



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Tuesday, 17 October 2006.

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DÁIL ÉIREANN

*Dé Máirt, 17 Deireadh Fómhair 2006.
Tuesday, 17 October 2006.*

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

*Paidir.
Prayer.*

Ceisteanna — Questions.

Departmental Bodies.

1. **Mr. Kenny** asked the Taoiseach the progress made to date by the quality customer service working group within his Department established under the strategic management initiative; and if he will make a statement on the matter. [28196/06]

2. **Mr. Sargent** asked the Taoiseach if he will report on the work of the quality customer service working group in his Department; and if he will make a statement on the matter. [32150/06]

The Taoiseach: I propose to take Questions Nos. 1 and 2 together.

The quality customer service working group is one of four groups which, in recent years, have been actively developing and promoting the quality customer service, QCS, initiative in the public service. The other groups include the QCS officers' network, a research group and a group dealing with equality and diversity issues. These groups are active, to a greater or lesser extent, depending on the issues which are current at the time.

The QCS officers' network has been working intensively on the development and promotion of the customer charter initiative, including its extension to bodies under the aegis of Departments and offices. This is an important initiative whereby Departments and offices publicly commit to service standards and report on progress made. The QCS officers' network met four times so far this year and its next meeting is scheduled for the end of November.

Similarly, the QCS research group has been very active in recent months, including on the development of a major survey of customer satisfaction levels and attitudes towards Civil Service Departments. The group has also been assisting

with the development of the specification for a major review of the customer charter process by independent experts. The group has met four times this year to date and its next meeting is scheduled for the end of October.

Against the background of intensive activity by other QCS groups, it has not been necessary for some time for the QCS working group to meet and its last full meeting was in October 2004. In the meantime, QCS issues are reviewed at the regular meetings of the implementation group of secretaries general, of which the QCS working group is a sub-group.

All QCS groups are serviced by the same unit in my Department, which also provides the secretariat for the implementation group of secretaries general, chaired by the Secretary General of my Department. It oversees the full change and modernisation programme for the Civil Service and public service. The QCS working group remains available to look at issues that may require specific review.

Quality customer service is at the core of the modernisation programme for the Civil Service. Improvements in the level of customer service ultimately depend on the commitment of management and staff in each Department, office and agency. I have no doubt that awareness of the importance of better customer service is increasing right across the public service. For example, earlier this year I presented 20 awards to projects which made a significant contribution to public service excellence. These projects were selected from over 150 applications, most of which were making a real improvement to the services being delivered on the ground in the areas of health, education and local government.

Mr. Kenny: With regard to the principles of quality consumer service which have been mentioned, the undertaking is to provide clean, accessible public offices that ensure privacy, comply with occupational and safety standards and, as part of this, facilitate access for people with disabilities and others with specific needs. Has the implementation group of secretaries general performed an audit of how far we are along the road towards 100% accessibility to public buildings for disabled persons?

No more than any other public representative, I fail to understand how engineering concepts, in many cases, at the entrances and exits to public buildings leave footpaths that are a foot high in some cases. It is impossible for people to go along their way. The same applies throughout every town and village in the country. These are public access points. Has a direction been given in that regard or has an audit been carried out? How far are we from 100% accessibility?

The same terms put an onus on Departments and agencies to provide choice, where feasible, for persons to have service delivery, including payment methods, made available with multiple choice where that is so. Why, for example, can a

[Mr. Kenny.]

person wishing to acquire information under the Freedom of Information Act not pay for it with a credit card or Laser card? There is e-government, a multiple choice for paying ESB and telephone bills etc., and the money is sometimes gone before the person knows it. Sometimes a service is cut off before a person finds out the payment was not made.

With regard to public service and access, why do we not have an option for multiple choice, as is contained in the terms of reference? For example, those people looking for information under the Freedom of Information Act cannot pay by credit card or Laser card.

The Taoiseach: Niall Crowley of the Equality Authority chaired the equality and diversity sub-group in the past. That sub-group assisted in the preparation of the support pack for equality and diversity aspects of all the QCS, which was issued to all Departments and offices. That sub-group also advised on the working and commission of the research group on equality and diversity issues. That was circulated to Departments and offices. Equality issues are also included by Departments and offices in the production of their customer charters and customer action plans. That is the broad issue of equality.

On the issue of accessibility, a direction was given some years ago to all Departments and agencies to have wheelchair accessibility. I do not have a figure covering Departments and agencies, but all the major Departments at that time, about six or seven years ago, undertook a fair amount of construction work, with the installation of wheelchair lifts, and other work to deal with the issue. I do not know if it is the case in every single agency but it certainly is in all the main Departments. The work includes toilets and other areas such as side doors, where a number of difficulties arose because some entrances were impossible to ramp.

Although not applying to every Department, this year the sectoral plans, published in July following consultation with the National Disability Authority, set out what was to happen in the wider public service, such as transport. To the best of my knowledge, there was no question on disability in the survey. If that was the case, I will raise it in time to obtain a figure in the next survey, which should be easy to do.

The Deputy's second question was on what the QCS groups were endeavouring to do. They are endeavouring to make use of the benefits of technology across the Departments to make it easier for people to access information. The big issue surrounds night-time availability, in addition to the service provided during the day, such as exists for motor taxation, which is a hugely popular service with the public. Farmers' schemes also exist, which the agricultural community uses a lot. An e-payment system will come in from 1 January 2007 so that almost all payments will be

made using technology. All the time the service is building up its capacity to use technology.

Most of these developments are taking place under the encouragement of QCS groups in Departments. The service is constantly extending the use of technology so that people can fill in forms electronically. Some areas have not been able to make such good progress but for the most part, across the service, technology is being used to make services more accessible and to offer a 24-hour service so that people can access them any time of the night or at weekends.

Mr. Sargent: Conas is féidir leis an QCS freastal ar dhaoine a dhéanann a ngnó trí Ghaeilge? De réir mar a thuigim, ní bheidh ach 3% den Roinn Oideachais agus Eolaíochta, mar shampla, in ann gnó a dhéanamh trí Ghaeilge. An bhfuil sé mar chuid den seirbhís go mbeidh céatadán áirithe de na daoine i ngach Roinn — Roinn an Taoisigh, mar shampla — in ann gnó a dhéanamh trí Ghaeilge?

The Taoiseach: The intention is that, for people who wish to do business through Irish, every Department and agency have staff capable and competent to deal with them over the telephone or by e-mail.

Mr. Sargent: Is the Taoiseach sure that is the case?

The Taoiseach: Every Department has people who can deal with telephone calls, e-mails and personal visits through Irish, which is the intention of QCS groups. It is difficult for every section to have people competent in Irish, especially specialist sections, although they are trying to achieve that, but in Departments as a whole there is adequate competence. The easiest aspect of the service, namely answering e-mails or letters, can always be delivered through Irish but it is not always easy to have someone at a desk or manning a telephone line.

Mr. Sargent: Is it part of recruitment policy?

The Taoiseach: It is still part of general recruitment to the Civil Service that people be competent in all aspects of Irish. They do not have problems in Departments as a whole, but they may do so in individual sections. However, they are trying to make progress as part of the customer charter.

Mr. Rabbitte: Does the Government intend to extend this initiative, which the Taoiseach thinks has produced results in the Civil Service, into other areas of the public service? The Taoiseach's remarks about staff in the health service caused much grief to many members of staff although they may have misunderstood or misinterpreted him. Many staff, such as nurses, were upset by remarks that might be interpreted as meaning that they do not work hard or long enough. That

is not the case for nurses, as I am sure the Taoiseach will agree. Does he think that some formal system such as the QCS ought to be tried, for example, in the health services?

The Taoiseach: I said last week at the IBEC HR conference that there is a need to consider introducing more flexibility in how we deal with customers. I gave three examples, local authorities, the education service and the health service. I said this means more flexible hours, more flexible working weeks and more flexible systems, and I stand over that. I was not talking about the health sector because it applies equally to all parts of the public sector. The three examples I mentioned in my contribution and when answering questions were local government, education and the central Civil Service. These improvements are being made. Many public offices now stay open for longer hours, through lunchtime and earlier and later in the day. Customers are being facilitated in this way. This is a major change from the way the service operated only a few years ago.

We must make progress in that regard. As I said last week, at a time when the levels of investment in terms of capital expenditure and equipment, are historically high, we need to ensure that there is flexibility in working patterns, and there is nothing new in this. The issue arose in the social partnership and the relevant section in the partnership spells out that we have to facilitate the work of organisations to provide improved customer service delivery. There are needs in certain areas for changes in HRM practices to provide services outside the work that is regarded as traditional.

I did not mention any category of health staff, but nurses already work 24 hours a day so they would be excluded from this change. There are sections in the health services which I did not mention that are open for only six or seven hours a day and have very costly equipment. I repeat the point that they should be open longer.

Much of what the customer service group put forward is already happening in local authorities, for example, in the motor taxation division, in the Revenue Commissioners and the agricultural payment schemes. They are all large sections. I forget the percentage but the on-line motor taxation registration is a high proportion of the overall figure. The agricultural payments scheme has gone from a very low proportion of on-line business to a high one.

The Revenue Commissioners have been doing this for several years and will extend it to the PAYE sector, which is a large sector. From January the e-payments system for the public service will go to a new level. While it has promoted e-payments for the past few years, it will go almost totally on-line. The service is rolling out the system and constantly uses technology to try to improve the services. The benefit is that it is possible for people to use the service 24 hours

a day, seven days a week, although the staff are not there all that time. People are doing their transactions at home in the evenings and at weekends, which the service can then pick up. The public has taken to this to an even greater extent than was envisaged five years ago.

Official Engagements.

3. **Mr. Kenny** asked the Taoiseach the foreign visits he plans to undertake during the remainder of 2006; and if he will make a statement on the matter. [28197/06]

4. **Mr. Kenny** asked the Taoiseach when he will next meet with the President of the European Commission; and if he will make a statement on the matter. [28198/06]

5. **Mr. Kenny** asked the Taoiseach if he will report on his recent contacts with other European Union Heads of Government; and if he will make a statement on the matter. [28202/06]

6. **Mr. Kenny** asked the Taoiseach if he has received an agenda for the October 2006 meeting of the European Council; and if he will make a statement on the matter. [28207/06]

7. **Mr. Rabbitte** asked the Taoiseach his plans for official trips abroad up to the end of 2006; and if he will make a statement on the matter. [28241/06]

8. **Mr. Rabbitte** asked the Taoiseach his priorities for the next EU summit; and if he will make a statement on the matter. [28247/06]

9. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on his participation in the recent EU-ASEM summit in Finland. [28890/06]

10. **Mr. Rabbitte** asked the Taoiseach if he has received an agenda for the forthcoming EU summit in Brussels; and if he will make a statement on the matter. [28891/06]

11. **Mr. J. Higgins** asked the Taoiseach the official visits abroad he plans to undertake during the current Dáil session. [29216/06]

12. **Mr. J. Higgins** asked the Taoiseach if he will report on the matters discussed and conclusions reached at the Asia-Europe summit in Helsinki. [29219/06]

13. **Mr. J. Higgins** asked the Taoiseach if he will report on bilateral meetings he attended on the margins of the Asia-Europe summit in Helsinki. [29220/06]

14. **Mr. J. Higgins** asked the Taoiseach if he will report on his meeting with King Harald V and Queen Sonja of Norway. [29224/06]

15. **Mr. Sargent** asked the Taoiseach if he will report on the recent ASEM summit in Helsinki; if human rights issues were discussed; and if he will make a statement on the matter. [30642/06]

16. **Mr. Sargent** asked the Taoiseach when he expects to next meet the President of the European Commission; and if he will make a statement on the matter. [30643/06]

17. **Mr. Sargent** asked the Taoiseach the foreign visits he intends to make in the remainder of 2006; and if he will make a statement on the matter. [30644/06]

18. **Mr. Sargent** asked the Taoiseach the foreign visits he has planned for 2007; and if he will make a statement on the matter. [30645/06]

19. **Mr. Sargent** asked the Taoiseach if he has received a draft agenda for the October 2006 EU summit; and if he will make a statement on the matter. [30646/06]

20. **Mr. Sargent** asked the Taoiseach if he will report on his meeting with the King and Queen of Norway; and if he will make a statement on the matter. [30647/06]

21. **Mr. Sargent** asked the Taoiseach the role that he envisages for the National Forum on Europe up to June 2007; and if he will make a statement on the matter. [30671/06]

22. **Caoimhghín Ó Caoláin** asked the Taoiseach the official visits abroad he has scheduled up to May 2007; and if he will make a statement on the matter. [31752/06]

23. **Caoimhghín Ó Caoláin** asked the Taoiseach his priorities for the next EU summit; and if he will make a statement on the matter. [31753/06]

24. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of his meeting on 9 October 2006 with the German Chancellor, Ms Angela Merkel. [32541/06]

25. **Mr. Kenny** asked the Taoiseach if he will report on his meeting with the German Chancellor in Berlin on 4 October 2006; and if he will make a statement on the matter. [32908/06]

The Taoiseach: I propose to take Questions Nos. 3 to 25, inclusive, together.

I make contact on an ongoing basis at European Council and other summit meetings with EU Heads of State or Government. On 30 June, I travelled to Helsinki where I met with the Finnish Prime Minister, Mr. Vanhanen, and discussed the agenda for the Finnish EU Presidency. I travelled to Berlin on 9 October and had a successful meeting with the German Chancellor, Ms Merkel. The meeting came at an important time, in advance

of Germany assuming the EU Presidency on 1 January 2007. At the meeting, the Chancellor and I had thorough discussions on EU developments, most notably Germany's preparations for its EU Presidency term, the European constitution and EU enlargement.

I will address the College of EU Commissioners in Brussels on 8 November and meet with the EU Commission President, Mr. José Manuel Durão Barroso. I will also address the European Parliament in Brussels on 29 November. In addition, I will attend the informal meeting of Heads of State or Government in Lahti, Finland on Friday, 20 October, and the regular European Council on 14 and 15 December in my role as Head of Government.

As well as attending the regular European Council meetings scheduled in March and June, I also intend to travel to some Gulf States in early January to promote Irish trade interests in the region and to visit Washington for St. Patrick's Day. I have not yet received a formal agenda for the informal meeting of Heads of State or Government in Lahti. However, the Finnish EU Presidency has indicated that the one-day summit will discuss innovation policy in the EU and its external relations with regard to energy policy. There will also be a working dinner with Russian President, Mr. Putin. I, along with others, will be emphasising the importance to the EU of secure and reliable energy supply.

On 10 September, I travelled to Helsinki for ASEM, the Asia-Europe Summit, hosted by the Finnish EU Presidency. ASEM plays an important role in fostering greater contact and understanding between Asia and Europe. There is practical value in bringing together Asian and European leaders to meet and exchange views on issues of concern to both regions. Key themes of the summit were strengthening multilateralism, addressing security threats and dialogue among cultures and civilisations. While human rights issues were not formally on the wide-ranging agenda for the summit, I raised concerns about the human rights situation in Burma at the discussion on regional and international issues at the working dinner on the first evening of the summit.

I had a short bilateral meeting with the Polish Prime Minister during the course of the summit. We discussed several issues, particularly the large number of Poles resident and working in Ireland. I also met the Malaysian Prime Minister on the margins of the summit.

On 18 September, I had the pleasure of welcoming Their Majesties, King Harald V and Queen Sonja of Norway, and their delegation to Government Buildings during their first official visit to Ireland. We discussed the good bilateral and trade relations that exist between our two countries. Matters of common interest including our respective commitment to the United Nations and its peacekeeping efforts, and energy security were also discussed.

The National Forum on Europe is an independent body. As I have no function in its day-to-day operations, it would be inappropriate for me to comment on its planned work programme for the coming year. The forum is proactive in disseminating such information including via its website. I am confident that it will continue its effective work in stimulating and facilitating debate on matters of importance on the European agenda.

Mr. Kenny: Will the Taoiseach confirm that the European Commission was contacted by the Government in respect of the proposed takeover of Aer Lingus by Ryanair? If so, what question did the Government ask and has there been any response?

Where are we at with the European constitution? The period of reflection is over and during the forthcoming elections in France, the French will make their decision. Has any progress been made under the Finnish EU Presidency in this regard?

There have been some comments about a change to the corporation tax rate in Northern Ireland. Although this may be discussed in tomorrow's statements on Northern Ireland, does the Taoiseach have a view on the suggestion? Does he foresee complications in that Scotland and Wales may also require a reduction in their corporation tax rates?

What is the Government's view on the difficulties surrounding the Turkish EU accession talks? Is it the Taoiseach's view that the Turkish refusal to allow Greek Cypriots to use its ports is a stumbling block and that, according to President Barroso, it may delay any decision on Turkish accession for 15 to 20 years?

The Taoiseach: All groups in Northern Ireland have pressed for a change in the corporation tax rate; it is one of the few areas where there is total agreement among all sides, including unions, industry, business and political parties. They have put forward their case in the last nine months to the British Chancellor of the Exchequer. The Government has also made the case for this change, with the Ministers for Foreign Affairs and Finance putting forward their views to the Chancellor of the Exchequer on various occasions.

No decision has been made on this, however, and it is difficult to see how the Chancellor could introduce separate rules for Northern Ireland. Nevertheless, a coherent case has been made as to how it could happen.

Mr. Kenny: The Chancellor of the Exchequer is unlikely to agree to such a change.

The Taoiseach: It is a difficult issue for him to deal with. There is strong support for this measure in the North and it has led to an interesting debate about the island economy, the courage of taking that initial step and so on. We

have no difficulty with it but is a difficult matter for the British authorities to decide how to handle it and how to deal separately with Northern Ireland. There is a prolonged effort to secure consideration of it.

It has been left to the German Chancellor, Ms Angela Merkel, to deal with the EU constitution, according to the agreement made last June. She was part of the discussions I attended last week as a consequence of our involvement in the final stages of the discussions on the constitution. She is taking a broad view of where it stands from everyone's perspective, taking into account the approaching Dutch election and the French election that will take place next summer.

Although the German Government is consulting widely and would like to make some movement, the difficulty is that there is a tight timeframe from the time the French election is over until the meeting of the European Council in mid-June 2007. It is in the same ballpark as Ireland in terms of its view of the constitution, that is, it should remain as is and that if there are amendments, they should not be broad based. This is not the view of everyone. Nevertheless, some 15 or 16 countries have now ratified the constitution and the Finns will do so before Christmas.

On the Turkish position, the UN initiative took place during the Irish Presidency, at which time I had extensive discussions with President Tassos Papadopoulos of Cyprus. The Ankara Protocol is the difficulty. The Turkish Prime Minister, Mr. Recep Tayyip Erdogan, and Foreign Minister, Mr. Abdullah Gul, are not prepared to change their position and this creates a difficult situation both for the Finnish initiative and in terms of what the Germans would like to do later. There is a stalemate and I have talked to the Cypriot President about the issue because Chancellor Merkel asked me to do so. He is not for moving at present but I am due to talk to him again on Friday.

Cyprus believes it has been badly treated by the Turkish Government. At the end of the discussions on the Ankara Protocol, when all parties believed there was agreement, relations were soured when the Turkish Prime Minister issued his position on it. I said in this House at the time that this was not wise. It is a major dilemma, not necessarily for us but certainly for some of our European colleagues. It is taxing many minds and I cannot see progress as long as the present position obtains. Progress on the negotiations is already advancing at a snail's pace and it will become impossible if there is not some movement on this issue. Chancellor Merkel went to Turkey in recent weeks. Representatives of a host of other countries have gone there too. It is currently a major issue for the EU.

It is early days yet regarding the EU Commission. Although there has been contact, I do not believe that it has issued anything. However,

[The Taoiseach.]

regardless of whether the Irish Competition Authority gets involved, it is becoming clearer that it is a competition issue for the EU. I hope to be able to raise the matter personally because I have been afforded a meeting with the full Commission in a few weeks at which I will have the opportunity to put our side of the case. As the Deputy is aware, the issue relates to four Commissioners.

Mr. Rabbitte: First, I note that at the EU summit there is to be a dinner discussion with President Putin about EU relations with Russia. Does the Taoiseach intend to raise freedom of speech and human rights in Russia following the murder of the journalist Anna Politkovskaya? She is the 20th journalist critical of the regime — in her case regarding events in Chechnya — to have been murdered in Russia. Despite those 20 murders, it is not believed that much is being done to bring the perpetrators to justice. Even more seriously, in some quarters it is believed that government elements might be implicated. Does the Taoiseach intend raising that matter?

Second, what is the Government's position on access to the Irish labour market for Romanian and Bulgarian workers? Does he agree, since the larger member states are not making their labour markets accessible to Romanian and Bulgarian workers, and given the scale of immigration that this country has experienced, particularly in the last two years, that it would place an intolerable short-term burden on infrastructure? I refer to places in education, housing, and so on. Does he agree that, as matters stand, we ought not to give Romania and Bulgaria access to our labour market after accession? Has the Government reached a decision in that regard?

The Taoiseach: There will be some pressure on the Russian authorities regarding recent events. There has been a series of such incidents, and not only regarding journalists. Several high-powered members of the banking and business fraternity, among others, have been assassinated recently. The Presidency will be making a formal statement with unanimous support. I believe that it has already made two such statements. The incoming Presidency under the German Chancellor, Angela Merkel, who met President Putin a few days ago, has also made that clear.

It will be quite an issue, and there is growing concern at the number of human and civil rights issues cropping up. I have no information regarding whether they are in any way associated with the authorities and I do not believe that such an association exists. However, their level and extent have led to continuing concern.

As I said in the House some weeks ago, every member state must now decide its position on Romania and Bulgaria. We committed to consulting the social partners and are in the process of doing that. We took a lead position during our

EU Presidency in 2004 on the basis that others would follow in the short term, but that has not happened. If anything, there has been little movement other than in a few countries. Some countries, including Ireland, Britain, Sweden, Finland, Spain, Portugal and Greece, have opened their labour markets, but I advocated that all the member states should open their labour markets to the ten new countries.

We have not made a formal decision. However, at the current time it would create too many difficulties for us if we opened up to Romania and Bulgaria. Others must open first. We already have a permit system whereby people in strategic industries can work here. There are difficulties anyway. While we can control the labour market in terms of coming here to work, from 1 January 2007 we will not be able to control the number of people moving here. That will bring its own management problems. My view is that at this stage that is probably as much as we can manage.

Mr. Sargent: I think I heard the Taoiseach correctly when he said that when he met the Chinese Vice-Premier, human rights were not specifically on the agenda. Coincidentally, at the time of his visit Amnesty issued a report. Is it not strange therefore that at such a time human rights would not have been on the agenda, particularly the repression of Christians, Muslims, Falun Gong and various other people in China? Is there some reason we are not as strong on human rights as we should be with the Chinese Government?

In the informal EU Council talks involving a meeting with the Russian Prime Minister, Mr. Putin, the Taoiseach mentioned that it was very important to have a secure energy supply. What does this mean? Given we are so dependent on gas coming from Russia, does this mean he is looking to the day when we will not have to depend on it? Perhaps the Minister with responsibility for energy can have a word in the Taoiseach's ear on that as he is beside him. The current target of 20% of our energy from renewables by 2020 is certainly a long way from energy security.

I had intended asking the Taoiseach about the unfortunate Russian journalist who was killed, but Deputy Rabbitte has already done so. I will move on to the Taoiseach's planned visits for 2007. He may know about the *Lancet* figures of over 600,000 people who have died in Iraq as a result of the decision to invade that country. Does he have any plans to visit Iraq to see and assess the effects of Government policy *vis-à-vis*, for example, the use of Shannon to facilitate the invasion and whether——

An Ceann Comhairle: That does not arise on this question.

Mr. Sargent: It may do so if planned trips are discussed, which are the issue in one of the questions.

Caoimhghín Ó Caoláin: Will the next EU summit consider the agreement that has been entered into by the European Union with US authorities with regard to the requirements for passengers flying to the United States from Europe? Will the Taoiseach note that the European Parliament has strongly opposed the type of changes that have been introduced? These changes are a severe intrusion on the right to privacy in a raft of areas—

An Ceann Comhairle: The Deputy should ask his question, we are running out of time.

Caoimhghín Ó Caoláin: —that affect each individual. This information will be provided to the US Department of Homeland Security. Will the Taoiseach ensure this matter is raised at the EU summit and will he press to have renegotiation of this agreement?

An Ceann Comhairle: I ask the Deputy to confine himself to a question and, if possible, to confine himself to a question that is in order in these 22 questions.

Caoimhghín Ó Caoláin: I have just asked a question.

An Ceann Comhairle: We are at the end of Question Time and the Chair has facilitated the Deputy by allowing him to speak.

Caoimhghín Ó Caoláin: I do not understand. I have asked a question. Will the Taoiseach seek a renegotiation? I do not know how questions are—

An Ceann Comhairle: That does not arise out of these questions.

Caoimhghín Ó Caoláin: It does in terms of the EU summit and further meetings that are planned. I am asking if that matter will be addressed.

Will the Taoiseach advise if he has plans to visit the people of Palestine? Is that under consideration by the Taoiseach? If it is not currently under consideration, would he be prepared to consider it, given that a visit by an EU leader would be important to the beleaguered people of the Palestinian state?

The Taoiseach: We always raise human rights issues in our discussions with the Chinese at all levels. At the same time we acknowledge the efforts and the progress they are making on the rule of law. We continually raise these issues. We have had good success over the years in making representations regarding Falun Gong. I have raised the issue with the Chinese Premier, the President and others. We always raise such matters.

I have no plans to visit Iraq. The Minister for Foreign Affairs is engaged in all the international

groups in regard to it. The violence in Iraq is deeply disturbing and there is no sign at present of it being brought under control. The Government has no means of assessing the various casualty figures put forward by different sources but what is clear is that the violence and sectarian killings affecting people in Iraq are at an appallingly high level.

Discussions are taking place at the Transport Council, not in the European Council, on EU transport and flight agreements. Perhaps I will ask the Minister for Transport to look at the issues raised by Deputy Ó Caoláin on the circumstances of Irish people.

We have had associations dating back 30 years with the Palestinian people. I have met them many times. I have been there on previous occasions in my capacity as Taoiseach. I met former President Arafat and many Palestinian deputations both here and at European meetings. During the Irish Presidency, the Palestinian foreign minister and other delegations travelled here. While I am not due to go there, we will continue to assist them in whatever way.

I strongly believe there is an opportunity for the European Union to play a bigger part in trying to help to find a resolution. There is a window of opportunity that perhaps was not there before for Europe. I will play any part I can. Palestine is not on the agenda for discussion this week but I am sure it will come up again. If it does come up I will lend weight to the argument for Europe to play a more constructive part in trying to help the beleaguered people in Palestine.

Mr. Sargent: What about energy and security?

The Taoiseach: We have published our Green Paper and we will go along with that. The broader issue under discussion and one of the reasons President Putin is going is the difficulties that occurred after last Christmas in regard to supply. The aim is to try to create a better understanding with Europe. Chancellor Merkel has rightly put as the big initiative for her Presidency to try to get a European agreement on energy so Europe would not be isolated or divided on energy supply either from Russia or the other countries in the region. As most of Europe is taking in the order of 80% of its supply from the region, it must get agreements and understandings on supply and security of supply and negotiate on a rounder basis, as it is a European issue. From that point of view, it will be an interesting discussion with President Putin on Friday.

Priority Questions.

Direct Payment Schemes.

108. **Mr. Naughten** asked the Minister for Agriculture and Food the steps she is taking to

[Mr. Naughten.]

address the burden of cross-compliance; and if she will make a statement on the matter.
[33026/06]

Minister for Agriculture and Food (Mary Coughlan): Cross-compliance involves two key elements, namely, a requirement for farmers to comply with 18 statutory management requirements set down in EU legislation on the environment, food safety, animal health and welfare and plant health, and a requirement to maintain farms in good agricultural and environmental conditions. If an applicant is found to be non-compliant, sanctions provided for in the governing EU regulations will be applied to the applicant's single payment.

The rate of on-farm inspections required for cross-compliance is 1% of those farmers to whom the statutory management requirements or good agricultural and environmental conditions apply. However, at least 5% of producers must be inspected under the bovine animal identification and registration requirements, as this level is prescribed under the relevant regulations.

Guides to cross-compliance were issued to all farmers by my Department in early 2005 and August 2006. They detailed the cross-compliance requirements under the various EU regulations and gave information on inspection controls on farms. Wide-ranging consultation with the farm bodies has taken place and procedures are clearly set out in the charter of rights for farmers.

My Department has adopted a weighting system within the cross-compliance inspection regime whereby due account must be taken of infringements of the requirements that are inadvertent and minor in nature, do not result from the negligence of the farmer and are capable of occurring in practical farming situations. In such circumstances, a certain level of tolerance is applied while the farmer is notified of the infringement.

In implementing the single payment scheme, my Department's policy is to minimise the number of inspection visits and move towards a situation where, in most cases, all eligibility and cross-compliance checks will be carried out during a single farm visit. My Department is committed to ensuring the maximum level of integration of inspections across all areas, including inspections under the disadvantaged areas scheme. On this basis, my Department estimates that more than 8,000 farmers will be inspected annually under the single payment scheme, representing more than a 50% reduction in the number of inspections compared to the old coupled regime.

My Department is in regular contact with the EU Commission concerning the need for further simplification with particular reference to advance notice of inspections and tolerances. The initiative recently launched by the Commission on simplification of the Common Agricultural Policy provides the opportunity for a fresh look

at cross-compliance and other single payment scheme issues. I will certainly press for this.

Mr. Naughten: When we made the decision to decouple the single farm payment, the then Minister, Deputy Walsh, stated that it would allow farmers the freedom to farm. The reality is that there is more bureaucracy in farming now than ever before.

The current Minister stated that in practical terms, farmers would be given up to 48 hours notice, but the reality on the ground is that farmers undergo on-the-spot inspections without any notification. In light of the fact that the majority of penalties relate to paperwork and the majority of farmers are part-time, is it not irresponsible of the Department not to give farmers notice to ensure that they have the documentation in place?

Some 95% of all cross-compliance failures are due to problems with the computerised monitoring and movement system, CMMS. What can the Department do to rectify this? It is one matter for farmers to fail purely for agricultural reasons — I accept the conditions laid down in that respect — but it is another matter for them to fail due to the current level of bureaucracy. What will the Minister do to address this issue?

Mary Coughlan: It is important to state that a comparative analysis of the decoupled and the coupled payment schemes shows that in 2004 there were 18,000 inspections and in 2006 there will be eight. That is a significant reduction in inspections.

On the basis of an appreciation, Deputy Naughten is correct in stating that there are more part-time farmers, which of itself can impose difficulties, and I appreciate and fully recognise that problem. That is why I have been pursuing vociferously over recent years the need for simplification, an issue which was discussed with the Commissioner on a recent visit here and on which I am putting forward a number of proposals to her. However, I and members of my Department have spent an inordinate amount of time considering a farmers' charter and what are called yellow card penalty points.

If one wants to make a comparison of the penalties, for example, in 2005 and this year the cost of penalties here amounted to €337,000 and only two farms were out of context when it came to good farming practice, whereas in Northern Ireland the cost of penalties was £3.5 million. Let us look at it realistically. One is comparing the Six Counties in Northern Ireland with the rest here. Comparative analysis shows there have been considerable changes. Equally, in the context of the yellow card or the system in place, we are taking into account some simple issues which can arise in normal farming practice.

There is not more bureaucracy. There are issues, for example with the CMMS, but most particularly the issue refers to the loss of tags and

I included a tolerance within the scheme. I know Deputy Crawford agrees with me.

Mr. Crawford: I agree it is outrageous.

Mary Coughlan: There are issues in that regard coming from our part of the country on the movement of animals about which we must be careful to ensure there are no disease issues. We had grave concerns, as Deputy Crawford will be aware, about disease issues in County Fermanagh, for example, which would have significant implications for us in the Border counties.

What I am saying is the rate of inspection is 1%. There has been a considerable reduction in the number of inspections. There is 48-hour notice for inspection of particular parts of cross-compliance — there is on-the-spot inspection for others — on the basis that the money being provided under the single farm payment is European and Irish, but I will still continue to pursue the idea, which is appropriate on the basis of decoupling, of longer-term notice to farmers. Moreover, the tolerances exist and we will review them.

The European Commission, which has come here to inspect us, is not particularly enamoured with the methodology we use, but I am certainly on the side of the farmer when it comes to small, simple processes that can cause difficulties. There are tolerances and, as I indicated to the farming organisations, they are constantly reviewed.

An Leas-Cheann Comhairle: We must move to the next question.

Mary Coughlan: I expected a reaction on the other side of the House——

Mr. Naughten: We will give the Minister our reaction.

Mary Coughlan: ——but it is not permitted.

An Leas-Cheann Comhairle: We are way over time.

Food Safety Standards.

109. **Dr. Upton** asked the Minister for Agriculture and Food her views on the fact that the Brazilian laboratories tasked with ensuring Brazilian beef for export is free from banned hormones and illegal levels of pharmaceutical residues do not appear, according to recent evidence given to the Joint Committee on Agriculture and Food by an EU official, to be capable of fulfilling this role; the impact such incapacity has on the acceptability of guarantees by the Brazilian Government provided to the European Commission that its standards are at least equivalent to those in operation for EU food producers; her views on whether it is time to ban the importation of Brazilian beef into the EU; and if she will make a statement on the matter. [33030/06]

Mary Coughlan: I have been in regular contact with Commissioner Kyprianou on the issue of Brazilian beef and he has assured me that the Commission will not hesitate to take the appropriate protection measures if a product, imported from a third country or produced in the domestic market, represents a risk to the health of EU consumers, livestock or plants. Indeed, the Commission official who attended the joint Oireachtas committee recently gave the same assurance to the committee.

An EU Food and Veterinary Office, FVO, inspection to evaluate animal health and public health control systems, traceability and certification procedures in place in Brazil was carried out in September of last year. In December the FVO completed the second mission that year to evaluate the control of residues and contaminants in live animals and animal products, including controls on veterinary medical products in that country. The FVO recently published its findings following a period of consultation with the Brazilians.

The reports comment on the structure, organisation and tasks of the Brazilian competent authorities and listed a number of recommendations to the authorities to address deficiencies recorded in the course of the audits. The Commission has confirmed to my Department that action plans to implement the various recommendations have been received. Brazil provided information on residue monitoring in June 2006 and a corrective action plan was received from the Brazilian authorities in August. Following assessment the Commission deemed acceptable the measures on beef, horse meat and aquaculture. They had already taken action against Brazil because of its poor performance on residue levels in certain products and some products have been withdrawn from Brazil's residue plan for export to the EU, including eggs and egg products, milk and milk products, pig meat, ovine and caprine meat and honey.

With regard to laboratories, I understand the Joint Committee on Agriculture and Food was assured by the Commission that there is no risk from legally imported beef from Brazil and that further plans for upgrading equipment and technical training methods are accurate and realistic. The Commission official also indicated that a further FVO inspection on residues in Brazil is being planned to take place in the first quarter of 2007 to verify the implementation of the corrective measures, and they have also scheduled another animal and public health mission to Brazil for the early part of next year.

I will continue to take every opportunity to remind the Commission of the importance of having the same standards, particularly on exporting countries, including Brazil, and my Department and I will continue to closely monitor the position.

Dr. Upton: I thank the Minister for the answer to my question. The basis of my question was the

[Dr. Upton.]

laboratories. All evidence available on the FVO reports, the most recent one of which is from 2005, would suggest that the laboratories are anything but competent or proficient in terms of what they are delivering. That underpins every result that comes out of those laboratories. They are not accredited. There is no proficiency testing. Basically, they are not up to speed. I ask the Minister what credibility we can give to results we get from those laboratories?

There has been much debate on imports from Brazil. There is a serious issue for us if we accept test results that come from laboratories which are not proficient and up to standard. For instance, one of the reports stated that the method was not fit for the purpose of confirmation for one of the tests that was carried out. The tests, while they are being done, are fine and I am sure they get a result. In that particular instance the method was not suitable for the tests that were carried out, which therefore negated all the value of the testing done. Will the Minister comment on that and on the proficiency of the laboratories?

Mary Coughlan: I read with interest the debate that took place between all the members of the committee with DG SANCO, and Commissioner Kyrianiou has put in place a number of initiatives that will be evaluated in January. I took the opportunity to express concerns with Commissioner Kyrianiou, both in speaking with him at Council and in forwarding to him all sorts of documentation and press articles, to which he adverted in the consultations that took place. If one was to take this at face value, one would still have concerns, but I must take into consideration the competent authority, which is the FVO, the assurances being given, a review in January and that I have been advised, in discussions with the Commissioner, that he personally will travel to Brazil on the basis of concerns expressed.

Ireland is the only member state that has expressed concerns formally to the Commissioner on this issue. This is surprising, especially when many member states are consumer orientated. I will continue to press vociferously, and will be vehement in pursuing guarantees that have been given by the Brazilian authorities. The DG answered the committee on the basis of concerns raised by the committee, but Deputy Upton is correct that we must ensure that what was agreed in August last will be forthcoming.

Dr. Upton: My concern hinges on the fact that it is the FVO report that has given us this information and the FVO officials are the ones who are highly critical of the laboratory facilities and of the standards applied. Mr. Medelin, at his recent visit to the committee, stated: "I am advised by my experts that the Brazilian scheme is realistic and on the right track." It is nice to hear that it is on the right track, but we have debated this issue for as long as I can remember.

It seems that the FVO officials go in and do the best job they can. Their reports are good. When they returned, two years later or whenever, hardly any of the recommendations they made previously were put in place and they were equally critical. It certainly raises concerns about the assurances we are getting from the Brazilian authorities.

Mary Coughlan: It is on that basis that I will continue to express concerns. Deputy Upton probably read a retort by the Brazilian authorities to something I said during the summer on this issue. Equivalence and equity are the two English words which one is citing. Assurances are given by the competent authority, be it the Commission or the FVO, on the safety of meat. I will continue to raise this issue, as will all my ministerial colleagues, in further discussions with the Commissioner.

Energy Policy.

110. **Mr. Sargent** asked the Minister for Agriculture and Food if her Department has carried out an analysis of the impact of high energy prices on farmers and the food industry; the steps she plans to take to ensure that these business people have a secure and affordable supply of energy in the future; and if she will make a statement on the matter. [33032/06]

Minister of State at the Department of Agriculture and Food (Mr. B. Smith): The cost of fuel and energy, driven by international oil prices, is an issue for all parts of the economy, including farmers and the food industry, and is the subject of regular analysis by, among others, the Competitiveness Council in its annual reports. Such studies underline the need to use inputs in an efficient manner and to maintain and, where possible, improve productivity. The Central Statistics Office analyses changes in agricultural inputs and issues the agricultural input price index on a monthly basis. The costs of all agricultural inputs as measured by this index increased by 4.5% in the 12 months to September 2006, the latest figure available. Two of the major factors in this annual increase of 4.5% were the increases of 9.2% in the cost of motor fuels and 4.4% in the cost of electricity. However, international oil prices have eased in recent weeks and this has impacted on fuel prices for farmers and others.

The Government recently issued a Green Paper outlining its policy options on achieving its three objectives of security of energy supply, environmental sustainability and economic competitiveness. The Green Paper puts forward energy policy options for the next decade and beyond designed to meet the needs of consumers and business to support and sustain our economic growth. A 20% increase in energy efficiency by 2020 is a key target of the Green Paper. My Department contributed to the Green Paper and

supports its aim to develop an energy policy framework to 2020. We particularly welcome the commitment to prepare a national bioenergy action plan by end 2006. The agriculture and forestry sectors have an important contribution to make in this area and I am working closely with ministerial colleagues, as part of the ministerial task force, to oversee preparation of this action plan. This will ensure a cohesive approach to the development of this sector across Departments, State agencies and relevant stakeholders.

Mr. Sargent: While the Minister of State is relieved energy prices have reduced a little, I hope he is not taking that as a trend because, unfortunately, that will not continue. The overall pattern is an increase in energy prices.

Has the Minister of State evaluated, for example, the comments of Cadburys, a major player in the dairy industry, which cited energy costs as a central factor in the decision to close plants and cut jobs in Coolock and Tallaght, County Dublin, and Rathmore, County Kerry? Does that point to the need for the Department to contribute more directly in the formulation of energy policy in, for example, encouraging farmers to become more involved in microgeneration, net metering to harness wind and anaerobic digestion projects? There were worries about contamination regarding anaerobic digestion but I hope those have passed. Have the impediments to the development of anaerobic digestion been removed entirely?

The Department of Enterprise, Trade and Employment published a report on the food and beverage sector, which stated it accounted for 8% of exports. Is the Department of Agriculture and Food contributing to such reports to ensure energy costs are a significant factor in seeking alternatives to the high energy system developed by the State to improve energy efficiency and the availability of renewables? Will the Department have to push for a later target than 2020 because we must look beyond fossil fuel dependency? The farming sector offers huge potential to meet the energy needs of the State, if embraced wholeheartedly.

Mr. B. Smith: In the Agri-Vision 2015 report published earlier this year by my Department, we emphasised the factors that have to be taken into consideration in the development of the food industry and they include the increasing cost of oil, the volatility of oil supply and the need to reduce emissions. Over the past 18 months, the Minister for Agriculture and Food and I have met different people involved in the food industry and they have, understandably, repeatedly raised the cost of energy issue with us.

My constituency, which I share with Deputy Crawford, has embraced wind energy generation. Deputy Sargent will recall visiting my parish between Bawnboy and Ballyconnell in August 2001 for the opening of a wind farm. In the mean-

time, significant development has taken place in my own county in this area. The Minister is a member of the Cabinet task force, which has placed a major emphasis on the need to generate alternative energy sources. The Green Paper is ambitious and practical and it lays out a framework to reduce our dependence on current energy sources. At the same time, we will ensure incentives on both the supply and demand sides. The Government has invited submissions on the Green Paper and it is proposed that the national bioenergy strategy and the White Paper on energy policy will be published by the end of the year. The Government has asked individual organisations to submit their proposals on the Green Paper. A five-year excise relief programme, valued at €200 million, is under way. A capital grant aid programme for bioenergy development will be introduced while a bioheat grants programme provides grants for commercial scale wood biomass boilers. We also envisage the establishment of the single electricity market in 2007 and the completion of the North-South gas interconnector project by 2011.

We are conscious. On the recent visit by the Commissioner for Agriculture and Rural Development, Mariann Fischer Boel, to Ireland, both the Minister and I raised the need to give greater incentives to farmers who want to diversify into the cultivation of energy crops. We are providing capital grant assistance towards harvesting equipment as well. There is a need for further incentives both on the supply and demand sides and we want to encourage more farmers to go into this form of crop production. I attended a meeting organised by Teagasc on the Leader programme in my own county a few weeks ago. I initiated the meeting, which was attended by 250 farmers who expressed an interest in this new form of farming. There is widespread interest but we must ensure we capitalise on it while, at the same time, ensuring the incentives are sufficient to generate business in this new form of farming.

Mr. Sargent: I am glad the Minister of State and the Department is conscious because that is a good start.

Mr. B. Smith: I did not say that.

Mr. Sargent: The Minister of State said it is very important that we are conscious of the issues overall.

Mr. B. Smith: I said that in visiting all food companies over the past two years, even before energy became a key issue in recent months, we were conscious of the substantial burden on industry due to energy costs.

Mr. Sargent: I welcome the Minister of State's reply.

Mr. B. Smith: The Deputy should not minimise the word “conscious”.

Mr. Sargent: It is reassuring though. Will the Department recommend net metering to the Department of Communications, Marine and Natural Resources? For example, farmers in Australia, who have benefited from net metering, can get into wind harvesting more readily because it is not as big a deal, cost wise, to get connected to the grid as it is in Ireland. Anaerobic digestion projects received a setback because of BSE and other scares. Have all the impediments to such projects been lifted?

Mr. B. Smith: When introducing the farm waste management scheme, we made funding available for anaerobic digestion projects. We have asked farmers’ organisations and businesses to come up with proposals. Substantial grant assistance is available to help people develop viable projects. The other matter can be considered in the context of the publication of the Green Paper and is a matter for the Department of Communications, Marine and Natural Resources in the first instance. The Deputy’s query can be fed into the general discussion following the publication of the Green Paper.

Mr. Sargent: What of the farmers in Australia?

Mary Coughlan: We do not have time to go to Australia. We will be busy for a while.

Mr. Sargent: I am not suggesting that. The Minister should lift the telephone.

Milk Quota.

111. **Mr. Crawford** asked the Minister for Agriculture and Food the position regarding her plans to deal with milk quota; if she is committed to it in the long term; the advice she would offer to a young farmer regarding investing in milk quota and related housing and milking facilities; and if she will make a statement on the matter. [33029/06]

Mary Coughlan: As the Deputy will be aware, the current milk quota arrangements were extended until the end of the 2014-15 milk quota year as part of the 2003 Luxembourg agreement on the reform of the Common Agricultural Policy. A review will take place in 2008 and any proposals submitted by the European Commission will be considered by the Council of Ministers at that time. Should the Commission come forward with further proposals in the milk sector, I will participate fully in the Council to ensure that the best interests of the Irish dairy sector are protected.

At national level, my focus is on the need to secure greater levels of efficiency at both producer and processor level in the face of considerable future challenges on international dairy

markets. I recently announced the establishment of a new milk quota trading scheme to supersede the current milk quota restructuring scheme. The new system will continue to operate in each co-op area, thus maintaining the principle of regional preference or ring-fencing within current pools. It will have two elements, a priority pool and a market pool, the latter to run as an exchange.

The priority pool will be available to farmers whose leases had expired and were not renewed, successors and young farmers. The surplus available in the priority category pool will be allocated to producers with less than 350,000 litres. Some 30% of the total quota offered for sale will be allocated through the priority pool at a maximum price of 12 cent per litre, while the remaining 70% will be transacted through the exchange, delivering a market price. I have already announced 24 November as the closing date for applications by buyers and sellers to participate in the trading system and I will announce the date of the exchange when all valid transactions have been entered.

The new system, which was agreed following extensive consultation with the farm organisations and ICOS, will release larger quantities of quota to active and committed dairy farmers through the combined operation of a market exchange and a maximum price priority pool. The operation of the system will be reviewed after the first exchange and a second exchange will follow in spring of next year.

These arrangements will allow milk producers the opportunity to bid for the amount of quota required to meet the development needs of their farm enterprise at a price that will generate a commercial rate of return. Given the different levels of efficiency at farm level, such decisions are best made by individual farmers.

Mr. Crawford: I thank the Minister for that long answer but it does not change the fact the milk quota situation is a total mess. One only has to think back to what happened last spring when the Minister announced the previous restructuring scheme on a Friday and the following day announced a new scheme whereby quota would be sold through marts, auctioneers and so on. Immediately, the *Irish Farmers’ Journal* printed an article stating that milk quota would be €4 per gallon.

How does the Minister intend to organise ring-fencing? Is she suggesting milk should stay in counties like Cavan and Monaghan? How can this be achieved? How does the Minister reconcile the statement she made in Finland, namely, that quota is finished and is no longer an issue, with the reference in today’s *Irish Farmers’ Journal* to the quota rebels who want to bypass all schemes? This is closely linked to the issue of ring-fencing.

The Minister did not answer my key question. How can the House give an assurance to young farmers that it is worth their while to invest in

and extend milk quota if we tell them there is no future in milk, the price of milk is collapsing and they will have to bid for it against all others in the open market? The Minister should clarify the position because it is very difficult for young farmers given that milk was quoted at €4 per gallon on a previous occasion but today's newspaper suggests it will be 50 cent a gallon. Where is the future for young farmers?

Mary Coughlan: The future for young farmers will be on this side of the House because the negativity expressed by the Opposition in farming circles has been such that it would depress anybody.

Given the priority afforded to the milk industry in this country from a production and manufacturing perspective, I decided, against the background of the world trade talks and the fact Chile is now our competitor, that we needed a system whereby we could be competitive at an international level. On that basis, I decided we needed to change the quota scheme — contrary to opinion, the Minister is occasionally entitled to make a policy decision, as is the Government. I did not determine the price and will not do so. What is written in the newspapers is not necessarily a reflection of the truth.

Mr. Crawford: We know that.

Mary Coughlan: The Deputy can take it any way he wants but I did not suggest milk would be €4 or €5 a gallon. What I thought appropriate in the context of the exchange was that, first, the fundamentals of ring-fencing would not move, a policy with which the Deputy will agree, given the importance of the dairy sector in the Cavan-Monaghan area, as well as my area. Second, one of the frustrations expressed by young farmers was that they could not get access to quota. Third, they wanted to make sure they could afford to buy it, which is why I have a priority pool — 30% of the quota at 12 cent — for young farmers. Fourth, I introduced a substantial €100 million investment in the manufacturing sector, making an overall total investment of €500 million. This sector must be competitive, new and different to allow it to drive and move forward.

I did not say “yes” or “no”, or agree or otherwise, while in Finland, although I am delighted the Deputy reads about what I say when I go abroad.

Mr. Naughten: We watch the Minister very closely.

Mary Coughlan: I indicated that all of these decisions must be made against the background of what the Commissioner gave as her personal view when she came to Ireland three weeks ago, namely, that the future of quotas was perhaps untenable. Therefore, we, including farmers, must make decisions on the basis of that background

— in other words, that we do not have, as the Deputy stated, quota rebels. This is why I have structures to allow that not to happen. That is unfair and we are not ready for that type of open-ended market system. However, we need access to quota and we will have to upscale and support farmers if they are to be competitive and survive.

My personal view is that as one of the most efficient milk dairy farming countries in the European Union, we have great opportunities. When one compares the price of quota in this country, at 12 cent, to the price of €2.50 in the Netherlands, it is clear other colleagues will have greater difficulties. The single farm payment is in place to compensate for income loss.

Mr. Crawford: The situation with ring-fencing is clear. It is obvious a farmer in Cavan or Monaghan supplying Glanbia can sell milk to Waterford or anywhere else.

Mary Coughlan: Through the co-op.

Mr. Crawford: Ring-fencing by no means safeguards the poor areas. Second, why did the Minister change the structures of the new support package so that there is a limit to the amount of money a group can spend on the new restructuring of dairies? For example, in the northern part of the country, there was a hope to move towards cheese units or otherwise. To introduce a change midway through the system complicates the situation dramatically.

Mary Coughlan: First, €25 million is a sizeable investment. Sometimes people are misquoted in the *Irish Farmers' Journal*—

Mr. Crawford: We can read.

Mary Coughlan: —and there will be a retort by one of my co-op representatives that this person was misrepresented.

Mr. Crawford: Were they taken to heel?

Mary Coughlan: No, this person was misrepresented. Second, a number of those who are pontificating never put a red cent into the industry in the past 20 years. Third, my scheme is specific to Annex 1 and a small part of Annex 2. We are driving the policy initiative in providing the funding and Enterprise Ireland is delivering the project. In the case of Annex 2 products, Enterprise Ireland still has considerable resources available to it to engage in joint ventures and support packages for producers of cheese, flavoured milks or yoghurts or for producers of other such products.

There is an issue concerning the case to which Deputy Crawford referred. The Minister of State and I met representatives of that company and the issues involved are being ironed out on behalf of the company.

Afforestation Programme.

112. **Mr. Sargent** asked the Minister for Agriculture and Food the forestry planting rates for the past 15 years; if these are meeting existing targets; the reason for the fall-off in planting in recent years; her plans to ensure that the Government's existing target is met and exceeded; and if she will make a statement on the matter. [33298/06]

Minister of State at the Department of Agriculture and Food (Ms M. Wallace): Since 1991 some 228,159 hectares of new forestry have been planted, representing an average planting rate of 15,000 hectares a year. The current planting target of 20,000 hectares per annum, including public planting of 5,000 hectares per annum, was set in 1996.

Public planting ceased almost completely in the late 1990s, because of a Court of Justice ruling which found that Coillte Teoranta was ineligible for afforestation supports. In more recent years, a combination of high land prices, competing land-use options and uncertainty about future agricultural scenarios has led to a reluctance on the part of many farmers to commit their land to forestry.

In terms of incentives, the current forestry grant and premium package, including advice from Teagasc, is without doubt the most attractive that has ever been available. Farmers and landowners can avail of an establishment grant of 100% of costs, a tax-free premium of up to €500 per hectare per annum for 20 years at present and, under the single payment scheme, they can plant up to 50% of their eligible claimed area without losing any entitlements.

Under the new rural development plan 2007-13, we intend to bring forward a new forestry programme. The detail of the new rural development plan and its forestry component has yet to be finalised but it will be made available for public consultation shortly.

Earlier this year our Department embarked on a joint initiative with the Irish Forestry Industry Chain, IFIC, under the heading "Forests for a Bright Future" to highlight the multifunctional benefits of forestry and to stimulate uptake in the afforestation programme. This promotional campaign is expected to run for at least 18 months and is promoting the advantages of forestry, particularly to farmers, with a view to increasing the rate of new planting.

Mr. Sargent: I welcome the Minister of State's reply. I wish to tie this question in with the previous question, as there is a considerable energy issue related to forestry as well as the other aspects the Minister mentioned. The Minister of State advised me in July that forestry premiums were under review. Notwithstanding what she indicated in her reply in this respect, and I can understand the reason she would paint as positive a picture as possible, given that forestry pre-

miums have not risen in the past six years, is it intended to increase those premiums? A 40% increase is what is perceived would be a fair increase. I will meet representatives of the IFA tomorrow, as no doubt will other Members, to discuss the pre-budget submissions. Therefore, it would be useful to know if the Minister of State is thinking of introducing such an increase. As she said, land prices are increasing and many issues need to be dealt with separately in that context, the Kenny report being only one of them. Does the Minister of State intend to increase premiums in light of those other increases in costs, which make it difficult for many farmers to engage in forestry production?

The Minister of State referred to introducing a new forestry programme. Will she assure us she will not simply reduce the target of 20,000 hectares per annum, given that it is not being reached and call that level the new target, or will she be a little more ambitious and recognise that forestry needs to play a more central role in this country for all sorts of reasons?

While there has been much discussion on monopolies, Balcas in Fermanagh is the only company supplying wood pellets. In the interests of ensuring competition, is there not a need to develop the forestry industry to ensure there is more than one supplier of wood pellets, which is an increasingly important fuel source?

The European Commission contracted the Department of Agriculture and Food last February to warn of a possible legal action against Ireland due to neglect of environmental aspects of forestry policy. Has the European Commission contacted the Department since concerning the issue and, if so, what was the Department's reply?

Ms M. Wallace: We would like to see increases in grants and premiums. We have already announced an increase in the plantation grant which increased by 9% in 2005 and we received approval from the Department of Finance this year to increase the plantation grant by a further 14.7%. We submitted that proposal to the EU Commission for approval and are awaiting a final decision on it. A proposed increase in premium is currently being closely examined by the Department of Finance and such a proposal is part of the partnership talks.

Deputy Sargent was correct in saying it is important to be positive about the planting targets and to seek to have an increased planting target. One of the main items on our agenda is to encourage more farmers to engage in planting. That public planting by Coillte ceased as a result of the EU decision in the late 1990s has impacted on our planting targets. Nevertheless, there is an attractive package in forestry for farmers, as I outlined, be it the planting grants or the tax free premium over 20 years.

The Deputy was also correct in pointing to the energy aspect of forestry. The development of the

production of wood chips and wood pellets, including the availability of SEI grants from the Department Communications, Marine and Natural Resources, is important in encouraging people to switch over to using wood chip or wood pellets. Such development is also important to the forestry industry because following a tax-free premium over 20 years, farmers can gain additional income from thinnings from year 20 to year 40. Therefore, the more wood chip and wood pellet outlets we have, the better for the forestry industry. Such a development would provide a continual income from forestry for farmers engaged in it, in terms of tax-free premiums over 20 years and an income derived from the sale of forestry thinnings over the next 20 years. Under the single farm payment farmers can plant up to 50% of their land. Measures such as this are important and farmers can eventually gain further income from the sale of the timber. Farmers who have engaged in forestry production have spoken to me about the increased value in their assets. If farmers are elderly when they engage in forestry production, they know they are passing on a valuable asset to the next generation.

We also have an afforestation promotion campaign throughout the country through which we get the message across to farmers about the important energy aspect of forestry and about increasing the area planted. These two aspects are important and we will continue to promote them.

Mr. Sargent: The European Commission made a serious complaint to the Government. What was the Department's reply to the Commission on our forestry policy?

Ms M. Wallace: Discussions with the European Commission on that matter are ongoing.

An Leas-Cheann Comhairle: That concludes Priority Questions.

Other Questions.

Food Labelling.

113. **Mr. Hogan** asked the Minister for Agriculture and Food the steps she is taking to ensure that country of origin labelling is clear and transparent to the public; and if she will make a statement on the matter. [32725/06]

115. **Mr. Durkan** asked the Minister for Agriculture and Food if she is satisfied that all meat and meat products on sale here in supermarkets or served in hotels or restaurants are labelled adequately to indicate the country of origin with particular reference to traceability here and throughout the EU; and if she will make a statement on the matter. [32905/06]

Mr. B. Smith: I propose to take Questions Nos. 113 and 115 together.

Regarding the labelling of beef, this is governed by comprehensive EU regulations which were introduced in 2000 and are underpinned by a full national animal identification and traceability system. These compulsory labelling regulations require all operators and organisations marketing beef within the Community to provide information on the label to enable the beef to be traced back to the animals from which it was derived and must include details on the slaughterhouse, de-boning hall and the country in which the animals were born and reared.

Regulations for the purpose of beef labelling in the restaurant and catering sectors were made by the Minister for Health and Children earlier this year, which made the provision of country of origin information on beef in these sectors mandatory. There are EU regulations which provide for the labelling of unprocessed poultry meat at retail level. The regulations require such poultry meat to be labelled with the information regarding class; price per kg; condition; registered number of slaughterhouse or cutting plant; and, where imported from a third country, an indication of country of origin. There are no specific EU regulations governing the labelling of pig meat or sheep meat beyond the general food labelling regulations which do not require country of origin information.

The primary legislation enacted by the Oireachtas in March of this year under which our beef labelling requirements on country of origin were extended to the catering sector also allows for the extension of country of origin labelling to other meats. However, because different origin labelling requirements apply to other meats in the retail sector under current EU legislation and there are also different systems of traceability as well as some import-export complexities, it is not as straightforward as it is for beef. The European Commission has opposed member states introducing legislation in this area that is in excess of common EU requirements. Nonetheless, the Department of Agriculture and Food is currently in the process of drafting new regulations to require operators in the retail and catering sectors to provide country of origin information on poultry meat, pig meat and sheep meat. It is my intention to submit these regulations, when they are finalised, to the European Commission for approval as required by EU legislation.

The preferred way forward is that the Commission would progress the question of country of origin labelling of all meat at EU level. I wrote

earlier this year to the European
4 o'clock Commissioner for Health and Consumer Protection on this subject. I also raised the issue at the Agriculture Council some months ago and will continue to take every opportunity to press for progress on this matter. During Commissioner Fischer Boel's visit to Ireland last month, I raised the question of coun-

[Mr. B. Smith.]

try of origin labelling and the need for EU action on this subject. I was pleased with the positive response of the Commissioner to this issue and with her acceptance of the need for an EU origin logo to be put on all EU meat products.

I am glad to inform the House that the Health and Consumer Protection Directorate of the European Commission undertook a consultative process on a wide range of issues in this area earlier this year, under a document entitled Labelling: Competitiveness, Consumer Information and Better Regulation for the EU. I arranged for my Department to make a submission on food labelling, and country of origin labelling of meat in particular, to the Department of Health and Children, which co-ordinated the Irish contribution to this process. In the meantime, my Department will continue its work on the drafting of national measures.

The general EU food labelling regulations covering all food sold in Ireland require that the information be given clearly, accurately and in a language understood by the consumer. Among these requirements is origin marking in cases where failure to provide such information would be likely to mislead the consumer to a material degree. This legislation comes under the remit of the Department of Health and Children.

The Food Safety Authority of Ireland has responsibility for the enforcement of food labelling legislation. The food business operators involved are inspected on a routine basis by the environmental health officers in the Health Service Executive, operating under a service contract with the FSAI.

Mr. Crawford: I appreciate the efforts being made in this area but much more must be done, especially in the poultry sector. In recent weeks we saw the closure of Castlemahon Foods and many other poultry businesses are under pressure. Poultry farmers are not achieving the returns of the past, partly due to an enormous increase in unjustified costs. How much longer will it be before the problems in the poultry sector are addressed? Currently no change of packaging is required to allow poultry from another country to be sold as Irish poultry. I have seen that with my own eyes and it is putting extraordinary pressure on the industry here. Is the Minister of State aware that only 45% of poultry bought on the island of Ireland is produced here? That is an indication of the seriousness of the situation.

With regard to meat, is the Minister of State aware that many restaurants are not adhering to the regulations that are supposedly in place? What steps are being taken to rectify that? While the price of meat is reasonably good at present, Brazilian producers are planning a major re-entry to the Irish market, which will have serious implications if we do not act now.

Is the Department of Agriculture and Food sending personnel to the countries where

imported beef, poultry and other food products are sourced to determine their quality? The Egyptians, Iranians and others who bought meat products from us always sent their own inspectors here before buying.

Mr. B. Smith: The area of food labelling was centralised in the Food Safety Authority of Ireland and enormous progress has been made since 2000 on the general labelling of meats. The Oireachtas passed legislation earlier this year to enable the Minister for Health and Children to implement the regulations governing the labelling of beef in restaurants and other catering houses.

There are 44,000 food businesses in Ireland, 29,000 of which are in the service sector. The environmental health officers, who are employees of the Health Service Executive, operate under a service contract with the Food Safety Authority of Ireland and inspect approximately two thirds of catering premises every year. Checks on compliance with the new health, country of origin of beef regulations are being incorporated into routine inspections for establishments covered by the regulations. The regulations came into effect on 3 July 2006 and the Department has asked the Food Safety Authority of Ireland to ensure they are implemented as vigorously as possible from the earliest opportunity. That programme is currently being rolled out.

On the issue of poultry meat labelling, the legislation introduced earlier this year enables the Department to extend the country of origin labelling requirements to meats other than beef. The requirements can be extended to poultry, pig and sheep meat. Currently the Department is drawing up a scheme which will be presented to the Minister for Agriculture and Food, Deputy Coughlan, by the end of this week or early next week, for her approval. That scheme will enable the Department to introduce country of origin requirements on poultry meat in the Irish catering sector.

The proposals will be submitted to the Minister for Health and Children and then to the European Commission for final approval. However, the European Commission is not generally in favour of countries devising their own labelling schemes. In that context, it would be more beneficial if we could advance the proposals we made to the European Agriculture Commissioner, with which she agreed, regarding the need for the European Union to have country of origin labelling. The Minister for Agriculture and Food and I have, at Council of Ministers meetings and other European fora, consistently emphasised the need for progress on the labelling issue, particularly as it concerns beef, poultry and sheep meat. We intend to continue to pursue the matter.

Some progress was made when the Health and Consumer Protection Directorate of the European Commission undertook a consultative process on this area recently and Ireland put a strong

proposal to the Commission as part of that consultation process. We would like to see EU-wide agreement on the introduction of the type of regulations we deem necessary to protect our industry and assure consumers of the quality, safety and authenticity of the food they eat.

The primary task of the environmental health officers is to ensure safety and hygiene standards are adhered to in the catering and food sectors. The additional role given to the officers is also important and I am sure will be activated further in the near future.

Mr. Naughten: Why is it that 65% to 70% of restaurants are not complying with the legislation? If restaurants were purchasing Irish beef in the first instance, it would be easy for them to comply.

What extra resources were given to the Food Safety Authority of Ireland and the environmental health officers to enable them to enforce the legislation? I contend that no additional resources were given. Environmental health officers have told me that they do not see enforcement as a priority. There is no point introducing legislation if it is not enforced.

According to a report by the Food Safety Authority of Ireland, in approximately one fifth of shops and supermarkets the information regarding loose and packaged beef did not adequately inform the consumer. That was the situation under previous legislation, before the new Act came into force. It is clear the legislation in place is not being enforced and resources are not being provided to prioritise such enforcement.

Mr. B. Smith: The environmental health officers, who work for the HSE, are contracted by the Food Safety Authority of Ireland to carry out inspections in the food service sector. Their primary role is in the area of hygiene, safety, health and risk assessment. Implementing the new regulations is an additional duty for them. The Department of Agriculture and Food has a contract with the Food Safety Authority of Ireland to carry out the relevant inspection duties. The authority has a contract with the HSE, which carries out that work.

There has been much media coverage of the labelling of beef in restaurants and catering establishments. A recent survey indicated that 70% of restaurants were not complying with the regulations. Another survey indicated that 30% of restaurants were not complying. I am sure if Deputy Naughten applied that margin of error to last weekend's opinion poll, he would be happy, from his party's point of view.

Mr. Naughten: We are happy enough.

Mr. F. McGrath: The Minister of State should not get carried away.

Mr. B. Smith: I do not think some of the media comment on labelling we have read and heard is accurate.

Mr. Naughten: We are happy enough.

Mr. B. Smith: Some of the comments of the establishments and well known restaurants that had not labelled their beef as Irish have stated that they consistently used quality Irish beef since they were founded, in some cases 20 or 30 years ago. It is an additional bonus for any restaurant to display a statement that it sources its beef locally, for example. The consumers demand to know the source of the food they are eating.

Mr. Crawford: I agree with the Minister of State on that.

Mr. B. Smith: It has to be a benefit and bonus to any restaurant or catering establishment to demonstrate that the food is sourced locally.

Mr. Naughten: Why are we not enforcing that?

Mr. F. McGrath: Tell us more about opinion polls.

Mary Coughlan: The Deputy needs to go out to more restaurants.

Dr. Upton: I agree with the Minister of State in his statement that surveys and opinion polls can be grossly inaccurate. Of course, it depends on which one a person feels should be listened to most carefully.

In those surveys there were a number of high profile restaurants where people acknowledged the issue. They were interviewed on the matter, and it was not just part of the general survey. Some of them were not aware of the regulations, more were indifferent and some decided they had a better idea themselves. They had certificates and invited customers into the kitchen to view them to confirm the origin of the beef. Is there a need for another consultation or information programme to bring these people up to speed? That might be useful.

Mr. B. Smith: I take Deputy Upton's point. The Food Safety Authority of Ireland indicated recently that it is distributing written guidance to all caterers on how to comply with regulations. That would take account of the issues which have arisen since the regulations were brought into effect on 3 July last.

During the months since, people on all sides of this House spoke of the value of having labelling. It had to be well known in the public consciousness that these regulations had come into effect.

Afforestation Programme.

114. **Mr. G. Mitchell** asked the Minister for Agriculture and Food the steps she is taking to

[Mr. G. Mitchell.]

encourage the planting of forestry; and if she will make a statement on the matter. [32767/06]

Ms M. Wallace: In terms of incentives, the current forestry grant and premium package is without doubt the most attractive that has ever been available. Farmers and landowners can avail of an establishment grant of 100% of costs, a tax free premium of up to €500 per hectare per annum for 20 years at present, and under the single farm payment scheme, farmers can plant up to 50% of their eligible claimed area without losing entitlements. Under the new rural development plan for 2007-13, we intend to bring forward a new forestry programme. The detail of the new rural development plan has yet to be finalised, but it will be made available for public consultation shortly.

Earlier this year my Department embarked on a joint initiative with the Irish Forestry Industry Chain under the heading Forests for a Bright Future to highlight the multifunctional benefits of forestry and to stimulate uptake in the afforestation programme. This promotional campaign is expected to run for at least 18 months and it is promoting the advantages of forestry, particularly to farmers, with a view to increasing the rate of new planting.

Mr. Naughten: Does the Minister of State agree that we are falling dismally short of the target of 20,000 hectares per annum? The estimated average for the 2005-06 planting season is 7,000 hectares. In light of that fact, rather than just considering an increase in the premium, will it come about? The premium has not been increased since 2000, even though costs have gone up dramatically.

Will the Minister of State also look at integrating forestry grants and the REP scheme? Farmers in the REPS at the moment are at a disadvantage in planting and there is a long delay in the payment of grants and premia. This is an issue within the ambit of the Minister of State and her Department.

Will a guarantee be given to the House that it will not take as long in future to pay grants and premia? Will the Minister of State also deal with the company responsible for digitisation of maps to ensure the issue is dealt with quickly? There is currently a delay of four months with that. There are practical steps the Minister of State can take to achieve the target and I ask that these be taken. Additionally, what target will be set for 2007?

Ms M. Wallace: The premium increase is connected to the partnership talks. I was involved in its proposal and was very supportive of it. As with the Deputy, we would like to see it come through as soon as possible. With regard to practical considerations, we set a closing date of 30 September because we were coming to the end of this prog-

ramme at the end of 2006. We received a surge of applications, which from our point of view is very positive.

We have deployed staff from other areas, and staff are working overtime and on Saturdays to deal with the increase. I hope that will bring about increased planting in 2007. The conversion rate is not always as we would like after we give approval, but it is our hope that this surge in applications will produce an increase in planting for 2007. With regard to the target, the more planting that takes place, the better. We will continue to increase the bar.

Mr. Naughten: It will be above 20,000 hectares then.

Mary Coughlan: The Deputy could sow a few trees.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters.

An Ceann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputies McHugh, Connaughton and Callanan — the matter of Seamount school in Kinvara, County Galway, which is proposed to be closed; (2) Deputy Ring — the number of applicants that have been approved for the home care package in each county in the HSE west region since 1 January 2006; (3) Deputy Olivia Mitchell — the future of the children's hospital in Tallaght; (4) Deputy Connolly — to discuss the future funding of County Monaghan VEC's Tanagh outdoor education centre; (5) Deputy Sexton — the implications for Lough Ree of plans to source water for the greater Dublin area from the lake; (6) Deputy Stanton — that the Health Service Executive take over the operation of Cobh General Hospital in County Cork; (7) Deputy Coveney — the issue of funding concerns relating to the proposed new crèche facilities at the Cork Institute of Technology; (8) Deputy Fiona O'Malley — the Irish Study of Sexual Health and Relationships published yesterday; (9) Deputy Grealish — the need for a review of school bus transport catchment areas, in particular in the Galway city, Oranmore and Claregalway areas; and (10) Deputy Cowley — that the Minister make enhanced subvention available to the people of Mayo.

The matters raised by Deputies McHugh, Connaughton and Callanan, Connolly and Grealish have been selected for discussion.

Visit of Scottish Delegation.

An Ceann Comhairle: Before proceeding with business, I wish on my own behalf and on behalf of the Members of Dáil Éireann to offer a céad míle fáilte, a most sincere welcome, to the Right

Honourable George Reid, MSP, Presiding Officer of the Scottish Parliament, and his parliamentary colleagues. I hope they will find their visit enjoyable, successful and to our mutual benefit.

Leaders' Questions.

Mr. Kenny: We are always happy to welcome our Scottish colleagues to Ireland.

I wish to ask the Taoiseach a number of questions on the ESB regulatory pricing regime. The Taoiseach will be aware that on 1 October, the price of gas increased by 34% and approximately a 20% increase has been granted to the ESB. It is an increase of 19.4% for residential electricity, 19.6% for small enterprises and 21% for large industrial units. These increases come at a time when the price of oil globally is falling. When the increases were granted, oil was \$65 per barrel, \$5 higher than it is today.

These increases mean that a number of categories of people are severely affected. Irish families will have noticed the dramatic increase in gas and ESB bills in the past 12 months. The ESB was granted a 25% increase last year. The gas increase will result in an increase of about €25 per household bill each month. That means families, faced with rising mortgage interest rates, are now faced with rising energy rates which will affect them very severely. Questions will have to be asked about whether radiators are kept on during the day or at night, for example. Hundreds of thousands of elderly people, many of them living alone and who need heat, will have to decide whether to heat or eat in some cases — it will be that serious.

Energy costs are crippling for businesses. I advise the Taoiseach that this is a very serious matter. I wish to bring to the Taoiseach's attention a letter I received from an employer of 1,000 people. The point was made that the pricing model for electricity is out of kilter with reality and that since 2001, the energy regulator has granted cumulative price increases of 100% in electricity and 170% in gas. The question is asked how the electricity pricing regime can be correct when the company in question has signed a 12-month oil contract at 22% below the price of oil six weeks ago.

The global price of oil is dropping, and in this country ESB and gas charges are rising through the roof. The point is made by this employer that the only way of dealing with this is to move out of the country. That is a very serious matter. What will the Taoiseach and his Government, who set policy in this area, do about it?

The Taoiseach: The prices that came into force on 1 October this year, including the 33.8% increase, will be fixed for one year until 30 September 2007. The Commission for Energy Regulation will review prices again during the summer of next year for the gas year starting on

1 October 2007. Under the Gas (Interim) (Regulations) Act 2002 responsibility for the regulation of tariffs is delegated to the CER, which has responsibility for ensuring market stability, encouraging new market entrants and ensuring tariffs are cost-effective and do not discriminate unfairly between licensed operators in the State sector, such as ESB or Bord Gáis, and those in the private sector. There is no need to rehearse all the issues dealt with in its decision.

Following a long price freeze from the mid-1980s onwards Bord Gáis has been able to sustain relatively low prices, in part due to favourable long-term hedging contracts, resulting in a very low average cost of gas relative to the price. The effect of the proposed increases of 33.8% on the CPI figures is 0.164%. I do not think increases in gas prices of that order will drive anyone out of the country.

The proposed increases in gas tariffs and electricity prices are practically the same. Some of the largest suppliers in the UK have also faced significant price increases. Npower has experienced rises of 30.8%, Scottish Power has averaged 34.6%, as our friends in the Gallery will know, and Powergen has experienced an increase of 24.4%. The CER has published its draft decision on the average price increase of 19.7% for ESB customers, to come into effect on 1 January 2007, one of the contributors to which is the cost of gas. While the price fluctuates the regulator takes the price over the full period and not just a few weeks.

Mr. Kenny: That does not deal with this situation. Gas was available free of charge in the UK two weeks ago but industrial electricity costs in this country are 30% higher than in Great Britain. Industry, as the Taoiseach knows, is not included in the CPI figures. He said the price rises were unlikely to drive anybody out of the country. The company of which I speak will suffer an increase in electricity costs for next year of €800,000. I have evidence from a food processing firm in Cork whose gas bill has doubled from €3.4 million to a staggering €6.8 million per annum in the past four years. We are pricing ourselves out of the competitive market.

I have been informed by the company in question, as has the Minister, that for companies trading internationally these increases cannot be passed on and will ultimately be addressed by moving operations out of Ireland unless the situation is resolved effectively. That is a clear warning to the Taoiseach as head of Government.

Will the Taoiseach send a direction to the regulator to defer these price increases until such time as a full-scale assessment of the pricing regime is carried out? While the Taoiseach cannot direct the CER it should take cognisance of what the Taoiseach says.

Will the Taoiseach review the electricity pricing model, which will seriously affect thousands of jobs in this country? This is a very serious

[Mr. Kenny.]

issue. Will he agree to do so on the basis that these increases are savage? At a time when world oil prices are falling they are going through the roof in this country. He is now warned, in advance, of what he needs to do. Will he defer the price increases and carry out a real assessment of the electricity pricing regime so as to allow some comfort to businesses, families and the elderly?

The Taoiseach: The system in this country allows for increases once a year, as agreed in legislation passed by this House. The position is examined over a year and the regulator makes a decision that applies from operable dates. This provides consistency of policy for industry and is designed as a model that gives certainty. We have experienced one increase but in the UK this year there have been 13 increases.

Mr. Connaughton: There have been five.

The Taoiseach: Throughout Europe and internationally prices are going up dramatically. We, like most countries, import most of our gas from the one location in Russia. We do not have a North Sea gas resource to protect us from price rises. The same applies to industry in every country. We cannot have a regulator who keeps the situation neutral when times are good and ask him or her to stand down an increase when there is a difficulty and a real price increase. Under the legislation the responsibilities of the CER include market stability, encouraging new market entrants, ensuring tariffs are cost-effective, guarding against discrimination and exercising its functions in a way that protects the interests of the final customers of gas and electricity. A large part of the increase in electricity is because of the gas price. Gas and oil are internationally traded commodities and every business understands that.

Mr. Durkan: They are coming down internationally.

Mr. Bruton: Our prices are 50% more expensive than the UK.

The Taoiseach: We have no control over them because they are internationally traded and our model is set in legislation. We have kept prices down for years, during which there has been no increase whatever. The regulator has made its judgment and recently provided figures based on its calculations over the year.

Deputy Kenny asked what we proposed to do. We took immediate action. Some 70% of generation costs are outside domestic control and the Government and the regulator will work with industry to reduce the remaining 30% of costs and improve efficiency and competition in the sector. Several weeks ago we announced a substantial increase from 1,800 to 2,400 free units for old people which, based on the calculation of the

regulator, will fully protect the hundreds of thousands of people in the State who would otherwise have difficulties. It will give certainty to individuals that they can continue to be protected from the increases.

