date for first gas.

289. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources his views on whether the petroleum affairs division are doing enough to encourage Irish businesses to participate in exploration and production here; and if he will make a statement on the matter. [27187/06]

290. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources his views on whether the petroleum affairs division facilitates mechanisms whereby Irish businesses benefit from exploration and production here; and if he will make a statement on the matter. [27188/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 289 and 290 together.

The objective of my Department in promoting the Irish offshore is to attract a good amount of interest from competent companies to undertake exploration here. While it is of course open to Irish companies along with international companies to seek exploration licences, my Department does not and could not discriminate in favour of Irish companies. The activity generated by exploration companies operating here generates opportunities for Irish companies involved in shipping, engineering and other relevant sectors.

291. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources when there will be a decision on the latest licensing round relating to oil production and exploration; and if he will make a statement on the matter. [27189/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I expect to make a decision shortly.

292. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources if any of the present applicants in relation to oil production and exploration are returning anything to the local economy; and if he will make a statement on the matter. [27190/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Licensing rounds are held from time to time to stimulate interest in exploration of our territory or identified parts of it.

The stated criteria to be taken into account in considering applications are: the work programme proposed by the applicant; the technical competence and offshore experience of the applicant; the financial resources available to the applicant; and where relevant, previous performance by the applicant under any authorisations to which the applicant has been a party.

I do not propose to go into the detail of individual applications in respect of a process that is ongoing.

293. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources if there is an Irish company in the latest licensing round relating to oil production and exploration; and if he will make a statement on the matter. [27192/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I would refer the Deputy to the contents of a press release issued by my Department on 23 March this year in which the following applicants were named: Statoil Exploration (Ireland) Limited with Shell E. & P, Ireland Limited as a partner; Serica

[Mr. N. Dempsey.]

Energy (UK) Limited; Island Oil & Gas plc with Lundin Exploration BV and Endeavour Energy (UK) Limited as partners; Island Oil & Gas plc with Lundin Exploration BV and Endeavour Energy (UK) Limited as partners; Grianán Energy Limited.

I expect to announce the result of the round shortly.

### **Irish Prisoners Abroad.**

294. **Mr. M. Higgins** asked the Minister for Foreign Affairs the content of such discussions as he has had recently with his counterpart in the United Kingdom in relation to the prolongation of the detention of Irish citizens held in UK prisons while their suitability for deportation is considered, and in relation to the service of notices of deportation on such persons. [26846/06]

295. **Mr. M. Higgins** asked the Minister for Foreign Affairs the discussions he has initiated or such replies as he has received on foot of representations made to him or his Department in relation to the position of Irish citizens held in UK prisons under consideration for, or awaiting deportation. [26847/06]

296. **Mr. M. Higgins** asked the Minister for Foreign Affairs if he has raised with the British Prime Minister the perceived breach of European Directive 2004-38 in relation to Irish citizens resident in the UK who are being threatened with deportation. [26849/06]

297. **Mr. M. Higgins** asked the Minister for Foreign Affairs if, in view of the deep concern of their relatives and others, and the human rights and European law implications, he has ascertained the number of Irish citizens who continue to be detained in the United Kingdom further to service of criminal sentences while suitability for deportation is considered or who have been served with notice of intention to deport; if he has raised these matters with the British authorities; and if he will indicate such action as he proposes to take. [26845/06]

298. **Mr. M. Higgins** asked the Minister for Foreign Affairs if he has raised with the United Kingdom Government the potential breach of common obligations under the European Convention on Human Rights and Fundamental Freedoms which arises on foot of the detention of Irish citizens in UK prisons who have served their sentences and who are being detained in prison while deportation is considered. [26848/06]

**Minister for Foreign Affairs (Mr. D. Ahern):** I propose to answer Questions Nos. 294 to 298, inclusive, together.

I am aware that, as a result of the recent controversy in Britain about the release and reoffending records of foreign born prisoners, the British Home Office announced a full review of its policies in relation to foreign born prisoners. I understand that this policy review is still ongoing. In the meantime, pending the outcome of this policy review, some Irish prisoners have been put on notice that they may be considered for deportation, and some have been detained beyond their release dates, while their cases are under review.

The Embassy in London has asked the British Home Office if they can (a) quantify the number of Irish prisoners who are in detention and who have been put on notice of possible deportation, (b) secure clarification on the implications generally for Irish prisoners, and (c) formally state the Irish Government's concerns about this new departure from standard practice and procedure whereby, at the completion of their sentences, Irish prisoners were released. The Embassy also formally made the Home Office aware of the Government's concern about a noticeable increase in the number of Irish nationals currently being served with deportation letters either at the time of sentence or leading up to their release date, noting that these deportation letters appear to take little cognisance of a prisoner's commitments in Britain, such as having a spouse/partner and children living there, having a firm job offer on release, or the number of years that a person has been living in Britain and, also, that they do not take into account positive aspects of prison progress reports.

The Embassy also conveyed the concern about the legality of such deportations, not only in the context of the freedom of movement of EU nationals within the European Union, but also in the context of the special relationship that exists between Ireland and Britain.

The Home Office has indicated that, in the context of its policy review, these issues as they affect Irish prisoners are being carefully considered in the context of the close relations between the two countries. In relation to EU directive 2004-38, the Home Office has informed the Embassy that their policy guidance on its implementation is currently being finalised and they hope to disseminate it throughout their system in the near future. The Home Office has been made fully aware of the Government's views that many of the possible deportation cases involving Irish prisoners should be covered by this directive.

I can assure the Deputy that the Embassy has impressed upon the Home Office the importance of an early clarification of their policies in relation to Irish prisoners and, of course, our willingness to discuss these matters further as the



Home Office internal review develops. I have asked the Embassy to remain in constant contact with the Home Office on this sensitive issue.

### International Agreements.

299. **Mr. O'Connor** asked the Minister for Foreign Affairs if he will make a comprehensive statement detailing Ireland's position on Turkey's continued refusal to implement its obligations under the Additional Protocol in a non-discriminatory manner to the Republic of Cyprus as one of the ten new Member States; if he has raised with Turkey its refusal to give access to Cypriot interest vessels and planes at its ports and airports and its policy of vetoing membership of the Republic of Cyprus to international organisations; if he also raised Turkey's refusal to recognise the Republic of Cyprus and the need for it to urgently take steps for the normalisation of relations between Turkey and all EU Member States, including the Republic of Cyprus; and if he will present an update. [26900/06]

**Minister for Foreign Affairs (Mr. D. Ahern):** I refer the Deputy to my reply of 29 June 2006 to question number 12 on this matter.

On 29 July 2005, as part of the preparations for the opening of Turkey-EU accession negotiations and in accordance with the conclusions of the December 2004 European Council, Turkey signed the Ankara Agreement Protocol to take account of the accession of the new Member States, including the Republic of Cyprus. At the same time, however, Turkey also issued a Declaration stating that its signature, ratification and implementation of the Protocol did not amount to recognition of the Republic of Cyprus.

In response to the Declaration, on 21 September 2005 the EU issued a Counter-Declaration recalling the status of the Republic of Cyprus as a Member State of the EU. The Counter-Declaration noted that recognition of all Member States, including, of course, Cyprus, is a necessary component of the accession process and underlined the importance the Union attaches to the normalisation of relations between Turkey and all Member States.

The European Council at its meeting on 15/16 June last recalled the need for Turkey to fulfil its obligations under the Association Agreement and its Additional Protocol. Turkey's progress in fulfilling these obligations, which include the need to recognise the economic, maritime and navigational rights of all EU Member States, as well as its implementation of the revised Accession Partnership, will be evaluated later this year. Enlargement Commissioner Olli Rehn has stated that failure by Turkey to implement its obligations in full will affect its overall progress in the negotiations.

### Consultancy Contracts.

300. **Mr. Gilmore** asked the Minister for Foreign Affairs the total amount paid in terms of fees or expenses for the appointment of press or public relations consultants from outside his Department for each year since 2002; the firms appointed and the specific project or responsibility for which they were engaged; and if he will make a statement on the matter. [26970/06]

**Minister for Foreign Affairs (Mr. D. Ahern):** Earlier this year, in the context of the expanding budget of Ireland's official aid programme, Drury Communications were hired to provide assistance in developing a communications strategy for Irish Aid. While this short consultancy is nearly completed, as yet no payments have been made.

No other press or public relations consultancy firms were appointed by the Department since 2002. However, in the interest of completeness, the Deputy may wish to note the following. A consultancy contract also provides assistance to the Development Cooperation Directorate of the Department in the management of its public information policy and strategy on official development aid. The contract value is €34,880 and covers the period August 2005 to August 2006.

In November 2004, following an open tender process, the Department employed the Cork based company, Real Event Solutions, to design, organise and manage a primary school competition around the theme of international development and the UN Millennium Development Goals. The competition, which was completed in 2005, had a public relations aspect aimed at encouraging school participation, both at a regional and national level, and cost €17,204 (including VAT).

Following an open tender process during the autumn of 2005, Real Event solutions have again been employed to organise and manage a similar primary school competition around the same themes. The competition is due to be launched in September 2006, and to date no costs relating to public relations have been incurred by the Department.

Following a tender process, Red Dog Design were employed by the Department, on behalf of the Interdepartmental Presidency Administrative Planning Group, for work relating to the design and branding of the EU Presidency and the launch of the related logo. The company was paid €43,461.37 in 2003 for this work. The same company was paid €23,466.74 in 2004 for a promotion campaign for the EU Presidency Website. The greater part of this amount was for the purchasing of media advertising space in national newspapers and on local radio.



**Departmental Staff.**

301. **Mr. Gilmore** asked the Minister for Foreign Affairs the number of political appointees and non-established civil servants appointed to his Department since June 2002; the nature of the post to which each such person is

appointed; the annual cost in terms of salaries or expenses in respect of each such post for each year since 2002; and if he will make a statement on the matter. [26985/06]

**Minister for Foreign Affairs (Mr. D. Ahern):** The information requested by the Deputy is set out in the following tables:

Minister for Foreign Affairs, Mr Dermot Ahern, T.D.

Function/Position	2004	2005	2006 (to date)
	€	€	€
Special Adviser (non-established)	25,781.34	81,435.86	43,038.99
Press Adviser (non-established)	23,187.20	97,331.04	45,822.01
Personal Assistant (non-established)	11,314.61	54,868.55	30,497.87
Personal Secretary (non-established)	11,272.58	57,452.84	26,317.89

Minister of State, Mr. Conor Lenihan, T.D.

Function/Position	2004	2005	2006 (to date)
	€	€	€
Personal Assistant (non-established)	8,041.59	48,038.53	25,379.37
Personal Secretary (non-established)	12,314.59	38,841.78	€19,450.21

Minister of State, Mr. Noel Treacy, T.D.

Function/Position	2004	2005	2006 (to date)
	€	€	€
Special Adviser (non-established)	16,136.12	81,191.48	43,038.99
Personal Secretary (non-established)	8,240.14	39,955.62	21,664.49

Former Minister for Foreign Affairs, Mr Brian Cowen, T.D.

Function/Position	June-December 2002	2003	2004
Special Adviser (non-established)	38,323.89	68,295.60	58,756.59
Personal Assistant (non-established)		65,106.41	44,175.70
Personal Secretary (non-established)	21,944.08		13,352.82

Former Minister of State, Mr Dick Roche, T.D.

Function/Position	June 2002-December 2002	2003	2004
	€	€	€
Personal Assistant (non-established)		33,880.12	33,768.97

Former Minister of State, Mr Tom Kitt, T.D.

Function/Position	June 2002-December 2002	2003	2004
	€	€	€
Personal Adviser (non-established)	23,043.39	53,417.32	43,002.41
Personal Secretary (non-established)	16,780.47	35,965.89	30,295.69

The terms and conditions of all of the above appointments were set by the Minister for Finance, including the stipulation that they be coterminous with the appointment of the Minister concerned.

Overtime, travel and subsistence expenses are paid in accordance with normal civil service regulations.

302. **Mr. Gilmore** asked the Minister for Foreign Affairs the number of staff broken down by grade employed within the private office and

the constituency office; the number of such staff who are permanent civil servants; the number who are political appointees; the annual cost of each such office in terms of salary, overtime and expenses in respect of each Minister of State allocated to his Department; and if he will make a statement on the matter. [27000/06]

**Minister for Foreign Affairs (Mr. D. Ahern):**

The following tables set out the grades, numbers and remuneration of the personnel in the private and constituency offices of the two Ministers of State at the Department of Foreign Affairs:

Minister of State, Mr. Conor Lenihan, T.D. Private Office

Grade/Position	Number	Remuneration
Private Secretary	1	Executive Officer standard scale — PPC €29,152-€46,253
Executive Officer	1	Executive Officer standard scale — €27,692-€43,944
Clerical Officer	3 (2 of whom work-share)	Clerical Officer standard scale — PPC €22,102-€35,838
Total	5	

Constituency Office

Grade/Position	Number	Remuneration
Personal Secretary (non-established)	1	€39,035
Personal Assistant (non-established)	1	Higher Executive Officer standard scale €42,180-€53,541
Clerical Officer	2	Clerical Officer standard scale — PPC €22,102-€35,838
Clerical Officer	1	Clerical Officer standard scale €20,995-€34,050
Total	5	

Minister of State, Mr. Noel Treacy, T.D. Private Office

Grade/Position	Number	Remuneration
Special Adviser (non-established)	1	Principal Officer standard scale €78,066-€96,560
Private Secretary	1	Higher Executive Officer standard scale €42,180-€53,541
Clerical Officer	1	Clerical Officer higher scale €21,974-€34,786
Clerical Officer	1	Clerical Officer standard scale — PPC €22,102-€35,838
Clerical Officer	1	Clerical Officer standard scale €20,995-€34,050
Total	5	

Constituency Office

Grade/Position	Number	Remuneration
Personal Secretary (non-established)	1	Secretarial Assistant scale €21,002-€40,520 (Plus a 10% attraction allowance)
Executive Officer	1	Executive Officer standard scale €27,692-€43,944
Clerical Officer	1	Clerical Officer standard scale — PPC €22,102-€35,838
Clerical Officer	2	Clerical Officer standard scale €20,995-€34,050
Total	5	

[Mr. D. Ahern.]

The employment contracts of the non-established officers referred to in the tables are coterminous with the appointments of the Ministers of State. Overtime, travel and subsistence expenses are paid in accordance with normal civil service regulations.

Personal Pension Contribution (PPC) scales apply where officers were employed since 6 April 1995, pay class A rate of PRSI and make a personal pension contribution.

303. **Mr. Gilmore** asked the Minister for Foreign Affairs the number of staff broken down

by grade employed within his private office and his constituency office; the number of such staff who are permanent civil servants; the number who are political appointees; the annual cost of each such office in terms of salary, overtime and expenses; and if he will make a statement on the matter. [27015/06]

**Minister for Foreign Affairs (Mr. D. Ahern):**

The following tables set out the number of personnel in my private and constituency offices, their grades and remuneration:

Private Office

Grade/Position	Number	Remuneration
Special Adviser (non-established)	1	Principal Officer standard scale €78,066-€96,560
Personal Secretary (non-established)	1	Executive Officer higher scale €27,692-€45,669
Private Secretary	1	First Secretary standard scale €59,956-€74,760
Higher Executive Officer	1	Higher Executive Officer standard scale €42,180-€53,541
Executive Officer	1	Executive Officer standard scale €27,692-€43,944
Clerical Officer	5	Clerical Officer standard scale — PPC €22,102-€35,838
<b>Total</b>	<b>10</b>	

Constituency Office

Grade/Position	Number	Remuneration
Personal Assistant (non-established)	1	Higher Executive Officer standard scale — PPC €42,180-€53,541
Executive Officer	1	Executive Officer standard scale — PPC €29,152-€46,253
Clerical Officer	2	Clerical Officer standard scale — PPC €22,102-€35,838
Clerical Officer	1	Clerical Officer standard scale €20,995-€34,050
<b>Total</b>	<b>5</b>	

The employment contracts of the non-established officers referred to in the tables are coterminous with my appointment as Minister for Foreign Affairs. Overtime, travel and subsistence expenses are paid in accordance with normal civil service regulations.

Personal Pension Contribution (PPC) scales apply where officers were employed since 6 April 1995, pay class A rate of PRSI and make a personal pension contribution.

**Departmental Expenditure.**

304. **Mr. Gilmore** asked the Minister for Foreign Affairs the amount spent by his Department in terms of advertising in newspapers, magazines and electronic media in respect of each

year since 2002; and if he will make a statement on the matter. [27030/06]

**Minister for Foreign Affairs (Mr. D. Ahern):**

Advertising undertaken by the Department typically includes advisory notices on public opening hours over holiday periods, changes in passport application procedures and fees, employment opportunities that arise in the Department from time to time, as well as public information notices relating to developments in the European Union or in regard to Ireland's official Development Aid Programme.

The following table shows the total amounts spent on advertising under Votes 28 (Foreign Affairs) and 29 (International Cooperation) for each year from 2002 to date:

Year	2002	2003	2004	2005	2006 (to end June)
	€	€	€	€	€
Vote 28 (Foreign Affairs)	81,954	79,527	228,410	132,925	37,368
Vote 29 (International Cooperation)	63,961	104,417	44,547	123,531	91,153
<b>Total (Votes 28 &amp; 29)</b>	<b>145,915</b>	<b>183,944</b>	<b>272,957</b>	<b>256,456</b>	<b>128,521</b>

### Human Rights Issues.

305. **Mr. Sargent** asked the Minister for Foreign Affairs if he will request journey details from the relevant US Government departments of all prisoners both military and civilian who were detained, captured or arrested outside of the US and transported as prisoners to the US for detention, trial or release since 2001 to determine if there have been other administrative errors, in view of the recent administrative error on the part of the US Government in failing to request the permission of his Department to transport a military prisoner through Shannon Airport, and the statement by him that there is no record in his Department of applications for permission to transport prisoners via Irish airspace or facilities by the US Government since 2001. [27206/06]

**Minister for Foreign Affairs (Mr. D. Ahern):** I would refer the Deputy to the replies of Minister of State Treacy and myself to Questions Nos. 3, 93 and 114 of 29 June 2006, where we stated our belief that, on the basis of our discussions with the US authorities, this was an isolated incident which arose from an administrative error.

It is not intended to request journey details from the US Government of all prisoners transported to the United States since 2001. The US Ambassador has already conveyed his deep regret for the breach of procedures in the above case, and has reaffirmed the US Authorities' determination that the use of Irish airspace and airports by the US should be completely in conformity with Irish law.

### Foreign Conflicts.

306. **Mr. M. Higgins** asked the Minister for Foreign Affairs if, in view of recent UN reports on the situation in Afghanistan, he will comment on the security trajectory in that country; and on the general conditions experienced by those refugees who have been returning home under the Afghan return program. [27216/06]

**Minister for Foreign Affairs (Mr. D. Ahern):** I would refer the Deputy to my reply to questions numbers 87 and 160 on 29 June regarding the current political and security situation in Afghanistan.

The reply noted that, while significant progress has been achieved in Afghanistan in last four years, considerable challenges still remain. It stated also that in any country developing the democratic structures, institutions and administrative systems necessary to provide essential public services and ensure a secure environment for all is a process that takes time. Ensuring security in Afghanistan is an especially challenging and complex task, particularly given the presence of violent factions who stand to benefit considerably from a destabilised country.

The security situation remains a cause of serious concern. Levels of insurgency-related violence have risen since the beginning of the year and attacks, including suicide bombings, aimed at the International Security Assistance Force (ISAF), other international security forces and Afghan security forces, have increased. The illicit narcotics industry also remains a major challenge to the long-term security, development and effective governance of Afghanistan.

Ireland and the EU are playing their part in the reform process currently underway, both through participation in the UN-mandated International Security Assistance Force and also in providing financial assistance through the Afghanistan Compact launched at the International Conference on Afghanistan in London on 31 January/1 February which was endorsed by the United Nations Security Council in Resolution 1659 (2006) on 15 February. Ireland pledged €5 million at the Conference in London which will be expended over the next two years. Ireland has contributed a total of €22 million to reconstruction and recovery programmes in Afghanistan since 2002.

Since 2002, the Office of the United Nations High Commissioner for Refugees (UNHCR) has overseen the largest repatriation programme in the world, with the voluntary return of over 3.65 million refugees to Afghanistan from Pakistan, Iran and non-neighbouring countries in the period to end May 2006. In 2005 alone over half a million Afghans returned home to all parts of the country. In the "UNHCR Global Report 2005", published very recently, it is acknowledged that the volatile security situation has hampered UNHCR access to some areas of return, especially in the border areas with Pakistan.

It is significant, however, that the UNHCR's latest statistical overview for the return programme, published in May, indicated that 92% of returnees state that they are not vulnerable. This is not to underestimate the considerable challenges that remain for the UNHCR return programme and in ensuring a secure, peaceful and stable environment for the people of Afghanistan. In this regard, the UNHCR and others will give particular focus in the period ahead to the need to find durable solutions and a long-term approach to the sustainable reintegration of returnees into the difficult socio-economic environment in Afghanistan.

### Sports Capital Programme.

307. **Mr. Naughten** asked the Minister for Arts, Sport and Tourism the allocation of funding under the sports capital programme to each county in 2006; and if he will make a statement on the matter. [26692/06]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The national lottery-funded sports



[Mr. O'Donoghue.]

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 for projects costing €670 million and seeking funding of €312 million were received before this deadline, of which 1,211 were classified as local projects and 127 as national, regional or municipal/multi-sport. Applications were evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme.

I was pleased on 6 June last to announce provisional grant allocations under the 2006 sports capital programme totalling €53.745 million to 719 projects classified as local. The breakdown of this funding by county is provided below and the full list of allocations is available at my Department's website at [www.dast.gov.ie](http://www.dast.gov.ie). I intend to announce the provisional allocations under the 2006 programme for projects classified as regional, municipal/ multi-sport and national in the near future.

	€
Carlow	652,500
Cavan	1,315,000
Clare	1,340,000
Cork	6,449,500
Donegal	1,672,500
Dublin	10,959,200
Galway	3,333,500

	€
Kerry	3,427,500
Kildare	1,406,500
Kilkenny	1,691,000
Laois	768,000
Leitrim	703,000
Limerick	2,119,000
Longford	551,000
Louth	1,144,000
Mayo	1,765,000
Meath	1,645,000
Monaghan	1,274,500
Offaly	869,000
Roscommon	1,098,000
Sligo	1,211,000
Tipperary	2,061,000
Waterford	1,642,000
Westmeath	747,000
Wexford	2,087,500
Wicklow	1,813,000
Total	53,745,200

#### Consultancy Contracts.

308. **Mr. Gilmore** asked the Minister for Arts, Sport and Tourism the amount paid in terms of fees or expenses for the appointment of press or public relations consultants from outside his Department for each year since 2002; the firms appointed and the specific project or responsibility for which they were engaged; and if he will make a statement on the matter. [26971/06]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The information sought by the Deputy in relation to my Department is set out as follows.

Press/PR Company	Project/Responsibility	Year	Fees
			€
Mahon O'Neill	Media relations to support launch of "Counties in Time" CD by the National Archives	2003	6,331
Mahon O'Neill	PR work in relation to the launch of the online exhibition entitled "Views of Four Presidencies" by the National Archives	2004	7,792
Mahon O'Neill	National Media campaign across print and broadcast media in relation to 1901/1911 Census Project by the National Archives	2005	6,331
Menyma Public Relations	PR for relaunch of Afterdark Programme and for two specific Afterdark events, National Museum of Ireland	2003	4,276
Brenda O'Hanlon	National Library PR	2002	13,303
Brenda O'Hanlon	National Library PR	2003	23,312
Brenda O'Hanlon	National Library PR	2004	24,046
Brenda O'Hanlon	National Library PR	2005	8,140
Kate Bowe PR Ltd	PR services ReJoyce	2004	4,800
Kate Bowe PR Ltd	Irish Festival in China provision of PR Management Services	2003-2004	72,834

Press/PR Company	Project/Responsibility	Year	Fees
			€
Sheenagh Gillen	Relations Management Services for Irish China Festival	2004	7,000
Audrey Behan	Press Assistant Services	2004	3,200
Gerry Lundberg	Beckett Centenary Festival	2006	31,492
Siobhán Colgan	EU Presidency Cultural Programme PR Management Services	2003-2004	32,778
Fleishman Hilliard Bowe	PR services ReJoyce	2004	127,141
Fleishman Hilliard Bowe	PR Consultants for Department	2002	18,731
Murray Consultants	PR Consultants for Department	2003-2006	223,611
O'Herlihy Communications	PR Consultants for Department	2006 to date	14,151
Total	622,638		

### Departmental Staff.

309. **Mr. Gilmore** asked the Minister for Arts, Sport and Tourism the number of political appointees and non-established civil servants appointed to his Department since June 2002; the nature of the post to which each such person is appointed; the annual cost in terms of salaries or

expenses in respect of each such post for each year since 2002; and if he will make a statement on the matter. [26986/06]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** Since the establishment of my Department in June 2002 I have made a total of 4 political appointments to non established positions in my Department.

Position	Salary paid	Expenses Paid to appointees
Special Adviser June 2002 to May 2006	Principal Officer Standard Scale plus 10% attraction allowance	2002; €4,789 2003; €7,979 2004; €5,067 2005; €3,051 2006; €1,297
Special Adviser Appointed May 2006	Principal Officer Standard Scale	Nil to date
Personal Assistant	Higher Executive Officer general service	2002; €8,519 2003; €20,946 2004; €17,633 2005; €18,782 2006; €4,828
Personal Secretary	Oireachtas Secretarial Assistant scale plus 10% attraction allowance	Nil

310. **Mr. Gilmore** asked the Minister for Arts, Sport and Tourism the number of staff broken down by grade employed within the private office and the constituency office; the number of such staff who are permanent civil servants; the number who are political appointees; the annual cost of each such office in terms of salary, overtime and expenses in respect of each Minister of State allocated to his Department; and if he will make a statement on the matter. [27001/06]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** As the Deputy is aware, there is no Minister of State at my Department.

311. **Mr. Gilmore** asked the Minister for Arts, Sport and Tourism the number of staff broken down by grade employed within his private office and his constituency office; the number of such staff who are permanent civil servants; the

number who are political appointees; the annual cost of each such office in terms of salary, overtime and expenses; and if he will make a statement on the matter. [27016/06]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** There are currently 7 staff employed in my private office:

1 Special Adviser at Principal Officer level

1 Private Secretary at Higher Executive Officer level

1 Personal Assistant at Higher Executive Officer level

2 Executive Officers

2 Clerical Officers.

There are currently 5.6 staff employed in my constituency office:

[Mr. O'Donoghue.]

1 Executive Officer

1 Personal Secretary at Oireachtas Secretarial Assistant level

3.6 Clerical Officers.

All of the above staff with the exception of my Special Adviser, Personal Assistant and Personal Secretary are permanent civil servants and are paid at the appropriate civil service rates. In addition, my Private Secretary is paid an allowance at the rate of €18,742 per annum for these duties. My Special Adviser and Personal Assistant who are political appointees are paid at the relevant civil service rates and my Personal Secretary who is also a political appointee is paid at the Oireachtas Secretarial Assistant rate with a 10% attraction allowance in respect of her position.

The expenses and overtime paid to these staff for the year ended 31 December 2005 is shown in the table.

	Overtime	Expenses
	€	€
Constituency Office	453.89	Nil
Private Office	4,007.87	32,304.55

The staffing of both my private and constituency offices is in line with Department of Finance guidelines on this matter.

#### Departmental Advertising.

312. **Mr. Gilmore** asked the Minister for Arts, Sport and Tourism the total amount spent by his Department in terms of advertising in newspapers, magazines and electronic media in respect of each year since 2002; and if he will make a statement on the matter. [27031/06]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The total cost for advertising since the establishment of my Department in June 2002, including advertising by the Cultural Institutions, was as follows.

	€
June-December 2002	186,797
2003	393,352
2004	392,178
2005	200,824
2006 to date	31,449

#### Film Industry Development.

313. **Mr. Cregan** asked the Minister for Arts, Sport and Tourism the annual financial resources given to the film industry here; if his Department has input into the way staff are recruited for film

work; his views on claims in relation to same (details supplied); if he will investigate same; and if he will make a statement on the matter. [27170/06]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The Irish Film Board is the independent State body, under my Department's aegis, that is charged with the promotion of film-making in the State. The Board provides a comprehensive framework of supports, both financial and non-financial. Total funding to the Board from my Department in 2006 amounts to €17.126 million.

In addition, my Department administers elements of the tax-based section 481 scheme for investment in film production. The benefits available to film producers under this scheme have recently been very dramatically increased, with the maximum amount that can be raised increasing from €15m to €35m, and the maximum percentage of a production budget that can be raised up from between 55% and 66%, to 80%. In 2005, 28 film projects were certified under this scheme, representing a total certified spend of €125.5m, and Irish spend of €63.9m. To date in 2006, 13 projects, with a total certified spend of €94.1m, and an Irish spend of €58.5m, have been certified.

I have no role as Minister in the recruitment of personnel by film producers.

#### Arts Council.

314. **Mr. M. Higgins** asked the Minister for Arts, Sport and Tourism the paintings purchased by CIE under the 50 per cent scheme operated by the Comhairle Ealaíonn — The Arts Council; the paintings from the CIE collection which were allocated by CIE to the Great Southern Hotels; the position in relation to this part of the Irish heritage; and the proposals he will make for their future. [27186/06]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The Arts Council is a statutory body under my Department's aegis, and is the principal channel through which State support is directed to the Arts. 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 Brocquy 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 on such items may be exercised by the state collecting institutions. The Dublin Airport Authority has written to my Department confirming that it will consult in full with it before any decisions are taken, and in full compliance with all State guidelines.

### Health and Safety Regulations.

315. **Mr. Wall** asked the Minister for Enterprise, Trade and Employment the plans his Department have put in place and will put in place to educate the public in view of the lethal potential of asbestos; and if he will make a statement on the matter. [26773/06]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):** The Health and Safety Authority has responsibility for the administration and enforcement of legislation dealing with the protection of the public and employees from the risks of exposure to asbestos fibres.

A range of detailed legislation currently applies, comprising—

(i) European Communities (Protection of Workers) (Exposure to Asbestos) Regulations 1989 (S.I. No. 34 of 1989),

(ii) European Communities (Protection of Workers) (Exposure to Asbestos) (Amendment) Regulations 1993 (S.I. No. 276 of 1993), and

(iii) European Communities (Protection of Workers) (Exposure to Asbestos) (Amendment) Regulations 2000 (S.I. No. 74 of 2000).

These Regulations are shortly to be revoked and replaced by new Safety, Health and Welfare at Work (Exposure to Asbestos) Regulations 2006, which are designed to transpose Directive 2003/18/EC of the European Parliament and of the Council of 27th March, 2003, which amends Council Directive 83/477/EEC, as previously amended by Council Directive 91/382/EEC on the protection of workers from the risks related to exposure to asbestos at work. Both of these Directives will be retransposed in the new provisions. The draft Regulations are also designed to retranspose Article 12 of Council Directive 87/217/EEC on the prevention and reduction of environmental pollution by asbestos. The Health and Safety Authority will produce Guidelines on the new Regulations.

In addition to Regulations referred to, the European Communities (Dangerous Substances and Preparations) (Marketing and Use) Regulations 2003 (S.I. No. 220 of 2003) ban the placing on the market, use, reuse or resale etc. of asbestos containing products or materials, irrespective of the type of asbestos and accordingly no new

asbestos containing materials will be developed or used in this country.

In 2005, the Health and Safety Authority produced “Guidelines on Working with Materials Containing Asbestos”. While these Guidelines are aimed primarily at those working with asbestos cement materials, e.g. corrugated roof sheets, slates, tiles, guttering etc., the information therein is relevant to a wide audience. This publication is available free of charge from the Authority’s web site and may be readily and easily downloaded as required.

The Authority has also developed a “Frequently Asked Questions” (FAQ) page on its web site relating to asbestos matters, issues and concerns which may be accessed by workers and member of the public alike. It provides useful information and answers to many questions submitted to the HSA by members of the public. The Authority’s web site also provides links to others asbestos-related information sites. The web address for the Authority is [www.hsa.ie](http://www.hsa.ie).

The Health and Safety Authority is working to ensure that those persons who are at risk from existing asbestos materials in workplaces, or who work with such materials know the best way to control and prevent exposure occurring. By improving and monitoring adequate compliance with best practices the risk from fibres being released is controlled and prevented and any residual risk is then controlled and reduced.

Asbestos materials which are damaged, or at risk of being disturbed or in poor condition must be removed in a safe manner to prevent fibres being released to the air. However, where the asbestos material is in good condition and is not at risk from damage or being disturbed, it can remain safely in place but must be monitored and assessed regularly to ensure that it remains in good condition. Such materials, therefore, should be labelled and their location marked on plans of buildings so that their location is known in advance of any work or refurbishment which could disturb or damage those materials in the future. By appropriately managing asbestos-containing materials in situ the risk from possible exposure is minimised and, in general, should not create a risk to persons at work or in the vicinity of such buildings.

### Community Employment Schemes.

316. **Mr. McGuinness** asked the Minister for Enterprise, Trade and Employment the cost of bringing the total places on community employment to the level of placement at year end 2002; and if he will make a statement on the matter. [26798/06]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The number of people on Community Employment at year-end 2002 was 24,991 at a total cost of €323 million. In order to bring the expected total level of 2006 places to



[Mr. Martin.]

24,991, I am informed by FÁS that the estimated required total budget would be in the region of €364 million and that the current 2006 budget for Community Employment is €324 million.

### Job Creation.

317. **Mr. English** asked the Minister for Enterprise, Trade and Employment the number of visits the IDA have made to Trim, Co. Meath, for a progress report on the creation of employment opportunities for Trim by his Department and any agency under his control; and if he will make a statement on the matter. [26832/06]

318. **Mr. English** asked the Minister for Enterprise, Trade and Employment the number of visits the IDA have made to Athboy, Co. Meath, for a progress report on the creation of employment opportunities for Athboy by his Department and any agency under his control; and if he will make a statement on the matter. [26833/06]

319. **Mr. English** asked the Minister for Enterprise, Trade and Employment the number of visits the IDA have made to Kells, Co. Meath, for a progress report on the creation of employment opportunities for Kells by his Department and any agency under his control; and if he will make a statement on the matter. [26834/06]

320. **Mr. English** asked the Minister for Enterprise, Trade and Employment the number of visits the IDA have made to Navan, Co. Meath, for a progress report on the creation of employment opportunities for Navan by his Department and any agency under his control; and if he will make a statement on the matter. [26835/06]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** I propose to take Questions Nos. 317 to 320, inclusive, together.

Support for job creation and investment in individual counties and regions is a day-to-day operational matter for the development agencies as part of their responsibility under the Industrial Development Acts. While I may give general policy directives to the agencies I am precluded under the Acts from giving directives regarding individual undertakings or from giving preference to one area over others.

I have been assured by the agencies under the remit of my Department that they are endeavouring to attract new investment, encouraging the start-up of new businesses, helping to grow existing businesses and developing the labour market in county Meath. I have been informed by IDA Ireland that during 2005 there have been eleven site visits to County Meath, ten to Navan and one to Trim. No visits are recorded for Athboy or Kells during 2005.

I understand from the Agency that its itinerary visits have concentrated on Navan in 2005/2006. The Agency has 70 acres of serviced industrial land in Navan Business Park and has targeted the town as the sole East Region priority or target location for ICT projects in 2006. IDA's strategy for Meath is to target Greenfield and Expansion projects in Financial Services, International Services and ICT. Six IDA projects are located in the Business Park and at the end of 2005 there were 1,200 people employed in 17 IDA supported companies in County Meath.

Enterprise Ireland, the agency charged with the development of indigenous industry, informs me that currently there are 4,242 people employed in 170 Enterprise Ireland supported firms in County Meath. Enterprise Ireland has a wide range of supports for start up companies. As part of its new strategy, Enterprise Ireland is working more intensively with High Potential Start-Up companies (HPSUs) at their initial start up phase, in order to accelerate their growth, help build management capability, and provide direct financial support. In addition, they are further developing EI supported seed and venture capital funding. Through its overseas network, EI is assisting HPSUs to develop their exports.

Enterprise Ireland continues to work with companies in its portfolio to assist them grow their sales and exports and improve innovation in order that they can compete on world markets. Since the beginning of 2003 Enterprise Ireland has approved over €7m and paid over €5m in support to its client companies in County Meath. It is interesting to note that in recent years a number of Enterprise Ireland supported companies have moved their expansions to Co. Meath. Lir Chocolates relocated from Dublin city centre to the Navan Business Park while the manufacturers of 'Tayto Crisp' has moved from Coolock to the Largo Foods plant at Kilbrew. Enterprise Ireland has approved funding of over €635,000 in support of Community Enterprise Centres at three locations in the county — Navan, Trim and Kells. The County Enterprise Centre in Navan also services the town of Athboy.

Meath County Enterprise Board (CEB) was established in 1993 to provide a source of support for small businesses with 10 employees or less. In 2005 Meath CEB approved a total of €407,664 to 20 projects and paid out €297,949 in grant assistance, which resulted in the creation of 92 net jobs in CEB assisted companies throughout the County. Meath CEB provides a range of management training services to the micro-enterprises in order to assist the ongoing enhancement of their business management capabilities and in 2005, 831 people participated in training courses run by Meath CEB.

I would like to point out that in both 2005 and again in 2006 a special financial provision has been made available to Meath CEB specifically

to cover the Board's commitment to the Kells Enterprise Centre.

### Consultancy Contracts.

321. **Mr. Gilmore** asked the Minister for Enterprise, Trade and Employment the amount paid in terms of fees or expenses for the appointment of press or public relations consultants from outside his Department for each year since 2002; the firms appointed and the specific project or

responsibility for which they were engaged; and if he will make a statement on the matter.  
[26972/06]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** Particulars of Public Relations Consultants appointed directly by my Department or its offices are set out in the tables. The purpose of the contracts was to improve public awareness across a range of issues including entitlements to the National Minimum Wage and Work Life Balance Campaigns.

2002

Name of Company	Nature of Project	Amount paid during 2002
		€
QMP D'Arcy	TV Press and Radio production to publicise the increase in the National Minimum Wage	13,944.04
Caden Communications	PR & Communications advisor to the Office of the Director of Consumer Affairs (ODCA)	38,192.00

2003

Name of Company	Nature of Project	Amount paid during 2003
		€
Mr John Armstrong	Consultant to the Department's Press Office for the duration of Ireland's Presidency of the EU	9,528.92
Carr Communications	Effective Communications with clients of the Companies Registration Office (CRO)	29,108.00
Caden Communications	PR & Communications advisor to the Director of Consumer Affairs (ODCA)	44,033.00
Zenith Optimedia	Press, Radio and Internet Advertising for Work Life Balance Day 2004	70,272.37
Language	Design Consultants re ad campaign for Work Life Balance Day 2004	26,589.75

2004

Name of Company	Nature of Project	Amount paid during 2004
		€
Mr John Armstrong	Consultant to the Department's Press Office for the duration of Ireland's Presidency of the EU	41,545.44
Peter G White Ltd	Provision of media advice for the Personal Injuries Assessment Board prior to its establishment on a statutory basis	1,270.50
QMP Publicis	TV Press and Radio production to publicise the increase in the National Minimum Wage	29,040.00
Language	Design Consultants re ad campaign for Work Life Balance Day 2004	3,179.88
Language	Design Consultants re ad campaign for Work Life Balance Day 2005	36,358.08
Carr Communications	Effective Communications with CRO clients	64,493.00
Caden Communications	PR & Communications advisor to the Director of Consumer Affairs (ODCA)	55,539.00

[Mr. Martin.]

2005

Name of Company	Nature of Project	Amount paid during 2005
		€
QMP Publicis	TV Press and Radio production to publicise the increase in the National Minimum Wage	33,387.53
Zenith Optimedia	Press, Radio and Internet Advertising for Work Life Balance Day 2005	106,4719.97
Language	Design Consultants re ad campaign for Work Life Balance Day 2005	8,771.01
Carr Communications	Effective Communications with CRO clients	38,722.00
Caden Communications	PR & Communications advisor to the Director (ODCA)	47,371.50

2006

Name of Company	Nature of Project	Amount paid during 2006
		€
Zenith Optimedia	Press, Radio and Internet Advertising for Work Life Balance Day 2006	91,409.37
Language	Design Consultants re ad campaign for Work Life Balance Day 2006	9,284.46
Carr Communications	Effective Communications with CRO clients	6,353.00

### Departmental Staff.

322. **Mr. Gilmore** asked the Minister for Enterprise, Trade and Employment the number of political appointees and non established civil servants appointed to his Department since June 2002; the nature of the post to which each such person is appointed; the annual cost in terms of salaries or expenses in respect of each such post for each year since 2002; and if he will make a statement on the matter. [26987/06]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The information requested by the Deputy cannot be provided within the time-scale available. Officials of my Department are currently compiling the data. I will have the information forwarded to the Deputy as soon as it is compiled.

323. **Mr. Gilmore** asked the Minister for Enterprise, Trade and Employment the number of staff broken down by grade employed within the private office and the constituency office; the number of such staff who are permanent civil servants; the number who are political appointees; the annual cost of each such office in terms of salary, overtime and expenses in respect of each Minister of State allocated to his Department; and if he will make a statement on the matter. [27002/06]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The breakdown of the staffing complement of those currently employed in the two Ministers of State offices at the Department of Enterprise, Trade and Employment is outlined in Table 1.

Table 1

Office	
<i>Office of the Minister for Labour Affairs (Mr. Tony Killeen TD)</i>	
Departmental Office	1 Higher Executive Officer 1 Executive Officer 2 Clerical Officers
Constituency Office	1 Personal Assistant 1 Personal Secretary 1 Clerical Officer
<i>Office of the Minister for Trade and Commerce (Mr. Michael Ahern TD)</i>	
Departmental Office	1 Higher Executive Officer 1 Executive Officer 2 Clerical Officers
Constituency Office	1 Personal Assistant 1 Personal Secretary 1 Clerical Officer

Each Minister of State also employs 2 Civilian Drivers. The drivers work alternate weeks on a week on/week off basis. The current salary for a

Civilian Driver is €30,782.02 per annum. There are 5 permanent civil servants and 4 political appointees, which includes the 2 Civilian Drivers in each Minister of State's Office.

The salary costs, overtime and expenses for each of the Minister's Offices from 1st June 2005 to 1st June 2006 are set out in Table 2. It should be noted that the salary costs are inclusive of overtime payments and the Civilian Driver salaries. The expenses refer to travel and subsistence costs and mobile phone expenses.

Table 2

	Salaries	Expenses
	€	€
<i>Office of the Minister for Labour Affairs</i>		
Departmental Office	170,740.29	11,463.85
Constituency Office	155,747.87	26,013.41
<i>Office of the Minister for Trade and Commerce</i>		
Departmental Office	173,719.22	15,035.74
Constituency Office	196,859.47	29,550.31

324. **Mr. Gilmore** asked the Minister for Enterprise, Trade and Employment the number of staff broken down by grade employed within his private office and his constituency office; the number of such staff who are permanent civil servants; the number who are political appointees; the annual cost of each such office in terms of salary, overtime and expenses; and if he will make a statement on the matter. [27017/06]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The information in relation to staffing of my office is set out in the tables.

	2002	2003	2004	2005	2006
	€	€	€	€	€
Newspapers	172,683	261,972	119,592	236,689	83,781
Magazines	Nil	Nil	2,178.00	39,927.00	Nil
Electronic Media	Nil	Nil	Nil	Nil	Nil

#### Job Creation.

326. **Mr. P. McGrath** asked the Minister for Enterprise, Trade and Employment the number of site visits by IDA representatives, with interested parties, to towns (details supplied) in 2005; and if he will make a statement on the matter. [27193/06]

#### Staffing of Private Office

1 Higher Executive Officer (Private Secretary)  
2 Executive Officers  
5 Clerical Officers

Total: 8 staff

The staff in the table above are civil servants.

#### Constituency Office

2.8 Clerical Officers (Civil Servants)  
1.5 Personal Assistants (non-civil servants)  
1 Personal Secretary (non-civil servant)

Total 5.3 staff

Additional staff include 1 Special Advisor, 1 Policy Advisor and 1 Press Advisor. The individuals concerned transferred with me from the Department of Health and Children on my appointment as Minister for Enterprise, Trade and Employment on September 29th 2004. My Special Advisor is a civil servant whilst my Policy Advisor and Press Advisor are non-civil servants.

The total annual cost of running the Private and Constituency Office from June 2005 to the end of May 2006 was €648,350.61 and €167,567.68 respectively.

#### Departmental Advertising.

325. **Mr. Gilmore** asked the Minister for Enterprise, Trade and Employment the total amount spent by his Department in terms of advertising in newspapers, magazines and electronic media in respect of each year since 2002; and if he will make a statement on the matter. [27032/06]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** My Department incurred the expenditure listed below on advertising in newspapers (national/provincial) magazines and electronic media since 2002.

327. **Mr. P. McGrath** asked the Minister for Enterprise, Trade and Employment the number of site visits by IDA representatives, with interested parties, to Tullamore, County Offaly in 2005; and if he will make a statement on the matter. [27194/06]



**Minister for Enterprise, Trade and Employment (Mr. Martin):** I propose to take Questions Nos. 326 and 327 together.

IDA Ireland is the Agency with statutory responsibility for the attraction of foreign direct investment (FDI) to Ireland, including its regions and areas. The agency hosted twenty four site visits to Athlone and two each to Mullingar and Longford during 2005. There were eight site visits to Tullamore during the year, but no site visits took place to Kinnegad, Kilbeggan, Moate or Ballymahon.

A key goal for IDA Ireland is the achievement of balanced regional development, with potential investors often indicating that they are only willing to consider an urban base close to third level educational facilities that provides infrastructure and services that are international in focus. The National Spatial Strategy provides a framework for this goal wherein the focus is on the Gateway and Hub locations throughout the State. However smaller locations can sometimes also be appealing to potential overseas investors who may wish to locate some functions away from the main centres of population and IDA Ireland, will encourage and facilitate such investments at every opportunity.

It is important to remember that success in attracting overseas investment to the Gateway and Hub locations not alone brings high-wage jobs to these locations but also has knock-on benefits in other sectors such as supply, distribution and transport, thus creating further investment/employment opportunities for local people in the immediate vicinity and surrounding areas. Ultimately decisions regarding where to locate, including what sites to visit as potential locations are taken by the investor.

IDA Ireland's Strategy for the Midlands Region is:

- To progress the development of a knowledge economy, in order that the Region can compete both nationally and internationally for foreign direct investment.
- To work with the existing client base in the Counties and to expand their presence in the various Counties;
- To provide modern property solutions with supporting infrastructure;
- To work with Local Authorities and relevant infrastructure providers to influence the delivery of appropriate infrastructure to the various Counties.

I am confident that the strategies and policies being pursued by IDA Ireland, together with the ongoing commitment of Government to regional development will bear fruit in terms of additional sustainable investment and jobs for the area.

#### **Social Welfare Benefits.**

328. **Mr. Gregory** asked the Minister for Social and Family Affairs the reason the social welfare

rent allowance section reduced the weekly rent allowance of a person (details supplied) in Dublin 1 by €4 per week; and if he will make a statement on the matter. [26815/06]

**Minister for Social and Family Affairs (Mr. Brennan):** The supplementary welfare allowance scheme, which includes rent supplement, is administered on my behalf by the Community Welfare division of the Health Service Executive. Neither I nor my Department has any function in relation to decisions on individual claims.

Under standard SWA rules rent or mortgage interest supplements are normally calculated to ensure that a person, after the payment of rent or mortgage interest, has an income equal to the rate of SWA appropriate to their family circumstances less a minimum contribution, currently €13, which recipients are required to pay from their own resources. Many recipients pay more than €13 because recipients are also required, subject to income disregards, to contribute any additional assessable means that they have over and above the appropriate basic SWA rate towards their accommodation costs.

The Executive has been contacted concerning this case and has advised that following a routine review of the means of the person concerned, the amount of rent supplement payable was reduced due to an increase in the amount of UK pension payable to him. It is open to the person concerned to appeal this decision to the designated Appeals Officer within the Health Services Executive.

329. **Mr. Penrose** asked the Minister for Social and Family Affairs the reason there is a delay of up to eight weeks in sending out the respite care grant to eligible applicants for same; if he will elaborate upon the reason for this delay and take steps to rectify the situation; and if he will make a statement on the matter. [26816/06]

**Minister for Social and Family Affairs (Mr. Brennan):** People providing full-time care who are in receipt of Carers Allowance, Carers Benefit or Prescribed Relatives Allowance receive the Respite Care Grant automatically, without having to apply for it. The same applies where a Constant Attendance Allowance is in payment in respect of the person being paid for. Payment is made on or after the first Thursday in June of the year to which the payment refers. This is the date each year on which the qualifying conditions must be met in order for the Grant to be paid in respect of that year.

Budget 2005 extended entitlement to the Grant to all full-time carers irrespective of means or contribution record but subject to certain conditions relating to the provision of full-time care and attention. A section was set up in my Department to process applications from people in this newly entitled category.

In 2005 such applications were solicited by means of a press and publicity campaign and as a

result over 7,500 people have been paid the Grant in respect of that year. The closing date for receipt of applications in respect of 2005 is 31 December 2006 and applications in respect of 2005 continue to be received. The Grant in respect of 2006 is payable to people who meet the qualifying conditions on Thursday 1 June 2006 and is payable on or as soon as practicable after that date.

Applications for the 2006 Grant from those not entitled to receive it automatically by virtue of their primary payment, are being solicited in two phases. First, those who applied for and received the Grant in 2005 have been written to enclosing a brief questionnaire to establish whether they continue to satisfy the conditions for receipt of the Grant in 2006. On foot of this initiative, to date, approximately 6,000 applications have been received. In addition, a small number of unsolicited applications in respect of 2006 have been received and are also being processed. To date 1,191 Grants have been paid to successful applicants.

The second phase of the campaign to identify those people who may be eligible for the Grant for the first time in 2006 will take the form of a press and publicity campaign. This will take place over the coming months. An example of a person who may be entitled to the Grant for the first time in 2006 would be a carer who is employed or self-employed for a period of between 10 and 15 hours per week and would thus be in a position to avail of the increase in the number of permitted hours of employment or self-employment outside the home, announced in Budget 2006.

By its very nature the receipt of a large volume of applications over a relatively short period creates pressures in the section processing them. However every effort is made to process these applications as soon as possible. I am satisfied that the actions being taken will ensure that the 2006 Grant applications, will be processed at the earliest possible date. I will continue to closely monitor progress in this area.

### Consultancy Contracts.

330. **Mr. Gilmore** asked the Minister for Social and Family Affairs the total amount paid in terms of fees or expenses for the appointment of press or public relations consultants from outside his Department for each year since 2002; the firms appointed and the specific project or responsibility for which they were engaged; and if he will make a statement on the matter. [26973/06]

**Minister for Social and Family Affairs (Mr. Brennan):** In 2002, my Department's Press Office engaged the services of Carr Communications for a short period to advise on a public relations strategy. The contract was for the period March 2002 to April 2002 and the cost was €6,534. My Department has not awarded any other contracts for public relations projects in the period 2002 to date.

### Departmental Staff.

331. **Mr. Gilmore** asked the Minister for Social and Family Affairs the number of political appointees and non established civil servants appointed to his Department since June 2002; the nature of the post to which each such person is appointed; the annual cost in terms of salaries or expenses in respect of each such post for each year since 2002; and if he will make a statement on the matter. [26988/06]

332. **Mr. Gilmore** asked the Minister for Social and Family Affairs the number of staff broken down by grade employed within the private office and the constituency office; the number of such staff who are permanent civil servants; the number who are political appointees; the annual cost of each such office in terms of salary, overtime and expenses in respect of each Minister of State allocated to his Department; and if he will make a statement on the matter. [27003/06]

333. **Mr. Gilmore** asked the Minister for Social and Family Affairs the number of staff broken down by grade employed within his private office and his constituency office; the number of such staff who are permanent civil servants; the number who are political appointees; the annual cost of each such office in terms of salary, overtime and expenses; and if he will make a statement on the matter. [27018/06]

**Minister for Social and Family Affairs (Mr. Brennan):** I propose to take Questions Nos. 331 to 333, inclusive, together.

There are ten staff employed in my private office. These include 8 administrative staff, a Press Adviser and a Special Adviser. The 8 administrative staff are all established civil servants, one Higher Executive Officer, 1.5 Executive Officers and 5.5 Clerical Officers. The Higher Executive Officer is on a payscale of €42,180 to €53,541 with a Private Secretary allowance of €18,742 per annum. The Executive Officers are on a payscale of €27,692 to €43,944 adjusted proportionally in the case of the work sharing officer. 1 Clerical Officer is on a pay scale of €21,974 to €34,786 (Clerical Officer Higher Scale) adjusted accordingly to take account of work sharing. 3 of the Clerical Officers are on a pay scale of €20,996 to €34,049 (Class B rate of PRSI contribution applies). The other 2 Clerical Officers are on a payscale of €22,102 to €35,838 (Class A rate of PRSI contribution applies as they commenced employment after 6 April 1995. The total overtime costs and expenses incurred from September 2004 to date for the administrative staff in this office are €22,301 and €11,732 respectively.

The duties carried out by the Press Adviser and Special Adviser, who were appointed by me on a contract basis for my term of office, are as set out in Section 11 of the Public Service Management Act, 1997 i.e. to assist the Minister by providing advice, on a wide range of issues, by monitoring,

[Mr. Brennan.]

facilitating and securing the achievement of Government objectives that relate to my Department and by performing such other functions as may be directed by me.

The Press Adviser is on a personal salary of up to €103,000 together with a private pension contribution of 11% of salary. The Special Adviser is on a Principal Officer payscale of up to €90,770. The total expenses incurred to date by my Press Adviser and Special Adviser are €31,605 and €18,132 respectively. No overtime costs have been incurred by these officers who are on call on a seven day per week basis.

There are a total of six full-time administrative staff assigned to deal with matters in my constituency office. There are four established civil servants, one Executive Officer on a payscale of €27,692 to €43,944 and three Clerical Officers on a payscale of €22,102 to €35,838. The total overtime costs incurred from September 2004 to date for the administrative staff in this office are €5,123. No expenses have been incurred by these officers.

I have also appointed, on a contract basis for my term of office, two non-established civil servants, a Personal Secretary and a Personal Assistant. The roles of my Personal Secretary and Personal Assistant are to provide administrative support and back-up in my capacity as a TD and in my constituency office. The annual salary for my Personal Secretary is €40,520. My Personal Assistant is on secondment from the Department of Education and Science. That Department will recoup from my Department on an annual basis the cost of a replacement teacher's salary, allowances, PRSI contributions and superannuation contributions. This will be in the region of €44,800. The total expenses incurred to date by my Personal Assistant and Personal Secretary are €840 and €496, respectively. No overtime costs have been incurred by these officers.

#### Departmental Expenditure.

334. **Mr. Gilmore** asked the Minister for Social and Family Affairs the total amount spent by his Department in terms of advertising in newspapers, magazines and electronic media in respect of each year since 2002; and if he will make a statement on the matter. [27033/06]

**Minister for Social and Family Affairs (Mr. Brennan):** My Department uses a mix of advertising media including national and provincial newspapers, radio and television, information leaflets, fact sheets, posters and direct mailshots to ensure that people are aware of their social welfare entitlements and are notified about improvements and changes affecting their payments and services. The amount spent on advertising in any one year is determined by the number of specific advertising campaigns which are undertaken.

The total amount spent by my Department on advertising in 2002 was €1,319,239. Expenditure

covered a wide range of my Department's schemes and services and included specific campaigns such as the promotions of the Farm Assist Scheme, the Personal Public Service Number and an information campaign in relation to the improvements in the 2003 Budget.

The total amount spent by my Department on advertising in 2003 was €286,680. Most of the advertising expenditure in 2003 arose in connection with general advertising regarding office closures, staff vacancies, etc., and the Budget information campaign.

Expenditure in 2004 was €473,224. Two information campaigns were undertaken in 2004. The first campaign promoted the Carer's Benefit scheme and the second campaign alerted people coming up to pension age that they should apply for their pension at least three months before they reach pension age.

The total amount spent by my Department on advertising in 2005 was over €300,000. Two major information campaigns were undertaken in 2005; the first was on the Respite Care scheme and the second was a general advertising campaign carried out across credit unions throughout country, which highlighted a range of social welfare benefits, schemes and services available to citizens.

To date in 2006, my Department has spent over €340,000 on advertising. The principle element of the expenditure incurred to date this year related to the Family Income Supplement entitlements awareness campaign which resulted in a significant increase in the number's of new applications. Advertising is a key part of my Department's information strategy to ensure that people are aware of and claim their social welfare entitlements.

#### Social Welfare Benefits.

335. **Mr. Stanton** asked the Minister for Social and Family Affairs the percentage breakdown of payments by electronic fund transfer for each of the various schemes in operation by his Department for each of the past three years; the controls in place to ensure that those receiving payment through EFT remain entitled to payment under the scheme; the number of cases for each of the schemes over each of the past three years where payment through EFT was withdrawn as a result of his Department's discovering that the claimant was no longer entitled to payment; and if he will make a statement on the matter. [27213/06]

**Minister for Social and Family Affairs (Mr. Brennan):** The detailed information requested in relation to the percentage of payments paid by EFT in each of my Department's schemes is set out in the table.