Mr. Rabbitte: I do not know whether this is a normal parliamentary exchange with our colleagues from Scotland or whether they want to examine our proposed electronic voting system.

Mr. J. O’Keeffe: Stay away from it.

Mr. Rabbitte: This system cost us €52 million. We could not use it because it was not reliable and it costs us almost €1 million a year to store it in various centres around the country. I will ask the Taoiseach about remarks made at the weekend by the Minister for the Environment, Heritage and Local Government, Deputy Roche, reported in a newspaper as follows: “Roche plans to press ahead with e-voting despite security flaws.” The Minister also told TV3:

They will be used in the election and referendum after 2007. I am not going to scrap them. We have actually paid good Irish taxpayers’ money for them.

The last part of that is true — we certainly paid good Irish taxpayers’ money for them. The Minister’s remarks followed the report by the Commission on Electronic Voting to the effect that they were not of sufficient quality to enable their use to be confidently recommended and that functional testing revealed programming errors. The Taoiseach then told me that a Cabinet sub-committee was examining the issue, which reminds me of the remark of the Minister for Justice, Equality and Law Reform, on the protocol to the Maastricht treaty, to the effect that the unfortunate and much-maligned Fianna Fáil backbenchers reminded him of chimpanzees with a screwdriver behind a television set. After the Cabinet sub-committee was set up the Swedish group of computer enthusiasts said the hardware was not secure and explained why in their report. Do the remarks of the Minister for the Environment, Heritage and Local Government, Deputy Roche, come in the wake of the Cabinet sub-committee’s report? Has the Cabinet sub-committee reported or is the Minister misleading us? Does the Government intend that these machines will be used, but like St. Augustine’s plea, “not yet”, not in the general election 2007 or whenever, but after that? Is that the recommendation of the Cabinet sub-committee?

The Minister says it will not continue to cost €800,000 to store the machines because he will store most of them at some central location guarded by the Army. I would not have thought there was any difficulty in guarding them because they are useless but that seems to be the use the Minister has in mind for the Army. Will the

Taoiseach tell the House the Government's position?

The Taoiseach: The second report of the Commission on Electronic Voting was one of the most comprehensive official reports ever produced on the matter. The overall conclusion of the report was that the system chosen for our country can potentially enhance and deliver real efficiency in the administration of elections.

Mr. Howlin: "Potentially" we could land on Mars.

The Taoiseach: The commission concluded that it could recommend the voting and counting equipment for use in elections, subject to further work that it recommended and it set out the nature of that work. Deputy Rabbitte correctly said that we established a Cabinet sub-committee, chaired by the Minister for the Environment, Heritage and Local Government, to consider the reports in detail and to report to the Government on the full implications of the commission's report, consider the composition of a peer review group drawn from international electoral reform bodies and the IT industry to supervise any software redesign work, to report to the Government on confidence-building measures and identify any other improvements that might be built in to the system.

Mr. Rabbitte: What about the report from Sweden?

Mr. J. O'Keeffe: Yes look at what happened in Sweden and Holland.

The Taoiseach: In response to Deputies Rabbitte and Jim O'Keeffe, in Holland the anti-electronic campaign group, of which Deputy Rabbitte used not be a part—

Mr. Connaughton: It did not work.

The Taoiseach: Our Scottish friends would find it amusing to know Deputy Rabbitte was totally in favour of electronic voting until the results of the last election.

Mr. Cullen: The Deputy is in the Dark Ages.

Mr. Durkan: They would not find the cost amusing.

Mr. J. O'Keeffe: Nothing works under this Government.

The Taoiseach: The anti-electronic voting campaign group in the Netherlands physically hacked into a machine to demonstrate security flaws. If one hacked into a ballot box one could do that too. It is important to note that the Commission on Electronic Voting made recommendations on how the physical and electronic security of the

system could be improved. I understand the Dutch Government has stated publicly that the revelations had no implications for the forthcoming elections. I note from media reports, which I received this morning, this is the view of the Dutch national media too.

The commission also concluded that the main hardware components of the system, including the voting machine, are of good quality and design and are robust against failure and well suited to their purpose.

Mr. Howlin: Why do we not use them if they are so wonderful?

The Taoiseach: The commission offered an overall validation of the investment in the machines—

Mr. Connaughton: Are they waterproof?

The Taoiseach: —and the associated hardware and the most negative conclusion in the report related to the management of the software which it could not recommend. It recommended what should be done to correct this and that is precisely what the committee is endeavouring to do.

Mr. Rabbitte: If the machines are as good as the Taoiseach says, why are we not using them in the election? Is that not the net point? What is the point in telling us that the software does not work?

Mr. Cullen: The Deputy was not listening.

Mr. Rabbitte: It is like saying the chassis of a car is in perfect condition but the engine does not work.

Mr. Cullen: That sounds like a Labour car.

Mr. Rabbitte: I had forgotten the former Minister for the Environment, Heritage and Local Government, Deputy Cullen. Let us hear what he said.

Mr. Cullen: Deputy Rabbitte needs to look at his own chassis.

Mr. Rabbitte: This is a direct quote from Deputy Cullen: "The system Ireland has used successively and will use next year is the most secure electronic system that exists in the world".

Mr. Allen: At great expense.

Mr. Rabbitte: Deputy Cullen continued "At all stages all aspects of electronic voting have been tested and re-tested by independent—

Mr. Cullen: No matter what system Deputy Rabbitte uses it will not help him.

Mr. Rabbitte: —experts. My Department has engaged six independent consultancies [I believe that bit as well] to verify electronic voting. Labour has engaged two branch secretaries.”

Mr. Stagg: We were right and the Minister was wrong.

Mr. Cullen: Fair play to the Dutch who at least showed Dutch courage.

Mr. Rabbitte: That is what the Minister said. The point was that the truth of the report commissioned from two branch secretaries by the Labour Party has been borne out in all respects. Although this Minister was warned by among others, independent experts outside the House, he, like his predecessor, the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, insisted on ploughing ahead.

Mr. N. Dempsey: With the support of the House.

Mr. Rabbitte: The current Minister, Deputy Roche, completes the line-up of The Three Stooges. Has this Cabinet sub-committee reported? If not why is Deputy Roche speaking on television and issuing press releases to the effect it has been decided to use this system but not in the general election? Is the implication that it is alright to use it in the European election but not in a general election? The Taoiseach says the report of the commission was comprehensive. It certainly was. It was a comprehensive indictment of the system's reliability and confidentiality to be used in these circumstances after spending €52 million of taxpayers' money on it.

Finally, one of the commission's most alarming findings was that a testing of the count software found that where two or more candidates were tied and one had to be eliminated the software eliminated the wrong candidate. The Taoiseach tells us it is alright to use that system in the European and local elections. If the Cabinet sub-committee has not reported when will it do so and what is the Government position and policy on the waste of €52 million of taxpayers' money? The former Minister, Deputy Cullen, is still in office, Deputy Noel Dempsey is struggling with ESB price rises and Deputy Roche is preparing to join them.

An Ceann Comhairle: Deputy Rabbitte should give way to the Taoiseach. He cannot have the seven minutes to himself.

Mr. N. Dempsey: Deputy Rabbitte is still in Opposition and will stay there. The Labour Party supported the system.

Mr. Rabbitte: I supported a system that would work.

Mr. Stagg: That was then this is now.

The Taoiseach: I will not take seven minutes to reply. The commission concluded that the main hardware components in the system, including the voting machines are good quality in design, robust against failure and well-suited to their purpose. That was the view of the commission on the expenditure. It was quite satisfied that the hardware, that cost the money, can work and operate effectively.

They are not in use because of the democratic system whereby the voting system for people to exercise their franchise needs agreement. Members of the Opposition were happy with that and then changed their minds.

Mr. Allen: No. That is not true.

Mr. J. O’Keeffe: We will accept a working system.

The Taoiseach: Some €500,000 has been spent on the election management software. The commission gave its views on how we could improve that. That is what the committee is doing.

Our Dutch colleagues and others have studied this position. An editorial in a Dutch newspaper this morning stated: “A return to the system of paper and red pencil sounds romantic, but it is only a spurious solution, since fraud is possible in any system.”

Mr. Howlin: It is all double Dutch.

Mr. Allen: We still use it.

Mr. J. O’Keeffe: That’s right, we still use it.

The Taoiseach: As Deputy Rabbitte knows, thousands of votes in our elections that are not stamped take away the democratic franchise of the electorate, which proves that our silly old system is outdated.

Mr. J. O’Keeffe: The Taoiseach wants us to use an even sillier one.

The Taoiseach: We have to correct the software, which will cost €500,000 and try to move forward. Otherwise, this country will move into the 21st century being a laughing stock with our stupid old pencils.

Mr. Allen: The silly old Minister is the problem now.

Caoimhghín Ó Caoláin: Appropriately in the presence of our Scottish visitors, will the Taoiseach join with me in recording a welcome for the progress made during the talks at St. Andrews in which I was a participant as a member of the Sinn Féin delegation? Does the Taoiseach agree there was a clear sense of willingness on the part of all parties to assist in mov-

ing the situation forward at the St. Andrews talks? Does he agree this momentum must be maintained?

What is the Taoiseach's response to the postponement by the DUP of today's scheduled talks between it and Sinn Féin? I understand that the engagement still had not taken place when we commenced Leaders' Questions. Does the Taoiseach concur that the agreement between the two Governments and any ongoing discussions must affirm the Good Friday Agreement and work towards its full implementation? Does he agree that the process is not about finding a way around, undermining or superseding the Good Friday Agreement?

Does the Taoiseach agree that the next assembly elections should take place at the end of the current term, namely that envisaged from the last assembly elections rather than a new set of elections occurring as mooted by some opinion? Is he also of the view that the St. Andrews document in no way supersedes or overrides the essential essence of the Good Friday Agreement as endorsed by the electorate North and South? Does he agree a referendum on the agreement at St. Andrews is not required in this State? Will the Taoiseach join with me in urging everyone of all opinion and none throughout Ireland to take the time to read the document presented by the two Governments to the final plenary session on Friday? People must inform themselves properly and reflect and engage in every positive way imaginable in order that the momentum towards the full implementation of the Good Friday Agreement can be maintained.

The Taoiseach: This matter will be further debated in the House tomorrow. I thank our Scottish colleagues for the facilities they made available to us and particularly thank the Scottish First Minister, Mr. Jack McConnell, for his courtesy and the time he afforded us on our arrival on Wednesday last.

We had a successful meeting with the Northern Ireland parties and appreciate the valuable contributions that were made. A timetable is in place for the restoration of the institutions. We have ensured the deadline of 24 November remains real. The engagement was difficult and for a long time it seemed we would not get an outcome. However, we produced a document and it is hoped that, after studying it, all parties will come to agreement.

While there are many elements to the document, the essential ones involve commitments by the DUP to power sharing and by Sinn Féin to accept and support policing. Sinn Féin's position on policing will be decided through its own structures in the weeks ahead.

All parties left St. Andrews in a positive frame of mind. They were asked to say whether they would agree the package by 10 November, following consultation with their members. If agreed, the nomination of the First Minister and

Deputy First Minister on 24 November would be on course. Dr. Paisley told us the DUP will say "yes" to this. While the First Minister and Deputy First Minister will not actually take up office on that date, symbolically it will be a landmark moment.

In advance of this, the parties will begin meeting at leadership level to discuss the programme for government. That issue was to be dealt with today. I do not believe we should get too excited about developments on this issue. Annex A of the St. Andrews document dealt with the issue that emerged today. Annex A states under amendments to the pledge of office:

The pledge of office would require that Ministers would participate fully in the Executive and NSMC/BIC, and would observe the joint nature of the office of First Minister and Deputy First Minister. Before the Government legislates on the pledge of office it will consider the outcome of further preparation for government committee discussions on policing and the rule of law.

It is clear that the issue that created some difficulties today was dealt with by the two Governments and was to be dealt with in the preparation for government committee discussions.

The fundamental principles of the Good Friday Agreement are consent for constitutional change, commitment to exclusively peaceful and democratic means, stable inclusive partnership government, respect for equality and human rights and a balanced institutional accommodation of the key relationships within Northern Ireland, between North and South and between these islands. These remain unchanged. The St. Andrews proposals, which arise from the review of the Good Friday Agreement, if accepted by the parties, will ensure they are fully reflected and implemented as intended by the Agreement for the first time since the suspension of power sharing four years ago.

The Good Friday Agreement was never intended to be static. It provided for a review of its operation by the Governments and parties four years after it came into operation. The review began in 2004 but given the events of December 2004, it could not be brought to a conclusion. We hope these proposals will now help to bring the process forward. I hope with the issues that created some difficulties today, and other issues, that people will look at the annex and agree them, as the Governments said they should, in the preparation for government committee.

Caoimhghín Ó Caoláin: In the wake of the St. Andrews meetings, will the Government revive the Taoiseach's proposal for limited representation for Northern MPs in a committee of the whole Dáil? Will the Government outline what further proposed peace dividend will come forward with a particular focus on the Border Coun-

[Caoimhghín Ó Caoláin.]

ties and the Six Counties? Will it outline the infrastructural developments and other co-operative initiatives on a North-South basis that it will co-host and co-fund to give real substance to the all-Ireland dimension of the Agreement?

Will the Offences Against the State Acts be revisited in line with the Agreement's commitment to set aside all anti-human rights legislation? Will the Taoiseach enhance the role of the Human Rights Commission in the Twenty-six Counties so that the equality and human rights agenda can be advanced on an all-Ireland basis, given the deficits that apply to the two respective bodies North and South?

The Taoiseach: In response to my earlier letters to party leaders and based on the 2001 all-party committee report, there seems to be a basis to allow representation for Northern MPs in some form. It must be done with co-operation of Members but, for my part, I will bring it forward. We have already engaged with the British Government at ministerial and official levels regarding the peace dividend. There is a large agenda of items on the North-South Ministerial Council covering health, education, science and food. The human rights legislation is in place and we have set up the associated structures. We will continue to work on those in co-operation with the authorities in the North. The answer to the Deputy's questions, therefore, is "Yes". The Government, as we outlined last week and in all previous discussions, is prepared to move these matters forward as fully as we possibly can.

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. Connaughton: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter, namely, the proposed closure of the Seamount secondary school, Kinvara, County Galway, to impress upon the Minister for Education and Science the importance of the continuation of this successful school despite the decision by the Mercy Order to withdraw from second level education in the area, and to strongly urge the Minister to enter into meaningful discussions with the board of management, principal and staff of the college and the Mercy Order to put in place measures that will guarantee the intake of first year students at the college for the 2007-2008 school year.

Mr. McHugh: I seek the adjournment of the Dáil under Standing Order 31 to debate the following matter of national importance, namely, the decision of the Mercy Order to close Seamount College, Kinvara, County Galway, the actions of the Mercy trustees in taking the

decision to close the school in a totalitarian and undemocratic manner which allowed no consultation with board of management, principal, staff, parents or students, and the effect such a closure would have on the south Galway area, resulting in a total of 243 students being deprived of education in the school of their choice.

Mr. Connolly: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter, namely, the penalising of thrifty lower-income families whose children are in receipt of higher education grants because interest from their maturing SSIA's may take them marginally over the income threshold in future years, the fact that families who accepted the Government's advice to participate in the scheme and invested to save for their children's third level education now find their children's entitlements to education grants jeopardised as a result, that this is a departure from the spirit of a once-off savings scheme designed to encourage thrift among small savers, and to call on the Government to direct VECs and local authorities to disregard SSIA interest in assessing students' entitlement to higher education grants.

Mr. F. McGrath: Hear, hear.

Aengus Ó Snodaigh: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter, namely, to welcome the most recent drugs seizures by the Garda Síochána, including approximately 10 kg of heroin and 4 kg of cocaine seized in Clondalkin and Swords last weekend, the potentially fatal danger of all drug abuse including the deaths of two men in Dublin last weekend as a result of an excessive consumption of cocaine, which points to the need for the Government to do more to tackle the myth that certain drugs are "recreational" and therefore "safe", and to resource the national and local drugs units and community policing to enable the Garda to effectively tackle illegal drugs supply in partnership with communities.

Mr. Sargent: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter, namely, to finally address the long-standing request which Marie Therese O'Loughlin has made to the Government to take responsibility, through the Residential Institutions Redress Board, for the injuries she sustained at the mother and baby unit at the Morning Star Mother and Baby Home in 1952, a request which has seen her spend more than one year sleeping rough outside the gates of Leinster House without even the courtesy of a meeting with a Minister.

Dr. Cowley: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter, namely, to ask the Government to direct Shell to cease construction immediately of

the Ballinaboy Shell refinery, County Mayo, pending local consent to a method of bringing the Corrib gas ashore that is not detrimental to the environment and safety of the local population and that will bring significant benefit to County Mayo and to this country. Does the Minister for Justice, Equality and Law Reform agree it is a terrible waste of Garda resources to be videotaping the four Deputies who attended the protest?

An Ceann Comhairle: It is not appropriate to go beyond the notices submitted to the Office of the Ceann Comhairle.

Mr. Cuffe: It was certainly strange to see gardaí with video recorders last night.

I seek the adjournment of the Dáil under Standing Order 31 to debate the following matter of public interest, requiring urgent consideration, namely, that British Nuclear Group has been fined €743,000 for the leaking of radioactive waste that went undetected for eight months at its Sellafield plant, providing another example of the continuing poor management of that plant and the consequent threat posed to the Irish environment.

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. 10, motion regarding the proposed approval by Dáil Éireann of the terms of the Protocol on Explosive Remnants of War, referred to as Protocol V, of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects; No. 11, motion regarding the proposed approval by Dáil Éireann of the sectoral plans in accordance with section 31(6) of the Disability Act 2005; and No. 3, the Nuclear Test Ban Bill 2006 — Order for Second Stage and Second Stage.

It is proposed, notwithstanding anything in Standing Orders, that No. 10 should be decided without debate and the following arrangements shall apply in respect of No. 11 — if not previously concluded, proceedings shall be brought to a conclusion after 65 minutes and speeches shall be confined to Ministers or Ministers of State and to the main spokespersons for the Fine Gael Party, Labour Party and the Technical Group, who shall be called upon in that order and who may share time, and will not exceed 15 minutes, with a Minister or Minister of State called upon to reply in a statement not exceeding five minutes.

Private Members' business shall be No. 27, Road Traffic (Miscellaneous Provisions) Bill 2006 — Second Stage. If not previously concluded, proceedings thereon shall be brought to a con-

clusion at 8.30 p.m. on Wednesday, 18 October 2006.

An Ceann Comhairle: There are three proposals to put to the House. Is the proposal for dealing with No. 10 without debate, motion regarding proposed approval by Dáil Éireann of the terms of the Protocol on Explosive Remnants of War, referred to as Protocol V, of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects, agreed? Agreed.

Is the proposal for dealing with No. 11, motion regarding the proposed approval by Dáil Éireann of the sectoral plans in accordance with section 31(6) of the Disability Act 2005, agreed? Agreed.

Is the proposal for dealing with Private Members' business agreed? Agreed.

Mr. Kenny: Does the Government propose to take action to regulate the sale of drugs over the counter that are, in some respects, as lethal as ecstasy tablets? When does the Taoiseach expect to be able to make a case to the European Competition Authority in respect of the privatisation of Aer Lingus in the context of his reply to a question earlier? In respect of the Road Traffic (Miscellaneous Provisions) Bill and the announcements made this morning, can the Taoiseach give an indication of when the approximately 600 cameras will be installed, whether it will be this year or next year?

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

Mr. Kenny: My fourth question is for the Ceann Comhairle, in accordance with his high office. Two oral questions which I put to the Taoiseach were transferred by the Ceann Comhairle to the Minister for Finance. In both instances, the Ceann Comhairle removed the word "specific" from my original question in regard to the activities of the Department of the Taoiseach. Will he explain why he altered the wording of questions he transferred to the Department of Finance?

An Ceann Comhairle: I did not transfer the questions.

Mr. Kenny: The Ceann Comhairle wrote to me: "I wish to inform you that the following question tabled by you for oral answer has been transferred by the Taoiseach to the Minister for Finance".

An Ceann Comhairle: The Deputy has answered the question himself. The Chair does not transfer questions.

Mr. Kenny: In that case, perhaps the Taoiseach will respond. A word was omitted from the orig-

[Mr. Kenny.]

inal question in his transferring of it to the Minister for Finance.

The Taoiseach: On the first question, the emergence of new substances is being examined in the context of the EU early warning system and the risk assessment process. The early warning and emergency trends sub-committee of the national advisory committee on drugs has asked the Health Research Board to raise the issue of BZP and other substances with the EU to discover whether experiences in other member states are the same. The Misuse of Drugs Act 1977 and regulations made thereunder regulate the issue. It will probably be that legislation because it regulates the control, import, export, production, supply and possession of a range of named narcotic drugs and other substances listed in the Schedules to the Act. That has commenced.

On the Competition Authority, in the first instance I will meet the European Commission to discuss several matters. The meeting is long-planned, having been in the offing for approximately a year. I will take the opportunity of raising the question. Issues concerning Ryanair and Aer Lingus will be dealt with at official level in the days immediately ahead, and that is already under way.

Mr. Kenny: Does the Taoiseach know when the road traffic Bill will come before the House?

The Taoiseach: No. I understand that drafting will begin early in the new year.

Mr. Rabbitte: Last week, without precedent, the business of the House collapsed for a third time in the course of this term. It diminished the Dáil's standing and relevance, and I am not sure that everyone abroad understands that the Government rather than the Opposition sets the business. We have not yet received an explanation from the Government of why the Bill listed was pulled, which was most unusual. The tribunals amendment Bill was tabled with the support of the House, only for it to be removed from the schedule. Where is it now? Is it intended to introduce that Bill?

When are we likely to see the privacy Bill, and does the Government intend to proceed with enactment of the Defamation Bill 2006 before publication of the privacy legislation?

The Taoiseach: What happened last week occurred many times during my time in the House. There was a list of speakers, one of whom was unavailable, and the business of the House regrettably collapsed as a result. I understood that the legislation was removed from last week's schedule because the Deputy's party objected to its being taken. However, we can restore it.

Mr. Howlin: Excellent.

The Taoiseach: I am forever making changes to the Order of Business to facilitate Deputy Rabbitte's party. He can see that I have always been helpful and co-operative. The Privacy Bill 2006 is before the Seanad.

Mr. Sargent: I see from the Order of Business that the Nuclear Test Ban Bill 2006 has been published, as have certain other measures, including the proposed adoption of the Protocol on the Explosive Remnants of War. However, primary legislation is expected regarding the export of military and dual-use goods and brokering. Six months ago, five teenagers were able to import torture equipment into Ireland from South Africa and send it to the US. There does not seem to be any legislation in that regard.

Will the control of exports Bill start to tackle that loophole in our primary legislation? In the light of the peace process, one would think that we would get our own house in order when it comes to military hardware being sent around the world by Irish teenagers. They can do so if they wish because of the lack of primary legislation. Will that be dealt with in the Bill?

An Ceann Comhairle: The Deputy may not ask about the content of the Bill.

Mr. Sargent: It is promised at least.

The Taoiseach: It will be this session.

Mr. Bruton: I have a question on transport legislation for Dublin. I recently read the Progressive Democrats' manifesto.

Mr. Rabbitte: What a sad life.

Mr. Bruton: Yes, it is sad. They had some interesting policies. They were going to eliminate the transport deficit by 2007. By 2006 we would have two new Luas lines and by 2007 we would have a metro to Dublin Airport. Does the Taoiseach feel any sense of failure, not only that we have not delivered—

An Ceann Comhairle: I suggest the Deputy submit a question to the line Minister.

Mr. Bruton: The Ceann Comhairle should let me complete the sentence.

An Ceann Comhairle: We are on the Order of Business.

Mr. Bruton: I would like to ask a question on legislation. Does the Taoiseach feel any sense of failure that not only has he not delivered the promises of his Progressive Democrats colleagues, but he has failed in his own programme to replace—

An Ceann Comhairle: The Deputy is making a statement. Does he have a question on legislation?

Mr. Bruton: —the Road Transport Act 1932 with modern legislation? There is also the Dublin transport authority Bill. We have seen neither Bill and were told that they would be introduced before the end of this session. Parliamentary counsel has not even started on the heads of one Bill, while the other will not be ready before the election. Five years on, the Taoiseach has delivered nothing, not even a bus, to change Dublin transport.

The Taoiseach: The Dublin transport authority legislation will be introduced this session and the other Bill is being drafted.

Ms McManus: There is growing concern at the Government's failure to protect patients from medical wrongdoing, including pharmacy malpractice. Yesterday the Irish Pharmaceutical Society warned that there was real risk because legislation had not been introduced and that there were no provisions to protect patients.

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

Ms McManus: Yes. This is a very serious matter.

An Ceann Comhairle: Perhaps the Deputy will come to the legislation. We cannot have a preamble because other Members are offering to speak and we wish to make progress.

Ms McManus: We were promised that two Bills would be delivered in 2004 to provide safeguards for patients, but towards the end of 2006 they have still not materialised. One is the medical practitioners Bill and the other is the pharmacy Bill, which has been split into two. We are still only being promised the pharmacy No. 1 Bill, but surely if the Taoiseach accepts that there is growing anxiety about patient safety he will indicate when exactly we will see it. Does it mean that this time the Government will keep its word and deliver on a promise?

The Taoiseach: The medical practitioners Bill is due this session, as is the pharmacy No. 1 Bill.

Caoimhghín Ó Caoláin: A new report commissioned by the Health Service Executive has highlighted the many inadequacies in this State's maternity services, yet the Government, throughout its lifetime, has repeatedly promised and postponed introduction of a nurses and midwives Bill. The most recent list indicates that it is expected in 2007. I ask the Taoiseach directly whether we will see the nurses and midwives Bill before the general election.

The Taoiseach: It is due early next year.

Mr. Crawford: When will the health Bill come before the House? Through the Minister for Health and Children, the former Tánaiste, Deputy Harney, the House established an independent inquiry into the death of Mr. Pat Joe Walsh. When will that be discussed in this House?

An Ceann Comhairle: No debate is promised since one only promises debates on reports. The Deputy should not raise the matter on the Order of Business.

Mr. Crawford: There is also the Teamwork report that will be used as a template for national roll-out. When will those two reports be discussed in the Chamber?

An Ceann Comhairle: The first question is in order, but the other two are not so.

The Taoiseach: The health Bill will be published next year.

Mr. Crawford: Will the Taoiseach establish—

An Ceann Comhairle: The Deputy should submit a question to the line Minister. That is the best way forward.

Mr. Costello: In view of the difficulties being experienced by the Taoiseach's constituents and mine regarding illegal fireworks, and the fact that the Tánaiste and Minister for Justice, Equality and Law Reform, Deputy McDowell, launched an advertising campaign last week, is legislation planned regarding advertisements on the Border directing Irish citizens to where they may purchase illegal fireworks?

Mr. Howlin: On the same issue, the recent Criminal Justice Act 2006 contained provisions regarding the sale of fireworks. Have they been brought into effect yet?

The Taoiseach: On the first question, no new legislation is planned. I will have to check whether those sections are in force.

Mr. Durkan: Legislation has been promised to provide for the creation of indictable offences for breaches of enforcement measures imposed by the Commission for Communications Regulation, to provide ComReg with powers to investigate overcharging and various other matters, and to provide for the establishment of an emergency call-answering service. Would it be possible to broaden the scope of the Bill before it is published with a view to ensuring against the large-scale disconnection of telephone services that we saw in recent weeks?

An Ceann Comhairle: We cannot discuss what might be in the Bill. The Deputy will have an opportunity to do that on Second Stage.

Mr. Durkan: Given the information we have, this anticipates what may not be in the Bill.

An Ceann Comhairle: The Deputy will have to find another way of raising the matter.

Mr. Durkan: I am finding it now. Given the history of Bills that have come before the House in recent times, it is more than likely the proposed Bill in respect of electronic communications (miscellaneous provisions) will be inadequate. We should ensure against fallout—

An Ceann Comhairle: We cannot discuss the Bill now.

Mr. Durkan: — such as the large-scale disconnections, including disconnecting the few people who were fortunate enough to have broadband. Will the Taoiseach elucidate further on that?

The Taoiseach: The legislation is due this session.

Mr. Howlin: My first question, which related to fireworks, has been answered. The amendment to the Tribunals of Inquiry (Evidence) Act has already been touched on, but I did not hear the answer clearly. Is it intended to proceed with that in this session?

The Taoiseach: Yes.

Mr. Stagg: The Taoiseach may be aware the National Consumer Agency commissioned a report by DKM Economic Consultants and Kevin O'Higgins, Solicitors on management companies. The report described the new property management industry as unregulated, leading to misunderstanding of roles and responsibilities. The Minister of State with responsibility for housing was studying the matter some months ago and promised legislation to regulate management companies. Has anything happened on that?

The Taoiseach: I do not what happened with regard to the review of the legislation, but the Minister of State met the local authorities before the summer and issued guidelines to them.

Mr. Stagg: The guidelines were effective and concerned taking estates in charge where management companies existed, but the issue of regulating management companies is the issue of concern.

The Taoiseach: I will raise the matter with the Minister of State again.

Mr. M. Higgins: Last week, to save time on the Order of Business, I asked about getting a list of United Nations conventions which were not ratified but signed, specifically, the United Nations Convention Against Corruption for example. How many conventions that are not ratified exist and what is the time schedule for their ratification?

The Taoiseach: I am sure the matter is being followed up as it was raised last week. I will check again and get the list for the Deputy.

Mr. Broughan: The Energy (Miscellaneous Provisions) Bill comes before the House tomorrow with barely 20 minutes allowed to discuss what effectively, is a new Bill. This has happened time and again with regard to Bills from the Minister for Communications, Marine and Natural Resources. Would it be possible to allow us proper Second Stage discussion? Will the Taoiseach confirm that amendment No. 105 offers the possibility of a new refinery infrastructure in Mayo with regard to Corrib? Is the Taoiseach prepared to take up the call of Deputy Ring to lend his mediation talents to the Corrib—

An Ceann Comhairle: That does not arise on the Order of Business. I suggest the Deputy find another way of raising the matter.

Mr. Broughan: It has to do with my first question on the energy Bill. Is the Taoiseach prepared to give us more time on it?

An Ceann Comhairle: We will have not have an orderly Order of Business if the Deputy continues in that fashion.

Mr. Broughan: Second, last week we had two or three hours where nothing happened in the House when we should have sat. Will the Taoiseach give us a chance to debate Aer Lingus?

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

Mr. Broughan: The Taoiseach lost one of his Fianna Fáil Deputies from the northside over the weekend—

An Ceann Comhairle: I ask the Deputy to allow the Taoiseach answer his question or we will have to move on to the next business without a reply. I call the Taoiseach on the first question.

Mr. Broughan: Is the Taoiseach prepared to give time for a debate on Aer Lingus?

An Ceann Comhairle: If the Deputy does not resume seat, I will move on to item No. 10.

Mr. Durkan: The Taoiseach wants to answer the question.

The Taoiseach: On the Energy (Miscellaneous Provisions) Bill, I will ask the Whip and the Minister to look at the time allowed for it.

Protocol on Explosive Remnants of War: Motion.

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

That Dáil Éireann approves the terms of the Protocol on Explosive Remnants of War (referred to as 'Protocol V') of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects, 1980.

Question put and agreed to.

Disability Act 2005: Motion.

Minister of State at the Department of Justice, Equality and Law Reform (Mr. Fahey): I move:

That Dáil Éireann, in accordance with section 31 (6) of the Disability Act 2005, approves of the sectoral plans which have been prepared by the following Ministers: Minister for Health and Children, Minister for Social and Family Affairs, Minister for Transport, Minister for Communications, Marine and Natural Resources, Minister for the Environment, Heritage and Local Government, Minister for Enterprise, Trade and Employment, copies of which were laid before Dáil Éireann on 20 July, 2006.

The resolution before Dáil Éireann seeks the approval by the House of the six sectoral plans prepared by the following Ministers under sections 31 to 37 of the Disability Act 2005, thereby enabling the plans to take effect: the Ministers for Health and Children, Social and Family Affairs, Transport, Communications, Marine and Natural Resources, Environment, Heritage and Local Government and Enterprise, Trade and Employment.

Each sectoral plan sets out the programme of measures to be taken by each of the Ministers' Departments and public bodies under their aegis aimed at the provision of services to people with disabilities.

The six departmental sectoral plans are, perhaps, the most significant element of the Government's national disability strategy launched in September 2004. At that time outlines of these plans were published. The completed sectoral plans were then required to be laid before each House of the Oireachtas within one year after the commencement of the relevant provisions of the Disability Act. This deadline was met in July of this year.

The purpose of the national disability strategy is to reinforce and support the participation of people with disabilities in society. The strategy builds on the existing policy and legislation and has been endorsed in the new social partnership agreement, Towards 2016 under which the national disability strategy is the agreed focus for disability policy over the lifetime of the agreement.

The national disability strategy comprises four key elements, the Disability Act 2005, the Citizens Information Bill 2006, the multi-annual investment programme and the sectoral plans for service delivery by the six Departments named here.

There has been concerted action across Departments on the implementation of the strategy, not just in preparing these sectoral plans. In particular, much progress has been made in implementing the provisions of the Disability Act 2005. All sections of the Act have been commenced, with the exception of Parts 2 and 6. Arrangements for the implementation of Part 2 are set out in the sectoral plan of the Minister for Health and Children. Part 6 provides for the establishment of a centre for excellence in universal design in the National Disability Authority and will commence on 1 January 2007. The NDA is preparing the groundwork for the operation of this new centre from early next year.

Since 31 December 2005, all public bodies, subject to certain considerations, must meet a number of legal requirements in the area of improving accessibility, including the following: they must ensure that the provision of access to their services by people with and without disabilities is integrated; services and goods supplied to public bodies must be accessible to people with disabilities; they must ensure that the content of communications with people with disabilities are provided in an accessible format; procedures must be in place in all public bodies for the making of and investigation of complaints from people with disabilities; and public bodies must make their buildings accessible to people with disabilities.

To assist public bodies with practical guidance, these requirements are now supported by a new code, the Code of practice on Accessibility of Public Services and Information provided by Public Bodies, SI No. 163 of 2006, which was developed by the National Disability Authority and launched by the Tánaiste in July of this year.

The Act provides a legal basis for the first time for the requirement of public bodies to take all reasonable measures to promote and support the employment of persons with disabilities. It gives the NDA important new powers to monitor the implementation of the provisions across the public service. Other elements of the strategy include the Citizens Information Bill, published last week, which will provide for a personal advocacy service for people with disabilities and the Government's €900 million multi-annual invest-

[Mr. Fahey.]

ment programme 2005-09 for high priority disability support services.

The following are some of the other ongoing initiatives that complement the national disability strategy. A major national post-census CSO survey on disability is currently under way and results are expected next year. An amendment of the Cabinet handbook will incorporate a requirement that all substantive memoranda submitted to Government take account of the impact on people with disabilities. Appropriate guidance is being developed to assist with the new proofing requirements and investment programmes such as the enhancing disability services project fund and funding made available under the dormant accounts process.

It is agreed in *Towards 2016* that future policy in regard to people with disabilities will be progressed through the national disability strategy with particular expression being provided through the suite of sectoral plans to be implemented by six Ministers and their Departments and public bodies under the Disability Act 2005. These plans represent a landmark in the progression of the national disability strategy.

Section 31 of the Act provides that in preparing and publishing their plans, each Minister is required to consult with representatives of persons with disabilities and in delivering on this, the National Disability Authority and the Departments concerned conducted a nationwide series of public consultation meetings on the draft plans.

The Act requires that the plans contain information on relevant codes of practice and regulations, complaints procedures, monitoring and review procedures and the level of access built into the services to be provided. The Act also requires that progress reports must be prepared on each plan within three years of their publication and that these reports are to be laid before the Houses. The Act makes specific provision for each sectoral plan, detailing key areas to be addressed.

The implementation of the sectoral plans will be monitored and reviewed. A high level group of senior officials will report directly on progress to a Cabinet committee chaired by the Taoiseach. Following the approval of these sectoral plans the monitoring arrangements will be strengthened by the inclusion of key stakeholder interest groups into the formal monitoring process. This is in line with the commitment to this effect set out in *Towards 2016*. Delivery of these plans will be supported by an effective whole-of-Government approach. Each of the plans contains specific commitments to cross-departmental co-operation.

The sectoral plan of the Minister for Health and Children covers the initiatives to be taken by the Department and the Health Service Executive and some 27 statutory bodies. The plan was developed through an extensive consultation pro-

cess. One of the most important aspects of the health sectoral plan is the arrangements for commencing Part 2 of the Disability Act 2005, which involves assessments of need and service statements for people with disabilities.

Part 2 will commence for children aged under five years with effect from 1 June 2007. The Act will then be commenced for those children aged between five and 18 in tandem with the implementation of the Education for Persons with Special Educational Needs Act, EPSEN, 2004. The EPSEN Act is being implemented over a five-year timeframe from October 2005. Services for adults and children will continue to be enhanced progressively over the next number of years. The HSE will be promoting the practice of assessment of individual needs and the provision of service statements for all service users, as capacity permits. The statutory requirements of Part 2 of the Disability Act will be extended to adults as soon as possible but no later than the end of 2011. Significant capacity building to support the delivery of the plan is under way.

A major objective of the sectoral plan of the Minister for Social and Family Affairs is the development of services that give persons with disabilities financial security and encourage maximum participation in society. Initiatives include the transfer of income maintenance payments from the Health Service Executive, as well as a service delivery modernisation programme. The plan identifies the key actions which will be underpinned by co-operation across agencies to develop service provision for people with disabilities.

The sectoral plan of the Minister for Transport has been developed to accord with the concept of "transport for all" and will make an important contribution to addressing issues of disadvantage and social inclusion. The plan is underpinned by a series of policy objectives and specific targets for accessible transport across all modes of transport. These include measures to make trains, buses, taxi and hackney services, as well as air and marine transport, accessible to persons with mobility, sensory and cognitive impairments.

The plan promotes the principle of mainstreaming by making accessibility an integral element of the public transport services. Mainstreaming will operate in conjunction with the ten-year investment programme of Transport 21. This will be achieved principally in two ways. Accessibility will be built into new transport infrastructural projects and the acquisition of accessible vehicles, and funding will continue to be provided to enable the phased adaptation or retrofit of existing transport facilities. Transport projects will be monitored for compliance with accessibility principles. The public transport accessibility committee, comprising the Department of Transport, transport operators and the disability sector, including the NDA, will be fully involved in the implementation process.

The broadcasting and energy supply sectors are the focus of the sectoral plan of the Minister for Communications, Marine and Natural Resources. It addresses the context of the role of the independent Broadcasting Commission of Ireland and its responsibilities for regulating the sector, including RTE. It also deals with the Commission for Communications Regulation, ComReg, including its roles in respect of Eircom and An Post. The plan also covers services provided by energy suppliers in the context of the role of the independent Commission for Energy Regulation.

The sectoral plan of the Minister for the Environment, Heritage and Local Government will support the participation by people with disabilities in all aspects of economic, social and cultural life of the community. Priorities in the plan include the building and planning code, local authority accessibility plans and a housing strategy for people with disabilities.

In regard to the building and planning code, this initiative reflects the importance of accessibility of the built environment in enabling people with disabilities to achieve a quality of life comparable with that of other citizens. A review of Part M of the Second Schedule to the building regulations, on access for people with disabilities, was initiated in December 2005. The Department will prepare draft proposals by autumn 2006 to amend Part M. The Building Control Bill 2005 has been published and when enacted will strengthen the enforcement powers of building control authorities in implementing the building code.

As regards local authorities, each local authority will, within six months of the approval of this plan by the Oireachtas, carry out an accessibility audit of all roads and streets, pavements and pedestrian crossings, public buildings, public parks, amenities and open spaces, heritage sites, public libraries and harbours within its control and identify the remedial action necessary to make them accessible.

Each local authority will, within three months of completing the accessibility audit, draw up an implementation plan in consultation with organisations representing persons with disabilities. To bring a new focus to addressing their needs, a national housing strategy for people with disabilities will be developed. New protocols will be established for inter-agency co-operation for all special housing needs. Legislation will be introduced that will result in a new means of assessing housing need to ensure all people can live with maximum independence within their community.

The sectoral plan of the Minister for Enterprise, Trade and Employment contains a number of initiatives aimed at promoting equal opportunities for disabled people in the employment market. This includes the development of a comprehensive employment strategy that is aimed at enhancing the effectiveness of employment and vocational training programmes for dis-

abled people, and further developing supports for the employment of disabled people.

Effective cross-departmental collaboration will be a key element of this strategy. The Department will establish a consultative forum on the employment strategy representing key stakeholders, which will provide a channel for members to contribute to strategic development on issues that directly or indirectly impact on vocational training and employment.

These sectoral plans are an integral part of the national disability strategy and the approval of these plans will mark an important advance in implementing the strategy as a whole. I acknowledge the considerable contribution the various stakeholders have made in shaping these plans. Our open constructive relationship with the stakeholders does not end here. The implementation of the sectoral plans will be monitored by the stakeholders and progress on implementing the plans will be reviewed at the latest after three years. These sectoral plans represent a real opportunity to strengthen the foundations of disability policy.

Mr. Stanton: I am pleased to speak on the motion. The Disability Act and the departmental sectoral plans are key elements of the national disability strategy which was launched in September 2004. The debate on improving services and supports for people with disabilities began with the establishment of the commission on the status of people with disabilities in November 1993. The report of the commission, *A Strategy for Equality*, was published in 1996 and its aim was to ensure people with disabilities lead full lives and are fully included in all aspects of society.

Since the publication of the report there has been much debate and controversy surrounding disability issues with representative organisations fighting hard to ensure people with disabilities are given equal opportunities. I was disappointed with the lack of debate on the sectoral plans. I was unable to attend the launch of the plans due to the extremely short notice given. I was not automatically furnished with a copy of each of the plans — I had to request them. Open and frank debate on the content of the plans, in addition to all elements of the national disability strategy, is essential if the strategy is to succeed. I was also disappointed that none of the plans has been discussed by the relevant committees on an individual basis. I urge that those discussions take place because they would be useful for all involved in the process, giving elected representatives and disability organisations the opportunity to put their views forward. An open debate is important and I hope that the way in which the matter was launched — on a Friday evening in July with 24 hours notice given to Opposition Members — was not designed to keep us out of the loop.

From the content of the sectoral plans, it is clear that much work has gone into their develop-

[Mr. Stanton.]

ment. Therefore, it would be appropriate to have their content reviewed and success reported on annually. Each of the committees shadowing the Departments concerned should have an opportunity to discuss how the plans are going annually. Obviously, there will be a three-year review. The proposal for an annual review was supported by my colleagues in the committee's debate last week, but has the Minister of State given it any consideration? The committee has probably requested that an annual review take place and I hope that will be facilitated.

I wish to highlight some of my concerns. Regarding part 2 of the Department of Health and Children's sectoral plan, the assessment of need process in the Disability Act attracted the most controversy during the debate on the Act. For children aged under five years, part 2 will begin on 1 June 2007, but children aged between five and 18 years must wait longer because the assessment of need process is being implemented in tandem with the Education for Persons with Special Educational Needs Act 2004. It was probably an oversight that the Minister did not mention the 2004 Act at the beginning of his speech when he outlined how the national disability strategy comprises four key elements, but it is an important part of the strategy and should be included. He mentioned it later, but it was curious that he did not mention it at the start. Perhaps there was a reason. Adults wishing to have their needs assessed will need to wait for more than five years with the timescale in the sectoral plan given as no later than the end of 2011, ten years after the scrapping of the Disability Bill 2001, the infamous "Wallace" Bill.

The appointment of assessment and liaison officers, their training and the development of protocols and regulations pertaining to the assessment of need is due to take place in April or May 2007. From where will these people be recruited, what qualifications will they hold and how many people must be recruited? The Minister of State stated there would be more than 1,000 new front-line staff and that €170 million had been allocated during the past two years. How is this money being distributed within the HSE, will the processes for staffing etc. be different in each HSE area and will there be an overall plan?

There are many concerns regarding the statement of services and progression of unmet needs. How will the HSE and the Department of Health and Children tackle these issues? All of the disability groups called for rights-based legislation and the ring-fencing of funding to tackle these issues. The establishment of a national disability database was supposed to go some way towards addressing these issues, but concerns have been raised, in particular by the Disability Federation of Ireland, about the voluntary nature of the database. I raised this matter on Committee Stage and raise it in the House because unmet needs

and improved services are essential matters for people with disabilities.

Another issue of importance under the remit of the Department of Health and Children is the establishment of the health information and quality authority, HIQA, and the development of national standards for people with disabilities, promised to be in place by April 2007. A few minutes ago, the Taoiseach told the House the health Bill to provide for the establishment of the HIQA and the office of the chief inspector of social services on a statutory basis will not be published until 2007. It would also have provided for a registration system in respect of services for children, the elderly and people with disabilities to replace existing registration procedures in the Health (Nursing Homes) Act 1990 and the Child Care Acts 1991 and 2001. The change means it will not be published until February at the earliest, but the timescale in which to enact the legislation before an election will be short. This is a concern.

The National Disability Authority has been working on this matter for some years and the Minister of State has assured me that legislation to establish the HIQA is at an advanced stage. Perhaps it could be brought forward and published before Christmas. This is an important matter and the legislation needs to be published as soon as possible with a view to enacting it soon afterwards. Originally, the legislation was due in 2006.

The national disability advisory committee will monitor implementation of the national disability strategy and give a voice to disability organisations and other stakeholders. The committee was to be established by the end of this year, but the question is whether it will be running by then. The Minister of State advises that he hopes to have proposals shortly, but how soon will that be? It is hoped the committee will have its first meeting with senior officials by the end of the year. The committee will provide an important mechanism for service users to comment on their experiences and put forward their concerns. It will also replace the Disability Legislation Consultation Group, DLCG. I urge the Minister of State to ensure the service users are included and that he reaches out to the people who walked away from the DLCG to invite them back and create an inclusive group.

The main issue in terms of the Department of Enterprise, Trade and Employment's sectoral plan is the need to improve the workforce participation of people with disabilities of working age who are able and have a desire to work. The Department of Social and Family Affairs and FÁS have responsibility for vocational training and other education and workplace support initiatives for people with disabilities. It is disappointing that many financial supports available to employers, such as the wage subsidy scheme, do not have enough take-up for the annual budget to be spent each year. This is not the Govern-

ment's fault, but perhaps communications and information issues must be ironed out so people can be aware of what is available and what can and should be done.

People with disabilities have a higher than average risk of poverty and a lower than average employment rate. At a committee meeting today, the Combat Poverty Agency highlighted the issue of people with disabilities having higher risks of poverty than others. Employment in open work environments and rehabilitative employment in supported environments are essential for people with disabilities. When employed, they often become confined in low-paid jobs at the lower levels of companies. Education, training and the availability of adaptive technologies are essential to allow people with disabilities the opportunity to advance in the workplace.

An argument made during the debate on the Disability Act related to the 3% employment quota in the Civil Service. Many believed that 3% was too low, given the percentage of the population assessed as having disabilities. Are there any plans to raise the level of the quota? It has been met in most, if not all, Departments, but the 3% ceiling might be too low. Perhaps we should increase it gradually to reflect the percentage of people with disabilities in the population.

The Department of Transport has a sectoral plan. A main issue raised by my colleagues and I on Committee Stage was the lack of available transport for people with disabilities, but I am pleased to hear from the Minister of State's speech that this matter will be addressed. The availability and affordability of public and private transport are key to allowing people with disabilities to be fully included in society. Transport is essential if people are to get to work or health or other social service appointments or if they are to have social lives and so on. The issue of a lack of transport is especially important for older people with disabilities, particularly those who live in rural areas and must rely on limited public transport initiatives or private taxi services or remain confined at home.

Older people can avail of the free transport service, but that is no good unless there is a public transport service available. For a number of years, there has been a call, particularly by the Irish Senior Citizens Parliament and Age Action, for a voucher system for people with disabilities and older people living in rural areas to access their rights to free transport.

In addition to an improved public transport service to connect large towns and cities and an improved rural transport scheme, I have concerns regarding disabled persons' parking cards, grants for people with disabilities for car alterations and accessible taxis. These matters were raised on Committee Stage and must be addressed. At a committee meeting last week, we dealt with them at length. People using disabled persons' parking spaces must be dealt with severely because those places are scarce.

One of the main responsibilities of the Department of Social and Family Affairs in respect of the national disability strategy is the provision of a personal advocacy service for people with disabilities through Comhairle. This service was to be established under the Comhairle (Amendment) Bill 2004, but the Bill was withdrawn and replaced last week by the Citizens Information Bill 2006, which will be debated in the Dáil shortly. I welcome this measure because we have been waiting for it for a long time.

Disability groups, particularly the NDA and Inclusion Ireland, have highlighted the urgency in introducing the service. It will form a major strand of the strategy and will be essential in guaranteeing people with disabilities access to support, services and assistance when accessing health and social services, particularly the assessment of needs process and the statement of services. It is envisaged this service will be in operation by 2008 and additional funding for it has been allocated to Comhairle in recent budgets. I welcome an expansion of existing services. Comhairle will also be responsible for the overseeing of a sign language interpretation service, which is greatly needed by people with hearing impairments as current services are limited.

All the main disability organisations have called on the Government to introduce a cost of disability payment to address the substantially higher living costs which people with disabilities face. This payment was first recommended by the Commission on the Status of People with Disabilities in 1996. It was examined by a working group chaired under the Programme for Prosperity and Fairness which concluded that in the absence of an assessment of need process and comprehensive data, it was not feasible. I want to see advances in this area, given that the post-Census survey on people with disabilities is underway which should provide comprehensive data and also given that assessments of needs will be underway in the future. People with disabilities face higher transport costs, higher housing costs, higher education and social services costs and often, in particular where older people are concerned, higher heating costs. A supplementary payment would go some way towards helping these people with disabilities who live on their own meet these costs and I urge the Government to consider this in the forthcoming budget. It would be important to see this coming about.

On the Department of the Environment, Heritage and Local Government, recently I raised in committee the matter of the Barcelona Declaration and its implementation at local authority level. The Minister of State assures me it has been adopted by more than 100 local authorities. I want to see all the local authorities adopting it. Adopting it means nothing unless it is acted upon. The Minister of State, Deputy Fahey, might inform us, by correspondence or otherwise because he may not have time this evening, what

[Mr. Stanton.]

monitoring is being done on the implementation of the Barcelona Declaration and what extra funding, if any, has been made available to the local authorities to implement the Barcelona Declaration if they sign up to it. I am aware of a couple of local authorities which have refused to sign it because they did not want to sign something to which they would be paying only lip-service. They state they will sign it if they get the funding but there is no point in fooling people and signing up to something they cannot do. I understand this was signed by former Minister, Dick Spring, in 1995 on behalf of the Government and it is the Government's responsibility to ensure there is a stream of funding to enable its implementation.

I also raised the matter of assessment of housing need. This was another matter of concern during the Disability Act debate, in particular, the assessment of need process.

I also asked the Minister about the review of the disabled persons' grants scheme. The Minister promised me on Committee Stage that he would provide information on housing assessment legislation and the grants scheme. Perhaps he would provide this information shortly. They all are issues regarding building control regulations, Part M and the accessibility of houses and public buildings for people with disabilities.

On the matter relevant to the Department of Communications, Marine and Natural Resources of the coverage of major sporting events for people with disabilities by broadcasters, I am happy the Minister of State has agreed there should be some coverage of these and that he would examine it. I welcome that and would welcome updates on the discussions that might occur on this matter.

A matter which concerned all the sectoral plans is financial accountability and monitoring and review mechanisms which will ensure each Department complies with its sectoral plan. The monitoring and review process must be transparent to ensure services and development included in the sectoral plans are correctly implemented. Regular and comprehensive reports from the new monitoring committee will be essential to the success of the sectoral plans and the national disability strategy as a whole.

I take the opportunity to wish the officials, the people who drew up the plans and those who will be responsible for implementing them, the best because it is so important that this succeeds. As I stated at the outset, it is also important that there is open, honest and frank debate on all aspects of these plans and all aspects of the strategy, both in the committee and in this Chamber, and that every opportunity be given to allow that happen.

Ms Lynch: I appreciate very much the speed at which the plans have come before the Dáil after being in committee last week.

During the entire debate on the Disability Act 2005 as it now stands, people felt the lead in time was too long, and that to have it spread over six Departments with six Ministers responsible was cumbersome and really could not possibly be effective in all areas. After looking at the six sectoral plans, I admit that I agree with them. No one wants to revisit the Disability Act 2005 at this stage, given that we waited so long for it and it is such detailed legislation. The Labour Party, in Government, will alter one element of the Disability Act 2005, that is, the Title, which will result in a free-flow consequence that it will not be resource dependent. We will guarantee, by right, services to people with disabilities. That needs to be said clearly.

Mr. Fahey: I guarantee Deputy Lynch that they could never implement it.

Ms Lynch: What is guaranteed is that with the type of approach taken some Departments, which I can identify, of the six will perform well and others will perform poorly. That worries me because there is not one person in this Assembly who does not want to provide services to people with disabilities, except maybe the Tánaiste and Minister for Justice, Equality and Law Reform, Deputy McDowell, who believes that a little inequality is good for us provided of course he is not the person suffering the inequality. It needs to be said that the cumbersome way in which it is hoped this will be implemented will create considerable difficulty.

I will start at the beginning of the sectoral plans, although I know I will leave something out. At the end of the day there are fundamental facilities we all need in order to participate fully in society. I will not go through *The Rights of Man* or such like, but the matters are the same. We need, in this day and age, a roof over our heads, transport, income and a health service and access to those facilities as the fundamentals. Once one has those, other matters come into play. We need to be able to communicate. We need to be able to express ourselves through education and through fora in which we are listened to.

There are six Departments and six Ministers overseeing these sectoral plans, as good as they are. While I have no fault to find with the officials who wrote these sectoral plans and the type of research that went into them, the implementation of the sectoral plans will not work because there is not one central person responsible.

The Department of Social and Family Affairs' plan opens with the blurb that it is the responsibility of the Department of Social and Family Affairs to ensure security of income. On that it will succeed, but one first must ask about income and whether it is adequate. We all know it is not adequate. For an able-bodied person, social welfare is not adequate. I am not certain we will ever get to the point that social welfare will be an

adequate income, but a person with a disability — I am not necessarily referring to someone with multiply disabilities — incurs more costs, whether in respect of needing particular shoes, clothing which must be altered, additional transport, a particular diet, housing or heating.

The disability sector is not looking for €200 extra per week in the next budget, although it would be fine if they could get it. What they seek is a phased introduction of a cost of disability allowance. That cost of disability allowance should be an entitlement irrespective of income, but it most definitely should be an entitlement irrespective of social welfare on which a person is solely dependent.

They will introduce the advocacy service, but there is no analysis of the cost and of how people with particular needs will live on a limited income. That analysis is missing. Such analysis is available but it is not included in sectoral plans, even though it should be. The Minister of State outlined the total number of staff expected to be employed to carry out the assessment of needs at the committee meeting but how many have been employed to date? For example, how many psychologists, psychiatrists or other professionals needed to carry out assessments have been recruited? In which HSE areas have they been deployed? What is the plan for the future? How many will be employed by 2007? What is the Minister of State's plan to address unmet needs, about which Deputy Stanton has also asked? Where is the plan to assess the needs of carers? The Disability Act 2005 needs fundamental amendment so that, for example, the needs of all carers are assessed. Only when their needs are assessed will the Minister of State know how much home help and respite care provision is necessary. If a good job is being done to care for a person, he or she will not have such need but this analysis must be undertaken.

Transport is one of my favourite issues. We also discussed the disabled drivers guidelines at the committee meeting and while it may be boring for the Minister of State to hear this issue raised again, it is essential that it be dealt with. It is almost impossible to qualify under these guidelines. The only people I have met who qualify did so 30 years ago and they are still driving. The professionals carrying out the assessment would like to make the grant available but the guidelines are so rigid that they cannot go outside them. That is down to the Department of Finance and not the Department of Transport. As a public representative, the Minister of State knows this needs to be examined. It is outrageous that the partner or spouse of a person who has suffered a severe stroke and cannot drive is unable to qualify under the disabled drivers scheme to drive him or her around when it clearly would be a major benefit to them. This must be addressed. People with disabilities would like to know when the Department will insist that taxi drivers who obtain a licence under special provision to operate a

vehicle capable of transporting people with disabilities should do so. People in wheelchairs do not decide at 5 p.m. that they would like to go to town at 6 p.m. because they never organise their lives that way. When will the Minister of State have the guts to direct taxi drivers to serve this cohort of people when they have received advance notice?

Many lovely references are made to housing in the Department of the Environment, Heritage and Local Government sectoral plan but no action has been taken. At this stage, a percentage of all new builds should be set aside for people with disabilities. Many commentators say there are not enough people with disabilities in the State to engage in forward planning like that. However, that is not the case and many people acquire disabilities. In ten years, I will need a bungalow as opposed to a house with stairs. We all will at some stage and we should have the choice to move. The Government should not continually plough money into stair lifts but should develop alternatives. I will go into the farce surrounding the disability grants section and stair lifts because it is a frightening mess. People on the waiting list are dying before their needs are met.

The Building Control Bill 2005 was before the Select Committee on the Environment, Heritage and Local Government last week. It provides that people in wheelchairs will not be able to access buildings that are too small to cater for larger wheelchairs. When will that issue be addressed? Similarly, while access to toilets on trains has improved, trains are a nightmare to access for people in wheelchairs and it sometimes takes four staff to get them on board. Staff are helpful but they should not be in that position.

A new terminal has been opened in Cork Airport and I was staggered by it. Aside from the fight over air bridges, which resulted in only one being built, despite four being promised, when one alights from an aeroplane in the airport, one must walk up to one quarter of a mile to the new building. One walked the same distance to reach the old terminal but one entered it on the ground floor before collecting one's luggage and leaving. However, in the new terminal, one must climb two flights of stairs to the baggage reclaim area. We are all encouraged to bring our luggage on board nowadays and on the night I was in the terminal, an elderly woman in front of me had to climb those stairs while carrying her luggage. That is the essence of bad planning and the architect involved should never again be used. I assume the architect was a man because architects usually are but if am wrong, I apologise. Clearly, he thought that design was more important than access and it is outrageous that should be allowed to happen when designing a new building. While a number of people are supposed to be responsible for access, nobody took responsibility at the end of the day, and the same

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will happen with sectoral plans. Some will be very good but others will be very bad.

The blurb regarding employment and the sectoral plan in this regard are good but, at the same time, services delivered to people with disabilities in the community are totally dependent on FÁS and CE schemes. When will core funding be provided? The Minister of State referred to this in a previous contribution on this issue. When will officials be able to recruit, train and employ people without having to let them go two years later? A specific training programme is provided and such training is wasted under the current policy after two years. All the Minister of State needs to do is ensure core funding is put in place.

I worry about his statement that a monitoring body will be established because it is likely another quango will emerge. I agree completely with Deputy Stanton that service users must be centrally involved in the roll-out of the body. I do not want to be told in reply to parliamentary questions on sectoral plans next year that they are the responsibility of another body, which has no teeth and which cannot do anything about the failure to provide a service or to implement a sectoral plan. The Labour Party will amend the Disability Act 2005 in government to ensure people with disabilities have a right to services, which will not be delivered under the current legislation.

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

Bhí muid go huile is go hiomlán i gcoinne an Bhille a achtaíodh sa bhliain 2005. Tá mé fós ina choinne, agus ba mhaith liom go ndéanfaí aisghairm air agus go scríobhfaí Bille nua a bheadh bunaithe ar chearta mar a lorg muid ag am na díospóireachta sin, agus mar a lorg a lán de na daoine a bhí ag agóid ina choinne. Is trua nár tharla sé sin.

Agus é sin ráite agam, tréaslaím leo siúd a chuir na pleananna seo le chéile, mar tugann sé treoir éigin dúinn maidir lena bhfuil an Rialtas ag iarraidh a dhéanamh sa chéad chúpla bliain eile. Ní leor iad, áfach, agus sin an drochrud ó thaobh na bpleananna seo. Ní leor na sé Roinn atá ainmnithe anseo. Lorg muid go gcuirfeadh gach uile Roinn plean le chéile, agus is trua é nach bhfuil sé sin os ár gcomhair sa Bhille atá á phlé againn anocht. Ní hiad na Ranna seo amháin a bheadh gafa le seirbhísí dóibh siúd atá ar mhíchumas.

The advantage of the sectoral plans is that at least a timeframe is involved. As such, the plans are welcome and the indicative timeframes are a means by which we can measure progress. It is a pity we are not dealing with rights so that they could be guaranteed but the sectoral plans before us are the best proposal we have and are welcome.

As Rehab stated, it is crucial the Government implements robust monitoring and fully delivers

on commitments. It is a pity the relevant committees did not deal with the sectoral plans so the expertise of those who deal with issues involving health and children and social and family affairs was not brought to bear on the minutiae of each of the plans. Perhaps, as we progress, sectoral plans will first be discussed by the relevant committees and then forwarded to the Joint Committee on Justice, Equality, Defence and Women's Rights, which has responsibility in this regard because it also deals with equality. I hope the Minister will take this point on board. I hope also that more time is given to preparations for the debate and that each of us, as spokespersons on these issues, have the sectoral plans circulated to us rather than having to seek them out prior to the committee debate. I was not able to stay for the entire committee debate, which is a pity because I could probably have raised some of the points I intended to raise. Unfortunately, I had another engagement.

With regard to all of the sectoral plans, we need to ensure that we move forward, that delivery is achieved and that we set ourselves targets not only which are realisable but which force us to exert ourselves more than do some of the published plans. These targets should be slightly radical and force us to deliver this more quickly than is intended by the plans before us.

With regard to the sectoral plan on enterprise and employment, the attempt to improve access to employment for persons with disabilities needs to be backed by a commitment which permeates the Department's culture and informs its approach to planning and service delivery. This is essential if real advances are to be made towards the realisation of independent living. The strategy should also reach beyond simply focusing on vocational training. Barriers to choice need to be dismantled. In the immediate term, small practical changes can be implemented effectively, such as the following: parking bays for disabled people should be left free; disability awareness training should be rolled out; and access and reasonable accommodation for people with disabilities as service users and as employees should be provided.

The national supported employment programme is not inclusive, does not meet the needs of many employers and is not designed for people with significant disabilities. Just this morning, a woman with severe disabilities told me she is struggling because she has no alternative employment to her CE scheme but she has been told she must finish work with that scheme. We need to properly consider the effect all of this has on people with disabilities and how we can ensure they play as full a role as I or the Minister play in our society.

Mr. F. McGrath: I welcome the opportunity to address the sectoral plans in accordance with section 31(6) of the Disability Act 2005. I welcome any plans for strategies that assist our dis-

abled people. I was elected on a strong disability platform and in this debate I strongly support all the disability groups and urge the Minister to listen to the recommendations and submissions made by them. I thank and commend the groups for their magnificent work in our society in the past ten to 15 years.

I remind Members that people with disabilities have rights, including the right to decent, quality services. We are not facing up to this fact at present. Plans are all very well but we need clear strategies on implementation. Any democratic and just society must put jobs, health care and supports for the disabled at the top of the political agenda. The debate about resources is over. We have the resources and finances. The Government must now get on with the job.

I find it amazing and unacceptable that a service such as St. Michael's House has 296 people on its residential waiting lists, over 74% of whom live on the north side of Dublin. To resolve this issue, St. Michael's House seeks to reduce its waiting list and provide an additional 70 places per year, which would not require much money or resources. St. Michael's House had a deficit in 2006 of €1.5 million and it is under pressure to reduce services to balance its budget. I ask the Minister and the Government to take action in this regard. St. Michael's House has been awaiting the implementation of the Harmon plan since 1999. It needs 59 extra staff to resolve these issues, which are very important.

I strongly supported the Disability Federation of Ireland in its recent pre-budget submission. I urge the Minister to listen to the federation with regard to two core issues. First, the Government should invest €50 million to address the residential needs of adults with significant disabilities who are inappropriately accommodated at present. Second, the Government should have the courage to invest €25 million in budget 2007 for home support, respite care, personal assistants and day care places for adults with significant disabilities.

This is an important issue. We must respect the rights of the disabled but we must also ensure they have proper jobs, health care and respect.

Ms C. Murphy: I agree with the sectoral plans, which are a good idea in principle. However, they cannot be academic. The problem with the sectoral plans is that expectations will be raised. People will have an assessment carried out and service plans will follow as a result — the focus will be on pre-school children. During the Adjournment debate last week I drew attention to difficulties with three children that highlighted the problem of the unequal level of service within the Health Service Executive. For example a child had to wait for 24 months for an assessment for speech and language therapy in County Kildare. This child's parents were advised the HSE can forward them a list of private occupational therapists. This child is autistic and is in

a mainstream school because there is no occupational therapist available and resources are not available for such provision. I have a letter from the HSE indicating it cannot employ additional staff because there is a cap on the number of therapists it can provide.

These plans will remain merely academic unless the necessary people are put in place to deliver on what is provided in those plans. While the point was made during the debate on the disability Bill that finance will be a key issue, the provision of physical resources will be a key issue in the cases I raised during the debate last week.

I am happy to give the Minister of State details of three examples I used, as I was drawing attention to the needs of real human beings. That cap on employment and the unequal level of distribution of services in the HSE has the potential to ensure that these service plans cannot be delivered on in some parts of the country. It is not good enough that one's postcode determines the level of service one gets.

Mr. Cuffe: I met a father on a doorstep the other night who told me he gave up work two years ago to care for his disabled son. He used to coach two soccer teams but he no longer does that. His son is 19 years old, half my height and prone to injury. This child wishes to remain in education and needs special transport.

The acid test of any plan is whether it can offer hope to such a child whose father and family have given up a great deal to provide the best for this child. Unless we can look that child and father in the eye and say "Yes, we will deliver for you", we cannot say we are providing assistance to those with disabilities. This child simply needs direct transport to and from home to his place of education, but he is not being offered that.

We must think big on this issue in the way George Bush Senior did when he introduced the Americans with Disabilities Act some 15 or 20 years ago. He had a vision at that time — provision for the implementation of which he put down in black and white — that in five years' time every public building in the United States would be fully accessible to people with disabilities. That is the kind of vision we need from across the floor of this Chamber, but it is not there.

Far too much is buried in the small print and hidden behind bureaucratic fudge. I am concerned we are setting up complex mechanisms to deliver on the Disability Act. The timescales are too drawn out and funding for such provision is not clearly set out. I do not believe we can look that father or young man to whom I referred in the eye.

This issue is about simple matters. It is about being able to offer transport to a person with a physical disability. It is also about the provision of level access on footpaths and pavements of this city and elsewhere, ensuring that kerbs are dished and local authorities deliver on such provision

[Mr. Cuffe.]

and have the necessary funding to do so. It is about the provision of wheelchair accessible taxis. I suspect three quarters of the taxis that have come on to our roads in the past five years are not wheelchair accessible. That is an indictment of the Government. I accept it opened up the market, but the first thing it could have done was make sure that the new vehicles were accessible to those with disabilities. It is appalling that is not the case.

To borrow a phrase from somewhere else, the Minister of State should “just do it”; he should just make sure he delivers on the aspirations and vision that is required to improve the lives of so many people. Many of these people are hidden behind closed doors because they cannot go outside the door because the necessary facilities for them are not in place.

This issue is about the simple things. It is about allowing a father to give his son independence and allowing a 19 year old access to education. Unless the Minister of State can look that young man in the eye and say “Yes, we will deliver for you”, he will have failed.

Mr. Fahey: I thank the Deputies for their contributions and positive suggestions, which have been taken on board. When the subject was discussed last week, I agreed to formulate a composite reply to address more comprehensively all the issues raised, which are the responsibility of various Ministers to whom the different sectoral plans relate. That is currently being done. I anticipate an overall reply will issue in the near future.

Deputy Stanton mentioned the monitoring arrangements to review progress under the strategy as agreed under Towards 2016. We will continue the practice of putting the stakeholders at the centre of this process. As I mentioned at committee new arrangements are being put in place involving stakeholders, representatives and senior Government officials and these arrangements will be in place before the end of the year. Consultation is ongoing on that.

Deputy Stanton raised the question of resources. More than 1,000 frontline posts are associated with the 2005 developments and in excess of that number are associated with the 2006 developments. This matter was also raised by Deputy Catherine Murphy and Deputy Lynch. During the past two years posts funded under the national disability strategy were additional to previously approved staffing levels, which led to a consequent adjustment to the approval of the employment ceiling for the health services. This has not happened in too many places.

The question of assessment was raised by several Deputies. The Act provides for the right to an independent assessment of need. A child may be assessed under the Disability Act or under the Education for Persons with Special Educational Needs Act. The HSE will appoint assessment officers and liaison officers throughout the coun-

try based on the assessment need as indicated by population profiles over the next 12 months. As a Deputy pointed out, that Act is central to our disability policy. As I said in committee, pending the establishment of HIQA the Department of Health and Children will initiate work on the development of standards in conjunction with the interim HIQA and in consultation with the National Disability Authority and the other relevant stakeholders.

Deputy Lynch mentioned disabled drivers and the disabled passengers’ tax concessions scheme. There are strict medical criteria laid down for the implementation of this scheme. While I accept the point made by the Deputy, which was also made in committee, there were more than 9,500 claimants under this scheme in 2005 in respect of whom the total payment was €56 million. Therefore, it is a significant scheme. It was examined by the interdepartmental group, which made a number of recommendations, both immediate and long term. It raised many fundamental questions about the intended scope and purpose of the scheme into the future. Given the scope of the scheme, further changes can only be made after careful consideration.

On the question of housing raised by Deputy Lynch there will be a significant new national housing strategy for people with disabilities. The Towards 2016 draft agreement includes specific provisions for tailored housing and housing supports for people with disabilities including, in particular, adults with significant disabilities and people who experience mental illness. In fact, a significant housing strategy was agreed under Towards 2016.

The effective co-ordination of policies, the operation of the plans by various Departments and the delivery of services were mentioned by Deputy Lynch. The implementation of this strategy will be led by the Cabinet sub-committee on social inclusion, chaired by the Taoiseach. It will be supported by a senior officials’ group, which will have regular strategy meetings. That groups’ sole policy focus is on delivering the disability strategy as outlined in the Act and the various sectoral plans I have described today.

Negotiations and discussions with the stakeholders will be ongoing. Their views, as has been the case from the beginning, are being taken into account in a most careful manner.

Deputy Ó Snodaigh mentioned employment and I agree there is a need for disability awareness training and a more general awareness among employers of the need to be proactive in employing people with disabilities. Deputy Cuffe mentioned transport and specifically the need for direct transport for to and from home for disabled people. While I agree with his basic point, in reality, significant transport arrangements are already in place. Disability organisations have pointed out situations to me where three or four minibuses are picking up individuals in one small area of Dublin and taking them all in the same

direction. In that context, there is a need for rationalisation and much greater co-ordination. Undoubtedly money could be spent more efficiently in this sector. It is not just a question of providing more money, as a significant amount of money is already being invested. Reform of structures and rationalisation of organisations and service providers is also required. That will come about through the HSE adopting a much more co-ordinated and synchronised approach than has been the case to date.

This is the most comprehensive strategy that has ever been put in place under any legislation enacted here. It involves the Taoiseach, the Tánaiste and all Ministers, in particular the six so-called line Ministers. I, along with my officials in the Department of Justice, Equality and Law Reform, am charged with co-ordinating the efforts being made. I am quite satisfied, given the strategy and the level of resources being invested, that we will see improvements. However, they cannot happen overnight and will take time. We are now on the right road and I am satisfied the disability legislation and strategy will enhance the lifestyle of people with disabilities.

Question put and agreed to.

Nuclear Test Ban Bill 2006: Order for Second Stage.

Bill entitled an Act to give effect to the Comprehensive Nuclear-Test-Ban Treaty adopted by the General Assembly of the United Nations on 10 September 1996; and to provide for related matters.

Minister for the Environment, Heritage and Local Government (Mr. Roche): I move: "That Second Stage be taken now."

Question put and agreed to.

Nuclear Test Ban Bill 2006: Second Stage.

Minister for the Environment, Heritage and Local Government (Mr. Roche): I move: "That the Bill be now read a Second Time."

The purpose of this Bill is to enable the transposition into Irish law of the Comprehensive Nuclear Test Ban Treaty. The Nuclear Test Ban Treaty was opened for signature in 1999 but regrettably it has not, as yet, come into force.

The treaty requires a state party to the treaty to prohibit natural and legal persons anywhere on its territory or in any other place under its jurisdiction from carrying out or participating in the carrying out of a nuclear weapons test explosion or any other nuclear explosion.

Since the first and thankfully, so far, the only use of nuclear weapons in 1945 the world has sought ways of preventing the proliferation of these horrific weapons. Ireland has been very much to the fore on the international stage in

promoting nuclear non-proliferation and nuclear disarmament. We have continually called on all states to refrain from testing nuclear weapons and to embrace nuclear disarmament.

While this Bill has been subject to some rather cheap shots from at least one senior political actor, it is nonetheless important that we pass legislation on the issue, which is what we are attempting to do today.

Growing concerns among states about the consequences of a large number of countries holding nuclear weapons, and the increased likelihood of their use if that happens, led to the Nuclear Non-Proliferation Treaty in 1968. This historic initiative was proposed by the late Mr. Frank Aiken in 1958. Another significant treaty, banning nuclear weapons tests in the atmosphere, in outer space and under water, was concluded in 1963.

Ireland is fully committed to the policy of promoting nuclear non-proliferation and disarmament. It is and always has been our view that the nuclear weapons states must speedily take steps towards achieving total nuclear disarmament. These states are obliged to do so under the Nuclear Non-Proliferation Treaty. There is a strong moral obligation that should also drive them in this direction.

The current treaty structure — the Nuclear Non-Proliferation Treaty and the treaty banning nuclear weapons tests in the atmosphere, in outer space and under water — has had considerable success in limiting the number of nuclear weapons states. However, that structure left a clear gap by permitting the nuclear weapons states to continue testing new weapons underground. The solution to this problem was found in the comprehensive Nuclear Test Ban Treaty which prohibits all nuclear weapons tests anywhere.

The Nuclear Test Ban Treaty was adopted by the General Assembly of the United Nations on 10 September 1996 and opened for signature on 24 September 1996. Ireland signed on the first day. To date it has been signed by 176 countries and ratified by 135. All EU member states have ratified the treaty.

The treaty bans all nuclear test explosions, wherever they may be conducted. To verify compliance with the prohibition, the treaty provides for the establishment of an international monitoring system. This system comprises some 330 stations around the globe that will conduct continuous seismological, hydro-acoustic and radio-nuclide monitoring. This network of stations will permit the detection of any nuclear explosion.

The treaty provides for the establishment of a comprehensive Nuclear Test Ban Treaty organisation, known as the Treaty Organisation, to be based in Vienna at the headquarters of the International Atomic Energy Agency. The purpose of the Treaty Organisation is to achieve the objectives of the treaty, to ensure implementation of its provisions, including those for international

[Mr. Roche.]

verification of compliance, and to provide a forum for consultation and co-operation among state parties.

The Treaty Organisation will be responsible for the running of the international monitoring system. It will have the power to inspect any sites on which it is suspected that nuclear testing has taken place. It will also have the technical expertise to make reliable judgments on suspicions.

As with other international organisations and bodies, the Treaty Organisation's budget will be provided by contributions from states' parties. Contributions will be based on the United Nations scale of assessment. Pending the entry into force of the treaty, a preparatory commission for the Treaty Organisation has been set up and it has begun to establish both the monitoring system and the organisation's administrative structure.

The treaty will enter into force when 44 specifically named countries have ratified it. The 44 countries in question are those which the International Atomic Energy Agency deems to have a nuclear capability, whether civilian or military. Ireland, naturally, is not among them. So far, 41 of the specified 44 states have signed the treaty. India, Pakistan and North Korea are the specified states which have not signed. Furthermore, only 34 of the 44 states have ratified it.

It is a matter of regret that, so far, the US has yet to ratify the treaty. Ireland and its European Union partners have expressed their deep regret that this is the case. There are hopes the US will see some sense in the matter. The treaty cannot enter into force without the ratification of the US. It would be an empty treaty without American adherence. However, the previous US administration's commitment to ratify the treaty, as well as its announcement that the US will abide by the moratorium on nuclear testing, in place since 1992, is welcome.

Provision was made that if the treaty had not entered into force within three years of opening for signature, namely, by 24 September 1999, a conference of states which had ratified it would be convened to consider ways of ensuring its rapid entry into force. A number of such conferences have taken place, the most recent being in September 2005, when the state parties agreed to spare no effort and use all available avenues to encourage signature and ratification of the treaty.

As the House will be aware, India and Pakistan in 1998 conducted tests of nuclear weapons. More recently, the need for the entry into force of the test ban treaty was brought home to all of us on Monday, 9 October last with the announcement by the Democratic People's Republic of Korea that it had conducted a nuclear weapons test. The test followed North Korea's announcement on 3 October that it intended to carry out such a test.

North Korea's announcement of intention was met with widespread international condemnation. On 6 October, the United Nations Security Council issued a presidential statement expressing its deep concern. The Security Council deemed that should North Korea carry out the test, it would jeopardise international peace, stability and security in the region and beyond. The statement further urged North Korea to refrain from its intended course of action and to comply fully with all of the provisions of Security Council Resolution 1695 of 15 July 2006.

That resolution called on North Korea, *inter alia*, to abandon all nuclear weapons and existing nuclear programmes and to return to the nuclear non-proliferation treaty and International Atomic Energy Agency safeguards. Finally, the statement warned that should North Korea ignore the calls of the international community, the Security Council would act consistently with its responsibilities under the charter of the United Nations. Regrettably, North Korea failed to heed the concerns and warnings of the international community and, as I have already mentioned, it carried out a nuclear test on 9 October.

The response by the international community to the test was swift and universal in its condemnation. The Minister for Foreign Affairs, Deputy Dermot Ahern, issued a statement on behalf of the Government. It stated:

I strongly condemn the provocative decision by the DPRK to test a nuclear weapon. This is a threat to regional security and in direct contravention of the objectives of nuclear disarmament and non-proliferation. It runs directly contrary to the will of the international community, as expressed by the UN Security Council, and it also ignores the patient efforts of the DPRK's neighbours to work constructively with it. I call on the DPRK to refrain from further dangerous acts and to return immediately and without preconditions to the six-party talks.

Following the test, the United Nations Security Council met last week to discuss the matter and on Saturday, 14 October, adopted a United Nations Security Council resolution. The resolution again calls on North Korea to abandon its nuclear programme. Furthermore, the Security Council has imposed stringent sanctions on North Korea in order to prevent further proliferation of goods into North Korea that could assist in its nuclear programme.

The preparatory commission for the comprehensive nuclear test ban treaty organisation also responded by convening an urgent open-ended meeting of its bureau on the day of the test. Even though the treaty has not entered into force, the provisional technical secretariat, PTS, is permitted to provide data and analysis to states. However, the provisional secretariat is not per-

mitted to make any final judgments with regard to the nature of a specific event. Under the treaty, this is the responsibility of state parties.

The provisional technical secretariat confirmed to states' signatories on the afternoon of the test that 13 seismic stations worldwide had recorded an event that morning at 1.35 a.m. GMT at a location just south of the border between North Korea and China. The event registered 4 on the body wave magnitude scale, which registers the first wave of an event. The test by North Korea should serve not to discourage us but rather to reinforce our determination to strive for the earliest possible entry into force of this important treaty. Actions which contradict the purpose of this treaty merely serve to demonstrate the urgency and necessity of having a universally applicable test ban treaty.

As I stated at the outset, the Nuclear Test Ban Bill will give legislative effect in Ireland to the nuclear test ban treaty. Some aspects of the Bill may strike Members as a little odd, but it transposes the treaty into national law precisely, however remote it may be that Ireland would be exposed to such actions.

The Bill will make it an offence for any person to carry out, or cause the carrying out of a nuclear explosion in the State. That is something we should all hope never happens. It will similarly be an offence for an Irish citizen to carry out, or cause to be carried out, such an explosion outside of Ireland. These rather odd-looking provisions arise directly from the treaty, and they are a treaty obligation. It is therefore a requirement that we transpose the obligation specifically into law.

The Bill also designates the Radiological Protection Institute of Ireland as the national authority for the implementation of the treaty. The institute will act as the national focal point for liaison with the treaty organisation and other contracting parties to the treaty, and it will facilitate any on-site inspection visits by the treaty organisation's technical secretariat.

The Bill also provides for the Minister for the Environment, Heritage and Local Government to appoint authorised officers who would have the power to, *inter alia*, enter a place where he or she has reasons to believe an offence under the Act has been committed and to remove any relevant documentation. These officers would also have the power to accompany the international inspection team on any site inspections. It is very unlikely these provisions will ever have to be implemented, but they are part of the requirement that we transpose them into law.

In the unlikely event that a major offence is committed under the Act, it would be an indictable offence and would be liable to penalties including imprisonment for life. There is one set of provisions relating to the District Court, and I

mention it to Deputies because it gave me pause for thought when I read it.

Deputies will have noted the Bill also provides for the District Court, subject to the consent of the Director of Public Prosecutions, to try summarily a person charged with an offence under the Act where the court considers the facts alleged constitute a minor offence. Deputy O'Dowd is smiling as I smiled when I heard it.

Mr. O'Dowd: We would be incinerated. The court would be heard in heaven.

Mr. Roche: I am absolutely assured this is a standard provision in all legislation involving a criminal offence. The more important point is that given Ireland's rejection of nuclear as a source of energy, and that nuclear medicine and industrial uses represent the main applications of nuclear materials in Ireland, it is reasonable to say it is extremely unlikely that this Bill, when enacted, will ever come into play in Ireland. We can all hope it will never come into play. The Radiological Protection Institute of Ireland is the regulator for all uses of radioactive materials in Ireland, and all such users must operate under a licence from the institute.

The costs to Ireland associated with implementing the treaty are relatively low. None of the treaty organisation's monitoring stations will be in Ireland, and given the absence of a nuclear industry here, it is not expected that Ireland will receive any inspections.

The main cost to Ireland is approximately €300,000 per year, which is our share of the establishment and running costs of the treaty organisation. The actual amount is decided in accordance with the UN scale of assessment used for determining states' contributions to UN bodies.

I should emphasise that the comprehensive nuclear test ban treaty is a central international instrument in preventing the further proliferation of nuclear weapons. The implementation of a ban on testing nuclear devices and establishment of an effective mechanism to monitor the ban would add to all our security and that of the world.

The transposition of this treaty into Irish law is entirely appropriate. It is consistent with our current and historic position on the nuclear issue. It is consistent with the view that has been taken by every Government of any shade here, and it is certainly consistent with the views of the vast majority of Members, currently serving or who have ever served, in this House. Ireland's transposition will not in itself trigger the coming into effect of the treaty. It will ensure Ireland is in a position to discharge its obligations under the treaty and will give us the moral right to request others who are perhaps not so far-sighted to get into line.

This Bill is straightforward and strictly non-contentious dealing with a subject on which there

[Mr. Roche.]

is the widest cross-party support. Its enactment will be in line with Ireland's strong stance on nuclear disarmament and our historic contribution on non-proliferation. I hope our transposition of the treaty into Irish law will serve as an encouragement to other states to ratify it and accelerate its entry into force. I therefore commend the Bill to the House.

Mr. O'Dowd: We welcome the Bill and will support it on all Stages.

I will reflect on some of the issues involved, some mentioned by the Minister and some, surprisingly, not. First, we are all concerned about world peace and the continuing tension in the world, particularly between America and countries in the Middle East and, now, the Far East. America has traditionally acted as defender of the West and we have always supported that, but we have serious concerns about the war in Iraq. One of the key reasons the Americans and the British went to war against that country was weapons of mass destruction, whether nuclear, biological or other. Dr. Hans Blix recently attended the Oireachtas and addressed the Joint Committee on Foreign Affairs. I read the report of the discussion with great interest. The deaths of hundreds of thousands of people in recent years, and which continues might not have happened had Dr. Hans Blix been allowed to continue his search for weapons of mass destruction, which we all know never existed in the first place. It is a traumatic fact for all those who have so tragically died in Iraq, be they Americans, Iraqis or of other races.

Since 9/11 the issue of weapons of mass destruction and the potential for nuclear or biological warfare has concerned all of us and will continue to do so. I agree with the Minister that successive Irish Governments have taken the lead in the United Nations and elsewhere in making the case against the proliferation of nuclear weapons. The Irish Army has played an active part in bringing peace to many disturbed nations where there is civil and military conflict. We have made our mark internationally as a peacekeeping nation which, at the UN, the parliament of the world, has consistently supported peace and the non-proliferation of nuclear weapons.

One of the airplanes which crashed or was shot down — we do not know exactly what happened — on 9/11 was heading towards a nuclear installation in America. If it had hit that installation there could have been a very traumatic event. Since 9/11 terrorism has been a threat to Ireland, particularly in the form of an attack on Sellafield. Successive Irish Governments have successfully taken a line with the British Government that we do not agree with what happens at Sellafield and are deeply concerned about it. We have had a united collective attitude to nuclear energy and

the potential for harm, should anything go wrong. I will address those issues with particular reference to what happens at Sellafield.

The question of closing down Sellafield does not arise. We want to stop the reprocessing of waste there because, even if that activity ceases, the nuclear waste material will still have to be made safe and protected for perhaps hundreds of years. I am concerned at events in the British courts yesterday. The British Nuclear Group pleaded guilty to allowing the leakage of 86,000 litres of highly radioactive waste into a concrete bunker outside the THORP reprocessing plant. The liquid leaked for approximately eight months without anybody noticing it and the health and safety authority in the UK, to its credit, prosecuted the British Nuclear Group. The question arises of how the Irish Government was informed. More transparency and openness are required about what happened. We need to know what the Irish Government knew, when we were told, who said what and how long it took for the full facts to enter the public domain.

I will be happy to be corrected by the Minister on any of these issues but I understand that, initially, a spokesman for the British Nuclear Group said that, on a scale of zero to seven, the incident registered zero, meaning it was of no consequence. A representative — not a Minister but one from the Radiological Protection Institute or the Irish Government — was quoted in *The Irish Times* as saying it was not zero but one, meaning it was of no real consequence but was not absolutely inconsequential. It took 26 or 27 days for the fact to emerge that it registered approximately four on the scale, which is actually the highest that could occur or had occurred in any nuclear plant in the world since the 1950s. Therefore it was a serious incident and not an accident. I would like to know who informed the Irish Government and the Radiological Protection Institute.

I have been unable to find the facts because they relate to an issue of national security but it seems the Radiological Protection Institute and the Minister were informed separately. There may have been a parallel process but I am unclear as to the facts relating to that. It seems to me the Minister was informed two to three days later and I would like him to clarify that. The whole truth took 26 or 27 days to emerge but in the event of a very serious incident at Sellafield we will need transparency about how the Minister was informed and the facts to be made clear as soon as they are available, unlike in this case. The British Nuclear Group may claim it was not fully aware of the extent of what actually happened but the whole thing was played down and we were not told the truth. Neither the Minister nor the Radiological Protection Institute were told the truth and it took far too long to find it. In the context of this Bill and given the consequences

for Ireland of a nuclear incident, be it from a terrorist act or an accident, we need to re-examine the information process and how we are informed. I am deeply unhappy with the whole process and will remain so, because we were not told the truth. If a more serious accident were to occur, what guarantee do we have of the transparency and openness of the process, or of the truth and the full facts when they are not in the public domain?

There have been significant and substantial improvements in the relationship between Britain and Ireland as a result of actions the Irish Government took through the courts following the pressure we, as a community, put on the British Government. However, I remain to be convinced we have an effective system for communicating the truth as known at the time of such an incident. I welcome the fact that the Minister now has real time information on the various access points. I also welcome the increasing involvement of the Radiological Protection Institute and the increasing access our scientists have to Sellafield but I remain deeply unhappy with the situation. The Government ought to assert itself more on these issues. Continuing internationalisation of the relationship between Britain and Ireland over Sellafield, involving other countries such as Norway, with whom we have worked very successfully, and the United Nations is very important.

The International Atomic Energy Agency, IAEA, for which Hans Blix worked should have a more effective hands-on international mandate from the United Nations to deal with nuclear weapons, installations and reprocessing plants. If the British Government does not tell our Government what security issues have been addressed at Sellafield, the United Nations or a sub-committee of the IAEA should be the world police on this issue for us. I can accept that we should not necessarily be in a position to be told about this.

Shortly after the terrorist attack on the World Trade Centre in New York on 11 September 2001 the IAEA held an international conference on nuclear terrorism. That is the real threat to the world. North Korea is a separate issue. The nuclear residue left in the former USSR and the theft of nuclear material there are serious issues too. Although there is a greater international awareness and knowledge of what is happening there, the development of Al Qaeda and international terrorism necessitates a more hands-on approach. The Radiological Protection Institute of Ireland, RPII, is represented on the board of the IAEA and no doubt makes our case there. I would like to be informed regularly about these issues if possible.

I have never had a problem supporting this Government's actions on Sellafield but I never get any information about it, apart from what I pick up through freedom of information requests or from the press. That is not good enough

because we have never used the nuclear issue as a political one. I would be happy to accept an offer from the Minister of a full, comprehensive briefing on these issues. It is ridiculous to have to ask for it here. We do not want to know about any sensitive issues, only the generalities such as the thrust of policy. The briefing papers the Minister receives from the RPII would be very helpful too, provided this would not threaten national security as some of its e-mails apparently do. I laughed when I was told that an e-mail from the RPII to some of the Minister's staff, perhaps some of those here today, could not be released to me because it would be a "breach of national security". That does not make sense.

This Bill attempts to place this small country as an honest broker in the world and to improve awareness of and involvement in these issues. The treaty on the non-proliferation of nuclear weapons, NPT, seeks to prevent the spread of nuclear weapons, to promote co-operation in the peaceful uses of nuclear energy and to pursue nuclear disarmament. The NPT constitutes an agreement between non-nuclear states to forgo nuclear weapons, put peaceful nuclear facilities under the international safeguards of the IAEA, and to provide rights to technical co-operation in the peaceful use of nuclear energy. In addition for states holding nuclear weapons the treaty is an undertaking to end the arms race and pursue nuclear disarmament.

The arms race, however, continues. North Korea is now threatening world security having exploded a second device recently. This is ridiculous although there is some doubt about whether the first one was a nuclear explosion. There is a proliferation of nuclear weapons and increasing instability, exacerbated by some of the foreign policies of the present American Administration which I find unattractive, and about which many Irish people are deeply concerned.

We must see how we can address the issue. Present threats to the treaty come from several sources, including the acquisition of nuclear capabilities by countries not signed up to the NPT; the exiting of countries which have signed the agreement in order to acquire weapons, for example, North Korea; the nuclear powers which are signatories but have reneged on their commitment; the desire to retain an element of retaliation including pre-emptive retaliation on the part of the United States because of the increased threats of terrorism from non-state bodies.

Several non-signatories have gained nuclear weapons so the treaty is seen as powerless in the face of determined efforts by some countries. One determined scientist from Pakistan, Mr. Khan, spread the technology to non-nuclear countries which highlights how easy it has been for some countries to gain the technology. It is questionable how successful Mr. Khan would have been without the implicit support of Pakis-

[Mr. O'Dowd.]

tan. The NPT is seen as toothless in the face of determined non-state actors. Some signatories, including Iraq, Iran and Libya, have been suspected of clandestinely developing nuclear weapons. Without adequate inspections and an effective inspectorate it is difficult to establish the truth of these claims. As we have seen in the case of Iraq it is easy to be misled one way or the other without an effective inspectorate that is given the time and resources to do its work. In the US literature these states are referred to as cheats and dealing with them is seen as rewarding bad behaviour.

North Korea was a signatory to the treaty but inspectors from the IAEA discovered discrepancies in its position. Pressure was put on it to comply but instead it withdrew from the treaty to pursue nuclear weapons, the result of which we have seen recently. There is no impediment to leaving the treaty but it has also been argued that a ban on leaving it would impinge on national sovereignty and make it difficult to get countries to sign up the treaty.

Article 6 of the treaty obliges the states holding nuclear weapons to pursue in good faith measures related to nuclear disarmament and to ending the nuclear arms race. Since the end of the Cold War significant progress has been made towards this goal. For instance, 2,000 warheads from an entire class of weapons have been eliminated under the intermediate range nuclear forces treaty.

The ending of the Cold War has not, however, had the desired effect on reducing the total number of weapons that the political situation would warrant. A new generation of nuclear weapons is being designed in the United States and the United Kingdom. This programme will run to 2020. It has therefore been argued that the five nuclear-weapon NPT signatories tricked the non-nuclear weapon signatories, promising arms reduction in exchange for non-proliferation but never delivering on the non-proliferation. In particular in the 1995 treaty the big five made several commitments in the sphere of disarmament such as making the comprehensive test ban treaty a reality and negotiating a verified ban on the production of enriched uranium and plutonium for weapons use. Failure to meet these commitments is one of the main reasons that the 2005 review conference on the NPT ended in bitterness without any declaration.

Deputy Michael Higgins, said of the meeting with Hans Blix that President Chirac's declaration that France would use any measure to counter terrorism lifted it out of the treaty. The United States, however, poses a more serious threat. Although the Bush administration is continuing with the 13 year old US nuclear test moratorium, it has made clear its opposition to this

and it is possible that it will resume nuclear test explosions.

Debate adjourned.

Private Members' Business.

Road Traffic (Miscellaneous Provisions) Bill 2006: Second Stage.

Ms O. Mitchell: I move: "That the Bill be now read a Second Time."

This Bill will attempt to deal with some of the gaps left in recent road safety legislation. During the course of other legislation going through the House, we have tried to include some of the measures contained in this Bill by way of amendment but have failed. I hope will the Minister for Transport, Deputy Cullen, will see the Bill in the same light and allow it to pass.

The recent legislative changes, such as the setting up of the Road Safety Authority and the introduction of mandatory alcohol testing, will bring real benefits in accident reduction. They will save lives and reduce the numbers of individuals and their families whose lives are destroyed by catastrophic, irreversible injury.

Legislation alone will not save lives. The major failure has been in the implementation, administration and delivery of the road safety measures for which we have legislated. There has been a failure to follow through on good intentions. Good intentions without good work do not bring results.

Pre-planning and attention to detail has been missing in the implementation of legislation. When a system as basic as a driver testing system cannot be organised, the message goes out, particularly to young people, that the whole process of learning to drive, sharing the road system with others, the need for mutual respect and preparing for, and taking seriously, the national driving test, is simply not worth their while. They see that official Ireland does not think it is worthwhile. If the State regarded it as important, 400,000 people would not be on provisional licences. Up to 130,000 people would not be waiting for a test, and significantly, we would not have a test that people are not expected to pass. That is a bizarre and irrational process that cannot be allowed to persist.

The penalty points system is the classic example of how legislation is emasculated by the failure to invest in the necessary administrative systems. Although it was announced with large PR and photo opportunity moments, little preparation went into its implementation. Despite what the Minister is told, there are still problems with the system with people slipping through loopholes.

The legislative framework for speed cameras was announced but, again, it was just hot air when it came to actual delivery. It was discovered there were just three fixed speed cameras, for the most part not working. The whole scheme became a national laughing stock. Again, the message to drivers was the State was not serious about safety on the roads and eliminating speeding.

Legislation to facilitate metrication of road signs was introduced. There was the extraordinary spectacle of the Government paying local authorities to install 100 km/h signs on every lane and byroad. It would be laughable if it were not so serious to see a situation where a driver comes off a main road, where the speed limit might be 50 km/h, on to a country lane where the speed might be 100 km/h. It is up to the Minister to ensure legislative intent is delivered on the ground.

Mr. Durkan: A declaration of intent.

Minister for Transport (Mr. Cullen): I gave the local authorities powers but they do not use them. The Deputy will have to make up his mind. Does he want me to go around the country putting up every sign?

Ms O. Mitchell: The Minister is wasting my time.

Mr. Cullen: I apologise to the Deputy but her colleague is being provocative.

Ms O. Mitchell: Within weeks of passing the last road safety Bill, we were back correcting flaws and oversights. The Government has an obligation to ensure legislation is robust and that the agents of Government implementing its administration are equipped with the resources and means to do the job. This applies to the Garda, the Judiciary, the new Road Safety Authority and the local authorities.

Clear gaps in road safety law became apparent when two high profile cases of dangerous driving resulted in a conviction but no driving ban and no penalty points. The individuals concerned were able to drive home from the court having been convicted of driving at 195 km/h. If there is to be consistency of sentencing, at the very least minimum guidelines must be given to the Judiciary.

The judge in this case was criticised for his failure to impose a ban but he acted in the only way he could in accordance with precedent. There is no clearly delineated schedule of penalties for dangerous driving offences. If there is a hierarchy of driving offences — dangerous driving, careless driving, driving without due care and attention — then a commensurate hierarchy of penalties should be in place. It makes no sense that one could get precisely the same sentence for the least serious offence as for the most serious one. More

importantly, it sends the wrong signal to offenders and does not act as a disincentive to re-offend in the way originally envisaged by the Legislature.

Charges of dangerous driving are rare enough. Many initially charged with it have the charge reduced to one of careless driving. A dangerous driving charge should be regarded as a serious offence. If the justice system is to have any purpose, the conviction must have serious consequences. It is entirely appropriate that the right to use the roads should be withdrawn, even if only for a short time of six months. This kind of penalty brings home the seriousness with which society treats the offence, in a way that a mere fine does not. For many a €1,000 fine is nothing more than an irritant, particularly if one owns a Lancia.

In the Mullingar dangerous driving case, it was assumed the minimum penalty points would be incurred. This was not the result because there was an assumption that a disqualification would be imposed. It is a gap in the law and we must provide direction and clarity for the Judiciary.

Section 3 provides for mandatory breath testing of drivers at serious road traffic accidents. I was stunned to discover the Garda has no figures for the number of traffic accidents where drink was implicated. The Minister's claims that it would not be fair if one driver was unconscious or feigned unconsciousness are nonsense. Breath testing is done in other jurisdictions. If one party feigns unconsciousness, it will be taken into account in any subsequent court case. Genuinely injured people can take the test at a later stage. The purpose of this measure is not to ensure people are convicted of dangerous driving or to assist insurance companies, but to collate and analyse the real causes of accidents.

We are simply guessing in this regard. That is evident in decisions to install a speed gun in locations where there are many accidents, on the assumption speed is to blame. However, speed is not to blame in College Green, for example, but rather the sheer volume of vehicles and perhaps even pedestrians. It may be the camber of the road or any number of other factors that is contributing to accidents in a particular location. These problems will not be solved simply by the installation of a speed camera.

Mr. Durkan: Hear, hear.

Ms O. Mitchell: We must be far more forensic in our analysis of what is going on so public policy can counter the difficulties that exist. We are regularly informed it is not only speed and alcohol that lead to accidents but also driver fatigue, driver distraction as a consequence of mobile telephone usage, poor road surfaces, inadequate public lighting and so on. The reality is we do not know enough about the factors that

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contribute to road accidents and we must do something about this. Firm information should inform public policy. Otherwise, we are just guessing or basing policy on anecdotal evidence and surmise.

Section 4 relates to drug testing, an issue that has been raised on several occasions. I accept the Minister's assertion that there is, as yet, no single reliable test. However, pilot schemes are ongoing in other countries and there are tests for individual drugs. This section provides that the Minister can, where appropriate and by means of regulations, introduce specific tests to test for particular drugs. The technology is changing rapidly and so are the drugs of choice. We heard yesterday that the latest popular drug is one that can be bought over the counter in health food shops and other locations.

Mr. Cullen: The Deputy is correct that the problem is prescription rather than illegal drugs.

Ms O. Mitchell: I accept that is often the case.

Ms Shortall: The Government has no policy in that regard.

Mr. Cullen: Of course it does.

Ms O. Mitchell: A recent survey by the Medical Bureau of Road Safety showed that 70% of drivers stopped by the Garda because of erratic driving had taken drugs, prescription drugs in many cases. A public awareness campaign in conjunction with the medical profession to inform people about the impact of such drugs on driving behaviour is essential.

Section 5 amends the provision which allows for an application for the lifting of a disqualification before a ban has expired. It is almost automatic that drivers on whom a two-year ban is imposed will have their licences returned after only 12 months. What is the point in imposing a two-year ban if it is not enforced? This undermines the judge who imposes that sentence. A sentencing policy whereby the sentences imposed are immediately halved almost automatically is ineffective. The Bill provides that it must be proven in court that there are genuine exceptional circumstances before this can happen.

I leave it to my colleagues to expand on the other aspects of the Bill.

Mr. Crawford: I welcome the opportunity to speak on this important Bill. I congratulate my colleague, Deputy Olivia Mitchell, on its introduction. While I appreciate the introduction of penalty points initially resulted in a decrease in road fatalities, public awareness soon declined and we have reverted to our bad old ways. It is clear that speeding together with the use of alcohol and drugs are the main reasons for our

continuing high levels of road accidents, especially in the early hours of the morning. We must provide the law and the manpower to minimise this so as to protect the lives of drivers and other road users.

Deputy Mitchell highlighted the recent case where a person caught driving a car at 200 km/h, although convicted of dangerous driving, was not subjected to disqualification or endorsement. This indicates either that the courts are not dealing with the issue as they should do or that they do not have the law on their side. Gardaí feel utterly helpless in such situations.

Imagine the anger a driver must feel on hearing of such cases when he or she, having crossed slightly over the white line at a stop sign at 3 a.m., with no cars other than a Garda car in the vicinity and having taken no alcohol or drugs, receives two penalty points and a fine. I realise gardaí have a job to do but it is vital that common sense plays some role in how the law is administered. There is some perception that it is more a case of collecting fines than saving lives.

As the representative of a largely rural constituency, I am conscious of the poor quality of roads many cars and lorries must negotiate. The driver of a truck that is 8 ft. 6 in. wide and 40 ft. long and travelling on a regional road that is itself only 15 ft. wide will do well to stop with the wheels exactly before the white line. The drivers of such vehicles must often stop when they encounter other drivers. Many of these drivers many be breaking road traffic laws. It is vital that laws are realistic and workable and that they are implemented.

I strongly agree with the indexation of fines. It is important that fines are updated and bear some relevance to the crime committed. It is equally important, however, that fines should be attached to earnings. The Fine Gael Bill that was brought before this House should be passed into legislation so that the massive amount of fines that have never been collected can be attached to either income or social welfare as a constant reminder to those concerned that they have broken the law and must pay accordingly. A young man from my area was fined some £1,700 and ended up in Mountjoy Prison. He was soon out the door and given £20 to get him back home and he was home before the gardaí. The attachment of fines to earnings is of great importance.

Deputy Mitchell raised the issue of speed limits. The journey from Slane to Drogheda involves one of the most winding roads imaginable, a national secondary road. One can negotiate the bends at no more than 60 km/h but at each of those bends there is a sign indicating the speed limit is 100 km/h. On other roads, one can drive at 80 km/h when the limit should be less than 40 km/h. This is lunacy.

The Minister gave the local authorities the task of setting speed limits but they have totally failed

to honour their responsibilities in this regard. A ludicrous situation has arisen.

Mr. Durkan: Absolutely.

Mr. Crawford: There are regional roads capable of accommodating speeds of 100 km/h but on which the limit is 80 km/h. I am concerned by the introduction, from January next, of speed cameras operated by private contractors. The worry is that they may be installed on those types of roads purely for the purpose of collecting revenue. We have a responsibility as legislators to ensure lives are saved. That is more important than collecting fines.

Mr. Cullen: The income the contract companies derives will have no relation to the numbers of drivers caught speeding.

Mr. Crawford: It will be difficult to get that message across. Although he is not directly in charge, the Minister should make sure local authorities do their work.

Mr. Coveney: I welcome the opportunity to speak on this legislation and I congratulate Deputy Olivia Mitchell on bringing it forward. As the Minister will appreciate from the debate thus far, this Bill is not an attempt to embarrass or prosecute the Government on its road safety record in the last ten years. There is an acceptance, both in Government and Opposition, that we could and should have done more in that time to prioritise road safety. The figures for the last three or four years speak for themselves, indicating an increase in the number of road deaths from 335 in 2003 to 396 last year.

It is important to acknowledge, however, that there seems to be a change in this upward trend, particularly in recent months. Despite a tragic first half to this year when, in several months, fatalities continued to increase on last year's figures, the last two months in particular have given some cause for optimism. However, this improvement does not prove anything other than encouraging us to do more. The point is that this Bill is a genuine effort to improve existing legislation and do what an Opposition should do, namely, engage in constructive criticism and try to fill gaps.

I wish to focus on two sections as my time is limited. The first is section 3, which attempts to provide for the mandatory breath testing of drivers involved in an accident. That should almost be obvious. We see too many court cases where people make educated guesses about whether those involved in an accident consumed alcohol. Victims' families have a right to know the science of what was done following an accident. Gardaí must make the call, striking the right balance between gathering scientific information on the role of alcohol and whether a person requires

medical treatment. However, too often gardaí find themselves in the awkward position of having to judge there and then whether someone is drunk in the middle of the trauma of an accident.

If there were a mandatory obligation for a garda to administer a test, it would become part of procedure, and he or she would not have to make an emotional call if something were suspected, particularly after an accident, when everyone concerned, including the garda, is trying to put the pieces together. I know of many cases in which gardaí wished that they had insisted on a breath or blood test for alcohol but could not do so at the time because they felt it inappropriate. I ask the Minister to consider this section, which makes sense.

Section 4 has already been referred to along with section 3. It allows the Minister to make regulations for the testing of drivers for substances other than alcohol. Currently, one must acknowledge, there are no tried and tested mechanisms functioning as we would like. However, if we produce a test that works, it is important to build into the legislation the capacity to slot it in.

It is true that the area of prescription drugs is extremely difficult because there is such a wide range of these. Some 15% of the population suffer from depression, many of them on drugs that may cause drowsiness or other issues, and many other conditions require regular drug treatment. We must do something about the fact that so many accidents involve people on prescription drugs, and that must be recognised in legislation and awareness campaigns, which, if they exist, have not worked.

Another aspect to drugs is the illegal use of cannabis, ecstasy, cocaine, solvents and heroin. The incidence of the use of most of these is increasing in Ireland, and the national drugs strategy, while doing something, is failing to reverse the tide of drug use in the capital or around the country. When one considers that almost 5% of men aged between 15 and 35 use cocaine, a dramatic increase over the last five years, one begins to realise the numbers involved. If one correlates the number of young men likely to be killed in fatal accidents with the likelihood of their using illegal drugs, one sees that there must be an obvious link between the two, and that must be recognised in legislation.

Mr. Deenihan: I join with previous speakers in complimenting Deputy Mitchell on introducing this proposal.

The last time that we spoke in Private Members' time, as far as I recall, was on her Bill on the use of mobile telephones in cars, and I am delighted that the Minister responded by introducing a similar measure. That has definitely saved lives, and with this proposal too she does road safety and traffic in this country a major service. Given that Deputy Mitchell's view on mobile

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telephones was acceptable to him, I appeal to the Minister to also accept this Bill in its current state. It is well drafted, and it is obvious that a great deal of thought went into it.

Perhaps the Minister has a view on this. As far as I am aware from solicitors, road traffic legislation in this country is rather complicated, being spread across approximately seven different Bills. The language in which most such legislation is written is archaic, dating back almost to the 19th century. There must be a consolidation Bill to unite all road traffic legislation, and its language must be simplified and updated. I understand that in several states in America experts are employed to rewrite legislation, simplifying it so that people can understand it and the language can stand up in court. Perhaps in replying the Minister might state whether he is considering such an Act, for which we have called. I am sure that he will respond.

Mr. Cullen: Yes, we are.

Mr. Deenihan: I agree wholeheartedly with the mandatory penalty for dangerous driving contained in this legislation. It is extraordinary that no such penalty exists. I know that it might sound rather punitive, but it would certainly make people far more aware and careful. For example, last summer American friends of mine were driving through the midlands when someone on a tractor emerged from a gap. A serious accident almost occurred, and when asked why he had done it, the tractor driver responded by saying that he had been coming out of the gate in question for 30 years and that everyone knew he came out at 12 p.m. Careless driving manifests itself in different ways, and I certainly agree with this provision.

Deputy Mitchell pointed out the example of two men recently convicted of dangerous driving on the Mullingar bypass. They were doing speeds of over 200 km/h but received a fine of only €2,000 each. They were not disqualified, endorsed or punished with penalty points. In the hierarchy of driving offences, drink driving is the only one carrying automatic disqualification, despite the fact that so many deaths on the roads are caused every year by irresponsible and reckless driving. There is currently no difference in the penalty regime for dangerous driving, careless driving, and driving without due care and attention, although they constitute a sliding scale of road traffic offences. This Bill certainly provides measures to address this that are worthy of consideration.

The proposal to introduce mandatory breath testing for drivers involved in road traffic accidents is extremely practical. On one occasion I was very lucky. Someone very drunk drove into me when I was on my way home from Cork one

evening. The person feigned a back injury and was taken away in the ambulance without being breathalysed. My wife and I were lucky to have survived, while the other driver went unpunished. That person should have been breathalysed. Had this provision been in place then, he would have been breathalysed and punished accordingly.

I agree with creating a provision along the same lines as breath testing to cover testing for drugs and other substances. It should be possible to test for cocaine, ecstasy and cannabis. Many accidents caused by boy racers at night involve the use of drugs as much as drink, or a mixture of both. On account of breath testing, youngsters are afraid drink will be detected and they resort to drugs instead. We see people in night clubs across the country who have not been drinking but who are as high as kites because they are taking drugs. The Minister should take this into consideration.

Mr. Durkan: I am delighted to have the opportunity to speak on and support this Bill. It is timely to focus on issues that are brought to mind on a daily basis. Throughout the country serious accidents often take place that cause us to ask why they occurred.

Over recent years, I have asked repeatedly by means of parliamentary question for an explanation of the reason we do not have some correlation of reports from the Garda, hospitals, ambulance services, fire services and all the constituent bodies who make important reports as a result of accidents. Some years ago, a serious accident that occurred not far from the Minister's constituency came to my attention, but to date nobody knows what caused it. We will never know because there has been no correlation of the reports. This serious flaw in our system has existed for years.

Deputy Olivia Mitchell pointed out that until we know the cause of an accident, we will not be in a position to resolve the type of problems we are discussing. Accidents can be caused by road camber, road fault, car fault, driver fatigue, alcohol, drugs, etc. Will the Minister please ensure that correlation takes place in the future? If it is not done, we will continue to have accidents.

Mr. Cullen: We have done that.

Mr. Durkan: I cannot understand why we go from month to month and year to year——

Mr. Cullen: We have already done it.

Mr. Durkan: It is not done and if that is the Minister's attitude, he is seriously at risk——

Mr. Cullen: We have appointed inspectors to do that. It is all being done.

Acting Chairman (Mr. McCormack): Deputy Durkan should address his remarks through the Chair.

Mr. Durkan: I will do so. Unfortunately, the Minister is seriously out of sync with the situation. We have had the same situation for years. When will we have the correlated reports?

Mr. Cullen: The situation has already changed. It is no wonder Fine Gael is going backwards rather than forwards.

Mr. Durkan: The Minister should listen instead of shooting his mouth off every five seconds.

Mr. Cullen: Hot air.

Mr. Durkan: The Minister generates more hot air than anybody. He should have responsibility for energy in his Department as he generates enough hot air to keep the whole country going. The Minister should know that a series of reports—

Mr. Cullen: I do know.

Acting Chairman: Deputy Durkan, without interruption.

Mr. Durkan: The Minister's problem is that he knows every damn thing.

Mr. Cullen: I never put myself in that position.

Mr. Durkan: Over the past ten to 15 years, for nine of which the Minister and his party have been in Government, reports on the numerous accidents throughout the country have lain in county council offices and various other places. It would be simple to bring the reports together and produce the information so that we can learn what happened over the past ten years. That is what I want to know, not just to have the information in the future. If the Minister listened more carefully instead of shooting his mouth off, he would know that was what I was getting at.

Mr. Cullen: The Deputy's colleague did a good job, but Deputy Durkan should not be using the debate to play politics.

Mr. Durkan: I do not know what the Minister is playing at, but he should cease playing and do his job.

A peculiar system operates here with regard to penalty points. I know a number of constituents who travel through Newtownmountkennedy and some of them exceeded the speed limit there. It is a strange situation because the limit changes as one approaches and changes back again. On technical and legal advice a number of people went to court and had their penalties struck out, while a number of others, assuming the law

applied universally, paid their fines. I put a question to the Minister in this regard last week but did not get a clear answer. Those who paid have handed over the money, whether right or wrong, but those who challenged the situation in court won.

Mr. Cullen: I refuse to be drawn further.

Mr. Durkan: The Minister has been drawn enough already. I have raised the matter of the numerous accident black spots around the country on many occasions. The Minister has said we will have cameras that will photograph the accidents. This is crazy. Why do we not have some proposals to improve the roads at these known accident black spots where accidents occur again and again? Why does he not examine the roads and do something about them?

There is a junction in my constituency where 19 people have died. Is the Minister implying that this is on account of bad driving on somebody's part?

Mr. Cullen: It is because the Deputy's local authority is reducing the money that we spend on the roads. It is not doing its job.

Mr. Durkan: I will tell the Minister what happened. It is because in 1997 the Fianna Fáil Party abolished rates and motor tax which meant road maintenance disappeared from the agenda. That is what happened and it is time the Minister recognised that fact. The Minister does not listen. Instead of taking photographs of accidents, will he please do something about the condition of our roads and find out what causes the accidents?

Road signage is another issue. Drivers would need to have a navigator with them in their car. When they drive into a town they are faced with welcome signs in four languages, French, German, Irish and English. These are followed by signs announcing traffic calming, followed by signs across the road warning against progressing in that direction. These are followed by signs in various languages saying "Slow" and signs saying the town is twinned with Baader Meinhof or wherever. This is all very confusing. I know Baader Meinhof were a gang, as the Minister should know too.

Mr. Cullen: What is the Deputy talking about?

Mr. Durkan: Baden-Baden is a place and some of our towns are twinned with it. The Minister should listen rather than sneer. This Minister has a problem, a lack of concentration. The number of conflicting road signs vying for our drivers' attention is significant and a serious distraction. These signs are a problem.

Ministers are not competent to comment on driving or road conditions because they do not drive. They come into the House and spout to us

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about how we should drive and what we should take into account, yet many of them have not driven a car during the past ten years. How dare they suggest they know more about driving than the rest of us?

Mr. Cullen: I will draw a deep breath. I wish to share time with Deputies Martin Brady and Wilkinson.

Acting Chairman: Is that agreed? Agreed.

Mr. Cullen: I thank Deputy Olivia Mitchell for introducing this Bill and affording the House a further opportunity to discuss road safety matters. I greatly appreciate the shared concern on all sides of the House on the level of road deaths and I am grateful to the Deputy for reflecting on road safety proposals and continuing to seek a way forward to further reduce road deaths and injuries. I note that many of the points made by the Deputy and her colleagues are not contained in the Bill. I will deal with the issues the Fine Gael Party has sought to bring forward positively. There appears to be some confusion between what is contained in the Act that was recently passed and what is being proposed in the Bill.

I must oppose the Bill on the basis that some of the proposals are already provided for in legislation, while others are either premature or inappropriate. Our focus over the coming months should remain on the increased enforcement efforts which we have witnessed and the development of a new road safety strategy for the period beyond 2006.

I will go into more detail on the specific proposals being debated, but first I wish to outline broadly the current road safety situation. Looking at data for the years since the introduction of the first road safety strategy in 1998, it is clear that there has been a measurable decrease in road deaths compared with the preceding years. However, having reached a 40-year low in the level of road deaths in 2003, we subsequently found ourselves, unfortunately, with an increasing number of deaths. We experienced 396 road deaths in 2005. The trend in 2006 indicated further increases in the level of road deaths until August this year when we experienced a sharp reduction in the number of road deaths.

Mandatory alcohol testing, MAT, checkpoints, as provided for in the Road Traffic Act 2006, came into operation at the end of July and have been working effectively since then. While it is important not to draw conclusions from short time periods, to date, the introduction of MAT checkpoints appears to have had a significant impact on the level of road deaths. The number of road deaths in August, at 17, was the lowest level for any single month since November 1999 and, as of 16 October 2006, the number of road

deaths is 19 lower, at 291, than the same date last year. This represents a significant improvement on the situation earlier in the year when we were witnessing levels of road deaths which were between 18 and 21 higher than the same date in the previous year. The increased levels of enforcement are having a significant deterrent effect on those who would otherwise drink and drive.

This is the first Government to have a dedicated national road safety strategy. For the first time, road safety planning and initiatives have been placed within a distinct policy framework. That framework features a set of specific unified goals based on the delivery of progress across a range of areas. The adoption of this more strategic approach was pursued against the realisation that the persistent growth in vehicle numbers and negative trends in road casualties required a concerted and integrated response.

The primary target of the existing road safety strategy is to reduce road deaths to no more than 300 by the end of this year. It is now clear that achievement of this target is not possible, given that road deaths to date stand at 291. However, recent downward trends are encouraging and we are working towards maintaining this trend through the continued implementation of the key initiatives outlined in the strategy that are aimed at achieving reductions in deaths and injuries.

In April, the penalty points system was extended from five offences to a total of 35 offences. The focus of the extension was on offences relating to driver behaviour which is the greatest cause of road collisions. Since September of this year, penalty points and fixed charges apply to the offence of driving while holding a mobile phone. Furthermore, a dedicated traffic corps has been established by the Minister for Justice, Equality and Law Reform and will comprise 1,200 traffic corps officers by 2008. This is over twice the number of gardaí involved in traffic duties prior to the establishment of the traffic corps, and will result in a significantly increased deterrent effect due to increased levels of enforcement. A revised speed limit structure expressed in metric values was introduced in January 2005. The changeover went very smoothly and represents a good example of both national and local authorities working together with a common aim.

I accept the point made by many speakers regarding the differentiation in speed limits. Local authorities have not been to the fore in making sure their by-laws are correct. This is a concern to me. I have encountered many examples of good roads with a low speed limit of 80 km/h and country lanes with speed limits of 100 km/h. It is for local authorities to deal with this issue, it is not a matter for central Government. It is quite clear that the powers—

Ms O. Mitchell: The Minister must make sure they do it.

Mr. Cullen: I agree with the Deputy, but I cannot go around personally and sit at every council meeting. I have asked the councils to address the issue. It is reasonable to suggest to the two parties opposite which control most of the councils that they should talk to their colleagues about making sure this issue is put on the agenda of council meetings and to ensure that the matter is addressed. I am heartened by a number of local authorities that have recently contacted me to say they have got their act together and are dealing with this issue. I want every single local authority to take road safety as seriously as Members on all sides of the House are doing.

In terms of legislative proposals, I have enacted significant provisions in recent months and I have delivered on the key issues outstanding in the Road Safety Strategy 2004-2006, including the introduction of mandatory alcohol testing checkpoints, a ban on holding a mobile phone while driving, and the provision providing for the outsourcing of speed cameras. Furthermore, I introduced proposals within the past two weeks which have strengthened drink driving provisions and improved the enforcement of drink driving legislation generally. These relate to a proposal to take away the necessity in a Garda station for a garda to form an opinion that a person has consumed an intoxicant in advance of administering an evidential test and a proposal to provide that nurses can take blood or urine samples at a Garda station. A typographical error which unfortunately occurred in the Road Traffic Act 2006 has also been corrected.

A high level group on road safety with representatives from various Departments and agencies worked for some time to promote full cooperation on cross-cutting issues and an integrated approach in the development of the road safety strategy and the monitoring and implementation of that strategy. In a signal, however, that road safety is now at the top of the political agenda, the Government earlier this year replaced the officials' high level group with a ministerial committee on road safety under my chairmanship and including the Ministers for Justice, Equality and Law Reform, Finance, Health and Children, Education and Science and the Environment, Heritage and Local Government and the Attorney General. This committee has met on a number of occasions to pursue an integrated approach on all cross-cutting issues.

A significant element in the advancement of the road safety agenda is the establishment of the Road Safety Authority. The authority was established on the 1 September 2006 and has taken responsibility for a wide range of functions which have a bearing on road safety. The authority is in a unique position to co-ordinate and advance the

road safety agenda as it has responsibility for the testing of drivers and vehicles, oversight of the driver licensing system, driver education and the promotion of awareness of road safety in general. The authority has a significant advisory role to the Minister in the development of road safety policy. In particular, the Road Safety Authority is charged with preparing future road safety strategies for the Government's approval.

To facilitate the Road Safety Authority in carrying out its role, the functions that have transferred to the authority include the functions of the National Safety Council in regard to the promotion of education and awareness of road safety. The authority also has a general duty to "promote the development and improvement of driving standards". It is most appropriate that the educational brief of the NSC, together with its brief for the promotion of road safety, be assigned to the authority.

In the road haulage sector the RSA has responsibility for the functions formerly exercised by my Department in regard to drivers' hours and rest periods, including the tachograph, the working time directive for mobile workers in the road transport sector and the implementation of EU requirements in regard to bus and lorry driver vocational training. In addition, the authority will enforce the relevant regulations in these areas as well as the conditions applying to licensed road haulage operators. Responsibility for implementing new requirements under EU directives on professional driver training in this area has also been assigned to the new authority.

In addition to vehicle testing transferring to the authority, other functions relating to the standards that apply to vehicles sold or used in Ireland, as required by EU directives, and all related matters are now the responsibility of the authority. Work in this area includes EU vehicle type approval law, standards for in-service vehicles, commercial vehicle testing and oversight of the NCT.

All the activities of the authority have a bearing on road safety and the broad range of functions now assigned to the authority will enhance the effectiveness of the authority in contributing to an improvement in road safety. While the authority will have a significant input into road safety through driver training and testing and vehicle testing, it will also take responsibility for the road research element of the NRA, which researches road accidents etc.

The authority will also analyse the causes of road accidents, evaluate what action might be taken and make appropriate recommendations where necessary. This will result in the more integrated approach to road safety policy that we have all wanted, with one agency responsible for road safety research — I acknowledge this was not the case, but I am glad to have corrected the position — statistical data, advertising, education

[Mr. Cullen.]

and recommendations regarding road safety policy. However, the investigation of individual collisions is a function that must remain with the Garda, given its role in instigating criminal proceedings against a person who it considers has committed an offence.

The Bill introduced by Deputy Olivia Mitchell contains a number of proposals. It seeks to create a mandatory disqualification for dangerous driving, provide for mandatory breath testing of drivers at the scene of road accidents, provide the Minister for Transport with the power to regulate for drug testing and index road traffic fines to inflation to replace the current system whereby fines can only be increased by new legislation. The Bill also proposes that injured parties or relatives are notified when a disqualified motorist seeks an early return of his or her licence. Due to the Road Traffic Act 2006, a motorist who has been disqualified from driving can apply to have his or her licence returned halfway through the penalty period, but this Bill would impose a number of restrictions on this mechanism.

I want to outline the existing provisions relating to dangerous driving before discussing Deputy Olivia Mitchell's proposals. A member of the Garda Síochána who suspects someone of dangerous driving can arrest that person without a warrant. A person convicted of dangerous driving causing death or serious bodily harm can be liable for penal servitude of up to ten years or, at the discretion of the court, a fine of up to €15,000 or both. Where death or serious bodily harm occurs, the convicted person also faces mandatory disqualification for two years for a first offence and four years for a second or subsequent offence.

In any case of dangerous driving where death or serious bodily harm does not occur, a fine of up to €2,500 can be imposed or, at the discretion of the court, imprisonment for up to six months or both. A person convicted of a first offence of dangerous driving where death or serious bodily harm did not occur shall face disqualification from driving for one year. For a second or subsequent offence, the period is two years.

However, in the case of a first offence of dangerous driving where death or serious injury did not occur and where the court is satisfied that a special reason has been proven by the convicted person, the court has the option to decline to make a consequential disqualification order or to specify a period of disqualification in the disqualification order of less than one year. While this fact passed the notice of some Members, the Deputy should know that this option will shortly no longer be available when a provision in the 2006 Act is commenced after consultation with the Courts Service.

Where a person has been convicted of dangerous driving, we have already provided that it will

be mandatory for the court to impose disqualification of the person's licence. However, there are many categories of dangerous driving and I have serious concerns about removing from the courts any discretion in this regard. We are discussing the issue with the Courts Service, but it is only a matter of commencing the section. Someone's life, family or livelihood could be destroyed by a dangerous driving offence that did not involve drinking or killing or harming a person. Removing the discretion that allows courts to examine particular circumstances is a significant step.

While I do not want to discuss recent cases, I agree that the case in question took everyone by surprise. It was clear in the legislation that the intent of the Oireachtas was to disqualify the licence in that instance. Removing discretion in all circumstances would be a considerable matter, but the measure is provided for in the 2006 Act. That section in the Bill—

Ms O. Mitchell: When will it be commenced?

Mr. Cullen: We are in discussion with the Courts Service, which is normal in such matters. I am expressing to the House reservations made to me by Members on all sides and in the Upper House about taking the step of removing the discretion of the courts in all circumstances. One's livelihood and so on could be destroyed when the offence does not involve injuring, killing or drink driving, which incur mandatory disqualifications of driving licences.

The proposal contained in the Fine Gael Bill appears to introduce a mandatory prison sentence for dangerous driving offences.

Ms O. Mitchell: It does not.

Mr. Cullen: I accept the Deputy's view, but it could be interpreted in that way according to our legal advice. If the introduction of mandatory prison sentences is intended, I should point out that the Road Traffic Acts do not provide for them in the case of any offence and moving to such a position would require careful consideration because it would represent a fundamental change in the application of the law. It would be premature to consider further adjustments to the legislation relating to this area until the provisions in the 2006 Act have been implemented fully and been in operation for some time to determine how the courts approach a number of these issues.

I want to deal with the matter of mandatory breath testing at the scene of road collisions because it is surprising that it arises here. The power to require a person to provide a breath sample where a collision has taken place exists in the Road Traffic Acts. Garda discretion in the use of preliminary roadside tests in such circumstances is necessary, having regard to possible injuries sustained. The proposal contained in the

Fine Gael Bill acknowledges this point by the inclusion of a provision in section 3(6), which states that nothing in the section shall be used to delay the provision of medical assistance to a person injured in a road traffic collision.

The Bill's provision would result in a more confusing regime that would be more difficult to administer than the current provisions relating to breath testing at the scene of a road collision, which allow for Garda discretion. I appreciate that Deputies have been making inquiries into the position of Northern Ireland and the rest of the United Kingdom in respect of breath testing at the scene of a collision. My officials have examined this issue and the legal position here is in line with the practice in both Northern Ireland and the rest of the UK. Contrary to what has been reported in the media, the taking of a breath sample at the scene of a collision is at the discretion of a police officer in all cases.

We have all seen accidents. How can someone put a garda in a position whereby he or she would need to move someone, force the person to sit up or whatever when there are no visible injuries——

Ms O. Mitchell: That position is catered for in the legislation.

Mr. Cullen: It is not. It is clear that lawyers will drive a coach and four through that provision in the courts. I am not knocking the intention, as I know what the Deputy is trying to achieve. Previously, I have stated how no jurisdiction has taken this matter beyond the police officer having discretion at that moment. That officer would be placed in the position of making a medical decision that he or she is not qualified to make.

To have any chance of sustaining this issue in the courts, discretion must be permitted. If not, the courts will be caught up with questions of what came first, why was the test not taken when it was mandatory, how could a garda have made a judgment concerning medical injuries, is the garda a qualified medical professional and why did the garda make a judgment about a person's medical injuries and force him or her to take a breath test in one case but not another. The matter would be open to all sorts of loopholes. I appreciate what the Deputy is trying to achieve, but it is impossible to give a garda or a police officer in Northern Ireland or elsewhere in the UK this discretion at the scene of a crime.

Ms O. Mitchell: Gardaí have discretion even when there is no injury.

Mr. Cullen: Often, it is difficult to tell——

Ms O. Mitchell: The Minister could find any sort of excuse.

Mr. Cullen: The idea may be fine in theory, but it is not fine practically. While someone on the roadside could tell a garda that he or she is injured, the garda may see no visible injury. Should we put the garda in the position of acting as a medical referee and tell a court——

Ms O. Mitchell: It is clear in the legislation that I am not asking for that.

Mr. Cullen: The Deputy wants mandatory breath testing at the scene of an accident, but that would be impossible unless we were to place the Garda in a position in which it can never win in court. It should be noted that the Road Traffic Acts also place an obligation on a person to provide a blood or urine sample in a hospital. This is equally important and there is an absolute obligation on people to do this. This applies where an event occurs involving a vehicle which results in a person being injured or a person claiming or appearing to have been injured, where 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.

Ms O. Mitchell: It is that Garda opinion that should be taken out.

Mr. Cullen: The medical people make that decision on whether a person is fit in the hospital.

The Bill proposes to introduce a scheme for the mandatory roadside testing of drivers for substances other than alcohol. The evidential testing in a Garda station for the presence of drugs is already provided for in the Road Traffic Acts. The reason that there is no legislative provision to allow for preliminary roadside testing for drugs is that there is no available method for the taking of such a test. Significant research on this issue has been and continues to be pursued, as Deputy Olivia Mitchell acknowledged, and the Medical Bureau of Road Safety is involved in those endeavours. In the absence of methodology for the taking of preliminary test for drugs, it would be inappropriate to legislate for such tests. I understand Deputy Mitchell wants to give the Minister the power by regulation to do so. We can be certain that if we bring in this regime, it must be in done in primary legislation. There is no point in us guessing what might come until we put a scheme in place and it will unquestionably necessitate primary legislation to implement.

I have run over time. Does my entire script form part of the Official Report?

Acting Chairman (Cecilia Keaveney): No.

Mr. Cullen: I will finish then. The financial penalties relating to road traffic offences are

[Mr. Cullen.]

reviewed on a regular basis. All fines imposed by the courts were increased in the Road Traffic Act 2002, and the Road Traffic Act 2006 includes further significant increases in all fines, which will be commenced shortly. Indeed, the increases imposed are often in excess of the level of inflation to increase the deterrent effect. This is considered preferable to index-linking fines to inflation. Where fixed charge systems are provided under the Road Traffic Acts, the Minister for Transport has the power to revise charges by regulation.

The Road Traffic Act 2006 presents a significant amendment to the current structures through which a person who has been disqualified from driving may apply to have their licence restored. At present a person who has been disqualified can apply to have his or her licence restored having served only half of the period of the disqualification. The proposals contained in the 2006 Act, which will be commenced shortly on conclusion of the necessary consultation with the Courts Service, are based on the premise that the facility to apply for a reduction in the period should in future only be available to a person who has been the subject of a first disqualification. In addition, it limits the scope for an application to a person who has been the subject of a disqualification of more than two years. The Road Traffic Act 2006 also proposes that an application can only be made to the Circuit Court and that, at a minimum, the person must serve up to two thirds of the period of the original disqualification. We have moved away from the automatic half year. These provisions need to be put into effect and their impact assessed in due course in advance of introducing any other changes to these measures.

The motivation on all sides of the House is to reduce road deaths and injuries, and I acknowledge that. In this context, a significant number of changes have been introduced in recent months to road traffic legislation and a number of further provisions contained in the Road Traffic Act 2006 will be commenced shortly. All these provisions should be allowed to become operational and their effectiveness assessed over a period of time in advance of introducing further changes.

I spoke earlier about the importance of adopting a strategic approach to road safety and it is in this context that we need to allow the new initiatives which have recently been introduced to take effect. We already see the effect of mandatory alcohol testing checkpoints and the deterrent effect that the enforcement of such checkpoints has generated. We need to concentrate on the roll-out of privatised speed cameras, the enforcement of the extended penalty point system, the improvements to the driver testing and licensing system and the roll-out of the remaining provisions in the Road Traffic Act 2006 before mak-

ing further adjustments to road traffic law. Furthermore, the most appropriate way of developing new legislative proposals is in the context of the new road safety strategy. Clearly, that will require legislation in the new year.

The Road Safety Authority has been asked to develop a new road safety strategy for the period beyond 2006 and in this context the authority will be bringing forward a range of proposals for consideration, some of which no doubt will require new legislation. I am proposing that further consideration of new road traffic legislation should take place in the early months of next year as part of the process of adopting a new road safety strategy. This is the best way to continue the integrated, strategic approach to road safety, which we have adopted since 1998 and which has been further improved through the creation of one authority with responsibility for a range of road safety functions. I hope Deputy Olivia Mitchell will take on board the points I made.

Mr. M. Brady: I extend my sympathy to the relatives of those who were killed on the roads in the past few years.

I thank the Minister and his predecessor, Deputy Brennan, for the various initiatives they have introduced to curtail accidents and to improve road safety. The establishment of the traffic corps was announced by the Minister for Justice, Equality and Law Reform in 2004. A dedicated management structure is in place under an assistant commissioner. By the end of 2006, more than 800 officers will be serving in the traffic corps. The planned staffing threshold for the corps of 1,200 officers will be realised by the end of 2008.

Drug testing is an issue which arises at almost every meeting one attends outside of the House and I am glad to hear the Minister has included it in one of his proposals. There is evidence that there is a large number of drivers who are under the influence of drugs and as the law stands it is a difficult issue with which to deal.

A new Road Safety Authority was established on 1 September 2006 with responsibility for a wide range of functions that have a bearing on road safety, including driver licensing and testing, road safety advertising and education, road safety research and the regulation of driver instruction. The functions of the National Safety Council are now the responsibility of the new authority. The new authority will enable a more integrated approach to road safety. In this context, I pay tribute to the former chairman of the Road Safety Authority, Mr. Eddie Shaw. I might not have always agreed with his views but I always found him helpful. Since leaving the position, he remains helpful and attends many of our meetings and conferences. I wish the current chairman, Mr. Gay Byrne, who is a constituent of mine, well in his new position.

A problem highlighted recently, at the Joint Committee on Transport and during a presentation to the Joint Committee on Enterprise and Small Business by an insurance company, is that there are 100,000 uninsured drivers in the country. This is a serious matter. Some of these are foreigners who have come here with what is believed is invalid insurance cover for driving in this country. In other countries the car alone is insured and there are no third parties involved. That is a matter at which we must look closely to find means of eliminating this anomaly.

When it comes to driving offences, whether drink driving, driving without insurance or whatever, people have civic responsibilities. The Garda and the Government cannot do everything for them. We are not nurse maids and we cannot sit beside the wheel and mind them everywhere they go, and people would want to start realising that.

The deployment of gardaí should be managed more efficiently with the resources available. Checkpoints, including speed checkpoints, should be visible to deter people from driving under the influence of drink and from speeding. Checkpoints should not be deployed sneakily, for instance, at a corner hidden behind a bush, merely to accumulate captures by the hundred with which to return to the station and be congratulated. That is not a good idea because we could lose the support of the community. It is important we communicate to the motorist the way the Garda is managed. It is also important we communicate to the motorists that our purpose is to curtail road deaths, that we are not just out to catch ordinary decent people going down the road 11 km over the speed limit, as happens to many people. Checkpoints are set up on roads on which there never has been an accident. People who have driven for 40 years are being penalised for driving at a few kilometres per hour in excess of the speed limit. The traffic corps should be better managed. Visibility on main roads and secondary roads as opposed to outside licensed premises or behind bushes or on corners is required. That would be more effective and it would not turn the community against the Garda, which will never solve our problems.

Ms Shortall: I am pleased to have an opportunity to contribute to the debate. It is important to examine the context of the legislation. The number of deaths on the roads this year has reached 292, according to Garda figures. It is a sobering thought that by the end of this month or early next month, the reduction to 300 in road fatalities, which is the Government's target in its road safety strategy, will more than likely have been surpassed. The strategy has failed for one principal reason — complacency. Penalty points were introduced in October 2002 and had an immediate positive impact on road safety with

road deaths declining significantly but, unfortunately, the number of deaths soon began to climb again.

A strategy was published in 2004 but we had to wait until this summer for the introduction of most of its key provisions. The most critical recommendation — the provision of additional speed cameras — has still not been implemented. These speed cameras are long overdue and the latest information is that it will be some time before the contract is even awarded for the designation and operation of the new cameras. This summer the long awaited introduction of random breath testing, similar to the introduction of penalty points, had an immediate positive impact on road fatalities but, rather than building on this, the Government yet again sat back. Reform of the driver licensing legislation, mooted for the autumn, has been postponed until the new year at the earliest, according to recent reports. A new road safety Bill, dealing with a long list of issues, which was promised for later this year, is off the agenda until at least early in the new year.

Many provisions of the Road Traffic Act 2006, which was rushed through the House, remain to be commenced by the Minister. True to form, Fianna Fáil never makes a critical decision until it absolutely must. That may be tolerable in other portfolios but not when it comes to the critical issue of road safety.

The Fine Gael Bill is welcome because it puts road safety back in the limelight and I hope the Minister accepts the need to do so. His approach earlier this year to deal with individual issues and get them out of the way does not serve the road safety agenda well because a constant focus on this agenda is required and he should strive to improve legislation in this area. When we debated the Road Traffic Act, the Minister accepted it contained many omissions and a number of road safety issues needed to be tackled in new legislation. He gave a commitment to introduce a new Bill but it will not be brought forward until next year at the earliest.

The Labour Party supports the Fine Gael Bill and we encourage all Members, if they are serious about tackling road safety, to support its speedy passage. The consolidation of road safety legislation is one of the most urgent issues facing us.

Ms O. Mitchell: Absolutely.

Ms Shortall: This is a major problem. Members, the Garda and the courts are working to 15 different Road Traffic Acts. It is a complex area at the best of times but it is almost impossible for an individual to refer to 15 Acts every time an issue arises. The Department and the Attorney General's office made a number of mistakes in the Act passed earlier this year by inserting inaccurate references. Recently, we had to pass

[Ms Shortall.]

amending legislation because of those errors. One of the errors referred to a provision contained in five different Acts. It is impossible to get a handle of road traffic legislation. Members find it difficult to plough through previous Acts to cross reference proposed legislation and one can only imagine how much more difficult it is for the Garda to implement the law and for legal eagles to exploit inconsistencies or inaccuracies in legislation. An industry has built up around the interpretation of legislation and second guessing of both the Garda and the courts.

The consolidation of the legislation must become a priority. I raised this with the Minister for Transport recently and he referred to the social welfare consolidation legislation introduced by the Department of Social and Family Affairs a number of years ago. A section was established to undertake the consolidation and investment in such a section in the Department of Transport would be more than repaid. This issue needs urgent attention but I will not hold my breath that the Minister will address it because he has not been inclined to bring urgency to this.

The Fine Gael legislation seeks to provide a mandatory minimum penalty for the offence of dangerous driving of a disqualification from driving for six months. The recent District Court case concerning two reckless individuals who drove at 190 km/h on the Mullingar bypass and escaped without a driving disqualification highlights how necessary is a mandatory penalty for dangerous driving. There is no point in us passing laws if their intended effect is ignored in the courts and that is what happening. Recent court statistics demonstrate that the Mullingar case is far from rare. One of the justifications given by the judge who dealt with the case for his failure to impose a disqualification was there was no point because, more than likely, an appeal to a higher court would succeed. He came in for a great deal of public criticism for his comments but he said he would carry out an investigation into what happens when disqualifications are appealed, the results of which will be interesting.

The recent Courts Service report highlighted that approximately 9% of people arrested for dangerous driving are disqualified. The judge's comment that it would be a waste of time to impose a disqualification is borne out by the report and this makes an ass of the law. A clear deterrent should be in place and people must realise that, at the end of the day, if they break driving laws, they will face a severe penalty. However, the message currently is if a person is before court on a dangerous driving charge, he or she should appeal the decision all the way through the courts system because he or she has a less than one in ten chance of being disqualified.

The figures in respect of drunken driving are even more alarming — they are scandalous.

Despite the number of people arrested for drunken driving where there is obvious proof — we understand the hurdles gardaí must cross to establish that somebody is over the limit, including the various stages in the courts — at the end of the court process a mere 5% of drunken drivers are disqualified. This is an extraordinary indictment of the legislation, the Garda and the courts. Given those levels of enforcement, we are whistling in the wind with regard to trying to get across a message in respect of the utter recklessness and irresponsibility of drinking and driving.

This area needs urgent attention. We can have all the press statements and tough talking we like but if only 5% of drunken drivers are disqualified, a person would take the risk as it is a very good bet. It is clear many people continue to take that risk.

The statistics from the Courts Service highlight the need for the Minister to activate section 5 of the Road Traffic Act 2006. He failed to do this when he commenced certain sections of the Act in July and, to my knowledge, he has not done so since. I draw attention to this because that section provides for the automatic disqualification of drink drivers who fail a roadside breath test and are within certain high limits. If we cannot trust the courts to apply the law as intended, we will have to hope that the fear factor and the sheer inconvenience of a court appearance act as an effective deterrent in such cases

Section 3 of the Bill provides for the mandatory breath testing of drivers who have been involved in a road traffic accident, rather than the current scenario where this option is left to the discretion of the garda on duty. I agree with the sentiment of this section but I question whether it does what it intends. Currently, if a driver has been involved in a collision, the garda may opt to test him for intoxicants. This system allows too much discretion to the garda, which the Bill rightly seeks to address. However, the Bill as it stands could mean that a seriously injured person who is unable to provide a breath test could face a €5,000 fine, six months imprisonment and disqualification from driving for two years if he or she fails to comply. We must remember that in many cases it is injured drivers who are the victims of road accidents.

The Bill seeks to do the right thing but a balance needs to be struck between increasing the testing for intoxicants of drivers involved in collisions and ensuring the law is workable, medical risks are not taken and emergency personnel are enabled to do their job. Perhaps an amendment adding this to the list of defences is in order and would assist in meeting the balance required.

The Bill seeks to allow the Minister to prescribe regulations for the testing of drivers for substances other than alcohol should a conclusive testing system become available in the future. I proposed this measure during the debate on the

Road Traffic Act 2006. It is easy to suggest it would be premature to make this provision but, when we consider the kind of delays with regard to road safety and road traffic law, it is prudent to do it. A number of new systems are being tried out at present and while I accept no absolutely certain roadside drug test is available, a number are likely to be completed and validated in the near future. The sooner this happens, the better. The most recent road traffic Bill in the UK made provision in this area in the expectation that a robust test would become available in the near future, which was sensible.

The Bill seeks to amend the Road Traffic Act 2006, whereby a disqualified driver may apply to the courts to have his or her licence restored prior to the end of his or her period of disqualification, to ensure, first, that the driver may only be granted this in extraordinary and exceptional circumstances and, second, that the victim and/or the victim's family are notified. Notifying the family of a disqualification is a welcome proposal. It places an onus on the court to notify victims or families of victims when a convicted dangerous driver seeks to have his or her licence reinstated. It is proper that drivers convicted of dangerous driving should have regard to the impact on drivers when reapplying and that victims should be made aware of such applications. However, I seek clarification as to what victims can do with this information when the courts send it to them. If there was some possibility of acting on the notification, such as making a submission to the court on the application, it would make this even more meaningful. I do not see any provision for this in the Bill as it stands but it should be included.

The Bill provides for the indexation of fines, which is another common sense proposal. We had to wait until the Road Traffic Act 2006 before many of the existing fines were updated. One of the most annoying examples is the provision in section 22 of the Road Traffic Act 1994 whereby convicted drink drivers can be compelled to pay a maximum of a mere €95.23 towards the cost of the Medical Bureau of Road Safety investigation of the case. That level of charge is completely out of line. The actual cost to the Medical Bureau of Road Safety now exceeds €300, yet we must wait for the primary legislation before the figure is updated. Accepting this Bill would ensure we are enabled to update the level of fines by regulation. This measure should be introduced as soon as possible.

Many other aspects of road safety need to be incorporated into a second road traffic Bill, some of which have been referred to in debates earlier this year and in recent years. I urge the Minister to take on board some of these points in the preparation of the promised Bill. Given that the Minister is unlikely to meet his promised deadline of the end of this year, let us hope the new Bill is introduced as early as possible in 2007.

I urge the Minister to seriously consider the area of alcohol ignition interlocks, which prevent a driver from starting the engine until he blows into a device and it registers a permitted concentration of blood alcohol. As with devices for roadside drug testing, these devices are not yet fully operational and validated but much progress has been made and they are close to being finalised. Sweden and Finland are seeking permission from the European Commission to introduce them to certain driver categories. It is fair to say that while they are still experimental, the idea is attractive and could provide creative and effective means of tackling the problem of persistent offenders.

A number of other issues arise. I hope the Minister will bear in mind earlier commitments in preparing the new legislation. I urge the Minister of State and his colleagues to support this Bill and to vote in favour of it tomorrow night.

Debate adjourned.

Adjournment Debate.

School Closures.

Mr. McHugh: I wish to share time with Deputies Connaughton and Callanan.

An Leas-Cheann Comhairle: That is agreed.

Mr. McHugh: I thank the Leas-Cheann Comhairle and Ceann Comhairle for allowing me to raise this important matter.

It was with alarm that news of the decision by the Sisters of Mercy to close Seamount College, Kinvara was received in south Galway last Thursday evening. The news came as a total shock to the board of management of the school, the principal, teachers, pupils and parents. It was a shock because this school had been making steady progress over the past number of years. Only two years ago it was deemed to be the top non-fee paying school in the country in *The Irish Times* list. It has a dedicated principal, a committed staff and a conscientious body of students. Not alone is the school recognised for the high level of achievement academically of its students, but the scope of the extra-curricular activity pursued is also worthy of the highest praise.

The school has currently 243 students on the roll and the predictions are that this figure will rise to 300 in three years. The decision to close Seamount College was a shock because no consultation took place with the board of management, the principal, staff, pupils or parents. Education is supposed to involve a high degree of partnership but partnership was totally absent in the making of this decision.

[Mr. McHugh.]

I record my appreciation of the contribution made by the Sisters of Mercy to this country down the years and in particular I acknowledge their enormous contribution to the delivery of a fulsome education to a large percentage of our female population. Our country and people would be poorer without their contribution.

However, I am deeply disappointed and greatly disturbed by the manner in which this decision was taken. There was no consultation, partnership or apparent realisation of the trauma this decision would cause to all involved. That trauma was clearly evident at a public meeting in the college last Friday night at which the principal, Ms Mulkerrins, a teacher, Ms Kavanagh, pupils, Ms Claire O'Regan and Ms Maeve Simmons, members of the board of management, parents and members of the public expressed their absolute disbelief that a decision of such magnitude could be taken in such a manner.

A number of factors relating to this proposed closure are alarming. The first is the decision and the immediacy of it. There will be no intake of first year students in September 2007. The board of management is being discontinued and a single manager is being appointed. The Minister of State would have to agree that the closure of this school in two and a half years' time is unacceptable. It is an extraordinary decision which needs to be suspended immediately to allow for respectful discussions to take place involving all interested parties.

I ask the Minister of State and her senior colleague to use their good offices to have this decision suspended, to engage with the Sisters of Mercy, the principal and local committee with a view to ensuring Seamount College prospers into the future. I ask the Minister of State and her senior Minister to meet the principal and local committee as a matter of urgency to discuss this issue.

Mr. Connaughton: I thank the Ceann Comhairle and the Leas-Cheann Comhairle for the opportunity to raise this important matter.

Last Friday night I attended a hastily convened but hugely successful meeting of parents, teachers and pupils of Seamount College, Kinvara, County Galway. The purpose of the meeting was to let all stakeholders know of the decision conveyed the previous day by the Sisters of Mercy of their intention to discontinue second level education at Seamount. The news was like a bombshell. Nobody had heard mention of it 24 hours previously. Needless to say this news rested uneasily on the shoulders of everybody present. Nobody should be surprised at that because Seamount, an all-girls' school with an enrolment of 243 pupils, has been a wonderful conduit for quality education dating back to the 1920s and as recently as two years ago it received honourable mention in

the national press for its excellent examination results.

I want to convey to the House the bewilderment and annoyance felt by people although not at the decision of the Sisters of Mercy to discontinue education at the college, which is their right. I agree with Deputy McHugh that they were outstanding in the delivery of education over the years. People are annoyed that they gave such short notice and did not at least try to provide the excellent principal, her staff and the board of management with a window of opportunity to keep the college open, and for it to be the heart-beat of a thriving and expanding community encompassing Kinvara, Ballinderry and parts of Oranmore and a substantial part of the Minister of State's county.

The Sisters of Mercy will put in place a manager and there will be no intake of first year students next September. That cannot be allowed to happen. There is another issue, namely, the fact this is a small school but that does not mean it is not a good one. I want the Minister of State and her senior Minister to get the message across that the conveyor belt attitude whereby a school is only perceived to be good because it has a large number of students is not correct.

If this school in Kinvara decided to become co-educational, one can imagine what would happen to the numbers, although that is a matter for the parents, but it is an option. There is very little spare capacity in contiguous colleges in and around Kinvara where the students attending this college are likely to go. Irrespective of what the Department of Education and Science will do in this regard, it will cost money. With regard to the value for money aspect, given the planning status of Seamount College property is only for recreational and education purposes, it will be easier for the Department to do a deal with the Sisters of Mercy and with everybody concerned.

Like Deputy McHugh, I ask the Minister of State to engage with the principal and board of management immediately on this matter.

Mr. Callanan: There was huge disappointment following the announcement last week that Seamount College, Kinvara was to close and there was to be no intake of first year students in September 2007. The college is owned and run by the Sisters of Mercy. I pay tribute to the principal, Ms Mulkerrins, and all the staff for the great school it has become, with the achievement of excellent results every year and nobody having failed the junior or leaving certificate last year.

There are 243 students in Seamount College and the area around it has seen a huge increase in population. The other colleges in south Galway, namely in Gort and Oranmore, are full. Therefore, there is a great need for this secondary school to be kept open in Kinvara.

I ask the Minister of State to use her influence with the Sisters of Mercy to allow first year students to enter Seamount College in September 2007. This would give parents and other members of the community in Kinvara breathing space to work out the best way forward to provide for education needs in the Kinvara area. It would also allow the excellent committee set up last Friday night from an attendance at a public meeting of more than 400 people to negotiate with the Sisters of Mercy and the Department of Education and Science to put in place plans for the future of Seamount College. I urge the Minister of State to find a way to provide this necessary period of time in this regard.

Minister of State at the Department of Education and Science (Miss de Valera): The Minister for Education and Science, Deputy Hanafin, cannot be present to reply to this matter and she asked me to reply to this matter on her behalf.

I wish the three Deputies well and thank them for raising this matter. I fully appreciate the impact and importance this decision has on the local community. I take this opportunity to emphasise to the House that Seamount College is a voluntary secondary school and decisions such as this are within the remit of the patron body, that is the Sisters of Mercy.

Seamount College, Kinvara is a girls' secondary school with a current enrolment of approximately 240 girls. I understand that boys from Kinvara in the main attend Gort community college, which is a co-educational facility.

On 12 October 2006 the school trustees, the Sisters of Mercy, western province announced their intention to withdraw as providers of education in the Kinvara area and to close Seamount College. They informed the Department that they had taken this decision following a comprehensive review of the voluntary secondary schools within the western province of their order. They decided the closure would be on a phased basis with no intake of first year students in September 2007. The annual enrolment of the first year students stands at approximately 40.

As part of the implementation process following from this decision, the trustees have decided not to appoint a new board of management and to appoint a single manager to manage the school in the interim and to oversee the phased closure process. The term of office of the existing board of management expired on 14 October 2006. Again, this is primarily a matter for the trustees.

With regard to a decision by a patron body to close a school, the Department's concern is to ensure that there are sufficient pupil places to meet demand in a given area. From a school planning perspective and based on data available to the Department there appears to be an already well established trend of boys from the Kinvara area attending the neighbouring Gort community

school. More recently, there would appear to be an increase in the number of girls also attending the community school. Gort community school is a co-educational facility and, at present, the Mercy Sisters also serve as trustees to this school. The school was built in the mid-1990s with an overall capacity of 800. As of September 2006, enrolment stood at just over 730 students.

I assure the House that the Department is examining the implications of the phased closure with a view to ensuring that the educational needs of the children in the area continue to be met.

The Mercy order has a strong record of achievement at Seamount College over many years and the decision to close is regrettable. However, the order will maintain an educational presence at second level in the area as trustees of Gort community school. The order and the trustees have also indicated to the Department that they intend to liaise with the County Galway Vocational Education Committee regarding provision at Gort community school.

I thank the three Deputies for raising this matter.

Education Centre Network.

Mr. Connolly: I thank the Ceann Comhairle for allowing me to raise the matter of Tanagh Outdoor Education Centre, which is situated between Cootehill and Rockcroory in County Monaghan. The centre is operated by County Monaghan VEC and excellent work is being done there. Tanagh Outdoor Education Centre was established in 1992 and has gone from strength to strength since its foundation. The centre has received €125,000 from the Department of Education and Science in the last three years.