Risk analysis is a key element of my Department's control strategy. This entails the identification of areas of high risk of fraud and abuse in the various schemes and putting in place appropriate measures to address them in a systematic



way. Any particular risks associated with each claim or payment type, are addressed in this context.

My Department's control strategy entails the use of a mix of measures to control fraud and abuse. These include desk reviews of claim papers, home visits, the issue of mailshots to selected claimants or groups of customers, database checking, employer inspections and medical reviews in the case of illness payments. This mix of measures provides flexibility to use the most appropriate measure in any given circumstance. The potential for fraud associated with any claim is dictated by the risks associated with a particular claim, for example, the claim type and characteristics of the claim, rather than the payment method.

Intensive control initiatives, involving people paid by various payment methods including EFT, have been undertaken by my Department in a number of areas and in relation to selected groups of customers in recent years. However a breakdown by payment method, of cases which have been disallowed, is not available.

Table: % of EFT Payments 2004 to 2006

Schemes	Dec-04	Dec-05	May-06
	%	%	%
OACP	44	53	54
RP	22	29	30
OAP	9	12	13
PRETA	20	23	25
DB	30	36	40
INVP	18	25	26
OIB etc	13	14	14
Disablement	0	0	10
DA	16	24	25
CB	38	31	29
WCP/ORCP	22	28	29
WNCP/ORNCP	5	7	7
DWB/DWA	5	7	8
OPFP	13	18	23
Maternity	85	85	85
FIS	84	85	85
Carers	9	14	16
Rent	0	0	0
SWA	12	15	16
BTWS-PENLIVE	97	98	98
BTW/ABI-ISTS	98	98	98
BPP	9	13	15
UB	45	52	49
UA	27	28	24
Smallholders	6	0	0
Farm Assist	27	29	29
All Schemes	25	30	30

336. **Mr. Cregan** asked the Minister for Social and Family Affairs the progress on an application for the respite care allowance for a person (details supplied) in Dublin 11; if the processing of such applications is up to date; the percentage of applications which have been dealt with; and if he will make a statement on the matter. [27232/06]

**Minister for Social and Family Affairs (Mr. Brennan):** People providing full-time care who are in receipt of Carers Allowance, Carers Benefit or Prescribed Relatives Allowance receive the Respite Care Grant automatically, without having to apply for it. The same applies where a Constant Attendance Allowance is in payment in respect of the person being paid for. Payment is made on or after the first Thursday in June of the year to which the payment refers. This is the date each year on which the qualifying conditions must be met in order for the Grant to be paid in respect of that year.

Budget 2005 extended entitlement to the Grant to all full-time carers irrespective of means or contribution record but subject to certain conditions relating to the provision of full-time care and attention. A section was set up in my Department to process applications from people in this newly entitled category.

In 2005 such applications were solicited by means of a press and publicity campaign and as a result over 7,500 people have been paid the Grant in respect of that year. The closing date for receipt of applications in respect of 2005 is 31 December 2006 and applications in respect of 2005 continue to be received. The Grant in respect of 2006 is payable to people who meet the qualifying conditions on Thursday 1 June 2006 and is payable on or as soon as practicable after that date.

Applications for the 2006 Grant from those not entitled to receive it automatically by virtue of their primary payment, are being solicited in two phases. First, those who applied for and received the Grant in 2005 have been written to enclosing a brief questionnaire to establish whether they continue to satisfy the conditions for receipt of the Grant in 2006. On foot of this initiative, to date, approximately 6,000 applications have been received. In addition, a small number of unsolicited applications in respect of 2006 have been received and are also being processed. To date 1,191 Grants have been paid to successful applicants.

The second phase of the campaign to identify those people who may be eligible for the Grant for the first time in 2006 will take the form of a press and publicity campaign. This will take place over the coming months. An example of a person who may be entitled to the Grant for the first time in 2006 would be a carer who is employed or self-employed for a period of between 10 and 15 hours per week and would thus be in a position



[Mr. Brennan.]

to avail of the increase in the number of permitted hours of employment or self-employment outside the home, announced in Budget 2006.

By its very nature the receipt of a large volume of applications over a relatively short period creates pressures in the section processing them. However every effort is made to process these applications as soon as possible. I am satisfied that the actions being taken will ensure that the 2006 Grant applications, will be processed at the earliest possible date.

In the case to which the Deputy refers, I understand the application was successful and payment will issue shortly.

#### Marine Accidents.

337. **Mr. N. O’Keeffe** asked the Minister for Transport if a trawler (details supplied) will be raised from the sea-bed in view of the recent naval dive of the trawler which was inconclusive and yielded no further information regarding the sinking of this trawler. [26764/06]

**Minister of State at the Department of Transport (Mr. Gallagher):** The Marine Casualty Investigation Board (MCIB) is currently investigating the circumstances that led to the sinking of the *Maggie B*. The role of the MCIB, which is an independent body, is to investigate casualties such as this and to publish their findings. The MCIB will investigate all relevant matters pertaining to the sinking of the vessel and if they consider it necessary to raise the vessel to facilitate their investigation they will do so.

You may be aware that I met with family members of Mr. Glynn Cott and following that meeting I conveyed their views on the raising of the vessel to the MCIB.

#### Tourism Industry.

338. **Mr. P. Breen** asked the Minister for Transport if he will give a consultative role to the Shannon-based liaison group working with Government Departments as part of the preparation of a tourism and economic development plan for Shannon and the west of Ireland post Open Skies; and if he will make a statement on the matter. [26779/06]

**Minister for Transport (Mr. Cullen):** In announcing the agreement reached with the US authorities last December in relation to a transitional arrangement for Shannon Airport in the context of the proposed EU/US Open Skies, I indicated that I would prepare, in consultation with my colleagues, the Minister for Arts, Sport and Tourism and the Minister for Enterprise, Trade and Employment, a tourism and economic development plan for Shannon and the West of Ireland.

Preparation of this plan is at an advanced stage and I have received a number of inputs to the process. A local liaison group under the chairmanship the Clare County Manager have made an input that is under consideration at present.

#### Air Services.

339. **Mr. P. Breen** asked the Minister for Transport the arrangements which have been made to enable an airline (details supplied) operate transatlantic flights through Shannon and Dublin; and if he will make a statement on the matter. [26780/06]

**Minister for Transport (Mr. Cullen):** The airline in question operated scheduled services between Ireland and the USA in the 1980s and ceased operating these services in 1988. No notification has been received in my Department from the airline that they intend to recommence operations to Ireland.

#### Road Safety.

340. **Ms O. Mitchell** asked the Minister for Transport if there is a mandatory period set out in EU law in relation to the frequency of road worthiness tests; if so, the frequency of such tests; and if he will make a statement on the matter. [26819/06]

**Minister for Transport (Mr. Cullen):** Council Directive 96/96/EC sets out the categories of vehicles subject to roadworthiness testing, the age at which vehicles must be first tested and the minimum frequency of such tests. Under the Directive it is open to a Member State to set earlier dates for the first testing of vehicles and to increase the frequency of such tests. The vehicles subject to roadworthiness testing by the Directive are buses, taxis, ambulances, goods vehicles, and goods trailers and semi-trailers exceeding 3,500 kilograms design gross weight.

Under the Directive, passenger cars and goods vehicles not exceeding 3,500 kilograms design gross weight are first liable to testing when they are 4 years old with subsequent tests due every 2 years thereafter. Buses, taxis, ambulances, goods vehicles exceeding 3,500 kilograms design gross weight, and goods trailers and semi-trailers exceeding 3,500 kilograms design gross weight are first liable to testing when they are one year old with subsequent tests due every year thereafter. The timeframes specified in the Directive apply in Ireland except in the case of goods vehicles not exceeding 3,500 kilograms design gross weight, which are required to undergo testing when they are 1 year old and every year thereafter.

#### Rail Network.

341. **Mr. O’Dowd** asked the Minister for Trans-

port the progress to date in 2006 in the provision of a new railway station on the north-side of Drogheda; and if he will make a statement on the matter. [26820/06]

**Minister for Transport (Mr. Cullen):** The location of stations on the rail network is a matter for Iarnród Éireann. The company informs me that there are currently no plans to open a new station on the north side of Drogheda and that any new station in that location would have to be supported by major development taking place within its catchment area.

342. **Mr. O'Dowd** asked the Minister for Transport the progress to date in the provision of a new railway station at Dunleer in County Louth; and if he will make a statement on the matter. [26821/06]

**Minister for Transport (Mr. Cullen):** I refer the Deputy to my reply to Question No. 186 of 30 March 2006 regarding this matter. The position remains the same as I outlined in that reply.

#### Road Traffic Offences.

343. **Mr. English** asked the Minister for Transport the reason penalty points are not put on a persons driving licence on the date of the road traffic offence; and if he will make a statement on the matter. [26840/06]

**Minister for Transport (Mr. Cullen):** The Road Traffic Act 2002, which provides the legislative basis for the introduction and operation of the penalty points system, contains specific provisions governing application of such points on the license record of an individual. Section 5 of the Act provides that where penalty points are to be endorsed on a record, a notification of that endorsement must be issued to the license holder involved. The notice sets out in particular the basis for the endorsement of the points.

Section 7 of the Act provides that, save in very limited and quite specific instances, the operative date for penalty points is 28 days from the date of the notice issued under Section 5. This date is referred to in the Act as the "appropriate date".

The provisions in the 2002 Act, in relation to the appropriate date, recognise that as a result of the endorsement of penalty points a person may face the application of an automatic disqualification from driving. Section 3 of the Act establishes that where a person accumulates at least 12 penalty points, he or she will be disqualified for a period of 6 months.

If penalty points were to be applied from the date of the commission of the offence in the first instance or from the date of the payment of the fixed charge, a person could be faced with the prospect that they would have already been disqualified in advance of any notification being sent

to that effect. This would in turn create the situation that a person would be open to a charge of driving when disqualified where they had driven in the period between the commission of the original offence or the payment of the charge and the date of the notice.

The penalty points system has been designed and structured to ensure that any person who is accused of the commission of a penalty point offence is afforded a significant time period to chose whether or not to allow the matter to proceed to court. Save in respect of 8 of the offences scheduled to be penalty point offences in the 2002 Act, the option of the payment of a fixed charge is afforded to the accused person. A person presented with a fixed charge notice is given a period of 56 days in which to make such a payment before the certainty of a court summons is applied.

There is therefore a potentially significant period made available to a person to make a decision and all of the time lapses relating to the system that are established in the Act are set out in the fixed charge notice issued in respect of the alleged commission of the offence.

#### Consultancy Contracts.

344. **Mr. Gilmore** asked the Minister for Transport the total amount paid in terms of fees or expenses for the appointment of press or public relations consultants from outside his Department for each year since 2002; the firms appointed and the specific project or responsibility for which they were engaged; and if he will make a statement on the matter. [26974/06]

**Minister for Transport (Mr. Cullen):** The Department has, on limited occasions, employed outside professional public relations advice. Tony O'Brien Communications was employed in 2004 to assist the Department with media relations and was paid a fee of approximately €6,000. Laurie Cerr Associates was employed by the Department for the organization and management of public relations activities and other work in 2002 and in 2004 and was paid approximately €15,000 in total.

#### Departmental Staff.

345. **Mr. Gilmore** asked the Minister for Transport the number of political appointees and non established civil servants appointed to his Department since June 2002; the nature of the post to which each such person is appointed; the annual cost in terms of salaries or expenses in respect of each such post for each year since 2002; and if he will make a statement on the matter. [26989/06]

**Minister for Transport (Mr. Cullen):** The following tables provide the information sought by the Deputy.

[Mr. Cullen.]

The grades of Clerical Officer, Executive Officer, Administrative Officers and equivalent

grades, recruited under temporary contract, have been excluded.

Grade	Appointed since June 2002
Personal Assistants	4
Personal Secretaries	5
Press Officers	2
Advisers	2
<b>Total</b>	<b>13</b>

	2002	2003	2004	2005	2006
	€	€	€	€	€
<i>Pay</i>					
<i>Personal Secretaries</i>					
1	10,323	24,366	22,158		
2			6,940	28,539	14,733
3			9,316	40,551	
4					13,022
<i>Personal Assistants</i>					
1		33,685	28,124		
2	18,295	36,886	1,410		
3			10,287	42,232	21,833
4				52,908	
5					16,875
<i>Press Officers</i>					
1		91,760	7,801		
2			19,405	79,819	36,973
<i>Advisers</i>					
1	33,933	75,448	2,833		
2			11,463	47,063	24,333
<i>Expenses</i>					
<i>Personal Assistants</i>					
1			5,955		
2		83	2,409		
3					
4					
5					3,388
<i>Press Officers</i>					
1			6,475	2,487	
2			978	4,006	1,318
<i>Advisers</i>					
1		733	11,516		
2					
<b>Total</b>	<b>62,551</b>	<b>262,961</b>	<b>147,070</b>	<b>297,605</b>	<b>132,475</b>

346. **Mr. Gilmore** asked the Minister for Transport the number of staff broken down by grade employed within the private office and the constituency office; the number of such staff who are permanent civil servants; the number who are political appointees; the annual cost of each such

office in terms of salary, overtime and expenses in respect of each Minister of State allocated to his Department; and if he will make a statement on the matter. [27004/06]

**Minister for Transport (Mr. Cullen):** The attached tables provide the information required

by the Deputy. The salary costs are based on current salary scales.

The overall expenses including overtime incurred by the Minister of States's office over

the past year (July 2005 to June 2006) is approximately €161,000. This includes travel and subsistence costs for staff and all other associated office costs.

Office	Grade/Job Title	Total staff	Status: Permanent or Political	Salary scale/cost per annum
Private Office	Private Secretary	1	Permanent	€44,399-€56,361 plus allowance of €19,727 per annum
Private Office	Executive Officer	1	Permanent	€29,152-€46,253
Private Office	Clerical Officers	4	Permanent	€21,563-€34,964
Constituency Office	Personal Assistant	1	Political appointee	€52,905
Constituency Office	Personal Secretary	1	Political appointee	€21,002-€40,520
Constituency Office	Staff Officer	1	Permanent	€33,321-€44,487
Constituency Office	Clerical Officer	2	Permanent	€20,995-€34,050
Total		11		

347. **Mr. Gilmore** asked the Minister for Transport the number of staff broken down by grade employed within his private office and his constituency office; the number of such staff who are permanent civil servants; the number who are political appointees; the annual cost of each such office in terms of salary, overtime and expenses; and if he will make a statement on the matter. [27019/06]

**Minister for Transport (Mr. Cullen):** The following tables provide the information requested by the Deputy in relation to salary. The salary costs are based on current salary scales.

The overall expenses including overtime incurred by the Minister's office over the past year (July 2005 to June 2006) is approximately €213,920. This includes travel and subsistence costs for staff and all other associated office costs.

Office	Grade/Job Title	Total staff	Status: Permanent or Political	Salary scale/cost per annum
Private Office	Private Secretary	1	Permanent	€44,399-€56,361 plus allowance of €19,727 per annum
Private Office	Special Adviser	1	Political appointee	€153,190
Private Office	Press Officer	1	Permanent (acting)	To be finalised
Private Office	Executive Officer	1	Permanent	€29,152-€46,253
Private Office	Clerical Officers	4	Permanent	€22,102-€35,838
		8		

Office	Grade/Job Title	Total staff	Status: Permanent or Political	Salary scale/cost per annum
Constituency	Personal Assistant	1	Political appointee	€42,180-€53,541
Constituency	Personal Secretary	1	Political appointee	€21,002-€40,520
Constituency	Personal Administrative Assistant	1	Political appointee	€42,180-€53,541
Constituency	Staff Officer	1	Political appointee	€33,321-€44,487
		4		

### Departmental Advertising.

348. **Mr. Gilmore** asked the Minister for Transport the total amount spent by his Department in terms of advertising in newspapers, magazines and electronic media in respect of each year since 2002; and if he will make a statement on the matter. [27034/06]

**Minister for Transport (Mr. Cullen):** In relation to 2002, I refer the Deputy to Dáil Question

4184/03 of 13th February 2003 by Deputy Michael Ring when it was indicated that expenditure of €261,443 was incurred by the Department in 2002. In relation to 2003, I refer the Deputy to Dáil Question 4067/04 of 10th February 2004 by Deputy Michael Ring when it was indicated that expenditure of €191,342 was incurred by the Department in 2003.

The following table shows the approximate expenditure incurred by the Department in



[Mr. Cullen.]

relation to advertising in respect of years 2004, 2005 and 2006 year to date.

Year	Advertising Spend
	€
2004	145,000.00
2005	151,000.00
2006*	137,000.00

\*This figure is for January to end June 2006.

### Road Traffic Offences.

349. **Ms O. Mitchell** asked the Minister for Transport if the offence is endorsed on a driver licence and becomes operative when the driver pays the fine or when the driver receives official notification in relation to the endorsement of penalty point offences; and if he will make a statement on the matter. [27203/06]

**Minister for Transport (Mr. Cullen):** Section 5 of the Road Traffic Act, 2002 provides that where penalty points are to be endorsed in a record, a notification of that endorsement must be issued to the licence holder involved. Section 7 of the Act provides the operative date for penalty points is 28 days from the date of the notice issued under Section 5, or where the person is at the time disqualified from holding a licence, from the date immediately after the end of the period of disqualification, and where the person was not the holder of a licence, the date on which the person becomes a holder.

350. **Ms O. Mitchell** asked the Minister for Transport the details of the average waiting times experienced by motorists who have been awarded penalty points, between the date they pay the fine and the date they receive notification that the points will be endorsed on their licence; and if he will make a statement on the matter. [27204/06]

**Minister for Transport (Mr. Cullen):** Data on the average waiting times between the date of fine payments and the assignment of penalty points is not available.

351. **Mr. Ring** asked the Minister for Transport further to Parliamentary Question No. 346 of 27 June 2006, the length of time in which points can be terminated, as distinct from removed, in relation to safety regulations; does the entire point installation need to be removed after a certain period of time; if it is possible for reconnection to occur easily under the mini-CTC scheme; will this location be catered in the re-signalling scheme; and if he will make a fuller response to this query. [27205/06]

**Minister for Transport (Mr. Cullen):** Iarnród Éireann has advised me that the points giving access to the freight yard will remain terminated

but not removed until the mini-CTC scheme is implemented in 2007/8. I also understand from Iarnród Éireann that termination involves removal of certain moving components and is required as a safety precaution. The remainder of the point installation may remain in place.

Iarnród Éireann has also informed me that the mini-CTC scheme will be implemented in such a way as to allow for future reconnection of the freight yard should viable new freight traffic flows be secured from Claremorris.

### Departmental Schemes.

352. **Mr. English** asked the Minister for Community, Rural and Gaeltacht Affairs if his Department has plans to extend the RAPID scheme in Navan, County Meath; the list of estates that will come under this scheme; the timeframe involved; and if he will make a statement on the matter. [26830/06]

353. **Mr. English** asked the Minister for Community, Rural and Gaeltacht Affairs if he has plans to include Abbeylands Crescent and Clusker Park, Navan in the RAPID programme; and if he will make a statement on the matter. [26831/06]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I propose to take Questions Nos. 352 and 353 together.

I have no plans at present to further extend the areas covered by the RAPID Programme.

354. **Mr. G. Mitchell** asked the Minister for Community, Rural and Gaeltacht Affairs if he will give a positive response to a project in Dublin 10 (details supplied); and if he will make a statement on the matter. [26844/06]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** The proposal will be considered within the framework of programmes and initiatives operated within the ambit of my Department. If a representative of the groups would like to meet with officials from my Department in order to get information regarding schemes managed by my Department which may be of assistance to the project, this could be arranged.

### Departmental Expenditure.

355. **Mr. Gilmore** asked the Minister for Community, Rural and Gaeltacht Affairs the total amount paid in terms of fees or expenses for the appointment of press or public relations consultants from outside his Department for each year since 2002; the firms appointed and the specific project or responsibility for which they were engaged; and if he will make a statement on the matter. [26975/06]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** My Department main-

tains a list of consultancies entered into by the Department, excepting those of minor value. This is set out at [www.pobail.ie/en/CorporateSupport/Services/Finance/Consultancies](http://www.pobail.ie/en/CorporateSupport/Services/Finance/Consultancies). This shows that there was one consultancy relevant to the Deputy's question, namely, the appointment of Quinn McDonnell Pattison to arrange a television advertising campaign to promote use of the Irish language. The cost was €199,970 which was paid in 2006.

The list on the website will shortly be updated to show the Department's consultancies to the end of June 2006 but the updating will not add any extra cases relevant to the Deputy's question.

356. **Mr. Gilmore** asked the Minister for Community, Rural and Gaeltacht Affairs the number of political appointees and non established civil

	2002	2003	2004	2005	2006
	€	€	€	€	€
Special Adviser	Nil	Nil	75,038	92,541*	53,582*
Media Adviser	32,806*	77,967*	94,501*	100,492*	52,749*
Personal Secretary	21,198	41,860	47,351	46,760	24,984
Personal Assistant	20,462	45,662	52,353	52,057	26,809
Clerical Officer	Nil	Nil	17,945	24,311	14,737
Personal Secretary (Temporary)	Nil	Nil	Nil	Nil	2,295

\* Includes superannuation payment adjustments

#### Departmental Staff.

357. **Mr. Gilmore** asked the Minister for Community, Rural and Gaeltacht Affairs the number of staff broken down by grade employed within the private office and the constituency office; the number of such staff who are permanent civil servants; the number who are political appointees; the annual cost of each such office in terms of salary, overtime and expenses in respect of each Minister of State allocated to his Department; and if he will make a statement on the matter. [27005/06]

358. **Mr. Gilmore** asked the Minister for Community, Rural and Gaeltacht Affairs the number of staff broken down by grade employed within his private office and his constituency office; the number of such staff who are permanent civil servants; the number who are political appointees; the annual cost of each such office in terms of salary, overtime and expenses; and if he will make a statement on the matter. [27020/06]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I propose to take Questions Nos. 357 and 358 together.

Details of the number, role, function and cost of staff in my offices were given at the Annual Estimates debate of the Dáil Committee on Arts, Sports Tourism, Community, Rural and Gaeltacht Affairs on 10 May 2006. The Estimate was approved. Further to that, the facts are as follows:

servants appointed to his Department since June 2002; the nature of the post to which each such person is appointed; the annual cost in terms of salaries or expenses in respect of each such post for each year since 2002; and if he will make a statement on the matter. [26990/06]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** There are currently six non established political appointees in my Department, three of whom were appointed in 2002. A Special Adviser and a Clerical Officer were appointed in 2004 and a Temporary Personal Secretary was appointed in 2006 replacing an officer on sick leave.

The actual cost in terms of salaries in respect of each post for each year from 2002 to date is as follows:

There are currently eleven staff members in my Private Office, made up as follows: Civil servants: one Private Secretary at Higher Executive Officer level, one Higher Executive Officer and six Clerical Officers.

Non civil servants: one Special Adviser, one Media Advisor, one Personal Secretary.

There are currently four staff in my Constituency Office made up as follows: Civil Servants: one Executive Officer and one Clerical Officer.

Non civil servants: one Personal Assistant, one Clerical Officer and one Temporary Personal Secretary.

There are currently three staff members in the Minister of State's Office in my Department and all three are civil servants including one Private Secretary at Executive Officer level and two Clerical Officers.

The annual payments for salaries including overtime and expenses for staff in 2005, the last complete year for which figures are available, was as follows:

#### Private Office

Salaries: €497,935.52	Expenses: €25,415.32
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#### Constituency Office

Salaries: €142,175.23	Expenses: €735.10
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[Éamon Ó Cuív.]

Minister of State's Office

Salaries: €113,312.85	Expenses: Nil
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### Departmental Advertising.

359. **Mr. Gilmore** asked the Minister for Community, Rural and Gaeltacht Affairs the total amount spent by his Department in terms of advertising in newspapers, magazines and electronic media in respect of each year since 2002; and if he will make a statement on the matter. [27035/06]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I refer the Deputy to my reply to PQ No 466 of 10 February 2004 regarding expenditure on advertising by my Department in 2002 and 2003; and PQ No 347 of 28 February 2006 regarding expenditure on advertising in 2004 and 2005.

Spending on advertising by my Department to date in 2006 is €58,988.23. [27020/06]

### Water and Sewerage Schemes.

360. **Mr. J. O'Keeffe** asked the Minister for Community, Rural and Gaeltacht Affairs if he will make available CLÁR funding towards the cost of the proposed group sewerage scheme at Newtown Bantry, County Cork. [27042/06]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I understand that the group in question has only recently received planning permission for the group sewerage scheme and that discussions are on-going between themselves and Cork County Council.

CLÁR funds a €6,000 maximum top-up per house for group sewerage schemes in CLÁR areas where the cost per house exceeds €3,031 and where the Local Authority recommends that this is the most efficient way of providing sewerage treatment for these houses. The schemes are selected by the Local Authority on foot of applications received from local groups.

To date, my Department has not received an application on behalf of this group. [27020/06]

### Partnership Boards.

361. **Mr. G. Mitchell** asked the Minister for Community, Rural and Gaeltacht Affairs if he has satisfied himself that the recruitment of employees by public based partnership boards is fair, professional and subject to independent oversight or audit (details supplied). [27043/06]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** The Local Development Social Inclusion Programme (LDSIP) pro-

vides a series of Measures, funded under the National Development Plan 2000-2006, that are designed to tackle social exclusion, deliver a more sustainable economy, improve employment prospects and balance regional development.

The LDSIP is delivered locally by 38 Partnerships, 31 Community Groups and 2 Employment Pacts, which are not-for-profit private companies focusing on combating disadvantage and social exclusion in their areas.

Each company is a private company and is responsible in the first place for its own governance. However, in its administration of the LDSIP on behalf of my Department, Pobal has an involvement in and keeps general oversight of the recruitment of senior personnel by area partnership companies. [27020/06]

### National Drugs Strategy.

362. **Mr. O'Shea** asked the Minister for Community, Rural and Gaeltacht Affairs his proposals to address the increasing problem of drug misuse (details supplied); and if he will make a statement on the matter. [27065/06]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** As the Deputy is aware, my Department has overall responsibility for co-ordinating the implementation of the National Drugs Strategy 2001-2008. The Strategy contains 108 individual actions, under the five pillars of supply reduction, prevention, treatment, rehabilitation and research.

The actions outlined in the National Drugs Strategy are being progressed with the significant input of other Government Departments and Agencies — for example, the Health Services Executive, the Departments of Health & Children, Education & Science, Justice, Equality & Law Reform, An Garda Síochána, the Irish Prisons Service, the Customs Service of the Revenue Commissioners and FÁS. All of these bodies are playing important roles in the implementation of the overall Strategy and the structures in place facilitate inter-agency cooperation in relation to the details of the implementation.

The Mid-Term Review of the National Drugs Strategy was published in June 2005. This report was the culmination of a comprehensive review, which included extensive consultation with Government Departments & Agencies, the Community & Voluntary Sectors and the public in general. I am pleased that the Review Steering Group found that the current aims and objectives of the Drugs Strategy are fundamentally sound.

I believe that there are encouraging signs of progress over the past couple of years — be it in the areas of drug seizures, the expansion of treatment services, prevention programmes in schools or the establishment of the Regional Drugs Task

Forces. While not underestimating the scale of the problem, I am confident that we will continue to make progress through a process of co-operation and partnership.

In relation to prevention programmes for young adults, the Department of Education and Science has implemented substance misuse prevention programmes in all schools. A consequence of this policy is that all students are equipped with knowledge about the dangers of drugs misuse. The Strategy also included a National Drugs Awareness Campaign, run by the Department of Health and Children until December 2005. This campaign was aimed at promoting greater awareness and understanding of the causes and consequences of drugs misuse throughout society. Aspects of the campaign were specifically targeted at the young adult population. Due to the reorganisation of the health services future campaigns will now be the responsibility of the Health Service Executive.

To date (since 1997) over €248 million has been expended by my Department on Drugs Initiatives in the Drugs Task Force areas and through the Young People's Facilities and Services Fund. This is in addition to the resources being input from the various Departments and agencies engaged in combating the drug crisis. I am pleased with the increasing levels of funding being made available to tackle the problems of drugs misuse. An allocation of €43m has been made to my Department's Vote for the Drugs Initiative/Young People's Facilities and Services Fund in 2006. This represents an increase of 37% on the original 2005 allocation and a massive 61% increase on the 2004 figure. It will allow us to consolidate and build on previous investment and to continue to tackle the drug problem in a comprehensive way and I remain hopeful that through this sizeable programme of investment we will continue to impact in a serious way on the availability and usage of illegal drugs.

I am confident that through the implementation of the actions in the National Drugs Strategy and the projects and initiatives operated through the Local and Regional Drugs Task Forces, the problem of drugs misuse can be addressed. Each of the Drugs Task Forces has in place an action plan to tackle drug misuse in their area based on their own identified priorities and they continue to have ongoing contact with their local communities.

While the problems of drugs misuse, including polydrug use, must not be underestimated, I believe progress is being made and I will continue to respond in a flexible and focused way as the situation evolves. [27020/06]

#### Grant Payments.

363. **Mr. Deenihan** asked the Minister for Agriculture and Food if a single farm payment will be

made available to a person (details supplied) in County Kerry; and if she will make a statement on the matter. [26684/06]

**Minister for Agriculture and Food (Mary Coughlan):** The person named established 27.31 entitlements under the Single Payment Scheme based on the livestock premia claimed during the 2000 to 2002 reference years and was paid his Single Farm Payment on 1 December 2005.

The person named submitted an application for an allocation of entitlements from the Single Payments Scheme National Reserve under category C.

Category C caters for farmers who, between 1 January 2000 and 19 October 2003, sold the milk quota into the Milk Quota Restructuring Scheme and converted their enterprise to a farming sector for which a direct payment under Livestock Premia/or Arable Aid Schemes would have been payable during the reference period 2000 to 2002.

A formal letter setting out my Department's decision issued to the person named and my Department's records indicate that an appeal was submitted by the person named. The Independent Payment Appeals Committee will carry out a full review of the case and will correspond directly with the person named following the outcome of their review.

It should be noted that to date the National Reserve section of my Department has received 981 appeals.

364. **Mr. Ring** asked the Minister for Agriculture and Food when a person (details supplied) in County Mayo will receive a grant payment in view of the fact that their application was passed several months ago. [26685/06]

**Minister for Agriculture and Food (Mary Coughlan):** The person named is an applicant for grant-aid under the Alternative Enterprises Scheme. Payment of €8,443.20 will be made by my Department to the person concerned shortly.

365. **Mr. Hayes** asked the Minister for Agriculture and Food the position regarding the case of a herd owner (details supplied) in County Tipperary who made an application under the Single Payment Scheme (National Reserve). [26686/06]

**Minister for Agriculture and Food (Mary Coughlan):** The person named submitted an application for an allocation of entitlements from the Single Payments Scheme National Reserve under category C. Category C caters for farmers who, between 1 January 2000 and 19 October 2003, sold the milk quota into the Milk Quota Restructuring Scheme and converted their enterprise to a farming sector for which a direct payment under Livestock Premia/or Arable Aid



[Mary Coughlan.]

Schemes would have been payable during the reference period 2000 to 2002. My Department has requested additional information from the person named. On receipt of the additional information requested this case will be examined and a formal letter setting out my Department's decision will issue to the person named.

If he is dissatisfied with my Department's decision in relation to the National Reserve, he then has the opportunity to appeal this decision to the Independent Payment Appeals Committee. An appeals application form is available from any of my Department's offices or on the Department website at [www.agriculture.gov.ie](http://www.agriculture.gov.ie).

#### Legislative Review.

366. **Mr. Cuffe** asked the Minister for Agriculture and Food if, in regard to the consultation process regarding the Forestry Review and the basis on which the decision to exclude the Forestry Act 1988 from this review was made, she will provide the Houses of the Oireachtas with the record by which this decision was made and include all correspondence with the Department, which is the main shareholder on behalf of the public in this semi-State body, and all correspondence with Coillte regarding the review; and if she will make a statement on the matter. [26687/06]

**Minister for Agriculture and Food (Mary Coughlan):** The review of forestry legislation under way at present is concentrating on the operational provisions of the various Acts. Because of this, the main focus is on the 1946 Act but the 1988 Act is not excluded, insofar as it deals with operational matters such as, for example, the level of penalties.

The role of Coillte is ultimately a matter for Government to decide and any changes to the legislation establishing Coillte could only be considered following a decision to review or change that role. The role of Coillte is not being considered in this review.

The Terms of Reference of the current review have been published and are currently posted on my Department's website. This website is updated on a monthly basis to report progress in the review. The scope of the current review was set by my Department and there was no correspondence with Coillte on the specific matter raised in the question.

#### Forestry Sector.

367. **Mr. Cuffe** asked the Minister for Agriculture and Food the location, area, parties involved, reasons and terms of any lands exchanged by Coillte in the past three years under Section 39 of the Forestry Act 1988; and if she will make a statement on the matter. [26688/06]

**Minister for Agriculture and Food (Mary Coughlan):** Coillte Teoranta was established as a private commercial company under the Forestry Act 1988 and day to day operational matters are the responsibility of the company. The exchange of land is a matter of an operational nature for Coillte.

I am advised, however, that there were three land exchanges by the company since the commencement of 2003. I would suggest that the Deputy contact the company directly for the breakdown sought.

#### Local Authority Funding.

368. **Mr. O'Dowd** asked the Minister for Agriculture and Food the grants allocated to local authorities to meet their expenses in implementing the Control of Horses Act 1996 for each year since 2002; and if she will make a statement on the matter. [26689/06]

**Minister for Agriculture and Food (Mary Coughlan):** The Control of Horses Act, 1996, was introduced to address the problem of wandering horses, mainly in urban areas. The Act assigns to local authorities the primary role for dealing with wandering horses.

The Minister is empowered by the Act to make grants available to local authorities towards the expenses they incur in its implementation. These would include the establishment and maintenance of pounds, payments in respect of horse-seizure services, and salary costs of staff involved in the control of horses.

As well as assisting with operational aspects, funding has been provided towards the establishment of equine projects, where the relevant local authority has considered that its support for such a project is consistent with the implementation of the Act.

Grants allocated to local authorities by my Department are as follows:

	€m
2002	2.4
2003	2.1
2004	1.7
2005	1.9
2006 (to 30th June 2006)	0.8

#### Grant Payments.

369. **Cecilia Keaveney** asked the Minister for Agriculture and Food if a person (details supplied) in County Donegal is in receipt of their full entitlements; and if she will make a statement on the matter. [26690/06]

**Minister for Agriculture and Food (Mary Coughlan):** The person named submitted an application under the 2005 Single Payment

Scheme on 13 May 2005. A payment of EUR 2,628.43 issued to the applicant on 29 December 2005 and this was based on the 5.79 entitlements established by him in the 2000 to 2002 reference years for the Single Payment. An applicant can only be paid on the number of entitlements held even if he declared additional hectares.

370. **Mr. Penrose** asked the Minister for Agriculture and Food the allocations that have been made under the scheme of grants for forestry development in 2006 and if in this context an application for same by a person (details supplied) in Dublin 8 has been considered; and if she will make a statement on the matter. [26691/06]

**Minister for Agriculture and Food (Mary Coughlan):** As announced by my colleague, the Minister of State, Deputy Wallace, on 22 May 2006, funding of €1.123 million was approved for 36 projects for the further promotion and development of sustainable forestry. In relation to the specific application referred to by the Deputy, I can confirm that the application has been considered, and that my Department will be in touch with the applicant again shortly.

371. **Mr. Deasy** asked the Minister for Agriculture and Food when payment of the 2005 single farm payment for a person (details supplied) in County Waterford will issue in view of her reply to Parliamentary Question No. 387 of 23 May 2006. [26860/06]

**Minister for Agriculture and Food (Mary Coughlan):** The person named submitted an application for an allocation of entitlements from the Single Payment Scheme National Reserve under Categories B & 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 Live-stock Premia and/or Arable Aid schemes would have been payable during the reference period 2000-2002. Investments can include purchase or long-term lease of land, purchase of suckler and/or ewe quota or other investments.

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.

The person named has been deemed successful under category B of the National Reserve. My Department has issued a formal letter setting out the details of the allocation and a payment will be made in the payment run scheduled for this week.

If the person named is dissatisfied with my Department's decision he has the opportunity to appeal the decision to the Independent Appeals Committee. An appeals application is available from any of my Department's offices or on the Department website at [www.agriculture.gov.ie](http://www.agriculture.gov.ie)

#### Departmental Staff.

372. **Mr. Gilmore** asked the Minister for Agriculture and Food the total amount paid in terms of fees or expenses for the appointment of press or public relations consultants from outside her Department for each year since 2002; the firms appointed and the specific project or responsibility for which they were engaged; and if she will make a statement on the matter. [26976/06]

**Minister for Agriculture and Food (Mary Coughlan):** My Department does not employ press or public relations consultants from outside the Department nor has it done so since 2002.

However, I did appoint a press adviser on a contract basis from 30 September 2004 to 17 February 2005 at an annual salary of €82,066. I am in the process of appointing a press adviser and an employment contract is currently being finalised.

373. **Mr. Gilmore** asked the Minister for Agriculture and Food the number of political appointees and non established civil servants appointed to her Department since June 2002; the nature of the post to which each such person is appointed; the annual cost in terms of salaries or expenses in respect of each such post for each year since 2002; and if she will make a statement on the matter. [26991/06]

**Minister for Agriculture and Food (Mary Coughlan):** The following tables give the information requested by the Deputy.

Appointments since June 2002

Year	Post	Number
2002	Personal Assistant	3
	Personal Secretary	3
2003	Personal Assistant	0
	Personal Secretary	0
2004	Personal Assistant	3
	Personal Secretary	3
	Press Adviser	1
2005	Personal Assistant	0
	Personal Secretary	0
2006	Personal Assistant	1
	Personal Secretary	1

I am currently in the process of appointing a Press Adviser.

[Mary Coughlan.]

Annual Salary costs for each year from 2002

Year	Posts	Salary Costs
		€
2002	Personal Assistants × 3	125,736
	Personal Secretaries × 3	76,148
2003	Personal Assistants × 3	105,081
	Personal Secretaries × 3	95,227
2004	Personal Assistant × 3	184,527
	Personal Secretaries × 3	102,147
	Press Adviser	83,837
2005	Personal Assistant × 3	97,655
	Personal Secretaries × 3	78,232
	Press Adviser	11,922

374. **Mr. Gilmore** asked the Minister for Agriculture and Food the number of staff broken down by grade employed within the private office and the constituency office; the number of such staff who are permanent civil servants; the number who are political appointees; the annual cost of each such office in terms of salary, overtime and expenses in respect of each Minister of State allocated to her Department. [27006/06]

**Minister for Agriculture and Food (Mary Coughlan):** The following tables show the breakdown of staff in my two Minister of State's private and constituency offices.

## Minister of State Smith's Constituency Office

Grade	Number	Salary Scale
Personal Assistant (Non Civil Servant)	1	€42,180-€53,541 Higher Executive Officer scale
Personal Secretary (Non Civil Servant)	1	€21,002-€40,520 — Secretarial Assistants scale + 10% allowance
Clerical Officer	1	€20,995-€36,616

## Minister of State Smith's Private Office

Grade	Number	Salary Scale
Private Secretary	1	€42,180-€53,541 + €18,285
Executive Officer	1	€27,692-€48,078
Clerical Officers	3*	€20,995-€36,616
Total	6 Civil Servants 2 Non Civil Servants	

\* One of the CO's does some constituency work.

Expenses since January 2006 total €15,537.29.

Overtime since January 2006 totals €24,954.91.

## Minister of State Wallace's Constituency Office

Grade	Number	Salary Scale
Personal Assistant (Non Civil Servant)	1	€42,180-€53,541 Higher Executive Officer scale
Personal Secretary (Non Civil Servant)	1	€21,002-€40,520 — Secretarial Assistants scale + 10% allowance

## Minister of State Wallace's Private Office

Grade	Number	Salary Scale
Private Secretary	1	€42,180-€53,541 +€18,285
Executive Officer	2	€27,692-€48,078
Clerical Officer	1	€20,995-€36,616
Temporary Clerical Officer	1	€20,995-€34,050
Total	5 Civil Servants 2 Non Civil Servants	

Expenses since 15th February 2006 are €11,807.36 on appointment as Minister of State.

Overtime since 15th February 2006 totals €4254.18 on appointment as Minister of State

375. **Mr. Gilmore** asked the Minister for Agriculture and Food the number of staff broken down by grade employed within her private office and her constituency office; the number of such

Grade	Number of Posts	Salary Scale
Special Adviser	1	€65,848-€82,338 Assistant Principal Officer scale + 10%
Private Secretary	1	€42,180-€53,541 Higher Executive Officer scale + 18,015 allowance
Personal Assistant	1	€42,180-€53,541 — Higher Executive Officer scale
Personal Secretary	1	€21,002-€40,520 — Secretarial Assistants salary scale + 10% allowance
Executive Officer	2	€27,692-€48,078
Clerical Officers	8	€20,995-€36,616
Temporary Clerical Officer	2	€20,995-€35,838
Total	16	

I am currently in the process of appointing a Press Adviser and his salary is being negotiated.

The following four staff members are non Civil Servants employed on a contract basis:

Personal Assistant, Personal Secretary and a Temporary Clerical Officer.

Expenses relating to my office since January, 2006 total €5,273.61.

Overtime relating to my office since January, 2006 totals €16,447.05.

#### Departmental Advertising.

376. **Mr. Gilmore** asked the Minister for Agriculture and Food the total amount spent by her Department in terms of advertising in newspapers, magazines and electronic media in respect of each year since 2002; and if she will make a statement on the matter. [27036/06]

**Minister for Agriculture and Food (Mary Coughlan):** The details sought by the Deputy in relation to the value of advertising placed by the Department each year since 2002 are set out in the table.

Advertising (including display/general advertising and Statutory Notices) 2002-2006

Year	€
2002	638,440
2003	442,887
2004	648,543
2005	913,167
2006	646,927

staff who are permanent civil servants; the number who are political appointees; the annual cost of each such office in terms of salary, overtime and expenses; and if she will make a statement on the matter. [27021/06]

**Minister for Agriculture and Food (Mary Coughlan):** The following table shows the breakdown of the numbers in my private and constituency office.

The Department's advertising consists mainly of regulatory display advertising and statutory notices. The increase in advertising in 2004 and 2005 is due largely to increased expenditure on forestry advertising, responsibility for which came within the remit of my Department in 2004.

#### EU Funding.

377. **Mr. Wall** asked the Minister for Agriculture and Food her views in relation to a report in a newspaper (details supplied) that Greencore expects 90% of the EU compensation package for exiting the sugar market; the effect the position of Greencore importing sugar for the market here has on this proposal; and if she will make a statement on the matter. [27149/06]

378. **Mr. Wall** asked the Minister for Agriculture and Food her views in relation to a report in a newspaper (details supplied); when the decision will be made in relation to the EU package; and if she will make a statement on the matter in regard to the restructuring funds. [27150/06]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 377 and 378 together.

I do not intend to comment on newspaper reports concerning the expectations of interested parties in relation to the allocation of the EU aid for restructuring of the sugar industry. The restructuring aid will be implemented strictly in accordance with the provisions of the relevant EU regulations. Council Regulation (EC) No 320/2006 provides that at least 10% of the restructuring aid shall be reserved for sugar beet growers



[Mary Coughlan.]

and machinery contractors in order to compensate for losses resulting from factory closure under the restructuring scheme. That percentage may be increased by Member States after consultation of interested parties provided that an economically sound balance between the elements of the restructuring plan is ensured.

In that context, my Department in May issued an open call for submissions which will be subject to scrutiny by Indecon International Economic Consultants, who have been appointed by the Government to provide me with independent expert advice on matters relating to the implementation of the restructuring aid. Those who made submissions were subsequently invited to a series of consultation meetings to afford them the opportunity to make any supplementary points regarding their submissions. This consultation process is separate from any consultations engaged in by the processor. A final decision on the percentage will be made shortly having regard to the independent expert advice and following the recent publication of the Commission Regulation laying down detailed rules for the implementation of the restructuring aid.

The timescale for implementing the restructuring aid is very tight where, as in Ireland's case, restructuring takes place in the first year of the new regime. The Council Regulation requires that the application for restructuring aid must be made by the processor by 31 July 2006. The application must include a detailed restructuring plan for the industry. The application will be considered when received and a decision on the application must then be made by the Member State by 30 September 2006 at the latest.

#### **Decentralisation Programme.**

379. **Mr. D. Moynihan** asked the Minister for Agriculture and Food the number of staff who have volunteered to transfer to Macroom under the centralised applications facility; and if she will make a statement on the matter. [27166/06]

**Minister for Agriculture and Food (Mary Coughlan):** According to the figures provided to my Department, there are 87 applications to the Central Applications Facility (CAF) for relocation to Macroom across the Civil and Public Service. The Decentralisation Implementation Group (DIG) in its report to the Minister for Finance in June 2005 indicated that construction of my Department's laboratories in Macroom should start by the end of 2007 and be completed by early 2009.

#### **Grant Payments.**

380. **Mr. Hayes** asked the Minister for Agriculture and Food if a single farm payment has

been applied for in 2006 on lands (details supplied) in County Tipperary. [27185/06]

**Minister for Agriculture and Food (Mary Coughlan):** The person named did not submit a 2005 Single Payment application. Therefore, in accordance with the provisions of the relevant EU Regulations the entitlements will be surrendered to the National Reserve.

With regard to the 2005 Single Payment Scheme the person named applied for consideration for an allocation of entitlements from the National Reserve under category C.

Category C caters for farmers who, between 1 January 2000 and 19 October 2003, sold the milk quota into the Milk Quota Restructuring Scheme and converted their enterprise to a farming sector for which a direct payment under Livestock Premia/or Arable Aid Schemes would have been payable during the reference period 2000 to 2002.

A formal letter setting out my Department's decision has issued to the person named and she has been notified that if she is dissatisfied with my Department's decision in relation to the National Reserve she now has the opportunity to appeal this decision to the Independent Payment Appeals Committee. An appeals application form is available from any of my Department's offices or on the Department website at [www.agriculture.gov.ie](http://www.agriculture.gov.ie).

#### **Internet Crime.**

381. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if, in this country or throughout the EU efforts are being made to deter the use of the internet for the pursuit of child pornography or people trafficking; and if he will make a statement on the matter. [26719/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** By its very nature, the internet lends itself to being used for a wide range of criminal activities. This can include illegal pornography, racist or hate materials, financial fraud, intimidation or any other criminal activity carried out via the internet. Combatting such illegal, harmful and predatory use of the Internet requires a response at national, EU and international levels.

The Internet is an international and world-wide phenomenon with no borders and no single organisation controlling it. Measures to combat illegal materials and activities on the Internet are therefore hampered by a multiplicity of jurisdictions, differing legal systems, and differing societal norms. Furthermore, new developments in communications technologies allowing for Internet access by new means are a regular occurrence. These are largely positive developments but also bring particular challenges for those

charged with protecting against the downsides of the internet.

A combination of responses, and the co-operation of all the stakeholders, at both national and international level — legislators, law enforcement, schools, child protection practitioners, parents and guardians, is essential. My Department is fully committed to playing its part in a proactive way.

In terms of legislation, in the Child Trafficking and Pornography Act 1998, Ireland has one of the most robust pieces of legislation anywhere. Under the Act, the possession, distribution, importation and exportation or sale of all forms of child pornography — films, videos, or material in written or auditory form including material produced or transmitted via the internet, are offences with penalties of up to 14 years' imprisonment. Mere possession of child pornography can be punishable by imprisonment for up to 5 years. Using a child or allowing a child to be used for the production of child pornography is also punishable by up to 14 years' imprisonment.

An Garda Síochána are committed to the investigation of all cases of child pornography and the importance of investigating the child protection issues involved in such cases. The Paedophile Investigation Unit is in existence since November 2002 and operates under the umbrella of the Domestic Violence and Sexual Assault Unit.

Members of An Garda Síochána attached to the National Bureau of Investigation augment these units as the volume of work requires. Computer forensics are carried out by the members attached to the Domestic and Sexual Assault Unit and also by members attached to the Garda Bureau of Fraud Investigation utilising up-to-date forensic software.

Substantial Garda resources are utilised in the investigation of child pornography on the Internet. The recent operation Amethyst was a very successful operation utilising Garda personnel on a countrywide basis under the control and direction of personnel from the National Bureau of Criminal Investigation.

On the structural side, the Government established a Working Group in 1997 to examine and report on the whole question of the illegal and harmful use of the Internet with particular reference to child pornography. The Report of the Working Group on the Illegal and Harmful Use of the Internet was published in July 1998. The main recommendation of the Report was for a system of self-regulation by the Internet service provider industry and the components of such a system were to include:

- an Internet Advisory Board (IAB) — established February 2000 — to promote awareness of Internet downside issues, co-ordinate efforts to combat child pornogra-

phy on the Internet and monitor the progress of self regulation by the Internet Service provider industry

- a public hotline for reporting child pornography (established 1999 and funded by the industry);
- an industry Code of Practice and Ethics setting out the duties and responsibilities of each Internet service provider (agreed February 2002 and reviewed in 2004).

The Internet Advisory Board oversees and monitors progress on anti-child pornography measures, and supervises a self-regulatory regime for the Irish Internet Service Provider industry. The self-regulatory approach to Internet regulation has been adopted world-wide, and the Internet Advisory Board helps and supports the Irish Internet Service Provider industry to deliver an effective self-regulation environment, in accordance with an agreed Code of Practice and Ethics for the industry. The Irish Code of Practice and Ethics is recognised throughout Europe as a model of its type.

The Internet Advisory Board's brief also extends to general downside issues on the Internet including general safety for children while online, the conduct of research, and information campaigns.

The Hotline ([www.hotline.ie](http://www.hotline.ie)), funded by the Internet Service Providers' Association of Ireland with support from the EU Safer Internet Action Plan, was launched in November 1999 and has been operating since that time. Special protocols operate between the Gardaí and the Hotline that maximise co-operation on law enforcement issues so that offences in the area of child pornography can be detected and prosecuted.

The Hotline works closely with, and is a founding member of, the international INHOPE Association ([www.inhope.org](http://www.inhope.org)), a network of European hotlines which is expanding to all parts of the world. The INHOPE Association develops procedures and shares information on the best practices for the tracing and tracking of illegal child pornography.

International co-operation is a vital part of the fight against pornography on the Internet, and Ireland is fully committed to playing its part.

In September, 2001 the Council of Europe Ministers approved the first international Convention on Cybercrime. Ireland signed up to the Convention in June 2002. The main objective of the Convention is to foster international co-operation in protecting society against cybercrime. The Convention deals specifically with the distribution of child pornography on the Internet, infringements of copyright, computer related fraud and violations of network security.

The European Union has take a strong line on combating pornography on the Internet. Since

[Mr. McDowell.]

1999, under the Safer Internet Action Plan, the EU has provided financial and other supports for measures in the member states to combat illegal and harmful uses of the internet, with particular emphasis on protecting children. A new EU action plan Safer Internet Plus — covering the period 2005 to 2008, and with a budget of €45m, was agreed under the Irish presidency in June 2004 and is now in operation. My Department is represented at the management committee for the programme.

The EU Council adopted a Framework Decision on Combating the Sexual Exploitation of Children and Child Pornography on 22 December 2003. While I have indicated that the Child Trafficking and Pornography Act 1998 is a particularly robust legislative measure, my Department is currently considering the question of whether additional legislative provisions are required to give effect to this Framework Decision.

My Department is fully committed to co-operating with and promoting these measures nationally and at EU and international level.

#### **Garda Strength.**

382. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform the additional funding required to recruit 2,000 additional Gardaí; and if he will make a statement on the matter. [26802/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda Commissioner that the personnel strength of An Garda Síochána increased to a record 12,641 (all ranks) on Thursday 8 June 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.

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 full year cost in salaries, allowances and additional equipment requirements such as uniforms, telecommunications, transport etc., for an additional 2,000 attested Gardaí is approximately €144 million.

#### **Proceeds of Crime.**

383. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform the funds that have accrued to the Criminal Assets Bureau every year since 2002; and if he will make a statement on the matter. [26803/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The following table gives a year by year breakdown of the total value of orders obtained by the Bureau under Section 3 of the Proceeds of Crime Act 1996 from the inception of the Bureau in 1996 to 2004, inclusive:

Year	Amount
1996	€2,600,424
1997	€1,899,756
1998	€1,385,808
1999	€1,033,134
2000	€2,083,913
2001	€1,705,196
	Stg £279,636
	US \$224,926
2002	€2,504,669
	Stg £1,993,094
	US \$5,247,821
2003	€71,699
	Stg £557,070
2004	€1,688,651
	Stg £375
Total 1996 to 2004	€14,973,250
	Stg £2,830,175
	US \$5,472,747

The remit of the Criminal Assets Bureau is to confiscate, freeze or seize the proceeds of crime, to ensure that criminal proceeds are subjected to tax, and to determine the eligibility of claims for benefit or assistance under the Social Welfare Acts by criminals or those suspected of criminal activity. The Bureau continues to enjoy considerable successes in discharging its statutory functions.

#### **Child Care Services.**

384. **Mr. Deenihan** asked the Minister for Justice, Equality and Law Reform the position regarding the application by a centre (details supplied) in County Kerry for grant aid to build a new centre; and if she will make a statement on the matter. [26804/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** 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.

With regard to the application for capital grant assistance under the EOCP referred to by the Deputy, I understand that originally the project was not recommended for funding under the Capital Measure of the EOCP as it was not deemed to adequately meet the criteria of the Programme as the project did not represent value for money when considered in line with building costs guidelines. Furthermore there was limited evidence that the project would be sustainable into the future based on projected costs and potential income.

I understand from inquires I have made that the Group submitted a new application for capital funding, and this appeal is currently under appraisal.

Following this assessment, the appeal will be considered by the Programme Appraisal Committee and a recommendation made to the Secretary General of the Department of Health and Children, before a decision is made regarding funding. The Group in question will be informed of the decision in due course.

#### **Residency Permits.**

385. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the status of an application for residency for a person (details supplied) in County Donegal; the reason there has been a delay in the processing of this application. [26824/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person in question applied for permission to remain in the State on the basis of being a parent of an Irish born child, born before 1 January 2005, in accordance with the revised arrangements announced by me on 15 January 2005, commonly referred to as the IBC/05 scheme.

It is a requirement of this scheme that each applicant is of good character. The person in question was convicted on 20 February 2002 of an offence under Section 3 of Non Fatal Offences Against the Persons Act 1977. Accordingly, he has not satisfied the requirement to be considered of good character and, as a result, his application for permission to remain under the IBC/05 scheme was refused. A letter was issued advising him of this decision on 17 November 2005. This

letter was returned to the Department with the envelope marked "Gone Away". The refusal letter has been reissued to the person concerned to his current address on 03 July 2006. A further letter has issued to his legal representatives advising them of this refusal letter.

The person in question will have an opportunity to make representations as to his continued presence in the State when his immigration status is being reviewed.

#### **Traveller Issues.**

386. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the status and membership of the high level officials group on traveller issues; the efforts being made to ensure that there is, and will continue to, be inclusion of Traveller organisations in the work of the HLOG at both national and local levels; and if he will make a statement on the matter. [26825/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The High Level Group on Traveller Issues was established in December 2003 at the request of the Taoiseach. Its role is to ensure that the relevant statutory agencies involved in providing the full range of services to Travellers, would focus on improving the practical delivery of such services. The High Level Group is a working group under the Senior Officials' Group on Social Inclusion which, in turn, reports to the Cabinet Committee on Social Inclusion. The High Level Group is chaired by Minister of State Fahey and includes members of the Senior Officials' Group and other senior public servants with responsibility for key areas of service delivery for Travellers. The High Level Group is intended to provide a forum for senior policy makers and service providers to meet to discuss barriers to service delivery and explore possibilities of approaching service delivery in a more integrated way. In this regard, the Group is considered as an extension of the Strategic Management Initiative process, an attempt to join up service delivery and to ensure that intended service outcomes for Travellers under the various sectoral strategies are achieved. The Report of the High Level Group was published in March 2006 following approval by the Government. The Report contains a total of 59 conclusions and recommendations across the full spectrum of public service activity relating specifically to the Traveller Community.

Traveller Organisations are represented at national level on a number of sectoral consultative fora. In addition the Traveller Monitoring Committee, (TMC) chaired by my Department and including representatives of Traveller Organisations worked to monitor the implementation of the Task Force on the Travelling Community (1995). Following publication of the TMC's



[Mr. McDowell.]

Second Progress Report in December 2005 it was decided to re-constitute the committee to support an effective ongoing interaction at national level between state bodies and representatives of the Traveller Community. My Department is in touch with the national Traveller Organisations in this regard.

At local level, Traveller interagency groups are being established under the aegis of County and

City Development Boards, in line with the recommendations of the High Level Group. An essential part of this work is meaningful consultation with local Travellers and this issue is emphasised in the High Level Group Report. The development of the interagency approach is being monitored by the High Level Group as part of its ongoing work.