Tanagh Outdoor Education Centre has developed an excellent reputation and County Monaghan VEC, which had the foresight to develop it, must be complimented. The centre is in an ideal location close to Dartrey Forest, where many of its outdoor activities take place. The well known Annaghmakerrig House is also nearby.

The centre is quite close to the Border. It is 70 miles from Belfast Airport and 70 miles from Dublin, which makes it ideal for cross-Border activities. The property belongs to the Order of the Sacred Heart, which has leased it to the VEC for a nominal fee. In that sense, the VEC is getting excellent value for its money. The nearest outdoor education centres to the one in Tanagh are located in Counties Donegal and Louth. In that sense, the centre has a considerable population base and many local people make excellent use of the facilities. Last year, 10,000 people used the Tanagh Outdoor Education Centre and took part in activities such as rock climbing, hill walking, archery and canoeing. The vast majority of the users of the centre are young people and there is a considerable cross-Border dimension to

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the centre's activities. A large number of youth organisations make use of the centre and return on an annual basis.

To date in 2006 there has been an 11% increase in the numbers using the centre, on foot of a 43% increase between 2004 and 2005. The numbers using the centre are increasing all the time. At a time of growing concerns about public health and obesity and with young people complaining about having nothing to do, the Tanagh Outdoor Education Centre serves as a wonderful example to people.

I saw a television programme last night which suggested that the two communities in Northern Ireland are becoming more polarised. Activities such as those organised at the Tanagh centre, funded through co-operation, are a proven way of breaking down barriers. It would be a tragedy were Tanagh Outdoor Education Centre not to receive funding from the Government.

Over the years it has been difficult for County Monaghan VEC to fund the centre and provide new services. The VEC now wishes to upgrade the facilities at Tanagh. The buildings and toilets are not up to the required standard. The small amount of money needed to upgrade the premises should be provided. A rare opportunity exists to extend the centre by buying some land from Coillte, at a cost of €106,000. The Department should grasp that opportunity with both hands and encourage the VEC to head in that direction. It should reassure the VEC that its activities are good for the area and for cross-Border co-operation. In the current circumstances, it would be eminently reasonable for the Minister for Education and Science to sanction the purchasing of the property and to provide the modest sum of €106,000 needed to secure the future of Tanagh Outdoor Education Centre. With a relatively small amount of Government funding the whole complex can be enhanced and the future of the centre secured. This is too great an opportunity to be missed. The centre carries out excellent work.

We constantly hear complaints that children and young people have nothing to do but centres such as the one in Tanagh address that. Last Summer 2,000 people had to be turned away, so successful is the centre. The Government should fund the centre and I call on the Minister to do so.

Miss de Valera: I am responding on behalf of the Minister for Education and Science, Deputy Hanafin. I thank the Deputy for raising this matter.

Outdoor education centres, such as the centre in Tanagh, County Monaghan, have been developed by vocational education committees in the interests of providing outdoor education programmes to enhance the quality of the educational experience for young people. Outdoor

education programmes aim to foster greater environmental awareness, break down social barriers and prejudices, encourage the development of personal competencies, enhance life skills and promote healthy lifestyles.

The VEC outdoor education centres cater mainly for primary and post-primary students, including young people from disadvantaged backgrounds. They also cater for third level students, youth groups, special needs groups and adults. At certain times, particularly during school holiday periods when the centres are not fully utilised for educational purposes, they generate additional income by providing courses on a commercial basis for the leisure and tourism market. Over 100,000 activity days are provided by outdoor education centres for school pupils. Currently there are nine recognised VEC outdoor education centres and a further three centres, including the one in Tanagh, that are not recognised by the Department.

Funding was originally approved for outdoor education centres on the basis that they would be self financing and that their financial activities would be separate from the overall VEC finances. Accordingly, the Department's annual grants are contributory in nature and the allocations go mainly towards the core staffing costs involved in running the centres. The funding provided by the Department for the centres, including the one at Tanagh, has increased considerably in recent years and now stands at some €2 million annually. Tanagh Outdoor Education Centre has also benefited from a significant increase in its allocation, from €98,000 in 1998 to over €130,000 in 2006.

County Monaghan VEC has requested that formal recognition be given by the Department to the Tanagh Outdoor Education Centre. Discussions have taken place between the Department and the VEC on the matter and the Department anticipates that when governance, management and financial arrangements to apply in the centre have been finalised, the matter of recognition of the centre can be addressed.

School Transport.

Mr. Grealish: I am grateful for the opportunity to raise the matter of the school bus transport system. I have pursued this issue, through various channels, since the beginning of the year but I regret my efforts have ultimately proved unsuccessful. This is a matter not just of common sense, but of fairness.

The catchment areas for our school transport system were first put in place in the 1960s. Consequently, they are not only out of date but wholly inadequate. I understand from my correspondence with the Minister of State at the Department of Education and Science, Deputy de Valera, that the school transport system was not designed to facilitate parents who choose to send their children to a school outside the catchment

area where they live. This makes no sense. While we must have order and a workable system, unless parents are acting in an unreasonable manner, the system should facilitate them.

A school transport system which, in the case of the constituency of Galway West, cannot transport 130 children to school is a failing system. School transport catchment areas may be in place to protect the number of pupils enrolling in various schools. When the parents of 130 children in Claregalway and Carnmore in the Galway city catchment area are effectively denied a school bus system, with the result they must drive their children to school, the system has clearly become unfair.

Considering my own area, approximately three or four miles from the Oranmore school where 130 pupils are in attendance, the school bus system going into Galway city is at capacity. Even if the pupils were going to a school in the city, another bus service would have to be put on for them. It is unfair that in the region of 100 parents are driving their kids to school in the mornings. A recent survey done in Dublin indicated that 70% of parents are beginning to drive their children to school. That is wrong, and we should really examine the school transport system.

Parents have a right, within reason, to send their children to whatever nearby school they choose. The school has the right, within reason, to be served by the school bus system. In raising this issue I also suggest a solution. Consideration could be given to making locations like Claregalway a dual catchment area for the purpose of school bus transport. If 130 children from the Claregalway and Carnmore areas are travelling to school in Oranmore despite being in the Galway city catchment area, change is needed.

If it is the case that new legislation is required to end this, we should get on with it. This House is often accused of working on legislation which has little real effect on the daily lives of families. Furthermore, legislators often claim that many of the daily issues are out of their control. From what I can gather, this is one issue causing significant hardship for hundreds of families across this country and not just in Galway. It affects many schools across the country, and it is an issue on which we can make a positive difference.

I ask the Minister of State to examine this matter closely and commit to seeking and enacting measures to end this unfair and nonsensical situation. The parents of these schoolchildren, the pupils themselves and the schools deserve no less.

Miss de Valera: I thank the Deputy for raising this matter as it provides me with an opportunity to clarify the general position regarding school transport for children residing in the Galway city, Oranmore and Claregalway areas. Under the terms of my Department's post-primary school

transport scheme, a pupil is eligible for transport if he or she resides 4.8 km or more from his or her local post-primary education centre, that is, the centre serving the catchment area in which he or she lives.

The scheme is not designed to facilitate parents who choose to send their children to a post-primary centre outside of the catchment area in which they reside. However, children who are fully eligible for transport to the post-primary centre in the catchment area in which they reside may apply for transport on a concessionary basis to a post-primary centre outside of their own catchment area. This is otherwise known as catchment boundary transport. I should emphasise, however, that these children can only be facilitated if spare seats are available on the bus after all other eligible children travelling to the post-primary centre in which they live have been catered for. Such children have to make their own way to the nearest pick-up point within that catchment area.

Catchment boundaries have their origins in the establishment of free post-primary education in the late 1960s. For planning purposes, the country was divided into geographical districts, each with several primary schools feeding into a post-primary education centre with one or more post-primary schools. The intention was that these defined districts would facilitate the orderly planning of school provision and accommodation needs. They also facilitated the provision of a national school transport service, enabling children from remote areas to get to their nearest school.

Reviews of specific catchment boundaries may be carried out where appropriate. A number of reviews have been carried out over the years where, for example, a new post-primary school is established in an area where previously there was none or, conversely, where a "sole provider" school closes due to declining enrolment.

The area development planning initiative, involving an extensive consultative process carried out by the Commission on School Accommodation, will also inform future revisions to catchment areas. An area development plan takes account of demographic changes and projects future enrolments for existing schools and new schools if required.

Catchment boundary changes will be made where the implementation of the recommendations in an area development plan requires such adjustments. Catchment boundaries have provided and continue to provide a very useful tool in facilitating the orderly planning of school provision and accommodation needs and the operation of the national school transport service.

The Deputy will be aware that the provision of school transport is a massive logistical operation involving the transportation by Bus Éireann of over 135,000 children each day to primary and

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post-primary schools, including more than 8,000 children with special educational needs. While individual cases involving a pupil's eligibility for school transport are brought to my Department's attention from time to time, such cases are generally dealt with under the terms of the school transport scheme. Persons who are not satisfied with my Department's decision may appeal to the independent school transport appeals board.

I have no plans to review the catchment areas for Galway City, Oranmore and Claregalway, and school transport will continue to be provided under the terms of the post-primary school transport scheme.

The Dáil adjourned at 9 p.m. until 10.30 a.m. on Wednesday, 18 October 2006.

Written Answers.

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

Questions Nos. 1 to 25, inclusive, answered orally.

Questions Nos. 26 to 107, inclusive, resubmitted.

Questions Nos. 108 to 114, inclusive, answered orally.

Question No. 115 answered with Question No. 113.

Freedom of Information.

116. **Ms Shortall** asked the Minister for Agriculture and Food the number of applications to her Department under freedom of information legislation in the years 2003, 2004, 2005 and to date in 2006; and if she will make a statement on the matter. [32885/06]

Minister for Agriculture and Food (Mary Coughlan): The number of applications received under the Freedom of Information legislation is as follows:

2003	317
2004	278
2005	210
2006 (to 16/10/06)	172

Genetically Modified Organisms.

117. **Mr. Eamon Ryan** asked the Minister for Agriculture and Food if she has had contacts with the Environmental Protection Agency regarding field trials of genetically modified crops; and if she will make a statement on the matter. [32926/06]

Minister for Agriculture and Food (Mary Coughlan): I wish to inform the Deputy that I have had no contacts with the EPA in respect of

any GM event. With regard to the application from BASF to the EPA earlier this year to trial a GM blight free potato at a farm in Co Meath my Department responded to the consultation process undertaken by the EPA. I am pleased to note that many of the issues raised by my Department were taken on board in the conditions attached to the subsequent approval by the EPA which is the Competent Authority in this area. Despite the granting of the approval by the EPA, BASF has not commenced trials. The EPA approval will continue to be valid for 2007.

The procedures for the consideration of applications for field trials of genetically modified crops are set out in Part B of EU Directive 2001/18/EC which is transposed into Irish law by the Genetically Modified Organisms (Deliberate Release) Regulations 2003. Adjudication of these applications is a function of the independent Environmental Protection Agency, as the Irish competent authority for the purposes of the Directive. The process undertaken by the Environmental Protection Agency includes public consultation, agency investigation and assessment of monitoring plans.

The GM area of direct relevance to my Department is that relating to the issue of the coexistence of authorized GM crops alongside non-GM crops. The Commission has decided that co-existence should be addressed at Member State level and has provided a series of Guidelines to assist in dealing with the issues that arise. All Member States, including Ireland, have been engaged in a process of drawing up strategies and best practices to provide for effective coexistence arrangements. Last November I received a Report and Recommendations from an Interdepartmental Group, comprised of representatives of the Department of Agriculture and Food, the Department of Environment, Heritage and Local Government, Teagasc and the EPA. This Interdepartmental Group examined issues relating to

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coexistence and developing a national strategy and best practices for coexistence arrangements in Ireland. In drawing up the Report the Group considered submissions from stakeholders.

In December 2005 I arranged for the placing of the Report on my Department's website and invited further observations from all interested parties on the recommendations in the Report. Some 66 submissions were received by the 31 March closing date. I will take into consideration these submissions when I am finalising the coexistence measures which will apply here.

Land Purchase.

118. **Mr. Cuffe** asked the Minister for Agriculture and Food if her attention has been drawn to concerns in the timber industry regarding Coillte's proposed purchase of a plant (details supplied) in County Tipperary; her Department's position on the purchase, pending the completion of the Competition Authority's investigation; her views on whether such a purchase will damage competition in the industry; if she has met Coillte to discuss the proposed purchase; and if she will make a statement on the matter. [32921/06]

Minister for Agriculture and Food (Mary Coughlan): I am aware that the Irish Timber Council has expressed concerns in relation to the proposed purchase. My colleague, Mary Wallace TD, Minister of State at my Department with responsibility for forestry, met with representatives of the Council recently to discuss these concerns.

My Department's position on this matter is that the plant in question is of strategic significance to the forestry sector as it provides a market for thinnings and sawmill residues and it is important in that context that it remain a fully operational entity.

It is ultimately a matter for the Competition Authority to decide on whether the purchase of the plant will damage competition in the sector and the approval of the Competition Authority is required before any purchase can be concluded. The Competition Authority is carrying out a phase 2 investigation into the purchase and, as part of that process, invited interested parties to make submissions. The Authority has until 22 December 2006 to make a decision on this matter.

The proposed purchase of the plant in question has been the subject of various meetings between Coillte and my Department, and was considered by me, in accordance with the provisions of the Forestry Act, 1988, under which Coillte was established. I have also discussed the matter with senior management of Coillte Teoranta.

Milk Quota.

119. **Mr. P. McGrath** asked the Minister for

Agriculture and Food her plans for the distribution and transfer of milk quota; and if she will make a statement on the matter. [32716/06]

Minister for Agriculture and Food (Mary Coughlan): I recently announced the establishment of a new Milk Quota Trading System to supersede the current Milk Quota Restructuring Scheme. The new system was agreed following extensive consultation with the farm organisations and ICOS and will release larger quantities of quota to active and committed dairy farmers through the combined operation of a market Exchange and a maximum price Priority Pool.

The arrangements for the new scheme were published last week and the detailed rules will be available shortly. Milk producers will be invited to submit applications to sell or purchase quota by 24th November 2006, with the first Exchange being run as soon as possible thereafter. The operation of the system will be reviewed after the first Exchange, and a second Exchange will follow in spring of 2007.

These new arrangements will allow milk producers the opportunity to bid for the amount of quota required to meet the development needs of their farm enterprise at a price that will generate a commercial rate of return. In essence farmers may now decide on the amount of quota they wish to buy or sell and the price at which they are willing to trade quota. Some 70% of the total amount of quota offered for sale will be transacted on the market Exchange and will be sold at the market-clearing price.

In order to cater for certain categories of producers, I have established a Priority Pool, which will allocate quota to farmers whose leases have expired and were not renewed, to successors and to young farmers. The surplus available in the Priority Pool will be allocated to producers with less than 350,000 litres. Some 30% of the total quota offered for sale will be allocated through the Priority Pool at a maximum price of 12 cent per litre. Producers may purchase up to a combined maximum of 60,000 litres from both pools. The new system will continue to operate in each Coop area, thus maintaining the principle of regional preference or ring fencing within current pools.

I am satisfied that the new Milk Quota Trading system will create a more open market system of transferring milk quota and will allow farmers much greater freedom to make choices about how milk quota should be transferred, affording them far greater scope to decide the volume and price of quota they wish to buy.

National Herd.

120. **Mr. Connaughton** asked the Minister for Agriculture and Food the steps she is taking to support and maintain the suckler herd; and if she will make a statement on the matter. [32732/06]

Minister for Agriculture and Food (Mary Coughlan): The Irish beef industry is worth €1.3 billion in foreign earnings to the national economy annually. Ireland produces over 500,000 tonnes of beef a year and exports over 90% of our production. The sector is very important and its viability is dependent on the quality of production which in turn depends very much on the status of our suckler herd.

I am keenly aware of the challenges facing beef farmers. In our Agri-Vision 2015 Action Plan published earlier this year, I recognised the critical importance of the suckler herd to the Irish beef industry and gave a commitment to considering what measures would be required for the suckler herd specifically in the context of decoupling. My Department is now well advanced in the process of developing proposals for measures to support and maintain the suckler herd. I expect to be in a position to give details of the proposals in the context of the publication of the package of measures in the Rural Development Programme which goes for public consultation in the near future.

Other areas where we are already providing support for the beef sector include funding for the National Beef Quality Assurance Scheme accredited to the internationally recognised EN 45011 Standard and assistance through Teagasc and the Irish Cattle Breeding Federation for activities related to cattle breed improvement.

Rural Environment Protection Scheme.

121. **Ms O'Sullivan** asked the Minister for Agriculture and Food when the details for REP scheme four will be published; and if she will make a statement on the matter. [32878/06]

Minister for Agriculture and Food (Mary Coughlan): REPS 4 will form an integral part of Ireland's Rural Development Plan (RDP) 2007 – 2013. A draft of the RDP will issue for public consultation shortly and it is my objective to secure EU Commission approval for the RDP and to roll out REPS 4 at the earliest possible date in 2007.

National Herd.

122. **Mr. Wall** asked the Minister for Agriculture and Food the way in which the costs of implementing a national herd health initiative should be apportioned as between the Government and the other stakeholders in the related industries; and if she will make a statement on when the next national herd health initiative will be completed. [32888/06]

Minister for Agriculture and Food (Mary Coughlan): There are a range of diseases which impact on animal health, animal welfare and productivity while a number of them have the potential to affect public health. Many of our competi-

tors have programmes in place to reduce and eradicate some of these diseases and increasingly, authorities in some importing countries are demanding certification that products are derived from animals or herds that are free from specified diseases and/or that there are control programmes in place in the country of origin.

For the foregoing reasons my Department has engaged in preliminary discussions with various interested parties with a view to developing a comprehensive and integrated national approach to control these diseases. As the discussions are on-going final decisions have not yet been made on the detailed arrangements for this initiative. However, it is envisaged that the various stakeholders would play a key role in the delivery of the programme and that activities would be funded by the relevant parties including the State.

Animal Welfare Bodies.

123. **Mr. J. O'Keeffe** asked the Minister for Agriculture and Food the number of animal welfare officers here; the funding provided by her Department to the ISPCA; and if she will make a statement on the matter. [32748/06]

Minister for Agriculture and Food (Mary Coughlan): My Department has certain statutory responsibility for the welfare and protection of farmed animals. The legislation governing this is the Protection of Animals Kept for Farming Purposes Act 1984 and the European Communities (Protection of Animals Kept for Farming Purposes) Regulations, 2000. In addition there is specific legislation in relation to pigs, calves and laying hens.

Welfare aspects are dealt with generally by officers based in my Department's District Veterinary Offices. These officers deal with the implementation of farm animal welfare legislation as well as having responsibilities in a wide number of other areas related to animal health, disease control etc. Funding is available to deal with emergency care, feeding, transport etc. of welfare compromised farm animals. I am satisfied that the resources available within my Department are sufficient to deal with such cases and to provide a high standard of animal welfare.

In 2004 the Farm Animal Welfare Advisory Council (FAWAC) developed an Early Warning/Intervention System (EWS) for dealing with animal welfare cases. This involves my Department, Irish Farmers' Association and the Irish Society for the Prevention of Cruelty of Animals. The objective of the system is to provide a framework within which farm animal welfare problems can be identified before they become critical or overwhelming. The new system allows for concerned individuals to approach their local IFA representatives, their local SPCA or my Department in the knowledge that the matter will thereafter be dealt with in the most effective, timely and sensitive manner.

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In addition to the foregoing, my Department makes ex-gratia payments annually to organisations, including the ISPCA, involved in the direct delivery of animal care and welfare services to assist in their on-going work. To date, we have provided a total of €5.97 million to such bodies, some €1.2m of which was paid to 86 organisations in December last to assist them during 2006. ISPCA has benefited from these payments. The headquarters of the Association has received a total of €334,880 to date. That figure does not, of course, include payments to affiliated branches of the organisation at national and local level. Invitations have issued to organisations to apply for an ex-gratia payment in respect of 2007.

The main statutes governing cruelty to animals in this country are the Protection of Animals Acts 1911 and 1965. Responsibility for pursuing complaints under that legislation rests with An Garda Síochána, who may on receipt of a complaint, investigate and bring a prosecution against any person alleged to have committed an act of cruelty against an animal. Officers of my Department are regularly involved in assisting the Gardaí in such cases.

Food Safety Standards.

124. **Mr. Gilmore** asked the Minister for Agriculture and Food if she is satisfied that the regulations she has introduced on country of origin of beef sold at the catering stage in the food chain have been properly and effectively implemented; if her attention has been drawn to an establishment found to be in breach of these regulations; and if she will make a statement on the matter. [32868/06]

Minister for Agriculture and Food (Mary Coughlan): Regulations governing the provision of country of origin information on beef sold at the catering stage of the food chain were introduced by the Minister for Health and Children earlier this year. Responsibility for enforcement of the Health (Country of Origin of Beef) Regulations 2006 (S.I. 307 of 2006) is with the Food Safety Authority of Ireland.

There are over 44,000 food businesses in Ireland of which over 29,000 are in the service sector, which includes caterers. These are inspected on a routine basis by the Environmental Health Officers in the Health Service Executive operating under a Service Contract with the FSAI.

In general, the HSE undertake inspections in about two thirds of these premises every year. Inspections focus on compliance with hygiene and food safety requirements. Checks on compliance with the Health (Country of Origin of Beef) Regulations are being incorporated into routine inspections for establishments covered by these Regulations. Any breaches of the regu-

lations should be brought to the attention of the FSAI.

Forestry Industry.

125. **Mr. P. McGrath** asked the Minister for Agriculture and Food her plans to develop the forestry sector and increase its uptake; and if she will make a statement on the matter. [32721/06]

Minister for Agriculture and Food (Mary Coughlan): In terms of incentives, the current forestry grant and premium package is without doubt the most attractive that has ever been available. Farmers and land-owners can avail of an establishment grant of 100% of costs, a tax free premium of up to €500 per hectare per annum for 20 years, at present, and under the Single Payment Scheme, farmers can plant up to 50% of their eligible claimed area, without losing any entitlements.

Under the new Rural Development Plan 2007–2013, I intend to bring forward a new Forestry Programme. The detail of the new Rural Development Plan has yet to be finalised, but it will be made available for public consultation shortly.

Earlier this year my Department embarked on a joint initiative with the Irish Forestry Industry Chain (IFIC) under the heading 'Forests for a Bright Future' to highlight the multifunctional benefits of forestry and to stimulate up-take in the afforestation programme. This promotional campaign is expected to run for at least eighteen months, and is promoting the advantages of forestry, particularly to farmers, with a view to increasing the rate of new planting.

Farm Waste Management.

126. **Mr. Ring** asked the Minister for Agriculture and Food the grant aid which will be made available to small farmers to manage rain-water under the nitrates action plan; and if she will make a statement on the matter. [32771/06]

Minister for Agriculture and Food (Mary Coughlan): A revised Farm Waste Management Scheme was launched by my Department on 24 March 2006 as part of the arrangements to enable farmers meet the additional requirements of the Nitrates Directive. The principal changes to the Scheme include—

(a) an increase in the standard grant-rate from 40% to 60%, with 70% being available in the four Zone C counties;

(b) an extension of the Scheme for the first time to sectors such as horses, deer, goats, pigs and poultry, and mushroom compost;

(c) the removal of any minimum income requirements from farming from the Scheme so that all small farmers can participate in the Scheme; and

(d) an increase in the maximum eligible investment from €75,000 to €120,000 per holding.

As the Scheme closes for applications at the end of 2006, I have also arranged that applications will be accepted by my Department as soon as any required planning permission has been applied for to the relevant local authority.

As regards rainwater, the technical specifications for farm buildings operated by my Department for the purposes of the Scheme require the installation of adequate arrangements for the separation of clean and dirty water as part of the conditions of any new investment. In addition, I have added the installation of guttering on existing buildings as a further new eligible item in the terms of the revised Scheme.

Food Safety Standards.

127. **Ms O'Sullivan** asked the Minister for Agriculture and Food the opinions expressed by other member states and the Government's opinion as expressed at the 6 October 2006 meeting of the European Commission's Standing Committee on the Food Chain and Animal Health, Toxicological Safety of the Food Chain section on the issue of the Draft Commission Directive amending Directive 2002/72/EC relating to plastic materials and articles intended to come into contact with food and Directive 85/572/EEC laying down the list of stimulants to be used for testing migration of constituents of plastic materials and articles intended to come into contact with food; her views on the question of amending said list; the research here into these matters; and if she will a statement on the matter of regulating plastic materials and articles intended to come into contact with food. [32891/06]

Minister for Agriculture and Food (Mary Coughlan): The Food Safety Authority represents Ireland on this issue at the relevant EU meetings. The information requested contains technical details and I am arranging with the FSAI to have it forwarded to the Deputy.

Farm Retirement Scheme.

128. **Mr. Hayes** asked the Minister for Agriculture and Food her plans to implement the recommendations of the Joint Committee on Agriculture and Foods report on the ERS; and if she will make a statement on the matter. [32766/06]

Minister for Agriculture and Food (Mary Coughlan): The Joint Oireachtas Committee on Agriculture published its report on the Early Retirement Schemes in February 2005. The report dealt with a range of issues and I responded to it in detail in September 2005. As I explained in this response, certain of the Commit-

tee's recommendations are precluded by the EU Regulations under which the current Scheme and its predecessor are operated.

I saw merit in certain other aspects of the Committee's report, specifically those relating to income limits and in line with the Joint Committee's recommendations, I have recently increased the off-farm income limit for transferees in the current Scheme from €25,400 to €40,000 and have abolished the income limit for transferors. As this Scheme will close to new applications at the end of December the practical effect of any further changes would be very small.

The Committee paid particular attention to two further issues. One was the implication of decoupling for retired farmers who had leased out land and quota to transferees before or during the Single Payment Scheme reference period. I believe we secured the best deal that we could for people in this situation, in spite of the fact that the Commission were unsympathetic at the outset. A specific mandatory category was included in the National Reserve arrangements under the Single Payment Scheme. This category caters for farmers who inherited or otherwise received a holding free of charge or for a nominal amount from a farmer who retired or died before 16 May 2005 where the land in question was leased out to a third party during the reference period. Under these arrangements, where a farm reverted to the retired farmer at the end of a lease without any entitlements, the farmer taking it over will have access to the National Reserve. Retired farmers in the current Scheme who farmed during part or all of the reference period and who hold Single Payment entitlements could activate entitlements and lease them to their transferees. If the transferee did not wish to use the entitlements, a transferor has until 2007 to lease the entitlements with land to another farmer. Once at least 80% of the entitlements have been used by the lessee, the transferor has the option to sell the entitlements with or without land; otherwise he can continue to lease the entitlements with land.

The second issue the Joint Committee focused on was the levels of payment under the two Schemes. In the course of discussions on this issue, the European Commission has pointed out that the rate in the earlier Scheme was set at the maximum amount for co-funding that the Regulation allowed, and that it would not be possible to secure co-funding for an increase in the rate of pension for existing participants in the current Scheme.

Genetically Modified Organisms.

129. **Mr. McEntee** asked the Minister for Agriculture and Food her views on the deliberate release of genetically modified crops; and if she will make a statement on the matter. [32770/06]

Minister for Agriculture and Food (Mary Coughlan): Ireland's national policy on GMO's was officially set out in the October 2000 Report of the Interdepartmental Group on Modern Biotechnology which was endorsed by the Government. The overall conclusion of this report was summarised as 'a positive acceptance of the potential benefits of biotechnology tempered by a precautionary approach to the potential risks — and to ensure that as far as is possible, the benefits of biotechnology are maximised and the risks minimised without compromising on safety for people and the environment'.

Coupled with this position is the comprehensive set of GM legislation which has been adopted by the European Parliament and the Council over the last five years under the co-decision procedure. This new legislation, which is binding on all Member State, governs the assessment and approval procedures for GM crops, food and feed which ensures that the highest standards are in place to protect the citizens of the Community from a food safety and environmental safety aspect.

I am accordingly satisfied that the current authorisation procedure for the deliberate release of GM crops into the environment is the most stringent in the world. We can be assured that this system, which has at its core a rigorous scientific testing system, will ensure that the environment and the food chain will not be contaminated by authorized GM crops. The Environmental Protection Agency (EPA) is the Competent Authority in Ireland responsible for the authorization of GM crops for deliberate release into the environment.

Dairy Industry.

130. **Mr. Coveney** asked the Minister for Agriculture and Food the steps she is taking to support dairy incomes; and if she will make a statement on the matter. [32733/06]

151. **Mr. Neville** asked the Minister for Agriculture and Food the discussions she has had at EU level to protect dairy supports; and if she will make a statement on the matter. [32755/06]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 130 and 151 together.

Dairy farmers incomes are made up of the market price paid for milk and direct income support from the EU. The price paid to milk producers is determined by a number of factors including the international market for dairy products, the product mix and the efficiency of the processor as well as the overall operation of the EU price support mechanisms.

The average price paid to producers from January to August 2006 was 25.9 cent per litre. Added to this each producer receives a dairy premium of 3.6 cent per litre which gives an average

return of 29.5 cent per litre in 2006. This is similar to the return to producers in the previous three years.

I am strongly of the view that the EU market management measures must be implemented in a manner which enables the dairy sector remain competitive and thereby continue to develop and support farmers' incomes.

I have continually made this case to the Commission and have argued that that the EU must maintain international market share while the transition to a market-driven dairy sector proceeds. I have maintained pressure on the Commission, most recently during Commissioner Fisher Boel's visit to Ireland, to ensure that a competitive combination of aids and subsidies are in place to support this transition. I have also used every opportunity to gain support for this position among other Member States. Nationally, I strongly believe that if the dairy sector is to maintain a competitive position we must look at increasing the scale of operations at producer and processor level, reducing costs where possible, and encouraging a profitable future.

To support these aims at processor level I have introduced a significant investment package to stimulate necessary investment in the sector and ensure the long-term competitiveness and viability of the dairy industry in Ireland. The Government will contribute €100m by way of grant assistance to the sector.

At producer level I also announced the establishment of a new Milk Quota Trading System which will create a more open market system of transferring quota. The new system will allow farmers much greater freedom to make choices about how milk quota should be transferred, affording them far greater scope to decide the volume and price of quota they wish to buy.

Farm Household Incomes.

131. **Ms Enright** asked the Minister for Agriculture and Food if her attention has been drawn to the plans by the EU to reduce compensation made available to farmers for disease outbreaks; and if she will make a statement on the matter. [32759/06]

175. **Mr. Penrose** asked the Minister for Agriculture and Food her views on the apparent EU proposal to reduce compensation to farmers who have been affected by animal diseases such as BSE, tuberculosis and brucellosis; and if she will make a statement on the matter. [32879/06]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Question Nos. 131 and 175 together.

Earlier this year, the Commission produced a draft revision of the Community Guidelines for State Aid in the Agriculture sector for the period 2007 to 2013. The Guidelines will be agreed later in the year within the competence of the Com-

mission following a consultation process with Member States and will then be binding on Member States.

Among the changes proposed by the Commission are the introduction of a threshold of 30% production loss to trigger compensation in respect of losses caused by animal disease and a reduction of aid to 75% (80% in less favoured areas).

I have written to and spoken personally to the Commissioner to express my opposition to these proposals. A number of oral and written submissions to this effect have also been made to the Commission, at senior official level. I have also raised the matter at the Agriculture Council and have the support of a large number of Member States.

I understand that a revised draft of the guidelines is in preparation by the Commission at present. Upon adoption by the College, it will be discussed with Member States at a meeting scheduled for late October. I will continue to oppose these proposals and seek the support of my EU Ministerial colleagues in persuading the Commission to withdraw its proposals.

Food Labelling.

132. **Mr. Quinn** asked the Minister for Agriculture and Food the progress made in bringing about an EU level review of the issue of substantial transformation of meat, and poultry; and if she will make a statement on the matter. [32881/06]

Minister for Agriculture and Food (Mary Coughlan): The concept of substantial transformation is the basis used throughout the EU and elsewhere to define the origin of goods as being from the country where the last substantial economic change was made to them. In my view it should not be used to disguise the origin of certain products or to mislead the consumer as to the origin of raw materials.

I have made my concerns in this respect known to the EU Commission both in the context of the review being carried out by them on “Labelling, competitiveness, consumer information, better regulation for the EU” and in the Council of Ministers as well as in bilateral contact with Commissioners Fischer Boel and Kyprianou.

Alternative Energy Projects.

133. **Mr. McEntee** asked the Minister for Agriculture and Food the steps she is taking to promote wood energy; and if she will make a statement on the matter. [32722/06]

Minister for Agriculture and Food (Mary Coughlan): Wood biomass is one of the most versatile of renewable energy sources and has the potential to play a major role in Ireland’s future energy strategy. Wood energy, in the form of

logs, chip and pellet, is renewable, carbon neutral, sustainable and can be produced locally. Solid biomass, mainly in the form of solid wood, is already the largest source of renewable energy in Ireland, accounting for 57% of Ireland’s total final renewable energy consumption in 2004.

My Department, working in co-operation with COFORD (the National Council for Forest Research and Development) and Teagasc, actively encourages the development of the wood-energy sector through a range of support measures aimed at creating an effective and efficient supply chain from producer to end user. These measures complement more recent support schemes introduced by the Minister for Communications, Marine and Natural Resources targeting the user side of the chain through the Pilot Bio-heat Boiler Deployment Programme and the Greener Homes Scheme.

My Department offers 100% grants and attractive premiums for up to 20 years to encourage the establishment of new forests on agricultural land. If we are to secure wood as a sustainable source of energy into the future, we need to ensure a vigorous planting programme. My Department also supports individual projects and initiative which focus specifically on wood-energy. Examples of these include the Clare Wood Energy Farm Forestry project and the Forest Link project in Donegal. My Department is also supporting projects to market solid-wood products to domestic customers and a wood-pellet manufacturing enterprise.

During 2006 COFORD, which is wholly-funded by my Department, has been running a series of thinning and chipping demonstrations across the country under the banner Forest-Energy 2006. The programme is being organised in cooperation with Teagasc, Waterford Institute of Technology, Bord na Móna and the major private forestry companies. In addition, COFORD has put in place a series of workshops on Wood Biomass Harvesting and Supply Chain issues.

In terms of new schemes, my Department is currently examining the introduction of a Wood Biomass Harvesting Machinery Scheme. The purpose of the proposed scheme is to encourage investment in wood biomass processing machinery, such as whole tree chippers and forest residue bundlers. A scheme to encourage the establishment of willow as a short-rotation energy crop is also being designed.

Decentralisation Programme.

134. **Mr. Eamon Ryan** asked the Minister for Agriculture and Food if she will report on staffing needs in her Department in the coming years; the progress made on the implementation of the decentralisation plan in her Department; and if she will make a statement on the matter. [32927/06]

Minister for Agriculture and Food (Mary Coughlan): The introduction of the Single Payment Scheme (SPS), falling disease levels, the introduction of new computer systems and efficiency gains means that staff numbers within my Department are currently on a downward trend. My Department is actively managing the orderly redeployment of staff that become available to other work areas and, in conjunction with Department of Finance, to other Departments. Already this year, over 225 staff have been transferred to other Government Departments, including Office of the Revenue Commissioners, Courts, Departments of Social & Family Affairs, Justice & Law Reform, Education & Science, Transport and Environment & Local Government. My Department is constantly reviewing its operations and has also commenced a comprehensive review of its organisational structure. Future staffing levels will be based on the outcome of these reviews and the need to maintain coherence, efficiency and effectiveness in providing quality services to our clients.

Regarding decentralisation, my Department's Decentralisation Implementation Plan allows for a phased movement to Portlaoise, i.e. the transfer of functions and posts over a number of years. The 2005 and 2006 phases are now substantially complete and planning and preparations are ongoing for 2007 and subsequent phases. In total, there has been an increase of some 180 full-time posts in Portlaoise since early 2004 and there are currently over 400 Department of Agriculture and Food staff in Portlaoise. My Department has taken temporary accommodation in Portlaoise to cater for this increase. The site for the location of the Department's new offices in Portlaoise was approved in 2005 and will provide for the development of a complex to accommodate up to 850 staff, which will also incorporate the existing staff in Portlaoise. The OPW sought applications from developers earlier this year and they estimate that construction will begin in 2007 and will be completed in 2009.

The process of recruitment for Fermoy has begun. My Department is liaising with the OPW regarding specifications for the buildings and identification of sites in both Fermoy and Macroom.

Sugar Beet Industry.

135. **Mr. Hayes** asked the Minister for Agriculture and Food her plans for the future utilisation of lands previously used to grow sugar beet; and if she will make a statement on the matter. [32750/06]

Minister for Agriculture and Food (Mary Coughlan): Following the introduction of the Single Payment Scheme last year, farmers now have the freedom to choose whatever farming enterprise is most appropriate to their circumstances. Under the agreement on reform of the

EU sugar regime, the Single Payment Scheme is being extended to cover sugar beet compensation.

The sugar reform agreement also provides for the introduction of aid for diversification measures in the event that sugar beet production completely ceases. This aid, worth almost €44m in Ireland's case, must be drawn down in the framework of a national restructuring programme to be prepared and submitted to the Commission by the end of this year. Under the EU Regulations, payments of the diversification aid would begin in September 2007.

Farmers are showing increasing interest in the potential of energy crop cultivation for biofuel purposes, as was evident at the recent Ploughing Championships. Support to farmers for growing such crops is provided under the Energy Crops Scheme. Under this scheme, aid of €45 is available for energy crops for use in the production of biofuels and electric and thermal energy produced from biomass. At the February Council of Ministers meeting, I called for a review of the premium as it was not proving effective in Ireland and I subsequently raised the matter with the Agriculture Commissioner. The EU Commission has just published a Report on the implementation of the scheme and my Department is currently studying the Report.

The production and utilisation of agricultural products for energy purposes can only be sustained in the longer term if biofuels generate a more favourable return than traditional market outlets. I am confident that the extension in the last Budget of excise relief of €205m which, when fully operational, will support the use and production of 163 million litres of biofuels annually, will help drive additional demand for the production of energy crops. I am working closely with Ministerial colleagues, as part of the Ministerial Taskforce on Bioenergy to prepare an Action Plan to develop Ireland's bioenergy resources to 2020.

EU Directives.

136. **Mr. McGinley** asked the Minister for Agriculture and Food the status of the Nitrates Directive; and if she will make a statement on the matter. [32753/06]

Minister for Agriculture and Food (Mary Coughlan): The implementation of the Nitrates Directive is a matter, in the first instance, for the Minister for the Environment, Heritage and Local Government. The European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2006, signed by Minister Roche on 18 July, 2006 give legal effect to Ireland's Action Programme under the Nitrates Directive.

Local authorities and the EPA are designated control authorities for the purposes of the implementation of the regulation. My Department's

role is in the context of ensuring that EU cross-compliance requirements under the Single Payment Scheme are met by farmers receiving payment under that Scheme. Compliance with the Nitrates Directive is a statutory management requirement under the Single Payment Scheme.

Animal Health Issues.

137. **Mr. Coveney** asked the Minister for Agriculture and Food the steps she is taking to introduce an all-island animal health regime; and if she will make a statement on the matter. [32744/06]

188. **Ms Enright** asked the Minister for Agriculture and Food the steps she intends to take to develop an all Ireland animal health regime; and if she will make a statement on the matter. [32757/06]

201. **Mr. M. Higgins** asked the Minister for Agriculture and Food the progress made over the past four months on the achievement of the goal of an all Ireland freedom of movement for farm animals; and if she will make a statement on the matter. [32872/06]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 137, 188 and 201 together.

There is already a long history of co-operation between the administrations north and south on animal health issues. The administrations have traditionally shared information at local and national levels on disease control and surveillance issues and have worked together to combat illegal movements of animals and animal products. During the Foot and Mouth emergency of 2001 the co-operation and consultation at official, Ministerial and political levels was vital.

The establishment of the North South Ministerial Council (NSMC) offered an opportunity to build on existing co-operation arrangements and provided a framework for the development of an all-island animal health policy. The main objectives of the Council are to foster co-operation and to devise a common, unified animal health strategy for the island as a whole. This involves the convergence of animal health policies and the development of joint strategies for dealing with animal diseases. The ultimate objectives are to establish a common import regime and equivalent internal arrangements with a view to achieving free movement of animals and animal products within the island.

The programme of work, mandated by the NSMC, has been taken forward by nine working groups at official level. The remit of these groups includes TB and Brucellosis, TSEs (BSE and Scrapie), veterinary medicines, other Zoonoses and animal diseases, disease surveillance, animal welfare, import and export of live animals and animal products, animal identification, traceability and cross-border aspects of fraud.

These working groups meet regularly and their work has focused on three main themes:

- Common or equivalent controls at points of entry to the island;
- Convergence of internal animal health policies; and
- Development of joint strategies for the control of animal disease.

The main achievements to date are the development of a co-ordinated and complementary approach towards import policies and portal controls at points of entry to the island, the convergence of policies in regard to animal identification and Scrapie and the strengthening of co-ordination and co-operation between both administrations on a variety of issues such as T.B, Brucellosis, FMD, BSE Avian Influenza, cross-border fraud, etc. These groups continue to report progress in exchange of information and in implementation of initiatives aimed at policy convergence and the development of a common unified strategy for the island as a whole.

The Farm Animal Welfare Advisory Council includes representation from the Department of Agriculture and Rural Development, (DARD). DARD was also represented at recent meetings of the Avian Influenza Advisory Group and will also be represented at future meetings of the Group.

Since the decision at EU level to lift the BSE ban on exports from the United Kingdom from 3 May 2006, arrangements are in place and working well between the two administrations facilitating the trade of cattle from Northern Ireland for slaughter, breeding and production.

The achievement of an all-island animal health strategy involves complex dialogue and negotiation over a range of areas between the Irish, Northern Irish and British authorities. Ultimately, the agreement of the European Union will be required.

Food Safety Standards.

138. **Dr. Upton** asked the Minister for Agriculture and Food when Ireland's national residue monitoring plans in food of animal origin for 2006 under Council Directive 96/23/EC will be approved by the European Union; and if she will provide this Deputy with a copy of same. [32895/06]

Minister for Agriculture and Food (Mary Coughlan): Under Council Directive 96/23, each Member State is required submit an annual Residue Monitoring Plan to the European Commission by 31 March each year. Ireland has complied fully with its obligations in this regard. Ireland's Plan for 2006, having been considered by the appropriate EU technical group on 5 October last, is scheduled for formal EU approval on 18 October.

Animal Health Issues.

139. **Mr. Rabbitte** asked the Minister for Agriculture and Food when exempt list for prescription only veterinary medicines will be in place; the person who is advising her on which medicines should be so exempted; and if she will make a statement on the matter. [32889/06]

Minister for Agriculture and Food (Mary Coughlan): An EU Directive on criteria for exempting veterinary medicines from a veterinary prescription requirement was adopted by the relevant EU Standing Committee on 10 October. The Commission has indicated that it intends to have the measure published so as to have legal effect before the end of this year. While decisions on the classification of veterinary medicines are ultimately a matter for the Irish Medicines Board, I am satisfied, on the basis of the technical advice to me from my Department, that the criteria, as adopted, mean that current off-prescription veterinary medicines will not have to be reclassified as prescription only.

This is a very positive outcome to this matter from Ireland's perspective and represents a substantial improvement on the draft criteria which were published by the Commission last February. During the intervening period, my Department had made very strong representations to the Commission for a more flexible approach so that decisions on the appropriate classification of veterinary medicines could be taken by regulatory bodies, such as the IMB, based on a scientific evaluation of the risk benefit profile of individual products. I am pleased that the Commission has taken my views into account.

Land Transfers.

140. **Mr. Allen** asked the Minister for Agriculture and Food her plans to increase land mobility; and if she will make a statement on the matter. [32746/06]

Minister for Agriculture and Food (Mary Coughlan): In order to encourage land mobility, and to reduce the costs of land transfer, the Government already has put in place a number of incentives, these include:

- An Early Retirement Scheme pension of up to €13,515 for a period of 10 years on farms transferred by gift, sale or lease.
- An installation aid grant of €9,520 for young trained farmers.
- Capital Gains Tax — Retirement Relief for farmers over 55 years.
- A rental income tax exemption of up to €15,000 for farmers over 40 years who lease out land for a period of 7 years or more.

- A rental income tax exemption of up to €10,000 for farmers over 40 years who lease out land for a period of 5 to 7 years.
- A 90% Agricultural Relief from Capital Acquisitions Tax.
- The provision of full Stamp Duty relief for young trained farmers.
- Stamp Duty relief for land swaps between two farmers.

These incentives encourage the early transfer of land and improve the overall level of land mobility. This, in turn, helps improve the availability of land to farmers who wish to enter farming or increase their scale of production.

Food Safety Standards.

141. **Mr. Broughan** asked the Minister for Agriculture and Food her view of Ireland's relative performance in the European Commission's country profiles, the documents which summarise the structure and overall inspection system in EU member states' food and veterinary safety regimes and which summarise the follow-up on the progress following recommendations in the commission's inspection reports; if she will provide this Deputy with copy of the up to date country profiles for the EU member states; and if she will make a statement on the improvements to Ireland's food and veterinary safety regime that will be made over the coming twelve months. [32894/06]

Minister for Agriculture and Food (Mary Coughlan): The Food and Veterinary Office mission to complete Ireland's country profile is not due until 2007. The Food and Veterinary Office have embarked on a series of missions to Member States with a view to completing a country profile for each Member State. These missions commenced in 2005 when 8 Member States were visited, continued in 2006 during which 10 further Member States were/ will be visited, and will be completed in 2007 with the remaining 7 Member States including Ireland being visited. It is the normal practice for the Food and Veterinary Office to publish profiles of this nature, when complete, on their web-site.

Under the contract arrangements with the Food Safety Authority of Ireland my Department will continue to implement the regulations of the EU Hygiene Package, which came into effect last January.

Importation Restrictions.

142. **Mr. Howlin** asked the Minister for Agriculture and Food the progress made on halting the inappropriate importation of parrots and canaries into the State; and if she will make a statement on the matter. [32870/06]

168. **Mr. Crawford** asked the Minister for Agriculture and Food the steps she is taking to stop the illegal import of exotic birds; and if she will make a statement on the matter. [32745/06]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 142 and 168 together.

Following the outbreak of avian influenza in late 2003 in south-eastern Asia, the European Commission adopted a series of protection measures in relation to the disease. These measures included, in particular, additional movement controls on birds accompanying their owners coming into the EU from third countries and the prohibition of import into the EU of captive birds from third countries. These restrictions are expected to remain in place at least until the end of 2006.

The provisions of the Commission Decision concerning the movement of birds accompanying their owners, stipulate that the import of exotic birds into the EU from third countries (accompanying their owners) can take place only in the context of a permanent change of residence and is then limited to importations of individual consignments of five or fewer birds. Stringent conditions must be complied with, including pre or post-importation quarantine. Advance notification of all such importations must be given to my Department and, since 1 January 2006, there have been only 6 such consignments notified.

Intra-Community trade in exotic birds is permitted under EU rules, which do not specify a quarantine requirement. Such imports must comply with the requirements of a General Authorisation issued under the European Communities (Diseases of Animals Acts, 1966 and 1979 Orders) (General Authorisations for Imports) Regulations 1985, which provide that the birds must:

- come from a holding which has been registered for export by the competent authority of the country of origin in accordance with Article 4 of Council Directive 92/65/EEC;
- come from a holding in which Avian Influenza has not been diagnosed in the 30 days preceding the dispatch;
- come from a holding and an area not subject to restrictions under Council Directive 92/66/EEC introducing Community measures for the control of Newcastle Disease;
- be accompanied by a declaration to this effect completed and signed by the owner of the hobby birds on the day of movement;
- in the case of psittacidae, be accompanied by a certificate signed by an official veterinarian of the country of export.

In addition, advance notice is required to be given of the importation and for animal disease

control measures, an official notification of the consignment (TRACES) is dispatched from the country of origin to the country of destination.

While my Department undertakes some inspections at points of import, it is precluded, by EU rules, from inspecting all import consignments. However a spot-check regime is in place based on risk assessment for disease purposes.

In the context of avian influenza, my Department has introduced a robust range of precautionary measures and fully implements all EU controls, including those relating to the importation of exotic birds. It should be noted that imports of pet birds from within the EU represent a relatively low risk to Ireland's health status, compared with wild birds whose entry into this country cannot be controlled or certified by competent authorities.

EU Conventions.

143. **Ms Burton** asked the Minister for Agriculture and Food the reason the European Convention on the Social Protection of Farmers has not been signed and ratified by Ireland; and if she will make a statement on the matter. [32866/06]

Minister for Agriculture and Food (Mary Coughlan): The European Convention on the Social Protection of Farmers came into force in June 1977 having received the required minimum number of ratifications within the Council of Europe. The majority of Council of Europe Member States have not ratified this Convention. Ireland is satisfied that its provisions are fulfilled through existing national and EU legislation which provide social protection for rural populations similar to that enjoyed by other groups.

Climate Change Strategy.

144. **Mr. Sargent** asked the Minister for Agriculture and Food if her Department has contributed to the review of the climate change strategy; the form and content of her input; and if she will make a statement on the matter. [32917/06]

Minister for Agriculture and Food (Mary Coughlan): My Department is represented on the inter-Departmental teams established to oversee implementation of the National Climate Change Strategy and in this context, is contributing in a substantial way to the review of the Strategy which is currently underway. We have identified a range of potential greenhouse gas reduction measures in the agriculture area for consideration in the review. These include improved slurry spreading techniques, support for bio-energy crops, alternative carbon neutral fuel sources, deployment of renewable energy technologies at farm level, improved manure management through the use of new and emerging technologies, optimisation of nitrogen use, mini-

[Mary Coughlan.]

imum tillage systems and the development of forestry. Decoupling of support for agriculture under the Single Payment Scheme will also be a contributory factor in the reduction of greenhouse gas emissions from agricultural sources.

My Department is funding various research projects to assist in identifying sustainable greenhouse gas emission reduction measures. Amongst these are studies focused on reducing methane emissions in ruminants and an examination of nitrous oxide emissions from grasslands. These are in addition to agricultural-related research managed by the EPA.

In the coming weeks, my Department along with the other Departments on the inter-departmental climate change team will be considering the stakeholder submissions received as part of the public consultation process on the review of Ireland's National Climate Change Strategy, which closed on 30 September. The Government intends to publish a revised National Climate Change Strategy before the end of 2006.

Milk Quota.

145. **Mr. Neville** asked the Minister for Agriculture and Food her plans for the allocation of milk quota; and if she will make a statement on the matter. [32754/06]

Minister for Agriculture and Food (Mary Coughlan): I recently announced the establishment of a new Milk Quota Trading System to supersede the current Milk Quota Restructuring Scheme. The new system was agreed following extensive consultation with the farm organisations and ICOS and will release larger quantities of quota to active and committed dairy farmers through the combined operation of a market Exchange and a maximum price Priority Pool.

The arrangements for the new scheme were published last week and the detailed rules will be available shortly. Milk producers will be invited to submit applications to sell or purchase quota by 24th November 2006, with the first Exchange being run as soon as possible thereafter. The operation of the system will be reviewed after the first Exchange, and a second Exchange will follow in spring of 2007.

These new arrangements will allow milk producers the opportunity to bid for the amount of quota required to meet the development needs of their farm enterprise at a price that will generate a commercial rate of return. In essence farmers may now decide on the amount of quota they wish to buy or sell and the price at which they are willing to trade quota. Some 70% of the total amount of quota offered for sale will be transacted on the market Exchange and will be sold at the market-clearing price.

In order to cater for certain categories of producers, I have established a Priority Pool, which

will allocate quota to farmers whose leases have expired and were not renewed, to successors and to young farmers. The surplus available in the Priority Pool will be allocated to producers with less than 350,000 litres. Some 30% of the total quota offered for sale will be allocated through the Priority Pool at a maximum price of 12 cent per litre. Producers may purchase up to a combined maximum of 60,000 litres from both pools. The new system will continue to operate in each Coop area, thus maintaining the principle of regional preference or ring fencing within current pools.

I am satisfied that the new Milk Quota Trading system will create a more open market system of transferring milk quota and will allow farmers much greater freedom to make choices about how milk quota should be transferred, affording them far greater scope to decide the volume and price of quota they wish to buy.

World Trade Negotiations.

146. **Ms Lynch** asked the Minister for Agriculture and Food the implications for the agri-food industry here of the breakdown of the Doha round of World Trade Organisation talks; and if she will make a statement on the matter. [32875/06]

170. **Mr. Noonan** asked the Minister for Agriculture and Food the status of the World Trade Organisation talks; and if she will make a statement on the matter. [32760/06]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 146 and 170 together.

Intensive negotiations since the Hong Kong Ministerial Conference in December 2005 failed to achieve progress and the current round of WTO negotiations were suspended by the WTO Director General at the end of July 2006. It is unclear at this stage when the negotiations will resume although the earliest date for resumption appears to be after the mid-term US Congressional elections in November.

The EU has already made significant contributions to facilitate progress in these negotiations. I believe that when the negotiations resume the onus should be on other WTO negotiating partners to make equivalent contributions. The final agreement must provide the Irish and EU agri-food industry every opportunity to compete on equal terms on world markets and provide an appropriate level of protection for Irish products on EU markets.

I remain committed to securing a new WTO agreement. However I am determined that this will not prevent Ireland from enjoying the benefits of a CAP and EU rural development policy that supports and protects the agriculture and food sector and which underpins the viability of rural communities. Accordingly my overriding

objective is to ensure that any new WTO agreement can be accommodated within the terms of the recent CAP reforms and that further reform will not be required.

The current GATT/WTO Uruguay Round Agreement, which sets out the levels of support and protection which may be provided for the agri-food sector, will remain in place until a new agreement is concluded. I will be proceeding with the Agrivision 2015 Action Plan for the development of a modern, efficient, competitive and market-oriented agri-food industry in Ireland.

Sugar Beet Industry.

147. **Mr. Gogarty** asked the Minister for Agriculture and Food if she will report on the status of the sugar-beet industry here; and if she will make a statement on the matter. [32922/06]

Minister for Agriculture and Food (Mary Coughlan): Greencore Group plc closed its Carlow sugar factory in March 2005. A year later, the company announced its intention to cease sugar production in Ireland completely and to apply for aid under the EU scheme for the restructuring of the sugar industry which was introduced as part of the agreement on reform of the EU sugar regime. Restructuring, in this context, refers to the abandonment of sugar quota production, the dismantling of production facilities and the allocation of restructuring aid to the affected processors, growers and machinery contractors. In May 2006, Greencore closed its remaining sugar factory at Mallow and in July submitted an application for restructuring aid. The application was deemed eligible and approved subject to the outcome of Judicial Review proceedings instituted by Greencore in respect of certain Government decisions relating to implementation of the restructuring aid.

Under the EU regulations, the maximum rate of restructuring aid is available where a sugar quota is renounced and the redundant sugar plant is fully dismantled. However, the regulations also provided an option to apply for a reduced rate of aid (75%) where a sugar plant was to be partially dismantled and used for non-food purposes, such as bioethanol production. A decision on which option to pursue was entirely a matter for the sugar processor concerned. The application submitted by Greencore was for the maximum rate of aid and commits to full dismantling of the Mallow factory. Factories that closed prior to July 2005, such as the Carlow factory, are not covered by the restructuring scheme.

Food Safety Standards.

148. **Ms McManus** asked the Minister for Agriculture and Food her views on the EU proposal to introduce restrictions on the intra-Community trade, export and import of eggs from salmonella infected flocks of laying hens; the Government's

response to the proposal to apply such restrictions to national trade; and if she will make a statement on the matter. [32898/06]

Minister for Agriculture and Food (Mary Coughlan): A baseline study of the prevalence of salmonella in table egg flocks, conducted in 2004/5, found significant levels of *S. enteritidis* and *S. typhimurium* in some EU countries. These salmonella serovars account for a large proportion of known food-borne outbreaks of salmonellosis in humans. No cases of *S. enteritidis* or *S. typhimurium* were found in Ireland in the course of the survey.

Current European legislation requires that, with effect from 2010, eggs may not be sold for direct human consumption if they originate from flocks of unknown health status or that are infected with salmonella or suspected of being so infected. Current legislation also requires that from February 2008 every laying flock be subject to a regime of private and official testing to ascertain salmonella status.

In the light of the worrying outcome to the baseline survey a draft EU proposal has been tabled which would have the effect of bringing forward the restriction on trade in eggs from infected flocks from 2010 to February 2008. The original version of this proposal concerned only intra-Community and third country trade in eggs but the most recent draft of the proposal applies to all placing on the market of eggs (national as well as exports and imports).

I support the proposal and the February 2008 implementation date. Infected eggs pose serious risks to human health and the level of infection in some European countries is unacceptable. The lead-in time between now and 2008 is required in order to allow Member States to draw up control programmes, which have to be approved by the European Commission, and to put in place the extensive monitoring arrangements that will be needed in respect of each flock to underpin the new control regime.

Most EU countries are in favour of the proposal although some are concerned at the high costs involved for the industry and there are also some technical issues concerning testing methods to be resolved. It may also be necessary for the EU to notify the appropriate WTO bodies of this proposal since it concerns international trade.

When implemented, the proposal will contribute to the protection of public health here. Irish egg producers should have no difficulties in meeting the new requirements in view of the excellent salmonella status of our eggs, as evidenced by the findings of the baseline study.

Tuberculosis Incidence.

149. **Mr. Callely** asked the Minister for Agriculture and Food the number of animals removed from farms here as tuberculosis reactors for each year 2000 to 2005; the process of the removal of

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the animal and the manner in which it is transported to the factory; and if she will make a statement on the matter. [32902/06]

Minister for Agriculture and Food (Mary Coughlan): The number of TB reactors removed for each year from 2000 to 2005 is as follows:

2000	39847
2001	33702
2002	28930
2003	27978
2004	22967
2005	25884

A key objective of the TB scheme is the prompt removal of reactor animals and animals which are deemed to be reactors are removed from the holding for slaughter as soon as possible after valuation of the animals has taken place via the Reactor Collection Service, which is funded by my Department. The speedy removal of reactors is encouraged by the linking of eligibility for full compensation to full co-operation by keepers in the removal of reactors. Hauliers included on a list approved by my Department are engaged to transport the animals and are obliged to comply with relevant legislation governing animal welfare and the transport of cattle. Department staff are normally present on the farm when the animals are removed and there is a permanent Department veterinary presence in the meat factories receiving the animals for slaughter.

Consumer Liaison Panel.

150. **Mr. Sherlock** asked the Minister for Agriculture and Food the status of the consumer liaison panel; when it is next due to report; and if she will make a statement on the matter. [32883/06]

Minister for Agriculture and Food (Mary Coughlan): The Consumer Liaison Panel was established in January 2002 to strengthen communication between the consumer and my Department. It is a Standing Panel which operates independently of the Department and meets as it considers necessary to liaise on general consumer issues in relation to the activities of the Department and to comment on the flow of information both to and from the public.

The Panel is chaired by Ms Marian Finucane and has representatives of the Consumers' Association of Ireland, the Irish Congress of Trade Unions, the Irish Countrywomen's Association, Voluntary and Community Sector Platform, RGDATA and representatives of major food retail outlets.

Since its establishment the Panel has been briefed on Department activities across a wide range of food safety, environmental and agricultural policy issues of direct concern to consumers.

The Panel has to-date issued a number of recommendations on such areas as food labelling, food imports and the necessity for consumer input into the CAP reform process. At present it is considering the findings of a report it has commissioned on food prices in Ireland.

As set out in the Agri Vision 2015 Action Plan, the Department will continue to give priority to the role of the consumer and in this regard the Department is committed to reviewing the operation of the Panel.

Question No. 151 answered with Question No. 130.

Alternative Energy Projects.

152. **Mr. Gogarty** asked the Minister for Agriculture and Food if she has undertaken an economic analysis of the viability of each energy crop in the context of expected market conditions and climactic conditions here; and if she will make a statement on the matter. [32923/06]

163. **Mr. P. Breen** asked the Minister for Agriculture and Food if she will increase the bioenergy payment from €45 per hectare; and if she will make a statement on the matter. [32736/06]

197. **Mr. Ferris** asked the Minister for Agriculture and Food her views on the best strategy to promote the growing and processing of energy crops. [32915/06]

484. **Mr. Durkan** asked the Minister for Agriculture and Food the extent to which her Department has encouraged or assisted farmers who opt for energy crops; and if she will make a statement on the matter. [33041/06]

491. **Mr. Durkan** asked the Minister for Agriculture and Food the plans she has to encourage the planting of energy crops; and if she will make a statement on the matter. [33048/06]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 152, 163, 197, 484 and 491 together.

The Government recently published a Green Paper on energy "Towards A Sustainable Energy Future for Ireland", in which they made a firm commitment to promote renewable energy, as part of a coherent energy policy. In this context, a Ministerial Taskforce has been established to prepare a road map to develop Ireland's bioenergy resources to 2020. The viability of particular Energy Crops has been examined in the 'Bioenergy in Ireland' Report, which was recently published and Teagasc have also conducted trials at their research centre in Oakpark, Carlow. The Taskforce will take these studies into account, in the context of preparing a comprehensive

National Bioenergy Action Plan by the end of the year.

On the demand side, I am confident that the recently announced Mineral Oil Tax Relief Scheme valued at €205m will help drive additional demand for the production of energy crops. When fully operational in 2008, it will deliver some 163 million litres of biofuels per year and should result in Ireland achieving 2% market penetration of biofuels.

On the supply side, support to farmers for growing energy crops may only be provided in accordance with EU Regulations. Under the Energy Crops Scheme, aid of €45 per hectare is available for energy crops provided they are intended primarily for use in the production of biofuels and electric and thermal energy produced from biomass. In addition to this scheme, set aside land can be used for a variety of non-food uses including the growing of crops for energy purpose and will therefore qualify to activate set-aside entitlements under the Single Payment Scheme. The EU has agreed that sugar beet will be eligible for aid under the scheme and may also be grown as an energy crop on set aside land. At the February Council of Agriculture Ministers meeting, I called for a review of the energy crop premium as it was not proving effective in Ireland. The EU Commission has just published a Report on implementation of the scheme and my Department is currently studying the Report.

There has been renewed interest among some producers in growing miscanthus and willow as a feedstock for bioenergy purposes. My Department has received a number of proposals for the introduction of establishment grants and these are currently being considered. The introduction of establishment grants will require EU approval.

For the purposes of contributing to the development of policy on biofuels, my Department in conjunction with COFORD and Teagasc has examined the potential of energy crops. Last year, my Department began providing direct funding, on a competitive basis, to support priority research projects in the bioenergy sector. This funding is channelled through the Department's Research Stimulus Fund Programme. Five of the projects selected under the 2005 and 2006 calls for proposals directly relate to biofuels and energy crops and received total grant assistance of some €1.5m. Projects supported under this Programme will complement the research work being done by Teagasc and others in this area.

Genetically Modified Organisms.

153. **Mr. Howlin** asked the Minister for Agriculture and Food if she reached a conclusion in her consideration of the observations received in conjunction with the recommendations made in the inter-Departmental or inter-agency working group report on genetically modified organisms coexistence arrangements; if so, the conclusions she has reached; if not, when she will reach such

a conclusion; and if she will make a statement on the matter. [32874/06]

Minister for Agriculture and Food (Mary Coughlan): Following my request last December for observations on the recommendations contained in the Interdepartmental Group Report on Coexistence of GM crops and non GM crops in Ireland I received over sixty submissions from the general public. I am currently engaged in the process of considering these submissions in the light of the Recommendations made and I hope to be in a position to bring forward proposed measures by the end of the year.

These proposed measures will then require the introduction of a legislative framework which will require clearance at EU level.

Food Safety Standards.

154. **Dr. Upton** asked the Minister for Agriculture and Food her views on providing the United States of America's Food Safety and Inspection Service with Ireland's 2006 national residue monitoring plan; if she has received a request for same directly from the US Government; if so, the Government's response to that request; if she has received the equivalent residue monitoring plan from the US Government; if so, if she will provide this Deputy with a copy; if not, if she will request it from the relevant US authorities or cause it to be requested from them in order to provide this Deputy with a copy; and if she will make a statement on the matter. [32897/06]

Minister for Agriculture and Food (Mary Coughlan): The Food Safety and Inspection Service of the USA annually request a copy of Ireland's national residue monitoring plan and a copy of the 2006 plan was provided to FSIS on 4th April 2006.

Third Countries wishing to export animal products to the EU are required under EU law to satisfy the European Commission that their legislation and control regimes provide equivalent guarantees to those in the EU. To meet this requirement, Third Countries are required to furnish the Commission with details of residue-monitoring plans and results for approval by the European Commission. The Commission, through the Food and Veterinary Office, carries out regular inspections in third countries to verify the residue monitoring regimes in place. Third Countries must also furnish the Commission with details of legislation, drug approvals and inspection regimes. I will arrange for a copy of the US residue-monitoring plan for 2006 to be provided to the Deputy when available.

Forestry Industry.

155. **Mr. Gormley** asked the Minister for Agriculture and Food the forestry planting rates for

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the past 15 years; if these are meeting existing targets; the reason for the fall-off in planting in recent years; her plans to ensure that the Government's existing target is met and exceeded; and if she will make a statement on the matter. [32924/06]

Minister for Agriculture and Food (Mary Coughlan): Since 1991 some 228,159 hectares of new forestry have been planted, an average planting rate of 15,000 hectares a year. The current planting target of 20,000 hectares per annum, including public planting of 5,000 hectares per annum was set in 1996.

The reasons why the annual planting target has not been met are complex. In the first place, public planting ceased almost completely in the late 1990s, because of a Court of Justice ruling which found that Coillte Teoranta was ineligible for afforestation supports. In more recent years, a combination of high land prices, competing land-use options and uncertainty about future agricultural scenarios has led to a reluctance on the part of many farmers to commit their land to forestry.

In terms of incentives, the current forestry grant and premium package including advice from Teagasc is without doubt the most attractive that has ever been available. Farmers and landowners can avail of an establishment grant of 100% of costs, a tax free premium of up to €500 per hectare per annum for 20 years, at present, and under the Single Payment Scheme, farmers can plant up to 50% of their eligible claimed area, without losing any entitlements.

Under the new Rural Development Plan 2007–2013, I intend to bring forward a new Forestry Programme. The detail of the new Rural Development Plan and its forestry component has yet to be finalised, but it will be made available for public consultation shortly.

Earlier this year my Department embarked on a joint initiative with the Irish Forestry Industry Chain (IFIC) under the heading 'Forests for a Bright Future' to highlight the multifunctional benefits of forestry and to stimulate up-take in the afforestation programme. This promotional campaign is expected to run for at least eighteen months, and is promoting the advantages of forestry, particularly to farmers, with a view to increasing the rate of new planting.

Animal Diseases.

156. **Mr. Naughten** asked the Minister for Agriculture and Food further to Parliamentary Question No. 377 of 27 June 2006 regarding equine infectious anaemia; if she will furnish a response to the issues raised; and if she will make a statement on the matter. [32934/06]

Minister for Agriculture and Food (Mary Coughlan): Further to my reply to Parliamentary

Question No. 377 of 27 June 2006, the investigation referred to in my reply is still ongoing. This investigation is comprehensive and thorough and, pending its completion, it would be inappropriate for me to comment any further.

Sheep Industry.

157. **Mr. Costello** asked the Minister for Agriculture and Food the progress made to date in the implementation of the sheep industry development strategy recommendations; if a dedicated executive resource has been appointed; if so, what it consists of; if not, when it will be appointed and what it shall consist of; and if she will make a statement on the matter. [32867/06]

Minister for Agriculture and Food (Mary Coughlan): The Sheep Industry Development Strategy Group issued its report in June 2006. This is a comprehensive study of the sheep industry which sets out a Development Plan for the industry contained in 37 recommendations. I decided that the best way to implement these recommendations was to set up an implementation body comprised of representatives of all sectors in the industry, including the relevant state bodies. It is chaired by Mr John Malone, former Secretary General of my Department, who was also the author of the Strategy Group report. My Department is also providing administrative back up and I have informed the implementation body that I will provide whatever other assistance I can to help it pursue its objectives for the betterment of the industry. The implementation body held its inaugural meeting on 25th July and has continued its work since then.

Milk Quota.

158. **Mr. Ring** asked the Minister for Agriculture and Food her views on the abolition of milk quota; and if she will make a statement on the matter. [32740/06]

Minister for Agriculture and Food (Mary Coughlan): As the Deputy will be aware the current milk quota arrangements were extended until the end of the 2014/2015 milk quota year as part of the 2003 Luxembourg Agreement on the reform of the CAP. While a review will take place in 2008, any further proposals for reform are a matter for the EU Commission, and the Council will make decisions on such proposals. Should the Commission come forward with further proposals in the milk sector I will participate fully in the Council to ensure that the best interests of the Irish dairy sector are protected.

Food Safety Standards.

159. **Mr. Gilmore** asked the Minister for Agriculture and Food the Government's response to the three questions submitted by the European

Commission to the UK authorities on 12 July 2006 on practices in the dairy sector in the UK and which were then submitted to other EU member states for response; her view of the divergence of opinion (details supplied) between the European Commission and the UK authorities subsequent to the exposure of the findings of a UK Food Standards Agency inspection mission carried out on 9 June 2006 in a UK dairy establishment, which is suspected of placing on the Community market large volume of cheese and cheese curd made from raw material unfit for human consumption; her further views on whether there are implications arising from this exposure for Irish consumers and for industrial concerns here; if her attention has been drawn to establishments here which might be processing distressed milk into cheese curd or cheese cleaning; if her further attention has been drawn to Irish companies participating in the trade of waste, contaminated cheese, reclaim milk from milk collectors and milk-processing establishments industry; and if she will make a statement on the matter. [32896/06]

Minister for Agriculture and Food (Mary Coughlan): In accordance with the opinion of the Standing Committee on the Food Chain and Animal Health (SCOFCAH), the EU Commission, on 13th October 2006 adopted a Decision addressed to Member States prohibiting the placing on the market of all curd cheese manufactured by Bowland Dairy Products Limited, a UK based company. The Decision also required that Member States shall trace, detain and dispose of all remaining quantities of curd cheese of that origin. Ireland supported the proposal of the Commission and is complying fully with the Decision.

Authorised officers of my Department have identified and traced all products covered by the Decision. These products were either returned to the consigner prior to the Decision of the Commission or have otherwise been detained. Arrangements for the disposal of these products are being made. I can also confirm that there are no establishments in Ireland processing distressed milk into cheese, cheese curd or any other dairy product, nor is reclaim milk used in the milk processing industry in Ireland.

The Deputy asked how the Irish authorities responded to the three questions posed by the Commission to Member States generally. In response, Ireland confirmed that the use of milk, which has reacted positively to a screening test for the detection of antibiotics, is not allowed in the manufacture of cheese or other dairy products. Secondly, the use of milk mixed with water and possibly detergents, which has come from the cleaning of the piping system, is not allowed in the manufacture of a product for human consumption. Thirdly, cheese from which mould has been removed is permitted in the manufacture of

processed cheese under strict conditions. These are that the operation must take place in an approved establishment under the control of my Department and such products must be tested to the standards that apply to all cheese for human consumption before being used in processing. My Department is maintaining regular contact with the Food Safety Authority of Ireland in this matter.

Animal Welfare Bodies.

160. **Ms O. Mitchell** asked the Minister for Agriculture and Food the number of animal welfare officers here; the steps she is taking to ensure good animal welfare; and if she will make a statement on the matter. [32749/06]

Minister for Agriculture and Food (Mary Coughlan): My Department has certain statutory responsibility for the welfare and protection of farmed animals. The legislation governing this is the Protection of Animals Kept for Farming Purposes Act 1984 and the European Communities (Protection of Animals Kept for Farming Purposes) Regulations, 2000. In addition there is specific legislation in relation to pigs, calves and laying hens.

Welfare matters are dealt with generally by officers based in my Department's District Veterinary Offices. These officers deal with the implementation of farm animal welfare legislation as well as having responsibilities in a wide number of other areas related to animal health, disease control etc. Funding is available to deal with emergency care, feeding, transport etc. of welfare compromised farm animals. I am satisfied that the resources available within my Department are sufficient to deal with such cases and to provide a high standard of animal welfare.

In 2004 the Farm Animal Welfare Advisory Council (FAWAC) developed an Early Warning/Intervention System (EWS) for dealing with animal welfare cases. This involves my Department, Irish Farmers' Association and the Irish Society for the Prevention of Cruelty of Animals. The objective of the system is to provide a framework within which farm animal welfare problems can be identified before they become critical or overwhelming. The new system allows for concerned individuals to approach their local IFA representatives, their local SPCA or my Department in the knowledge that the matter will thereafter be dealt with in the most effective, timely and sensitive manner.

In addition to the foregoing, my Department makes ex-gratia payments annually to organisations, involved in the direct delivery of animal care and welfare services to assist in their ongoing work. To date, we have provided a total of €5.97 million to such bodies, some €1.2m of which was paid to 86 organisations in December last to assist them during 2006. A provision of €1.1m for this purpose is included in my Department's

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Estimates for 2006 and invitations have issued to organisations to apply for an ex-gratia payment in respect of 2007.

The main statutes governing cruelty to animals in this country are the Protection of Animals Acts 1911 and 1965. Responsibility for pursuing complaints under that legislation rests with An Garda Síochána, who may on receipt of a complaint, investigate and bring a prosecution against any person alleged to have committed an act of cruelty against an animal. Officers of my Department are regularly involved in assisting the Gardaí in such cases.

EU Conventions.

161. **Mr. Sherlock** asked the Minister for Agriculture and Food the progress made on plans to ratify the European Convention for the Protection of Pet Animals since the inter-departmental co-ordination meeting on 5 May 2006 of the Council of Europe, which apparently discussed the matter of ratification of Council of Europe conventions and the responsibility of Departments in that regard; her views on signing and ratifying that convention; and if she will make a statement on the matter. [32864/06]

Minister for Agriculture and Food (Mary Coughlan): My Department has statutory responsibility for the welfare and protection of animals kept for farming purposes only and it does not extend to animals kept as pets. I understand that the matter relating to ratification of Council of Europe Conventions and the responsibility of Departments in that regard are still under consideration.

Genetically Modified Organisms.

162. **Ms McManus** asked the Minister for Agriculture and Food if she has considered the future economic advantage to the economy here if Ireland was a genetically modified organism production free area in the context of a world where few such nation states could so be described; if she will commission an evaluation study to determine the answer to this question as a follow-up to its Economic Evaluation of a GM Free Country an Irish Case Study carried out by Teagasc, which did not consider a scenario in which 100% of crop and livestock producers did not adopt GMO technology and did not consider a scenario in which a market price premium and demand increase might reasonably be inferred in the absence of many other GMO free production zones worldwide for GMO production free countries; and if she will make a statement on the matter. [32871/06]

Minister for Agriculture and Food (Mary Coughlan): Ireland cannot unilaterally declare itself as a GM free region and as a consequence

prohibit the cultivation and use of authorized GM crops and products within the country. EU legislation on GMOs which has been adopted by the European Parliament and the Council under the co-decision procedure is binding on all member states. As outlined to the House on previous occasions, the only way regions can remain GM production free is if there is a voluntary agreement among all land owners in that particular region to desist from the growing of GM crops or if, on the basis of accepted scientific evidence, the cultivation of a particular GM crop can affect the environment or human and animal health.

Furthermore, the Irish feed industry imports from outside the EU significant quantities of feed ingredients, such as maize and soya, which are required for animal production here. Much of these imports are sourced from GM crops which have been authorized for marketing within the Community.

The issues surrounding GM and non-GM farm production will continue to be monitored by my Department in consultation with the relevant stakeholders and further studies may be necessary in light of a changing market situation, alternative land uses and other factors.

Question No. 163 answered with Question No. 152.

Food Safety Standards.

164. **Ms B. Moynihan-Cronin** asked the Minister for Agriculture and Food the progress made by the Brazilian authorities in producing and implementing an action plan or action plans to address the deficiencies in Brazil's animal health and public health control systems, traceability and certification procedures which the EU's Food and Veterinary Office found during its visits to Brazil in the second half of 2005; if Brazil provided, by the 11 July 2006 deadline, an action plan for addressing identified deficiencies in its residue's monitoring system, as well as the 2006 residue monitoring plan, and the 2005 report on the implementation of its previous residue monitoring plan; and if she will make a statement on the matter. [32876/06]

Minister for Agriculture and Food (Mary Coughlan): An EU Food and Veterinary Office (FVO) inspection to evaluate animal health and public health control systems, traceability and certification procedures in place in Brazil was carried out in September of last year. In December the FVO completed a second mission that year to evaluate the control of residues and contaminants in live animals and animal products, including controls on veterinary medical products in that country. The FVO recently published its findings following a period of consultation with the Brazilian competent authorities. These reports, as well as all previous FVO reports on inspection of third countries' controls for export,

may be accessed from the EU Commission's website.

The reports comment on the structure, organisation and tasks of the Brazilian Competent Authorities and have listed a number of recommendations to the authorities to address deficiencies recorded in the course of the FVO audits. The Commission has confirmed to my Department that the action plans in question have been received.

Brazil provided information on residue monitoring in June 2006. This is the subject of ongoing discussions at the Standing Committee of the Food Chain and Animal Health (SCOFCAH) on which my Department is represented.

A corrective action plan was received from the Brazilian Authorities in August this year and following assessment, measures in relation to beef, horsemeat and aquaculture were deemed acceptable. The Commission has already taken action against Brazil because of its poor performance on residue levels in certain products and some products have been withdrawn from Brazil's Residue Plan for export to the EU, including eggs & egg products, milk & milk products, pig meat, ovine & caprine meat and honey.

The Commission indicated to Ireland that a further FVO mission to Brazil is being planned to take place in the first quarter of 2007. On traceability the Commission has taken into account the fact that the animal health mission concluded that traceability was guaranteed now for exports.

I have taken every opportunity to remind the Commission of the importance of having the same standards, particularly in relation to all exporting countries, including Brazil, and my Department will continue to closely monitor the position.

Food Labelling.

165. **Mr. McGinley** asked the Minister for Agriculture and Food the discussions she has had with the Food Safety Authority of Ireland and the Department of Health and Children on the enforcement of country of origin labelling within the catering trade; and if she will make a statement on the matter. [32773/06]

174. **Mr. Deasy** asked the Minister for Agriculture and Food the discussions she has had with the Food Safety Authority of Ireland on the enforcement on the food labelling laws in view of their report to her Department of breaches in the law under her jurisdiction following an investigation of 90 food businesses completed in 2004; and if she will make a statement on the matter. [32742/06]

182. **Mr. Kenny** asked the Minister for Agriculture and Food the discussions she has had with the Food Safety Authority of Ireland on the

enforcement on the food labelling laws; and if she will make a statement on the matter. [32772/06]

216. **Mr. Allen** asked the Minister for Agriculture and Food the discussions she has had with the Food Safety Authority of Ireland on its report into breaches of food labelling laws of 90 food businesses completed in 2004; the action her Department has taken following the reporting of breaches in the legislation under its control; and if she will make a statement on the matter. [32743/06]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 165, 174, 182 and 216 together.

The enforcement of food labelling regulations is centralised in the Food Safety Authority of Ireland (FSAI) who ensure that the appropriate controls are carried out by the relevant official agencies. The official agencies include the Health Service Executive, my Department, the Department of Communications, Marine and Natural Resources, the Office of the Director of Consumer Affairs and the local authorities.

My Department is in touch with officials of the FSAI on an ongoing basis and regular meetings are held to discuss a wide range of issues. Any issues, which arise in relation to the enforcement of food legislation, including enforcement of labelling legislation, are discussed where necessary, in this context. Prior to the recent introduction of labelling regulations extending the beef regulations to the catering sector, my Department held a number of meetings with the FSAI in relation to appropriate enforcement procedures, which are carried out by Environmental Health Officers.

As I indicated in replies to similar questions on the 27th June 06 my Department received the elements of the FSAI report that referred specifically to plants that came within its remit. These related to 11 premises and were all minor breaches. My Department, to the satisfaction of the FSAI, addressed the issues identified by the FSAI audit.

166. **Mr. Deenihan** asked the Minister for Agriculture and Food the steps she is taking to extend country of origin labelling in the catering trade to lamb, pigmeat and chicken; and if she will make a statement on the matter. [32726/06]

Minister for Agriculture and Food (Mary Coughlan): I am glad to say that regulations were introduced in June 2006 (operational from 3 July) to extend 'country of origin' information requirements on beef at retail level to the catering sector. The enabling legislation passed by the Oireachtas in March of this year, under which these regulations were made, also facilitates the extension of country of origin labelling to all meats. However, because different origin labelling requirements apply to other meats in the retail

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sector under current EU legislation and there are also different systems of traceability as well as some import/export complexities, it is not as straightforward as it is for beef. The European Commission has opposed Member States introducing legislation in this area that is in excess of common EU requirements. Nonetheless, my Department is at present in the process of drafting new regulations to require operators in the retail and catering sectors to provide country of origin information on poultrymeat, pigmeat and sheepmeat. It is my intention to submit these regulations, when they are finalised, to the European Commission for approval as required by EU legislation.

Of course, the preferred way forward is that the Commission would progress the question of country of origin labelling of all meat at EU level. I wrote earlier this year to the European Commissioner for Health and Consumer Protection on this subject. I also raised the issue in the Agriculture Council some months ago and will continue to take every opportunity to press for progress on this matter. I also raised the issue with Commissioner Fischer Boel during her recent visit to Ireland and was pleased with her own positive views on the need for an EU origin label.

I am also glad to inform the Deputy that the Health and Consumer Protection Directorate of the European Commission undertook a consultative process on a wide range of issues in this area earlier this year, under a document entitled 'Labelling: Competitiveness, Consumer Information and Better Regulation for the EU'. I arranged for my Department to make a submission on food labelling and country of origin labelling of meat in particular to the Department of Health and Children, who co-ordinated the Irish contribution to this process. In the meantime, my Department will continue its work on the drafting of national measures.

Alternative Energy Projects.

167. **Mr. Perry** asked the Minister for Agriculture and Food the measures she intends to take to promote alternative renewable energy from agriculture; and if she will make a statement on the matter. [32763/06]

190. **Mr. Connaughton** asked the Minister for Agriculture and Food the steps she is taking to develop an alternative energy sector based on agricultural land; and if she will make a statement on the matter. [32764/06]

206. **Mr. McCormack** asked the Minister for Agriculture and Food the action she is taking to develop the biofuel sector; and if she will make a statement on the matter. [32719/06]

217. **Mr. McCormack** asked the Minister for Agriculture and Food the steps she is taking to

develop the biofuel sector; the discussions she has had with the Department of Communications, Marine and Natural Resources; and if she will make a statement on the matter. [32768/06]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 167, 190, 206 and 217 together.

In the recently published Green Paper on a Sustainable Energy Future for Ireland, the Government made a firm commitment to promote the renewable energy sector in Ireland. Overall responsibility in this area rests with the Minister for Communications, Marine and Natural Resources, who is leading a cross-Departmental, cross-agency approach in developing and implementing renewable energy policy. As part of this strategy, a Ministerial Taskforce has been established to prepare a road map to develop Ireland's bioenergy resources to 2020. I am working closely with Ministerial colleagues, as part of this Taskforce, to prepare a comprehensive National Bioenergy Action Plan by the end of this year.

I believe that agriculture and forestry have an important role to play in this area, as they provide many of the raw materials with potential uses as renewable energy resources. Biofuels is one element in the development of renewable energy. Agriculture and forestry has the potential to be the source of many feedstocks for biofuels. For example, oilseed rape, wheat and sugar beet can be used for the manufacture of liquid transport biofuels, while forestry by products and other farming and food by-products such as meat and bone meal and tallow, can be used for energy/heat generation. Tallow can also be used for biodiesel production. Other energy crops such as short rotation coppice and miscanthus can be used for heat and electricity generation.

Support to farmers for the growing of energy crops may only be granted in accordance with EU regulations. Currently, such support is provided by way of the Energy Crops Scheme, which was introduced under the reform of the CAP. Under this scheme, energy crops may qualify for aid of €45 per hectare provided they are intended primarily for use in the production of biofuels and electric and thermal energy produced from biomass. In addition to this scheme, set aside land can be used for a variety of non-food uses including the growing of crops for energy purpose and will therefore qualify to activate set-aside entitlements under the Single Payment Scheme. The EU Commission has recently published a Report on the implementation of the scheme, which my Department is examining.

Developing an indigenous biofuels industry is a core component of Government policy to improve sustainability. I am confident that the extension in the last Budget of excise relief of €205m which, when fully operational, will support the use and production of 163 million litres of

biofuels annually, will help drive additional demand for the production of energy crops.

Wood biomass has the potential to play a major role in Ireland's National bio-energy strategy. It can be used for a variety of energy uses such as generating electricity, heat or as combined heat and power (CHP). I believe that the exploitation of the wood resource especially pulpwood, saw-mill residues and harvestable forest residues offers enormous potential and could contribute significantly to our energy and heat requirements. Ireland has an excellent growing climate and an ongoing supply of raw material for wood fuel.

The Forest Service and COFORD are actively encouraging the development of the wood energy sector in Ireland through support schemes, primarily aimed at developing an effective and efficient supply chain from forest grower to end user. The Forest Service is currently examining the introduction of a Wood Biomass Harvesting Machinery Scheme to support investment in wood biomass processing machinery, such as whole tree chippers and forest residue bundlers. We are directly promoting the use of wood biomass by the installation of a wood heating system at the Department's offices at Johnstown Castle.

Short rotation coppice and miscanthus have considerable potential for heat/electricity generation. The production of these crops is relatively undeveloped in Ireland due to high initial establishment costs and lack of economies of scale. My Department has received a number of proposals for the introduction of establishment grants for miscanthus and these are also being considered.

Meanwhile my Department in conjunction with Teagasc and COFORD has examined the potential of energy crops, wood biomass and farming and food by products. Last year, we began providing direct funding, on a competitive basis, to support priority research projects in relation to biofuels. This funding is channelled through the Department's Research Stimulus Fund Programme. Five projects directly relating to biofuels and energy crops have been awarded total grant assistance of some €1.5m.

Several by-products of the farming and food processing industries such as meat and bone meal, tallow, animal manures and food by-products can be recovered and used in various ways as biofuels. There are significant opportunities for the use of animal by-products as biofuels some of which are being considered actively. Commercial realities are driving these proposals. The disposal of by-products imposes a cost on industry and it makes economic sense to offset this cost by realising the potential of the by-products as an energy source. Tallow is used at present as a biofuel in thermal boilers in rendering plants and larger meat export plants to provide energy. A recent EU Regulation provides for the conversion of tallow to biodiesel. Some rendering plants are considering building biodiesel plants for this purpose

using various combinations of tallow, recovered vegetable oil and rapeseed oil.

With the reform of the Common Agricultural Policy (CAP) in 2003, farmers now have the freedom to exploit new opportunities, including agricultural production for non-food uses. I believe the development of this sector presents a new opportunity for farmers and rural communities. It will help stimulate diversification of farm incomes, generate sustainable employment and contribute to the development of rural economies. We are at the early stages of development, but significant progress is already being made. The development of bioenergy is and will continue to be a priority for Government.

Question No. 168 answered with Question No. 142.

Farm Retirement Scheme.

169. **Mr. Timmins** asked the Minister for Agriculture and Food if she will implement the recommendations of the Joint Committee on Agriculture and Food report on the farm retirement scheme; and if she will make a statement on the matter. [32723/06]

Minister for Agriculture and Food (Mary Coughlan): The Joint Oireachtas Committee on Agriculture published its report on the Early Retirement Schemes in February 2005. The report dealt with a range of issues and I responded to it in detail in September 2005. As I explained in this response, certain of the Committee's recommendations are precluded by the EU Regulations under which the current Scheme and its predecessor are operated.

I saw some merit in other aspects of the Committee's report, specifically those relating to income limits and in line with the Joint Committee's recommendations, I have recently increased the off-farm income limit for transferees in the current Scheme from €25,400 to €40,000 and have abolished the income limit for transferors. As this Scheme will close to new applications at the end of December the practical effect of any further changes would be very small.

The Committee paid particular attention to two further issues. One was the implication of decoupling for retired farmers who had leased out land and quota to transferees before or during the Single Payment Scheme reference period. I believe we secured the best deal that we could for people in this situation, in spite of the reluctance of the Commission at the outset. A specific mandatory category was included in the National Reserve arrangements under the Single Payment Scheme. This category caters for farmers who inherited or otherwise received a holding free of charge or for a nominal amount from a farmer who retired or died before 16 May 2005 where the land in question was leased out to a third party during the reference period. Under these

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arrangements, where a farm reverted to the retired farmer at the end of a lease without any entitlements, the farmer taking it over will have access to the National Reserve. Retired farmers in the current Scheme who farmed during part or all of the reference period and who hold Single Payment entitlements could activate entitlements and lease them to their transferees. If the transferee did not wish to use the entitlements, a transferor has until 2007 to lease the entitlements with land to another farmer. Once at least 80% of the entitlements have been used by the lessee, the transferor has the option to sell the entitlements with or without land; otherwise he can continue to lease the entitlements with land.

The second issue the Joint Committee focused on was the levels of payment under the two Schemes. In the course of discussions on this issue, the European Commission has pointed out that the rate in the earlier Scheme was set at the maximum amount for co-funding that the Regulation allowed, and that it would not be possible to secure co-funding for an increase in the rate of pension for existing participants in the current Scheme.

Question No. 170 answered with Question No. 146.

EU Directives.

171. **Mr. Kehoe** asked the Minister for Agriculture and Food the status of the proposals for derogations under the Nitrates Directive; and if she will make a statement on the matter. [32724/06]

Minister for Agriculture and Food (Mary Coughlan): Ireland's action programme under the Nitrates Directive was given legal effect by the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2006, which were signed by the Minister for the Environment, Heritage and Local Government on 18 July, 2006.

Consideration of Ireland's proposals for a derogation to allow certain farmers to operate, under appropriate conditions and controls, up to a level of 250 kg of organic nitrogen per hectare per annum is at an advanced stage in the European Commission. Officials from my Department and the Department of Environment, Heritage and Local Government made a presentation regarding our derogation proposals to the EU Nitrates Committee on 19 September, 2006. Questions were subsequently received from member States and these have been responded to in writing by Ireland. A further meeting of the Committee was held yesterday and I am hopeful that a positive Commission proposal on our request will be presented for approval at the November Committee meeting.

Environmental Policy.

172. **Mr. Boyle** asked the Minister for Agriculture and Food if her Department has analysed the impact of climate change on agriculture here; the action she intends to take on the basis of available information to support Irish agriculture through this change; and if she will make a statement on the matter. [32918/06]

Minister for Agriculture and Food (Mary Coughlan): Climate change has serious implications not just for agriculture but for all sectors of the economy. The Government is committed to cutting greenhouse gas emissions in accordance with the Kyoto Protocol and the National Climate Change Strategy published in 2000 sets the framework for Ireland to achieve its targets under the protocol, that is, to limit greenhouse gas emissions to 13% above 1990 levels over the commitment period of 2008-2012. The target set for agriculture to reduce emissions is 10% below the projected "business as usual" levels for 2010.

In reaching this target the decoupling of direct payments from production is significant, as it is expected to lead to a fall in livestock numbers, which will lead to a reduction in methane emissions. This development has already been facilitated by a number of initiatives prior to decoupling such as the Extensification Premium, the change in the Disadvantaged Areas Scheme from an animal to an area basis and stock restrictions linked to Commonage Framework Plans.

The improved management of organic manures and reduced usage of chemical fertilizers are other necessary contributors to greenhouse gas reduction and they continue to be encouraged by increasing participation rates in REPS. The introduction of the Nitrates Regulations this year will further assist the process and our growing forestry sector has a significant role to play in terms of carbon sequestration.

My Department is funding various research projects to assist in identifying sustainable greenhouse gas emission reduction measures. Amongst these are studies focused on reducing methane emissions in ruminants and an examination of nitrous oxide emissions from grasslands. These are in addition to agricultural-related research by the EPA.

A review of the National Climate Change Strategy is currently underway and as part of the inter-Departmental team established to oversee implementation of the Strategy, my Department is contributing in a substantial way to the review. We have identified a range of potential greenhouse gas reduction measures in the agriculture area for consideration in the review. These include improved slurry spreading techniques, support for bio-energy crops, alternative carbon neutral fuel sources, deployment of renewable energy technologies at farm level, improved manure management through the use of new and emerging technologies, optimisation of nitrogen

use, minimum tillage systems and forestry development.

As regards the likely impact of changes to climate on Irish agriculture, I am aware that both increased precipitation and water shortages are major issues for agriculture worldwide and it has been suggested that such changes in our own climate may have both positive and negative long-term effects on Irish agriculture. My Department is aware of and monitors the ongoing research programme on climate change in Ireland and its likely impact. We will continue to monitor this research closely so as to identify what areas of agriculture are vulnerable to climate change and how farming systems are likely to be adapted in response.

Organic Farming.

173. **Mr. Cuffe** asked the Minister for Agriculture and Food the acreage covered by organic production; the way in which she intends to multiply that figure; and if she will make a statement on the matter. [32920/06]

Minister for Agriculture and Food (Mary Coughlan): While the organic sector in Ireland is small by European standards, it is growing. The total area in conversion or with full organic status rose by nearly 5,000 hectares to 35,266 hectares in 2005, an increase of some 15% on 2004. That figure has increased further to 36,412 hectares this year. This represents 0.8% of the total utilisable agricultural area. The National Steering Group for the Organic Sector has advised that a target of 3% of the land area under organic production by 2010 is achievable. I am fully supportive of this goal.

My Department already provides substantial financial supports for organic producers, through the Rural Environment Protection Scheme (REPS) and the Scheme of Grant Aid for the development of the organic sector. Since REPS began in 1994, it has delivered some €37 million to the sector. The new Rural Development Programme for the period 2007-2013 will build on the success of REPS by including measures designed particularly to encourage development in the organic tillage and horticulture areas. It is proposed, for example, to allow organic farmers to obtain organic support payments without having to be in the REP Scheme.

Lack of technical expertise has been recognised as a barrier to progress in both the organic tillage and horticultural areas. To address this information deficit, my Department, in conjunction with Teagasc, arranged this year to bring in two specialist agronomists, on a pilot basis, from the UK. Through farm visits and workshops, they shared their experiences with producers and this has been of immense value.

Another successful initiative has been the demonstration farm programme. It continued during 2006 and a total of 13 farms were used through-

out the country to promote organic farming systems. My Department will continue to expand and improve this programme which is a major instrument in encouraging conventional growers to switch to organic.

Substantial progress has also been made on the implementation of the recommendations in the Organic Development Committee report, published in 2002. The three additional structures recommended are now into their second three-year terms. The National Steering Group advises me on all policy issues relating to the sector. The Steering Group is supported by two sub-Groups, the Partnership Expert Working Group and the Organic Market Development Group. The Partnership Expert Working Group is responsible for training, education, advice and research. The Organic Market Development Group has overall responsibility for developing a national marketing strategy for organic food.

The development at production level cannot happen in isolation. It needs a market to support it. The most recent initiative in this regard is the three-year Organic Marketing Plan, produced by Bord Bia, in consultation with the Organic Market Development Group. The objective of the plan is to develop the organic sector in Ireland for existing suppliers and new entrants. Included in the plan is National Organic Week which this year runs from November 6th to 12th.

Question No. 174 answered with Question No. 165.

Question No. 175 answered with Question No. 131.

Rural Environment Protection Scheme.

176. **Mr. Callely** asked the Minister for Agriculture and Food the benefits that have accrued under the REPs scheme; the issues of concern that have been brought to her attention under the scheme; the funding allocated for REPs scheme for the years 2000 to 2005; and if she will make a statement on the matter. [32903/06]

Minister for Agriculture and Food (Mary Coughlan): REPS has delivered benefits in agricultural, environmental and socio-economic terms. This is evidenced in more efficient management practices, increased biodiversity and reductions in fertilizer usage and increased viability on family farms.

Almost €2 billion has been paid directly to farmers since REPS was introduced in 1994 of which approximately €1.22 billion was paid in the 2000 to 2005 period. These payments have made a significant contribution to the rural economy.

In drafting proposals for REPS 4, I am conscious of the need to provide more options and supplementary measures to give farmers a better choice and make it easier for them to construct a set of undertakings to match their particular cir-

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circumstances, I also intend to make provision for intensive farmers who avail of the derogation being negotiated under the Nitrates Directive to join REPS. These farmers have not been able to join previous REP schemes.

Proposals for REPS 4 are, of course, subject to EU Commission approval.

Genetically Modified Organisms.

177. **Mr. M. Higgins** asked the Minister for Agriculture and Food if she has seen the final report of the World Trade Organisation Disputes Panel on the claims by the US, Argentina and Canada that the de facto moratorium on the approval of genetically modified products within the EU constituted an economic barrier to trade; if she has seen the final report, her views on same; if she will provide this Deputy with this report; and if she will make a statement on the matter. [32873/06]

Minister for Agriculture and Food (Mary Coughlan): I wish to inform the Deputy that I have just recently received the final report of the World Trade Organisation Disputes Panel on the claims by the US, Argentina and Canada that the 'de facto' moratorium on the approval of genetically modified products within the EU constituted an economic barrier to trade.

The report was distributed to the public on 29 September last and is now available on the internet at http://www.wto.org/english/news_e/news06_e/29Ir_e.htm.

From my initial examination of the Report I do not have any difficulty with the critique presented by the EU Commission which stated that:

the WTO Panel ruling does not affect the EU legislation and policy on GMOs;

despite the claims of the complainants, the violation findings made by the Report are mostly limited to procedural obligations; for example, alleged undue delays in processing some applications for approval of GMOs in the past;

since the WTO Panel was established in 2003, 10 authorisation decisions have been adopted. More than 30 applications are currently being examined. This confirms that the EU system for GM approval authorisations is functioning in application of EU law; and

the EU is currently reflecting on the next steps at the WTO level on the basis of a careful analysis of the final panel report.

I look forward to this more detailed analysis which is now being prepared by the Commission.

EU Directives.

178. **Mr. Deasy** asked the Minister for Agriculture and Food the status of the animal medi-

cine exemption rules at EU level; and if she will make a statement on the matter. [32738/06]

180. **Mr. Perry** asked the Minister for Agriculture and Food the status of her application to the EU commission for an exemption list under the animal remedies regulations; and if she will make a statement on the matter. [32747/06]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 178 and 180 together.

EU Directive 2004/28, which was transposed into Irish law last November, included a provision that all veterinary medicines for food producing animals should only be supplied on the basis of a veterinary prescription, unless exempted from this requirement under criteria to be drawn up at EU level before 1 January 2007. My Department was instrumental in securing the insertion of the latter provision into the Directive.

An EU Directive on the exemption criteria was adopted by the relevant EU Standing Committee on 10 October. While decisions on the classification of veterinary medicines are ultimately a matter for the Irish Medicines Board, I am satisfied that the exemption criteria, as adopted, mean that current off-prescription veterinary medicines will not have to be reclassified as prescription only. This is a very positive outcome to this matter from Ireland's perspective and represents a substantial improvement on the draft criteria which were published by the Commission last February. During the intervening period, my Department had made very strong representations to the Commission for a more flexible approach so that decisions on the appropriate classification of veterinary medicines could be taken by regulatory bodies, such as the IMB, based on a scientific evaluation of the risk benefit profile of individual products. I am pleased that the Commission has taken my views into account.

As the criteria will not require any current off-prescription medicines to be made prescription only, farmers will continue to get these medicines on the same basis as at present and it will not now be necessary to amend the existing regulations to extend the range of prescribers. This represents a more favourable outcome to subjecting the medicines concerned to the increased restrictions, which would be necessitated by any form of prescription regime, even if additional categories were to be allowed to prescribe.

179. **Mr. Wall** asked the Minister for Agriculture and Food the steps she is taking to ensure the ban on animal medicine advertising; and if she will make a statement on the matter. [32890/06]

Minister for Agriculture and Food (Mary Coughlan): The ban on the advertising of prescription only medicines derives from EU Directive 2004/28 and has been transposed into

Irish law via the Animal Remedies Regulations 2005. My Department has written to all relevant companies in the veterinary medicines sector in Ireland drawing their attention to the advertising ban and to the penalties for which they are liable for failure to comply with it.

I should point out that, since the advertising ban is restricted to prescription only veterinary medicines, the impact of the ban will be substantially reduced as a result of the favourable outcome which I have secured on the exemption issue.

Question No. 180 answered with Question No. 178.

Greenhouse Gas Emissions.

181. **Mr. Penrose** asked the Minister for Agriculture and Food her views on advocating changes to the carbon credit payment system and increasing establishment grants for biomass crops in order to further incentivise biomass fuel crop production here; and if she will make a statement on the matter. [32880/06]

Minister for Agriculture and Food (Mary Coughlan): The management of carbon credits is in the first instance, the responsibility of the Minister for Environment, Heritage and Local Government. The Government will use carbon credits for the sole purpose of achieving compliance with Ireland's commitment under the Kyoto Protocol to limit its greenhouse gas emissions to 13% above 1990 levels.

Under the EU burden sharing arrangements Ireland will have the benefit of approximately 63 million allowances per annum, each of which must be surrendered by the State in lieu of one tonne of CO₂ emissions during the 2008-2012 period. This assigned amount represents our level of emissions in 1990 plus 13%. Current projections for the 2008-2012 period show that average annual emissions will be approximately 70 million tonnes in the absence of further measures to reduce them.

The gap of 7m tonnes between projected emissions and available allowances will be closed through: measures to reduce emissions throughout the economy, in addition to those set out in the National Climate Change Strategy and those introduced subsequently; emissions reductions, or the purchase of carbon allowances, by installations participating in the EU Emissions Trading Scheme; and the purchase of additional allowances or credits.

The Government has stated its intention to purchase up to a maximum of 3.607 million allowances or credits per annum over the Kyoto Protocol commitment period 2008-2012. The National Treasury Management Agency will purchase additional allowances or credits on behalf of the State. Under the Kyoto protocol, there is no "car-

bon credit payment system", in Ireland and there are no plans to introduce one.

With regard to establishment grants for biomass crops such as short rotation coppice and miscanthus, these crops have considerable potential for heat/electricity generation. There has been renewed interest among some producers in growing these crops, however, production is relatively undeveloped due to the substantial initial establishment costs. My Department has received a number of proposals for the introduction of establishment grants and these are currently being considered.

Support to farmers for growing energy crops is available under the Energy Crops Scheme introduced by Council Regulation 1782/2003. Under this scheme, aid of €45 per hectare is available, where the crops are intended for use in the production of biofuels and electric and thermal energy produced from biomass. The EU Commission has recently published a Report on implementation of this scheme and has proposed an amendment to the scheme allowing the possibility of payment of national aid towards establishment costs of multiannual crops. This Proposal is being considered at working group level in Brussels. In addition to this scheme, set aside land can be used for a variety of non-food uses including the growing of crops for energy purposes and will therefore qualify to activate set-aside entitlements under the Single Payment Scheme.

Energy crops are still a relatively new field and the economics are marginal compared to conventional crop tillage. Generally speaking the main constraint is poor profitability for growers and others in the sector. A Ministerial Task force has recently been established to bring forward measures to develop the bioenergy sector in Ireland. The Task force will prepare a comprehensive National Bioenergy Action Plan by end 2006.

Question No. 182 answered with Question No. 165.

Bovine Diseases.

183. **Mr. Kehoe** asked the Minister for Agriculture and Food the measures she is taking to eradicate tuberculosis; and if she will make a statement on the matter. [32739/06]

Minister for Agriculture and Food (Mary Coughlan): The overall national strategy for dealing with TB includes a comprehensive range of measures, including the mandatory annual testing of all cattle in the national herd, the early removal of reactors, a wildlife programme, the use of the gamma interferon test as an adjunct to the tuberculin test in problem herds and the depopulation of infected herds in some cases. In addition, my Department provides advice to farmers in relation to bio-security against TB

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infection such as maintaining satisfactory stock-proof boundary fencing, avoiding contact with other herds and exercising care in buying cattle.

The present eradication programme is scientifically based and is kept under on-going review, as evidenced by the changes that have occurred in recent times. Recent changes include a more focused contiguous herd testing policy and greater use of the ancillary gamma interferon blood test in target herds. On the technology side, new and enhanced computer systems have been developed including an individual animal identification and passport system, a computerised movement monitoring system (CMMS) and an animal health computer system (AHCS).

In addition, given the role of wildlife, the current scheme contains a significant wildlife strategy aimed at removing badgers in adjacent areas where they are implicated in tuberculosis breakdowns. The wildlife strategy is implemented under licence from and in co-operation with the Department of the Environment and Local Government.

These measures have improved the effectiveness of the programme as evidenced by a significant reduction in the disease from 4.2 reactors per thousand animals tested in 1998 to 2.9 in 2005. The 2005 TB eradication programme was completed with 97% of the 123,322 cattle herds tested within the twelve-month period when some 9 million tests were carried out.

My Department will continue to monitor and review the effectiveness and efficiency of the programme on an on-going basis with a view to the eventual eradication of the disease. In this context, notwithstanding the fact that the existing wildlife strategy has contributed to a reduction in the incidence of bovine TB, it is accepted that the development of a vaccine for badgers is a prerequisite if eradication of tuberculosis from the cattle population is to be achieved.

My Department plans to commence a large-scale field trial of BCG in badgers in the near future to test the efficacy of a vaccine. However, any vaccine will not be available in the immediate future and the existing strategy will remain in place for some time. In the meantime, the existing programme, updated as appropriate in light of developments, will remain in place.

Energy Resources.

184. **Mr. Kenny** asked the Minister for Agriculture and Food the role of her Department in the Government Green Paper on Energy; and if she will make a statement on the matter. [32720/06]

Minister for Agriculture and Food (Mary Coughlan): My Department participated in a number of interdepartmental committees lead by the Department of Communications, Marine and Natural Resources on the development of

bioenergy prior to the publication of the Green Paper 'Towards a Sustainable Energy Future for Ireland'. My Department was subsequently in frequent contact with the Department of Communications, Marine and Natural Resources in relation to the development of bioenergy from an agriculture perspective. Indeed, I also discussed the issue directly with my colleague Minister Dempsey. I therefore welcome publication of the Green Paper, which has set a number of ambitious targets to develop Ireland's renewable energy resources to 2020.

As indicated in the Green Paper, a Ministerial Task force has been established to prepare a road map to develop Ireland's bioenergy resources to 2020. I am working closely with my Ministerial colleagues, as part of this Task force, in the preparation of a comprehensive National Bioenergy Action Plan by the end of this year. This will ensure a cohesive approach to the development of this sector across Government Departments, state agencies and relevant stakeholders.

Milk Prices.

185. **Mr. Durkan** asked the Minister for Agriculture and Food if her attention has been drawn to the drop in milk prices paid to the producer; if this is being passed on to the consumer; and if she will make a statement on the matter. [32904/06]

Minister for Agriculture and Food (Mary Coughlan): While the price of milk paid to dairy farmers is a commercial matter between milk producers and milk purchasers for which I have no direct responsibility, I am aware that market prices have been reducing in recent months.

Prices paid to milk producers are determined by a combination of the international market for dairy products, the product mix and the efficiency of the processor as well as the overall operation of the EU price support mechanisms. The Mid Term Reform of CAP provided that the intervention prices of milk products would reduce in the period 2004-2007 and these reductions would be compensated by the introduction of a direct premium payment. This compensation amounts to €180 million or 3.6cent/litre in 2006 and added to the market price has maintained an average return similar to the aggregate price return of the past three years.

My Department has no function in regard to the retail price of milk or milk products. This price is related to general competition matters and to the functioning of the market at retail level.

Dairy Industry.

186. **Mr. Stanton** asked the Minister for Agriculture and Food the proposals she has to support the modernisation of the dairy processing industry to help improve efficiency; and if she will make a statement on the matter. [32929/06]

189. **Mr. Hogan** asked the Minister for Agriculture and Food her views on the restructuring of the dairy industry; and if she will make a statement on the matter. [32741/06]

211. **Mr. G. Mitchell** asked the Minister for Agriculture and Food the steps she is taking to ensure that the new dairy processing scheme is maximised; and if she will make a statement on the matter. [32737/06]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 186, 189 and 211 together.

In July of this year I launched a dairy processing sector investment package amounting to some €300 million over the next three years. The investment includes some €100 million of Government grant assistance. The objective of the Dairy Processing Investment Fund is to support Capital Investment related to the processing of dairy products. It will stimulate the necessary investment in the dairy sector to ensure the long-term competitiveness and viability of the dairy industry in Ireland.

Enterprise Ireland will manage this scheme and implement the Fund. They will play a key role, together with my Department, in the evaluation of the suitability of investment projects submitted for grant assistance.

The key eligibility criteria are that support will be provided for Annex 1 dairy projects with a minimum level of investment of €5m. Subject to these restrictions, it is my intention that each project will be fully evaluated for support on its merits. I should point out that the closing date for submission of applications which should be submitted to Enterprise Ireland has been extended to 23 November 2006.

I firmly believe that with commitment, innovation and investment from the Irish dairy industry, the Fund will go a long way toward the development of a modern, competitive, market focussed and highly efficient food sector in Ireland, as envisaged in the AgriVision 2015 Action Plan.

EU Directives.

187. **Mr. Stanton** asked the Minister for Agriculture and Food the advice and information that she has given to farmers regarding the implementation of the Nitrates Directive on farms; her views on holding information meetings on the issue; her further plans in this regard; and if she will make a statement on the matter. [32928/06]

Minister for Agriculture and Food (Mary Coughlan): Regulations giving legal effect to the action programme under the Nitrates Directive came into effect on 1 February, 2006. Following *de facto* deferral of certain elements of these Regulations to allow for the submission of revised scientific advice by Teagasc, new amended Regu-

lations entitled the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2006 were introduced on 18 July 2006.

My Department has participated with the Department of the Environment, Heritage and Local Government in lengthy consultations with the farming bodies through the development of these Regulations. A detailed advertisement was placed in the press in February 2006 to provide information to farmers and a cross-compliance information booklet which issued to all farmers from my Department in August last provided further details in relation to the nitrates rules.

My Department, in association with the Department of the Environment, Heritage and Local Government, is currently preparing a handbook for all farmers which will explain in clear terms all elements of the Nitrates regulations. The handbook, along with a copy of the Regulations, will issue to farmers next month in advance of the holding of information meetings by my Department and Teagasc at various venues around the country to explain the requirements of the regulations.

Question No. 188 answered with Question No. 137.

Question No. 189 answered with Question No. 186.

Question No. 190 answered with Question No. 167.

191. **Mr. English** asked the Minister for Agriculture and Food her role to date on the implementation of the nitrates action plan; and if she will make a statement on the matter. [32751/06]

Minister for Agriculture and Food (Mary Coughlan): The implementation of the Nitrates Action Plan is a matter in the first instance for the Minister for the Environment, Heritage and Local Government. The regulations to give legal effect to the action plan were signed by the Minister for the Environment, Heritage and Local Government on 18 July, 2006 and replaced regulations introduced in December, 2005.

The Department of the Environment, Heritage and Local Government engaged in an extensive consultation process with all stakeholders, including my Department, on the action programme prior to the introduction of the regulations. My Department was actively involved in framing revisions to the original regulations, which introduced greater flexibility and addressed some concerns raised by farmers. My Department is now playing a lead role in presenting Ireland's derogation request to the EU Nitrates Committee. The derogation request, which would allow certain farmers to operate, under appropriate controls and conditions, up to a level of 250kg of organic nitrogen per hectare per annum is at an

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advanced stage of consideration by the European Commission.

In addition, a number of commitments relating to the Nitrates Directive in the form of improvements to the Farm Waste Management Scheme and the Dairy Hygiene Scheme and substantially increased REPS payments (REPS 3) have been delivered. Furthermore a new Farm Waste Management Scheme designed specifically to assist farmers meet the requirements of the Nitrates Directive was introduced in March, 2006.

My Department is involved in delivering the necessary information to farmers on the requirements of the Nitrates Regulations. A detailed advertisement was placed in the press in February last. An information booklet on cross-compliance was issued to all farmers in August, 2006 and this provided further details in relation to the Nitrates rules.

My officials, in association with officials in the Department of Environment, Heritage and Local Government, are now finalising a handbook which will explain to farmers in clear terms the various Nitrates requirements. The handbook, along with a copy of the regulations, will be issued to farmers shortly. Information meetings for farmers involving my Department and Teagasc are being arranged for various venues around the country to coincide with the issue of the handbook.

Food Industry.

192. **Mr. Bruton** asked the Minister for Agriculture and Food the number of meetings of the Food Agency Co-Operation Council in 2004, 2005 and to date in 2006; and if she will make a statement on the matter. [32765/06]

Minister for Agriculture and Food (Mary Coughlan): The Food Agency Co-operation Council met on 20 occasions between 2000 and 2003 to promote co-operation between the State Agencies involved in the food industry. Since 2004 the food development agencies directly concerned with the National Development Plan 2000-2006 have met periodically to assess progress under the Plan. Two meetings were held in 2004 and one each in 2005 and 2006 while my Department was examining future arrangements in the light of changes in the CAP and the 2015 Agri-Vision Report.

Arising from this, the Agri-Vision 2015 Plan of Action, which I launched earlier this year, included the establishment of a high level group of CEOs of food agencies, chaired at Ministerial level. The inaugural meeting of the Agency CEO Group, which subsumes and replaces the Food Agency Co-operation Council, took place on 18 July 2006.

Genetically Modified Organisms.

193. **Dr. Twomey** asked the Minister for Agriculture and Food the plans her Department has to evaluate the economic implications of the use of genetically modified organisms; and if she will make a statement on the matter. [32762/06]

Minister for Agriculture and Food (Mary Coughlan): I wish to inform the Deputy that I have no plans at present to commission any further evaluations on the economic implications of the use of genetically modified organisms other than the study carried out by Teagasc earlier this year. You will recall that Teagasc, at my request, carried out an evaluation of the possible national economic implications for the Agri-Food industry from the use of GMOs in crop and livestock production. Teagasc based their study on the following scenarios:

(i) The economic implications of only allowing the importation into Ireland of certified GM-free soyabean and maize livestock feed ingredients; and

(ii) The economic implications of GM-free crop cultivation in Ireland.

In the first scenario the study showed that substantial additional costs would be placed on the livestock sector, particularly on specialist dairy and beef farmers, if they were to use certified GM free soya and maize only in feedingstuffs. In the second scenario the study examined five hypothetical GM crops which could be grown here — herbicide tolerant sugar beet, Septoria resistant winter wheat, Fusarium resistant winter wheat, Rhynchosporium resistant spring barley and blight resistant potatoes. This study showed that increased profits could be generated for growers of these crops compared to their conventional equivalent. However, the study showed that there is a significant cost in relation to Identity Preservation for conventional growers in a coexistence arrangement.

Animal Diseases.

194. **Mr. Stagg** asked the Minister for Agriculture and Food if she will report on Ireland's comparative position with other EU countries in respect of the incidence, detection, treatment and preventative regime of mastitis, IBR, BVD and Johnes disease; and if she will make a statement on the matter. [32887/06]

Minister for Agriculture and Food (Mary Coughlan): Statistics on the comparative positions of member States in relation to the diseases, etc. referred to are not available.

My Department is in ongoing discussion with the relevant interests in industry, veterinary sector and other interested parties in relation to establishing a herd health initiative which would involve the development of a national integrated

approach to non-regulated diseases such as Johnes, B.V.D and Infectious Bovine Rhinotracheitis, etc.

Food Safety.

195. **Mr. Stagg** asked the Minister for Agriculture and Food the information in relation to on-going work regarding residues in food of animal origin which was imparted to the Government at the 6 October 2006 meeting of the European Commission's Standing Committee on the Food Chain and Animal Health, Toxicological Safety of the Food Chain section; and if she will make a statement on the matter. [32892/06]

Minister for Agriculture and Food (Mary Coughlan): At the meeting of the EU Standing Committee on the Food Chain and Animal Health SCOFCAH on 6 October 2006 the Commission informed the Committee that the provisions of Regulation 96/23 on measures to monitor certain substances and residues in live animals and animal products are not in line with the basic principles of the Control Regulation (882/2004). The matter has been under consideration for some time and it has now been decided to go forward with two new texts — one establishing maximum residue levels and a separate text for the controls. My Department will continue to monitor progress and to participate fully in discussions at EU level on this matter.

Milk Tests.

196. **Mr. O'Dowd** asked the Minister for Agriculture and Food the steps she is taking to provide for independent milk testing; and if she will make a statement on the matter. [32715/06]

214. **Mr. P. Breen** asked the Minister for Agriculture and Food the steps she is taking to provide for independent milk testing; and if she will make a statement on the matter. [32729/06]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 196 and 214 together.

My Department already conducts regular checks on the results of butter fat testing carried out by milk processors. It also checks the calibration of the instruments used in milk processing establishments for measuring the fat and protein levels in milk collected from producers. My Department also monitors the instrument used in measuring somatic cell levels in milk delivered to processors.

In addition my Department conducts random administrative checks to ensure that the results of butter fat and protein tests are correctly transcribed into the calculation of the milk price paid to the producer. Any further development of an independent milk testing is a matter for the industry itself.

Question No. 197 answered with Question No. 152.

Genetically Modified Organisms.

198. **Mr. O'Dowd** asked the Minister for Agriculture and Food her views on the release of genetically modified crops; and if she will make a statement on the matter. [32769/06]

Minister for Agriculture and Food (Mary Coughlan): Ireland's national policy on GMOs was officially set out in the October 2000 Report of the Interdepartmental Group on Modern Biotechnology which was endorsed by the Government. The overall conclusion of this report was summarised as 'a positive acceptance of the potential benefits of biotechnology tempered by a precautionary approach to the potential risks — and to ensure that as far as is possible, the benefits of biotechnology are maximised and the risks minimised without compromising on safety for people and the environment'.

Coupled with this position is the comprehensive set of GM legislation which has been adopted by the European Parliament and the Council over the last five years under the co-decision procedure. This new legislation, which is binding on all Member State, governs the assessment and approval procedures for GM crops, food and feed which ensures that the highest standards are in place to protect the citizens of the Community from a food safety and environmental safety aspect.

I am accordingly satisfied that the current authorisation procedure for the deliberate release of GM crops into the environment is the most stringent in the world. We can be assured that this system, which has at its core a rigorous scientific testing system, will ensure that the environment and the food chain will not be contaminated by authorized GM crops. The Environmental Protection Agency (EPA) is the Competent Authority in Ireland responsible for the authorization of GM crops for deliberate release into the environment.

Avian Influenza.

199. **Ms B. Moynihan-Cronin** asked the Minister for Agriculture and Food the position regarding Ireland's preparedness for an avian influenza outbreak in poultry flock here; if she has satisfied herself that Ireland is ready for the birds' migration season; and if she will make a statement on the matter. [32899/06]

Minister for Agriculture and Food (Mary Coughlan): My Department has developed comprehensive contingency arrangements to deal with any case of avian influenza in wild birds or any outbreak in poultry. These arrangements are kept under constant review with a view to updating them to take account of any new devel-

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opments that arise. To that end, we are conscious of and particularly vigilant during the autumn/winter migratory season, during which the risk of the introduction of the disease increases. I have recently signed a number of Statutory Instruments to ensure that we have at our immediate disposal the necessary legislative powers to deal effectively with any case/outbreak of avian 'flu. In addition, my Department is continuing to maintain close contact with those other State and non-State agencies on whose assistance we might rely, e.g. An Garda Síochána, the Defence Forces, the Civil Defence and the Farm Relief Service. We have, at all times, received the full support and commitment of all those agencies whose assistance we have requested.

I am satisfied that my Department is adequately prepared to deal with any case/outbreak of avian flu which may arise here in the coming months.

Grant Payments.

200. **Mr. English** asked the Minister for Agriculture and Food if her Department applies interest on outstanding payments due to farmers, where there has been an underpayment caused by a Departmental error; the interest rate charged in such circumstances; and if she will make a statement on the matter. [32470/06]

Minister for Agriculture and Food (Mary Coughlan): My Department's policy is to make all payments due to farmers on an accurate and timely basis. The record in this regard is excellent and the statistics in the most recent Annual Report (2005), show that the vast majority of payments to farmers, well over 90% for many schemes, were made in accordance with the targets laid down in the Charter of Rights for Farmers.

In the exercise of its functions as paying agency for EU Funds, including co-funded schemes, my Department is bound by rules laid down at EU level. The EU regulations laying down terms and conditions of these schemes do not include provision for the payment of interest by paying agencies.

My Department does apply the Prompt Payment of Accounts Act, 1997 and the regulations on combating late payment in commercial transactions. However, these provisions apply to the supply of goods and services, and do not apply to the grant and other schemes administered by my Department.

Question No. 201 answered with Question No. 137.

Food Industry.

202. **Mr. Gormley** asked the Minister for Agriculture and Food her Department's role in the

implementation of the recommendations of the Taskforce on Obesity; if she has satisfied herself in relation to progress in implementing these recommendations; if she is further satisfied regarding the results to date; and if she will make a statement on the matter. [32925/06]

Minister for Agriculture and Food (Mary Coughlan): My Department's role in the implementation of the Report of the National Taskforce on Obesity relates to the recommendations directed to my Department viz.

The Department of Agriculture and Food together with the Department of Health and Children should promote the implementation of evidence-based healthy eating interventions, and

The Department of Agriculture and Food should review policies in partnership with other government departments to promote access to healthy food. Such policies should encompass positive discrimination in the provision of grants and funding to local industry in favour of healthy products.

The Scientific Study on Children's Diet, which was co-funded by my Department and the Food Safety Authority of Ireland, was the first study to benchmark dietary intakes of a nationally representative sample of Irish children. The work was carried out by researchers in Trinity College, Dublin and University College, Cork who surveyed 600 children aged 5-12 years from primary schools throughout Ireland during 2003 and 2004 and collected information on diet, physical activity and body measurements on each child as well as lifestyle information for both the children and their parents. This is the first comprehensive scientific evaluation of dietary intake in children in Ireland and provides direction for the dietary strategies that need to be established to prevent obesity in Irish children.

The Scientific Study identified inadequate consumption of milk, fresh meat and fruit and vegetables among the young. Last August I launched a new school milk scheme. The new revamped scheme has a broader range of milk products on offer including flavoured milk, low-fat and fortified options and with the improved packaging will I believe encourage more milk consumption among schoolchildren.

A pilot measure to encourage fruit and vegetable consumption has commenced its second year in operation and on completion will be introduced to 120 primary schools. Managed by An Bord Bia, the programme, which is funded jointly by the EU Commission, my Department and WPI, a trade body, aims to increase consumption of fresh fruit and vegetables by primary school children in school and at home. It was developed by the University of Wales, Bangor and is based on positive role models (the Food Dudes characters), repeated tasting and rewards. Studies show that it can deliver long-lasting results across

the primary age range, regardless of gender, school size, geographic and socio-economic factors. It is designed to enable children enjoy healthy diets, and to create a healthy eating culture within schools. It is a three-year programme. The results of the first year have been very encouraging.

As regards the recommendation that my Department's policies should encompass positive discrimination in the provision of grants and funding to local industry in favour of healthy products, subsidising prices is a form of state aid that is not permissible under EU state-aid rules. Discrimination between products could also result in a challenge on competition grounds at national or EU level. I will, however, look at all the possibilities open to me in this area within legal constraints including state aid rules. The Plan of Action, which I launched earlier this year to implement the 2015 Agri-Vision Report, sets out a series of measures to maintain high standards of food safety, quality and traceability at all levels.

Animal Welfare.

203. **Mr. Broughan** asked the Minister for Agriculture and Food the number of vehicles engaged in the transport of animals which have been inspected since March 2004; the number of commercial consignments of dogs which have been examined since that date; the number of commercial consignments of dogs which have departed the Republic of Ireland; the countries they have gone to since that date; the number of certifications to ensure compliance with the provisions of EU and national legislation in respect of animals transported from Ireland which have been issued since that date; the number of animals covered by such certificates; and if she will make a statement on the matter. [32865/06]

Minister for Agriculture and Food (Mary Coughlan): There are currently 112 vehicles approved by my Department to transport live animals. The vehicles comply with the provisions of Council Directive 91/628/EEC on the protection of animals during transport as transposed by the European Communities (Protection of Animals during Transport) Regulations 2006 — SI No. 267 of 2006.

All dogs, including commercial dogs, going to other EU Member States (other than the U.K.), must be accompanied by an EU Pet Passport. The private veterinary practitioner provides the certification on the passports, including details of vaccinations and, where relevant, clinical examination for fitness to travel. Under the system in place, private veterinary practitioners do not provide information on exports to my Department. Until replaced by the EU Pet Passport system private veterinary practitioners examined dogs for commercial export and produced relevant documentation, on foot of which a Depart-

ment Veterinary Inspector issued final veterinary certification.

The EU Pet Passport system does not apply in respect of commercial consignments to the UK and vice versa due to the common rabies-free status of both territories. Nevertheless, commercial consignments transiting ports or airports are liable to random welfare inspections.

The information regarding the number of certifications to ensure compliance with the provisions of EU and national legislation in respect of animals transported from Ireland which have been issued since March 2004 and the number of animals covered by such certificates is being compiled.

Animal Diseases.

204. **Ms Burton** asked the Minister for Agriculture and Food her views on whether the outbreak of swinefever here might negatively affect Ireland's export market; the steps she is taking to ensure best practice in animal health is being followed; and if she will make a statement on the matter. [32886/06]

Minister for Agriculture and Food (Mary Coughlan): There are currently no cases of Classical Swine Fever in this country. In the event of an outbreak, my Department would apply measures to contain and eradicate the disease in line with national and EU legislation.

Veterinary Inspection Service.

205. **Mr. Sargent** asked the Minister for Agriculture and Food the frequency of visits by inspectors from her Department to registered user establishments licensed for animal experiments; and if she will make a statement on the matter. [32916/06]

Minister for Agriculture and Food (Mary Coughlan): The protection of animals used for experimental or other scientific purposes is regulated under EU and national legislation (respectively Council Directive 86/609/EEC and the European Communities (Amendment to Cruelty to Animals Act, 1876) Regulations, 1994) which legislation falls within the remit of the Minister for Health and Children.

Question No. 206 answered with Question No. 167.

EU Directives.

207. **Mr. G. Murphy** asked the Minister for Agriculture and Food the status of the application for a derogation to the Nitrates Directive; and if she will make a statement on the matter. [32758/06]

Minister for Agriculture and Food (Mary Coughlan): Ireland's action programme under the

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Nitrates Directive was given legal effect by the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2006, which were signed by the Minister for the Environment, Heritage and Local Government on 18 July, 2006.

Consideration of Ireland's proposals for a derogation to allow certain farmers to operate, under appropriate conditions and controls, up to a level of 250kg of organic nitrogen per hectare per annum is at an advanced stage in the European Commission. Officials from my Department and the Department of Environment, Heritage and Local Government made a presentation regarding our derogation proposals to the EU Nitrates Committee on 19 September, 2006. Questions were subsequently received from member States and these have been responded to in writing by Ireland. A further meeting of the Committee was held yesterday and I am hopeful that a positive Commission proposal on our request will be presented for approval at the November Committee meeting.

Veterinary Services.

208. **Mr. Timmins** asked the Minister for Agriculture and Food the steps she is taking to provide a countrywide and weekend veterinary service for the issue of prescriptions for animal remedies; and if she will make a statement on the matter. [32761/06]

Minister for Agriculture and Food (Mary Coughlan): The Deputy will be aware that veterinary practices are primarily commercial entities and their locations are driven by commercial realities. However, insofar as State involvement is concerned, I can point to a number of recent measures which will alleviate difficulties which may arise in certain parts of the country. Under the new Veterinary Practice Act 2005, effective from 1 January 2006, there is a provision which for the first time enables the Veterinary Council to recognise qualifications from applicants in Third Countries generally. This, taken with the enlargement of the EU, will make for improved availability of practitioners to meet shortfalls that may arise on the supply side. Furthermore, the Animal Remedies Regulations 2005, which I signed into law on 17 November 2005, contain a number of measures which facilitate veterinary practitioners and their farmer clients to avoid difficulties in this area. These include changes to the prescribing rules in terms of the ending of the requirement to clinically examine an animal prior to writing a prescription and the extended validity period of prescriptions. The Regulations also include a provision, which in a genuine emergency situation and subject to appropriate safeguards, allows a pharmacist to supply a prescription medicine in advance of receiving a written prescription. Finally, I understand that Udarás na

Gaeltachta provides funding to subsidise veterinary practices in remote areas in consultation with the local farming community.

Grant Payments.

209. **Mr. G. Murphy** asked the Minister for Agriculture and Food if she will provide grant aid to support handling, drying and storage facilities for grain farmers to facilitate farm to farm trading; and if she will make a statement on the matter. [32756/06]

Minister for Agriculture and Food (Mary Coughlan): Under the National Development Plan 2000-2006, the Department operated the Scheme of Investment Aid for the Development of On-Farm Grain Storage for two rounds of the scheme in 2001 and 2002. The aim of the scheme was to improve the quality and safety of grain and to relieve pressure on commercial intake points at harvest time by developing on-farm storage and handling facilities.

The Department is currently examining whether a similar scheme should be introduced under the new 2007-13 Rural Development Plan. Any such scheme would be subject to compliance with State Aid Guidelines which are being finalised in the EU Commission at present.

Rural Environment Protection Scheme.

210. **Mr. O'Shea** asked the Minister for Agriculture and Food if she has considered extending the deadline for applications to REP scheme three for a month beyond the 13 October 2006 deadline; if so, the outcome of this consideration; if not, her views on doing so; and if she will make a statement on the matter. [32877/06]

Minister for Agriculture and Food (Mary Coughlan): REPS 3 is provided for under the current Rural Development Programme that finishes on 31 December 2006 and currently over 3,000 new REPS applications have to be processed by that date. In addition REPS 2 participants with anniversary dates from 1 September to 1 December 2006 inclusive who apply to join REPS 3 under the "fast track" transitional arrangements which I introduced must be processed. Over 4,000 annual applications for REPS payments will also have to be dealt with, as they fall due, before the end of the year. The same staff that are responsible for processing all REPS applications also administer the on farm investment schemes.

I have already extended the original deadline for the receipt of REPS 3 applications to 13 October. To ensure that all applications as outlined above are dealt with and payments made in a timely manner, an extension beyond that date is not possible.

Question No. 211 answered with Question No. 186.

Animal Identification Scheme.

212. **Mr. S. Ryan** asked the Minister for Agriculture and Food the number of tenders received for the contract for supply of cattle tags; if she is satisfied that having one supplier is appropriate; the number of tenders received for supply of sheep tags; the number of suppliers of sheep tags; and if she will make a statement on the matter. [32882/06]

Minister for Agriculture and Food (Mary Coughlan): Eight tenders were received in the recent competition for the supply of bovine animal identification tags and birth registration documents. I am satisfied that having one supplier of cattle tags in the Irish context is appropriate because the overall solution offered by the company selected was deemed to be significantly superior to the alternatives offered in the tender process. The position with sheep is that there are nine approved suppliers of sheep tags who were approved as suppliers having met specific criteria.

Live Exports.

213. **Ms Lynch** asked the Minister for Agriculture and Food the action she has taken subsequent to receiving a petition signed by over 12,000 people seeking to end the export of Irish horses for slaughter during the first half of 2006; the number of such horses that have been exported to the United Kingdom and other EU countries during each of the past five years; and if she will make a statement on the matter. [32869/06]

Minister for Agriculture and Food (Mary Coughlan): Trade in horses between EU Member States is provided for under EU legislation which establishes the health conditions and health certification to be applied to such animals for trade purposes. The prevention of a trade that is specifically provided for in EU legislation would be contrary to the fundamental principles of the EU and could be construed as an unlawful barrier to trade. Ireland does not certify horses specifically for slaughter as health certificates do not distinguish this as a purpose of export. All export certificates that are issued by the Department are in respect of animals for breeding, racing, jumping /sport use.

Furthermore, Ireland is party to a tripartite agreement with the UK and France for trade in horses. This permits trade in all horses with the UK and in registered horses to France without health certification, on the basis of equivalent health status in the equine sector in these countries. Because of this, it is not possible to be sure of the ultimate destinations of such horses exported to the UK or France. Such horses must, however, be individually identified by a passport or a current signed marking sheet.

General welfare rules apply to the export of horses. All consignments of certified horses and

a random sample of tripartite horses exported are subjected to a welfare check by veterinary inspectors and ports to ensure that they are fit for the journey intended and a certificate is issued.

Details in relation to exports of horses for which statistics are kept are as follows:

2001	4,764
2002	2,837
2003	2,588
2004	2,025
2005	1,917

The significantly higher figure for 2001 is due to the fact that the tripartite agreement was suspended for the duration of the foot and mouth crisis and all horses travelling to the UK and France had to be certified in the same way as horses going to other European countries.

Question No. 214 answered with Question No. 196.

EU Directives.

215. **Mr. Naughten** asked the Minister for Agriculture and Food the inspection regime which will apply to the enforcement of the Nitrates Directive; the level of on-farm inspection anticipated by her officials; and if she will make a statement on the matter. [32935/06]

Minister for Agriculture and Food (Mary Coughlan): The implementation of the Nitrates Directive is a matter in the first instance for the Minister for the Environment, Heritage and Local Government. The control authorities designated for the purposes of implementation of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2006 are the local authorities and the Environmental Protection Agency.

My Department's role is in the context of EU cross-compliance inspections required under the Single Payment Scheme. These inspections will address the various statutory management requirements, including compliance with the requirements of the Nitrates Directive, on farm holdings in receipt of payment under the Single Payment Scheme. EU regulations generally require that 1% of farm holdings are selected for cross-compliance inspection annually.

Question No. 216 answered with Question No. 165.

Question No. 217 answered with Question No. 167.

Food Labelling.

218. **Mr. J. O'Keeffe** asked the Minister for Agriculture and Food the plans to establish an all

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island food label; and if she will make a statement on the matter. [32752/06]

Minister for Agriculture and Food (Mary Coughlan): I am supportive of initiatives to promote food on all-island basis where this is of mutual benefit and leads to closer economic co-operation. The development of an all-island animal health policy is a necessary prerequisite to the establishment of an all-island food label. The development of the animal health policy is being actively pursued in the context of North/South cooperation. In addition an all-island food label would require negotiation between the relevant authorities regarding its status and conditions for use and general acceptance from consumers and buy-in by producers and processors island-wide.

In the meantime a Memorandum of Agreement was finalised between Bord Bia and Invest Northern Ireland (INI) to provide for structured ongoing co-operation in food promotion at International Trade Fairs, retail promotions on the UK market, co-operation on developing the speciality sector on an all island basis and market research and intelligence.

Rural Environment Protection Scheme.

219. **Mr. Deenihan** asked the Minister for Agriculture and Food when will she introduce REP scheme four; if there will be special provision to compensate farmers who allow access onto their lands for walkers and those visiting archeological sites, fishing and so on; and if she will make a statement on the matter. [32906/06]

Minister for Agriculture and Food (Mary Coughlan): REPS 4 will form an integral part of Ireland’s Rural Development Plan (RDP) 2007-2013. A draft of the RDP will issue for public consultation shortly and it is my objective to secure EU Commission approval for the RDP and to roll out REPS 4 at the earliest possible date in 2007. The EU regulation governing agri-environment schemes does not allow for the inclusion of payments in REPS 4 for recreational activities such as those referred to by the Deputy.

Grant Payments.

220. **Mr. Crawford** asked the Minister for Agriculture and Food the steps she is taking to address the burden of cross compliance; and if she will make a statement on the matter. [32734/06]

Minister for Agriculture and Food (Mary Coughlan): Cross compliance involves two key elements:

A requirement for farmers to comply with 18 statutory management requirements (SMRs) set down in EU legislation on the environment, food safety, animal health, welfare and plant health,

A requirement to maintain the farm in good agricultural and environmental condition (GAEC).

If an applicant is found to be non-compliant sanctions are provided for in the governing EU regulations and those sanctions will be applied to the applicants Single Payment. The rate of on-farm inspection required for cross-compliance is 1% of those farmers to whom the Statutory Management Requirements or GAEC apply. However at least 5% of producers must be inspected under the Bovine Animal Identification and Registration requirements as this level is prescribed under the relevant Regulations.

In the context of discussions with the farm bodies my Department has adopted a weighting system and has invested a significant amount of time and resources (both administrative and IT) in developing this system for cross-compliance inspections where due account has to be taken of infringements of the cross-compliance requirements which are, on their own, inadvertent and minor in nature, do not result from negligence of the farmer and are capable of occurring in practical farming situations. In such circumstances a certain level of tolerance is applied while, at the same time, the farmer is notified of the infringement.

In implementing the Single Payment Scheme, the policy of the Department is to minimise the number of inspection visits and to move towards a situation where, in most cases, all eligibility and cross-compliance checks will be carried out during a single farm visit. The Department is committed to ensuring the maximum level of integration of inspections across all areas including inspections under the Disadvantaged Areas’ Compensatory Allowance Scheme. On this basis my Department estimates that, in all, over 8,000 farmers will be inspected annually under the Single Payment Scheme. This represents more than 50% reduction in the number of inspections when compared to the old coupled regime.

My Department is in constant contact with the EU Commission with a view to the need for further simplification and with particular reference to advance notice of inspections and tolerances.

Animal Identification Scheme.

221. **Ms Shortall** asked the Minister for Agriculture and Food if her Department has considered the use of electronic tagging for sheep and cattle; and if she will make a statement on the matter. [32884/06]

Minister for Agriculture and Food (Mary Coughlan): Under Council Regulation (EC) No. 21/2004, which established a harmonized system of identification for sheep, obligatory electronic sheep identification is to be introduced throughout the EU from the 1st of January 2008. This date is, however, subject to further Council discussions and amendment if necessary. Ireland is

fully participating in all working groups on electronic identification of sheep, both at formal EU level and informally with other EU Member States. We are actively involved in examining all aspects of electronic identification in preparation for future discussions on this issue.

My Department continues to look at developments in the market in relation to bovine eartags, including electronic tagging, to ensure that the tag most suited to the needs of Irish farming is available. The suitability of the current tag and that recently selected for use in the Irish bovine identification system was determined by reference to a range of criteria designed to select an effective and secure identification and traceability system so that customers and consumers of Irish beef can be assured of the traceability of the product.

Unemployment Levels.

222. **Mr. Crowe** asked the Taoiseach the unemployment statistics and figures within County Donegal, particularly within the Milford electoral area for the past ten years. [33035/06]

Live Register totals for State, County Donegal and Co. Donegal Local Offices, 1997 to date

Live Register State total

													<i>Persons</i>
Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Average
1997	268,890	264,310	262,414	255,463	248,114	254,863	259,041	258,473	249,328	243,961	239,960	247,730	254,379
1998	246,527	241,771	234,782	231,327	223,941	228,937	232,813	230,494	219,174	212,459	207,174	215,752	227,096
1999	214,014	207,611	201,234	196,548	192,230	195,519	200,559	198,670	186,183	177,945	171,786	176,539	193,237
2000	176,162	172,093	163,489	161,796	152,871	156,753	159,914	159,026	144,932	139,189	136,962	141,586	155,398
2001	142,071	139,515	135,885	136,561	133,691	140,865	147,101	149,439	140,550	141,835	147,121	152,406	142,253
2002	159,960	162,337	162,252	156,237	154,944	164,277	172,098	173,563	161,432	157,706	158,636	166,142	162,465
2003	170,701	171,394	168,059	170,940	166,105	177,852	185,447	185,953	170,822	166,552	164,541	170,604	172,414
2004	174,529	173,127	168,880	164,660	161,972	168,952	177,501	175,816	160,466	155,476	151,966	158,816	166,013
2005	160,543	158,649	157,675	151,619	150,826	159,300	168,509	169,393	153,335	149,644	150,073	155,833	157,117
2006	160,139	159,617	155,543	154,566	152,560	163,059	168,946	169,614	152,307				

Live Register County Donegal total

													<i>Persons</i>
Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Average
1997	12,670	12,737	12,548	12,344	12,273	12,719	12,943	13,001	12,742	12,313	12,365	12,927	12,632
1998	12,719	12,512	12,109	12,282	12,086	12,549	12,634	12,565	12,094	11,772	11,469	13,485	12,356
1999	12,144	11,966	11,623	11,501	11,469	11,907	12,293	12,224	11,971	11,532	11,431	11,699	11,813
2000	11,642	11,413	10,980	10,830	10,365	10,652	10,705	10,622	10,003	9,862	9,837	10,088	10,583
2001	10,160	10,008	9,969	9,861	9,856	10,263	10,441	10,297	9,620	9,558	9,549	9,896	9,957
2002	10,182	10,133	10,108	9,729	9,899	10,364	10,605	10,499	9,663	9,355	9,418	9,897	9,988
2003	10,048	10,013	9,964	10,111	9,882	10,680	10,907	10,931	10,187	9,975	9,923	10,149	10,231
2004	10,331	10,246	10,037	9,662	9,576	10,146	10,473	10,374	9,432	9,079	9,088	9,440	9,824
2005	9,590	9,304	9,073	8,846	8,790	9,103	9,516	9,508	8,586	8,322	8,202	8,637	8,956
2006	8,780	8,744	8,501	8,498	8,407	9,002	9,318	9,351	8,340				

Minister of State at the Department of the Taoiseach (Mr. Kitt): The exact information as requested by the Deputy is not available. Statistics on employment and unemployment are compiled, at a regional level, from the Quarterly National Household Survey. There are eight regions in the State; Border, Midland, West, Dublin, Mid-East, Mid-West, South-East and South-West. Sub-regional statistics, of the kind requested by the Deputy, are not available from the Quarterly National Household Survey.

However, the Live Register series gives a monthly breakdown of the number of people claiming Unemployment Assistance, Unemployment Benefit and other registrants as registered with the Department of Social and Family Affairs. Figures are published for each county and each Local Social Welfare Office. A breakdown by postal district is not available. The most recent information available is for September 2006.

The Live Register figures for all the Local/Branch Offices in Co. Donegal for each month from 1997 to date are set out in the following table.

[Mr. Kitt.]

Live Register Ballybofey Local Office total

Persons

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Average
1997	1,717	1,670	1,628	1,628	1,641	1,710	1,736	1,755	1,712	1,705	1,691	1,675	1,689
1998	1,735	1,656	1,616	1,617	1,564	1,622	1,631	1,646	1,609	1,572	1,545	1,718	1,628
1999	1,592	1,632	1,585	1,558	1,536	1,591	1,598	1,569	1,627	1,597	1,565	1,553	1,584
2000	1,526	1,437	1,337	1,302	1,269	1,288	1,300	1,282	1,202	1,172	1,172	1,154	1,287
2001	1,141	1,185	1,124	1,083	1,134	1,125	1,117	1,080	997	1,015	1,007	1,031	1,087
2002	1,040	1,039	1,019	966	955	1,005	1,034	1,039	953	950	974	968	995
2003	967	975	978	938	905	975	995	983	923	900	850	866	938
2004	890	877	830	812	784	856	924	902	807	767	763	789	833
2005	801	783	775	718	703	710	756	770	708	687	698	729	737
2006	735	740	730	705	722	808	831	879	759				

Live Register Ballyshannon Local Office total

Persons

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Average
1997	857	844	851	789	782	788	772	775	796	788	804	827	806
1998	806	810	770	741	725	734	740	743	742	712	740	738	750
1999	774	770	756	737	717	710	721	701	700	683	682	697	721
2000	696	677	612	595	572	562	567	545	546	529	542	558	583
2001	580	557	567	547	524	527	511	514	476	513	560	570	537
2002	602	601	588	571	549	534	558	537	542	525	562	566	561
2003	570	569	556	540	514	522	506	502	494	494	541	569	531
2004	588	572	549	501	479	490	487	467	439	477	505	534	507
2005	559	521	499	479	465	453	443	442	434	441	464	487	474
2006	498	511	484	478	458	448	463	476	450				

Live Register Buncrana Local Office total

Persons

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Average
1997	2,421	2,406	2,391	2,403	2,344	2,401	2,443	2,475	2,347	2,316	2,343	2,424	2,393
1998	2,439	2,394	2,342	2,323	2,254	2,366	2,436	2,403	2,302	2,240	2,154	3,058	2,393
1999	2,274	2,199	2,087	2,033	2,029	2,198	2,309	2,298	2,201	2,074	2,008	2,041	2,146
2000	2,019	2,082	2,032	2,069	1,919	2,011	2,051	2,024	1,893	1,865	1,965	2,004	1,995
2001	2,030	1,984	1,963	1,924	1,913	2,038	2,111	2,036	1,853	1,780	1,751	1,862	1,937
2002	1,890	1,879	1,892	1,849	1,816	1,918	1,982	1,941	1,760	1,725	1,670	1,814	1,845
2003	1,876	1,864	1,794	1,833	1,832	1,948	2,005	1,978	1,827	1,811	1,764	1,817	1,862
2004	1,821	1,866	1,795	1,708	1,714	1,838	1,964	1,942	1,743	1,703	1,649	1,713	1,788
2005	1,754	1,689	1,696	1,613	1,634	1,717	1,810	1,814	1,617	1,520	1,479	1,555	1,658
2006	1,573	1,585	1,511	1,578	1,584	1,792	1,843	1,825	1,647				

Live Register Donegal Town Local Office total

Persons

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Average
1997	677	696	683	664	648	654	659	692	650	632	622	630	659
1998	650	647	634	642	601	620	670	669	643	639	632	677	644
1999	679	657	630	631	636	632	623	653	606	604	602	610	630
2000	602	579	558	526	504	533	534	535	517	526	529	524	539
2001	545	530	529	524	527	544	558	546	525	522	550	556	538
2002	582	569	566	564	554	556	577	579	535	515	535	552	557
2003	554	551	543	542	515	547	569	579	512	503	498	509	535
2004	519	498	503	468	438	461	487	489	438	434	434	448	468
2005	476	463	433	428	409	445	462	468	399	383	390	421	431
2006	437	441	430	422	419	452	494	486	423				

Live Register Donegal Control Office total

Persons

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Average
1997	8	8	8	8	14	14	14	14	15	12	12	12	12
1998	12	11	11	11	11	9	0	0	0	0	0	0	
1999	0	0	0	0	0	0	0	0	0	0	0	0	0
2000	0	0	0	0	0								

Live Register Dunfanaghy Local Office total

Persons

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Average
1997	1,073	1,054	1,012	977	943	998	1,003	990	981	1,001	1,051	1,092	1,015
1998	1,056	1,022	970	970	914	929	946	946	918	904	924	978	956
1999	917	910	858	856	830	838	903	893	887	864	932	970	888
2000	964	941	888	864	808	814	811	830	810	833	880	921	864
2001	932	936	901	872	845	854	882	903	891	901	941	992	904
2002	1,008	1,022	995	924	946	1,032	994	988	938	913	996	1,064	985
2003	1,079	1,089	1,024	1,016	964	1,049	1,047	1,051	1,014	1,024	1,077	1,094	1,044
2004	1,091	1,069	1,006	964	942	968	965	968	936	903	975	990	981
2005	954	934	878	836	822	840	858	838	775	764	794	836	844
2006	845	821	765	731	711	758	776	783	741				

Live Register Dungloe Local Office total

Persons

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Average
1997	1,728	1,712	1,742	1,706	1,665	1,723	1,782	1,838	1,782	1,717	1,723	1,819	1,745
1998	1,780	1,753	1,705	1,759	1,756	1,800	1,769	1,757	1,652	1,641	1,574	1,819	1,730
1999	1,711	1,671	1,621	1,602	1,647	1,701	1,806	1,743	1,662	1,636	1,696	1,785	1,690
2000	1,731	1,712	1,647	1,608	1,563	1,582	1,540	1,549	1,443	1,449	1,429	1,477	1,561
2001	1,426	1,404	1,468	1,475	1,446	1,519	1,565	1,564	1,482	1,495	1,553	1,675	1,506

[Mr. Kitt.]

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Average
2002	1,614	1,585	1,520	1,507	1,615	1,625	1,661	1,629	1,546	1,461	1,484	1,606	1,571
2003	1,566	1,544	1,573	1,608	1,556	1,742	1,793	1,789	1,673	1,614	1,599	1,617	1,640
2004	1,633	1,573	1,561	1,498	1,516	1,569	1,589	1,589	1,476	1,427	1,457	1,479	1,531
2005	1,455	1,436	1,432	1,416	1,409	1,458	1,521	1,506	1,348	1,322	1,309	1,368	1,415
2006	1,361	1,337	1,286	1,269	1,258	1,317	1,357	1,368	1,214				

Live Register Killybegs Local Office total

Persons

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Average
1997	1,040	1,333	1,301	1,234	1,357	1,381	1,410	1,270	1,341	1,073	1,121	1,375	1,270
1998	1,101	1,122	1,062	1,230	1,349	1,414	1,365	1,351	1,305	1,154	1,060	1,213	1,227
1999	1,292	1,251	1,236	1,244	1,262	1,292	1,230	1,249	1,217	1,091	1,054	1,138	1,213
2000	1,189	1,127	1,127	1,124	1,143	1,169	1,179	1,170	1,063	1,042	889	963	1,099
2001	1,025	874	1,031	1,043	1,077	1,112	1,099	1,078	979	961	860	823	997
2002	964	927	1,004	979	1,061	1,086	1,085	1,065	953	875	776	845	968
2003	927	838	967	1,056	1,059	1,114	1,083	1,039	985	854	832	834	966
2004	900	940	1,015	1,030	1,086	1,120	1,109	1,089	1,001	866	839	954	996
2005	1,009	905	870	941	954	985	1,026	1,004	936	885	825	895	936
2006	940	895	967	983	972	981	969	932	847				

Live Register Letterkenny Local Office total

Persons

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Average
1997	3,149	3,014	2,932	2,935	2,879	3,050	3,124	3,192	3,118	3,069	2,998	3,073	3,044
1998	3,140	3,097	2,999	2,989	2,912	3,055	3,077	3,050	2,923	2,910	2,840	3,284	3,023
1999	2,905	2,876	2,850	2,840	2,812	2,945	3,103	3,118	3,071	2,983	2,892	2,905	2,942
2000	2,915	2,858	2,779	2,742	2,587	2,693	2,723	2,687	2,529	2,446	2,431	2,487	2,656
2001	2,481	2,538	2,386	2,393	2,390	2,544	2,598	2,576	2,417	2,371	2,327	2,387	2,451
2002	2,482	2,511	2,524	2,369	2,403	2,608	2,714	2,721	2,436	2,391	2,421	2,482	2,505
2003	2,509	2,583	2,529	2,578	2,537	2,783	2,909	3,010	2,759	2,775	2,762	2,843	2,715
2004	2,889	2,851	2,778	2,681	2,617	2,844	2,948	2,928	2,592	2,502	2,466	2,533	2,719
2005	2,582	2,573	2,490	2,415	2,394	2,495	2,640	2,666	2,369	2,320	2,243	2,346	2,461
2006	2,391	2,414	2,328	2,332	2,283	2,446	2,585	2,602	2,259				

Source: Live Register Series, Central Statistics Office.

It should be noted that—

[a] the Live Register is not a definitive measure of unemployment as it includes part-time workers, seasonal and casual workers entitled to Unemployment Assistance or Benefit. Statistics on unemployment are measured at regional level by the Quarterly National Household Survey.

[b] the exact area covered by each Local Office is not limited to the immediate locality of the particular office. For instance, in the Tallaght Local Office there may be registered, persons from the Blessington area.

Planning Issues.

223. **Mr. Durkan** asked the Taoiseach the number of housing units in respect of which planning permission has been granted throughout County Kildare in each year from 2000 to date in 2006; and if he will make a statement on the matter. [33392/06]

Minister of State at the Department of the Taoiseach (Mr. Kitt): The following table shows the number of planning permissions granted for houses and apartments in County Kildare and the corresponding number of housing units, in each quarter since 2000.

Planning Permissions Granted for Houses and Apartments in County Kildare, Q1 2000 to Q2 2006

Period		Houses		Apartments		Total Dwellings	
		Number Permissions	Number Units	Number Permissions	Number Units	Number Permissions	Number Units
2000	Q 1	*	734	*	233	250	967
	Q 2	*	617	*	145	234	762
	Q 3	320	1,325	16	99	336	1,424
	Q 4	218	962	16	176	234	1,138
	<i>Year</i>	<i>1,358*</i>	<i>3,638</i>		<i>653</i>	<i>1,358</i>	<i>4,291</i>
2001	Q 1	184	683	16	113	200	796
	Q 2	187	1,241	20	331	207	1,572
	Q 3	197	427	18	243	215	670
	Q 4	211	555	12	164	223	719
	<i>Year</i>	<i>779</i>	<i>2,906</i>	<i>66</i>	<i>851</i>	<i>845</i>	<i>3,757</i>
2002	Q 1	139	468	15	119	154	587
	Q 2	140	341	11	217	151	558
	Q 3	145	518	22	96	167	614
	Q 4	103	181	12	50	115	231
	<i>Year</i>	<i>527</i>	<i>1,508</i>	<i>60</i>	<i>482</i>	<i>587</i>	<i>1,990</i>
2003	Q 1	117	197	16	269	133	466
	Q 2	109	553	11	85	120	638
	Q 3	123	491	22	372	145	863
	Q 4	154	283	13	186	167	469
	<i>Year</i>	<i>503</i>	<i>1,524</i>	<i>62</i>	<i>912</i>	<i>565</i>	<i>2,436</i>
2004	Q 1	139	535	12	496	151	1,031
	Q 2	164	632	13	102	177	734
	Q 3	157	1,469	22	375	179	1,844
	Q 4	129	474	15	199	144	673
	<i>Year</i>	<i>589</i>	<i>3,110</i>	<i>62</i>	<i>1,172</i>	<i>651</i>	<i>4,282</i>
2005	Q 1	130	991	11	314	141	1,305
	Q 2	170	1,088	23	414	193	1,502
	Q 3	162	507	12	86	174	593
	Q 4	129	448	17	163	146	611
	<i>Year</i>	<i>591</i>	<i>3,034</i>	<i>63</i>	<i>977</i>	<i>654</i>	<i>4,011</i>
2006	Q 1	128	525	14	38	142	563
	Q 2	126	743	11	176	137	919

*Detailed information on Permissions for Houses and Apartments are not available for Q1 and Q2 2000.