Details of the membership of the High Level Group are in the following table.

Appendix 1: Membership of the High Level Group on Traveller Issues

Grade/Position	Department
Minister of State	Department of Justice, Equality & Law Reform (Chair)
Assistant Secretary	Department of Justice, Equality & Law Reform
Assistant Secretary	Department of the Environment, Heritage & Local Gov.
Assistant Secretary	Department of Education and Science
Assistant Secretary	Department of Health and Children
Assistant Secretary	Department of An Taoiseach
Assistant Secretary	Department of Enterprise, Trade and Employment
Assistant Secretary	Department of Community, Rural & G.A.
Assistant Secretary	Revenue Commissioners
Principal Officer	Department of Justice, Equality & Law Reform
Principal Officer	Department of Environment, Heritage and Local Gov.
Principal Officer	Department of Community, Rural and G.A.
Principal Officer	Department of An Taoiseach
Principal Officer	Department of Education and Science
Principal Officer	Department of Health and Children
Principal Officer	Department of Social and Family Affairs
Principal Officer	Department of Enterprise, Trade and Employment
Principal Officer	Revenue Commissioners
Principal Officer	Department of Health and Children
Assistant Principal Officer	Department of Justice, Equality & Law Reform
County Manager	South Dublin County Council
County Manager	Clare County Council
Social Inclusion Area Manager (Leinster)	Health Service Executive
Director of Regimes	Irish Prison Service
Assistant Commissioner	An Garda Síochána

### Departmental Funding.

387. **Mr. G. Mitchell** asked the Minister for Justice, Equality and Law Reform if he will give a positive response to a project (details supplied) in Dublin 10; and if he will make a statement on the matter. [26843/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I refer the Deputy to my reply to Parliamentary Question No. 618 (ref: 26423/06) of Tuesday 04 July, 2006.

### Garda Deployment.

388. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform the number of Gardaí in Waterford City Garda Station specifically

assigned to working full-time on drug-related issues in each year from 2000 to 2006. [26850/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am advised by the Garda authorities that local Garda Management report that the personnel strength of the District Drugs Unit attached to Waterford Garda Station for each of the years from 2000 to 2006 was 1 Sergeant and 5 Gardaí.

### Crime Levels.

389. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform the number of drug-related crimes reported at Waterford City Garda Station and the number of convictions which

were secured in respect of those crimes in each year from 2000 to 2006. [26851/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** It has not been possible, within the timeframe available, to collate the information required by the Deputy. I will contact the Deputy directly when the information is to hand.

#### **Garda Deployment.**

390. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform the number of Gardaí stationed at Waterford City Garda Station in each year from 2000 to 2006; the number of those Gardaí whose duties also included serving Garda

Station	00	01	02	03	04	05	4/7/06
Waterford	124	130	131	136	135	134	146

Local Garda management report that Gardaí attached to Waterford Garda Station are predominantly assigned to duties in that area. While this approach represents the norm, and the vast majority of the time and effort of such members is expended in Waterford City, some members are from time to time liable for service in other parts of the Waterford/Kilkenny Division and beyond when public interests requires. Service away from Waterford City is generally for short periods including serious crime investigation, specialist search duties, public order maintenance and policing large events. Accordingly, Garda management state that the information requested regarding the number of Gardaí whose duties also included serving Garda stations outside Waterford City is not readily available 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

stations outside Waterford City; and if he will make a statement on the matter. [26852/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda Commissioner that the personnel strength of An Garda Síochána increased to a record 12,641 (all ranks) on Thursday 8 June 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 (all ranks) of Waterford Garda Station as at 31 December, 2000-2005, inclusively, and as at 4 July, 2006 was as set out in the following table:

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 Waterford/Kilkenny Division will be given the fullest consideration.

#### **Warrant Statistics.**

391. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform when he will be in a position to supply the information that was requested in Parliamentary Question Nos. 671 and 672 of 21 March 2006. [26853/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that the detailed information requested by the Deputy in Parliamentary Questions Nos. 671 and 672 of 21 March, 2006 is currently being researched. I will contact the Deputy again when the information is to hand.

#### **Crime Levels.**

392. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform when he will be in a position to supply the information that was requested in Parliamentary Questions Nos. 195, 196, 197, 198, 199 and 200 of 18 May 2006. [26854/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Replies to Parliamentary Questions Nos. 196, 197, 199 and 200 of 16 May, 2006

[Mr. McDowell.]

were issued to the Deputy on 30 June, 2006 and replies to Parliamentary Questions Nos. 195 and 198 were issued to the Deputy on 4 July, 2006.

### Residency Permits.

393. **Ms Burton** asked the Minister for Justice, Equality and Law Reform the amount non-EU nationals pay for a working residence permit stamp and a student residence permit stamp; the way in which the annual cost to the applicant compares to costs for residency permits in other EU countries; and if he will make a statement on the matter. [26855/06]

394. **Ms Burton** asked the Minister for Justice, Equality and Law Reform the amount Chinese nationals are required to pay for a working residence permit stamp and a student residence permit stamp; the number of times they are required to renew the permit; the way in which the cost to the applicant compares to costs for residency permits with other EU countries; and if he will make a statement on the matter. [26856/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 393 and 394 together.

I presume that the Deputy is referring to the introduction of a fee for Immigration Registration Certificates and not to the cost for the issuance of work permits, which is a matter for the Department of Enterprise, Trade and Employment.

All legally resident non-EEA nationals (including Chinese nationals) who have entered the State with the intention of residing in Ireland for a period of more than three months must register with their local immigration registration officer. The fee charged does not vary based on the nationality of the individual being registered.

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). From 27 May 2006, a fee of €100 is charged in respect of each such certificate of registration issued to a non-EEA national, subject to certain exemptions (outlined below). The introduction of such a fee has 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.

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.

The fees charged in other countries may vary depending on the grounds on which one is residing in the State, or depending on the duration of the permit. For instance in the Netherlands the fee charged ranges from €188 to €830 according to the grounds on which a person is residing in the country (i.e. depending on whether they are entering the country to work, or to study, or to reside with a relative etc.), and in Greece the fee charged ranges from €147 to €880 according to the duration of the permit (i.e. 1 year or less costs €147, 1-2 years costs €294, 2-6 years costs €440, and over 6 years costs €880).

It should be noted that in other EU countries the fee charged may also vary depending on the age of the applicant. Some countries charge minors for the issuance of these residence permits (albeit at a reduced rate) whereas Ireland has exempted all persons under the age of 18 from payment of the fee.

Furthermore, it should also be noted that in Ireland 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.

If a non-EEA national is granted permission to remain based on student conditions, the standard practice by the Garda National Immigration Bureau (GNIB) is to grant permission to remain in-line with the duration of the course. There are of course circumstances whereby an Immigration officer may deem it necessary to grant a student a shorter time frame than the duration of the course, however, this is the exception rather than the rule.

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:

1. Persons in respect of whom a declaration of refugee status under section 17 of the Refugee Act 1996 is in force (Convention Refugees);
2. Persons who have been reunified with such refugees under section 18 of the Refugee Act 1996;
3. Programme refugees within the meaning of section 24 of the Refugee Act 1996;
4. Persons who are under 18 years of age at the time of registration;
5. Spouses of Irish citizens;
6. Dependants of EU nationals who receive a residence permit under EU Directive 38/04.

### International Agreements.

395. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the steps which have been taken by the EU Commission to resolve the problems arising from the decision by the European Court of Justice to strike down EU-US Agreement on the transfer of passenger name records to US security agencies; and if he will make a statement on the matter. [26857/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** On 16 June 2006, the European Commission adopted a Communication containing a proposal for an authorisation by the Council to open negotiations for a new agreement with the US on the use of passenger name records. This proposal was subsequently adopted by the Council of Ministers on 27 June.

Arrangements are currently being made for the relevant negotiations to commence shortly.

### Sentencing Policy.

396. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if he will intervene on the hunger strike by a person (details supplied) at the Kildare Street Gate; and if he will meet with them in order to resolve their grievance. [26858/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I refer the Deputy to my reply to Parliamentary Question No. 123 of Wednesday 31 May, 2006.

### Crime Levels.

397. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the number of crimes committed by persons while on bail in each of the past five years to date; if any had been on bail for gun related crime, robbery with violence or headline crime generally; if any, committed more than one offence while on bail; the highest number of offences committed by a person while on bail in respect of previous crime; if the records kept by his Department are adequate to accurately record such instances; and if he will make a statement on the matter. [26859/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The numbers of headline offences, by group, committed by persons on bail for years 2004 and 2005 are contained in the relevant Garda Annual Reports, copies of which are available in the Oireachtas Library.

I am further informed that 2004 was the first year information relating to the offences committed by persons on bail was published. Comparable statistics for years prior to 2004 are not readily available and would require a disproportionate expenditure of Garda time and

resources to extract the data from manual records.

The statistics in the Commissioner's report classify offences committed while on bail under the ten headline crime groups under which the report's statistics are categorised. It should be noted that not all offences in the homicide group are the offences of murder and manslaughter. The homicide group of headline offences also includes the offences of attempted murder, threats, infanticide, abortion and procuring or assisting in an abortion.

I have requested a report from the Garda authorities in relation to the number of persons who committed more than one offence while on bail, and the highest number of offences committed by a person while on bail. I will contact the Deputy again when this information is to hand.

### Garda Strength.

398. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the number of community Gardaí attached to each Garda station in the Dublin metropolitan area; the percentage of Gardaí in each Garda station who are community Gardaí; the extra community Gardaí he expects to have when the Garda force increases to 14,000; and if he will make a statement on the matter. [26880/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda Commissioner that the personnel strength of An Garda Síochána increased to a record 12,641 (all ranks) on Thursday 8 June 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 each Garda Station in the Dublin Metropolitan Region as at the 30th of June 2006, the number of Gardaí attached to Community Policing in each Garda Station and the percentage of personnel so employed in each station as at the 30th of June 2006 was as set out in the following table:

Station	Community Gardaí	Station Total	%
Kevin Street	6	125	4.8
Kilmainham	5	81	6.2
Pearse St	12	256	4.7
Harcourt Tce	2	82	2.4
Donnybrook	4	124	3.2
Irishtown	2	54	3.7
Store Street	26	277	9.4
Bridewell	16	165	9.7
Fitzgibbon Street	17	117	14.5



[Mr. McDowell.]

Station	Community Gardaí	Station Total	%
Mountjoy	12	86	14.0
Santry	4	119	3.46
Dublin Airport	0	22	0.0
Whitehall	5	35	14.3
Ballymun	9	62	14.5
Raheny	5	64	7.8
Clontarf	6	65	9.2
Howth	4	47	8.5
Coolock	9	89	10.1
Swords	11	67	16.4
Malahide	4	42	9.5
Dún Laoghaire	4	103	3.9
Dalkey	2	26	7.7
Cabinteely	5	34	14.7
Kill-O-Grange	3	31	9.7
Bray	10	98	10.2
Shankill	8	58	13.8
Enniskerry	0	5	0.0
Greystones	5	33	15.2
Blackrock	7	82	8.5
Dundrum	6	73	8.2
Stepaside	2	27	7.4
Crumlin	5	94	5.3
Sundrive Road	5	68	7.4
Tallaght	23	170	13.5
Rathfarnham	6	70	8.6
Rathmines	3	72	4.2
Terenure	7	99	7.1
Cabra	6	70	8.6
Finglas	10	80	12.5
Blanchardstown	17	167	10.2
Lucan	7	67	10.5
Leixlip	4	25	16.0
Ronanstown	12	91	13.2
Ballyfermot	8	80	10.0
Clondalkin	9	86	10.5
Rathcoole	1	23	4.4
Total	334	3811	8.8

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 the Dublin Metropolitan area will be given the fullest consideration.

#### Drug Seizures.

399. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the steps he is taking to tackle the increase in drug pushing in an area (details supplied) in Dublin 1; and if he will make a statement on the matter. [26881/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities that an operation to target drug dealing within Dublin's north inner city has been extended by local Garda management to include the specific area referred to by the Deputy.

This operation includes both uniformed and plain clothes Gardaí. Since the start of this operation, three people have been arrested for the possession of drugs for sale or supply under Misuse of Drugs legislation. To date in 2006, a total of ten persons have been arrested in this area for drug-related offences.

I have been assured by the Garda authorities that this area is continually monitored by local uniformed and plain clothes Gardaí, both on the beat and in mobile patrols, and that this work is supplemented by Divisional Mountain Bike Units, the Crime Task Force, Divisional and District Drug Units as well as Operation Anvil personnel. Gardaí from the Community Policing Unit are also allocated to the area and perform regular foot patrols.

#### Visa Applications.

400. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the number of frontline staff in the Garda National Immigration Bureau, Burgh Quay, Dublin 2, who are responsible for issuing re-entry visas; the number of re-entry visas in each of the past five years that have been issued; if his attention has been drawn to the fact that applicants are queuing overnight; if his attention has further been drawn to the fact that tickets are issued only at 8.00 am in the morning; his proposals to introduce an express or

internet service; the number of people with language skills employed in the Bureau; and if he will make a statement on the matter. [26882/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The public office in Burgh Quay houses the Garda National Immigration Bureau (GNIB) and the Visa Office, Irish Naturalisation and Immigration Service. The Deputy in his question may be mixing up the functions of the two offices.

The responsibility for the issuing of re-entry visas lies with the Visa section of the Irish Naturalisation and Immigration Service who took over this role from the Department of Foreign Affairs in January of this year and not the Garda National Immigration Bureau as stated by the Deputy in his question. The Visa Office is currently staffed by 10 officials and is open to the public from 8.30 am until 2.30 pm daily (Monday to Friday). Tickets are indeed issued at 8 am, this is simply to accommodate the large crowds who attend the office at this time and to differentiate between those seeking a re-entry visa and those wishing to register with the Garda National Immigration Bureau (GNIB) which is located in the same general area. Further tickets are available throughout the opening times for persons seeking re-entry visas and it is the practice of the office to ensure that all persons who attend the office daily are dealt with during this period and indeed the office remains open until all customers have been dealt with.

I can assure the Deputy that there is absolutely no need for persons seeking a re-entry visa to queue overnight or indeed at any time. It is also possible to make a postal application for a re-entry visa and such applications are dealt with within four working days and returned by registered post to the applicant. I am satisfied that the current practices and operation of the visa office

provides an effective and efficient service to those seeking re-entry visas.

The number of re-entry visas issued during the period 1 January 2002 to-date are as set out below:

2002 = 42,390

2003 = 48,470

2004 = 54,094

2005 = 74,854

2006 (January-June) = 34,049.

#### Consultancy Contracts.

401. **Mr. Gilmore** asked the Minister for Justice, Equality and Law Reform the total amount paid in terms of fees or expenses for the appointment of press or public relations consultants from outside his Department for each year since 2002; the firms appointed and the specific project or responsibility for which they were engaged; and if he will make a statement on the matter. [26977/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The information requested by the Deputy, insofar as it relates to projects funded from my Department's own Vote is set out as follows. As can be seen from the details supplied, these projects relate to important public policy issues and services rather than the provision of public relations advice to myself in any personal capacity. The Deputy will see from the table below that disability projects account for the majority of the funds, with an expenditure of approximately €898,720. Anti-racism awareness programmes cost approximately €403,400 and €149,109 was expended on the development and implementation of a targeted awareness campaign in relation to the National Age Card Scheme.

Year 2002-2006	Fees/Expenses Paid	Name of PR/Press Consultants	Project/Responsibility
	€		
2001-2003	185,661	Edelmans Public Relations	Provision of Public relations services to the National Anti Racism Awareness Programme, Know Racism.
2002	18,980.60	Bill O'Herlihy Communications Group	Event Management/PR for National Information Day on Disability.
2002	5,329.13	Euro Events	Event Management for National Information Day on Disability.
2002-2006	149,109	Cawley Nea	This contract was for the development and implementation of a targeted awareness campaign in relation to the National Age Card Scheme.
2003	96,781.85	Origin Design Consultants	Production and distribution of information leaflet to public servants on disability awareness and management of launch event.
2003	265,793	Fleishman Hillard Saunders	PR services to the National Disability Authority

[Mr. McDowell.]

Year 2002-2006	Fees/Expenses Paid	Name of PR/Press Consultants	Project/Responsibility
	€		
2003	2,420	Keating & Associates	Provision of public relations advice to the Refugee Appeals Tribunal.
2004	173,897	Fleishman Hillard Saunders	PR services to the National Disability Authority.
2004	73,318.97	Walsh PR	Event Management /PR for National Information Day on Disability
2004/2005	12,000	Carr Communications	PR Consultation on National Disability Strategy.
2005	€215,873	Fleishman Hillard Saunders	PR services to the National Disability Authority
Completed in 2005	11,070	Q4 Public Relations	Q4PR — PR services for European Week Against Racism.
2005 — Ongoing to end of 2006	109,914	Q4 Public Relations	Q4 PR — General Public Relations concerning the National Action Plan Against Racism.
2005-2006	96,800	Irish International BBDO	Developed a communications Strategy including six week radio advertising campaign in respect of National Action Plan Against Racism.
2006	15,145.52	Fleishman Hillard Saunders	PR services to the National Disability Authority
2006	21,656.58	Insight	PR services to the National Disability Authority
2006	6,186.73	Public Communications Centre	To develop a new corporate identity for the Probation Service.

**Departmental Staff.**

402. **Mr. Gilmore** asked the Minister for Justice, Equality and Law Reform the number of political appointees and non established civil servants appointed to his Department since June 2002; the nature of the post to which each such person is appointed; the annual cost in terms of salaries or expenses in respect of each such post for each year since 2002; and if he will make a statement on the matter. [26992/06]

403. **Mr. Gilmore** asked the Minister for Justice, Equality and Law Reform the number of staff broken down by grade employed within the private office and the constituency office; the number of such staff who are permanent civil servants; the number who are political appointees; the annual cost of each such office in terms of salary, overtime and expenses in respect of each

Minister of State allocated to his Department; and if he will make a statement on the matter. [27007/06]

404. **Mr. Gilmore** asked the Minister for Justice, Equality and Law Reform the number of staff broken down by grade employed within his private office and his constituency office; the number of such staff who are permanent civil servants; the number who are political appointees; the annual cost of each such office in terms of salary, overtime and expenses; and if he will make a statement on the matter. [27022/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 402 to 404, inclusive, together.

The staffing of my constituency and private office and that of my Minister of State Mr. Frank Fahey T.D. is set out in the following table.

## Civil Servants

Minister for Justice, Equality & Law Reform, Michael McDowell. T.D.		Minister of State Mr. Frank Fahey T.D.	
Private Office	Constituency Office	Private Office	Constituency Office
1 Private Secretary	2 Executive Officers	1 Private Secretary	3 Clerical Officers
2 Executive Officers	3.5 Clerical Officers	1 Staff Officer	
1 Clerical Officers		2 Clerical Officers	

## Political Appointees

Minister for Justice, Equality & Law Reform, Michael McDowell. T.D.		Minister of State Mr. Frank Fahey T.D.	
Private Office	Constituency Office	Private Office	Constituency Office
1 Special Adviser	1 Personal Assistant 1 Personal Secretary		1 Personal Assistant 1 Personal Secretary

In 2005 the total cost (including salaries, overtime and expenses) of political appointees and non civil servants employed in my constituency and private offices was €152,106.33. The total cost of the civil servants employed in those offices was in accordance with the appropriate pay rates set out for the relevant grades by the Department of Finance.

In 2005 the total cost (including salaries, overtime and expenses) of political appointees or non civil servants employed in the Minister of State's constituency and private offices was €78,669.61. The total cost of the civil servants employed in those offices was in accordance with the appropriate pay rates set out for these grades by the Department of Finance.

Finally, I assume the Deputy is referring to the political appointees and non established staff within my Private and Constituency Office appointed since June 2002. Since my appointment as Minister for Justice, Equality and Law Reform, I have appointed two Special advisers, one of whom resigned in June 2004, one personal assistant and one personal secretary to work in my offices. As advised above the most recent figures available indicate that the cost of these appointments in 2005 was €152,106.33.

#### Departmental Expenditure.

405. **Mr. Gilmore** asked the Minister for Justice, Equality and Law Reform the total amount spent by his Department in terms of advertising in newspapers, magazines and electronic media in respect of each year since 2002; and if he will make a statement on the matter. [27037/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The information requested by the Deputy is set out below (with the exception of the year 2002 for which a total figure is not available in the time provided). This expenditure relates to notifications on matters of important public interest as well as awareness raising measures spanning the broad range of activities and programmes underway in my Department. Notably, for example, total expenditure arising from the Know Racism campaign from 2003 to 2006 was €458m. The expenditure listed also incorporates the announcement of tender and recruitment competitions.

Year	Public Information Expenditure
	€
2003	900,417
2004	246,009
2005	501,393
2006 (to date)	247,558

#### Criminal Prosecutions.

406. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the number of cases regarding charges under Section 1 or 2 of the Criminal Law Amendment Act 1935 that have been adjourned since 2000; and the dates on which they were adjourned. [27055/06]

407. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the reason cases regarding charges under Section 1 or 2 of the Criminal Law Amendment Act 1935 have been adjourned. [27056/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 406 and 407 together.

As Minister for Justice, Equality and Law Reform, I have no role in the prosecution of offences and information on the reasons for the adjournment of cases is not, therefore, available to me.

With regard to the Deputy's request for the number of cases which have been adjourned since 2000 and the dates of their adjournment, the Courts Service have informed me that such information is not readily available to them and could not be obtained without an inordinate use of resources as the data would require to be compiled manually in every circuit court office nationwide.

#### Coroners Service.

408. **Mr. Neville** asked the Minister for Justice, Equality and Law Reform if he will allow the exhumation of a person (details supplied) to determine the true cause of death. [27057/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** It would appear from the information supplied by the Deputy that a Coroner's inquest has been held in this case. The Coroner's



[Mr. McDowell.]

function in this regard is an independent, quasi-judicial one and the Minister has no role in this process.

Insofar as the authorisation of an exhumation is concerned, the position is set out in section 47(1) of the Coroners Act, 1962. This provides that the Minister, where requested by a Coroner on foot of a report from the Garda Síochána, may as he thinks proper either grant or refuse such a request. No such request has been received in this case.

### Asylum Applications.

409. **Mr. M. Higgins** asked the Minister for Justice, Equality and Law Reform his views on the views expressed by a senior official in his Department during submissions to the Dáil Public Accounts Committee on 22 June 2006, that the majority of asylum seekers are economic migrants and that in pursuance of their claims such persons invariably lie through their teeth and that the judicial process at his Department is ambushed right up to the point of deportation; if such statements express a Departmental assessment which guides his policy and decision making on asylum; and if he will make a statement on the matter. [27217/06]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Deputy is referring to the recent appearance by the Secretary General of my Department accompanied by the Director General of the Irish Naturalisation and Immigration Service and other officials before the Public Accounts Committee which was reviewing the Appropriation Accounts for 2004 and the C&AG's report thereon including a review of the cost of deportations of failed asylum seekers and other persons found to be in breach of immigration law.

In the course of those proceedings the Secretary General and the Director General outlined the absolute seriousness with which the State takes its obligations under the 1951 Geneva Convention relating to the status of refugees and the comprehensive nature of the resources being allocated annually across Departments and agencies to support the asylum and immigration process. They also, of course, referred to the serious concerns we have with the level of deliberate abuse of our current processes which we are seeking to comprehensively address on an ongoing basis.

In 2004 some €376 million approx. was allocated across Departments to asylum and immigration issues and some €308 million approx. in 2005. Over the past four years some €1.3 billion approx. has been spent in this area which represents a considerable portion of public funds.

Some €137 million was spent by my Department alone in 2005 on asylum and immigration related services such as the processing of asylum applications, provision of legal advice and rep-

resentation by the Refugee Legal Service, provision of accommodation to asylum seekers by the Reception and Integration Agency on a countrywide basis and the operation of the immigration system including the deportation process.

At the Committee, the Secretary General also referred to the major improvements which have been made both in relation to the reduction in timescales for processing asylum applications and the reduction in the number of such applications on hands in the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal.

Over recent years, very considerable work has been undertaken in ORAC and the RAT, to deal with applications for asylum and to speed up processing times. The work involved has resulted in a situation where:

- Processing has continued to move strongly in both ORAC and RAT. At the end of May 2006 there were 2,723 cases on hands in both agencies compared to some 5,542 cases on hands at the end of April 2004.
- The number of applications over six months in ORAC and RAT at the end of May 2006 stood at 581 as compared to some 6,500 at the end of September 2001. The backlog of applications has been effectively eliminated in ORAC with only 61 cases on hands over six months at the end of May 2006 and some 520 in RAT a large number of which are at an advanced stage of processing.
- There is continued momentum in processing timescales for asylum applications with arrangements for the speedier processing of prioritised applications (from nationals of Nigeria, Romania, Bulgaria, Croatia and South Africa) introduced in January 2005, with an 18 working day processing time at first instance in ORAC and 15 working days at appeals stage in RAT. Currently, approximately 40% of total applications fall into the prioritised category.
- With effect from 1 November 2005, all applicants for asylum are notified of their interview date by ORAC at the time they make their applications. The interview appointment is normally within 20 working days of application. However, for those applicants within the prioritised category, interviews in ORAC are held, more speedily, within 9 to 12 days.
- The typical processing time in the ORAC for non-prioritised cases is in the region of 8-9 weeks. The average length of time taken to process and complete substantive appeals in the RAT is approximately 14 weeks.

My officials also referred to the number of judicial review applications on hands in relation to the asylum and repatriation process. I can inform the Deputy that at 31 May 2006, there were over 1,000 such cases live in ORAC, RAT and the judicial review area of the repatriation process. Nearly 500 of these judicial reviews are live at the latter end of the process namely at deportation stage. We are seeking to address the judicial review backlog on an ongoing basis in consultation with the Office of the Attorney General and the Office of the Chief State Solicitor.

The allocation of such a comprehensive level of resources by the State, along with the very great improvements outlined above point very clearly to both our commitment to continuing to meet our obligations under the 1951 Geneva Convention relating to the status of refugees and the success of our asylum strategy.

The State's asylum strategy is based on a number of key principles:

- meeting our obligations under international law such as the 1951 Geneva Convention and, of course, under national law relating to asylum;
- dealing fairly but efficiently with the large number of unfounded asylum claims which are being received which represent some 90% of the total number of asylum applications being processed annually;
- ensuring that persons who are found, after a fair and efficient determination process, not to need protection are returned to their countries of origin as quickly as this can be arranged;
- implementing the provisions of the Dublin II Regulation to ensure that asylum applicants who lodged asylum claims in more than one jurisdiction, are returned to the State where they first claimed asylum; and
- ensuring that we have robust systems in place to root out and prevent abuse in our protection system by persons who are entering the State for purposes other than seeking protection from persecution.

I am strongly of the view that the State has a comprehensive asylum system in place which is both fair and transparent and compares well with other EU States. Indeed this fact was recently acknowledged by a former UNHCR Representative to Ireland who is quoted as stating that Ireland is now a model for the new Member States of the European Union and that “we now have a system which, in many respects, is one of the best in Europe”. More recently, the UNHCR Assistant High Commissioner for Protection on a visit to Ireland expressed her appreciation for the asylum system which the State operates and is also quoted as saying that in the view of the UNHCR

it is “ a system which we believe functions very well”.

The Refugee Act 1996 established two independent statutory offices to consider applications and appeals in respect of refugee status and to make recommendations to the Minister for Justice, Equality and Law Reform on whether such status should be granted. These offices are the Office of the Refugee Applications Commissioner (ORAC) and the Refugee Appeals Tribunal (RAT).

Both agencies are highly resourced and staff members receive specialised, UNHCR-based training before processing cases. Due regard is also had to particularly vulnerable applicants, such as minors or victims of trauma, and appropriate training is given towards the sensitive processing of such claims.

When an applicant claims asylum, that applicant is provided with all the necessary information governing the asylum process, including a detailed information leaflet which is available in nearly 30 languages.

Every asylum applicant, with the exception of those to whom the Dublin II Regulation apply, is guaranteed an investigation and determination of his or her claim at first instance by the Refugee Applications Commissioner. Each application is assessed on the basis of the circumstances of the individual case and having regard to both the subjective elements (the applicant's own account or personal history) and objective elements (up-to-date information on the applicant's country or place of origin). This country of origin information comes from a wide variety of objective and respected sources, including organisations such as the UNHCR, Amnesty International, Human Rights Watch, UK Home Office, US State Department and other EU member states as well as media and internet sources.