The Planning Permissions series is published by the CSO and gives a quarterly breakdown of the number of planning permissions granted. Figures are published for each county and each planning authority. Only final grants of permission or approvals are covered, i.e. only works which involve construction.

The following permissions are excluded since they do not entail construction per se:

- Changes of a technical and business nature as distinct from a building or structural nature;
- Outline permission;
- Retention of an existing building;
- Changes to existing plan;
- Bye-law permission;
- Refusals — permissions subsequently granted on appeal by An Bord Pleanála are included.

[Mr. Kitt.]

The most recently published planning permissions data is for the second quarter of 2006.

Industrial Relations.

224. **Ms Shortall** asked the Taoiseach the number of times since 1987 that civil servants have been forced to obtain an Order from the Courts enforcing or associated with enforcing their contractual rights and entitlements; the additional cost to the Exchequer over and above that which would have prevailed had the State recognised and honoured the contractual rights and entitlements involved in the first instance; and if he will make a statement on the matter. [32862/06]

The Taoiseach: There have been no such instances in the case of my Department.

Drugs in Prisons.

225. **Mr. Kenny** asked the Tánaiste and Minister for Justice, Equality and Law Reform the drug treatment facilities which exist in Mountjoy Prison; if there is a dedicated detoxification unit available in the prison; the number of prisoners who can be facilitated within this unit; the number of prisoners currently being treated in this unit; and if he will make a statement on the matter. [32601/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The new Irish Prison Service Drugs Policy & Strategy, entitled *Keeping Drugs Out of Prisons*, was launched on 2 May last. This new policy fulfils the commitment in the Programme for Government to publish a plan to end heroin use in Irish prisons as well as my own commitment to achieving a drug-free prison system. Working to fulfil these commitments will involve the implementation of stringent measures to prevent drugs from getting into prisons while, at the same time, continuing to invest in services within prisons to reduce the demand for illicit drugs in the prisoner population as well as meeting prisoners' treatment and rehabilitative needs.

Drug rehabilitation programmes for prisoners involve a significant multidimensional input by a diverse range of general and specialist services provided both by the Irish Prison Service and visiting statutory and non-statutory organisations. Measures to reduce the demand for drugs within the prison system include education, treatment and rehabilitation of drug addicted offenders. These programmes and interventions are delivered on an individual and coordinated basis by the Prison Healthcare Teams, Psychology Service, Probation Service, Prison Education Service and prison officers.

Particular initiatives put in place include Drug Free Areas, Drug Misuse Awareness Prog-

rammes, Support Programmes and appropriate health interventions, Substitution Therapies, Vaccination Programmes and treatment for viral illnesses. In addition, the Irish Prison Service provides prisoners with a range of opportunities to encourage them to aspire to a substance-free lifestyle, before and after release, thereby reducing demand for illicit substances. An important aim of the new Policy & Strategy is the operation of all treatment programmes within a coherent policy framework, understood and supported by all agencies involved in drug treatment within the prison system, with the ultimate aim being to provide access to drug treatment and rehabilitation programmes for all prisoners who wish to avail of them.

On any given day there is a significant number of prisoners in receipt of methadone maintenance in Mountjoy Prison. This figure fluctuates, generally around 200, but as recently as mid-September reached 283. The Medical Unit in the Prison is part used as a Drug Treatment Facility and can accommodate 9 prisoners. In addition to this, there is accommodation on F3 & F4 Landings for a number of offenders to undertake detoxification. While undergoing detoxification, the offenders are under the care of a Prison Doctor and an Addiction Psychiatrist.

Over 400 offenders have completed Mountjoy Prison's Drug Treatment Programme. This is a 6 week course involving detoxification, and where necessary, intensive counselling and psychological support for participants. A maximum of 9 offenders can be accommodated on this programme at any given time. There are currently a total of 6 offenders participating in the Programme, 3 having dropped out.

The present drug treatment programmes are currently being expanded and enhanced with the further recruitment of a psychologist, nurses and addiction counsellors as well as other staff, all of whom will be dedicated to working solely in the drug treatment area. In this context, advertisements for the provision of addiction counselling services have recently been issued.

Drug Courts.

226. **Mr. Kenny** asked the Tánaiste and Minister for Justice, Equality and Law Reform if the Drugs Court operates in all parts in Dublin; and if he will make a statement on the matter. [32602/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): Earlier this year, the Pilot Drug Treatment Court, currently operating in the North inner city, was placed on a permanent footing. It will be extended on a phased basis to the wider Dublin area in consultation with the other agencies involved in supporting the Court. The President of the District Court has assigned a Judge of the Dublin Metropolitan District Court to the Drug Treatment

Court on a permanent basis. The effect of this is to bring the Drug Treatment Court in closer contact with the other courts in the Dublin Metropolitan District from which the clients of the Drug Treatment Court are referred.

I am satisfied that the Court is providing a very worthwhile and innovative service and I will continue to provide it with every support.

Garda Deployment.

227. **Mr. Bruton** asked the Tánaiste and Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that it is common practice within the Garda that persons who are working within specialist units, who seek promotion, are required to leave their specialist unit and return to general policing on acceptance of promotion; and if he will review this practice in order to encourage the retention of specialist experience within these units. [32641/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): Regulation 17 of the Garda Síochána (Promotion) Regulations 2006 was carried over from the 1987 Promotion Regulations at the request of An Garda Síochána. This regulation provides that, other than in certain technical sections, a member who is promoted to a rank not above inspector shall within three months be assigned to uniformed police duty and remain on such assignment for at least a year. It is my understanding that Garda Management want members of An Garda Síochána to have a broad range of experience in policing management, and this is achieved by ensuring movement within the system upon promotion. Garda Management is satisfied that this rotation of personnel is mutually beneficial to both the members concerned and the organisation.

Citizenship Applications.

228. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform if the case of a person (details supplied) on whose behalf application for Irish citizenship was made on 18 December 1962, indication was given as to whether the person or persons sponsoring the application were relatives or had the permission of the child's mother; and if he will make a statement on the matter. [32678/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): As was advised to the Deputy in a written reply to a Parliamentary Question on 1 December 2004, all of the Department's records on this matter were supplied to the individual concerned in June 2003, on foot of a request under the Freedom of Information Act.

On the basis of the information contained in those records — which cover the period 1961 to 1963 — there is no evidence to suggest that the persons sponsoring the application for naturalis-

ation were relatives of the child. While there is information on file to the effect that the child's natural parents had ceded parental responsibility to a UK based adoption society, there is no direct evidence from the parents or adoption society to support that contention.

Visa Applications.

229. **Mr. M. Higgins** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position of an application for a visa by a person (details supplied); if delays have been encountered in this application; when this application will be processed; and if he will make a statement on the matter. [32679/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): My Department has no record of a current visa application in respect of the person in question.

Residency Permits.

230. **Mr. P. Breen** asked the Tánaiste and Minister for Justice, Equality and Law Reform the status of an application regarding residency for a person (details supplied) in County Clare; and if he will make a statement on the matter. [32680/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): There is no provision for the granting of permanent residency in Irish Immigration legislation. However, the proposed Immigration, Residence and Protection Bill will, for the first time, make statutory provision for a status of long term resident. An application for long term residency from the persons referred to by the Deputy was received on the 3rd July 2006.

The position in relation to granting long term residency is as follows: Persons who have been legally resident in the State for over five years on the basis of work permit/work authorisation/work visa conditions may apply to the Immigration Division of my Department for a five year residency extension. In that context they may also apply to be exempt from employment permit requirements. The dependants of the aforementioned, who have been legally resident in the State for over five years may also apply for long term residency. This particular long term permission does not exempt the person from employment permit requirements. Time spent in the State on student conditions cannot be counted towards long term residency.

I understand that applications received in April 2006 are currently being dealt with. As soon as a decision is made on the case, both the Deputy and the persons concerned will be notified.

Garda Operations.

231. **Mr. Durkan** asked the Tánaiste and Mini-

[Mr. Durkan.]

ster for Justice, Equality and Law Reform if his Department or the gardaí are aware of the circumstances of a person (details supplied) in County Offaly; if the person in question is known to the gardaí; if the gardaí have received a request from the Health Service Executive in regard to the situation; if the Gardaí have offered information to the Health Service Executive regarding the desirability of the situation; if action is proposed or likely in the event of the continuation of these circumstances or their replication elsewhere; and if he will make a statement on the matter. [32681/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the matter referred to is primarily an issue for the Health Service Executive regarding child care concerns. I am further informed that local Garda management is liaising closely with the Health Services Executive in relation to this matter.

I am assured that any breach of the criminal law reported to the Gardaí in relation to this matter will be fully investigated by the Garda authorities.

Gambling and Casinos.

232. **Mr. Costello** asked the Tánaiste and Minister for Justice, Equality and Law Reform his proposals for the regulation of casinos; if his attention has been drawn to proposals to provide casino type activities in betting shops; and if he will make a statement on the matter. [32696/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): On 14 August 2006 I announced that the Government had agreed to my proposals for the establishment of a Committee (the Casino Regulation Committee) to report on the possibilities for a legislative basis for the strict regulation of casino-style operations in the State.

The Casino Regulation Committee will report to the Government on: the possibilities for a legislative basis for the strict regulation of casino-style operations in the State; the form of regulation, the functions and powers of any regulatory body, the licensing system, codes of practice, investigation of complaints, entry and inspection, appeals against decisions, the nature and type of offences, Internet gambling etc.; the role of local authorities; and the requirements of the Financial Action Task Force.

The Committee comprises representatives from the Department of Finance, the Department of the Environment, Heritage and Local Government, the Department of Arts, Sport and Tourism, the Revenue Commissioners, An Garda Síochána and the Department of Justice, Equality and Law Reform. Mr Michael McGrath, a barris-

ter with experience in the licensing area has been appointed chairman of the Committee.

On 18 August 2006 the Committee advertised in the national newspapers inviting submissions from interested parties, groups or individuals in relation to the regulation of casinos. It was open to all persons to make a submission (in writing or by email) to the Secretary of the Casino Regulation Committee. The closing date for submissions was Friday 15 September, 2006. These submissions are currently being reviewed by the Committee and will form part of their report to the Government. The original deadline for the Committee report was the end of October but the Committee have requested a longer period of time in which to conclude their deliberations and draft their report and I have agreed that this time should be made available to them. I therefore expect to receive their report in late November or December.

I am aware of some proposals to introduce casino type activities, such as fixed odds betting terminals, FOBTs, in betting shops. I am opposed to the introduction of such activities into the betting shop environment.

Garda Stations.

233. **Mr. J. O'Keeffe** asked the Tánaiste and Minister for Justice, Equality and Law Reform the situation regarding Dunmanway Garda Station; and if he will sanction additional Gardaí for the town. [32701/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength (all ranks) of An Garda Síochána increased to a record 12,762 on Friday, 8 September, 2006, following the attestation of 249 new members. This compares with a total strength of 10,702 (all ranks) as at 30 June, 1997 and represents an increase of 2,060 (or 19%) in the personnel strength of the Force during that period. The Garda Budget now stands at €1.3 billion, a 13% increase on 2005 and an 85% increase since 1997 in real terms.

I have been further informed that the personnel strength (all ranks) of Dunmanway Garda station as at 31 December, 1997 and 16 October, 2006 was 4 and 7, respectively. This represents an increase of 3 (or 75%) in the number of Gardaí allocated to Dunmanway Garda Station during that period.

It is the responsibility of Garda management to allocate personnel to and within Divisions on a priority basis in accordance with the requirements of different areas. These personnel allocations are determined by a number of factors including demographics, crime trends, administrative functions and other operational policing needs. Garda management state that such allo-

cations 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.

Garda management state that there are plans to refurbish and extend the existing Garda station at Dunmanway and I am informed that the Office of Public Works is finalising the acquisition of land to the rear of the station to enable the planned development works.

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 three groups of newly attested Gardaí under this accelerated recruitment programme came on stream in March, June and September of this year and the fourth such group will become fully attested members of the Force later this year. 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 Dunmanway Garda station will be given the fullest consideration.

Visa Applications.

234. **Mr. McGuinness** asked the Tánaiste and Minister for Justice, Equality and Law Reform the reason for refusal in the case of a person (details supplied) who applied for a visa; and if he will make a statement on the matter. [32712/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The application referred to by the Deputy was received in the Visa Office on 2 August 2006. The decision of the Visa Officer to refuse this application was taken on 19 September 2006.

The application was refused because the financial evidence provided was deemed insufficient and incomplete; no clear link between the applicant and the reference was established; the applicant had previously been refused a visa by the UK authorities; there were inconsistencies between the information supplied by the applicant and the information supplied by the reference; and because the Visa Officer could not be satisfied, on the basis of the documentation supplied, that the applicant had demonstrated a sufficient obligation to return home following the visit.

It is open to the applicant to appeal the decision; however, to date, no appeal has been received. All appeals must be submitted within two months of the initial refusal decision.

Garda Stations.

235. **Ms O. Mitchell** asked the Tánaiste and Minister for Justice, Equality and Law Reform his views on the provision of a new Garda station for the rapidly growing Ballycullen area of south Dublin; and if he will make a statement on the matter. [32784/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength (all ranks) of An Garda Síochána increased to a record 12,762 on Friday, 8 September, 2006, following the attestation of 249 new members. This compares with a total strength of 10,702 (all ranks) as at 30 June, 1997 and represents an increase of 2,060 (or 19%) in the personnel strength of the Force during that period. The Garda Budget now stands at €1.3 billion, a 13% increase on 2005 and an 85% increase since 1997 in real terms.

I have been further informed that, at present, the Ballycullen area of Dublin is policed by both Tallaght and Rathfarnham Garda Stations. The personnel strength (all ranks) of Tallaght Garda Station as at 31 December, 1997 and 17 October, 2006 was 133 and 173, respectively, representing an increase of 40 (or 30%) in the number of Gardaí allocated to the station during that period. The personnel strength (all ranks) of Rathfarnham Garda Station as at 31 December, 1997 and 17 October, 2006 was 63 and 69, respectively, representing an increase of 6 (or 9.5%) in the number of Gardaí allocated to the station during that period.

I am informed by the Garda authorities that there are no plans at the present time to provide a new Garda Station in the Ballycullen area of South Dublin.

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. Garda management state that 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 three groups of newly attested Gardaí under this accelerated recruitment programme came on stream in

[Mr. McDowell.]

March, June and September of this year and the fourth such group will become fully attested members of the Force later this year. 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 Ballycullen area of South Dublin will be given the fullest consideration.

236. **Ms O. Mitchell** asked the Tánaiste and Minister for Justice, Equality and Law Reform if there are plans to upgrade or replace the Garda station in Stepside and to increase the number of Gardaí stationed there to reflect the increase in population in the Stepside area; and if he will make a statement on the matter. [32785/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): There are plans to undertake a development project at Stepside Garda Station under the Garda Building Programme. Projects are progressed under the Garda Building Programme on the basis of agreed priorities. This is achieved by consensus and with the cooperation and commitment of all concerned — the Department of Justice, Equality and Law Reform, the Garda authorities and Representative Associations and the Office of Public Works from whose Vote the capital works for Garda properties are funded. As with all such projects within the Garda Building Programme, Stepside will be progressed as quickly as overall priorities and resources allow.

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. Garda management state that 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 three groups of newly attested Gardaí under this accelerated recruitment programme came on stream in March, June and September of this year and the fourth such group will become fully attested members of the Force later this year. 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 Garda station referred to by the Deputy will be given the fullest consideration.

Prisoner Releases.

237. **Mr. P. Breen** asked the Tánaiste and Minister for Justice, Equality and Law Reform when a prisoner (details supplied) will be eligible for early release; and if he will make a statement on the matter. [32786/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The person referred to by the Deputy is serving two sentences of 6 years and one sentence of 3 years, all to run concurrently, in the Midlands Prison, Portlaoise and is due for release with normal remission on 9 February, 2008.

On 26 November, 2002 at Limerick Circuit Court the prisoner was sentenced to 6 years imprisonment on each of 23 counts of Buggery contrary to common law as provided for in section 61 of the Offences Against the Person Act 1861 and 3 years imprisonment on 24 counts of Indecent Assault contrary to common law as provided for in section 62 of the Offences Against the Person Act 1861. These sentences are to run concurrently from 11 November, 2002.

In addition at Clare Circuit Court on 2 November, 2004 the same person was sentenced to 6 years imprisonment on 1 count of Buggery contrary to common law as provided for in section 61 of the Offences Against the Person Act 1861 and 6 years imprisonment on 1 count of Indecent Assault contrary to common law as provided for in section 62 of the Offences Against the Person Act 1861. These sentences are to run concurrently and commenced on 11 November, 2003.

In view of the very serious nature of these offences, I am not prepared to authorise any form of early release in this case.

Garda Deployment.

238. **Ms O. Mitchell** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of gardaí stationed in each of the Stepside, Dundrum and Rathfarnham Garda stations each year from 2002 to date in 2006; and if he will make a statement on the matter. [32787/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength (all ranks) of An Garda Síochána increased to a record 12,762 on Friday, 8 September, 2006, following the attestation of 249 new members. This compares with a total

strength of 10,702 (all ranks) as at 30 June, 1997 and represents an increase of 2,060 (or 19%) in the personnel strength of the Force during that period. The Garda Budget now stands at €1.3 billion, a 13% increase on 2005 and an 85% increase since 1997 in real terms.

I have been informed that the Garda stations at Stepaside, Dundrum and Rathfarnham form part of the Dublin Metropolitan Region (DMR) and the personnel strength (all ranks) of the DMR as at 31 December, 1997 and as at 16 October, 2006 was 3399 and 4048, respectively. This represents an increase of 649 (or 19%) in the number of Gardaí assigned to the DMR during that period. The detailed information sought by the Deputy is being assembled and I will communicate with the Deputy.

In addition, I would point out to the Deputy that the DMR's resources are further augmented by a number of Garda National Units such as the Garda National Drugs Unit, the Garda National Immigration Bureau (GNIB), the Criminal Assets Bureau (CAB) and other specialised units.

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. Garda management state that 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 three groups of newly attested Gardaí under this accelerated recruitment programme came on stream in March, June and September of this year and the fourth such group will become fully attested members of the Force later this year. 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 Garda stations referred to by the Deputy will be given the fullest consideration.

Citizenship Applications.

239. **Mr. P. Breen** asked the Tánaiste and Minister for Justice, Equality and Law Reform if an application for a certificate of naturalisation will be expedited for a person (details supplied) in County Clare; and if he will make a statement on the matter. [32822/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I have considered this matter on foot of representations made by the Deputy on behalf of the person in question and I wish to advise him that I do not consider it appropriate to expedite the application.

An application for a certificate of naturalisation from the person referred to in the Deputy's question was received in the Citizenship section of my Department on 8 June 2006.

Applications received in the second half of 2004 are currently being processed and there are approximately 8,500 applications awaiting processing before that of the person in question. It is likely that the processing of the application will commence in the second half of 2008.

I will inform the Deputy and the person concerned when I have reached a decision on the application.

Equality Issues.

240. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Justice, Equality and Law Reform the amount of disability awareness training employees in his Department have had, individually and as a team; and his views on whether it would be feasible to put together a team, under the 3% quota, to carry out presentations on disability awareness around the country. [32823/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): Prior to the publication of the Disability Act 2005 my Department had commenced a process of training in-house staff to provide disability awareness training across the Department. However, having given the matter further consideration it has been decided to seek outside service providers who are specialists in this type of training and who have the capacity and capability to provide a comprehensive training programme for the entire Department including all of its agencies. It is intended to have a service provider in place by the end of 2006 with a view to full roll-out in January 2007. As part of this roll-out the service provider will provide training in all of the regional offices of this Department.

It should be noted that Part 5 of the Disability Act 2005 requires public bodies to achieve a 3% target level in the employment of persons with disabilities. It also sets out structures for monitoring and supporting compliance with the target, giving the National Disability Authority a specific role in this regard. The National Disability Authority is planning a series of seminars for key staff in public bodies during November to build awareness and support the implementation of these requirements. My Department will, where necessary, liaise with the Authority in relation to the provision of our training programme, particularly in relation to standards and suitability.

Legal Aid Service.

241. **Mr. Timmins** asked the Tánaiste and Minister for Justice, Equality and Law Reform the waiting time for free legal aid in each county at present; and if he will make a statement on the matter. [32846/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I can inform the Deputy that the present position with respect to waiting times at the Legal Aid Board's law centres is that legal services are being provided to all eligible persons well within the target maximum period of four months. In fact, the waiting time is two months or less at more than two thirds of all law centres and is no more than three months in all other centres. The following table gives the maximum current waiting times for each law centre at the end of September, 2006.

Maximum current waiting times at the end of September, 2006.

Law Centre	Months
Athlone	1
Blanchardstown	2
Brunswick Street	1
Castlebar	1
Cavan	1
Clondalkin	3
Dundalk	0
Ennis	2
Finglas	2
Galway	2
Gardiner Street	3
Kilkenny	3
Letterkenny	3
Limerick	1
Longford	0
Monaghan	1
Navan	2
Nenagh	3
Newbridge	2
Ormond Quay	2
Cork Popes Quay	2
Portlaoise	3
Sligo	1
Cork South Mall	3
Tallaght	1
Tralee	3
Tullamore	3
Waterford	2
Wexford	2
Wicklow	2

Industrial Relations.

242. **Ms Shortall** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of times since 1987 that civil servants have been forced to obtain an Order from the Courts enforcing or associated with enforcing their contractual rights and entitlements; the additional cost to the Exchequer over and above that which would have prevailed had the State recognised and honoured the contractual rights and entitlements involved in the first instance; and if he will make a statement on the matter. [32860/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I assume that the Deputy refers to civil servants employed in my Department since 1987. I am not aware of any instances of civil servants in my Department having been forced to obtain an Order from the Courts enforcing or associated with enforcing their contractual rights and entitlements during the period concerned. However, given that the question relates to a period of almost 20 years, it is not possible to be fully certain with this information without recourse to unwarranted use of resources or more extensive research than time available permits. In the event that any such cases subsequently come to my attention I will inform the Deputy.

Visa Applications.

243. **Mr. Curran** asked the Tánaiste and Minister for Justice, Equality and Law Reform if it is possible for a person (details supplied) to make an application from within this country to have their visa changed from a business visa to a study visa or must they return to Nigeria to make such an application. [32913/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned was granted a C Business visa to enter the State for a period of three months. Supporting documentation submitted with the visa application indicated that the purpose of his journey was to source equipment for a business. C Visas are granted for visits of less than 90 days. As a consequence it is not the general policy to extend permission to remain to persons who are admitted initially for a period of 90 days or less on a C Visa, save in very exceptional and unforeseen circumstances.

It is not possible, therefore, for the person concerned to change his permission to remain to that of student conditions. He must leave and apply for the appropriate visa from outside the State should he wish to return. He should include in his new visa application the purpose and duration of his intended stay.

Closed Circuit Television Systems.

244. **Mr. McGuinness** asked the Tánaiste and Minister for Justice, Equality and Law Reform the progress made in providing closed circuit television system in Kilkenny city; and the time frame for completing the project. [32979/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy is aware, Kilkenny is one of 17 areas set to receive a Garda CCTV system under the Garda CCTV Programme. The Garda authorities are currently finalising a detailed Request for Tender (RFT) for the outsourced service provision of 14 of these Garda CCTV systems in the following towns: Athlone, Carlow, Castlebar, Clonmel, Drogheda, Dungarvan, Ennis, Kilkenny, Kinsale, Mullingar, Portlaoise, Sligo, Tallaght and Waterford. The aforementioned locations are listed in alphabetical order.

As I have indicated previously, I am anxious to accelerate the implementation of this CCTV programme and reduce as far as possible the workload of the Garda Síochána in this regard. Garda Management and my Department are currently in consultation with the Department of Finance with a view to proceeding as quickly as possible with the procurement process to contract outsourced service providers for the development, installation and management of these CCTV systems, including Kilkenny. This is now the subject of a “peer review” process organised by the Department of Finance. Following the successful conclusion of this review it is intended to issue the Request for Tender.

In the meantime the Garda authorities published a request for tender document (RFT) for the installation of three Garda CCTV Systems in Ballyfermot, Clondalkin and Tullamore on the Government’s procurement website *etenders.gov.ie* on 13 October 2006. The closing date for receipt of tenders is 22 November 2006.

I understand that under this tender process the Garda authorities propose, as a pilot project, to seek proposals which use wireless CCTV technology for the installation of these 3 CCTV systems. This innovative technology will allow CCTV cameras to be redeployed as necessary to meet changing policing requirements.

Citizenship Applications.

245. **Mr. McGuinness** asked the Tánaiste and Minister for Justice, Equality and Law Reform the status of a application for naturalisation by a person (details supplied) in County Offaly. [32980/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for a certificate of naturalisation from the person referred to in the Deputy’s question was received in the Citizenship section of my Department on 4th April 2005.

I understand that the processing of the application is almost complete and that the case file will be submitted to me for a decision in the near future.

I will advise the Deputy and the person in question once I have reached a decision on the application.

Garda Deployment.

246. **Ms O. Mitchell** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of Gardaí stationed and the number of vehicles available in Lusk, Rush, Skerries, Swords, Garristown, Balbriggan and Malahide Garda stations for each year from 2002 to date in 2006; and if he will make a statement on the matter. [32981/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength (all ranks) of An Garda Síochána increased to a record 12,762 on Friday, 8 September, 2006, following the attestation of 249 new members. This compares with a total strength of 10,702 (all ranks) as at 30 June, 1997 and represents an increase of 2,060 (or 19%) in the personnel strength of the Force during that period. The Garda Budget now stands at €1.3 billion, a 13% increase on 2005 and an 85% increase since 1997 in real terms.

I have been further informed that the personnel strength (all ranks) in each of the Lusk, Rush, Skerries, Swords, Garristown, Balbriggan and Malahide Garda stations as at 31 December, 2002-2005, inclusively, and as at 16 October, 2006, was as set out in the following table:

Stations	31/12/02	31/12/03	31/12/04	31/12/05	16/10/06
Lusk	4	4	4	4	4
Rush	4	5	5	6	7
Skerries	10	10	11	10	11
Swords	57	56	68	65	66
Garristown	3	3	3	3	3
Balbriggan	35	32	34	32	33
Malahide	43	40	40	40	45

[Mr. McDowell.]

This represents an increase of 13 members or 8% over the period in question.

The number of Garda vehicles available 2002-2006 was as set out in the following table:

Station	2002	2003	2004	2005	2006
Balbriggan	5	5	5	5	5
DMR – Malahide	4	2	4	5	5
DMR – Swords	6	7	7	7	6
Garristown	1	1	1	1	1
Lusk	1	1	1	1	1
Rush	1	1	1	1	1
Skerries	1	1	1	1	1
Totals	19	18	20	21	20

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. Garda management state that 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 three groups of newly attested Gardaí under this accelerated recruitment programme came on stream in March, June and September of this year and the fourth such group will become fully attested members of the Force later this year. 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 Garda stations referred to by the Deputy will be given the fullest consideration.

Crime Levels.

247. **Mr. Gormley** asked the Tánaiste and Minister for Justice, Equality and Law Reform if his attention has been drawn to the increase in the number of break-ins around the Northumberland Place area of Dublin; the steps the Gardaí have taken to deal with this issue; if there are any closed circuit television cameras located in the area; if there are plans to locate CCTV cameras there; and if he will make a statement on the matter. [32982/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the area referred to is patrolled by uniformed and plain-clothes Gardaí from Irishtown Garda Station, including the District Drug Unit, Detective Unit, Garda Mountain Bike Unit and the Community Policing Unit. I am further informed that in addition to regular mobile and foot patrols the area is patrolled by the Divisional Crime Task Force and Traffic Unit to ensure that a concentrated visible presence is maintained in the area concerned.

I am advised by the Garda authorities that there is no increase in the number of recorded burglaries in the area. However, current policing policy in the area concerned is predicated on the prevention of crime, including crimes of violence against persons and property, and the maintenance of an environment conducive to the improvement of quality of life of the residents. This strategy is, and will continue to be, central to the delivery of a policing service to the area in question.

A Crime Prevention Officer is available to advise on good practice in matters relating to crime prevention and reduction. Also, security reviews and audits will be conducted on request.

I understand that there are no Garda closed circuit camera system in the area concerned and An Garda Síochána is not aware of plans for its introduction. Furthermore, the CCTV Advisory Committee has not received an application for a Garda CCTV scheme for the area.

Criminal Assets.

248. **Mr. Quinn** asked the Tánaiste and Minister for Justice, Equality and Law Reform further to the Twelfth Report of the Independent Monitoring Commission and its confirmation that some members of the IRA remain involved in serious criminal activity, the efforts being made by the Criminal Assets Bureau specifically to target members of paramilitary organisations that are benefiting from the proceeds of crime; his views on the establishment of one all-Ireland assets recovery agency to target all loyalist and

republican organisations that continue to involve themselves in criminality, including cross-border smuggling of fuel, alcohol, money, cigarettes and other goods; and if he will make a statement on the matter. [32986/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): With regard to individual members of PIRA or any other organisation who remain involved in criminality, the Government has made it perfectly clear that such individuals will be pursued with the full rigour of the law.

The Deputy will understand that I am not in a position to go into detail about individuals who are being or may, in the future, be investigated by the Criminal Assets Bureau. What is clear is that the Criminal Assets Bureau currently in operation in this jurisdiction is regarded by many, both nationally and internationally, as an excellent model for tackling those who seek to profit from crime and the Bureau pursues relentlessly the proceeds of crime, including crime which involves members of paramilitary organisations.

There is already a considerable amount of co-operation between the Bureau and the Assets Recovery Agency in Belfast and London. Investigations have been carried out in conjunction with UK Customs, the Police Service of Northern Ireland and the Assets Recovery Agency as well as with the Revenue Commissioners. Operations have led to prosecutions and resulted in the forfeiture of assets and the breaking up of a number of organised crime gangs involved in illegal cross border activity. The joint CAB/ARA operation conducted along the border earlier this year, which targeted the activities of a well-known member of the Provisional IRA, and which resulted in the freezing of assets of significant value, provides an excellent example of the efficiency and willingness with which these two bodies cooperate.

This Government will continue to push forward the North/South agenda, including in the area of police cooperation.

While proposals for an all-Ireland assets recovery agency would raise constitutional issues, the Government will continue to promote closer cooperation between the two jurisdictions in all areas where it will prove beneficial to the people of this island.

Asylum Applications.

249. **Mr. M. Higgins** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position regarding the application for asylum of persons (details supplied); the stage their applications have reached; the prospects for their being granted asylum; and if he will make a statement on the matter. [33002/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): It is not the prac-

tice to comment in detail on individual asylum applications.

As the Deputy will be aware, applications for refugee status in the State are determined by an independent process comprising the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal which make recommendations to the Minister for Justice, Equality and Law Reform on whether such status should be granted.

A final decision on each of these cases will be made upon receipt of the recommendation or decision of the relevant determination authority.

Missing Persons.

250. **Mr. McGuinness** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he intends to restore funding to the missing persons helpline; his views on the submission made to his Department by the Missing in Ireland Support Service; and if he will make a statement on the matter. [33011/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): Funding of €110,000 in respect of a National Missing Persons Helpline, made available by my Department in 2002 and 2003, was channelled through the Victim Support organisation an independent, non-governmental organisation with charitable status. This funding was in addition to the ongoing funding that the organisation received for the provision of services to victims of crime. This funding was provided subject to the conditions that no funding beyond the year 2003 should be implied and audited accounts should be provided to my Department on a calendar year basis. To date, no audited accounts have been received in my Department.

The Missing Persons Helpline operated from the headquarters of Victim Support alongside Victims Support's own helpline for victims of crime. The conditions under which the Department provided funding did not include any requirements concerning the operational activities of the Helpline, such as the strategy of the Helpline. Any decision relating to the operation of the Helpline were made by Victim Support which managed the operation of the Helpline in conjunction with the Helpline itself.

As a matter of good practice in the handling of public money, my Department required that an independent evaluation of the Helpline should be undertaken after the first year of its operation and submitted to my Department. The operational details in relation to the evaluator and costings were a matter for Victim Support.

In March 2005, I decided that continued funding of the Victim Support organisation could no longer be justified due to serious concerns in relation to governance, accountability for public funds and poor service levels, after a lengthy period of instability within the organisation. I

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understand that Victim Support closed down its headquarters operation during 2005 and that a number of staff were made redundant, including the person employed to operate the Missing Persons Helpline. My Department had no role in the decision of Victim Support to make a number of its staff redundant, other than to insist that statutory requirements (notice, holiday pay, etc.) be met and that the interests of the staff be protected.

Also in March 2005, I established a new Commission for the Support of Victims of Crime to devise an appropriate support framework for victims of crime into the future and to disburse funding for victim support measures. The Commission is entirely independent in its decision making and examines each application on its merits. The Commission received an application from Missing in Ireland Support Service for €71,600 to establish, staff and operate a helpline for missing persons. After careful consideration of the application the Commission decided to offer funding of €25,000. However, this offer was rejected by the Missing in Ireland Support Service. It should be borne in mind in this context that the Commission is charged with funding support services for victims of crime, and that, while some persons who are missing are crime victims, most are not.

The Garda Síochána are continuously monitoring international developments in relation to investigations of missing persons in order to ensure that best practice is followed. If their professional judgement is that some change in the existing legislation, protocols or structures would be of assistance in improving investigations, this would be considered by me.

A proposal for funding to restore the National Missing Persons Helpline has been submitted to my Department and officials are currently examining the proposal.

Citizenship Applications.

251. **Mr. Perry** asked the Tánaiste and Minister for Justice, Equality and Law Reform when applications (details supplied) will be processed; and if he will make a statement on the matter. [33018/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): Applications for certificates of naturalisation from the persons referred to in the Deputy's question was received in the Citizenship section of my Department on 11 July 2006.

Applications received in the second half of 2004 are currently being processed and there are approximately 9,500 applications awaiting processing before those of the persons in question. It is likely that the processing of the applications of the persons in question will commence in the second half of 2008. I will inform the Deputy and

the persons concerned when I have reached a decision on the applications.

Crime Prevention.

252. **Ms McManus** asked the Tánaiste and Minister for Justice, Equality and Law Reform the steps he is taking to combat violence against women; the measures he is taking in order to provide adequate care and protection for women here who are victims of violence; and if he will make a statement on the matter. [33024/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): Violence against Women is a multifaceted issue requiring a multifaceted response from a number of Government Departments and Agencies. In the first instance, violence against women is a crime and, as such, must be processed in accordance with the criminal justice system, the policy for which is a responsibility of my Department. My Department also funds awareness raising initiatives which are delivered in the main by the Non-governmental Organisations which are active in the sector and it makes funding available for perpetrator programmes, again largely delivered by non-governmental Organisations which work with the perpetrators of this crime and with the victims in an effort to reduce repeat offending. It also makes some funding available for relevant research.

The victims of violence against women frequently require health care and personal social services which are delivered through or funded by the Health Service Executive. In addition the Department of the Environment, Heritage and Local Government makes funding available for emergency accommodation and refuges for the victims of violence against women. The Department of Education and Science, the Department of Community, Rural and Gaeltacht Affairs via community groups, and the Department of Social and Family Affairs, via the Family Support Agency also have an involvement in responding to the problem of violence against women.

The Minister of State with responsibility for Equality within my Department chairs a multi-sectoral National Steering Committee on Violence against Women which co-ordinates the response across all sectors, in accordance with the recommendations of the Report of the Task Force on Violence against Women which reported in 1997. This Committee brings together the Government Departments and agencies charged with responding to the issue as well as representatives from a wide range of non-governmental organisations working with women who have suffered violence.

The work of the National Steering Committee is currently under review and a new Strategic Work Plan is being formulated to advance the work in the light of the achievements to date and

our increased knowledge of the issues. I expect that review to be completed later this year.

Disability Support Services.

253. **Mr. Deasy** asked the Tánaiste and Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that funding has been withdrawn from the People with Disabilities in Ireland Office in Dungarvan, County Waterford which has been in operation since 2002 and is to be replaced by a new PWDI office in Waterford City; if his attention has further been drawn to the difficulties this will pose for people with disabilities in west Waterford; and if he will make a statement on the matter. [33075/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): My Department has funded People with Disabilities in Ireland Ltd. and its predecessor organisation since 1996; in 2005, this funding ran to €1,309,000. People with Disabilities in Ireland Ltd (PwDI) is an independent registered company, with responsibility for its own structure, premises, and organisation. While my Department has no direct role in relation to operational matters such as the Deputy is referring to, I understand that a separate source of funding, not related to my Department, was utilised to support the operation of the Dungarvan office since 2001, and that this funding will no longer be available from the end of this year. I am informed that PwDI will examine every option that may be available in considering the feasibility of maintaining a service in Dungarvan. I understand also that the intention is that the overall service in the Waterford Network will be enhanced as a result of the opening of a new service in Waterford city.

Garda Deployment.

254. **Dr. Twomey** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of Gardaí who were appointed in County Wexford in 1997 and in 2006; and if he will make a statement on the matter. [33125/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength (all ranks) of An Garda Síochána increased to a record 12,762 on Friday, 8 September, 2006, following the attestation of 249 new members. This compares with a total strength of 10,702 (all ranks) as at 30 June, 1997 and represents an increase of 2,060 (or 19%) in the personnel strength of the Force during that period. The Garda Budget now stands at €1.3 billion, a 13% increase on 2005 and an 85% increase since 1997 in real terms.

I have been further informed that Garda Divisional boundaries do not always correlate with County boundaries. The personnel strength (all ranks) of the Wexford/ Wicklow Garda Division as at 31 December, 1997 was 269. The personnel strength (all ranks) of the Wexford/ Wicklow Garda Division as at 16 October, 2006 was 339. This represents an increase of 70 (or 26%) in the number of Gardaí allocated to the Wexford/ Wicklow Garda Division between 31 December, 1997 and 16 October, 2006.

In addition, I would point out to the Deputy that the Wexford/ Wicklow Divisions resources are further augmented by a number of Garda National Units such as the Garda National Drugs Unit, the Garda National Immigration Bureau (GNIB), the Criminal Assets Bureau (CAB) and other specialised units.

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. Garda management state that 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 three groups of newly attested Gardaí under this accelerated recruitment programme came on stream in March, June and September of this year and the fourth such group will become fully attested members of the Force later this year. 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 County Wexford will be given the fullest consideration.

Courts Service.

255. **Mr. S. Ryan** asked the Tánaiste and Minister for Justice, Equality and Law Reform his views on whether it is virtually impossible to secure the services of a person from one of the bodies referred to in the schedule of S.I. No. 337 of 2005 Civil Liabilities and Courts Act 2004 (Section 40 (3)) Regulations 2005 to be present at family law cases, for research purposes; if this was what was intended in the regulations; and if so, the reason it has not been implemented. [33126/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I wish to inform the Deputy that the Civil Liability and Courts Act 2004 (Section 40(3)) Regulations 2005 (S.I. No. 337 of 2005) specify the classes of persons entitled to apply to attend family law proceedings for the purposes of drawing up and publishing reports. Three classes of persons are specified, namely mediators, researchers and persons engaged by the Courts Service to produce such reports.

To date, I have approved several persons engaged in family law research on the nomination of bodies specified in the Regulations and, in view of recent enquiries made to my Department, I expect to receive further nominations shortly. I can also inform the Deputy that the Courts Service has recently engaged a Family Court Recorder on a one year pilot basis.

Garda Communications.

256. **Ms Shortall** asked the Tánaiste and Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 227 of 10 October 2006, the Garda stations which have and which do not currently have e-mail facilities. [33187/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): It is a matter solely for the management authorities in on Garda Síochána to decide on policy for the provision of e-mail facilities within the organisation.

As outlined in my response to Parliamentary Question No 227 of 10th October, I am advised by the Garda authorities that their approach to roll-out of Email services is based on operational requirements with facilities currently available to all Gardaí of Superintendent rank and above. Access is also provided to other individual members of An Garda Síochána where required, based on operational needs. Accordingly, as outlined in that reply, the roll-out is not done on a station by station basis.

I am advised by the Garda Authorities that email facilities as per the rollout plan are available at all networked stations and at other locations including Garda HQ, specialist units, immigration and ports of entry, the Garda College and the Garda Information Services Centre in Castlebar. The Garda stations, including Divisional, District Offices and larger stations where officers have Email facilities, total 242 and are listed as follows. There are a total of 703 Garda stations.

Abbeyfeale	Abbeyleix	Achill Sound	Anglesea Street
Ardee	Arklow	Ashbourne	Ashford
Askeaton	Athboy	Athenry	Athlone
Athy	Aughrim	Avoca	Bailieboro
Balbriggan	Ballaghaderreen	Ballina	Ballinamore
Ballinasloe	Ballincollig	Ballinrobe	Ballybofey
Ballyconnell	Ballycullane	Ballyfermot	Ballyhaunis
Ballyheigue	Ballymote	Ballymun	Ballyshannon
Baltinglass	Banagher	Bandon	Bantry
Barrack St.	Belmullet	Birr	Bishopstown
Blackrock, Co. Cork	Blackrock, Co. Dublin	Blanchardstown	Blarney
Blessington	Boyle	Bray	Bridewell Cork
Bridewell Dublin	Bruff	Bunbeg	Bunclody
Buncrana	Bundoran	Burnfoot	Buttevant
Cabinteely	Cabra	Caherciveen	Cahir
Carlow	Carndonagh	Carraroe (An Cheathtrú Rua)	Carrickmacross
Carrick-on-Shannon	Carrick-on-Suir	Carrigaline	Carrigtwohill
Cashel	Casletbar	Castleblaney	Castlecomer
Castleconnell	Castleisland	Castlereagh	Castletownbere
Cavan	Celbridge	Charleville	Clara
Claremorris	Clifden	Clonakilty	Clondalkin
Clones	Clonmel	Clontarf	Cobh
Coolock	Cootehill	Corofin (Co. Galway)	Crossmolina
Crumlin	Dalkey	Dingle	Donegal Town
Donnybrook	Douglas	Drogheda	Dún Laoghaire
Dunboyne	Duncannon	Dundalk	Dundrum
Dunfanaghy	Dungarven	Dungloe	Dunleer
Dunmanway	Dunshaughlin	Edenderry	Edgeworthstown
Elfin	Enfield	Ennis	Enniscorthy
Enniskerry	Ennistymon	Falcarragh	Fermoy

Abbeyfeale	Abbeyleix	Achill Sound	Anglesea Street
Finglas	Fitzgibbon St.	O'Connell St. Dublin	Galway
Glanmire	Glenties	Gorey	Gort
Granard	Greystones	Gurrabraher	Harcourt Terrace
Henry St.Howth	Irishtown	Kanturk	Kells
Kenmare	Kevin Street	Kildare	Kilkenny
Killaloe	Killarney	Kill O'Grange	Killorglin
Killybegs	Kilmacthomas	Kilmainham	Kilrush
Kiltimagh	Kinnegad	Kinsale	Lahinch
Laytown	Leixlip	Letterkenny	Lifford
Lisdoonvarna	Listowel	Longford	Loughrea
Lucan	Macroon	Malahide	Mallow
Mallow Road	Manorhamilton	Mayfield	Maynooth
Mayorstone Park	Middleton	Milford Donegal	Millstreet, Cork
Michelstown	Moate	Mohill	Monaghan
Monasterevin	Mountbellew	Mountjoy	Muinebheag
Mullingar	Naas	Navan	Nenagh
New Ross	Newbridge	Newcastle West	Newtownmountkennedy
Oldcastle	Omeath	Oughterard	Passage West
Pearse St.	Portarlinton	Portlaoise	Portumna
Raheny	Rathcoole	Rathdrum	Rathfarnham
Rathmines	Rochfortbridge	Ronanstown	Roscommon
Roscrea	Roxboro Road	Salthill	Santry
Scariff	Shankill	Shannon	Sixmilebridge
Skerries	Skibbereen	Sligo	Stepaside
Store St.	Strokestown	Sundrive Road	Swinford
Swords	Tallaght	Templemore	Terenure
Thomastown	Thurles	Tipperary	Togher
Tralee	Tramore	Trim	Tuam
Tubbercurry	Tullamore	Tullow	Watercourse Road
Waterford	Westport	Wexford	Whitehall
Wicklow	Youghal		

Crime Levels.

257. **Ms Shortall** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will report on the number of persons prosecuted for the purchase and supply of alcohol to minors for each of the past five years per Garda division. [33188/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the following table provides the number of proceedings commenced and convictions recorded for the offence of providing intoxicating liquor to a person under 18 years, contrary to section 32, Intoxicating Liquor Act 1988. The figures provided are broken down by Garda Division for the years 2001 to 2005.

Proceedings Commenced and Convictions Recorded for an Offence under section 32 of the Intoxicating Liquor Act 1988, by Garda Division for the Years 2001 to 2005.

Division	2005		2004		2003		2002		2001	
	Proceedings Commenced	Convictions	Proceedings Commenced	Convictions	Proceedings Commenced	Convictions	Proceedings Commenced	Convictions	Proceedings Commenced	Convictions
Mayo	5	2	13	8	20	16	19	14	11	5
Clare	2	0	4	2	4	1	8	2	0	0
Kerry	5	0	2	1	4	3	1	1	1	0
Donegal	4	1	8	8	6	1	7	6	1	0
Limerick	1	0	8	1	1	0	0	0	0	0
Cork City	3	1	9	4	15	4	10	3	9	9
Cork West	4	0	5	3	0	0	1	1	3	2
Tipperary	4	0	5	2	4	2	4	1	1	1
Cork North	7	4	6	3	5	4	4	1	4	4
Galway West	6	3	2	1	6	3	4	3	0	0
Louth / Meath	2	0	2	2	5	2	4	2	0	0
Laois / Offaly	3	2	3	0	7	3	6	3	1	0
Sligo / Leitrim	2	0	0	0	0	0	4	0	1	1
Carlow / Kildare	7	2	3	0	9	1	12	6	1	1
Cavan / Monaghan	2	0	3	1	5	1	5	1	8	2
D.M.R Eastern	4	1	1	0	4	4	2	1	1	0
D.M.R Western	1	0	0	0	1	1	3	1	1	1
D.M.R Northern	4	0	5	1	1	0	2	1	1	1
D.M.R Southern	1	0	7	4	12	2	4	1	2	1
Wexford / Wicklow	1	0	3	1	3	2	3	0	0	0
Longford / Westmeath	0	0	0	0	2	0	2	0	0	0
Waterford / Kilkenny	5	4	5	5	2	1	2	2	5	2
D.M.R North Central	1	1	0	0	2	0	0	0	0	0
D.M.R South Central	0	0	0	0	4	0	1	0	0	0
Roscommon / Galway (East)	3	3	3	0	4	3	8	6	10	3
Total	77	24	97	47	126	54	116	56	61	33

Crime Prevention.

258. **Mr. Curran** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number and types of weapons surrendered to date under the weapons amnesty. [33210/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities that in the first five weeks of the Weapons Amnesty, up to the 9th October, 2006, a total of 236 firearms and offensive weapons, together with a quantity of ammunition, have been surrendered to Garda Stations throughout the country as follows:

Description	Number Surrendered
Shotguns	40
Rifles	30
Musket	1
Pellet Guns	8
Starting Pistols	10
Air Pistols / Rifles / Guns	45
Crossbows	10
Pistols / Revolvers / Handguns	29
Assorted Knives	40
Swords	5
Replica firearms	12
Stun Gun	1
.177 Repeater	1
Grenade	1
Mace Spray	1
Erma Gas Gun	1
Theatre Pistol	1
Total	236

The amnesty runs up to the 31st October, 2006 and I am confident that weapons will continue to be surrendered while the amnesty lasts.

Visa Applications.

259. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform if the extension of a visa will be offered to a person (details supplied) in Dublin 16; and if he will make a statement on the matter. [33211/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned was granted a C visit visa to enter the State for a period of three months. It now appears that she is seeking an extension of her permission to remain in the State.

A wrap-around information sheet accompanies every visa application form. That sheet makes it clear to the applicant that, in general, persons granted visas for particular purposes are not per-

mitted to remain in the State for any purpose other than that for which the visa was granted.

Every visa applicant is required to state on the application form the dates on which he or she proposes to enter and leave Ireland. He or she is also required to declare that the information supplied is correct and complete.

A C Visa is granted for visits of less than 90 days. As a consequence it is not the general policy to extend permission to remain to persons who are admitted initially for a period of 90 days or less on a C Visa, save in very exceptional and unforeseen circumstances.

The person concerned must leave and reapply from outside the State should she wish to return. She should include in her new visa application the purpose and duration of her intended stay.

Child Protection.

260. **Ms O'Donnell** asked the Tánaiste and Minister for Justice, Equality and Law Reform the steps that have been taken to protect children in view of reports that a convicted paedophile (details supplied) is living here having been deported from the US on completion of their sentence; and if he will make a statement on the matter. [33280/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed that the person referred to has complied with the obligations placed on him under the provisions of the Sex Offenders Act, 2001. I am further informed that the Garda authorities are aware of the current whereabouts of the person referred to and are continuing to monitor the situation. Any breach of the criminal law, or threat thereof, will be investigated by the Garda authorities and appropriate measures taken.

Joint Policing Committees.

261. **Mr. O'Connor** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will confirm that a police forum will be established for the Tallaght region; and if he will make a statement on the matter. [33394/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): Section 36 of the Garda Síochána Act 2005 provides for the establishment of a joint policing committee in each local authority administrative area. The purpose of these committees is to provide a forum where a local authority and the senior Garda officers responsible for the policing of that area, with the participation of Oireachtas members and community interests, can consult, discuss and make recommendations on matters affecting the policing of the area.

The joint policing committees are being established by local authorities and the Garda Com-

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missioner in accordance with guidelines which have been issued by the Minister for Justice, Equality and Law Reform after consultation with the Minister for the Environment, Heritage and Local Government and the Minister for Community, Rural and Gaeltacht Affairs.

In view of the innovative nature of the committees and the number which will be established, the Minister decided, following consultation with his colleagues the Minister for the Environment, Heritage and Local Government and the Minister for Community, Rural and Gaeltacht Affairs, to pilot the committees in 22 local authority areas for a limited period.

When the Minister issued the guidelines for these pilot committees in June 2006 he was anxious to strike in the guidelines the right balance between inclusiveness and effectiveness in the size and composition of the committees. With regard to membership of the committees by local authority members, the guidelines provide either for all local authority members to be members of a committee or for representation of each political grouping on the local authority, depending on the size of the local authority.

Under the provisions of the Act, the joint policing committee can establish, in consultation with the local Garda superintendent, local policing fora to discuss and make recommendations to the broader committee on matters affecting their neighbourhood. Supplemental guidelines for the local policing fora will be made at a later date.

In accordance with the National Drugs Strategy, priority will be given to establishing local policing fora in all Local Drugs Task Force areas and other areas experiencing problems of drugs misuse.

Customs Service.

262. **Mr. Costello** asked the Minister for Finance if he will review the operation of private aerodromes and private aircraft to ensure that all flights to and from the State are subject to customs checks; and if he will make a statement on the matter. [32695/06]

Minister for Finance (Mr. Cowen): The Customs Service of the Office of the Revenue Commissioners has primary responsibility for the prevention, detection, interception and seizure of controlled drugs at importation. It has particular responsibility for implementing import controls at points of entry to the State, specifically at ports and airports, including licensed airfields, and on the land frontier. The control of licensed airfields in the State is carried out by customs enforcement teams. Those are dedicated anti-smuggling teams that focus on the smuggling of prohibited drugs and fiscal products.

I am informed by the Revenue Commissioners that best practice in customs administration worldwide shows that the development of information and intelligence is critical to the detection of drug smuggling. In Ireland, this has become very important since the completion of the Single Market in 1993, based as it is on the free movement of goods and people within the Community. Because Intra-Community travellers have the right of free movement, Revenue has no power to stop them except on the basis of a suspicion, normally grounded in specific intelligence.

The Revenue's Customs Service is continuously engaged in the analysis and evaluation of seizure trends, routes and smuggling risks and consequential resource deployment. All Customs Service operations are risk focused, and staff are deployed to combat areas of greatest risk. Revenue constantly reviews staffing levels and structures to ensure that resources are matched to risk. The level of activity at licensed aerodromes is constantly monitored from a risk perspective.

In light of concerns raised following the Belgian drugs seizure, I am advised that the Revenue Commissioners are reviewing the approval conditions attached to licensed aerodromes including an examination of the risks attached to the operation of, and procedures attaching to these aerodromes. This review has just commenced with the clear intention of having it completed as quickly as possible.

263. **Mr. Kenny** asked the Minister for Finance the action he intends to take following the recent drug seizure from aircraft which initiated its flight at Weston Airport; if new customs procedures will be introduced; and if he will make a statement on the matter. [32838/06]

Minister for Finance (Mr. Cowen): The Customs Service of the Office of the Revenue Commissioners has primary responsibility for the prevention, detection, interception and seizure of controlled drugs at importation. It has particular responsibility for implementing import controls at points of entry to the State, specifically at ports and airports, including licensed airfields, and on the land frontier. The control of licensed airfields in the State is carried out by customs enforcement teams. Those are dedicated anti-smuggling teams that focus on the smuggling of prohibited drugs and fiscal products.

The Deputy will appreciate that it would be inappropriate for me as Minister for Finance to comment in detail on the specific operation that resulted in the seizure of a reported 50kg. of heroin in Belgium a number of weeks ago. The fact that three Irish nationals were arrested, and that the aircraft, detained by the Belgian authorities had departed from, and is based at,

Weston Aerodrome are of major concern to the Revenue Commissioners.

I am informed by the Revenue Commissioners best practice in customs administration world-wide shows that the development of information and intelligence is critical to the detection of drug smuggling. In Ireland, this has become very important since the completion of the Single Market in 1993, based as it is on the free movement of goods and people within the Community. Because Intra-Community travellers have the right of free movement, Revenue has no power to stop them except on the basis of a suspicion, normally grounded in specific intelligence.

The Revenue's Customs Service is continuously engaged in the analysis and evaluation of seizure trends, routes and smuggling risks and consequential resource deployment. All Customs Service operations are risk focused, and staff are deployed to combat areas of greatest risk. Revenue constantly reviews staffing levels and structures to ensure that resources are matched to risk. The level of activity at licensed aerodromes is constantly monitored from a risk perspective.

For example, in 2004 officers attached to the Dublin Enforcement District carried out 12 planned and six unplanned visits to Weston. During 2005, ten planned and six unplanned; and to-date in 2006, 12 planned and three unplanned visits have been made to Weston. I am assured by the Revenue Commissioners that the monitoring of licensed aerodromes in the State by the Revenue Customs Service is in line with international standards.

In light of concerns raised following the Belgian drugs seizure, I am advised that the Revenue Commissioners are reviewing the approval conditions attached to licensed aerodromes including an examination of the risks attached to the operation of, and procedures attaching to these aerodromes. This review has just commenced with the clear intention of having it completed as quickly as possible.

Garda Stations.

264. **Mr. Quinn** asked the Minister for Finance when it is planned to begin construction work on the Central Garda Vetting Unit in Thurles; and if he will make a statement on the matter. [32841/06]

Minister of State at the Department of Finance (Mr. Parlon): Temporary accommodation for 40 staff has been provided in Thurles for the Garda Vetting Unit.

An advertisement was placed by the Office of Public Works (OPW) in the national newspapers and the OJEU on Friday 13 October 2006 seeking Expressions of Interest from experienced developers/contractors who wish to be considered

in connection with the provision of permanent office accommodation for An Garda Síochána in Thurles. Expressions of Interest are due to be received by Monday 20 November 2006. This will be followed by a shortlisting of suitable candidates from whom tenders will be invited on a design/build basis. The OPW is currently finalising the brief of accommodation requirements with the Garda authorities.

Evaluation of tenders is expected to result in the selection of a preferred tenderer. On completion of the planning process, the OPW will instruct the preferred tenderer to submit working drawings and a Bill of Quantities with a view to a contract being placed and work commencing on site at the earliest possible date.

Site Acquisitions.

265. **Mr. Broughan** asked the Minister for Finance the concerns the Chief State Solicitor has expressed with regard to the proposed purchase by the Office of Public Works of a site for a school (details supplied) in County Meath; the measures that will be taken to resolve this matter; and if he will make a statement on the matter. [32914/06]

275. **Mr. Broughan** asked the Minister for Finance if there are outstanding legal issues to be resolved with regard to the purchase by the Office of Public Works of a site for a school (details supplied) in County Meath; if so, the issues outstanding; his plans to resolve the matter; and if he will make a statement on the matter. [32912/06]

Minister of State at the Department of Finance (Mr. Parlon): I propose to take Questions Nos. 265 and 275 together.

The Commissioners of Public Works, on behalf of the Department of Education and Science, have agreed in principle to the purchase of an identified site. The title is currently being examined by the Chief State Solicitor.

Tax Clearance Certificates.

266. **Mr. Kehoe** asked the Minister for Finance if a replacement P60 will be issued for a person (details supplied) in County Wexford; and if he will make a statement on the matter. [32599/06]

Minister for Finance (Mr. Cowen): I am advised by the Office of the Revenue Commissioners that they do not issue forms P60. These are issued by a person's employer. The person in question should request a duplicate copy of the original P60 from her employer.

Decentralisation Programme.

267. **Ms C. Murphy** asked the Minister for Fin-

[Ms C. Murphy.]

ance if applications are being accepted for Dublin based civil servants who wish to transfer Departments in order to remain in Dublin; if so, if these applications are limited by grade; if so, the grades of the vacancies which exist; if not, the options such civil servants will have open to them; and if he will make a statement on the matter. [32606/06]

Minister for Finance (Mr. Cowen): The primary mechanism for placing civil servants who are in posts which are due to decentralise but wish to remain in Dublin is by way of bilateral transfer. As staff who have applied to decentralise continue to be transferred into decentralising organisations, the posts they vacate become available to those wishing to remain in Dublin. To date, in excess of 2000 staff have been assigned to decentralising posts.

In addition, my Department has been in discussions with the civil service unions on further arrangements to facilitate the placement of Dublin based staff. The objective of these arrangements is to provide to the Public Appointments Service details of staff who wish to remain in Dublin at each grade level so that a proportion of vacancies arising in Dublin based posts may be filled by those staff. Progress in this priority area is being monitored in co-operation with Departments and the relevant unions, to ensure that they are operating efficiently. The aim is to achieve a close alignment between the assignment of staff to Dublin posts and the readiness of Departments to release staff at particular grade levels.

Budget Submissions.

268. **Mr. Wall** asked the Minister for Finance his views on correspondence (details supplied); and if he will make a statement on the matter. [32634/06]

Minister for Finance (Mr. Cowen): I have received a pre-Budget submission from the organisation concerned. Its contents will be considered in the context of the forthcoming Budget and Finance Bill. As Deputies are aware it would not be appropriate for me to comment in advance of the Budget on possible Budget decisions.

Tax Code.

269. **Mr. Walsh** asked the Minister for Finance his views on exempting registered charities from VAT; and if he will make a statement on the matter. [32670/06]

Minister for Finance (Mr. Cowen): The position is that charities and non-profit groups engaged in non-commercial activity are exempt from VAT under the EU Sixth VAT Directive,

with which Irish VAT law must comply. This means they do not charge VAT on the services they provide and cannot recover VAT incurred on goods and services that they purchase. Essentially only VAT registered businesses which charge VAT are able to recover VAT.

Ministerial Orders have been used in a limited way to provide refunds of VAT on certain aids and appliances for the disabled and on medical equipment donated voluntarily to hospitals. These orders are focused and are designed to target specific circumstances. However, under EU law, it would not be possible to introduce new schemes within the VAT Act 1972 to relieve charities from the obligation to pay VAT on goods and services that they purchase.

I would add that the tax code currently provides exemption for charities from Income Tax, Corporation Tax, Capital Gains Tax, Deposit Interest Retention Tax, Capital Acquisitions Tax, Stamp Duty, Probate Tax and Dividend Withholding Tax. Moreover, charities also benefit significantly from the uniform scheme of tax relief for donations, which was introduced in the Finance Act 2001 and which, for the first time, allowed tax relief on personal donations to domestic charities and other approved bodies. The relief is based on the taxpayer's marginal rate which for an individual donor could be as high as 42%. In the case of donations from the PAYE sector the relief is given directly to the charities.

Decentralisation Programme.

270. **Mr. Neville** asked the Minister for Finance the position regarding provision of offices for decentralisation of Revenue Commissioners to Newcastle West, County Limerick. [32812/06]

Minister for Finance (Mr. Cowen): I am advised by the Commissioners of Public Works, that a planning application for the new offices for the Revenue Commissioners in Newcastle West, Co. Limerick, is expected to be lodged with Limerick County Council shortly.

On receipt of a satisfactory planning permission, the Commissioners of Public Works will instruct the preferred tenderer to submit working drawings and a bill of quantities with a view to a contract being placed and work commencing on the site.

Site Acquisitions.

271. **Mr. Kenny** asked the Minister for Finance if the Office of Public Works has contacted South Dublin County Council with regard to a new site for a school (details supplied) in Dublin 22; and if he will make a statement on the matter. [32813/06]

Minister of State at the Department of Finance (Mr. Parlon): On instruction by the Department of Education & Science on 25th October 2005, the Commissioners of Public Works suspended action on acquiring a site for the school in question in Clondalkin as the Departments own planning section were exploring other options. The Department has informed the OPW that they are actively looking at proposals regarding an alternative site for the school.

National Parks.

272. **Mr. Gregory** asked the Minister for Finance if the Office of Public Works intend to consult local elected representatives on traffic changes in the Phoenix Park; and if he will make a statement on the matter. [32843/06]

Minister of State at the Department of Finance (Mr. Parlon): The advertisement placed by the Commissioners of Public Works in the media on 15th April 2006, announced the appointment of a firm of consultants, Messrs. Faber Maunsell, to undertake a comprehensive traffic management study for the Phoenix Park.

The advertisement also confirmed that the study would include extensive public consultation and this took place in the weeks following the advertisement. To further facilitate this process, the closing date for receipt of submissions was extended.

26 submissions in all were received from the public, including a few from elected representatives. In addition, stakeholders in the Phoenix Park, the Local Authorities, the Garda Authorities and the Dublin Transportation Office were consulted. Further contact with these bodies is planned.

In formulating the study therefore, the consultants took a wide range of views into account and a firm of environmental consultants, Messrs. ERM, were also engaged to assess the proposed measures contained in the Study, from an environmental perspective, a vital consideration in the context of this National Historic Park.

As confirmed in my reply dated 10th October 2006, to another question from the deputy on the same issue, a number of presentations were held on the 10th and 11th October 2006 on completion of the Study, including Residents Associations on the perimeter of the Park, the complete study is now available to view on the OPW website.

While I am satisfied that wide ranging consultation has already taken place and that all interested parties have been afforded an opportunity to contribute to the process, I will be happy, nevertheless, to accept any further submissions that local elected representatives may wish to make on the completed study. This should be done by the end of October 2006 at the latest.

Tax Code.

273. **Mr. Gregory** asked the Minister for Finance his views on tax incentives for family owner-occupier purchasers of apartments in areas of the inner city where apartments are currently being purchased exclusively by investors; if he will liaise with Dublin City Council on this matter; and if he will make a statement on the matter. [32844/06]

Minister for Finance (Mr. Cowen): In general, matters relating to housing and housing policy are a matter for the Minister for the Environment, Heritage and Local Government in the first instance. However, I would like to point out that the following tax incentives/reliefs are available to all owner occupiers when purchasing their homes irrespective of location or property type:

- Mortgage interest relief with larger relief for first-time buyers;
- Stamp duty exemption and relief for new houses bought by owner-occupiers;
- Stamp duty relief for second-hand houses bought and occupied by first-time buyers;
- Capital gains tax exemption for a person's principal private residence;
- Dwelling house exemption for CAT purposes.

In addition, special tax incentives may still be available for the purchase of properties in certain designated areas under the urban, town and rural renewal schemes. In Budget 2006, following a major review, I announced the termination of a number of schemes including the urban renewal schemes. However, because of transitional provisions announced at the time owner occupiers may still be able to benefit from the urban renewal scheme in a limited number of developments which were already in the pipeline at the time the relief was terminated.

In such cases the owner occupier will still be able to avail of a tax allowance of 100% for expenditure on refurbishment of residential premises, available at 10% per annum for 10 years; 50% allowance for new-build construction expenditure, i.e. 5% per annum over 10 years against all income. Investors in properties located in urban renewal areas can obtain 100% relief only against Irish rental income for the construction or refurbishment of (or the conversion of a property into) rented residential accommodation.

Industrial Relations.

274. **Ms Shortall** asked the Minister for Finance the number of times since 1987 that civil servants have been forced to obtain an order from the courts enforcing or associated with enforcing their contractual rights and entitlements; the additional cost to the Exchequer over and above

[Ms Shortall.]

that which would have prevailed had the State recognised and honoured the contractual rights and entitlements involved in the first instance; and if he will make a statement on the matter. [32857/06]

Minister for Finance (Mr. Cowen): There have been no occasions in my Department since 1987 that civil servants have been forced to obtain an Order from the Courts enforcing or associated with enforcing their contractual rights and entitlements.

Most civil servants are ‘office holders’, who hold office ‘at the will and pleasure of the Government’, under section 5 of the Civil Service Regulation Act 1956. The terms and conditions of civil servants are set and varied by the Minister for Finance under Section 17 of the 1956 Act rather than by a contract.

Question No. 275 answered with Question No. 265.

Tax Code.

276. **Mr. Grealish** asked the Minister for Finance his views on making works carried out through essential repairs grants and disabled persons’ grants exempt from VAT (details supplied); and if he will make a statement on the matter. [32961/06]

Minister for Finance (Mr. Cowen): The position is that the rate of VAT that applies to a particular good or service is determined by the nature of the good or service, and not by the status of the customer. The VAT rating of goods and services is subject to the requirements of EU VAT law with which Irish VAT law must comply. There is no provision in European VAT law that would allow for a reduction or exemption from VAT on repairs for certain categories of consumer.

However, under VAT (Refund of Tax) (No. 15) Order, 1981 it is possible for individuals to obtain repayment of VAT expended on certain goods and appliances which assist persons with a disability overcome that disability. It is possible that certain repairs or adaptations may be eligible for a VAT refund under this scheme. Further information on VAT (Refund of Tax) (No. 15) Order, 1981 is available from VAT Refunds Section, The Revenue Commissioners, Government Buildings, Kilrush Road, Ennis, Co. Clare (tel. no. — 065-6849000). That office would be glad to answer any queries and provide the necessary application forms where required.

Architectural Heritage.

277. **Mr. Deenihan** asked the Minister for Finance if further restoration work will be carried

out on Carrigafoyle Castle, Ballylongford, County Kerry; and if he will make a statement on the matter. [32962/06]

Minister of State at the Department of Finance (Mr. Parlon): A programme of conservation and structural consolidation works was carried out over the period 2001-2005 at a cost of €850,000. These works have facilitated safe public access and enhanced the visitor experience. Further conservation of the Castle is not envisaged at this stage.

Tax Code.

278. **Mr. O’Shea** asked the Minister for Finance the proposals he has to amend Section 469 of the Taxes Consolidation Act 1997 as sought by the Dyslexia Association of Ireland (details supplied); and if he will make a statement on the matter. [32963/06]

285. **Mr. Ring** asked the Minister for Finance if he will amend Section 469 of the Taxes Consolidation Act 1997 (details supplied); and if he will make a statement on the matter. [32993/06]

287. **Mr. F. McGrath** asked the Minister for Finance if he will examine the option of an amendment to Section 469 of the Taxes Consolidation Act 1997 in order for the cost of specific tuition for people with dyslexia to qualify for tax relief under the heading of health expenses. [33021/06]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 278, 285 and 287 together.

I am aware of the extra expense that can arise for parents who have children with dyslexia.

In recent years, the Government has increased significantly the supports available through the direct expenditure system for children with disabilities, including those with dyslexia.

As with many areas where State support may be required, the question arises as to whether such support may be more effectively provided through the direct expenditure route rather than through the tax system. One advantage of the former mechanism is that the support may be better targeted at those in need, irrespective of family income, whereas support through the tax system can only benefit those whose incomes are high enough to benefit from tax relief.

I have no plans to extend tax relief to cover expenses incurred by parents who have children with dyslexia. However, this matter, like any other, can be raised by the Deputies at Finance Bill time.

Government Expenditure.

279. **Mr. Callely** asked the Minister for Finance the total Government current spending; the total capital spend; the total tax revenue for each tax year from 2000 to 2005; and if he will make a statement on the matter. [32964/06]

Minister for Finance (Mr. Cowen): Total Current and Capital spending and total tax revenue

on an Exchequer basis over the period 2000-2005 are as follows:

€m	2000	2001	2002	2003	2004	2005
<i>Current</i>						
Voted Current Expenditure	16,710	20,404	23,314	25,452	27,179	29,601
Non-Voted Current Expenditure (Central Fund)	3,924	3,605	2,812	3,295	3,584	3,895
<i>Total Current Expenditure</i>	20,634	24,009	26,126	28,747	30,764	33,496
<i>Capital</i>						
Voted Capital Expenditure	3,874	4,904	5,509	5,290	5,368	5,867
Non-Voted Capital Expenditure	121	145	324	285	184	660
National Pension Reserve Fund	2,533	972	1,035	1,103	1,177	1,320
<i>Total Capital Expenditure</i>	6,528	6,020	6,868	6,678	6,729	7,847
<i>Tax Revenue</i>	27072	27925	29294	32103	35581	39254

Source: Finance Accounts.

Pension Provisions.

280. **Mr. Callely** asked the Minister for Finance the progress made to implement the Commission on Public Service Pension Report; and if he will make a statement on the matter. [32965/06]

Minister for Finance (Mr. Cowen): I am pleased to say that substantial progress has been made in implementing the recommendations of the Commission on Public Service Pensions as endorsed by Government. In 2001, the Government accepted the thrust of the Commission's Report and the period since then has been marked by the progressive implementation, in consultation with the public service unions, of individual Commission recommendations.

A milestone in this process was reached in March 2004, when the Commission's key cost-containment proposal, the raising of pension age from 60 to 65 years for new entrants to the public service, was implemented via the enactment of the Public Service Superannuation (Miscellaneous Provisions) Act 2004. This change is expected to lead to net savings of around €300 million per year (in constant 2006 pay terms) in about 40 years' time. The measure is well suited to Ireland's demographic position in term of timing, insofar as the savings which it will generate will become substantial in about twenty years time and will rise thereafter until about mid-century, and in so doing will keep in step with the anticipated significant increase in our dependency ratio and the related rise in occupational pension costs.

In September 2004, following discussions with ICTU, Government ratified an agreed approach to the remaining Commission recommendations. The key feature of the Government decision was the immediate authorisation for implementation of the following six Commission recom-

mendations directed at modernising pension provision:

1. Introduction of cost-neutral early retirement: A facility to allow public servants to retire early (from age 50/55, as appropriate) with immediate payment of pension and lump sum, actuarially reduced to reflect the earlier payment.

2. Revised integration formula: New method of integrating social insurance and public service pensions to boost retirement income of lower-paid staff.

3. Integration "pro rata": A more favourable integration method ("pro rata" integration as opposed to "full" integration) to be used in calculating the pension entitlements of part-time public servants.

4. Notional added years: Existing schemes to be replaced for new entrants by a single "transitional" scheme (to be reviewed in 2015), the main impact of the change being to reduce gross awards from 10 to 5 years.

5. Compound interest rate: The rate on pension-related repayments such as marriage gratuity to be cut from 6% to 4%.

6. Reckoning of allowances for pension purposes: Calculation to be based on "the best three consecutive years in the ten years preceding retirement" instead of being restricted to the last three years of service only.

Five of these six reforms have been implemented (only the last, reckoning of allowances for pension purposes, is outstanding), by means of Department of Finance circulars issued to date.

As also provided for in the September 2004 Government decision, other Commission recommendations are being considered further, including, in particular:

[Mr. Cowen.]

1. Changes to Spouses' and Children's Schemes: The proposed Commission changes include the extension of benefits to non-spousal partners. The feasibility of implementing the changes is currently being examined by a management/union Working Group, whose work is at an advanced stage.

2. SPEARS: The Commission recommended the introduction of SPEARS; a single AVC-type pensions savings scheme for the entire public service. This is the subject of ongoing management-union discussion.

Special Savings Incentive Scheme.

281. **Mr. Callely** asked the Minister for Finance the issues of concern that have been brought to his attention regarding SSIA's; if his attention has been drawn to abuses by either financial institutions or SSIA account holders; the measures in place in relation to ensuring the criteria that a person can only hold one SSIA account is adhered to; and if he will make a statement on the matter. [32966/06]

Minister for Finance (Mr. Cowen): The SSIA scheme, which was introduced in 2001 is administered by the financial institutions under the guidance of the Revenue Commissioners. In excess of 1 million SSIA's were opened by 30 April 2002, the final date for opening of SSIA's under the scheme. Comprehensive guidelines, setting out the manner in which the scheme must be administered, was drawn up by Revenue, in consultation with the financial institutions at the commencement of the scheme. This is supported by compliance visits undertaken by Revenue each year to the financial institutions to ensure the terms of the guidelines are being fully implemented. Apart from that the financial institutions are obliged to report to Revenue any case where it is suspected that the rules of the scheme are being breached. On commencement of the scheme, each account holder was obliged to sign a declaration confirming their eligibility to participate in the scheme and that they would abide by the terms of the scheme for its duration. These terms include that the account holder was over 18 years of age and resident in the State; that s/he would operate only one SSIA; subscriptions could only be made from the individual's own or spouse's resources; subscriptions must not be funded by borrowings or deferral of existing repayments; that at least the minimum subscriptions be made in the first 12 months and that the maximum subscriptions levels be complied with for the duration of the scheme; and funds in an SSIA must not be used as security for a loan. In addition, before an SSIA can be matured, the account holder has to sign a further declaration confirming compliance with the rules of the scheme,

including those relating to residency, for its duration.

Apart from cases reported by the financial institutions to Revenue in accordance with the requirement to do so, Revenue has extensive control systems in place to monitor the scheme and identify any potential abuses. These abuses include individuals with more than one account. Where an apparent breach of the rules is identified, Revenue fully investigates each case and takes appropriate action. I am advised by Revenue that the number of actual abuses is very small and have been appropriately dealt with.

282. **Mr. Callely** asked the Minister for Finance the criteria for SSIA account holders to benefit from further involvement of SSIA funds for pensions; if issues of concern have been brought to his attention; and if he will make a statement on the matter. [32967/06]

Minister for Finance (Mr. Cowen): The Pensions Incentive Tax Credits scheme was introduced by me to encourage SSIA holders, particularly those on low incomes, to continue the savings habit and to commence or improve their pension arrangements under the scheme. For each €3 of matured SSIA funds invested by an eligible SSIA holder in an approved pension product, the Exchequer will contribute an additional €1 by way of tax credit to a maximum of €2,500. The Exchequer will also contribute an additional tax credit relating to the exit tax deducted from the SSIA on maturity and based on the proportion of SSIA funds transferred to the pension product. The main condition attaching to the Pensions Incentive Tax Credits scheme is that gross income for the year prior to the year in which the SSIA matures cannot exceed €50,000. While there is no age limit to availing of the tax credits under the scheme, subject to normal pension rules, there has been some publicity given recently to the possibility that SSIA holders who are already retired might transfer matured SSIA funds into a savings product, claim the Pensions Incentive Tax Credits and then withdraw the topped-up amount immediately. This is not the purpose for which the incentive was introduced. Accordingly, I announced in a press release on 29 September last that I will introduce legislation at the earliest appropriate opportunity to ensure that, with effect from 29 September 2006, individuals who avail of the Pensions Incentive Tax Credits only to withdraw the funds immediately or within 1 year will not get the benefit of the incentive. I am also informed by the Revenue Commissioners that they have a good network in place with the pension providers so that any issues of concern that may arise can be addressed at the earliest opportunity.