In the event of a negative recommendation at first instance, our system also guarantees every asylum applicant a right of appeal to the independent Refugee Appeals Tribunal. Every appellant is furnished with a copy (in the language of their own country where possible) of the Tribunal's information leaflet, which sets out the appeals process in full. Also important to note in terms of fairness is that access to legal assistance at all stages of the process is provided by the Refugee Legal Service and, under the provisions of the Refugee Act 1996, UNHCR is given full access to our refugee determination process.

Finally, those applicants who are found to have no protection needs have the opportunity to make representations to the Minister under the Immigration Act, 1999 on a large number of grounds as to why they should not be deported as well as having any possible refolement issues addressed.

In addition to this comprehensive determination process, applicants have the opportunity

[Mr. McDowell.]

to access the courts by seeking judicial review on procedural aspects of the decision-making.

However, as the Secretary General pointed out at the Public Accounts Committee and as I have myself indicated on many occasions in the past, the Government will not shirk its responsibilities to protect our refugee protection system from abuse. The level of such abuse is well illustrated not only by the nature of some of the grounds being put forward for protection but also by the level of non co-operation from some applicants which exists with the asylum and immigration authorities.

Despite the comprehensive nature and fairness of our independent asylum process, involving a determination at first instance and appeal by two independent agencies and access to comprehensive legal advice and interpretation services, some 90% of applicants for asylum are found not to be in need of refugee status. Many of these applicants could, as was pointed out by the Secretary General, be classed as economic migrants who are choosing to use the asylum process to gain a foothold in the State for reasons other than protection needs, rather than utilising the comprehensive framework we have in place to legitimately gain entry for economic and work purposes.

An analysis by my Department of the accelerated processing arrangements for prioritised asylum applications introduced on 25 January 2005, which involves a full merits consideration by ORAC at first instance and access to an appeal to the RAT, indicated that of the 968 recommendations issued by ORAC up to week ending 9 June 2006, some 956 were refusals and of 302 decisions issued by RAT, some 291 upheld the determination of the ORAC. Ireland's experience in this regard is not out of line with its European neighbours.

An analysis of the accelerated process introduced in January 2005 also shows that a considerable number of applicants are not complying with their requirement to report to immigration authorities, particularly at pre-repatriation stage.

The Deputy should be aware also that a very significant number of persons who claim asylum in this State have their cases considered under the provisions of the Dublin II Regulation, (Council Regulation (E.C.) No. 343 of 2003). The purpose of this Regulation is to provide a means by which persons who lodged asylum claims in more than one EU State, can be transferred to the State where they first claimed asylum. The Deputy might wish to note that of the 1,720 persons who had claimed asylum in this State this year — up to and including 18 May 2006 — 322, or almost 19%, of those involved applications by persons who had previously claimed asylum in another State, as evidenced by their fingerprint match on the EU-wide EURODAC system. This is another example of the clear abuse of our asylum system

and the international phenomenon known as “asylum shopping”.

Another example of such abuse and lack of truthfulness is the fact that many applicants are also not in possession of travel and identity documentation when they arrive in the State even though a travel document must be produced in order to be allowed access to an aircraft to travel to this State by air.

During 2005 some 80% of total asylum applicants arrived with no documentation, many claiming to have travelled by air at some stage during their journey to the State. These included some 80% of Nigerian and Romanian applicants. Nearly 90% of applicants from Somalia, Sudan and Iran had no travel documentation. In 2006 to end June, nearly 80% of total applicants have also arrived without any travel documents including some 80% of Nigerians and 77% of Romanians.

Recognising that there will always be some people with genuine protection needs who have to flee their countries of origin without their identity documents, the fact remains that with no direct flights between the countries I have mentioned and Ireland, the inescapable conclusion is that destruction and concealment of travel documents is a central feature of a well developed trafficking strategy.

On the repatriation side, as the Secretary General and the Director General of INIS pointed out, there is massive evasion of deportation orders. Of some 13,765 orders signed up to 30 June 2006, some 7,230 are being evaded. This is another example of how our processes are the subject of wholesale abuse.

I have gone into some detail in this reply in order to provide the Deputy with a realistic overview of the challenges being faced by our asylum and repatriation processes. The comments by my officials frankly and honestly reflected that reality. The information which I have outlined in this reply illustrates that the large majority of applicants are, for whatever reason, simply not credible in what they are telling officials involved in our process.

In conclusion, the State will continue to meet its obligations under the 1951 Geneva Convention to those genuinely needing protection. However, I also intend to continue to intensify the drive against unfounded and untruthful asylum applications. Not to do so would inevitably bring the Asylum Process into public disrepute and therefore injure the interests of genuine Asylum Seekers and Refugees.

The processing of applications will continue to be speeded up consistent with fairness and due process. Every effort will continue to be made to ensure that applicants comply with their statutory duty to co-operate and report.

Finally, persons found to have no protection needs will be returned to their countries of origin



as quickly as this can be arranged including by the continued use of charter flights.

As my officials also pointed out to the Public Accounts Committee, the importance of a comprehensive repatriation strategy for the return of persons found to have no protection needs is absolutely fundamental to the efficient and effective operation of any asylum determination process. This is a fact fully recognised by all States with developed asylum systems and by the UNHCR.

#### **Schools Building Programme.**

410. **Mr. Costello** asked the Minister for Education and Science when she will provide a school (details supplied) in Dublin 7 with a permanent building in view of the fact that the school has been in prefabs for the past eleven years and that the conditions are unsuitable for the education of young children; and if she will make a statement on the matter. [26765/06]

**Minister for Education and Science (Ms Hanafin):** The Property Management Section of the Office of Public Works has been requested to source a site for the school in question. That Section is currently exploring site options. As soon as a site has been acquired the building project for the school can be further considered.

#### **Disadvantaged Status.**

411. **Mr. Deasy** asked the Minister for Education and Science the status of the appeal by a school (details supplied) in County Waterford against the decision to exclude it from the school support programme; if her attention has been drawn to the concern being expressed by parents of the pupils and the staff in the school in question at the consequences of losing the school's disadvantaged status; and if she will make a statement on the matter. [26766/06]

**Minister for Education and Science (Ms Hanafin):** At the outset, I want to state that no school has been told that they are going to lose any of the resources that they have been receiving under pre-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 pre-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 can assure the Deputy that there is no reason for schools that have not 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.

DEIS (Delivering Equality of Opportunity in Schools), the action plan for educational inclusion, provides for a standardised system for identifying levels of disadvantage and a new integrated School Support Programme (SSP). The School Support Programme will bring together, and build upon, a number of existing interventions in schools with a concentrated level of disadvantage.

The process of identifying primary and second-level schools for participation in the SSP was managed by the Educational Research Centre (ERC) on behalf of my Department and supported by quality assurance work co-ordinated through the Department's regional offices and the Inspectorate.

As a result of the identification process, 840 schools were invited to participate in the SSP. These comprised 640 primary schools (320 urban/town schools and 320 rural schools) and 200 second-level schools.

A review process has been put in place for both primary and second-level schools. The review process applies only to those primary schools that participated in the ERC survey in May 2005 and only to those eligible second-level schools for which data were available from the relevant databases. The school referred to by the Deputy has submitted a review application. It is anticipated that the review process will be completed shortly.

#### **Asbestos Remediation Programme.**

412. **Mr. Wall** asked the Minister for Education and Science the number of school buildings that contain asbestos; the plans which are in place to contain and make safe this asbestos; and if she will make a statement on the matter. [26767/06]

**Minister for Education and Science (Ms Hanafin):** A nation-wide survey of primary and post-primary schools is being carried out by the Office of Public Works on behalf of my Department in order to establish the position relating to asbestos in school buildings and to undertake any remediation measures necessary.

Where asbestos requiring removal is detected, either as a result of the survey or otherwise, arrangements to undertake the work in accordance with the relevant health and safety legislation are made by the Office of Public Work.

The entire cost of the programme of detection and removal is being borne by my Department. The necessary level of funding will continue to be allocated to the programme as a priority.

Of approximately 4,000 primary and post-primary schools nationwide, over 85% have already been tested. Where remediation works have been found to be necessary, these have either been completed or are underway.



### Early Childhood Education.

413. **Mr. Gogarty** asked the Minister for Education and Science if there are circumstances where a home tuition grant to pay for pre-school for a person (details supplied) in County Dublin can be paid in advance rather than arrears. [26768/06]

**Minister for Education and Science (Ms Hanafin):** I can confirm that my Department has received an application for a home tuition grant for the child in question. This application is currently being processed and a decision will be conveyed to the family shortly. I wish to advise the Deputy that grant payment can only be made after the tuition has taken place and confirmation to this effect has been received in my Department.

### School Accommodation.

414. **Mr. Hayes** asked the Minister for Education and Science the number of prefabs which are being used by primary schools, secondary schools, centres of adult and further education in South Tipperary; and the number of learners who are being taught in prefabs in the primary, secondary, adult and further education sectors. [26769/06]

**Minister for Education and Science (Ms Hanafin):** The information requested by the Deputy is not readily available in my Department.

Provision is built into the School Building and Modernisation Programme to enable schools address urgent accommodation problems such as health and safety issues, refurbishment works, additional accommodation etc. Primary schools are given an annual allocation, currently amounting to €3,809 plus €12.70 per pupil, under the grant scheme for minor works which can be used entirely at the discretion of school management to address basic health and safety issues relating to school infrastructure.

Two devolved schemes, the Small Schools Scheme and the Permanent Accommodation Scheme were introduced in 2003 to enable schools to address the need to extend/refurbish small primary school and provide permanent accommodation in lieu of prefabricated accommodation. Responsibility for the delivery of the projects is entirely devolved out to the schools and their design teams.

The Summer Works Scheme was introduced during 2004 which provides capital grants for small scale refurbishment works at primary and post-primary schools. The level of funding that is provided is based on the cost estimate provided by the school's design team at application stage. Responsibility for the delivery of the projects is also entirely devolved out to the schools and their design teams. The scope of works covered under this scheme is intended to address Health and

Safety issues in all schools as well as improvement works to the existing fabric of the buildings.

My Department also sets-aside a contingency sum each year to deal with emergency works in primary and post-primary schools, including health and safety works. Urgently required health and safety works relating to asbestos removal, radon mitigation or dust extraction may be grant-aided under the remediation programmes operated by the School Building Section of my Department.

This year alone, €277 million in total will be allocated to primary schools for building works. The new Schools Building and Modernisation Programme 2006-2010 will be underpinned not just by a significant increase in overall funding but also by major improvements in the administration of the funding. Devolving more funding to local level through the Summer Works Scheme and the Small and Rural School's initiative will allow schools to move ahead more quickly with smaller projects.

### School Staffing.

415. **Ms Enright** asked the Minister for Education and Science the requirements for the payment of substitute teachers which apply in the case of teachers on study leave; the provisions of the casual and non casual contracts under which substitutes are paid; if she will confirm that substitutes are paid for public holidays; and if she will make a statement on the matter. [26770/06]

**Minister for Education and Science (Ms Hanafin):** There are two types of study leave which teachers may avail of. Unpaid study leave allows a teacher to take a short time off without pay to study, usually before examinations, and the managerial authority of the school may employ a temporary teacher to cover the absence. The normal employment requirements apply in that schools must endeavour to employ qualified replacement teachers.

The second type of study leave is referred to as leave under the terms of Rule 116. In these cases a teacher undertakes paid full time attendance at an approved course of study which is demonstrably relevant to teaching in the primary sector. The arrangement that applies in such cases is the Board of Management must employ a qualified substitute teacher for the duration of the period of absence to attend the course. The teacher on leave under the terms of Rule 116 continues to be paid salary and retains pension entitlement, and he/she becomes the replacement teacher's employer for payment purposes for the period in question. The teacher on the approved leave under Rule 116 must pay the replacement teacher the appropriate rate of pay in accordance with the terms of the Protection of Employees (Part-Time Work) Act 2001. A teacher on paid study leave employing a replacement teacher should familiarise themselves with the Circular Letters

dealing with the Part-Time Act legislation issued by my Department. Circular Pay 28/04 sets out the arrangements for the payment of substitute teachers employed by Boards of Management with effect from 1 January, 2005. This Circular Letter and the salary rates payable to casual and non casual teachers may be obtained from my Department's website — *www.education.gov.ie / education personnel/payroll division*.

Casual contracts of employment are offered where a substitute teacher is required to cover short absences of a permanent teacher or absences where it is not possible to determine the length of time a teacher may be absent. For example, a casual contract will be offered to cover a sick leave absence, even though the absence may be extended on a weekly basis.

Non-casual contracts are offered to a substitute teacher in cases where a teacher will be absent for a known fixed length of time, e.g. maternity leave, parental leave, carers leave or adoptive leave.

Teachers employed in a casual/non casual basis may be paid for Public Holidays if they fulfil the requirements under the Organisation of Working Time Act 1997. Under the Act, part-time employees must have worked a total of 40 hours over a five-week period ending immediately before the public holiday to qualify for payment.

#### **Pupil-Teacher Ratio.**

416. **Mr. Hayes** asked the Minister for Education and Science the measures that are being put in place to reduce class sizes in primary schools to the recommended INTO ratio of no more than 20 pupils per classroom in view of the fact that they are now the second highest in the EU. [26788/06]

**Minister for Education and Science (Ms Hanafin):** Major improvements in school staffing have been made in recent years with the hiring of more than 5,000 additional primary teachers. This represents the largest increase in teacher numbers since the expansion of free education.

Today there is one teacher for every 17 children, the lowest pupil teacher ratio in the history of the State.

Aside from decreasing average class size, the unprecedented increase in school staffing in recent years has also greatly improved the services provided for children with special needs and those from disadvantaged areas. Under DEIS (Delivering Equality of Opportunity in Schools) the action plan for educational inclusion that I launched in May, 2005, there will be a reduction in class sizes to 24:1 at senior level and 20:1 at junior level in the 180 primary schools serving communities with the highest concentrations of disadvantage.

With more than 600 extra resource teachers put in place in this school year, children with special needs are getting more support than ever before.

It should be acknowledged how much progress has been made in this area in recent years.

Recently I announced that I have secured sufficient funding to provide even smaller classes in our primary schools in the next school year, and the Minister for Finance has committed to a further reduction in class size in the following year.

Accordingly, over the next 2 years, my Department will put 500 extra teachers into primary schools to reduce class size and to tackle disadvantage.

The mainstream staffing of a primary school is determined by reference to the enrolment of the school on the 30th September of the previous school year. The actual number of mainstream posts sanctioned is determined by reference to a staffing schedule which is issued annually to all primary schools.

At present the general rule is that the schedule provides at least one classroom teacher for every 29 pupils in the school. Of course, schools with only one or two teachers have much lower staffing ratios than that — with two teachers for just 12 pupils in some cases and so on — but the general rule is that there is at least one classroom teacher for every 29 children in the school. Next year this is being reduced to 28 children per classroom teacher and in 2007/2008 it will be reduced to 27 children per classroom teacher.

In speaking about staffing in our schools, we have consistently said that priority would be given in the first instance to children in disadvantaged schools and those with special needs. We have done this. And now, in line with the Government commitment, mainstream class sizes are also being reduced.

#### **Higher Education Grants.**

417. **Mr. M. Higgins** asked the Minister for Education and Science further to her letter of 28 June 2006, the position with regard to the eligibility of a person (details supplied) in County Galway for a higher education grant; and if she will make a statement on the matter. [26789/06]

**Minister for Education and Science (Ms Hanafin):** The three Third Level Student Support Schemes, administered by the Local Authorities and the Vocational Education Committees on behalf of my Department, offer financial assistance to eligible students attending approved third level courses. Students entering approved courses for the first time are, generally speaking, eligible for grants where they satisfy the relevant conditions as to age, residence, means and nationality.

Under the Free Fees Initiative, my Department meets the tuition fees of eligible students who are attending full-time undergraduate courses in the State, which must be of at least two years duration, at an approved college. Where a candidate is pursuing an approved course at Postgraduate

[Ms Hanafin.]

level in an institution listed as an approved institution for the purpose of my Department's Higher Education Grant Scheme and VEC Scholarship Scheme, the Awarding Body may award a full or part grant in respect of the candidate's lecture fee subject to the terms of the Scheme.

My Department has examined the details of the course which the person is attending to determine whether or not an application could be considered for assistance under the 2005 Higher Education Grant Scheme. My Department is aware that the first semester of the LLM Human Rights Cross Border course is completed in Queen's University, the second in NUI Galway and the third can be spent in either Queen's University or NUIG. The person the deputy refers to chose to remain in NUIG for the third semester. However, my Department understands that all fees are paid to Queen's University, who in turn make a payment to NUIG in respect of the period of study there.

The residency requirement, under the prescribed provisions of the 2005 Higher Education Grant Scheme, requires in the case of an independent mature candidate the candidate to have been ordinarily resident in the administrative area of the Local Authority from the 1st October 2004. The person to whom the Deputy refers has confirmed to my Department and to Galway County Council that she resided in Scotland for the past number of years. Accordingly she is not eligible to be considered for a Higher Education maintenance grant in the state.

The particular clause which applies in this case is Clause 4.1.2 of the 2005 Higher Education Grant Scheme which states as follows: "Candidates who are E.U. nationals and who do not satisfy the residency requirement are eligible to apply for a means-tested fees only grant in respect of approved courses in the Republic of Ireland, provided they have been ordinarily resident, for a purpose other than wholly or mainly to receive full-time education, in an E.U. Member State from 1 October, 2004. Such candidates shall apply to the Local Authority in which the college they propose to attend is situated."

As the course is effectively a Queen's University, Belfast course, to which the fees are payable, it does not meet the criteria of an approved course in this state for the purposes of Clause 4.1.2.

### **Psychological Service.**

418. **Mr. Crowe** asked the Minister for Education and Science the number of National Educational Psychological Service psychologists there are; and her views on whether this number is sufficient. [26790/06]

**Minister for Education and Science (Ms Hanafin):** Since the establishment of my Department's National Educational Psychological

Service (NEPS) in 1999, the number of psychologists in the NEPS has increased from 43 to 122 at present — this includes 3 psychologists from the former National Rehabilitation Board (NRB) assigned to work with NEPS and 1 psychologist serving with another Section in my Department. A number of these posts are filled on a work-sharing basis.

The Public Appointments Service recently concluded a new recruitment competition for the appointment of Educational Psychologists to NEPS. Regional panels have been established to allow my Department give greater priority in filling vacancies to areas with the greatest need. It is expected that a further 9 psychologists will be in place before the end of 2006.

All primary and post primary schools have access to psychological assessments either directly through the NEPS or through the Scheme for Commissioning Psychological Assessments (SCPA), full details of which are available on my Department's website. Schools that do not currently have NEPS psychologists assigned to them may avail of the SCPA, whereby the school can have an assessment carried out by a member of the panel of private psychologists approved by NEPS, and NEPS will pay the psychologist the fees for this assessment directly. Details of this process and the conditions that apply to the scheme are available on my Department's Website. The prioritisation of urgent cases for assessment is a matter for the school principal in the first instance.

In common with many other psychological services, NEPS encourages a staged assessment process, whereby each school takes responsibility for initial assessment, educational planning and remedial intervention, in consultation 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.

It also ensures that children are not referred unnecessarily for psychological intervention. The General Allocation of resources to primary schools ensures that many children can receive additional teaching without the requirement of psychological assessment. Children who manifest very special 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 normally be assessed by the psychologist within that school term. Where schools consider that they have additional problems, they should contact the NEPS psychologist directly or make contact with the NEPS Regional Director for their region. Contact details are available on my Department's website.



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. Also, in relation to all schools, NEPS processes applications for Reasonable Accommodation in Certificate Examinations and responds to queries in relation to individual children from other sections of my Department and from the specialist agencies.

### Special Educational Needs.

419. **Mr. Crowe** asked the Minister for Education and Science the average time a child has to wait to be assessed to know if they will require special needs education; and if she has satisfied herself with this time period. [26791/06]

**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 consultation 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. It also ensures that children are not referred unnecessarily for psychological intervention.

The General Allocation of resources to primary schools ensures that many children can receive additional teaching without the requirement of psychological assessment. 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.

Where schools consider that they have additional problems, they should contact the NEPS psychologist directly or make contact with the NEPS Regional Director for their region. Contact details are available on my Department's website.

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. Also, in relation to all schools, NEPS processes applications for Reasonable Accommodation in Certificate Examinations and responds to queries in relation to individual children from other sections of my Department and from the specialist agencies.

Since the establishment of the NEPS in 1999, the number of NEPS psychologists has increased from 43 to 122 at present. 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. It is expected that a further 9 psychologists will be in place before the end of 2006.

### Departmental Expenditure.

420. **Mr. Crowe** asked the Minister for Education and Science the most recent figures on the amount being spent by her Department per primary school pupil, per secondary school pupil and per university pupil. [26792/06]

**Minister for Education and Science (Ms Hanafin):** Based on the 2006 Revised Estimates Allocation, the estimated average annual costs to the Exchequer of maintaining a student in First Level, Second-Level and Third Level education are as follows:

First level €5,711

Second Level €8,131

Third Level €10,218.

### Pre-school Services.

421. **Mr. Crowe** asked the Minister for Education and Science if pre-school education is a priority for her Department; the amount which is being spent in this area; the percentage of children of pre-school age that are involved; and the proposals there are in the pipeline to increase its roll-out. [26793/06]

**Minister for Education and Science (Ms Hanafin):** My Department is committed to the development of quality early learning opportunities for children. Following on from the publication of the White Paper on Early Childhood Education "Ready to Learn", the Centre for Early Childhood Development was established and has recently published a comprehensive draft quality framework for early childhood education. In addition, the National Council for Curriculum and Assessment is developing a national framework for early learning, which will be relevant



[Ms Hanafin.]

and useful to all those responsible for children's early learning and development.

A new Early Years Education Policy Unit has recently been established within my Department and will be co-located with the Office of the Minister for Children. The Deputy will recall that, in December 2005, the Office of the Minister for Children was established by the Government to maximise the co-ordination of policies for children and young people and to provide an overall strategic policy framework to bring together and promote close co-operation between the relevant areas of my Department, the Department of Health and Children and the Department of Justice, Equality and Law Reform.

Early Years Education in Ireland covers the period from birth to six years. Almost all five year olds and half of four year olds attend junior infant and senior infant classes in primary schools. These classes are funded from within the Department's current allocation of €2.6 billion for primary education in 2006.

Outside of junior classes in primary schools, my Department's main role in the area of early years education encompasses targeted pre-school provision for children from disadvantaged areas, for traveller children and for those with special needs. The Early Start pre-school project operates in 40 primary schools in designated areas of urban disadvantage in Dublin, Cork, Limerick, Waterford, Galway, Drogheda and Dundalk. There are 1,680 places in these centres and total expenditure was €4.96m in 2005. My Department also funds 46 pre-schools for Traveller children, catering for some 500 pupils at an annual cost of €850,000 in 2005.

In the special needs sector, there are currently 15 pre-school classes for children with autism located throughout the country. In addition to this, 12 stand-alone autism facilities that provide an applied behavioural analysis (ABA) model of response to children with autism cater for a number of children of pre-school age. My Department sanctions home tuition grants for children with autism who are of pre-school age and for whom a home educational programme is considered appropriate — grants for some 380 such children are currently in payment, costing in the region of €7m per annum.

In a small number of cases, my Department allocates funding to service providers to assist them in providing an educational component to pre-school age children in Child Educational Development Centres (CEDCs) and some €300,000 per annum is currently provided in this regard.

Targeted early childhood education provision is a key element of the School Support Programme (SSP) under the new action plan for educational inclusion DEIS (Delivering Equality of Opportunity in Schools), which provides for a standardised system for identifying levels of dis-

advantage. The objective in relation to early childhood education is to concentrate actions initially on those children aged from three up to school enrolment, who will subsequently attend the 180 urban/town primary schools serving the most disadvantaged communities.

My Department will work in partnership with other departments and agencies to complement and add value to existing childcare programmes in disadvantaged communities, with a view to ensuring that the overall care and education needs of the children concerned are met in an integrated manner. A strong emphasis will be placed on adding value to the work of other providers by embedding quality early learning within childcare provision. The Centre for Early Childhood Development and Education will provide advice on the future development and direction of pre-school measures for children in disadvantaged communities.

My Department will oversee the preparation of plans for phased implementation of the early childhood education dimension of DEIS in the targeted school communities, starting in the next school year, and this will be pursued within an overall strategic policy framework developed by the Office of the Minister for Children.

In relation to the specific commitment in the Programme for Government concerning the introduction of a national early education system for children with intellectual disabilities, I can assure the Deputy that my Department is committed to developing a pre-school service for children with special educational needs. Initial discussions between my officials and the Department of Health and Children and the HSE, who also have significant responsibilities in this area, have taken place with a view to progressing the development of an appropriate nationwide pre-school service.

Additional funding has become available through a multi-annual investment programme for the years 2006-2009. The programme is intended to support the development of high priority disability support services over this period, one of which includes an increase in the level of pre-school provision available for children with special educational needs.

#### **Educational Disadvantage.**

422. **Mr. Crowe** asked the Minister for Education and Science if she intends to extend the early start programme to all schools with pupils from disadvantaged areas. [26794/06]

**Minister for Education and Science (Ms Hanafin):** The Early Start pre-school project operates in 40 primary schools in designated areas of urban disadvantage in Dublin, Cork, Limerick, Waterford, Galway, Drogheda and Dundalk. Targeted early childhood education provision is a key element of the School Support Programme (SSP) under the new action plan for

educational inclusion DEIS (Delivering Equality of Opportunity in Schools), which provides for a standardised system for identifying levels of disadvantage.

As a result of the identification process, 840 schools have been invited to participate in the new Programme. These comprise 640 primary schools (320 urban/town schools and 320 rural schools) and 200 second-level schools. The objective in relation to early childhood education is to concentrate actions initially on those children aged from three up to school enrolment, who will subsequently attend the 180 urban/town primary schools serving the most disadvantaged communities. My Department will work in partnership with other departments and agencies to complement and add value to existing childcare programmes in disadvantaged communities, with a view to ensuring that the overall care and education needs of the children concerned are met in an integrated manner.

The Centre for Early Childhood Development and Education will provide advice on the future development and direction of pre-school measures for children in disadvantaged communities and the findings of a number of evaluation reports on Early Start prepared by the Education Research Centre will be taken into account in this regard.

In December 2005, the Office of the Minister for Children was established to maximise the co-ordination of policies for children and young people and will have a range of functions previously under the Departments of Health and Children; Justice Equality and Law Reform; and Education and Science. A new Early Years Education Policy Unit has been established within my Department and will be co-located with the Office of the Minister for Children. This Unit will oversee the preparation of plans for phased implementation of the early childhood education dimension of DEIS in the targeted school communities, starting in the next school year, and this will be pursued within an overall strategic policy framework developed by the Office of the Minister for Children.

#### **School Transport.**

423. **Mr. Crowe** asked the Minister for Education and Science if her attention has been drawn to the school transport situation at a school (details supplied) in County Donegal; if her attention has further been drawn to the fact that the concerned parents are requesting that the 2pm bus service is extended so that their children are brought to their homes. [26795/06]

**Minister of State at the Department of Education and Science (Miss de Valera):** My Department has requested Bus Éireann to submit a report on the situation as outlined by the Deputy in the details provided. When this report is

received and reviewed all interested parties will be advised.

#### **School Placement.**

424. **Cecilia Keaveney** asked the Minister for Education and Science the position in relation to an application contained in correspondence (details supplied); and if she will make a statement on the matter. [26796/06]

**Minister for Education and Science (Ms Hanafin):** The correspondence referred to by the Deputy has recently been received in the School Planning Section of my Department and is currently being examined. My officials will be in further contact with the School Authority in this regard.

#### **School Accommodation.**

425. **Cecilia Keaveney** asked the Minister for Education and Science the way in which a matter can be progressed in relation to the accommodation needs of a school (details supplied) in County Donegal; and if she will make a statement on the matter. [26797/06]

**Minister for Education and Science (Ms Hanafin):** I am pleased to advise the Deputy that officials from my Department are in contact with the management of the school in question with a view to progressing the proposed building project.

#### **Educational Disadvantage.**

426. **Mr. G. Mitchell** asked the Minister for Education and Science if she will give a positive response to a project in Dublin 10 (details supplied); and if she will make a statement on the matter. [26842/06]

**Minister for Education and Science (Ms Hanafin):** 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

[Ms Hanafin.]

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, which 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 2005/2006 my Department allocated €806,000 to the School Completion Programme in the Dublin 10 area. I understand that the project referred to by the Deputy has received financial support in 2005/2006 from this allocation and that there are plans to continue this support in 2006/2007. In addition to this the school has made separate representations to my Department and these representations are currently being considered in the context of the roll out of measures under the DEIS Initiative.