Conservation Plan.

283. **Mr. Hayes** asked the Minister for Finance

the progress made in respect of addressing and implementing the recommendations contained in the conservation plan for Athassel Priory, Golden, County Tipperary. [32968/06]

Minister for Finance (Mr. Cowen): I expect the final draft of the Conservation Plan for Athassel Abbey to be submitted to me in the coming weeks. I expect that I should be in a position to publish the document towards the end of this year or early in 2007. Once the Plan is published it will be necessary for my officials to seek to reach agreement with both the Department of the Environment, Heritage & Local Government and South Tipperary County Council on a timeframe for implementing any actions/recommendations which the Plan may contain.

Tax Code.

284. **Mr. Kehoe** asked the Minister for Finance the reason parents are unable to gain tax free allowances for rents paid on behalf of their student children; the further reason it is the student themselves who must claim the allowance even though they often have no income and are not paying tax to benefit from the allowance; and if he will make a statement on the matter. [32992/06]

Minister for Finance (Mr. Cowen): Section 473 Taxes Consolidated Act 1997 is the legislative provision which provides for relief from income tax, up to certain limits, to an individual paying for private rented accommodation used as a sole or main residence. Student accommodation is likely to be temporary in nature, rather than the person's principal private residence. Accordingly, there is no provision granting relief from income tax to an individual paying for private rented accommodation in respect of the individual's student or other children where such accommodation is not the individual's sole or main residence. I would point out that the Government allocated €228 million to student support for 2006, a 6% increase on the figure for 2005. The largest component of this spending is maintenance grants. In addition, there are no tuition fees at undergraduate level, which is an effective subsidy to students who would otherwise have had to pay some or all of this cost.

Question No. 285 answered with Question No. 278.

286. **Mr. Gilmore** asked the Minister for Finance if his attention has been drawn to the possibility that student accommodation problems are likely to be created in 2009 due to the end of the tax-relief period of dwellings built under the Section 50 of the Finance Act 1999 student housing; his views of the warnings from student leaders that the creation of student shanty towns is a likely scenario; if he has plans for the pro-

vision of low-rent student accommodation in preparation for the end of Section 50 tax-relief measures; and if he will make a statement on the matter. [32994/06]

Minister for Finance (Mr. Cowen): Section 50 of the Finance Act 1999 provided for a scheme of tax relief for rented residential accommodation for third level students. The relief provides for a deduction of 100% of the construction, conversion or refurbishment expenditure, which may be off-set against all Irish rental income – whether derived from the premises in question or from other lettings. The purpose of the relief was to increase the supply of quality accommodation for third level students and the scheme has been very successful in this respect. Indeed, according to the Indecon report on tax relief for student accommodation published by my Department in February 2006 as part of Volume 1 of the Review of Tax Schemes, concerns now exist about over supply of accommodation in the student accommodation sector. There is, therefore, no shortage of quality accommodation for third level students. Under the scheme there is a 10 year period when the property must be operated as student accommodation. This 10 year holding period applies from the date of the first qualifying lease, which lease cannot be executed until the accommodation is completed and ready for occupation. Provision exists for a clawback of the tax relief where the qualifying student accommodation is sold within 10 years. In many cases, the student accommodation is built on campus or otherwise involves the college or university in the development of accommodation for students in the vicinity of the campus. In these instances, the student accommodation may be purchased back by the college/university after the 10 year holding period has lapsed. The earliest date for the ending of this 10 year period for a particular Section 50 project will not arise until around 2010 or 2011 and for many projects it will be considerably later. In all of the circumstances, I think that talk of an accommodation crisis for students is not appropriate.

Question No. 287 answered with Question No. 278.

Disabled Drivers.

288. **Mr. Connaughton** asked the Minister for Finance the position regarding an application under the disabled drivers and passengers tax relief scheme by a person (details supplied) in County Galway; and if he will make a statement on the matter. [33123/06]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that based on the information supplied they have been unable to trace any claim by the named person under the Disabled Drivers and the Disabled

[Mr. Cowen.]

Passengers [Tax Concessions] Regulations 1994. A claim under the above regulations can only be considered by the Revenue Commissioners from a person who has qualified for a Primary Medical Certificate which is issued by the Senior Area Medical Officer of their local Health Service Executive administrative area. If the Primary Medical Certificate has been refused in this case, the named person may appeal the refusal to the Medical Board of Appeal, National Rehabilitation Hospital, Rochestown Avenue, Dún Laoghaire, Co. Dublin.

Tax Code.

289. **Mr. Naughten** asked the Minister for Fin-

Group	Relationship to Disponer	Group Threshold		
		2004 (after indexation)	2005 (after indexation)	2006 (after indexation)
		€	€	€
	Son/Daughter	456,438	466,725	478,155
B	Parent/Brother/Sister/Niece/Nephew/Grandchild	45,644	46,673	47,815
C	Relations other than Group A or B	22,822	23,336	23,908

The current threshold for gifts/inheritances made to a niece or nephew of the disponer is €47,816 and where the value of the gift or inheritance is greater than this, a single low rate of 20% applies to the excess. Favourite niece/nephew relief is available to certain nephews and nieces who take a gift or an inheritance of a business or farm from the disponer. If the niece/nephew qualifies for the relief, they are treated as a child of the disponer for CAT purposes, and instead of a Group B threshold (currently €47,815) they are entitled to a Group A threshold (currently €478,155) for the business or farm assets only. This means that if a gift or inheritance includes business/farm and non-business/farm assets the Group B threshold will apply to the non-business/farm assets and the Group A threshold will apply to the business/farm assets. In order to qualify for the relief, the applicant must be a child of a brother or sister of the disponer (in other words, a nephew/niece in law will not qualify) and he/she must have worked substantially on a full-time basis for the disponer for a minimum of five years ending on the date of the gift or inheritance. This relief is intended to take account of the close working relationship that exists between certain nieces/nephews and their uncles/aunts and was not intended to apply generally to all gifts or inheritances taken by nieces/nephews. Applying the relief to all such disposals would lead to a reduction in the tax base. As the Deputy will appreciate, it is not the practice to comment in the lead up to the annual Budget and Finance Bill

ance the maximum value of cash which can be transferred to a niece or nephew which is exempt under inheritance tax; when this level was last increased; the plans he has to increase this threshold; and if he will make a statement on the matter. [33124/06]

Minister for Finance (Mr. Cowen): For the purpose of Gift and Inheritance Tax, the relationship between the person who provided the gift or inheritance (i.e. the disponer) and the person who received the gift or inheritance (i.e. the beneficiary), determines the maximum tax free threshold — known as the “group threshold”. Three Group thresholds exist, which are indexed annually by reference to the Consumer Price Index. The indexed Group thresholds for 2004, 2005 and 2006 are set out in the table below.

on the intention or otherwise to make changes in taxation.

Consumer Protection.

290. **Mr. Eamon Ryan** asked the Minister for Finance the reason banks and financial institutions have been exempted from the core aspects of the consumer protection code; and the reason there has been no move to strengthen or broaden the consumer protection that applies to basic banking products and services in line with the new consumer protection code. [33186/06]

Minister for Finance (Mr. Cowen): The Financial Regulator’s Consumer Protection Code applies to all providers of retail financial services subject to regulation by the Financial Regulator. The Code including any exemptions in it is structured by reference to product and service rather than the type of regulated entity. Accordingly banks and other regulated financial institutions are subject to its provisions. The Deputy refers in his question to basic banking products and services. The Code’s “Knowing the Consumer” and “Suitability” requirements do not apply to these products or services when certain criteria are met. These criteria include a requirement that the regulated entity has to alert the consumer to any restrictions on the account and/or the availability of a lower cost alternative. However these exemptions do not absolve regulated entities from their obligations under the general principles of the Code. These general principles include an obligation to act in the best interests of

consumers. Basic Banking products are relatively straightforward hence the imposition of “Knowing the Consumer” and “Suitability” requirements would not be consistent with Better Regulation principles. The introduction of the Consumer Protection Code therefore significantly strengthens and broadens the protections available for consumers of all financial products and services, including basic banking products.

Health Services.

291. **Mr. J. O’Keeffe** asked the Minister for Health and Children the reason a person (details supplied) in County Cork who was recently approved for a non-contributory pension has had their blind welfare allowance withdrawn. [32702/06]

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.

292. **Mr. Allen** asked the Minister for Health and Children the reason procedures have been changed in the southern region whereby patients who require surgical corsets are being told that, due to a change in the administrative system, there is a four month gap between a request being submitted and the surgical corset being supplied to the patient; and if she will investigate the reason this situation has evolved. [32608/06]

Minister for Health and Children (Ms Harney): The Deputy’s question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to have this matter investigated and to have a reply issued directly to the Deputy.

293. **Mr. Allen** asked the Minister for Health and Children if she will investigate the case of a person (details supplied) in County Cork; and if she will direct the Health Service Executive to award the allowance from 1 September 2004 when the school first diagnosed them as having a problem. [32609/06]

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.

294. **Ms C. Murphy** asked the Minister for Health and Children further to Parliamentary Question No. 223 of 6 December 2005, the number of children in each county currently on waiting lists for an initial assessment of need, initial intervention, and further intervention with regard to speech therapy, language therapy, occupational therapy, and psychological services; and if she will make a statement on the matter. [32610/06]

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.

295. **Ms C. Murphy** asked the Minister for Health and Children if limitations have been placed on the number of frontline therapists who can be employed by the Health Service Executive; if such limitations exist, the upper limit on the number of speech therapists, language therapists, occupational therapists, and psychologists who can be employed as a whole and per administrative area; if, in view of the waiting lists for such services, these limits are under review or due to be reviewed; the measures she proposes to tackle the long waiting times associated with these therapies; and if she will make a statement on the matter. [32611/06]

Minister for Health and Children (Ms Harney): Let me say at the outset that there is no embargo on the recruitment of staff in the public health service. Nor does my Department set employment quotas at national level for any grade in the public health service. It is a matter for the Health Service Executive, as part of its management of its employment ceiling, to determine the appropriate staffing mix required to deliver its service plan priorities. I have consistently emphasised the importance of prioritising the filling of front line vacancies in complying with approved employment levels. I have also emphasised the need to achieve an appropriate balance between clinical and non-clinical posts.

Approved employment levels for the health service have been adjusted since 2002 in line with Government policy on public sector employment and also to take account of specific policy measures aimed at increasing service levels. My Department is currently in discussions with the Department of Finance and the Health Service

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Executive to agree revisions to the health service employment ceiling to take account of service developments, including disability services.

A priority for the HSE in 2006 is to increase service provision in the area of multi-disciplinary supports to meet obligations to children with developmental delay, in the home, in the community and in other appropriate settings. The investment package will facilitate the recruitment of up to 200 extra therapists, particularly speech and language, occupational therapy and physiotherapy. Due to the current limited supply of these grades, it is acknowledged that in the short term recruitment from overseas will be required. The HSE has put in place a project plan for this.

As this question relates to human resource management issues and 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, my Depart-

ment 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.

296. **Ms C. Murphy** asked the Minister for Health and Children the number of speech therapists, language therapists, occupational therapists, and educational psychologists currently employed by the Health Service Executive in each administrative area; and if she will make a statement on the matter. [32612/06]

Minister for Health and Children (Ms Harney):

In relation to the number of educational psychologists currently employed by the HSE, I wish to advise that employment information collected relates to grades and employing authority rather than to specific areas of responsibility for individual staff. Numbers employed in the specific health and social care professions referred to in the question, at end March 2006, are set out in the table below:

HSE Area	Occupational Therapist — all grades (excluding Aides)	Speech and Language Therapist — all grades (excluding Aides)	Psychologist — all grades
Eastern	169	107	97
Midland	70	51	33
Mid-Western	25	34	43
North-Eastern	60	42	44
North-Western	60	29	29
South Eastern	52	55	43
Southern	72	54	37
Western	66	48	43
Total HSE	574	420	370
Intellectual Disability	100	97	161
Voluntary Hospitals	164	79	60
Total in Public Health Service — end Mar. 2006	838	596	590
Total in Public Health Service — end Dec. 1997	288	282	300
Increase	550	314	290
% Increase	190.97%	111.34%	96.66%

Source: Health Service Personnel Census.

Note: All figures are expressed as wholetime equivalents.

Cancer Treatment Services.

297. **Mr. F. McGrath** asked the Minister for Health and Children the position regarding the transfer plans for cancer treatment facilities from St Luke's Hospital to James Hospital; and if she will make a statement on the impact this transfer will have on patients. [32613/06]

Minister for Health and Children (Ms Harney):

The decision to transfer St. Luke's Hospital was taken by the Government in the context of its consideration of the National Plan for Radiation Oncology Services. The decision is based on expert advice and is designed to ensure that radi-

ation oncology, one element of cancer care, is integrated with all other aspects of care, including surgery and medical oncology. This is in line with best international practice. I am convinced that this model will provide better patient centred treatment with improved quality of service and outcome for patients. The Board of St. Luke's Hospital and its Executive Management Team are fully committed to supporting the Government's decision in relation to the development of radiation oncology. A transfer on similar lines took place earlier this year in Northern Ireland when radiation oncology services transferred to Belfast City Hospital, a major academic teaching hospital.

In progressing the transfer, I will build on the expertise and ethos of St. Luke's. I have ensured that experts at St. Luke's are centrally involved in the planning and delivery of the National Plan. The plan consists of large centres in Dublin (at Beaumont and St. James's Hospitals), Cork and Galway and two integrated satellite centres at Waterford Regional Hospital and Limerick Regional Hospital, conditional on conformity to certain quality assurance arrangements. Medical and scientific experts from the hospital are involved in developing the output specifications for the delivery of new radiation oncology services nationally. The Chief Executive at St. Luke's will lead the management team of the new facility at St. James's. I also appointed the Chairman of St. Luke's to chair a National Radiation Oncology Oversight Group to advise me on progress on the implementation of the plan. I have also approved the provision of two additional linear accelerators at St. Luke's to provide much needed interim capacity pending the roll out of the national plan. I expect these services to commence late next year.

Health Services.

298. **Mr. F. McGrath** asked the Minister for Health and Children if assistance will be given to a service (details supplied) in their need for residential places; and if she will implement the Harmon Report. [32614/06]

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.

299. **Mr. Gormley** asked the Minister for Health and Children the number of meetings she has had with MRSA sufferers and their families; if she has implemented their recommendations; the reason no civic director for tackling MRSA has been appointed; if she intends to appoint such a director; and if she will make a statement on the matter. [32627/06]

Minister for Health and Children (Ms Harney): I met with the MRSA and Families group in December 2005. The main concerns that the group raised with me related to communication of information to persons infected with MRSA, death certification and hospital visiting times.

Following that meeting, I wrote to Professor Brendan Drumm, Chief Executive of the Health Service Executive (HSE), and requested him to follow-up the matters raised by the group. I understand that progress has since been made on

all of the issues raised and my Department has asked the Parliamentary Affairs Division of the HSE to arrange for a detailed reply to be sent directly to the Deputy.

300. **Mr. Blaney** asked the Minister for Health and Children if she will assist in the progress of an application by a person (details supplied) in County Donegal; and if she will make a statement on the matter. [32628/06]

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 the 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.

Nursing Home Charges.

301. **Mr. Cregan** asked the Minister for Health and Children the reason residents in a home (details supplied) in County Limerick do not appear to qualify for repayment of nursing home fees, as per recent legislation; and if she will make a statement on the matter. [32630/06]

Minister for Health and Children (Ms Harney): The Health (Repayment Scheme) Act 2006 provides a legal framework for a scheme to repay recoverable health charges for publicly funded long term residential care and also regulates patients private property accounts. Recoverable health charges were charges imposed on persons with full eligibility under the Health (Charges for In-Patient Services) Regulations 1976 as amended in 1987 or the Institutional Assistance Regulations 1954 as amended in 1965.

Section 39 of the Health Act 2004, allows the Health Service Executive (HSE) to give assistance to any person or body that provides or proposes to provide a service similar or ancillary to a service that the HSE may provide.

An organisation funded under Section 39 is not providing services for or on behalf of the HSE and does not have the power to levy charges under the Health (Charges for In-Patient Service) Regulations 1976 as amended in 1987, or the Institutional Assistance Regulations 1954 as amended in 1965. Voluntary organisations assisted under Section 39 of the Health Act 2004 are not covered by the Supreme Court decision of 16 February 2005 and therefore residents in homes which were in receipt of such funding do not come within the remit of the scheme estab-

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lished under the Health (Repayment Scheme) Act 2006.

School of Podiatry.

302. **Mr. Naughten** asked the Minister for Health and Children when the decision was taken by her Department to locate the proposed school of podiatry in a university; the reason an institute of technology was deemed unsuitable; and if she will make a statement on the matter. [32636/06]

312. **Mr. Naughten** asked the Minister for Health and Children if a chairperson has been appointed to chair the inter-Departmental or inter-agency committee which is to be established to progress the strategic development and implementation of the school of podiatry; the persons who will be the members of this committee; and if she will make a statement on the matter. [32685/06]

Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 302 and 312 together.

As outlined in my responses to the Deputy's previous questions on the matter, responsibility for the establishment of a school of podiatry, including its location, will be a matter, in the final instance for the Department of Education and Science. No decision has yet been taken on the location of the school.

As the Deputy was previously advised, the delivery of clinical training, which is a significant core component of the course, must be facilitated in an integrated manner with Health Service Executive (HSE) services. The HSE has advised the two Departments of its view that the school of podiatry would be best located in a large centre of population, one that is associated with a multi-disciplinary health professional environment and which is linked to a major teaching hospital.

Meetings are continuing at an official level between my Department, the Department of Education and Science, the Higher Education Authority and the HSE to progress the matter. When these discussions are finalised, it is likely that a call for proposals will be made.

Health Services.

303. **Mr. Stanton** asked the Minister for Health and Children the number of children diagnosed with autistic spectrum disorder in each of the respective Health Service Executive areas each year since and including 2000 and to date in 2006; and if she will make a statement on the matter. [32640/06]

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.

304. **Mr. Lowry** asked the Minister for Health and Children when ongoing speech and language therapy will be provided for a person (details supplied) in County Offaly; when the neurological assessment referred to will be available; when a suitable care programme will be put in place for the person; and if she will make a statement on the matter. [32648/06]

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.

305. **Mr. Kirk** asked the Minister for Health and Children if chiropody services are covered for medical card holders; and if she will make a statement on the matter. [32671/06]

Minister for Health and Children (Ms Harney): There is no statutory obligation on the Health Service Executive (HSE) to provide chiropody services to GMS patients; however in practice arrangements are made to provide these services. Before the establishment of the HSE the nature of the arrangements for chiropody and the level of service provided was a matter for individual health boards and so a degree of variation in practice developed over time. Priority is usually given to certain groups of people, including people who are medical card holders aged 65 years and over. In several regions the service is provided by private chiropodists by arrangement with the HSE.

I consider that it is inappropriate for private chiropodists who are providing services on behalf of the HSE to charge patients a top-up fee, and I have conveyed this view formally to the HSE. My Department requested the HSE to review the fee arrangements in place for the provision of chiropody services, with a view to ensuring that such additional fees will no longer be levied on persons in receipt of this service. This process has been underway for some time and considerable progress has been made.

My Department is currently preparing legislation to clarify and update existing legislation on eligibility for health and personal social services. The Bill will define specific health and personal services more clearly; define who should be eli-

gible for what services; set out clear criteria for eligibility; establish when and in what circumstances charges may be made and provide for an appeals framework.

Nursing Home Subventions.

306. **Mr. M. Higgins** asked the Minister for Health and Children if her attention has been drawn to the difficulties being experienced by elderly persons here with regard to nursing home subvention; her views on the general sense of equity in the rules and assessments regarding subvention for the elderly; the reason savings are regarded as income in regard to the rate of ordinary subvention; and her further views on the case of a person (details supplied) in County Galway who has been allocated €11.47 per week to defray their nursing home costs, while those costs amount to €630 per week and rising. [32672/06]

Minister of State at the Department of Health and Children (Mr. S. Power): As the Deputy may be aware, the Health (Nursing Homes) Act 1990 and the Nursing Homes Regulations 1993 provide for the payment of subvention for private nursing home care for applicants who qualify on both medical and means grounds. General rules for the assessment of means in respect of an application for nursing home subvention are set out in the Second Schedule of the Nursing Homes Regulations 1993, as amended by the 2005 Regulations.

Under the Regulations, when considering an application for subvention, the Health Service Executive carries out a means test which takes into account the means (including assets) of the applicant and his or her spouse/cohabiting partner, where appropriate. The means test involves looking at the applicant's income for the previous twelve months. Income from all sources is taken into account and is assessed net of PRSI, income tax and the health contribution and the income of a married or cohabiting person is half the total income of the couple. In assessing an applicant's assets the first €11,000 of such assets is disregarded. The HSE may refuse to pay a subvention if an applicant has assets exceeding €36,000, (excluding their principal residence). In relation to the principal private residence of an applicant, the HSE may impute an income of 5% of the estimated market value of the principal residence of an applicant for subvention, unless the residence is occupied by a spouse or son or daughter aged less than twenty one years or in full time education or in receipt of a social welfare pension/allowance as set out in the 2005 regulations and generally does so unless there are exceptional circumstances. The HSE may refuse to pay a subvention if the value of the applicant's principal residence is in excess of €500,000 or more (where the residence is located in the

Dublin area) or €300,000 or more (where the residence is located outside the Dublin area).

The HSE has discretion to pay more than the maximum rate of subvention relative to an individual's level of dependency in a case, for example, where personal funds are exhausted. The application of these provisions in an individual case is a matter for the HSE in the context of meeting increasing demands for subvention, subject to the provisions of the Health Act, 2004. The average rate of subvention paid by the HSE generally exceeds the current approved basic rates. The supports paid by the HSE vary from person to person and region to region, depending on nursing home fees for example.

The Health (Nursing Homes)(Amendment) Bill 2006 is designed to ensure that the existing subvention scheme for private nursing home care is grounded in primary legislation and to help the HSE to implement the scheme on a standardised basis across the country. In addition, national guidelines on nursing home subvention are currently being developed by the HSE to ensure an even and equitable application of the regulations nationally.

The Government is currently considering new policy on Long Term Care and several principles underlying this were agreed with the social partners in "Towards 2016". These principles include, for example, that there should be one standardised national needs assessment for older people needing care. The use of community and home-based care should be maximised. Sheltered housing options will be encouraged. Where residential care is required, it should be quality care and there should be appropriate and equitable levels of co-payment by care recipients based on a national standardised financial assessment. The level of support for residential care should be indifferent as to whether that care is in a public or private facility. The financial model to support any new arrangements must also be financially sustainable.

The Department is currently drawing up proposals as agreed with the social partners in "Towards 2016".

In relation to the issue of subvention for the individual concerned, the Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

307. **Mr. Costello** asked the Minister for Health and Children the assistance which will be given to a person (details supplied) in Dublin 7 to enable them to move from Peamont Hospital to full-time independent living in the community;

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the annual cost of a bed in Peamont Hospital; and if she will make a statement on the matter. [32673/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

308. **Dr. Upton** asked the Minister for Health and Children the reason a person (details supplied) in Dublin 10 is not allowed to recover the cost of dental treatment; if white fillings are not covered by the medical card, will the cost of silver amalgam fillings be subtracted from the overall cost; if she will review the conditions affecting the decision; and if she will make a statement on the matter. [32674/06]

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.

309. **Ms McManus** asked the Minister for Health and Children her views on a UN report which recommends that all children with a suitable medical condition should be granted a medical card in their own right and that the State should not seek a means test from their parents or guardians; the position where children receive medical cards; the criteria for refusal of medical cards for children, in particular in cases where they had received medical cards in the past; and if she will make a statement on the matter. [32675/06]

Minister for Health and Children (Ms Harney): I take it the question refers to a report prepared by the Children's Rights Alliance and submitted to the United Nations Committee on the Rights of the Child as a shadow report in the context of Ireland's appearance before the Committee on 20th September, 2006.

In September, the State delegation led by Minister for Children Brian Lenihan outlined the progress that has been achieved in relation to the increased and enhanced development of policies

and services for children since Ireland's last appearance before the Committee in 1998.

The Committee welcomed a number of significant developments, particularly the appointment of the Ombudsman for Children, the publication of the National Children's Strategy, the establishment of the Office of the Minister for Children and the appointment of a Minister for Children who, for the first time, sits at the Cabinet table.

In relation to the medical card and GP visit card system, the assessment of eligibility for these cards is statutorily a matter for the Health Service Executive (HSE) and is determined following an examination of the means of the applicant and his/her dependants. Under Section 45 of the Health Act 1970, medical cards are provided to persons who, in the opinion of the HSE, are unable without undue hardship to arrange general practitioner medical and surgical services for themselves and their dependants. Persons aged 70 and over are statutorily entitled to a medical card, regardless of income. In all other cases an assessment of means is undertaken.

Section 58 of the Health Act, 1970, as amended, provides for GP visit cards for adult persons with limited eligibility for whom, in the opinion of the HSE, and notwithstanding that they do not qualify for a medical card, it would be unduly burdensome to arrange GP medical and surgical services for themselves, and their dependants. The GP visit card was introduced to ensure that people on moderate incomes, particularly parents of young children, who do not qualify for a medical card, would not be deterred on cost grounds from visiting their GP. GP services provided to GP visit cardholders are the same as those provided to medical card holders.

In determining eligibility, assessment guidelines are used by the HSE. These guidelines are not statutorily binding and medical cards/GP visit cards may be granted by the HSE to persons in circumstances where the financial guidelines may be exceeded but the particular circumstances of the case warrant such a decision. Decisions to refuse an application or renewal of a medical card/GP visit card may be appealed to the Executive for further consideration.

The HSE has indicated that applications for medical cards on behalf of children with serious illnesses have been and will continue to be dealt with in as sensitive and compassionate a manner as possible. I have also been informed by the HSE that arrangements have been put in place to limit the need for frequent reviews of medical cards in cases where a review would normally result in renewal of the medical card.

I have no plans to provide for the granting of medical cards/GP visit cards to any particular population group. However, my Department is currently reviewing all legislation relating to eligibility for health and personal social services with a view to making the system as fair and transparent as possible.

Hospital Services.

310. **Mr. Durkan** asked the Minister for Health and Children if the fifth provisional date for surgical procedure for a person (details supplied) at Tallaght Hospital, Dublin 24 will go ahead; and if she will make a statement on the matter. [32676/06]

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.

Child Safety.

311. **Mr. Durkan** asked the Minister for Health and Children if her Department or the Health Service Executive have sought or received advice from the Garda arising from the association with a non-family adult of a person (details supplied) in County Offaly; if it is deemed desirable that a minor of this age should be in the company of the person concerned without their parents' consent; if she, her Department or the Health Service Executive have by their action, or lack thereof, given tacit approval to the situation; and if she will make a statement on the matter. [32677/06]

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 under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Question No. 312 answered with Question No. 302.

Health Services.

313. **Mr. McGuinness** asked the Minister for Health and Children the reason for the long delay in delivering ongoing orthodontic treatment to public patients in Kilkenny; the further reason treatment for patients has been suspended for some months; if persons waiting for orthodontic treatment will be considered under the treatment purchase fund in an effort to sort out the back log; and if she will make a statement on the matter. [32705/06]

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.

314. **Mr. McGuinness** asked the Minister for Health and Children if a full medical card will be issued to a person (details supplied) in County Kilkenny; and if she will expedite the matter. [32711/06]

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.

Food Safety Authority.

315. **Dr. Upton** asked the Minister for Health and Children the number of checks across the food industry for potential shortcomings in traceability and labelling standards the Food Standards Authority of Ireland has carried out between 1 April 2006 and 30 September 2006; the number of inspectors who are employed or contracted by the Food Safety Authority of Ireland to carry out such checks; and if she will make a statement on the matter. [32814/06]

Minister of State at the Department of Health and Children (Mr. S. Power): Staff in the official agencies contracted by the Food Safety Authority of Ireland (FSAI) carry out checks on traceability and labelling on a routine basis, or as required. During the period 1 April 2006 to 30 September 2006, the FSAI carried out a total of 107 such checks on various sectors of the food industry in conjunction with its official agencies.

The official agencies contracted by the FSAI for the purposes of labelling and traceability are the Department of Agriculture and Food, the Department of Communications, Marine and Natural Resources, the Health Service Executive and the local authorities. Approximately 1012 (whole time equivalent) staff are available to those agencies for food control purposes.

Home Care Services.

316. **Mr. Neville** asked the Minister for Health and Children when a home-care plan will be made available to a person (details supplied) in County Limerick. [32815/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of

[Mr. S. Power.]

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.

317. **Mr. Neville** asked the Minister for Health and Children if, further to Parliamentary Question No. 178 of 8 February 2005 and Parliamentary Question No. 167 of 13 April 2005, the Health Service Executive has referred the document to her Department; and if she will make a statement on the matter. [32816/06]

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.

As the review document referred to by the Deputy was not submitted to my Department, I have no comment to make on the matter.

Hospital Staff.

318. **Mr. Neville** asked the Minister for Health and Children the situation in respect of the State's failure to provide a compensation scheme for psychiatric nurses injured by assault at work. [32817/06]

Minister for Health and Children (Ms Harney): Psychiatric nurses can currently avail of the Revised Physical Assault Scheme 2001 which provides support to nurses who have suffered serious injury. This scheme provides for enhanced sick pay arrangements and medical expenses. In circumstances where a nurse is certified permanently unfit to resume duty they may be paid 5/6 of full salary until retirement. However, the psychiatric nurses have sought an additional compensation scheme for assaults in the course of their work. In 2002 a Taskforce was established to:

Examine the incidence of assaults on nurses and the level of injury therefrom;

Investigate the reasons for such assaults with a view to putting in place effective preventative measures;

Put forward proposals for an appropriate compensation scheme for nurses injured through assault at work, such proposals to have

regard to the special position of psychiatric nurses, and

Prepare and present a report of its findings and recommendations to the Minister for Health and Children.

The report of the Taskforce was finalised in April 2003. In considering the Report of the Task Force, complex legal and financial issues emerged in relation to aspects of the proposed scheme and their implications for the health service and the wider public service. As a result the Government decided in July 2005 not to introduce a "no fault" compensation scheme for psychiatric nurses as outlined in the Task Force Report. I confirmed this position to the nurses' representatives at a meeting in July 2005.

However, following the Government decision it was decided to request the State Claims Agency (SCA) to examine the possibility of establishing a fixed redress fund for psychiatric nurses physically injured as a result of an assault by a patient.

Consultations between my Department, the Department of Finance, the SCA and the Health Service Executive — Employers Agency have been ongoing. Proposals for consideration by Government are at an advanced stage and I expect to be in a position to bring the matter to Government in the near future.

Health Service Staff.

319. **Mr. Kenny** asked the Minister for Health and Children her plans to meet the demand for speech therapists; and if she will make a statement on the matter. [32818/06]

Minister for Health and Children (Ms Harney): In response to concerns regarding labour shortages, my Department commissioned a report from Dr. Peter Bacon and Associates on current and future supply and demand conditions to 2015 in the labour market for speech and language therapists, occupational therapists and physiotherapists. The report was published in 2001.

Arising from its recommendations three additional speech and language therapy courses commenced in the 2003/2004 academic year in UCC, NUIG and UL, providing an additional 75 training places in speech and language therapy. This expansion in training numbers was identified in the Bacon report as sufficient to meet the long-term demand-supply balance for speech and language therapists in Ireland. The first graduates from the two year Masters course in UL completed their studies in June, 2005. The first graduates from the BSc courses in UCC and NUIG will graduate in 2007.

Under the Health Act 2004, the Health Service Executive is responsible for the recruitment of its staff. I am advised that it is at present undertaking a national and international recruitment campaign to fill current vacancies and develop-

ment posts and that the situation will be reviewed in 2007.

Drug Treatment Programme.

320. **Mr. Kenny** asked the Minister for Health and Children if there are adequate treatment centres available for drug abusers in the Dublin area; the number on the waiting list for methadone treatment in the north Clondalkin area; and if she will make a statement on the matter. [32819/06]

Minister for Health and Children (Ms Harney):

The 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.

Child Care Services.

321. **Mr. Carey** asked the Minister for Health and Children if staff who work in crèche facilities in the private sector are subject to Garda vetting requirements; if such facilities are subject to Health Service Executive inspections and so on; and if she will make a statement on the matter. [32820/06]

Minister of State at the Department of Health and Children (Mr. B. Lenihan):

The Child Care (Pre-School Services) Regulations 2006 which I signed recently and which will come into effect on 2 January 2007, provide that pre-school service providers must acquire garda vetting in respect of all staff, students and volunteers working in a pre-school service — when An Garda Síochána have set down procedures to make such vetting available.

In line with the recommendations of the Garda Vetting Report and the expansion of the Garda Central Vetting Unit, the Garda vetting service is being expanded by means of a phased roll-out within resource capacities. The roll out is accompanied by training for organisations who will be submitting the vetting applications. The expansion will continue over this year and next year and beyond until vetting is provided for all personnel working in a full time, part-time or voluntary capacity with children and vulnerable adults. This will include all workers involved in the childcare sector.

Garda vetting is of course only one aspect of an appropriate vet. References from previous employers, carefully validated by prospective employers, are also an essential safeguard in this process. The revised Regulations provide that such references be obtained.

Garda vetting is currently required as a condition of funding in respect of every childcare

employee for whom projects are in receipt of staffing grant assistance under the Equal Opportunities Childcare Programme (EOCP), excluding FAS funded employees on Job Initiative (J.I.), Community Employment (C.E.) and Social Economy Programmes. Such funding is not available to private childcare facilities run on a commercial basis.

The Child Care (Pre-School Services) Regulations 1996 and (Amendment) Regulations 1997 give effect to Part VII of the Child Care Act 1991 and provide for notification to, and inspection by the Health Service Executive of pre-school services. The Regulations apply to pre-schools, playgroups, day nurseries, crèches, childminders looking after more than three children and other similar services which cater for children under six years of age. The Health Service Executive has statutory responsibility for the implementation of these Regulations.

Judgments as to whether a pre-school service is in compliance with the Child Care (Pre-School Services) Regulations 1996 and (Amendment) Regulations 1997 are made on inspection by the pre-school services inspection teams of the Health Service Executive. This responsibility will continue to lie with the Health Service Executive on the introduction of the Child Care (Pre-School Services) Regulations 2006 on 2 January 2007.

Organ Retention.

322. **Mr. Carey** asked the Minister for Health and Children if she has given consideration to the setting up of a statutory inquiry into the organ retention issue as demanded by the Parents for Justice Group; and if she will make a statement on the matter. [32821/06]

Minister for Health and Children (Ms Harney):

The report of an Inquiry into post mortem practice and organ retention chaired by Ms Anne Dunne SC was presented to me in March 2005. Unfortunately it could not be published for legal reasons. Dr Deirdre Madden, a distinguished expert on medical law, was appointed by Government in May 2005 to provide a report on key issues relating to post mortem practice and procedures. She had access to all of the documentation assembled by the previous Inquiry. Her report on Post Mortem Practice and Procedures was published on 18 January this year. Among her key findings are that;

- Post-mortem examinations were carried out according to best professional and international standards and no intentional disrespect was shown to deceased children or their families.
- Communication between hospital staff and parents and next of kin was poor, with people not being told that organs might be retained at a post-mortem. This was often done for paternalistic reasons, where

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doctors did not wish to upset next of kin when they were already distressed and vulnerable.

- There was no legislative framework in place and no consistent national policy relating to these practices. However, the lack of a national policy on post mortem practice until 2002 is not unique to Ireland, nor was it the usual practice in other countries to provide information about organ retention to relatives of a deceased person.
- The system of disposal of organs and tissues by hospitals was not intentionally disrespectful to children or their families. Hospitals were constrained by health and safety regulations and were obliged to consider organs and tissues as clinical waste.
- Between 1976 and 1988, almost 14,000 pituitary glands were collected in hospitals and supplied to two pharmaceutical companies for the manufacture of human growth hormone. (Around 10% were collected from children, with the balance from adults). The practice ceased when a synthetic product was developed.
- The motivation for collection of glands was “for a positive medical and public benefit, notwithstanding the lack of specific consent for retention and use of the glands”.
- Hospitals were paid modest amounts for the additional work undertaken to remove the pituitary glands. There was no known commercial motive on the part of any hospital or its staff in the supply of glands to the companies.

A key recommendation of the report was that a Working Group be established to examine issues not included in the original terms of reference, that is post mortem issues relating to babies who died before or during birth, minors and adults. This Group, chaired by Dr Madden, was set up in March, 2006 and its membership includes representatives of Parents For Justice. I expect to receive a report from this Group shortly.

Dr Madden’s first report on paediatric hospitals is a comprehensive and robust one and I expect that her Working Group report dealing with post mortem practice and procedures in other areas will be equally so. She has set out key recommendations which are now being implemented by the Health Service Executive and other relevant agencies. I do not believe there is anything to be gained from the establishment of a Statutory Inquiry.

Health Services.

323. **Ms O’Sullivan** asked the Minister for Health and Children the number of long-stay public beds for elderly care in each Health

Service Executive region; and if she will make a statement on the matter. [32845/06]

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.

Industrial Relations.

324. **Ms Shortall** asked the Minister for Health and Children the number of times since 1987 that civil servants have been forced to obtain orders from the courts enforcing or associated with enforcing their contractual rights and entitlements; the additional cost to the Exchequer over and above that which would have prevailed had the State recognised and honoured the contractual rights and entitlements involved in the first instance; and if she will make a statement on the matter. [32859/06]

Minister for Health and Children (Ms Harney): Since 1987 one officer of my department has pursued such a claim through the Courts. This matter was the subject of a judicial review in the High Court and as it is now the subject of litigation, I do not propose to comment further.

Alcoholics Anonymous.

325. **Mr. McGuinness** asked the Minister for Health and Children if it is possible to arrange separate meetings for male and female groups that attend alcoholics anonymous meetings in Kilkenny; if the request for such an arrangement has been processed; and if so the outcome of same. [32974/06]

Minister of State at the Department of Health and Children (Mr. S. Power): Alcoholics Anonymous is a voluntary organisation and this Department has no role in relation to the internal administrative operations of the organisation.

Hospital Services.

326. **Mr. McGuinness** asked the Minister for Health and Children if a scheme has been put in place to reward hospitals who comply with best practice or take initiatives which impact positively on the administration of hospitals and patient care; and if she will make a statement on the matter. [32975/06]

Minister for Health and Children (Ms Harney): I take it that the question relates to a scheme known as 100 Plus which has been devised by the Health Service Executive to reward hospitals that

are maintaining high performing Accident and Emergency Departments.

Under the scheme, the HSE will fund the appointment of up to 100 new Category I Consultant posts for hospitals that are meeting the HSE's Emergency Department targets.

All hospitals with Emergency Departments are eligible to apply and funding will be allocated based on performance during the winter months against these targets. Funding will be announced early next year.

Hospitals Building Programme.

327. **Mr. McGuinness** asked the Minister for Health and Children the capital funding approved for projects to be undertaken at St. Luke's Hospital, Kilkenny; if she will specify each project and the time frame involved for the completion of same; the number of projects waiting to be approved for funding for the same hospital; and if she will make a statement on the matter. [32976/06]

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.

Medical Cards.

328. **Mr. McGuinness** asked the Minister for Health and Children if a full medical card will be granted to a person (details supplied) in County Kilkenny and if she will expedite an investigation of their case. [32977/06]

Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

329. **Mr. Ring** asked the Minister for Health and Children the reason the optometrists and ophthalmologists service in County Mayo is not provided at the same level as other countries in the Health Service Executive Western area, in view of the fact that in County Mayo there is a four month waiting list for payment for an eye test, and in County Galway the waiting list for

payment is under two weeks; the reason people in County Mayo are being discriminated against in this regard; and if she will make a statement on the matter. [32978/06]

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.

330. **Mr. Kehoe** asked the Minister for Health and Children the reason parents of higher education student applicants for medical cards and general practitioner cards are being assessed under their parents income when all child allowances for the student have ceased and the parents cannot claim tax credits from their accommodation or costs; and if she will make a statement on the matter. [32996/06]

Minister for Health and Children (Ms Harney):

The assessment of eligibility for medical cards and GP visit cards is statutorily a matter for the Health Service Executive (HSE) and eligibility is determined following the examination of the means of the applicant and of his/her dependants. Under Section 45 of the Health Act 1970 medical cards are provided to persons who, in the opinion of the HSE, are unable without undue hardship to arrange general practitioner medical and surgical services for themselves and their dependants. Persons aged 70 and over are statutorily entitled to a medical card regardless of income. In all other cases an assessment of income is undertaken.

Section 58 of the Health Act, 1970, as amended, provided for GP visit cards for adult persons with limited eligibility for whom, in the opinion of the HSE, and notwithstanding that they do not qualify for a medical card it would be unduly burdensome to arrange GP medical and surgical services for themselves and their dependants.

Persons aged 16-25 (including students) who are financially dependent on their parents are entitled to a medical card / GP visit card if their parents are medical card / GP visit card holders. Those who are financially independent of their parents are assessed in their own right.

Work has commenced on a new legislative framework to provide for clear statutory provisions on eligibility and entitlement for health and personal social services. The aim is to produce a clear set of statutory provisions that ensure equity and transparency and to bring the system up to date with developments in service

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delivery and technology that have occurred since the enactment of the Health Act 1970.

The issue of tax credits is a matter for the Minister for Finance.

Ambulance Service.

331. **Ms Shortall** asked the Minister for Health and Children the reason the Health Service Executive does not have an obligation to provide transport for patients attending out-patients appointments, especially for patients suffering from a physical disability, who do not have access to private transport, or access to public transport and who do not have the resources to hire private transport; and if she will make a statement on the matter. [32997/06]

Minister for Health and Children (Ms Harney):

The Health Service Executive has advised that its National Ambulance Office, in conjunction with the Primary, Community and Continuing Care Directorate and the National Hospital Office, is currently arranging for a comprehensive review to be undertaken of the non-emergency transport needs of patients. This review will include an examination of the service currently delivered and make recommendations that will inform its future development. The HSE anticipates that the review will be completed by the end of this year.

Health Services.

332. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo can expect to receive approval for an eye test and glasses; and if their application will be expedited in view of their age and poor sight. [32998/06]

Minister for Health and Children (Ms Harney):

The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Service Staff.

333. **Mr. Ring** asked the Minister for Health and Children when a general practitioner in County Mayo (details supplied) will be replaced; the position in this recruitment process; if interviews have been held; and if so, who has been appointed to the position. [32999/06]

Minister for Health and Children (Ms Harney):

The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the

Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Nursing Home Subventions.

334. **Mr. Ring** asked the Minister for Health and Children when she plans to bring the rate of subvention in the west of Ireland in line with the rate of subvention in Dublin; the maximum rate payable in the west of Ireland; the maximum rate payable in Dublin; the enhanced rate of subvention in the west of Ireland; and the enhanced rate of subvention in Dublin. [33000/06]

Minister of State at the Department of Health and Children (Mr. S. Power):

As the Deputy may be aware, the Health (Nursing Homes) Act 1990 and the Nursing Homes Regulations 1993 provide for the payment of subvention for private nursing home care for applicants who qualify on both medical and means grounds. General rules for the assessment of means in respect of an application for nursing home subvention are set out in the Second Schedule of the Nursing Homes Regulations 1993, as amended by the 2005 Regulations.

There are currently three rates of subvention payable, i.e. €114.30, €152.40 and €190.50 for the three levels of dependency which are medium, high and maximum and these rates apply in all parts of the country.

The HSE has discretion to pay more than the maximum rate of subvention relative to an individual's level of dependency in a case, for example, where personal funds are exhausted. The application of these provisions in an individual case is a matter for the HSE in the context of meeting increasing demands for subvention, subject to the provisions of the Health Act, 2004. The average rate of subvention paid by the HSE generally exceeds the current approved basic rates. The supports paid by the HSE vary from person to person and region to region, depending on nursing home fees for example.

Additional funding of €20 million was provided for the administration of the Nursing Home Subvention Scheme in 2006, bringing the total available budget to €161 million. The €20 million is to support more basic nursing home subventions and reduce waiting lists for enhanced subventions: it is also to bring more consistency to subventions support throughout the country.

The Health (Nursing Homes)(Amendment) Bill 2006 is designed to ensure that the existing subvention scheme for private nursing home care is grounded in primary legislation and to help the HSE to implement the scheme on a standardised basis across the country. In addition, national guidelines on nursing home subvention are currently being developed by the HSE to ensure an

even and equitable application of the regulations nationally.

The Government is currently considering new policy on Long Term Care and several principles underlying this were agreed with the social partners in “Towards 2016”. These principles include, for example, that there should be one standardised national needs assessment for older people needing care. The use of community and home-based care should be maximised. Sheltered housing options will be encouraged. Where residential care is required, it should be quality care and there should be appropriate and equitable levels of co-payment by care recipients based on a national standardised financial assessment. The level of support for residential care should be indifferent as to whether that care is in a public or private facility. The financial model to support any new arrangements must also be financially sustainable.

The Department is currently drawing up proposals as agreed with the social partners in “Towards 2016”.

Hospital Charges.

335. **Dr. Upton** asked the Minister for Health and Children if hospital in-patient charges apply to a patient, who has a long term illness book and who is in receipt of a disability allowance; and if she will make a statement on the matter. [33001/06]

Minister for Health and Children (Ms Harney): The statutory hospital in-patient charge of €60 per night applies to everyone receiving treatment in a public hospital with the exception, inter alia, of people with full eligibility (i.e. those entitled to a medical card), women receiving services in respect of motherhood, children up to the age of six weeks, children suffering from prescribed long term diseases and holders of a card issued under Section 2 of the Health (Amendment) Act, 1996.

Under the Long Term Illness Scheme (LTI) persons with a specified condition are entitled to obtain drugs and medicines necessary for the treatment of the condition free of charge. However, it does not affect a person’s liability for in-patient charges.

If the Disability Allowance is the sole income of the person concerned, they may be eligible for a Medical Card. In this regard, they may wish to contact the Health Service Executive at www.HSE.ie or contact the National Information Line, operated by the HSE, at lo-call 1850 24 1850.

Health Services.

336. **Mr. N. O’Keeffe** asked the Minister for Health and Children the reason for the ongoing delay in issuing payment of a Curam home care grant to a person (details supplied) in County Cork who has been approved. [33007/06]

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.

Nursing Home Subventions.

337. **Mr. N. O’Keeffe** asked the Minister for Health and Children if she will examine an application made to the Health Service Executive for payment of one week’s nursing home fees in respect of a person (details supplied) in County Cork whose application has been refused; if her attention has been drawn to the fact that the public health nurse had made a subvention application form available to the family but the person did not wish to be admitted to the nursing home initially and then became too unwell to remain at home and had to be admitted over the weekend without the subvention form being completed prior to their admission; if she will examine this matter on the grounds that an emergency situation arose leaving no time to complete the formal paperwork and the person is not in a position to meet the nursing home costs. [33006/06]

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.

338. **Mr. N. O’Keeffe** asked the Minister for Health and Children if she will assist in having the southern Health Service Executive occupational therapist carry out an assessment in respect of a person (details supplied) in County Cork; if her attention has been drawn to the fact that this person has been advised that they will have to wait over 20 weeks for the occupational therapist to call during which time they will not be able to access their sanitary facilities; if the person will be given priority in view of the circumstances where they cannot wait so long for an assessment; and her views on whether there are applicants with exceptional circumstances where the waiting period should be waived. [33009/06]

Minister of State at the Department of Health and Children (Mr. T. O’Malley): The Deputy’s question relates to the management and delivery

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of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

339. **Mr. McGuinness** asked the Minister for Health and Children the action she intends to take in the case of a person (details supplied) in County Kilkenny; if the written complaint made will be responded to; if the medical and other support required by the person for their eye complaint will be arranged by the Health Service Executive; and if she will make a statement on the matter. [33010/06]

Minister for Health and Children (Ms Harney):

The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Waiting Lists.

340. **Mr. Perry** asked the Minister for Health and Children when a person (details supplied) in County Sligo will be called for their hip replacement operation as their condition has deteriorated; and if she will make a statement on the matter. [33020/06]

Minister for Health and Children (Ms Harney):

The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

The Deputy will be aware that it is open to him to contact the Health Service Executive's Parliamentary Affairs Division directly about this or any other matter within the Executive's statutory remit. As previously advised to Oireachtas members the Parliamentary Affairs Division can be contacted by phone at 01-6352505, and by email at PAD@mailf.hse.ie

Health Services.

341. **Ms McManus** asked the Minister for Health and Children her views on the lack of speech therapy services in general; her further views on the fact that a person (details supplied) in County Dublin with Down's syndrome has

been told that it will be a year before they will get access to a speech therapist both through the Health Service Executive and privately; the steps she will take to tackle this situation in view of the importance of speech therapy to children with Downs syndrome; and if she will make a statement on the matter. [33022/06]

349. **Ms McManus** asked the Minister for Health and Children her views on the lack of speech therapy services in general; her further views on the fact that a child with Down's Syndrome has been told that it will be a year before they will get access to a speech therapist both through the Health Service Executive and privately; the steps she will take to tackle this situation in view of the importance of speech therapy to children with Downs Syndrome; and if she will make a statement on the matter. [33061/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I propose to take Questions Nos. 341 to 349 together.

My Department understands from the Health Service Executive that its priority in 2006 is to increase service provision in the area of multi-disciplinary supports including therapy services. In this regard €12.5 million was made available by the Health Service Executive from the 2006 investment programme to provide multi-disciplinary supports to people with intellectual disability, physical and sensory disability and/or autism.

The Deputy's specific 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.

342. **Ms McManus** asked the Minister for Health and Children if she will clarify the criteria and guidelines set out for self employed persons applying for a general practitioner only medical card; and if she will make a statement on the matter. [33023/06]

344. **Ms McManus** asked the Minister for Health and Children the criteria and guidelines set out for self employed persons applying for a general practitioner only medical card; and if she will make a statement on the matter. [33056/06]

Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 342 and 344 together.

The Deputy's questions relate to the management and delivery of health and personal social services, which are the responsibility of the

Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Waiting Lists.

343. **Mr. Kehoe** asked the Minister for Health and Children when a person (details supplied) will be called for their operation; and if she will make a statement on the matter. [33055/06]

Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Question No. 344 answered with Question No. 342.

Health Services.

345. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will be called for occupational therapy. [33057/06]

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.

Pharmacy Regulations.

346. **Ms McManus** asked the Minister for Health and Children in view of the increasing numbers of rogue websites selling medicines to people without prescription will she outline the number of people prosecuted in relation to same; the steps she is taking to combat the illegal sale of medicines in this manner; and if she will make a statement on the matter. [33058/06]

Minister for Health and Children (Ms Harney): I am aware of serious concerns regarding the online sale of medicinal products, since such sales do not have any requirement for the type of consultation and safety precautions which would normally accompany the sale of a medicinal product.

Anyone purchasing medicinal products via the Internet would normally have such products delivered by post. It is an offence in this country to supply prescription only medicines by mail

order and provisions exist under the Prescription and Control of Supply Regulations to take action against anyone supplying prescription only medicines in this way. The Irish Medicines Board is responsible for investigating breaches of the medicines legislation in Ireland and the Board works closely with the Customs and Excise authorities to enforce these provisions.

While there have been no prosecutions in Ireland specifically in the area of internet sales of medicinal products, the Board monitors the activities of online pharmacies and takes action against such pharmacies where possible. However the difficulties associated with policing the Internet in general also apply to online sales of medicinal products. The vast majority of internet pharmacies are based outside Ireland and this poses great challenges in the area of enforcement. However, the Irish Medicines Board works in partnership with medicines enforcement agencies in Europe and elsewhere to address this and has in the past assisted agencies who have taken action against sites based outside Ireland.

347. **Ms Enright** asked the Minister for Health and Children if she will provide increased funding to allow pharmacists who treat methadone patients to install security cameras on their premises for the security of themselves and their staff; and if she will make a statement on the matter. [33059/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

348. **Ms Enright** asked the Minister for Health and Children when an extra doctor will be recruited to the drug treatment clinic in Portlaoise, to serve both Laois and Offaly; if her attention has been drawn to the delays in excess of one year in order to gain a place on a treatment programme; and if she will make a statement on the matter. [33060/06]

Minister for Health and Children (Ms Harney): The question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Question No. 349 answered with Question No. 341.

350. **Mr. Wall** asked the Minister for Health and Children when a person (details supplied) in County Kildare will receive an appointment date for an operation; and if she will make a statement on the matter. [33073/06]

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.

351. **Mr. Penrose** asked the Minister for Health and Children the number of top-up grants awarded by the Health Service Executive mid-land eastern area, in each of the past three years to supplement the disabled persons grant as operated by Westmeath County Council; the cost in each year of such grants; if there is a waiting list for the grants; and if she will make a statement on the matter. [33078/06]

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.

Child Care Services.

352. **Mr. Neville** asked the Minister for Health and Children the reason the Government has failed to honour the commitment in budget 2005 to pay €1000 early child care supplement in 2006 to families with children under six years of age; and if she will make a statement on the matter. [33127/06]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): The Early Child-care Supplement, or ECS, was introduced in Budget 2006. The scheme is under the remit of the Office of the Minister for Children. The administration of the scheme is being undertaken by the Department of Social and Family Affairs, on an agency basis.

The commitment referred to in the question is that given in Budget 2006 to pay €1,000 per year Early Childcare Supplement to families with children aged under six years. In introducing the scheme in his Budget 2006 speech, the Minister for Finance said "this will be a direct payment of

€1,000 per year available equally to all parents regardless of their labour force status, for each child up to his or her sixth birthday" specifying that the payments will be made on a quarterly basis and "the first payment will be made in mid-2006 and will cover the second quarter of 2006". Letters of notification of these payments, clearly stating that the ECS came into effect on 1 April 2006, were issued to all beneficiaries prior to these quarterly payments commencing.

Medical Cards.

353. **Mr. Connaughton** asked the Minister for Health and Children when a decision will be made on an application for a medical card for a person (details supplied) in County Meath; and if she will make a statement on the matter. [33128/06]

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.

Housing Aid for the Elderly.

354. **Mr. Connaughton** asked the Minister for Health and Children the position regarding an application for the housing for the elderly scheme by persons (details supplied) in County Galway with the Health Service Executive west; the reason approval is taking so long; and if she will make a statement on the matter. [33129/06]

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.

355. **Mr. McGuinness** asked the Minister for Health and Children if she will expedite the transfer of a person (details supplied) in County Carlow from Saint Luke's Hospital in County Kilkenny to a home in County Carlow. [33146/06]

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.

356. **Mr. McGuinness** asked the Minister for Health and Children if financial assistance towards travel costs will be granted in the case of a person (details supplied) in County Kilkenny who has to attend hospital in Dublin and is a cancer patient. [33147/06]

Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to respond directly to the Deputy in relation to the matter raised.

357. **Mr. Naughten** asked the Minister for Health and Children the reason for the delay in reinstating the ophthalmology service at Portiuncula Hospital, Ballinasloe; her views on whether it is acceptable to leave patients without a service for the past 31 months; the steps she is taking to ensure a service is provided to patients; and if she will make a statement on the matter. [33148/06]

Minister for Health and Children (Ms Harney): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the particular issue raised by the Deputy.

Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Cancer Screening Programme.

358. **Dr. Cowley** asked the Minister for Health and Children if she will confirm that her target of early 2007 for the roll-out of BreastCheck is defunct once again; her views on whether 2007 is by no means certain and that this will mean the further deaths of women; her further views on whether this is unacceptable as there was adequate evidence in 2000 for having a nationwide scheme then (details supplied); and if she will make a statement on the matter. [33203/06]

Minister for Health and Children (Ms Harney): I have met with representatives of BreastCheck and they are fully aware of my wish to have a quality assured programme rolled out to the remaining regions in the country as quickly as possible. For this to happen, essential elements of the roll out must be in place including adequate staffing, effective training and quality assurance programmes.

At a meeting with Department officials last week, BreastCheck reported on significant progress that has been made in preparation for the roll-out. Further discussions are planned. Additional revenue funding of €2.3m has been made available to BreastCheck to meet the additional costs of rollout and an additional 69 posts have been approved. BreastCheck has appointed Clinical Directors for the Southern and Western regions and both will take up their positions in November of this year. The Clinical Directors are currently undergoing additional training in relation to their role. The recruitment of Consultants and other staff, including Radiographers is underway.

BreastCheck also requires considerable capital investment in the construction of two new clinical units and in the provision of five additional mobile units and state of the art digital equipment. I have made available an additional €21m capital funding to BreastCheck for this purpose. BreastCheck reported last week that construction teams have been appointed for the static units in University College Hospital Galway and South Infirmary/Victoria Hospital, Cork and mobilisation meetings are scheduled to take place in both locations this week. BreastCheck is confident that the target date of next year for the commencement of roll out to the Southern and Western regions will be met.

359. **Mr. Durkan** asked the Minister for Health and Children when an occupational therapist will be made available to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [33209/06]

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.

360. **Ms C. Murphy** asked the Minister for Health and Children the way in which it is proposed to supply a person (details supplied) in County Kildare with appropriate educational support therapies in view of the fact that their current provider referred them to another Health Service Executive body in November 2006 that is

[Ms C. Murphy.]

not resourced to provide autism spectrum programmes, due to resource issues; and if she will make a statement on the matter. [33276/06]

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.

361. **Mr. Connaughton** asked the Minister for Health and Children the length of time it takes applications to the Health Service Executive for approvals for eye tests for medical card holders in the HSE west region; and if she will make a statement on the matter. [33277/06]

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.

362. **Mr. Healy** asked the Minister for Health and Children if she will approve the appointment of an additional orthodontist for the South Tipperary community care area; if additional funding will be provided for the service; if she will revise the guidelines used to assess children for orthodontic treatment; and if she will make a statement on the matter. [33278/06]

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.

363. **Mr. Healy** asked the Minister for Health and Children if she will approve the appointment of a second audiologist for the South Tipperary community care area; and if she will make a statement on the matter. [33279/06]

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 Execu-

tive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Community Care.

364. **Mr. Wall** asked the Minister for Health and Children the mechanism used to organise home care packages in the Health Service Executive in County Kildare; the number of staff involved; the cost to date for the provision of the home care package scheme; the number of recipients of the scheme; and if she will make a statement on the matter. [33293/06]

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, 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.

365. **Mr. Wall** asked the Minister for Health and Children when a person (details supplied) in County Kildare will receive an appointment for their hip replacement; and if she will make a statement on the matter. [33294/06]

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.

366. **Mr. P. Breen** asked the Minister for Health and Children when a person (details supplied) in County Clare will receive treatment after being assessed for orthodontic treatment on 13 September 2006; if in the context of a timely and efficient service, the orthodontic regional training programmes which were stopped on 1999 would be reinstated; and if she will make a statement on the matter. [33382/06]

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.

Pharmacy Regulations.

367. **Ms Burton** asked the Minister for Health

and Children the reason the adjudication route for foreign nationals with pharmaceutical qualifications was suspended on October 2001 in relation to the Pharmacy Act 1962; the person whose advice the adjudication route was suspended; if a copy of this advice will be made available; the reason the application of a person (details supplied) was not considered, in view of the fact that they submitted the application in September 2001; and if she will make a statement on the matter. [33383/06]

Minister for Health and Children (Ms Harney):

The Pharmaceutical Society of Ireland, PSI, is the statutory body with responsibility for the registration of pharmacists in Ireland. The PSI operates a number of routes for registration depending on where the qualification in pharmacy was obtained, including the adjudication route. The PSI informs me that its records state that it suspended the Adjudicating Route of Registration in October 2001, to undertake a complete review of the Route's operation and procedures. The Society further informs me it had experienced difficulties in the operation of the Adjudicating Route of Registration for persons holding qualifications in pharmacy obtained outside of the EU/EEA. The PSI says that with regard to the operation of the Route, the matters of concern to the then Registrar and Council were the robustness of processes used at the time to assess the equivalence of pharmacy qualifications, and the fairness and proportionality of the existing procedures.

The review of the Adjudicating Route was undertaken, and in March 2003 the Society submitted a proposal to the Department of Health & Children for amended Regulations, to give effect to a new proposed Adjudicating Route process of registration. It was not possible under existing legislation to implement the Adjudicating Route procedure proposed by the Society and consequently, since that time, the Society has been unable to register persons holding non-EU/EEA qualifications in pharmacy. It is the view of the Council of the Society that a route of registration for persons holding non-EU pharmacy qualifications must be urgently put in place in Irish law. The proposals contained in the new Pharmacy Bill dealing with registration will put in place a registration regime that will allow for the recognition of qualifications in pharmacy, be they Irish, EU-EEA or non-EU\EEA.

The Society informs me that persons who had submitted documents or expressed an interest in the Adjudicating Route of Registration during 2001 were informed in October 2001 of the Council's decision to suspend the Adjudicating Route of Registration, pending a review of its operation. With regard to the person whose details are supplied, the Society is checking its records to confirm the exact details in respect of

the application made in September 2001. The Society is reluctant to discuss the detail of individual cases other than with the applicant directly, but will contact the individual in question to confirm the details.

368. **Ms Burton** asked the Minister for Health and Children the relationship her Department has with the Pharmaceutical Society of Ireland; the persons who this society is answerable to; and if she will make a statement on the matter. [33384/06]

Minister for Health and Children (Ms Harney):

The Pharmaceutical Society of Ireland, PSI, is an independent statutory body with responsibility for the regulation of pharmacists in Ireland. The Department has a good working relationship with the Pharmaceutical Society of Ireland.

Nursing Home Subventions.

369. **Mr. P. McGrath** asked the Minister for Health and Children if registered nursing homes are required to have as part of their basic equipment, air mattresses for residents who are deemed medically to require these appliances; if her attention has been drawn to the fact that some nursing homes charge additional payments for the use of such mattresses; her views on whether it is appropriate in such a situation where the relevant patient has a medical card, that the Health Service Executive would pay for these additional charges or supply this equipment for this patient's use. [33393/06]

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, 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.

Telecommunications Services.

370. **Ms C. Murphy** asked the Minister for Communications, Marine and Natural Resources the actions he intends to take to protect the security of service for phone subscribers in view of the recent disconnection of over 40,000 land-line telephone customers by Eircom; and if he will make a statement on the matter. [32604/06]

384. **Mr. F. McGrath** asked the Minister for Communications, Marine and Natural Resources the position in relation to the Smart Telecom crisis which had a dreadful effect on its 60,000 customers; and if he will take action on this matter. [32989/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 370 and 384 together.

The telecoms market in Ireland is fully liberalised and open. Statutory responsibility for the regulation of electronic communication sector rests with the independent regulator, the Commission for Communications Regulation (ComReg), under the Communications Regulation Act 2002 and the Regulations transposing the EU Regulatory Framework for Electronic Communications Networks and Services.

In light of the recent situation regarding Smart Telecom, I have asked ComReg to examine how such a situation could best be prevented from happening in the future.

Electricity Generation.

371. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources the circumstances in which equipment that generates electricity requires a licence from the CER; and if he will make a statement on the matter. [32663/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Section 16 of the Electricity Regulation Act 1999 provides that a person shall not construct or reconstruct a generating station unless an authorisation has been granted by the Commission for Energy Regulation (CER). The conditions under which the CER may grant or refuse to grant a licence to generate electricity are set out in Section 14 (1) of the Act, as amended by Sections 32 and 16 of the European Communities (Internal Market in Electricity) Regulations 2000 and 2005 respectively (SI 445 of 2000 and SI 60 of 2005).

Departmental Staff.

372. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources the date on which a person (details supplied) was replaced as principal officer of the petroleum affairs division of his Department; and if he will make a statement on the matter. [32694/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The transfer in question took place with effect from 26 June 2006 as part of the normal process of change in the Department.

Offshore Exploration.

373. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources the worth of the Corrib gas field to the State in terms of revenue if and when it comes on stream. [32774/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The principle mechanism for extracting State revenue from off-shore production under the current exploration terms is via a special rate of Corporation Profits Tax at 25%. My Department claims no particular expertise in taxation matters, which is the preserve of the Revenue Commissioners. However, taking current estimates of the recoverable reserves, applying the recent market price for gas and roughly estimating the cost of production over the life of the field would lead to a figure for direct Government revenue of the order of one and a half billion Euro. It will be appreciated that each of these parameters is subject to significant variation and that the timing and profile of production would also have an impact. This calculation is based on a historically very high gas price and the reality could be considerably lower. I am not in a position to estimate the indirect revenue, which is likely to be substantial. I would also reiterate that the terms themselves are under review although the outcome of the review will not affect existing licences and leases.

Post Office Network.

374. **Ms Enright** asked the Minister for Communications, Marine and Natural Resources the number of post offices that have been closed in County Offaly in each of the years 1999 to 2005 and to date in 2006; the names of these post offices; the number of post offices that have been downgraded in the same period; the names of these post offices; and if he will make a statement on the matter. [32789/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The matter of post office closures and conversions is, in the first instance, an operational matter for the Board and management of An Post and one in which I have no function. I would refer the Deputy to the following appendix which outlines the information requested on the number and locations of post offices converted or closed in County Offaly in each of the years 1999 to 2005 and to date in 2006.

Offaly Closures 1999 to 2006

Post Office	Date of Closure
Brosna Birr	31/12/2000
Cloneygowan	30/06/2001
Ballinagar	30/06/2002
Rahan	24/05/2003
Cadamstown	06/04/2005
Fortel	31/03/2006

Offaly Conversions 1999 to 2006

Post Office	Date of Conversion
Castlejordan	02/12/2002
Killurin Tullamore	02/12/2002
Croghan Tullamore	27/01/2003
Blueball	31/01/2003
Shannon Harbour	01/09/2003
Belmont	04/02/2004

375. **Ms Enright** asked the Minister for Communications, Marine and Natural Resources the number of post offices that have been closed in County Laois in each of the years 1999 to 2005 and to date in 2006; the names of these post offices; the number of post offices that have been downgraded in the same period; the names of these post offices; and if he will make a statement on the matter. [32790/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The matter of post office closures and conversions is, in the first instance, an operational matter for the Board and management of An Post and one in which I have no function. I would refer the Deputy to the following appendix which outlines the information requested on the number and locations of post offices converted or closed in County Laois in each of the years 1999 to 2005 and to date in 2006.

Laois Closures 1999 to 2006

Post Office	Date of Closure
Coolrain	12/07/2000
Luggacurren	29/06/2001
Camross	31/08/2001
Pike Of Rushall	19/04/2003
The Heath	19/04/2003
Ballyfin	30/06/2004

Laois Conversions 1999 to 2006

Post Office	Date of Conversion
Clough	24/01/2003
Castletown Portlaoise	02/08/2004
Emo	04/11/2005

Industrial Relations.

376. **Ms Shortall** asked the Minister for Communications, Marine and Natural Resources the number of times since 1987 that civil servants have been forced to obtain an Order from the Courts enforcing or associated with enforcing

their contractual rights and entitlements; the additional cost to the Exchequer over and above that which would have prevailed had the State recognised and honoured the contractual rights and entitlements involved in the first instance; and if he will make a statement on the matter. [32851/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): No such instances have arisen in my Department since its formation in June 2002. As it has not been possible to establish the position for the period prior to June 2002 in the time available, I will revert to the Deputy in relation to this period as soon as possible.

Telecommunications Services.

377. **Mr. M. Higgins** asked the Minister for Communications, Marine and Natural Resources his views on the state of broadband accessibility in Moycullen, County Galway; the reason for which there appears to be a discrepancy between broadband connection speed in this part of the county as opposed to others close by; his proposals to improve the service; and if he will make a statement on the matter. [32933/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The provision of telecommunications services, including broadband, is a matter in the first instance for the private sector companies operating in a fully liberalised market, regulated by the independent Commission for Communications Regulation, ComReg. Issues relating to the delivery of broadband services, including connection speeds, are an operational matter for service providers.

Fishing Vessel Licences.

378. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources the number of fishing licences that have been held within the Milford electoral area on a yearly basis from 1997 to date in 2006. [32942/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): Under the Fisheries (Amendment) Act 2003, the functions of sea-fishing boat licensing and registration were transferred from the Minister for Communications, Marine and Natural Resources to the Licensing Authority for Sea-Fishing Boats. The Authority operates on an independent basis subject to criteria set out in the Act and policy directives in relation to sea-fishing boat licensing. The head of the Licensing Authority is the Registrar General of Fishing Boats who is a senior official in the Department. An application to enter a sea-fishing

[Mr. Browne.]

boat onto the Fishing Boat Register must be received before a licence to fish is granted.

The Licensing Authority for Sea-Fishing Boats has advised me that records of registered and licensed vessels are not maintained on an electoral area basis. The Irish Fishing Fleet Register is available for viewing on the Department's web site at www.dcmnr.ie/Marine. The Register displays details pertaining to each vessel, its owner(s) and the fleet segment in which it is licensed and registered.

Fishing Industry Development.

379. **Mr. Callely** asked the Minister for Communications, Marine and Natural Resources the progress to deliver sustainable fishing and development of the fishing industry; and if he will make a statement on the matter. [32943/06]

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. I introduced, in June of this year, a number of support schemes, which will provide financial support to the industry in the short-term. These schemes are:

- the second round of the decommissioning scheme for the whitefish vessels
- grants for young skippers and
- aid for energy efficient fishing gear.

In June 2006 agreement was reached on the European Fisheries Fund that will apply over the period 2007-2013. This new Fund that contains a range of measures and initiatives will prove particularly relevant for the Irish Seafood Sector in the years ahead.

Also in June 2006, I appointed an independent Seafood Strategy Review Group to devise a strategy for a sustainable and profitable Irish Seafood industry over the period 2007-2013. Regional meetings with key stakeholders have taken place at a number of locations around the country. This strategy is to be completed over the coming weeks, so as to feed into the new National Development Plan, which the Government is drawing up for the 2007-2013 period. I believe that this strategy, along with the new National Development Plan, will provide for a sustainable and viable industry into the future.

Telecommunications Services.

380. **Mr. Callely** asked the Minister for Communications, Marine and Natural Resources the most recent technology available for the com-

munication systems; the benefits of the new technology over previous systems; and if he will make a statement on the matter. [32945/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): There are a vast number of recent and continually developing technologies available for communication systems. These include, among others: wireless, fixed line, satellite and mobile technologies. In general, the benefit of such technology developments over previous systems is enhanced performance at reduced cost.

381. **Mr. Callely** asked the Minister for Communications, Marine and Natural Resources the level of infrastructure in place to ensure all regions will be able to benefit from the most up to date communication technology systems; and if he will make a statement on the matter. [32946/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The provision of telecommunications services, including broadband, is a matter in the first instance for the private sector companies operating in a fully liberalised market, regulated by the independent Commission for Communications Regulation (ComReg).

However, 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. 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 have been completed under the first phase and are currently being managed by ENet, the Management Services Entity. The second phase extends the programme to over 90 towns with a population of 1,500 and above that do not have a satisfactory broadband offering from the private sector.

For rural communities with populations under 1,500 and the hinterlands of larger towns, my Department offers funding under the Group Broadband Scheme (GBS) to enable them to become self-sufficient in broadband, in association with service providers. The scheme is technology-neutral, allowing the community to select the most suitable broadband delivery platform for the area. To date, over 160 projects have been approved for funding under this Programme.

A joint industry/Government fund of €18 million has been established for the Broadband for Schools Programme to resource the provision of high speed broadband connectivity to all primary

and post primary schools in the country by end Autumn 2006, at no cost to the schools themselves. 95% of schools have broadband installed to date; the aim is to complete the outstanding schools as soon as possible. Despite Government investment in broadband in the regions through the regional broadband programme, there are still some parts of the country where the private sector will be unable to justify the commercial provision of broadband connectivity. Options to address the gaps in broadband coverage are currently being considered.

382. **Mr. Callely** asked the Minister for Communications, Marine and Natural Resources the measures in place to protect vulnerable people from inappropriate transmission of material through modern technology and communication systems; and if he will make a statement on the matter. [32947/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I take it that the Deputy is referring to the transmission of offensive material or images over mobile phones and the Internet. I have no function in this matter.

Offshore Exploration.

383. **Mr. Callely** asked the Minister for Communications, Marine and Natural Resources the information available to his Department in relation to the development and associated matters regarding the Corrib gas field; and if he will make a statement on the matter. [32948/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I am not sure what specific information the Deputy is seeking.

Question No. 384 answered with Question No. 370.

Post Office Network.

385. **Mr. Crowe** asked the Minister for Communications, Marine and Natural Resources the amount of post offices closures in County Donegal, particularly in the Milford electoral area for the past ten years. [33050/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The matter of post office closures and conversions is, in the first instance, an operational matter for the Board and management of An Post and one in which I have no function. I would refer the Deputy to the following appendix which outlines the information requested on the number and locations of post offices closed in County

Donegal, particularly in the Milford electoral area for the past ten years.

Donegal Closures 1996 to 2006

Post Office	Date of Closure	Area
Shrove	13/06/1996	
Ballybeg	26/06/1997	
Cavangarden	10/11/1997	
Loughros Point	21/11/1998	
Glenmaquin	13/10/2000	
Clooney	30/11/2000	
Ballyheerin	31/12/2000	Milford Electoral Area
Doaghbeg	31/01/2001	Milford Electoral Area
Inch Lifford	31/08/2001	
Portnablagh	30/11/2001	Milford Electoral Area
Ballinamore	30/11/2001	
Tievemore	28/12/2001	
Tamney	23/06/2003	Milford Electoral Area
Drimfries	25/07/2003	
Cranford	31/03/2006	Milford Electoral Area

Aquaculture Licences.

386. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources his views on an additional allocation of acreage to the oyster farm of a person (details supplied) in County Donegal; and if he will make a statement on the matter. [33182/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): The Department is currently assessing an application for an aquaculture licence by the person to whom the Deputy refers. The application is in respect of an area adjoining the applicant's current licensed site. Consideration of the application is well advanced and it is expected that a decision will be reached shortly.

387. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources his views on a request for additional tonnage for mussel farming for a person (details supplied) in County Donegal; and if he will make a statement on the matter. [33183/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): The mussel seed fishery is managed on an all Island basis to ensure that this wild resource is exploited in a sustainable way. After consultation between the Department of Communications, Marine and Natural Resources,

[Mr. Browne.]

the Department of Agriculture and Rural Development in Northern Ireland, the Loughs Agency and BIM, it was decided that initial allocations of the mussel seed to be fished in Irish and Northern Irish waters, by existing operators, would be the same as the allocations given in 2005. Allocations could then be reviewed pending the availability of seed as the season progressed. The application by the operator in question was treated as a new application on the basis that there was no record of this operator having requested or received an allocation in previous years. To date no allocations of seed have been made to new applicants in 2006 due to poor availability of seed.

In regard to this operator, this is the first occasion that his company has applied for an allocation in its own right. I understand that all previous mussel seed that this operator has transplanted on to his aquaculture site was fished as part of the overall allocation given to the Malin Head Fishermen's Co-operative, of which I understand this operator was a member. For 2006, this co-operative has received the same quota as it did in 2005.

At consultation meetings held with Industry before the beginning of the current season, operators were invited to inform the Department of Communications, Marine and Natural Resources of any changes to their circumstances which might be taken into account with regard to their allocations of mussel seed. Of course it is open to operators to do this at any time to ensure that their details are up-to-date with the Department.

Post Office Network.

388. **Mr. Kenny** asked the Minister for Communications, Marine and Natural Resources the number of post offices that have been closed in County Donegal in each of the years 1999 to 2005 and to date in 2006; the names of each of these post offices; the number of post offices that have been downgraded in the same period; the names of each of these post offices; and if he will make a statement on the matter. [33184/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The matter of post office closures and conversions is, in the first instance, an operational matter for the Board and management of An Post and one in which I have no function.

I would refer the Deputy to the following appendix which outlines the information requested on the number and locations of post offices converted or closed in County Donegal in each of the years 1999 to 2005 and to date in 2006.