### Special Educational Needs.

427. **Mr. Deasy** asked the Minister for Education and Science if she will ensure that a special

needs assistant is provided for a child (details supplied) in County Waterford for the forthcoming school year; and when the school will be notified. [26866/06]

**Minister for Education and Science (Ms Hanafin):** As the Deputy is aware, the National Council for Special Education (NCSE) is now operational. A specific function of the NCSE, 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 and schools.

My officials have been advised by the NCSE that no application for special needs assistant support was made by the school to the SENO for the child in question. It is open to the school to contact the SENO regarding any special education needs that the pupil may have.

428. **Mr. Gilmore** asked the Minister for Education and Science the number of resource hours per week allocated to each second level school in Dun Laoghaire/Rathdown, County Dublin. [26867/06]

**Minister for Education and Science (Ms Hanafin):** The information requested by the Deputy is not readily available in my Department and would involve an inordinate amount of administrative time to compile.

### School Staffing.

429. **Ms Harkin** asked the Minister for Education and Science the provisions that she has made nationally regarding the health and safety of both pupils and teachers in the 18 to 1 teacher schools; and if she will appoint a second adult or give grant assistance directly to the schools to employ the second adult. [26913/06]

**Minister for Education and Science (Ms Hanafin):** The review of the one teacher schools is ongoing. As part of the review, Inspectors of my Department have been asked to submit reports on the individual schools involved. These reports on the individual schools involved are expected to be available shortly. Discussions will be held with representatives of the interested parties when all of the reports have been received and considered.

Sections 14, 15 and 23 of the Education Act, 1998 assigns each Board of Management and Principal Teacher responsibility for the day-to-day management of schools at both primary and post-primary level. Principals should organise supervision for the order and general behaviour of pupils during school hours. In particular, they should organise and participate in the effective supervision of the pupils during breaks, lunch-breaks, assembly and dismissal.



Rules 121(4) and 124(1) of the Rules for National Schools and Section 23(2) of the Education Act 1998 oblige teachers to take all reasonable precautions to ensure the safety of pupils and to participate in supervising pupils when the pupils are on school premises, during school time and/or on school activities. Accordingly, the responsibility of all teachers individually and collectively to provide a duty of care at all times towards the pupils in the school in which they teach, including periods of supervision, remains. Special needs assistants, who may be assigned to schools to cater for pupils with significant care needs, may be required to assist such pupils, if appropriate.

In accordance with the Safety, Health and Welfare at Work Act 1989, it is the responsibility of individual school management authorities to have a safety statement in place in their schools. The Statement should identify potential hazards, assess the risks to health and safety and put appropriate provision in place to safeguard the safety and health of employees and pupils. The Safety Statement should be reviewed on a regular basis.

#### Departmental Programmes.

430. **Ms Harkin** asked the Minister for Education and Science if she will extend the con-

Year	Name of Consultants	Purpose	Cost
			€
2002	Dennehy and Associates	Industrial relations advice	38,443.65
2004	Carr Communications	Advice, support and assistance for Your Education System Process (YES)	114,578.31

#### Departmental Staff.

432. **Mr. Gilmore** asked the Minister for Education and Science the number of political appointees and non established civil servants appointed to her Department since June 2002; the nature of the post to which each such person is appointed; the annual cost in terms of salaries or expenses in respect of each such post for each year since 2002; and if she will make a statement on the matter. [26993/06]

**Minister for Education and Science (Ms Hanafin):** Between June 2002 and September 2004 the following political appointees and non-established civil servants were appointed to the Office of the Minister for Education and Science:

- 1 Special Adviser
- 1 Press Officer
- 1 Personal Assistant
- 1 Personal Secretary.

Since September 2004 the following political appointees and non-established civil servants were appointed to my Office:

cession which she granted last year to schools who will have more than 12 pupils in September 2006. [26914/06]

**Minister for Education and Science (Ms Hanafin):** The review of the one teacher schools is ongoing. As part of the review, Inspectors of my Department have been asked to submit reports on the individual schools involved. These reports are expected to be available shortly. The issue raised by the Deputy will be examined when all of the reports have been received and considered.

#### Departmental Expenditure.

431. **Mr. Gilmore** asked the Minister for Education and Science the total amount paid in terms of fees or expenses for the appointment of press or public relations consultants from outside her Department for each year since 2002; the firms appointed and the specific project or responsibility for which they were engaged; and if she will make a statement on the matter. [26978/06]

**Minister for Education and Science (Ms Hanafin):** The total amount paid for fees and expenses for the appointment of public relations from outside my Department from the year 2002 to date is €153,021.96. This comprises the award of two public relations consultancies in this period.

- 1 Special Adviser
- 1 Personal Assistant
- 1 Personal Secretary (September 2004-April 2005)
- 1 Personal Secretary (April 2005 to date).

In relation to Minister of State Síle de Valera, one Personal Assistant was attached to her office from June 2002 to February 2003, and a second from April to June 2003. A Personal Secretary was attached to her office from July 2002-April 2004, and a second from April 2004 onwards. The costs for Personal Secretary include costs of a temporary replacement for maternity leave. The costs associated with these staff are as follows:

- 2002 €139,835.65
- 2003 €213,498.59
- 2004 €221,484.39
- 2005 €189,309.15
- 2006 to date €99,109.57.



[Ms Hanafin.]

The Deputy should note that the number of political appointments made by me to my staff is three, compared to five appointments made by the Minister for Education 1992-1997. In addition, neither of the Ministers of State in my Department have Special Advisers in contrast with the arrangements under the Rainbow Government, whereby the Minister of State 1995-1997 had a Special Adviser.

433. **Mr. Gilmore** asked the Minister for Education and Science the number of staff broken down by grade employed within the private office and the constituency office; the number of such staff who are permanent civil servants; the number who are political appointees; the annual cost of each such office in terms of salary, overtime and expenses in respect of each Minister of State allocated to her Department; and if she will make a statement on the matter. [27008/06]

434. **Mr. Gilmore** asked the Minister for Education and Science the number of staff broken down by grade employed within her private office and her constituency office; the number of such staff who are permanent civil servants; the number who are political appointees; the annual cost of each such office in terms of salary, overtime and expenses; and if she will make a statement on the matter. [27023/06]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 433 and 434 together.

There are currently 9 staff working in my private office and 5.5 staff working in my constituency office, as follows:

*Private Office*

1 Principal Officer

1 Private Secretary at Higher Executive Officer level

2 Executive Officers

4 Executive Officers

4 Clerical Officers

1 Special Adviser at Principal Officer level.

*Constituency Office*

1 Higher Executive Officer

1 Staff Officer (working on a half time basis)

2 Clerical Officers

1 Personal Assistant at Higher Executive Officer level

1 Personal Secretary.

All these staff are permanent civil servants except for my Special Adviser, Personal Assistant and Personal Secretary. The annual cost of these offices in 2005 was as follows:

Private Office: €430,039.61

Constituency Office: €203,489.64

There are currently four staff working in Minister of State Síle de Valera's private office and four in her constituency office.

*Private Office*

1 Private Secretary at Higher Executive Officer level

1 Executive Officer

2 Clerical Officers.

*Constituency Office*

1 Staff Officer

2 Clerical Officers

1 Personal Secretary.

All of these staff except the Personal Secretary are permanent civil servants. The annual cost of these offices in 2005 was as follows:

Private Office: €159,801.29

Constituency Office: €115,174.96

The amount paid in respect of salary, overtime and expenses for these staff is in accordance with the salary scales and travel and subsistence rates approved by the Department of Finance.

**Departmental Expenditure.**

435. **Mr. Gilmore** asked the Minister for Education and Science the total amount spent by her Department on advertising in newspapers, magazines and electronic media in respect of each year since 2002; and if she will make a statement on the matter. [27038/06]

**Minister for Education and Science (Ms Hanafin):** The cumulative value of advertising placed by my Department in print media in each of the years since 2002 was as follows:

2006 ( to end June) — €426,000

2005 — €504,000

2004 — €790,000

2003 — €416,000

2002 — €1,007,000.

The details as requested by the Deputy in regard to the value of advertising placed in magazines is not readily available in my Department.

My Department utilises the e-Tenders website which is a central facility for all public sector contracting authorities to advertise procurement opportunities and award notices. The site is managed by the National Public Procurement Policy Unit of the Department of Finance while day to day management and maintenance of the site has been outsourced. There is no charge to contracting authorities for this service.

### School Accommodation.

436. **Mr. P. Breen** asked the Minister for Education and Science when a school (details supplied) in County Clare will be given the go ahead for extra accommodation; if officials from the school planning section have made contact with the school authority to arrange a technical visit; and if she will make a statement on the matter. [27045/06]

**Minister for Education and Science (Ms Hanafin):** An application for capital funding towards the provision of an extension has been received from the school and has been assessed and the long term projected staffing, on which the accommodation needs will be based, has been determined and notified to the school authority. In order to determine how best to provide for the school's accommodation needs into the future, it will be necessary to have a technical assessment of existing buildings carried out. Having regard to the existing and competing demands on the building programme, my Department has not been in a position to arrange for a visit. However, it is intended that a visit will be arranged in the coming months.

In the interim, pending a permanent solution to the school's accommodation requirements the school has recently been given approval to rent a prefabricated classroom and resource room from September 2006.

### Physical Education Facilities.

437. **Mr. P. Breen** asked the Minister for Education and Science further to Parliamentary Question No. 1275 of 25 January 2006 the progress which has been made in the application for the provision of a sports hall for a college (details supplied) in County Clare; when approval for the project will be granted; and if she will make a statement on the matter. [27046/06]

**Minister for Education and Science (Ms Hanafin):** The school referred to by the Deputy has made an application for capital funding towards the provision of a PE Hall. The application has been assessed in accordance with the published prioritisation criteria and is being considered in the context of the School Building and Modernisation Programme 2006-2010.

### School Curriculum.

438. **Mr. Deenihan** asked the Minister for Education and Science if sport or physical education will be included as an examination subject in the 2006/2007 academic year at leaving certificate level; and if she will make a statement on the matter. [27047/06]

**Minister for Education and Science (Ms Hanafin):** Physical Education and sport, although closely linked, are not synonymous.

Sport begins with play and develops through games, competition and challenges. Competition in sport contributes to the holistic development of the student, provided that the opportunities presented are such that he/she is progressing towards the achievement of his/her potential. It is government policy to encourage and promote sport for all in schools. The policy of my Department is to facilitate this by means of a broad and balanced physical education curriculum for schools.

The focus in the Physical Education curriculum in our schools is on the learner's holistic development, with an emphasis on personal and social development, physical growth, and motor development. Goal-setting, within the curriculum, focuses on individual improvement rather than on winning or being the best. The creation of a positive attitude to sport and physical activity, with the overall aim of promoting long term involvement, is of paramount importance.

In accordance with the Rules and Programme for Secondary Schools, all second level schools should offer Physical Education as part of the curriculum. The programme should be based on the Department's approved syllabuses and teaching hours should be registered on the school timetable. The syllabuses in Physical Education have been developed on the basis of a time allocation of two hours per week.

The phasing in of a revised Physical Education syllabus (non-examination) at Junior Cycle level commenced in September 2003. The Junior Cycle Physical Education Support Service has been in place since then to support teachers in the implementation of this syllabus. It is not possible at this time to set a timescale for the introduction of Physical Education as an examination subject.

### School Transport.

439. **Mr. Naughten** asked the Minister for Education and Science further to Parliamentary Question No. 471 of 23 May 2006 and the subsequent meeting with the parents concerned; her Departments decision on the school transport service; and if she will make a statement on the matter. [27071/06]

**Minister of State at the Department of Education and Science (Miss de Valera):** The circumstances of the case raised by the Deputy, in the details provided, are being reviewed at present by my Department. Arrangements will be made to notify all relevant parties as soon as a decision has been made.

### Pupil Teacher Ratio.

440. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27075/06]

441. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27076/06]

442. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27077/06]

443. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27078/06]

444. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27079/06]

445. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27080/06]

446. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27081/06]

447. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27082/06]

448. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27083/06]

449. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27084/06]

450. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27085/06]

451. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27086/06]

452. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27087/06]

453. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a

school (details supplied) in County Westmeath. [27088/06]

454. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27089/06]

455. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27090/06]

456. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27091/06]

457. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27092/06]

458. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27093/06]

459. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27094/06]

460. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27095/06]

461. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27096/06]

462. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27097/06]

463. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27098/06]

464. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27099/06]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 440 to 464, inclusive, together.

The information requested by the Deputy is in the following table.

## Average Ordinary Class size in National Schools, County Westmeath in 2005/2006

Roll No.	Name	Address	Average Class Size
18679Q	An Ghrianán N S	Moate, County Westmeath	30.0
18764H	Ard na gCraith N S	Ard na gCraith, Walderstown	21.7
16092U	Athlone N S	Garden Vale, Athlone	16.7
16868J	Baile na gCeallagh N S	Collinstown, Mullingar	25.0
16914N	Baile Coireil N S	Baile Coireil, Mullingar	23.5
16838A	Baile Uí Gheibhinn N S	Gainstown, Mullingar	29.0
16340N	Ballinagore Mixed N S	Ballinagore, Mullingar	24.3
19632S	Ballinahowen NS	Athlone, County Westmeath	18.7
01731U	Ballynacargy Mixed N S	Ballynacargy, County Westmeath	24.8
17167H	BL Oliver Plunkett N S	Moate, County Westmeath	22.0
17236A	Boher N S	Boher, Streamstown	18.0
05513H	Castlepollard Mixed N S	Castlepollard, County Westmeath	26.8
10857U	Castlepollard PAROC.N S	Castlepollard, County Westmeath	16.5
15512L	Clochar na Trócaire	An Bhun-Scoil, Clochar na Trócaire	27.2
17102C	Cluain Buinne N S	Cluain Buinne, Athlone	22.8
17089N	Cluain Maoláin N S	Cluain Maoláin, An Uaimh	27.5
17903N	Corr na Madadh N S	Corr na Madadh, Athlone	24.9
02263S	Crowenstown N S	Crowenstown, Delvin	21.3
17327D	Curraghmore N S	Curraghmore, Mullingar	27.2
15307K	Dalystown N S	Dalystown, Mullingar	24.3
18036U	Diarmada N S	Castlepollard, County Westmeath	22.0
13571R	Drumraney Mixed N S	Drumraney, Athlone	10.5
17290G	Dysart NS	Dysart, Mullingar	19.0
17991N	Eoin Naofa N S	Ballymore, Mullingar	28.3
20002P	Gaelscoil an Mhuilinn	An Muileann Cearr, Contae na hIarmhí	27.2

465. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27100/06]

466. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27101/06]

467. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27102/06]

468. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27103/06]

469. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27104/06]

470. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a

school (details supplied) in County Westmeath. [27105/06]

471. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27106/06]

472. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27107/06]

473. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27108/06]

474. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27109/06]

475. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27110/06]



476. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27111/06]

477. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27112/06]

478. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27113/06]

479. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27114/06]

480. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27115/06]

481. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27116/06]

482. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27117/06]

483. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a

school (details supplied) in County Westmeath. [27118/06]

484. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27119/06]

485. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27120/06]

486. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27121/06]

487. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27122/06]

488. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27123/06]

489. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27124/06]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 465 to 489, inclusive, together.

The information requested by the Deputy is in the following table:

Average Ordinary Class size in National Schools, County Westmeath in 2005/2006

Roll No.	Name	Address	Average Class Size
16961W	Kilcumeragh N S	Kilcumeragh, MOTA	25.0
19607T	Kilpatrick NS	Mullingar, County Westmeath	28.8
18812P	Loch an Ghair N S	Loch an Chair, Mullingar	28.7
18262G	Lochan an Bhealaigh N S	Lochan an Bhealaigh, Ballinea	25.0
17432A	Magh Mora N S	Moyvore, County Westmeath	15.5
17182D	Mhíchíl Naofa N S	Castletown-Geoghegan, County Westmeath	22.3
18484B	Mhuire N S	Ráth Airne, Mullingar	29.2
16304J	Milltownpass N S	Milltownpass, County Westmeath	24.8
20188J	Mullingar Educate Together	Cullion, Mullingar	20.0
18505G	Naomh Clar N S	Tober Clar, Athlone	28.8
18640M	Naomh Iosef N S	Ráth Ghuire, Killucan	29.4
17606H	Naomh Mícheál N S	Castletown-Finea, Mullingar	8.5
17743R	Naomh MUIRE N S	Fiodh an Átha, Mullingar	13.5
19205W	Naomh Tola N S	Coill Uailleach, Mullingar	24.6
18591C	Naomh Tomás N S	Rathowen, County Westmeath	11.0
17932U	Odhran Naofa N S	Sonna, Slanemore	20.8
00934G	Presentation Convent (JNR)	Mullingar, County Westmeath	22.6
17189R	Ráth Eoghan N S	Ráth Eoghan, County Westmeath	18.7

Roll No.	Name	Address	Average Class Size
14603J	Rochfortbridge Convent	Rochfortbridge, County Westmeath	26.5
03936C	S N an Chúil	An Chúil, Muileann Cearn	20.7
18864L	S N An Cuasán	An Cuasán, Athlone	24.8
17882I	S N Aodha Naofa	Kilbeggan, County Westmeath	18.0
00941D	S N Bhríde	Emper, Ballynacargy	13.5
17565T	S N Brighde Buach	Rochfortbridge, County Westmeath	22.0
18534N	Naomh Mhuire	Delvin, County Westmeath	Special School/Not Applicable

490. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27125/06]

491. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27126/06]

492. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27127/06]

493. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27128/06]

494. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27129/06]

495. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27130/06]

496. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27131/06]

497. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27132/06]

498. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27133/06]

499. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27134/06]

500. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27135/06]

501. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27136/06]

502. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27137/06]

503. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27138/06]

504. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27139/06]

505. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27140/06]

506. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27141/06]

507. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27142/06]

508. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27143/06]

509. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27144/06]

510. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27145/06]

511. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27146/06]

512. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a

school (details supplied) in County Westmeath. [27147/06]

513. **Mr. P. McGrath** asked the Minister for Education and Science the average class size in a school (details supplied) in County Westmeath. [27148/06]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 490 to 513, inclusive, together.

The table below sets out the position.

Average Ordinary Class Size in National Schools, County Westmeath in 2005 / 2006

Roll No.	Name	Address	Average Class Size
19350I	S N Chruimín Naofa	Muilte Farannáin, Contae na hIarmhíde	28.6
18744B	S N na Naomh Uile	Mullingar, County Westmeath	25.8
17025K	S N na nDun	Mullingar, County Westmeath	26.4
18193N	S N Naomh Fiontán	Lismacaffrey, County Westmeath	24.3
08100U	S N Phádraig	Baile Éamainn, Killucan	20.5
18405C	S N Phóil Naofa	Athlone, County Westmeath	14.2
17708P	SC Ciaráin	Lower Warren, Athlone	24.0
19948W	SC na gCeithre Máistrí	Díseart Mhuire, Bóthar na Díthreibhe	28.8
20063M	Scoil an Chlochair Cill Bheagan	Kilbeggan, County Westmeath	27.2
19650U	Scoil Cholmáin Naofa	Bellview, Mullingar	29.3
18533L	Scoil Mhuire	Teach Munna, Mullingar	25.0
18212O	Scoil na Maighdine Mhuire	P.O.Box 8, Harbour Street	24.8
18381O	Scoil na mBráithre	Mullingar, County Westmeath	26.3
19008U	Scoil Phádraig	Baile an Mhuileann, Muileann CearnB	23.3
16639R	SN Deaghan Ó Ceallaigh	Athlone, County Westmeath	12.8
19848S	ST. Etchens	Kinnegad, County Westmeath	28.8
14450K	St. Feighans Mxd. N S	Fore, Castlepollard	25.3
20073P	St. Marys NS	Gracepark Road, Athlone	22.6
07722D	St. Peters N S SNR.	Athlone, County Westmeath	12.2
15291V	Streamstown Mixed N S	Streamstown, County Westmeath	17.3
08037Q	Tang N S	Tang, Ballymahon	25.0
05916G	Tyrrellpass Mixed N S	Tyrrellpass, County Westmeath	28.0
19792R	St. Brigids Spec. Sch.	Harbour Street, Mullingar	Special School/Not Applicable
19261J	St. Hildas Sp. Sch.	Grace Park Road, Athlone	Special School/Not Applicable

#### School Transport.

514. **Ms Enright** asked the Minister for Education and Science the expenditure on school transport for each year since 1997; and if she will make a statement on the matter. [27151/06]

**Minister of State at the Department of Education and Science (Miss de Valera):** The following is a breakdown of my Department's expenditure on transport services for the years shown:

1997 — €49.5m

1998 — €51.2m

1999 — €58.0m

2000 — €65.1m

2001 — €77.1m

2002 — €96.0m

2003 — €101.7m

2004 — €109.8m

2005 — €122.2m.

515. **Ms Enright** asked the Minister for Education and Science the number of children carried on school transport for each year since 1997; and if she will make a statement on the matter. [27152/06]

**Minister of State at the Department of Education and Science (Miss de Valera):** The number

of pupils availing of school transport services in a school year varies from time to time. Accordingly, the figures which I am now providing are averages of pupils availing of the service within the years mentioned.

1997 —	160,000
1998 —	154,000
1999 —	145,000
2000 —	139,000
2001 —	140,000
2002 —	136,000
2003 —	138,000
2004 —	136,000
2005 —	135,500.

In addition to the above Bus Éireann also issue almost 9,000 tickets to schoolchildren for travel on public and privately licensed scheduled local and national bus and public rail services.

516. **Ms Enright** asked the Minister for Education and Science the number of children carried on school transport services for the 2003 to 2004, 2004 to 2005 and 2005 to 2006 school years; if she will provide this information on a county basis; if she will indicate, on a county basis, which of these children are fully entitled to the service and which are concessionary ticket holders; and if she will make a statement on the matter. [27153/06]

**Minister of State at the Department of Education and Science (Miss de Valera):** The annual average numbers of pupils carried on Primary and Post Primary school transport services from 2003 is 136,500 of which over 6,300 are currently carried on a concessionary basis.

The breakdown of these figures on a county-by-county basis is not available.

517. **Ms Enright** asked the Minister for Education and Science the number of children with special educational needs carried by school transport, on a county basis, for the 2003 to 2004, 2004 to 2005 and 2005 to 2006 school years; and if she will make a statement on the matter. [27154/06]

**Minister of State at the Department of Education and Science (Miss de Valera):** Between eight and nine thousand children with special educational needs are availing of school transport. A breakdown of this figure on a county-by-county basis is not available.

518. **Ms Enright** asked the Minister for Education and Science the number of vehicles in the service of the school transport system; the number of these which are contracted from private operators; the average age of the vehicles privately contracted; the average age of the

remainder of the vehicles; and if she will make a statement on the matter. [27155/06]

**Minister of State at the Department of Education and Science (Miss de Valera):** The number of vehicles operating under the school transport scheme is over 3,300. This figure includes about 2,700 vehicles (including standby vehicles) owned by private contractors. The average age of the Bus Éireann school bus fleet is 15.1 years. The average age of the entire school bus fleet, including contractors vehicles, is 11 years.

519. **Ms Enright** asked the Minister for Education and Science if the three for two seating arrangement is in use on any vehicle carrying primary or post-primary children to school; and if she will make a statement on the matter. [27156/06]

**Minister of State at the Department of Education and Science (Miss de Valera):** Bus Éireann have informed my Department that all of the post-primary school transport services are now on a one for one seating basis. Plans are well advanced to provide children travelling on school buses to primary schools with single seats by the end of December 2006.

520. **Ms Enright** asked the Minister for Education and Science the position with regard to the fitting of seat belts to all school buses; the number of vehicles, and their capacity, which have to be fitted with these devices; and if she will make a statement on the matter. [27157/06]

**Minister of State at the Department of Education and Science (Miss de Valera):** Bus Éireann has informed my Department that 375 of its fleet of about 650 school buses have already been retrofitted with seat belts and they have indicated that they remain on target to have the work completed by the end of August 2006.

Bus Éireann also informed my Department that there are about 2,700 private contractors' vehicles, including taxis and larger vehicles on standby, in the school transport scheme, and that over 80% of these are already fitted with seat belts. The standard to which belts on contractors' vehicles have been fitted will need to be assessed and Bus Éireann is making arrangements for the necessary inspection to be carried out on a contractual basis.

#### Special Educational Needs.

521. **Ms O'Sullivan** asked the Minister for Education and Science the number of special needs assistants employed in national schools; and if she will make a statement on the matter. [27158/06]

**Minister for Education and Science (Ms Hanafin):** The number of whole-time equivalent special need assistants currently employed in



[Ms Hanafin.]

national schools and paid on my Department's payroll is 6,587.

522. **Ms O'Sullivan** asked the Minister for Education and Science the number of special units for children on the autistic spectrum in national schools; and if she will make a statement on the matter. [27159/06]

**Minister for Education and Science (Ms Hanafin):** The Deputy will be aware of my commitment to ensuring that all children, including those with autism receive an education appropriate to their needs. In this regard my Department currently provides the following facilities for the education of children with autism: 162 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; and 12 Stand-Alone facilities providing an Applied Behavioural Analysis (ABA) specific methodology. Approval has also been given for the establishment of a further two such facilities.

The Deputy is aware that a specific function of the National Council for Special Education (NCSE), through its network of local Special Educational Needs Organisers (SENOs), is to identify appropriate educational placements for all children with special educational needs, including children with autism. The NCSE, through the SENOs, will continue to develop and co-ordinate additional provision, where necessary.

523. **Ms O'Sullivan** asked the Minister for Education and Science if she will clarify her reference to 1,654 full-time equivalent additional teachers to support pupils at post-primary level with special needs in Parliamentary Question No. 468 of 23 May 2006; if this number refers to resource teachers only or if it includes general teachers who have some time allocated for special needs; and if she will make a statement on the matter. [27160/06]

**Minister for Education and Science (Ms Hanafin):** There are 1,654 whole-time equivalent teachers in place to support pupils with special educational needs at post-primary level.

#### Capitation Grants.

524. **Mr. Cregan** asked the Minister for Education and Science the levels of capitation fees paid to primary or national schools; the movement of rates over the past 10 years; the commitments made for future movements; if she will increase capitation fees; if payments to primary schools are currently the same whether the school is primary, voluntary, gaelscoil or educate together; and if rates will be outlined and con-

sideration given to possible increases in 2007. [27171/06]

**Minister for Education and Science (Ms Hanafin):** Primary schools' running costs are met by my Department's scheme of capitation grants. These grants are intended to contribute towards the general operating costs of schools which would include heating, lighting, cleaning, insurance, painting, teaching aids and other miscellaneous charges. Since 1997 the standard rate of capitation grant has been increased by almost 155%.

The standard rate of capitation grant per pupil from 1997 to date at Primary level is as follows:

Year 1996/97 — £45.00 (€57.14)

Year 1997/98 — £50.00 (€63.49)

Year 1998/99 — £60.00 (€76.18)

Year 1999/00 — £64.00 (€81.26)

Year 2000/01 — £75.50 (€95.87)

Year 2001/02 — €105.00

Year 2002/03 — €111.58

Year 2004 — €121.58

Year 2005 — €133.58

Year 2006 — €145.58.

Furthermore enhanced rates of capitation funding are paid in respect of children with special educational needs who attend special schools or special classes attached to mainstream schools. The current rates range from €400.00 to €619.50 per pupil.

The standard rate of capitation grant is paid to all primary schools except Gaelscoileanna located outside of Gaeltacht areas which receive an additional €25.39 per pupil over and above the standard rate grant.

The latest increases in the level of capitation grant are a clear demonstration of my commitment to improve the financial position of primary schools. The question of increasing the rate of grant in the future will be considered as part of the normal Estimates process and in the context of available resources and priorities within the education sector.

#### Pupil-Teacher Ratios.

525. **Mr. Cregan** asked the Minister for Education and Science the pupil numbers and staffing compliment in a school (details supplied) in Dublin 11; the number of and the location where there are classes over 30 in size; the average number per class nationally; the average number per class in this school; if she will clarify the position in relation to same; and if she will make a statement on the matter. [27222/06]

**Minister for Education and Science (Ms Hanafin):** The staffing of a primary school for a particular school year is determined by reference to the enrolment of the school on the 30th September of the previous school year and by reference to a staffing schedule. This staffing schedule for the 2006/07 school year is outlined in Primary Circular 0023/2006 which was issued to all primary schools.

As the Deputy will be aware, 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.

Indeed, with the thousands of extra primary teachers hired by this Government, 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.

As you know all 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.

So, as I have pointed out the general rule in the current school year is that at least one classroom teacher is provided for every 29 pupils. Furthermore, the actual average class size nationally is 24.

With regard to the schools referred to by the Deputy, the following is the position for the 2005/2006 school year: In school number 1 there are 454 pupils and 16 mainstream class teachers, giving an average class size of 28.38. Two classes in the school have 31 pupils.

In school number 2 there are 461 pupils and 16 mainstream class teachers giving an average class size of 28.81. Four classes in the school have 32 pupils.

As a result of the improvement in the staffing schedule school number 2 will have an additional mainstream class teacher for the 2006/07 school year with a consequential reduction in the average class size 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.

#### **Departmental Investigations.**

526. **Mr. Costello** asked the Minister for Defence if he has completed his inquiry into the Niemba Ambush, Congo 1960 and the cases of the two surviving Irish soldiers; and if he will make a statement on the matter. [26862/06]

**Minister for Defence (Mr. O’Dea):** The Chief of Staff has appointed a Senior Officer to examine all aspects of the Niemba ambush in the Congo in November 1960. The examining officer has now interviewed both survivors and has also contacted other interested parties both at home and abroad. Due to the diversity of this investigation it is unlikely that it will be completed for some time.

#### **Defence Forces Retirement.**

527. **Mr. Costello** asked the Minister for Defence if there have been recent developments in the case of a person (details supplied); and if he will make a statement on the matter. [26863/06]

**Minister for Defence (Mr. O’Dea):** The position remains as outlined in my recent reply to questions numbers 9 and 78 on the Order Paper of 22 June, 2006 in relation to this case.

#### **Hearing Impairment Claims.**

528. **Mr. Costello** asked the Minister for Defence the number of lawyers involved in Army deafness cases who have not prepared bills of cost and whose fees have been questioned by their clients regarding double charging; the number of cases that the Law Society seeks to exclude on the grounds that the bills are over five years old; and if he will make a statement on the matter. [26864/06]

**Minister for Defence (Mr. O’Dea):** The relationship between solicitors and their clients is private. My Department would not, therefore, be in possession of the information sought by the Deputy. My Department has, however, received a total of 152 enquiries from past claimants regarding the amount of award or settlement as well as the legal costs paid in their cases. More specifically, in 4 of these cases the past claimant has approached my Department seeking copies of the Bill of Costs in respect of their hearing loss litigation, as their legal representatives were unable to supply the information sought. In 3 of these cases, the Bill of Costs were obtained from the Chief State Solicitor’s Office and sent to the persons requesting the details. My Department does not have details of the Bills of Costs as this

[Mr. O'Dea.]

is solely a matter for the Chief State Solicitor's Office.

As already stated, the relationship between solicitors and their clients is private. My Department is not, therefore, aware of the number of complaints made to the Law Society which the Law Society believes are excluded from the statutory powers of the Society on grounds of elapse of time.

I have had recent correspondence with the Law Society regarding my concerns about such cases.

#### Defence Forces Equipment.

529. **Mr. Costello** asked the Minister for Defence if he will make some army tents available for a fundraising event (details supplied). [26865/06]

**Minister for Defence (Mr. O'Dea):** While my Department has received no formal request in

Year	Company	Projects	Costs
			€
2002	Gallagher & Kelly	PR Advice to Emergency Planning Branch	32,048
2002	Sweeney Communications	Press and PR Advice to Minister	12,235

#### Departmental Staff.

531. **Mr. Gilmore** asked the Minister for Defence the number of political appointees and non established civil servants appointed to his Department since June 2002; the nature of the post to which each such person is appointed; the annual cost in terms of salaries or expenses in respect of each such post for each year since 2002; and if he will make a statement on the matter. [26994/06]

**Minister for Defence (Mr. O'Dea):** The information sought by the Deputy is currently being prepared by my Department and will be forwarded to the Deputy shortly. My Department employs a number of non-established civil servants who are not political appointees and who are mostly in service grades, or temporary contract staff engaged from time to time.

I would also like to refer the Deputy to the answer I provided to Parliamentary Question number 27024/06 where details in relation to the Special Adviser, Press Adviser, Personal Assistant and a Personal Secretary that I have appointed since September 2004 are outlined. The salaries of these staff amount to €275,039 per annum. Their costs in relation to expenses (travel and subsistence) since July 2005 have amounted to €11,774.

532. **Mr. Gilmore** asked the Minister for Defence the number of staff broken down by grade employed within the private office and the constituency office; the number of such staff who

this regard, the organisation concerned have been in contact with my office. My office will be in further contact with the organisation over the next week and the request will then be considered.

#### Consultancy Contracts.

530. **Mr. Gilmore** asked the Minister for Defence the total amount paid in terms of fees or expenses for the appointment of press or public relations consultants from outside his Department for each year since 2002; the firms appointed and the specific project or responsibility for which they were engaged; and if he will make a statement on the matter. [26979/06]

**Minister for Defence (Mr. O'Dea):** A total amount of €44,283 has been paid in terms of fees for the appointment of two public relations consultants since 2002. Further details in relation to these firms are set out in the following table.

are permanent civil servants; the number who are political appointees; the annual cost of each such office in terms of salary, overtime and expenses in respect of each Minister of State allocated to his Department; and if he will make a statement on the matter. [27009/06]

**Minister for Defence (Mr. O'Dea):** There are two permanent civil servants employed in the office of the Minister of State for Defence comprising of one Higher Executive Officer and a Clerical Officer. At current rates and since July 2005, the salaries of these staff amounted to €99,300 per annum. Costs in relation to overtime and expenses (travel and subsistence) have amounted to €1,484.

533. **Mr. Gilmore** asked the Minister for Defence the number of staff broken down by grade employed within his private office and his constituency office; the number of such staff who are permanent civil servants; the number who are political appointees; the annual cost of each such office in terms of salary, overtime and expenses; and if he will make a statement on the matter. [27024/06]

**Minister for Defence (Mr. O'Dea):** There are four permanent civil servants employed in my Private Office comprising one Higher Executive Officer, one Executive Officer, one Staff Officer and one Clerical Officer. The salaries of these staff from July 2005 to July 2006 amounted to €195,437 per annum. Costs in relation to overtime

and expenses (travel and subsistence) have amounted to €4,308.

There are six permanent civil servants employed in my Constituency office comprising of one Executive Officer, one Staff Officer and four Clerical Officers, one of whom is worksharing. The annual salaries of these staff since July 2005 amounted to €176,569 per annum. Costs in relation to overtime and expenses (travel and subsistence) have amounted to €1,373.

Also, I have appointed a Special Adviser, a Press Adviser, a Personal Assistant and a Personal Secretary. The salaries of these staff amount to €275,039 per annum. Costs in relation to expenses (travel and subsistence) since July 2005 have amounted to €11,774.

#### Departmental Expenditure.

534. **Mr. Gilmore** asked the Minister for Defence the total amount spent by his Department in terms of advertising in newspapers, magazines and electronic media in respect of each year since 2002; and if he will make a statement on the matter. [27039/06]

**Minister for Defence (Mr. O’Dea):** The value of advertising in newspapers, magazines and electronic media placed by my Department, including the Defence Forces, in respect of each year since 2002 is set out in the table below:

Year	Value of Advertising
	€
2005	455,780
2004	296,827
2003	183,655
2002	240,373

#### Defence Forces Retirement.

535. **Mr. G. Mitchell** asked the Minister for Defence if he will examine the case of a person (details supplied) in Dublin 1 who cannot receive a pension from his Department despite 31 years of service; and if he will make a statement on the matter. [27044/06]

**Minister for Defence (Mr. O’Dea):** The person concerned retired on age grounds earlier this year. He has been paid the bulk of his retirement lump sum. Payment of his pension entitlement and the balance of his retirement lump sum will be made in the next few weeks.

#### Water and Sewerage Schemes.

536. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government the situation with regard to the Miltown Malbay sewerage scheme in County Clare; and if he will make a statement on the matter. [27377/06]

542. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government the progress which has been made in relation to the proposed Ennistymon, Liscannor, Miltown Malbay and Spanish Point sewerage schemes with regard to their construction; the envisaged timetable and costings for same; the individual costing per household as has been worked out; and if he will make a statement on the matter. [26785/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to take Questions Nos. 536 and 542 together.

The Ennistymon, Liscannor, Miltown Malbay and Spanish Point Sewerage Scheme is included in my Department’s Water Services Investment Programme 2005-2007 as a scheme to commence construction in 2007 at an estimated cost of €12.5m.

Clare County Council’s Preliminary Report and Water Services Pricing Policy Report for the scheme are under examination in my Department and are being dealt with as quickly as possible. Once these reports have been approved by my Department, the overall funding arrangements for the scheme will be determined and Council will be in a position to proceed with the preparation of Contract Documents.

#### Departmental Expenditure.

537. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the amount which was spent in his Department for the years 2005 and from January 2006 to date for media purposes or advertising; where the money was spent, that is, national papers, provincial papers, RTÉ radio, local radios and so on; the amounts spent on a yearly basis for years of the previous three years; if money was spent on videos, for promotional, educational or advertising purposes. [27971/06]

555. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government the total amount spent by his Department in terms of advertising in newspapers, magazines and electronic media in respect of each year since 2002; and if he will make a statement on the matter. [27040/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to take Questions Nos. 537 and 555 together.

The amount spent by my Department on advertising in 2002 and 2003 is €1,633,297 and €2,230,831 respectively. The information in relation to the period since 2003 is being compiled and will be forwarded to the Deputy as soon as possible. Expenditure was incurred on statutory notification requirements and a range of advertising campaigns to highlight issues of rel-



[Mr. Roche.]

evance to my Department. Expenditure was spread across the whole media spectrum including Iris Oifigiúil, television, local radio, national and provincial papers, other local publications as well as cinema advertising and billboard poster campaigns.

The Department also funds the operations of ENFO — the environmental information service. ENFO provides an authoritative source of factual information on the environment and sustainable life styles. This is achieved, inter alia, through providing access to a drop-in centre, library, exhibitions, leaflets, CDs and videos.

#### House Completions.

538. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government the number of housing completions in County Clare for each of the years 2001 to 2005; and if he will make a statement on the matter. [26777/06]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** Details in relation to the number of house completions in County Clare for each of the years 2001 to 2005 are set out in my Department's Housing Statistics Bulletins, copies of which are available in the Oireachtas library, and also on the Department's website at [www.environ.ie](http://www.environ.ie).

#### Water and Sewerage Schemes.

539. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government the progress which has been made in relation to the proposed Quilty, Scariff and Feakle sewerage schemes with regard to Clare County Council's revised proposals; the details of same; if a pricing structure has been agreed; and if he will make a statement on the matter. [26782/06]

540. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government the progress which has been made in relation to the proposed Labasheeda, Cooraclare and Carrigaholt sewerage schemes with regard to Clare County Council's revised proposals; the details of same; if a pricing structure has been agreed; and if he will make a statement on the matter. [26783/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to take Questions Nos. 539 and 540 together.

I refer to the reply to Questions Nos. 974, 975, 976 and 977 of 25 April 2006.

My Department is considering additional information received from Clare County Council earlier this week in relation to the Feakle, Scariff and Quilty Sewerage Scheme and a response will

issue to the Council as soon as possible. The position in relation to the Labasheeda, Cooraclare and Carrigaholt Scheme is unchanged.

541. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government the progress which has been made in relation to the proposed Broadford sewerage scheme with regard to Clare County Council's revised preliminary report; the details of same; if a pricing structure has been agreed; and if he will make a statement on the matter. [26784/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The Broadford Sewerage Scheme is approved for funding in my Department's Water Services Investment Programme 2005-2007 under the Rural Towns and Villages Initiative at an estimated cost of €1.6m.

My Department is awaiting submission by Clare County Council of a revised Preliminary Report and updated Water Services Pricing Policy Report which will help determination of the overall funding arrangements for the scheme. Once these reports have been approved by my Department, the Council will be in a position to progress the scheme to construction stage.

*Question No. 542 answered with Question No. 536.*

#### Water and Sewerage Schemes.

543. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government the progress which has been made in approving the contract documents for the Doolin, Ballyvaughan and Corofin Sewerage schemes; the details of same; the pricing structure which has been agreed; and if he will make a statement on the matter. [26786/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I refer to the reply to Question No. 978 of 25 April 2006. Overall funding arrangements for these schemes will be determined as soon as Water Services Pricing Policy Report for the schemes has been submitted by Clare County Council and approved by my Department.

#### Fire Stations.

544. **Mr. McGuinness** asked the Minister for the Environment, Heritage and Local Government the amount of funding allocated for the provision of a fire station at Castlecomer, County Kilkenny; the date the announcement was made; if plans have been submitted to his Department for approval; the date when the plans were submitted; and if he will make a statement on the matter. [26868/06]

546. **Mr. McGuinness** asked the Minister for the Environment, Heritage and Local Government the locations of new fire stations applied for in the name of Kilkenny County Council; the cost of each; their status in the process of consideration; and if he will make a statement on the matter. [26870/06]

547. **Mr. Aylward** asked the Minister for the Environment, Heritage and Local Government if he will approve the drawings submitted by Castlecomer fire station in County Kilkenny in order that the project can be progressed. [26917/06]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O’Keeffe):** I propose to take Questions Nos. 544, 546 and 547 together.

There are currently proposals with my Department for the provision of new fire stations at Castlecomer, Graiguenamanagh and Urlingford. These are in addition to the new fire station at Freshford which is currently under construction.

The provision of a new fire station at Castlecomer, to be advanced to construction stage by the end of 2006, was announced on 16 April 2005 under the 2005 Fire Services Capital Programme. My Department received the design documents in relation to this proposal on 21 June 2006 and these are currently being examined. The current estimated cost is €1.3 million; a specific funding allocation will not be made until the acceptance of a tender is being approved.

The Graiguenamanagh and Urlingford proposals are at preliminary approval stage and will be considered for inclusion in future fire services capital programmes, having regard to the overall availability of resources and priorities under these programmes. There are no current costings for these two proposals.

#### **Local Authority Funding.**

545. **Mr. McGuinness** asked the Minister for the Environment, Heritage and Local Government the amount of funding allocated for the provision of a library headquarters for County Kilkenny; the date that Kilkenny County Council was informed of the funding; if plans have been submitted to his Department for approval; if funds have been drawn down to date; and if he will make a statement on the matter. [26869/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The planning and development of library proposals is primarily a matter for each library authority subject to approval by my Department at various stages of a project’s development. The Kilkenny Central Library/HQ project was approved under the 1999/2002 Library Capital Programme. Kilkenny County Council submitted Detailed Cost and

Design proposals to my Department in 2001 but was asked to clarify a number of issues before approval would issue. The Council subsequently decided not to proceed with the particular proposal. In 2005, Kilkenny County Council informed my Department that it was still fully committed to the provision of a library in Kilkenny and was awaiting identification of a suitable site. Estimated grant aid of €5.25 million has been earmarked for this project.

*Question No. 546 answered with Question No. 544.*

*Question No. 547 answered with Question No. 544.*

#### **Environmental Policy.**

548. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if he will issue immediate instructions to the wildlife section of his Department to ensure that roadside verges are automatically trimmed as required, either by the local authority or by the landowners, without having to wait approval from the local area engineer, having particular regard to combatting the spread of hogweed; and if he will make a statement on the matter. [26918/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The cutting, grubbing, burning or destruction of any vegetation growing on land not then cultivated is generally prohibited during the period from 1 March to 31 August each year by the provisions of Section 40 of the Wildlife Act 1976, as amended by the Wildlife (Amendment) Act 2000.

However, subsection 2 of Section 40 of the Act, as amended, provides specified exemptions from this restriction, including the cutting of vegetation in the course of any works being duly carried out for reasons of public health or safety by a Minister of the Government or a body established or regulated under statute. This permits, for example, the clearing by a local authority during the period referred to above of vegetation that presents a hazard to road traffic or pedestrians or the destruction of any noxious weed.

Since the native hogweed, *Heracleum sphondylium*, is abundant and widespread in Ireland, I assume that the Deputy is referring to the giant hogweed, *Heracleum mantegazzianum*, an alien species that can cause severe irritation of the skin on contact. Subsection 2 of Section 40 provides adequate powers to enable the local authorities to control giant hogweed on roadside verges where it presents a hazard to public health and safety.

#### **Planning Issues.**

549. **Mr. Gogarty** asked the Minister for the

[Mr. Gogarty.]

Environment, Heritage and Local Government the progress which has been made with regard to the introduction of legislation to regulate the operation of management companies in private housing developments. [26920/06]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** Apartment complex management companies are generally constituted under the Companies Acts and are required to comply with the provisions of company law, which is a matter for the Minister for Enterprise Trade and Employment. It is intended that proposals will be submitted to Government later this year for a Company Law Reform and Consolidation Bill, which is expected to include company law provisions relating to management companies.

#### Local Authority Housing.

550. **Mr. McGuinness** asked the Minister for the Environment, Heritage and Local Government the estimated cost to the State of providing the housing necessary to clear the local authority housing waiting list; and if he will make a statement on the matter. [26922/06]

**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 was undertaken by local authorities in March 2005 and indicated that there were 43,684 households on local authority waiting lists compared with 48,413 in March 2002 — a decrease of almost 10%. The decrease in the level of housing waiting lists has evolved from the positive impact of the Government's investment in the provision of social and affordable 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 amounting to close to €4 billion in Exchequer capital spend-

ing over the period 2006 to 2008. The Government have committed in the draft social partnership agreement, Towards 2016, to further additional investment in social housing with 27,000 new units to be started or acquired over the period 2007 to 2009. It is envisaged that these new units will be delivered through a combination of local authority social housing, voluntary and co-operative sector social housing programme and long-term contracts for new supply under the Rental Accommodation Scheme.

Further households will benefit from the full implementation of the Rental Accommodation Scheme involving contractual arrangements with landlords for existing properties transferring from rent supplement. Over the same period it is expected that some 17,000 units of affordable housing will be delivered. As a result of the various social and affordable housing measures the needs of some 60,000 new households will be met over the period 2007-2009. The housing policy framework also proposes a package of reforms 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.

#### Consultancy Contracts.

551. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government the total amount paid in terms of fees or expenses for the appointment of press or public relations consultants from outside his Department for each year since 2002; the firms appointed and the specific project or responsibility for which they were engaged; and if he will make a statement on the matter. [26980/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The total amount paid in terms of fees or expenses for the appointment of press or public relations consultants in my Department since 2002 is €6,854,289. Full details, on a project-by-project basis are listed in the following table.

Public relations	Completed by	Cost	Date
		€	
Anti-litter awareness advertisement	Irish international/OMD	135,249	2002
Advertising campaign plastic bag levy	Irish international OMD	53,728	2002
Advertising campaign to publicise the supplementary register used for referendum on the protection of human life in pregnancy, general election 2002 and referendum on the treaty of nice	Brindley Advertising Ltd.	17,885	2002
Cohesion fund publicity project	Carr Communications Ltd	5,337	2002
Communication consultancy	Monica Leech Communications	47,197	2002
Communications consultancy in relation to the national spatial strategy	Drury Communications	115,128	2002

Public relations	Completed by	Cost	Date
		€	
Environment awareness campaign	Drury Communications	648,460	2002
Production of advertisements instructing the public on how to use electronic voting machine	Brindley Advertising Ltd.	20,173	2002
Publicity campaign for introduction of plastic bags levy	Drury Communications	61,525	2002
Publicity campaign for the draft Register of Electors — 2003/2004	Brindley Advertising Ltd.	99,999	2002
Publicity work on promotion of electronic voting including road show.	Carr Communications Ltd.	133,044	2002
Communication consultancy	Monica Leech Communications	135,036	2003
Communications consultancy in relation to the national spatial strategy	Drury Communications	97,635	2003
Electronic voting awareness campaign	McConnells Advertising service Ltd/q4 public relations	315,049	2003
Management of National Inventory of Architectural Heritage Awareness campaign	Hunter Red Cell	301,895	2003-2005
Publicity campaign for the draft Register of Electors — 2004/2005	Cawley Nea Ltd.	159,607	2003
Race against waste — PR Element	Lyle Bailey (Mary Murphy Associates)	145,200	2003-2004
Communication consultancy	Monica Leech Communications	39,392	2004
Production of advertisements regarding the register of electors	Brindley Advertising Ltd.	38,017	2004
Publicity campaign for the draft Register of Electors — 2005/2006	McConnells Advertising service Ltd	158,758	2004
Race against waste — PR Element	Lyle Bailey (Mary Murphy Associates)	320,166	2004-2005
Media support for the launch of the Burren LIFE Project	Ann Jones	423	2005
Publicity campaign for the draft Register of Electors — 2006/2007	Bloom	155,696	2005
Race against waste — PR Element	Lyle Bailey (Mary Murphy Associates)	344,850	2005-2006
Short term communications consultancy regarding emergency planning	Grayling Ltd	4,840	2006

### Departmental Staff.

552. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government the number of political appointees and non established civil servants appointed to his Department since June 2002; the nature of the post to which each such person is appointed; the annual cost in terms of salaries or expenses in respect of each such post for each year since 2002; and if he will make a statement on the matter. [26995/06]

### Minister for the Environment, Heritage and Local Government (Mr. Roche):

Many of the appointments in my Department arising from the normal recruitment process are made in an unestablished capacity. I assume that the Question relates to temporary unestablished civil servants appointed to provide support services to Ministers. The following are the total number of posts (based on whole time equivalents) occupied in my Department on the basis of appointments by Ministers and Ministers of State for the years 2002 to date:

Title	2002	2003	2004	2005	2006
Civilian Drivers	3	3	3	3	4
Personal Assistants (HEO grade)	3	3	3	3	3
Personal Secretaries (Secretarial Assistant Grade)	3	3	3	3	3
Press Officers (Principal Officer Grade)	1	1	1	1	1
Special Advisers (Principal Officer grade)	1	1	1	0.8	1

In relation to the individual salary costs of each such appointment, the salary scales for all administrative grades (except Secretarial Assistants) are

available on the Department of Finance website ([www.finance.gov.ie](http://www.finance.gov.ie)). Circular 7/2006 sets out the current salary scales.



[Mr. Roche.]

The Weekly salary scale (incremental) for Secretarial Assistants as at 1 June 2006 is:

€	€	€	€	€
402.49	425.12	451.93	488.85	525.77
564.70	603.06	638.92	675.50	710.23
736.02	748.24	763.77*	776.55*	

\* Long service increments.

The total annual costs of salaries and expenses for these appointments in each of the years 2002 to date is set out in the following table:

Year	Total Costs of Salaries and Expenses
	€
2002	258,637.23
2003	482,501.86
2004	558,337.94
2005	547,194.62
2006	299,843.84

#### Departmental Staff.

553. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government the number of staff broken down by grade employed within the private office and the constituency office; the number of such staff who are permanent civil servants; the number who are

political appointees; the annual cost of each such office in terms of salary, overtime and expenses in respect of each Minister of State allocated to his Department; and if he will make a statement on the matter. [27010/06]

554. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government the number of staff broken down by grade employed within his private office and his constituency office; the number of such staff who are permanent civil servants; the number who are political appointees; the annual cost of each such office in terms of salary, overtime and expenses; and if he will make a statement on the matter. [27025/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to take Questions Nos. 553 and 554 together.

The staffing composition of my private and constituency offices (detailing permanent civil servants and temporary unestablished civil servants) are set out in the following tables.

#### Private Office

Permanent Civil Servants		Temporary Unestablished Civil Servants	
Full time Equivalents	Grade	Full time Equivalents	Title
1	Executive Officer (Private Secretary)	1	Special Advisers (Principal Officer grade)
3	Executive Officer		
3	Clerical Officer		

#### Constituency Office

Permanent Civil Servants		Temporary Unestablished Civil Servants	
Full time Equivalents	Grade	Full time Equivalents	Title
2	Executive Officer	1	Personal Assistant (HEO grade)
2	Clerical Officer	1	Personal Secretary (Secretarial Assistant grade)

Annual salary costs for the above staff based on the rates of pay at 1 June 2006 amounts to €608,823.44. Overtime and travel and subsistence is paid as the need arises in accordance with Department of Finance Guidelines. To date in

2006, this has amounted to €12,707.35 and €7,967.96 respectively. The staffing composition of the private and constituency offices of both Ministers of State at my Department are set out in the following tables.

## Minister Noel Ahern: Private Office

Permanent Civil Servants		Temporary Unestablished Civil Servants	
Full time Equivalents	Grade	Full time Equivalents	Title
1	Higher Executive Officer (Private Secretary)		
1	Executive Officer		
2	Clerical Officer		

## Minister Noel Ahern: Constituency Office

Permanent Civil Servants		Temporary Unestablished Civil Servants	
Full time Equivalents	Grade	Full time Equivalents	Title
1	Executive Officer	1	Personal Assistant (HEO grade)
2	Clerical Officer	1	Personal Secretary (Secretarial Assistant grade)

Annual salary costs for the above staff based on the rates of pay at 1 June 2006 amounts to

€372,299.21. Overtime and travel and subsistence amounted to €4,457.82 to date in 2006.

## Minister Batt O'Keeffe: Private Office

Permanent Civil Servants		Temporary Unestablished Civil Servants	
Full time Equivalents	Grade	Full time Equivalents	Title
1	Higher Executive Officer (Private Secretary)		
1	Executive Officer		

## Minister Batt O'Keeffe: Constituency Office

Permanent Civil Servants		Temporary Unestablished Civil Servants	
Full time Equivalents	Grade	Full time Equivalents	Title
1	Executive Officer	1	Personal Assistant (HEO grade)
1	Clerical Officer	1	Personal Secretary (Secretarial Assistant grade)

Annual salary costs for the above staff based on the rates of pay at 1 June 2006 amounts to €288,104.55. Overtime and travel and subsistence amounted to €4,803.76 and €3,523.11 respectively to date in 2006.

*Question No. 555 answered with Question No. 537.*

**Fire Stations.**

556. **Mr. Walsh** asked the Minister for the Environment, Heritage and Local Government if he will provide a fire station for Clonakilty, County Cork; and if he will make a statement on the matter. [27048/06]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O'Keeffe):** On 2 July 2006, I announced details of the 2006 Fire Services Capital Programme. The provision of a new fire station at Clonakilty is included in this Programme and my Department will now be writing to Cork County Council with a view to advancing this project to design and construction as quickly as possible.

**Water and Sewerage Schemes.**

557. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 198 of 11 May 2006, the status of these regional water

[Mr. Naughten.]

schemes; when he will approve funding for the projects; and if he will make a statement on the matter. [27070/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I expect a decision to issue in this case within the next few weeks.

#### **Local Authority Housing.**

558. **Ms O'Sullivan** asked the Minister for the Environment, Heritage and Local Government if his Department has received contract documents for approval to connect remaining sections of an estate (details supplied) in County Clare to Limerick's main drainage scheme; when he will consider these documents for approval; and if he will make a statement on the matter. [27161/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Limerick City Council's contract documents for the civil works element of a pumping station being provided at Westbury under Contract 3.7 of the Limerick Main Drainage Scheme are being examined in my Department and are being dealt with as quickly as possible. The Council's contract documents for the mechanical and electrical element of the project and its proposals for the laying of a rising main have already been approved. The provision of connections to the scheme is a matter for the City Council.

559. **Mr. S. Ryan** asked the Minister for the Environment, Heritage and Local Government the grants which are available to the local authorities for the provision of central heating and remedial improvement works for local authority houses; if an application has been received from Fingal County Council for a grant towards the replacement of windows in houses and the installation of central heating; and if so, when he proposes to notify the Council. [27162/06]

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

**(Mr. N. Ahern):** My Department provides capital funding to local authorities for the installation of central heating and related energy improvement and smoke detection measures in their dwellings. Under the Programme a grant of €5,600 or up to 80% of the cost, whichever is the lesser, is available. 100% capital funding is also available from my Department for refurbishment work to groups of local authority dwellings under the Remedial Works Scheme. In 2006 Fingal County Council were allocated €1,232,000 for their programme of central heating installation in their dwellings while a further €500,000 was allocated to the Council under the Remedial Works Scheme. There are no proposals with my Department from the Council seeking capital funding for the replacement of windows in their housing stock.

#### **Local Authority Staff.**

560. **Mr. S. Ryan** asked the Minister for the Environment, Heritage and Local Government the progress on the implementation of the contents of circular S 12/05 for pensioners who were employed as non-officers within the local authorities; if the necessary finance and resources have been made available to process the circular in order that the benefits are passed onto the pensioners; and the approximate number of pensioners involved in each Council. [27163/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** In circular S.12/2005 of 5 August 2005, my Department issued comprehensive guidance to local authorities about a revised method of calculating pension entitlements for non-officer grades in local authorities whose pensions are integrated with social welfare benefits. Local authorities were requested to communicate with all persons who are in receipt of such integrated pensions from the local authorities and who stand to benefit from the new arrangements. Local authorities have been responsible for implementing these new arrangements on a timely basis. My Department would not have details or numbers of beneficiaries by local authorities.