Donegal Closures 1999 to 2006

Post Office	Date of Closure
Glenmaquin	13/10/2000
Clooney	30/11/2000
Ballyheerin	31/12/2000
Doaghbeg	31/01/2001
Inch Lifford	31/08/2001
Portnablagh	30/11/2001
Ballinamore	30/11/2001
Tievemore	28/12/2001
Tamney	23/06/2003
Drimfries	25/07/2003
Cranford	31/03/2006

Donegal Conversions 1999 to 2006

Post Office	Date of Conversion
Letterbarrow	01/06/2002
Meenbanad	13/11/2002
Glenvar	13/11/2002
Bridgetown Donegal	21/11/2002
Fahan	16/01/2003
Ray	05/02/2003
Coolboy Letterkenny	05/02/2003
Trentagh	12/02/2003
Termon Letterkenny	19/02/2003
Portsalon	17/04/2003
Teelin	18/09/2003
Crolly	25/03/2004
Linsfort	12/08/2004
Rann-Na-Feirsde	18/11/2004
Frosses	13/07/2005

Communications Masts.

389. **Mr. Healy** asked the Minister for Communications, Marine and Natural Resources when he intends to introduce legislation or regulation to implement the Joint Committee on Communications, Marine and Natural Resources recommendations on the location of masts to ensure that these masts are not located near schools, built up areas and play areas; and if he will make a statement on the matter. [33245/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Legislation or regulation in relation to planning issues is a matter for the Minister for the Environment, Heritage and Local Government in the first instance.

The Interdepartmental Committee on the Health Effects of Electromagnetic Fields, set up in September 2005, is at an advanced stage in its consideration of the policy issues regarding

potential health effects, if any, and is taking due consideration of the recommendations of the Joint Committee on Communications, Marine and Natural Resources.

An Expert Group of independent national and international scientific and medical experts, commissioned by the Interdepartmental Committee, is currently finalising its report and will shortly submit it to the Interdepartmental Committee.

The Interdepartmental Committee expects to finalise its recommendations and report to the Government before the end of the year.

Alternative Energy Projects.

390. **Mr. Penrose** asked the Minister for Communications, Marine and Natural Resources his Department's policy in relation to wind turbines, in particular in the context of correspondence (details supplied); and if he will make a statement on the matter. [33260/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I am committed to the development and deployment of domestic scale renewable electricity and heat technologies. There are however, a number of technical and administrative issues to be resolved in relation to the deployment of wind turbines in the domestic sector. My Department is working with the relevant agencies, including Sustainable Energy Ireland (SEI), the Commission for Energy Regulation (CER), ESB Networks and the Electro-Technical Council of Ireland in this regard.

Sustainable Energy Ireland provides grant assistance, under its Renewable Energy Research, Development and Demonstration programme, to suppliers for demonstrating small wind turbines in domestic and small business applications. The specification, installation and performance of the wind turbines supplied are being closely monitored under this programme and the results will inform any future initiatives in this area.

I welcome the recent launch by CER of a public consultation on micro generation, which will also critically inform future directions.

We need to ensure that the appropriate administrative, technical and safety standards and practices are in place before putting in place programmes for the widespread deployment of micro generation technologies. I am confident that appropriate solutions suited to the context of the Irish electricity grid and for non-grid connected technologies will be found so that we can further develop this emerging sector.

Industrial Relations.

391. **Ms Shortall** asked the Minister for Foreign Affairs the number of times since 1987 that civil servants have been forced to obtain an Order from the Courts enforcing or associated with

enforcing their contractual rights and entitlements; the additional cost to the Exchequer over and above that which would have prevailed had the State recognised and honoured the contractual rights and entitlements involved in the first instance; and if he will make a statement on the matter. [32858/06]

Minister for Foreign Affairs (Mr. D. Ahern): Since 1987 there has been no instance of a civil servant in my Department being forced to obtain an Order from the Courts enforcing, or associated with enforcing, his/her contractual rights and entitlements.

Middle East Peace Process.

392. **Mr. Callely** asked the Minister for Foreign Affairs the progress made regarding the Middle East peace process; the progress in meeting the needs of the Palestinians; and if he will make a statement on the matter. [32969/06]

Minister for Foreign Affairs (Mr. D. Ahern): The conflict in Lebanon during the summer and the continuing crisis in the Occupied Palestinian Territories serve to emphasise that there can be no military or unilateral solution to the inter-linked problems of the Middle East. It is the strong view of the Government, together with our partners in the European Union, that an underlying cause of the terrible violence of recent months is the absence of a credible process for a comprehensive settlement. The EU has made it very clear that lasting peace and security in the region can only be ensured by a comprehensive settlement with a negotiated two-State solution to the Israeli – Palestinian conflict at its core.

The Government has consistently been active directly with the parties, within the EU and at the UN in the promotion of a just, lasting and peaceful settlement. I stated in my address to the UN General Assembly in New York on 26 September that it is now time for a major new international effort to launch serious negotiations for a settlement based on the essential elements of the Quartet Roadmap, leading to the establishment of two sovereign, viable and democratic States, Israel and Palestine, living together in peace and security.

Both parties must meet their obligations under the Roadmap and under international law. We strongly support the continuing efforts of President Mahmoud Abbas to negotiate the formation of a Palestinian national unity Government which is committed to the peace process and reflects the principles outlined by the EU and the Quartet. The negotiations have proved very difficult, and they have been undermined in recent weeks by outbreaks of serious violence between different Palestinian armed groups. If they prove successful, I believe it will be important that the EU and the international community are generous and creative in their political response.

[Mr. D. Ahern.]

The immediate priority must be to end the security and humanitarian crisis in Gaza. This requires an end to violence from all sources, the release of the captured Israeli soldier and of detained Palestinian legislators, and the re-opening of border crossings for people and for goods.

The EU remains seriously concerned at the effects of the crisis on the lives of the people of the West Bank and Gaza. So far this year, Community aid, administered by the Commission, has amounted to €330 million, which is already a significant increase on the annual total for recent years. Assistance from individual Member States has also increased. Ireland's bilateral assistance to the Palestinian people is likely to total some €5.4 million for 2006, an increase of approximately 25% over last year.

The EU has taken the lead in the establishment of the Temporary International Mechanism to channel assistance directly to the Palestinian people. The Mechanism has ensured the delivery of essential assistance for the health sector, the provision of fuel and the payment of allowances for low income families. Its operation has been extended until December 2006, and its remit will be expanded in order to benefit additional Palestinian families. The EU is also continuing to impress on Israel the urgency of resuming the transfers of taxes and customs duties which it has been withholding since April, which represent the main element in the financial crisis facing the Palestinian Authority.

Overseas Development Aid.

393. **Mr. Callely** asked the Minister for Foreign Affairs the progress of Development Co-operation Ireland on their various programmes across the world; the priority projects; and if he will make a statement on the matter. [32970/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): In September 2005, speaking to the United Nations General Assembly in New York, the Taoiseach committed Ireland to reaching the UN target of 0.7% of GNP on Official Development Assistance (ODA) to developing countries by 2012. This commitment means that the Government will spend approximately €1.5 billion on ODA annually by that year. The total aid budget for 2006 is €734 million.

On 18 September 2006, the Government launched Ireland's first ever White Paper on Irish Aid, which sets out a clear blueprint for future expansion as the budget grows rapidly. The White Paper has been distributed widely, including to all Oireachtas members. The White Paper has been warmly welcomed by political parties, NGOs, missionaries and by the media.

The Irish Aid programme works in over ninety countries around the world and has a particular

focus on Africa, where approximately 80% of Irish assistance is focused.

Every day, Irish Aid saves lives. Beyond that, every day Irish Aid works to equip people to improve their own lives – working through our partner countries to build better governments and better functioning societies. Irish Aid works with international development agencies and Irish NGOs in their efforts to tackle poverty and make a real difference on the ground, and Ireland works as an advocate on the world stage to ensure that voices of the poorer countries are heard and heeded.

Irish Aid is having a definite, positive and sustaining impact in the areas where we work. The following are some examples of important work of Irish Aid in Africa:

- In Lesotho in 1999, enrolment in primary schools was at 57%. With Ireland's support, by 2003, this figure had increased to 82%.
- In Ethiopia, through our Safety Nets Programme, Irish Aid is keeping hunger at bay for more than 6 million Ethiopians every year.
- With Ireland's support, immunisation rates against childhood diseases in Uganda are now at 84% for the entire country.
- In Zambia, Irish Aid has financed a programme of well and bore hole drilling in the Northern Province, which now provides a sustainable source of fresh, clean water to approximately 113,000 people.
- Over the past three years as part of our contribution to the fight against HIV/AIDS, we have worked in close partnership with the Clinton Foundation. In Mozambique, the partnership has to date ensured that 20,000 people are now on anti-retroviral treatment, 83 clinics have been built to provide services to combat mother-to-child transmission and over 250,000 people are receiving testing and counselling services.

These are just some of the achievements of the Irish Aid programme over recent years. Irish Aid will continue to provide assistance to the poorest people in some of the poorest countries in the world on behalf of the Irish people.

394. **Mr. Callely** asked the Minister for Foreign Affairs the projects being undertaken in India by Development Co-Operation Ireland; the level of assistance given to date; the additional supports available; and if he will make a statement on the matter. [32971/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): Irish Aid provides funding for development work in India, through

Non-Governmental Organisations (NGOs) and the Irish Missionary Resource Service (IMRS).

In 2005, over €5.1 million was provided to NGOs for development projects and emergency and humanitarian relief work in India. The funding was largely directed to three Irish NGOs, namely, Concern, Goal and Trócaire, which accounted for just over €2.9 million. The remainder was delivered via a wide range of local and international partners.

Irish Aid also provides funding annually to the IMRS, which in turn administers project and personnel funding schemes for missionaries worldwide. The IMRS allocated approximately €85,000 for development work in India in 2005.

Emigrant Services.

395. **Mr. Callely** asked the Minister for Foreign Affairs the progress that has been made to resolve US visa and immigration issues for the Irish people who do not meet with the current criteria but have established roots in the US; and if he will make a statement on the matter. [32972/06]

Minister for Foreign Affairs (Mr. D. Ahern):

The welfare of the undocumented Irish in the United States remains an issue of the highest priority for the Government. I raise our concerns in all of my dealings with key figures in the US Administration and Legislature. In particular, I emphasise our strong support for measures that would enable the undocumented to regularise their status and have open to them a path to permanent residency.

The passage through the US Senate last May of a comprehensive bill on immigration, with provisions that would provide a path to permanent residency for the majority of the undocumented, represented a significant and positive development in the legislative debate. While encouraged by the passing of the Senate bill, we recognise that securing overall Congressional agreement on this sensitive and divisive issue remains a very considerable challenge. In view of this, we greatly appreciate the firm commitment to a comprehensive solution that Senator Kennedy, Senator McCain and others continue to promote.

In addition to taking every opportunity in contacts with US political leaders to emphasise the importance of addressing this issue in a constructive and sympathetic way, I also met on 27th September in New York with representatives of the Irish Lobby for Immigration Reform, an organisation that very effectively represents the views of the undocumented Irish, and which the Government has been happy to support financially. I also had at that time a valuable exchange with Irish community welfare and advisory groups in the New York area.

The Deputy can be fully assured that the Government's efforts on behalf of the undocu-

mented Irish will continue to be accorded the highest priority.

Overseas Development Aid.

396. **Mr. Callely** asked the Minister for Foreign Affairs the overseas development aid target and achievement of gross national product for the past five years; and if he will make a statement on the matter. [32973/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan):

In September 2005, speaking to the United Nations General Assembly in New York, the Taoiseach committed Ireland to reaching the UN target of 0.7% of GNP on Official Development Assistance (ODA) to developing countries by 2012. This commitment means that the Government will spend approximately €1.5 billion on ODA annually by that year. The total aid budget for 2006 is €734 million. As part of the ODA commitment, Ireland will reach the targets of 0.5% in 2007 and 0.6% in 2010. The following table summarises total ODA as a percentage of GNP for the five years 2001 to 2005:

	Total ODA	GNP	ODA as a % GNP
	€m	€m	%
2005	578,460	136,055	0.43
2004	489,000	121,825	0.40
2003	445,705	111,671	0.40
2002	422,058	103,900	0.41
2001	319,900	96,750	0.33

Departmental Investigations.

397. **Dr. Upton** asked the Minister for Foreign Affairs if he will investigate the concerns of a person (details supplied) in Dublin 12 and if he will advise them on the way in which they can access the information in relation to the death of their spouse. [32995/06]

Minister for Foreign Affairs (Mr. D. Ahern):

The Embassy in London has raised this case as a matter of urgency with the British authorities and is currently awaiting a reply. I will write immediately to the Deputy as soon as the Embassy receives a response from the British authorities.

Industrial Relations.

398. **Ms Shortall** asked the Minister for Arts, Sport and Tourism the number of times since 1987 that civil servants have been forced to obtain an Order from the Courts enforcing or associated with enforcing their contractual rights and entitlements; the additional cost to the Exchequer over and above that which would have prevailed had the State recognised and honoured the contractual rights and entitlements involved in the first

[Ms Shortall.]

instance; and if he will make a statement on the matter. [32850/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): There have been no cases where civil servants have been forced to obtain an Order from the Civil Courts, enforcing or associated with enforcing their contractual rights or entitlements, since my Department was established in 2002.

Swimming Pool Projects.

399. **Mr. McGuinness** asked the Minister for Arts, Sport and Tourism the status of an application for funding by Kilkenny Borough Council for the provision for a new swimming pool. [32936/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): On 27 April 2006, I approved the contract documents submitted by Kilkenny County Council in respect of a replacement swimming pool in Kilkenny. This allowed the Council to go to tender for the work proposed.

Tender details were submitted to my Department this week and are now being examined by the Department and the Department's technical advisers, the Office of Public Works.

Ryder Cup.

400. **Mr. Callely** asked the Minister for Arts, Sport and Tourism if he will report on the estimated benefit for Ireland arising from staging a successful prestigious Ryder Cup at the K Club; and if he will make a statement on the matter. [33137/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Fáilte Ireland have estimated that the direct benefit to the economy of hosting of the 2006 Ryder Cup is in the region of €130M.

It is expected that, over the coming years, there will also be a lasting long-term benefit to the tourism industry, and the golf tourism sector in particular, as a result of the worldwide television coverage of the event and the raising of Ireland's profile generally. Furthermore, the positive experiences of overseas visitors to the event will serve as a valuable source of word-of-mouth marketing for our tourism industry for many years to come.

Fáilte Ireland, in conjunction with the PGA/European Tour and other interests, have commissioned Deloitte and Touche to conduct an economic impact assessment on the Ryder Cup in Ireland and I look forward to the results of their work.

Sport and Recreational Development.

401. **Mr. Callely** asked the Minister for Arts, Sport and Tourism the position in relation to the roof and general structural issues at Abbotstown Sports Campus; the moneys spent to date on this

project; and if he will make a statement on the matter. [33138/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The National Aquatic Centre, the first facility developed at the Campus at Abbotstown, opened in 2003. During severe weather conditions in the west Dublin area on 1 January 2005, damage was caused to the roof of the National Aquatic Centre. Consulting Structural and Civil Engineers, Kavanagh Mansfield & Partners, were commissioned to examine the damage and oversee the repairs. Repair works at the National Aquatic Centre were completed on 20 May 2005 and the Centre was reopened to the public on that date. Kavanagh Mansfield and Partners have certified that the programme of works was carried out in accordance with the requirements of the design and secured certification from the designer's contractors and sub-contractors in relation to the various elements of the works. The repair works cost just over €1 million and were completed at no cost to Campus Stadium Ireland Ltd. (CSID).

During the period 2001 to 2003 a sum of €3m was spent on site development works, site surveys and the preparation of a development plan for the site.

In November 2005 the Government gave its assent to the commencement of phase one of the development of the National Sports Campus at Abbotstown and a capital allocation of €9.5 million has been included in my Department's Vote in respect of costs likely to arise this year.

The estimated overall cost of the Phase 1 development is €119m over a 4 to 5 year period. Planning and preparatory work for this project has commenced and work is already underway on the refurbishment of the State Laboratory as the new headquarters for FAI Ireland.

402. **Mr. Callely** asked the Minister for Arts, Sport and Tourism the position regarding the Lansdowne Road redevelopment; the level of funding approved by Government for this project; the level of moneys drawn down to date; and if he will make a statement on the matter. [33139/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): In January 2004, the Government agreed to provide funding of €191million, phased over 5 years, to the joint IRFU/FAI project for the redevelopment of Lansdowne Road Stadium as a 50,000-seat stadium. The estimated total cost of the project is €365m and the IRFU and FAI will provide the balance of €174m.

On 31 July 2006, planning permission for the project was granted by Dublin City Council subject to some conditions. Appeals against the granting of planning permission have been lodged with An Bord Pleanála. It is understood that An Bord Pleanála intends to schedule an oral hearing for dealing with these appeals but no date has as yet been set for this. Subject to the outcome of the planning process, the intention is that con-

struction of the new stadium should commence early in 2007. Expenditure to date on the project amounts to €17.162million in respect of other preliminary outlays.

Employment Rights.

403. **Mr. Wall** asked the Minister for Enterprise, Trade and Employment the entitlements of a person (details supplied) in Count Kildare in relation to holiday payments; and if he will make a statement on the matter. [32633/06]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): Section 19 of the Organisation of Working Time Act 1997 provides that an employee's annual leave entitlement is calculated as follows:

- (a) 4 working weeks in a leave year in which he or she works at least 1,365 hours (unless it is a leave year in which he or she changes employment), or
- (b) one-third of a working week for each month in the leave year in which he or she works at least 117 hours, or
- (c) 8 per cent of the hours he or she works in a leave year (but subject to a maximum of 4 working weeks).

The employee can avail of the method which is most favourable to him or her of the above three methods.

If, as indicated by the Deputy, the employee has changed employment during the leave year, he or she would be entitled to annual leave as provided for at (b) or (c) above. The balance of annual leave owing to him or her during the leave year would fall to be given to him or her by the second employer in respect of his or her service with the second employer. The maximum annual leave entitlement of an employee who changes employment during a leave year is 4 working weeks between both employers.

In addition to annual leave, there are nine public holidays per year as follows:

1. New Years Day (January 1),
2. St. Patrick's Day (March 17),
3. Easter Monday,
4. The first Monday in May,
5. The first Monday in June,
6. The first Monday in August,
7. The last Monday in October,
8. Christmas Day (December 25), and
9. St. Stephen's Day (December 26)

Employees, other than part-time employees, have an immediate entitlement to public holiday benefits. Part-time employees must have worked at least 40 hours in the 5 weeks ending on the

day before the public holiday to qualify for public holiday benefit.

In respect of a public holiday, an employee is entitled to whichever of the following his or her employer determines:

- (a) a paid day off on that day
- (b) a paid day off within a month of that day
- (c) an additional day of annual leave
- (d) an additional day's pay.

Any disputes between an employee and employer in relation to annual leave and public holiday entitlement may be referred to a Rights Commissioner for decision under the 1997 Act.

404. **Mr. Bruton** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to a practice where companies keep breaking contracts in order to leave workers in a permanent temporary capacity, thereby eroding their capacity to develop pension rights and other service-related benefits; and his plans to develop protocols that would bring this practice to an end. [32669/06]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): The Protection of Employees (Fixed-Term Work) Act 2003, provides that a fixed-term employee shall not be treated less favourably than a comparable permanent employee in respect of conditions of employment including pay, pensions and other service-related benefits. In order to invoke the anti-discrimination provisions in the Act, the fixed-term employee must find a permanent comparator with (a) the same or associated employer or, (b) where (a) does not apply, as specified in a collective agreement or, (c) where neither (a) nor (b) applies, in the same sector or industry. In the case of (a) and (c) above, the fixed-term employee and the comparable permanent employee, must perform the same work or similar work or work of greater or equal value.

If a fixed-term employee, can find a permanent comparator as described above, who is in receipt of a pension or other service-related benefits which the fixed-term employee is not in receipt of, that fixed-term employee would be able to claim a pension or other service related benefit for himself or herself from his or her employer. The only way the employer could avoid paying the fixed-term employee a pension or granting a service related benefit in the above circumstances, would be, if he or she had objective grounds for treating the fixed-term employee less favourably than the comparable permanent employee.

Under the 2003 Act, a ground shall not be regarded as an objective ground for the purposes of the Act, unless it is based on considerations other than the status of the employee concerned

[Mr. Killeen.]

as a fixed-term employee, and the less favourable treatment which it involves for that employee, is for the purpose of achieving a legitimate objective of the employer, and such treatment is appropriate and necessary for that purpose.

If a fixed-term employee feels that he or she is entitled to a pension or other service-related benefit under the provisions of the 2003 Act and if his or her employer refuses to concede this, it is open to him or her to refer the matter to a Rights Commissioner for adjudication under the 2003 Act.

The Protection of Employees (Fixed-Term Work) Act 2003 also provides in relation to an employee who enters on a fixed-term contract of employment before the commencement of the Act — on 14 July 2003 — that if that employee is employed continuously on such a contract of employment for three continuous years, his or her contract of employment can only be renewed one more time on a fixed-term basis for up to one year and that if it is renewed again after that, it is deemed to be a contract of indefinite duration — unless the employer has objective grounds for renewing the contract of employment again on a fixed-term basis.

In addition, the 2003 Act provides in relation to an employee who enters on a fixed-term contract of employment after the commencement of the Act, that if that employee is employed on such a contract of employment for four continuous years and the contract is renewed again after that, then it is deemed to be one of indefinite duration unless the employer has objective grounds for renewing the contract of employment again on a fixed-term basis.

Any dispute between an employer and a fixed-term employee about whether a contract of employment should be deemed to be one of indefinite duration may also be referred to a Rights Commissioner for a decision, under the 2003 Act.

Work Permits.

405. **Mr. Haughey** asked the Minister for Enterprise, Trade and Employment if a foreign national with a work permit valid for a year is free to leave their employment after only seven months; if such a person requires another work permit from another employer in order to take up alternative employment; if an employee in these circumstances should have to work the full year for their initial employer in view of the fact that this employer invested a lot of time and resources in taking on this new person; and if he will make a statement on the matter. [32777/06]

413. **Caoimhghín Ó Caoláin** asked the Minister for Enterprise, Trade and Employment his views on the statement in the recent NESC report on migration that effective protection of migrant's rights requires at least some portability of tem-

porary work permits, enabling migrants to change employers; and his further views on the report's recommendation that this portability come into effect after the worker has been employed for one year. [33121/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): I propose to take Questions Nos. 405 and 413 together.

The Employment Permits Act 2006 explicitly grants the Minister the power to refuse an application for an employment permit if a permit has been granted to that worker within the previous twelve months. This allows me as Minister to exercise my discretion to balance the rights of the employer who will have gone through an amount of effort and expense in recruiting a non-EEA worker and the right of the worker to change jobs. In cases of exploitation of the employee a new permit would normally be granted.

Research Funding.

406. **Mr. Eamon Ryan** asked the Minister for Enterprise, Trade and Employment the number of research and development projects which have received funding from Enterprise Ireland since 2000 to date in 2006; the number of applications for funding received; the breakdown according to economic sector of the recipients of the said projects; and the breakdown of participating projects according to type of institution. [32801/06]

407. **Mr. Eamon Ryan** asked the Minister for Enterprise, Trade and Employment the amount of grants approved and awarded by Enterprise Ireland for research and development projects since 2000 to date in 2006; the breakdown by scheme of the said funding; and the breakdown by economic sector of the said funding. [32802/06]

408. **Mr. Eamon Ryan** asked the Minister for Enterprise, Trade and Employment the number of new research and development performers participating in Enterprise Ireland initiatives since 2000; the increased spend on research and development by participating companies; and the sales from projects developed under Enterprise Ireland schemes. [32803/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): I propose to take Questions Nos. 406 to 408, inclusive, together.

The information requested falls within the statutory remit of Enterprise Ireland, an agency under the aegis of my Department. I have asked the agency to collate the information and when it is completed forward it on to you.

Employment Statistics.

409. **Mr. Morgan** asked the Minister for Enterprise, Trade and Employment the percent-

age of jobs in County Donegal at present which are in the construction sector; and the percentage which are in the service sector. [32804/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): I am informed by the Central Statistics Office that the exact information as requested by the Deputy is not available. Statistics on employment and unemployment are compiled, at a regional level, from the Quarterly National Household Survey. There are eight regions in the State; Border, Midland, West, Dublin, Mid-East, Mid-West, South-East and South-West. Sub-regional statistics, of the kind requested by the Deputy, are not available from the Quarterly National Household Survey. The following information obtained from the Central Statistics Office shows the percentages of persons employed in the Border Region in different employment sectors for the second quarter of 2006 and I trust that this will be of assistance to the Deputy.

Sector	%
Construction	14.6
Agriculture, Forestry, Fishing	8.8
Other Production Industries	15.7
Wholesale and Retail	14.2
Hotels and Restaurants	5.8
Transport, Storage, Communication	4.4
Financial and Other Services	8.8
Public Administration; Defence; Social Security	4.9
Education	6.6
Health	10.9
Other	5.3

Economic Competitiveness.

410. **Mr. Eamon Ryan** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the fact that Ireland has been ranked in 21st place in terms of economic competitiveness for the second consecutive year in the Global Competitiveness Index; if targets for a higher ranking have been set by his Department; and if so, the proposed measures for the achievement of the those targets. [32805/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): International indicators of competitiveness are produced by a number of international organisations. Many of these are based on a combination of survey and statistical data and they give us broad pointers to competitiveness and where we stand vis a vis other countries. In 2004 the World Economic Forum placed Ireland 26th. in its international competitiveness league a rise of four places on the previous year. We were 30th in 2003. Subsequent changes to its ranking methodology places Ireland in 21st posi-

tion out of 125 economies in 2006, the same position as in 2005. This is a significant achievement given that some of our competitors slipped in their ranking.

The Government does not set specific targets for specific international surveys of competitiveness. Rather we take a broader approach to improving Ireland's trend in competitiveness over time and in this regard we are making steady progress. The IMD which also compiles an international competitiveness ranking positioned Ireland as the 11th. most competitive economy in 2006, up one place since 2005. In relation to rankings provided by the World Bank, I note that Ireland is ranked as the 10th. easiest place in which to do business, while the Global Entrepreneurship Monitor ranks Ireland as the best place in the EU for entrepreneurship.

Competitiveness has many dimensions. As the National Competitiveness Council points out, we cannot excel in every indicator and nor should we try. What counts ultimately is our ability to grow our economy, create jobs for our citizens, improved prosperity and general quality of life. We have done this successfully over the past 15 years.

County Enterprise Boards.

411. **Mr. Ring** asked the Minister for Enterprise, Trade and Employment the grant aid and support available to people (details supplied) who want to set up their own business. [32806/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): People in Ireland who wish to establish their own business are facilitated in doing so through the promotion by the Government of an economic environment that is supportive of entrepreneurial activity combined with a wide range of targeted interventions by various State enterprise development agencies. There are, in the first instance, thirty-five City and County Enterprise Boards (CEBs) throughout the Country whose role is to provide a source of support for micro-enterprise in the start-up and expansion phases, to promote and develop indigenous micro-enterprise potential and to stimulate economic activity and entrepreneurship at local level.

The criteria under which financial assistance is available from the CEBs is based primarily on factors such as the sector of the economy in which an enterprise is operating or intends to operate and the size or proposed size of the enterprise. The CEBs can assist in the establishment and/or development of new and existing enterprises by individuals, companies and community groups subject to the following eligibility criteria;

- the enterprise must be in the commercial sphere;

[Mr. Martin.]

- the enterprise must demonstrate a market for the product/service;
- the enterprise must have a capacity for growth and new job creation;
- the enterprise must not employ more than 10 people;

The Boards are required to give priority to enterprises in the manufacturing or internationally traded services sector which over time can develop into strong export entities and graduate to the Enterprise Ireland Portfolio. It is considered inappropriate to support other areas such as retail enterprises, personal services (e.g. hairdressers, gardeners, etc), professional services (accountants, solicitors, etc), construction, as it is considered that these enterprises generally give rise to unacceptable deadweight (where projects would have proceeded anyway) and/or displacement (where the projects simply displace business from other players in the market) concerns.

However, there is some latitude available to the Boards in respect of support for enterprises promoted by the unemployed, those recently made redundant and women re-entering the workforce provided that those enterprises do not give rise to concerns about deadweight or displacement.

In addition, the CEBs provide a range of non-financial assistance on a more general basis, including for example, management training programmes and access to the “Women in Business” networks that support the development of female entrepreneurs in the local CEB area by providing a forum for knowledge and experience sharing and valuable networking activities.

Industrial Relations.

412. **Ms Shortall** asked the Minister for Enterprise, Trade and Employment the number of times since 1987 that civil servants have been forced to obtain an Order from the Courts enforcing or associated with enforcing their contractual rights and entitlements; the additional cost to the Exchequer over and above that which would have prevailed had the State recognised and honoured the contractual rights and entitlements involved in the first instance; and if he will make a statement on the matter. [32855/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): Given the number of records to be examined for the period concerned, my Department is unable to supply the material sought by the Deputy within the timescale required. Officials in my Department are undertaking an examination of relevant Departmental records at present and I will forward the information to the Deputy shortly.

Question No. 413 answered with Question No. 405.

Industrial Development.

414. **Mr. Wall** asked the Minister for Enterprise, Trade and Employment his assessment of the need for the IDA to provide serviced sites for industrial development in areas where there has not been investment in industry; if consideration has been given by his Department to the need for such sites to attract investment; and if he will make a statement on the matter.

[33266/06]

415. **Mr. Wall** asked the Minister for Enterprise, Trade and Employment his assessment of the need for the IDA to change their strategy in regard to having industrial land banks in areas that have not benefited from industrial development as compared to adjacent to other areas within counties; and if he will make a statement on the matter. [33267/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): I propose to take Questions Nos. 414 and 415 together.

It is evident from international research that the availability of suitable property solutions is key to the attraction of foreign direct investment (FDI). IDA Ireland’s property portfolio has been a fundamental pillar in helping sell Ireland as a location for mobile inward investment since the 1960’s and remains so to the present day.

Over the past 35 years, IDA has invested in property in advance of need and the Agency’s approach has evolved during that time to meet the differing needs of the state at different times.

From its strategy of building IDA owned advance factories throughout the country in the 1970s, IDA has, today, progressed to facilitating private developments, built to world-class standards, in its Business and Technology Parks throughout the country.

In addition, the Agency has, in recent years, been developing infrastructure-rich sites for utility-intensive industry in Cork, Dundalk, Galway and Waterford. The concentration of the pharmaceutical industry in Ringaskiddy in Cork shows the merits of such an approach, as does the success of Grange Castle in South County Dublin.

In line with the national strategy, IDA continues to place a strong emphasis on achieving a better distribution of overseas investment in regional locations. In keeping with this strategy 87% of all IDA land and 69% of all buildings are outside the Dublin area.

Under the Strategic Management Initiative (SMI), an Expenditure Review of IDA’s Property Programme was carried out in 2004. The Review was conducted by a steering group, which comprised of officials from the Department of Enterprise, Trade and Employment; the Department of Finance; Forfas and the Office of Public Works. This Body concluded that the Agency’s property programme was being managed effectively and efficiently.

In addition, IDA Ireland furnishes me annually with a report on its property functions and I am satisfied that the policies being pursued by Agency are satisfactory and will continue to remain pivotal in attracting foreign direct investment to this country and its regions in the future.

Decentralisation Programme.

416. **Mr. Morgan** asked the Minister for Social and Family Affairs the Department which will be re-locating to Carrick-on-Shannon under the Government's decentralisation scheme; the number of personnel expected to transfer; when such a move is expected to occur; and if he will make a statement on the matter. [32600/06]

418. **Mr. Stanton** asked the Minister for Social and Family Affairs when it is anticipated phase two of decentralisation is expected to commence in Carrick-on-Shannon, County Leitrim. [32619/06]

423. **Ms Harkin** asked the Minister for Social and Family Affairs the timeframe for the decentralisation of 220 jobs to Carrick-on-Shannon, County Leitrim under phase two of the decentralisation programme; and if he will make a statement on the matter. [32828/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take 416, 418 and 423 together.

In December 2003, as part of the Government's announcement of the new Decentralisation Programme, it was decided that 220 posts would be decentralised from my Department to Carrick-on-Shannon.

The construction and fit-out of a building is underway and is expected to be ready for occupation in the first quarter of 2007. This building will accommodate some 130 posts and the Department is pressing ahead with the plans for moving these posts as early as possible in 2007. Arrangements to move the additional posts to Carrick-on-Shannon will be made in the context of delivering subsequent phases of the decentralisation programme.

Pension Provisions.

417. **Mr. Allen** asked the Minister for Social and Family Affairs further to the fact that the present Programme for Government makes the commitment to introduce a personal pension entitlement for pensioners' spouses currently in receipt of the qualified adult allowance and set at the level of a full non-contributory pension, when this policy will be implemented particularly as in 2002 the qualified adult's pension was 84% of a non-contributory old age pension and in 2006 it is only 82% of a non-contributory old age pension. [32615/06]

Minister for Social and Family Affairs (Mr. Brennan): In the recently negotiated social partnership agreement, Towards 2016, the Government and social partners agreed to work together over a ten-year period to enhance pension provision and income supports, including an increase in the level of qualified adult allowance (QAA) for pensioner spouses to the level of the state non-contributory pension.

The cost, based on current rates of payment, of bringing all of the relevant QAA rates up to the level of the non-contributory pension personal rate is €57 million in a full year. In that context, further progress on aligning the relevant rates would fall to be considered in a Budgetary context.

Question No. 418 answered with Question No. 416.

Social Welfare Benefits.

419. **Mr. P. McGrath** asked the Minister for Social and Family Affairs the reason the free schemes do not apply to a person who is looking after their elderly mother and in receipt of carer's benefit, while their neighbour is in receipt of carer's allowance and can qualify for the free schemes. [32644/06]

Minister for Social and Family Affairs (Mr. Brennan): The household benefits package, which comprises the electricity/gas allowance, telephone allowance and television licence schemes, is generally available to people living permanently in the State, aged 66 years or over, who are in receipt of a social welfare type payment or who satisfy a means test. The package is also available to people with disabilities and carers under the age of 66 who are in receipt of certain welfare type payments such as carer's allowance.

Widows and widowers aged from 60 to 65 whose late spouses had been in receipt of the household benefits package retain that entitlement to ensure that households do not suffer a loss of entitlements following the death of a spouse. People aged over 70 years of age can qualify for the household benefits package regardless of their income or household composition.

In the case of people aged under 66, the household benefits package is generally associated with long term schemes rather than short term schemes such as carer's benefit. Where a person in receipt of carer's benefit would also qualify for carer's allowance he/she may transfer to carer's allowance if that is more beneficial to him/her.

A range of proposals have been made to extend the coverage of the household benefits package of free schemes. These proposals are kept under review in the context of the objectives of the scheme and budgetary resources.

420. **Mr. Bruton** asked the Minister for Social and Family Affairs if he will review the rules whereby a single parent can lose eligibility to the back to school allowance by taking up work which amounts to a lesser number of hours than would be sufficient to qualify for family income supplement; and if he will make changes to ensure that traps of this nature are removed in order that all single parents are encouraged to take up whatever work opportunities are compatible with their parental responsibilities. [32682/06]

Minister for Social and Family Affairs (Mr. Brennan): The back to school clothing and footwear allowance (BSCFA) scheme provides a one off payment to eligible families to assist with the extra costs of clothing and footwear when their children start school each autumn. In order to qualify for payment of the allowance, a person must be in receipt of a qualifying social welfare or Health Service Executive payment, be participating in an approved employment scheme or attending a recognised education and training course and have household income at or below certain set levels. The purpose of the means test is to target the allowance at people on lower incomes.

Budget 2006 provided for a number of improvements to the scheme. These include:

- An increase of EUR 40 in the rate payable so that, from June 2006, an allowance of EUR 120 is payable in respect of qualified children aged from 2 to 11 years and EUR 190 in respect of qualified children aged from 12 to 22 years.
- Extension of entitlement to the back to school clothing and footwear allowance to recipients of guardian's (formerly orphan's) payments for the first time.
- An increase in the additional income disregard for entitlement to the scheme from EUR 50 to EUR 100.

The new income limits for the BSCFA scheme for 2006 are based on the maximum rate of state pension (contributory) (under 80) – including the Qualified Adult Allowance — plus EUR 100 in the case of married and cohabiting couples; and the maximum rate of widow's/widower's contributory pension (under 80) plus EUR 100 for lone parents, plus child dependant allowance in each case.

These extended income limits have enabled more people to become eligible for BSCFA. For example, a lone parent with one child can earn up to EUR 129.80 per week, qualify for a one-parent family payment of EUR 185.10 and be eligible for a once off BSCFA payment of either EUR 120 or EUR 190. If the earnings from employment in such a case are greater than EUR 129.80 per week, then BSCFA is not payable but

I do not regard this as a disincentive to take up work at that level of earnings.

I consider the back to school clothing and footwear allowance scheme to be an important support for parents at a time of financial pressure. I consider that the improvements to the scheme for this year provide a major boost to meeting the financial costs associated with return to school for those who most need assistance. I will continue to examine opportunities for further improvements to the scheme, including the extension of income limits, in the context of the Budget and in the light of resources available to me for improvements in social welfare payments and supports generally.

421. **Mr. Costello** asked the Minister for Social and Family Affairs if he will review the decision to refuse the back to work allowance of a person (details supplied); if he will introduce measures to ensure that all social welfare recipients taking up employment are informed automatically of this allowance; and if he will make a statement on the matter. [32697/06]

Minister for Social and Family Affairs (Mr. Brennan): The back to work allowance scheme is part of my Department's programme of initiatives designed to assist long term unemployed, lone parents, and other social welfare recipients to return to the active labour force. The allowance is intended to encourage claimants to take up employment who might not otherwise do so. The scheme is not intended for people who are already in work or who are in a position to take up work in any event without the benefit of the allowance.

The person concerned commenced employment in July 2005. As her back to work allowance application was not received in my Department until February 2006, seven months later, her application was refused and she requested a review of the refusal. The decision to refuse her application was upheld on review.

Persons applying for the allowance must do so in advance of taking up employment. This allows my Department to determine the eligibility of the applicant for the scheme. This is clearly stated on the application form and accompanying information booklet.

The scheme itself is advertised widely – such as through the local social welfare offices, citizen's information centres, my Department's and the new Citizens Information websites, and my Department's guide to social welfare services publication. My Department's network of facilitators, covering all local social welfare offices, are also on hand to advise customers on their options when considering employment education or training in order to gain a foothold into the labour force.

Pension Provisions.

422. **Mr. G. Mitchell** asked the Minister for Social and Family Affairs when the link between the rate of payment for the blind pension and non-contributory old age pension was broken for a person (details supplied) in Dublin 12; the reason for the difference in these payments; if he has plans to re-link these payments; and if he will make a statement on the matter. [32699/06]

Minister for Social and Family Affairs (Mr. Brennan): Up to 1998, the weekly rate of blind pension was equivalent to the rate of old age pension. In Budget 1998, special additional increases were provided for all pensioners aged 66 and over, including persons in receipt of blind pensions. Accordingly since then, blind pension has been payable at two different weekly rates, one for recipients aged under 66 and the second for those aged 66 and over.

At the end of September last, the State Pension Non-Contributory was established, replacing the old age pension and, for recipients aged 66 and over, blind pension, widow/er's pension, one parent family payment, deserted wife's allowance and prisoner's wife's allowance. The weekly rate payable is €182.

The rate of blind pension payable to those under 66 years of age (€165.80) is linked to the rate applicable to a wide range of other schemes for persons aged under 66, such as disability allowance. There are no plans to link the rate of blind pension to that of the state pension non-contributory. Any further improvements in the rate of blind pension will be considered in the context of the Budget.

Question No. 423 answered with Question No. 416.

Social Welfare Benefits.

424. **Mr. Kenny** asked the Minister for Social and Family Affairs the reason a person (details supplied) in Dublin 22 has been refused the back to education allowance; and if he will make a statement on the matter. [32832/06]

Minister for Social and Family Affairs (Mr. Brennan): The back to education allowance is a second chance education opportunities scheme designed to encourage and facilitate people on certain social welfare payments to improve their skills and qualifications and, therefore, their prospects of returning to the active work force.

To qualify for participation in the BTEA scheme an applicant must, inter alia, be in receipt of a relevant social welfare payment for a minimum period which can range between six months and three years, depending on the type of social welfare payment and the type of course being pursued. In certain instances, the period is reduced if the applicant is participating in the National Employment Action Plan (NEAP) pro-

cess and the third level course is approved by FÁS as part of that process.

In the last budget, I announced that, with effect from September 2006, time spent on supplementary welfare allowance (SWA) can count towards the qualifying period for BTEA, in circumstances where the person establishes an entitlement to a relevant social welfare payment prior to commencing an approved course of education.

The person concerned has been in receipt of various social welfare payments over the past four years. He is currently receiving supplementary welfare allowance (SWA) and does not meet the specific qualifying conditions associated with the BTEA scheme. In view of the particular circumstances of this case, the options available will be outlined to him with a view to his participation in the BTEA scheme at an early date.

Industrial Relations.

425. **Ms Shortall** asked the Minister for Social and Family Affairs the number of times since 1987 that civil servants have been forced to obtain an Order from the Courts enforcing or associated with enforcing their contractual rights and entitlements; the additional cost to the Exchequer over and above that which would have prevailed had the State recognised and honoured the contractual rights and entitlements involved in the first instance; and if he will make a statement on the matter. [32861/06]

Minister for Social and Family Affairs (Mr. Brennan): There have been no cases of civil servants in my Department obtaining an Order of the Courts in relation to contractual rights and entitlements.

Social Welfare Benefits.

426. **Mr. N. O'Keeffe** asked the Minister for Social and Family Affairs if his attention has been drawn to the fact that a person (details supplied) in County Cork, whose disability allowance has been increased, has had their rent subsidy reduced; if his attention has further been drawn to the fact that this person suffers from cystic fibrosis and requires good, hygienic accommodation on medical grounds; if he will arrange to have this case examined and have the full rent subsidy restored; and if he will make a statement on the matter. [33013/06]

Minister for Social and Family Affairs (Mr. Brennan): The supplementary welfare allowance scheme is administered on my behalf by the Community Welfare Division of the Health Service Executive. The Executive has advised that following a routine review of the person's entitlement, the rent supplement payable to the person concerned was reduced from EUR 95 per week to EUR 59.30 per week and that this is the appropriate maximum amount payable. The Executive

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also advised that in assessing the means of the person concerned, the maximum income disregard of EUR 120 per week has been applied. As a result, his income after paying rent is EUR 272.80 per week.

Rent supplements are subject to a limit on the amount of rent that an applicant for rent supplement may incur. Notwithstanding these limits, under existing arrangements the Health Service Executive may, in certain circumstances, as an exceptional measure award rent supplement in cases where the tenant's rent is above the relevant limit. The Executive has advised that it has done so on the basis of the health of the person concerned.

427. **Mr. Durkan** asked the Minister for Social and Family Affairs the position in relation to the application for disability allowance in the case of a person (details supplied); and if he will make a statement on the matter. [33212/06]

Minister for Social and Family Affairs (Mr. Brennan): Qualification for Disability Allowance depends on an applicant passing a medical examination and a means test. An applicant must be found to have an injury, disease, illness or physical or mental disability that has continued or may be expected to continue for at least one year.

The applicant concerned was examined by a Medical Assessor of my Department on 5th September 2006 and in the light of that examination was found to be not substantially restricted in undertaking work by reason of a disability, which is likely to continue for at least a year. The applicant has been advised of his right of appeal to the Social Welfare Appeals Office.

428. **Mr. Carey** asked the Minister for Social and Family Affairs if he will address the anomaly in relation to the eligibility to the free fuel allowance created by his decision to introduce a new €100 a week earnings allowance for non-contributory pensioners which allows them to boost their income through employment by up to €5,200 per year whereas a contributory pensioner with a private pension of under €100 per week is not entitled to a free fuel allowance; and if he will make a statement on the matter. [33282/06]

429. **Mr. Bruton** asked the Minister for Social and Family Affairs when the threshold for secondary sources of income used to decide eligibility for fuel schemes was last changed; and the value it would now be at if it had been indexed in line with the contributory old age pension. [33283/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 428 and 429 together.

The aim of the national fuel scheme is to assist householders on long-term social welfare or

health service executive payments with meeting the cost of their additional heating needs during the winter season. Fuel allowances are paid for 29 weeks from end-September to mid-April and are not intended to meet the full cost of heating.

Budget 2006 provided for an increase in the rate of fuel allowance of €5.00 from €9.00 to €14.00 (€17.90 in designated smokeless areas). Some 274,000 customers (151,000 with basic fuel allowance and 123,000 with smokeless supplement) will benefit in 2006 at an estimated cost of €125.1m).

Eligibility to the fuel allowance scheme is subject to means and other conditions. The main conditions that apply to the fuel allowance scheme are that a person must be in receipt of a qualifying payment, must satisfy a means test and must either be living alone or with a qualifying dependant.

People who already qualify for means-tested pensions or allowances such as state pension (non-contributory), long-term jobseeker's assistance or one-parent family payment do not have to undergo a further means test to qualify for fuel allowance. The majority of people who receive fuel allowances qualify because they satisfy the relevant means test for their primary weekly payment. From 29th September 2006 persons in receipt of state pension (non contributory) can also augment their income by up to €100 (or €5,200 annually) in earnings per week from insurable employment and still maintain their pension entitlements in addition to their entitlement to fuel allowance. This new disregard, relating to earnings from employment, is intended as an incentive to facilitate state pension (non-contributory) recipients who wish to continue working or to re-enter the workforce.

In the case of contributory pensions such as state pension (contributory), state pension (transition) and invalidity pensions, which are not means tested, earnings from insurable employment and/or occupational pensions are normally regarded as means for the purpose of determining an individual's entitlement to a fuel allowance. A person may have a combined household income of up to €51 per week over and above the maximum rate of state pension (contributory) or savings/investments of up to €46,000, and still qualify for fuel allowance. This income limit was increased to €51 per week with effect from 1 June 2005.

The overall limit for entitlement to fuel allowance increases automatically with annual increases in the basic pension payment. In addition to the fuel allowance, some 340,000 pensioner and other households qualify for electricity or gas allowances through the household benefits package, payable towards their heating, light and cooking costs throughout the year, at an overall cost of €119 million in 2006.

While any changes in the means rules for the scheme, such as an increase in the means dis-

regard for contributory pensioners, would have cost implications and would have to be considered in the context of the Budget. I intend to keep the support scheme under regular review.

430. **Ms Burton** asked the Minister for Social and Family Affairs the changes he is making in respect of single parents and lone parents payments; the deadline for these changes; the options which are available to lone parents and single parents who may be affected by the changes particularly single parents and lone parents whose children are approaching adult age; and if he will make a statement on the matter. [33386/06]

431. **Ms Burton** asked the Minister for Social and Family Affairs his proposals to abolish or reform the cohabiting rule for single parents and lone parents in receipt of social welfare income; the changes implemented; the changes he proposed to implement; the date of the implementation of the proposed changes; and if he will make a statement on the matter. [33387/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 430 and 431 together.

The Government discussion paper, "Proposals for Supporting Lone Parents", which I launched in March of this year, put forward proposals for the expanded availability and range of education and training opportunities for lone parents; the extension of the National Employment Action Plan to focus on lone parents; focused provision of childcare; improved information services for lone parents and the introduction of a new social assistance payment for low income families with young children.

The new social assistance payment, currently being developed by officials in my Department will have the long term aim of assisting people to achieve financial independence through supporting them to enter employment – for it is employment that offers one of the most important routes out of poverty.

The new payment would introduce an element of conditionality to the receipt of the payment in the sense that payment would be conditional on activation and engagement by the recipient. Activation as referred to in the proposal, is positive in nature; it encompasses interview/advice meetings and access to education and training, thus providing people with the skills to enable them to achieve financial independence and a better life for themselves and their children. These supports would also be available to many older women at risk of poverty who are currently categorised as qualified adult dependants of husbands in receipt of social welfare income.

The discussion paper suggests that activation measures would commence when the child reaches the age of 5. Concerns have been expressed in submissions and at meetings that this could exclude lone parents from accessing supports earlier should they so wish. This matter is

being further examined. While conditions are being suggested for receipt of payment, it is proposed that supports would be offered in a structured and systematic manner to the persons concerned. It is only in this context that continuing payment would be made conditional on engagement. The discussion paper also proposes the abolition of the cohabitation rule which currently prevents someone from receiving the one parent family payment if they are cohabiting with a partner.

A 5 year transitional period is proposed for the introduction of the new payment. Those currently in receipt of the one parent family payment would continue to receive that payment during this 5 year period, regardless of the age of their children. Those with qualifying children could opt to receive the new payment and benefit from the support and activation opportunities available under that payment.

Activation advice and supports would be offered to recipients during this period. After 5 years, those with children below the specified age would move to the proposed new scheme, those with no children under the specified age and still in need of income support, would move to the jobseekers allowance or another appropriate welfare payment. New applicants would immediately be placed onto the new scheme.

I fully realise that any proposed new payment cannot be introduced without co-ordinated supports and services being put in place by other Departments and Agencies. This is why the Government has instructed the Senior Officials Group on Social Inclusion to draw up an implementation plan to progress the non-income recommendations in the report.

Although the formal consultation process on the Government discussion paper has concluded, my officials continue to be in contact with lone parents' representative groups, whose views continue to feed in to the development of the proposals.

Once I am convinced that we have reached conclusions that are equitable, with a fully workable implementation strategy, it is my intention to bring forward proposals for legislation.

432. **Ms Burton** asked the Minister for Social and Family Affairs the average waiting time for the processing of new single parent and lone parent applications; if his attention has been drawn to the fact that in some cases in Dublin 15 young mothers are waiting for seven months and more for their payments to be processed causing significant hardship and confusion; the reason for the delay; if his Department have a maximum standard period for sorting out straightforward client applications; and if he will make a statement on the matter. [33388/06]

Minister for Social and Family Affairs (Mr. Brennan): The one-parent family payment is a means tested payment intended to assist a lone parent who is bringing up a child or children without the support of a partner. There is a number

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of statutory conditions that must be met by a lone parent to qualify for the payment. He or she must have the main care and charge of at least one child, must not be cohabiting, must, if earning, have gross earnings of less than €375.00 per week and must satisfy a means test.

In addition, in appropriate cases, it is necessary to establish that efforts have been made to obtain maintenance from the former spouse or partner before a decision on the application can be made. Most applications require a home visit from an Inspector. A large majority of one parent applicants are in receipt of another social welfare payment while their claim is being processed.

Based on the most recent data, some 70% of one-parent family claims are processed within 9 weeks and 90% of claims are processed within 18 weeks. In the Dublin North region, 63% of claims are processed within 9 weeks and the time taken to clear 90% of claims is 21 weeks.

Particular difficulties have been experienced in the Dublin 15 area where the average time taken to award 90% of one parent family payment claims is 38 weeks. These difficulties are due to a number of factors, including the high claim volumes in the area for both unemployment and one parent schemes exacerbated by staff movement and illness.

Following a recent review, of the situation additional staff, including inspectors, are being assigned to address the higher workload. It is expected that all staff vacancies will be filled within the next month. In the meantime an extra inspector has been assigned on a temporary basis to assist in clearing the backlog. My Department will closely monitor progress on improving service in the area. I am assured that the steps taken will significantly improve service delivery in the area.

Private Airports.

433. **Mr. Costello** asked the Minister for Transport if he will review the operation of private aerodromes and private aircraft to ensure that all flights to and from the State are subject to security checks; and if he will make a statement on the matter. [32695/06]

Minister for Transport (Mr. Cullen): Aviation security at EU airports is governed by EU Regulation 2320/2002 and a series of supplementary implementing regulations. All of the Irish airports with regular commercial flights comply with those regulations.

Small airports which only handle private and corporate flying are not required under the EU Regulation to have the extensive security requirements of large airports, such as baggage X-ray equipment or passenger screening equipment, where the costs or operational implications would be disproportionate to the security risk.

My Department, in conjunction with An Garda Síochána, keeps all aspects of aviation security under continuous review, and at this juncture there are no proposals to require extensive security arrangements that are not currently at small aerodromes.

Marine Rescue Services.

434. **Mr. Callely** asked the Minister for Transport the level of coast guard, air and sea rescue services; the concerns which have been brought to his attention regarding such services; and if he will make a statement on the matter. [32944/06]

Minister for Transport (Mr. Cullen): The Irish Coast Guard of my Department has responsibility for the provision of Ireland's air and sea rescue services. Search and Rescue (SAR) services in Ireland are provided through a combination of Irish Coast Guard Emergency Services and services provided by a number of charitable and voluntary organisations dedicated to SAR.

The principal air and sea rescue resources in Ireland are the three manned Coast Guard Rescue Co-ordination centres, the 4 24-hour all-weather helicopters based at Dublin, Waterford, Shannon and Sligo Airports, the 54 coast-wide Coast Guard Units, 34 RNLI Lifeboat Stations and the 11 Community Rescue Boat Ireland services.

The Coast Guard co-ordinates search and rescue operations, including those services provided by charitable and voluntary bodies. It also ensures that appropriate personnel, training, equipment and facilities are in place among its many declared resources. The three Coast Guard Rescue Co-ordination Centres, at Dublin, Malin Head and Valentia, and a nation-wide communications network are positioned and equipped to receive distress calls and co-ordinate response to incidents on land, around the coastline and sea areas within its areas of responsibility for search and rescue and casualty and pollution response.

While there are always concerns and challenges in the management of the SAR and pollution prevention services, I am satisfied that the Coast Guard continues to change and adapt, not least by undertaking on-going training and re-equipping, to be able to adequately maintain the services.

Road Safety.

435. **Mr. Crowe** asked the Minister for Transport the aspects of the National Road Safety Strategy that he has satisfied himself that the progress has been made on; the aspects which need improvement; and his proposals to improve on such aspects. [32620/06]

Minister for Transport (Mr. Cullen): The Government Road Safety Strategy 2004-2006 sets a primary target of a 25% reduction in road colli-

sion fatalities by the end of 2006 over the average annual number of fatalities in the 1998-2003 period.

Achievement of the target would result in no more than 300 deaths per annum by the end of the period of the Strategy. This was always an ambitious target and one that required the continued commitment to a strategic, integrated approach by all of the road safety agencies.

A major independent review of the previous strategy confirmed that basing the primary target on the achievement of progress in the areas of speeding, drink driving and seat belt wearing remained the correct approach and these remain the key areas central to the implementation of the Strategy.

Significant initiatives identified in the Strategy that have been realised to date include the introduction of a new system of metric speed limits, the further extension of the operation of the penalty points and fixed charge systems from April 2006, and the establishment of the Garda Traffic Corps. The Corps, provides the basis for the achievement of the significant gains in road safety that emanate from consistent high levels of traffic law enforcement. Other major proposals identified, such as the plans to establish a system of private sector operation of speed cameras under the auspices of the Gardai, are well advanced.

The Road Traffic Act 2006 has been enacted and a number of key measures commenced. These include the provision to combat drink driving through enabling roadside Mandatory Alcohol Testing (MAT) and a ban on the use of hand-held mobile phones while driving. Since the commencement of MAT checkpoints by the Garda the number of road deaths and collisions have fallen. The number of deaths in August 2006 was 17, the lowest number for any month since November 1999 comparing to 24 in August 2005 and 35 in 2004. This downward trend has continued into September 2006 with 22 deaths as compared to 31 for September 2005. We are making progress across the wide range of initiatives identified in the current Strategy, which is now coming to an end, and I am satisfied that all of the agencies involved are fully committed to the achievement of the goals that underpin the Strategy.

Driving Tests.

436. **Ms O. Mitchell** asked the Minister for Transport the number of drivers currently awaiting a test at each test centre nationally; the number who were awaiting a test at each centre in June 2006; and if he will make a statement on the matter. [32621/06]

Minister for Transport (Mr. Cullen): Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006) the Road Safety Authority has now responsibility for

the delivery of the driving test and the issuing of certificates of competency.

Air Services.

437. **Ms O. Mitchell** asked the Minister for Transport if he has requested the European Commission to examine the share offer recently made by Ryanair in relation to the purchase of Aer Lingus shares, in order to ascertain its compliance with EC competition law; and if he will make a statement on the matter. [32622/06]

438. **Ms O. Mitchell** asked the Minister for Transport if he has requested from the European Commission that the Irish Competition Authority be permitted to investigate the proposed share offer by Ryanair of Aer Lingus shares in order to determine its compliance with EC competition law; and if he will make a statement on the matter. [32623/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 437 and 438 together.

Ryanair announced their intention to make an offer for the issued share capital of Aer Lingus on the 5th October 2006. Ryanair is now required to post a formal offer, which will set out further details, within 28 days. Takeovers of listed companies are subject to regulatory controls – both under takeover rules and competition rules. The Irish Takeover Code prescribes the timetable and procedures under which bids are conducted.

There is a question as to whether jurisdiction for the purposes of merger clearance rests with the European Commission or Member States including Ireland. European jurisdiction applies where certain thresholds relating to the turnover of the entities concerned are exceeded both in aggregate terms and in at least three Member States. While it is expected that jurisdiction will lie with the European Commission the question of jurisdiction can only be resolved when a formal notification has been made and the Commission can access the necessary turnover information.

Under the applicable EU law, where it is established that a proposed merger falls within the jurisdiction of the European Commission, a Member State may nevertheless request that the case be referred back to it for the application of its own national merger laws in certain limited circumstances. It is a matter for the Irish Competition Authority, which is independent in the exercise of its functions, to form a view as to whether such a request is appropriate. The decision on whether or not to grant such national jurisdiction lies with the EU Commission. Officials of my Department will be meeting the Competition Directorate of the European Commission later this week to make an initial presentation on the proposed takeover bid.

Public Transport.

439. **Ms O. Mitchell** asked the Minister for Transport the reason the incremental costs of ticketing machines promised to participants in the integrated ticketing project are being paid to public transport operators but not being paid to the private operators. [32624/06]

456. **Ms Shortall** asked the Minister for Transport further to Parliamentary Question No. 303 of 4 October 2006 if he has received the report of the Integrated Ticketing Project Board on the review of the integrated ticketing project; if so, their conclusions; the way in which he intends to proceed with the project. [33286/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 439 and 456 together.

The Chairman of the Integrated Ticketing Project Board submitted the first report of the Board to me on Tuesday 9th October 2006. The Report includes consideration of the issue of the RPA making a financial contribution to both public and private operators towards the cost of purchasing ticketing equipment. I am currently considering the reports findings. It would, therefore, be premature of me to comment on the conclusions at this stage.

440. **Ms O. Mitchell** asked the Minister for Transport the procedure for the participation of the private sector bus operators in the tendering process for 200 buses which has been put in place; when the process itself will commence; and when the additional 200 buses will be on the streets. [32625/06]

Minister for Transport (Mr. Cullen): The Government has decided that the regulation of the bus market and future decisions on the allocation of all public subsidies for bus services in the Greater Dublin Area will be taken by the new Dublin Transport Authority, which is being established under legislation, now at an advanced stage of preparation. The DTA will have responsibility for contracting with all operators in the Dublin market, including Dublin Bus. It will also be responsible for monitoring the quality and cost of service by all operators and ensuring value for money on all routes.

Under the Government's Transport Investment Programme — Transport 21 — it is anticipated that there will be a requirement in the GDA for an expansion of the number of buses providing scheduled services. This will require an increase in the total number of buses to around 1800, with a requirement for at least 200 extra buses over the next two years. The Government has decided to meet this initial requirement by providing up to €30m immediately to enable Dublin Bus to buy 100 additional buses for delivery over the period 2006/07 and mandating the DTA to procure the additional 100 buses from

the private sector to provide services on new routes.

The 100 buses procured from the private sector will form part of an initiative to facilitate the entry of new, private operators by awarding franchises to operate routes accounting for 15% (approximately 200 buses) exclusively to such operators by way of competitive tendering. Following this period, all new routes will be subject to a competitive tendering process open to all operators. The precise arrangements will be approved by Government on the basis of proposals from the DTA.

Driving Tests.

441. **Mr. Penrose** asked the Minister for Transport if his Department will facilitate a person (details supplied) who has applied to resit their driving test with an earlier date which might arise from a postponement; and if he will make a statement on the matter. [32684/06]

Minister for Transport (Mr. Cullen): Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006) the Road Safety Authority has now responsibility for the delivery of the driving test and the issuing of certificates of competency.

Park and Ride Facilities.

442. **Ms Shortall** asked the Minister for Transport the plans for a park and ride site in Ballymun, north of the M50; the location of this site; the road that will access this site; when it is proposed to commence construction; the funding set aside for the project; the timescale for its completion; and if he will make a statement on the matter. [32834/06]

Minister for Transport (Mr. Cullen): The development of public transport park and ride facilities is primarily a matter for transport providers, local authorities and private developers, either separately or in appropriate conjunction. The allocation of funding by my Department to any park and ride project in the Greater Dublin Area will be based on advice from the Dublin Transportation Office. I have no proposals of the type referred to by the Deputy.

State Airports.

443. **Mr. Eamon Ryan** asked the Minister for Transport when the Commission for Aviation Regulation's decision on the Dublin Airport Authority's appeal against a maximum cap on passenger services charges at Dublin Airport is expected. [32835/06]

Minister for Transport (Mr. Cullen): The setting of passenger service charges at airports is the responsibility of the Commission for Aviation Regulation (CAR). The Commission published

an airport charges determination on 29th September 2005. The Dublin Airport Authority appealed the determination on a number of grounds and as a result I established an aviation appeal panel on the 9th February 2006 under the Aviation Regulation Act, 2001. As a result of the appeal process the Aviation Appeal Panel referred the determination back to CAR for review. In June 2006 CAR varied its original determination and increased the airport charge at Dublin Airport from €6.14 to €6.34 per passenger.

Road Network.

444. **Mr. F. McGrath** asked the Minister for Transport if he has satisfied himself regarding fire safety standards at the Dublin Port Tunnel particularly in relation to petrol trucks and other heavy goods vehicles carrying dangerous loads. [32836/06]

Minister for Transport (Mr. Cullen): Overall responsibility for the planning, design and implementation of individual national road improvement projects, including the Dublin Port Tunnel, is a matter for the National Roads Authority and the relevant local authority concerned, in this case Dublin City Council.

Pension Provisions.

445. **Mr. Carey** asked the Minister for Transport the measures his Department has taken to protect the pension rights of Dublin Airport Authority workers and retired workers of the former Aer Rianta; and if he will make a statement on the matter. [32839/06]

Minister for Transport (Mr. Cullen): The Dublin Airport Authority's pension scheme, the Irish Airlines (General Employees) Superannuation Scheme, is a multi-employer scheme in which Dublin Airport Authority (DAA), Aer Lingus and SRT Technics participate. Pension entitlements for current and former employees in the DAA are primarily matters for the Trustees, the members of the scheme and the companies participating in the scheme.

Driving Tests.

446. **Mr. Carey** asked the Minister for Transport the reason people have to take another driving test when they upgrade motorbikes from, for example 125cc; the further reason they are being discriminated vis a vis people who drive motor cars (details supplied); and if he will make a statement on the matter. [32840/06]

Minister for Transport (Mr. Cullen): Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006) the Road Safety Authority has responsibility for the oversight of the operation of the driver licensing

and testing system which operates in accordance with the provisions of the EU Directive on driving licences as provided for in the Road Traffic (Licensing of Drivers) Regulations 1999, as amended.

Industrial Relations.

447. **Ms Shortall** asked the Minister for Transport the number of times since 1987 that civil servants have been forced to obtain an Order from the Courts enforcing or associated with enforcing their contractual rights and entitlements; the additional cost to the Exchequer over and above that which would have prevailed had the State recognised and honoured the contractual rights and entitlements involved in the first instance; and if he will make a statement on the matter. [32863/06]

Minister for Transport (Mr. Cullen): Under the Rights Commissioner's decision "Protection of Employees Fixed Term Work Act 2003," dated 3 February 2005, nineteen Contract Driver Testers were awarded a sum totalling €60,000. These payments were allowed due to breaches under sections 8(2) and 8(4) of the 2003 Act. No legal costs were paid by the Department of Transport in this case.

Air Services.

448. **Mr. Crowe** asked the Minister for Transport the amount Government advisors have been paid to date in regard to the privatisation of Aer Lingus. [32984/06]

Minister for Transport (Mr. Cullen): The final accounts and invoices of the advisers, and associated services, retained by the Government for the Aer Lingus IPO are currently being processed. The total cost of such services will be approximately €18 million.

The bulk of the total IPO costs relates to fees payable to the underwriters and financial advisers. These fees were capped at 1.9% of gross proceeds of the IPO, which compares favourably with market norms. The Government's share of all IPO costs will be €6 million, the majority of which remains to be paid pending receipt of invoices. The balance of the costs will be borne by Aer Lingus.

Road Safety.

449. **Mr. N. O'Keeffe** asked the Minister for Transport the procedure in which the default speed limit of 80 kph has been put in place on a route (details supplied) in County Cork. [33016/06]

Minister for Transport (Mr. Cullen): The legislative basis for the application of speed limits on public roads is set out in the Road Traffic Act 2004. The 2004 Act establishes a range of speed

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limits that apply to particular classes of road on a default basis. It provides that a default speed limit of 100km/h applies to a national road and that a default speed limit of 80km/h applies to rural regional and local roads. The latter roads are non-national roads and come under the remit of each road authority.

With the construction the new national road that encompasses the Fermoy by-pass, the existing Glanmire/Fermoy route which was formerly national primary route N8 is no longer part of the national road network.

The default speed limit of 100 km/h applies to roads that are classified as national roads. Through operation of the 2004 Act this default speed limit no longer has any automatic application in respect of the relevant section of the former N8 route that has ceased, in law, to be classified as a national road. The default speed limit of 80 km/h that operates under the 2004 Act now applies because the former N8 route falls to be classified as a rural local road.

The 2004 Act permits the councils of county councils and councils of city councils to make special speed limit bye-laws to apply a lower or higher speed limit in lieu of a default speed limit at any location on a regional road or local road in their area where such is deemed warranted.

A decision to apply a special speed limit to the section of the former N8 road in question is a matter for determination by Cork County Council and can be pursued through the making of special speed limit bye-laws.

Driving Tests.

450. **Mr. McGuinness** asked the Minister for Transport if a driving test for a person (details supplied) in County Galway will be conducted in the Borris Graig area in view of the circumstances of the case. [33150/06]

Minister for Transport (Mr. Cullen): Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006) the Road Safety Authority has now responsibility for the delivery of the driving test and the issuing of certificates of competency.

Light Rail Project.

451. **Mr. Curran** asked the Minister for Transport when he expects the public consultation process on Metro west to commence; and the details and timeframe for the project. [33213/06]

Minister for Transport (Mr. Cullen): The Railway Procurement Agency (RPA) has made good progress on identifying feasible alignments for Metro West and I understand that the RPA will commence public consultation on the route options shortly. Thereafter, it is expected that a preferred alignment will be identified early in

2007, taking into account the outcome of this stage of public consultation.

In line with the timeframes set out in Transport 21, Metro West is scheduled for completion in 2014.

Public Transport.

452. **Ms Shortall** asked the Minister for Transport further to Parliamentary Question No. 425 of 22 November 2005, the reason he has not published a more detailed document on Transport 21; the further reason he has not published the traffic modelling work carried out by the DTO in preparation of the Transport 21 plan; and when he intends to publish both. [33239/06]

Minister for Transport (Mr. Cullen): Information on the rationale for Transport 21 and the current profile on each of the projects and programmes it contains are provided on a dedicated Transport 21 website that I launched in July 2006. The website also contains links to the websites of the implementing agencies where more specific details and progress reports on all Transport 21 projects can be accessed. All press releases, speeches and Parliamentary Questions relevant to Transport 21 are also available on the site, which is continuously updated.

The modelling work carried out by the DTO assisted greatly in the preparation for Transport 21 and the prioritisation of its projects. Details of this modelling work will be released in due course.

Road Signage.

453. **Ms Shortall** asked the Minister for Transport when he expects to finalise the new traffic sign manual; the legislative changes primary and secondary that he envisages as a result; and if he will make a statement on the matter. [33240/06]

Minister for Transport (Mr. Cullen): Work on the review of the Traffic Signs Manual is well progressed and is expected to be completed next year. In the review process to date no requirements for primary legislative changes have been identified. In the case of secondary legislation some proposals that would require the making of new statutory instruments have been raised and are being considered.

Air Services.

454. **Ms O. Mitchell** asked the Minister for Transport the status of the transitional Ireland US aviation agreement and the EU US Open Skies talks; if these matters were discussed at the recent Council of Ministers meeting; the outcome of these talks; and if he will make a statement on the matter. [33284/06]

Minister for Transport (Mr. Cullen): I can confirm that the EU US Open Skies deal was dis-

cussed at the Transport Council on 12 October 2006. The Council underlined the importance it attaches to the conclusion of the EU US air transport agreement. It reaffirmed its unanimous satisfaction with the text of the draft agreement negotiated in November 2005 but regretted the further delay in the US position on the ownership and control issue.

The Council requested the Commission to continue its efforts, on the basis of further contacts with the United States to secure a satisfactory and balanced outcome with the necessary safeguards, including the transitional provisions, with a view to a decision at the December Transport Council. This would fulfil the commitments set out in the conclusion of the June 2006 EU US Summit in which both parties reaffirmed the commitment to reach agreement by the end of the year.

National Conference Centre.

455. **Mr. J. O’Keeffe** asked the Minister for Transport the detail of the draft heads of agreement submitted for ministerial approval on 18 May, 2005 by Dublin Port Company in relation to the arrangement proposed between the Dublin Port Company and a group (details supplied). [33285/06]

Minister of State at the Department of Transport (Mr. Gallagher): I refer the Deputy to my reply of 11 October 2006, which indicated that the Spencer Dock International Conference Centre Consortium had recently been invited to become the Preferred Tenderer for the provision of a National Conference Centre in Dublin. As a final decision has yet to be made by Government in relation to this matter, I am sure the Deputy will appreciate that it would not be appropriate for me to disclose the details sought.

Furthermore, I should point out that, as per standard commercial arrangements agreed between contracting parties, the draft heads of terms referred to in the above reply are, by their nature, considered to be commercially sensitive.

Question No. 456 answered with Question No. 439.

Driving Tests.

457. **Mr. Wall** asked the Minister for Transport the number of applicants awaiting driving tests in Naas, Carlow and Portlaoise; and if he will make a statement on the matter. [33297/06]

Minister for Transport (Mr. Cullen): Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006) the Road Safety Authority has now responsibility for the delivery of the driving test and the issuing of certificates of competency.

National Drugs Strategy.

458. **Mr. Crowe** asked the Minister for Community, Rural and Gaeltacht Affairs if he or his Department have had negotiations regarding drawing up a document on rehabilitation including examining the amount of detox beds available to addicts. [32791/06]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): Arising from the recommendations of the Mid-Term Review of the National Drugs Strategy in 2005, a Working Group on Drugs Rehabilitation was set up to develop a strategy for the provision of integrated rehabilitation services. The Working Group is chaired by my Department and includes representatives of relevant Departments and Agencies as well as the Community and Voluntary sectors. It is envisaged that the report of this Group will be finalised in coming months.

The recommendations of the Working Group are likely to cover a range of issues, among them medical support for recovering problem drug users, which would include the issue of detox facilities.

The availability of detox beds is also likely to arise in the context of a Working Group on Treatment and Rehabilitation, covering both illegal drugs and alcohol, which has been set up by the Health Service Executive.

Industrial Relations.

459. **Ms Shortall** asked the Minister for Community, Rural and Gaeltacht Affairs the number of times since 1987 that civil servants have been forced to obtain an Order from the Courts enforcing or associated with enforcing their contractual rights and entitlements; the additional cost to the Exchequer over and above that which would have prevailed had the State recognised and honoured the contractual rights and entitlements involved in the first instance; and if he will make a statement on the matter. [32852/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): No such Order has been made in relation to my Department since it was established in June 2002.

Post Office Network.

460. **Mr. G. Murphy** asked the Minister for Community, Rural and Gaeltacht Affairs if he will make a statement on the fact that his Department was willing to finance the computerisation of post offices in CLAR areas; the response he received from An Post; and if he discussed this response with the Department of Communications, Marine and Natural Resources. [32910/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): In 2002 my Department, in conjunction with the Department of Communications, Marine and Natural Resources and An Post, agreed to install information kiosks in selected Post Offices in CLÁR areas to provide on-line access to Government information (Oasis website).

CLÁR funding of €0.032m was provided, along with a contribution from the Information Commission of €0.025m, to fund the installation of the kiosks in 10 Post Offices on a pilot basis in 2002 — Carlingford & Jenkinstown (Louth), Ballyconneely & Boyounagh (Galway), Killadoon and Aclare (Sligo), Kilkelly & Killala (Mayo), Miltown Malbay and Lisdoonvarna (Clare). This measure under the CLÁR Programme did not continue beyond 2002.

Irish Language.

461. D'fhiafraigh **Mr. G. Murphy** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cén ról atá ag an Roinn, ag Údarás na Gaeltachta agus ag Foras na Gaeilge maidir le cur chun cinn na Gaeilge laistigh agus lasmuigh, den Ghaeltacht agus den Chóras Oideachais. [33136/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Mar ár dteanga náisiúnta agus an chéad teanga oifigiúil faoin mBunreacht, tá sé mar pholasaí ag an Rialtas tacaíocht dhearfach a sholáthar don Ghaeilge agus don Ghaeltacht. Dá réir sin, mar atá leagtha síos i Ráiteas Straitéise mo Roinne 2005-07, is tosaíocht ar leith do mo Roinne: an Ghaeilge a thacú agus a láidriú mar phríomhtheanga an teaghlaigh agus an phobail sa Ghaeltacht; agus úsáid na Gaeilge a mhéadú ar fud na tíre.

D'fhonn an straitéis seo a chur chun cinn, feidhmíonn mo Roinne go díreach trí scéimeanna agus tionscnaimh tacúla a fheidhmiú ar mhaithe leis an nGaeilge, laistigh agus lasmuigh den Ghaeltacht. Cuirtear béim ar leith freisin ar chur i bhfeidhm Acht na dTeangacha Oifigiúla 2003, ar bhonn céimiúil. Chomh maith leis sin, cuireann mo Roinne tacaíocht ar fáil d'Údarás na Gaeltachta agus d'Fhoras na Gaeilge d'fhonn cabhrú leo a gcuid feidhmeanna reachtúla i leith na Gaeilge a chur chun cinn.

Tá feidhm reachtúil Údarás na Gaeltachta maidir le cur chun cinn na Gaeilge sa Ghaeltacht sonraithe sa reachtaíocht faoina fheidhmíonn an eagraíocht (Achtanna Údarás na Gaeltachta 1979-1999). Tá cur síos ar bheartais reatha an Údarás ina Bheartas Forbartha 2005-2010, atá ar fáil ar an suíomh idirlíon www.udaras.ie. Tugtar léargas cuimsitheach ar ghníomhaíochtaí na heagraíochta i dTuarascáil Bhliantúil agus Cuntais Údarás na Gaeltachta a leagtar faoi bhráid Thithe an Oireachtais gach bhliain agus atá ar fáil ar an suíomh idirlíon freisin.

Bunaíodh Foras na Gaeilge faoin Acht um Chomhaontú na Breataine-na hÉireann 1999

agus tá na feidhmeanna seo a leanas aige faoin Acht sin: an Ghaeilge a chur chun cinn: úsáid na Gaeilge a éascú agus a spreagadh sa chaint agus sa scríbhneoireacht sa saol poiblí agus sa saol príobháideach sa Deisceart agus, i gcomhthéacs Chuid III den Chairt Eorpach do Theangacha Réigiúnacha nó Mionlaigh, i dTuaisceart Éireann mar a mbeidh éileamh cuí ann; comhairle a thabhairt don dá lucht riaracháin, do chomhlachtaí poiblí agus do ghrúpaí eile san earnáil phríobháideach agus dheonach; tionscadail tacaíochta a ghabháil de láimh, agus cúnaimh deontais a thabhairt do chomhlachtaí agus do ghrúpaí de réir mar a mheasfar is gá; taighde, feachtais, tionscnaimh, agus caidreamh poiblí agus caidreamh leis na meáin, a ghabháil de láimh; téarmaíocht agus foclóirí a fhorbairt; agus tacú le hoideachas trí mheán na Gaeilge agus le múineadh na Gaeilge.

Cuimsíonn feidhmeanna an Fhorais na feidhmeanna a bhíodh ag iar-Bhord na Gaeilge chomh maith. Tá cur síos ar obair an Fhorais ar a shuíomh idirlíon www.forasnagaeilge.ie. Tuigfidh an Teachta, ar ndóigh, gur ar an Roinn Oideachais agus Eolaíochta atá an phríomh-fhreagracht maidir leis an nGaeilge sa chóras oideachais.

Grant Payments.

462. **Mr. Healy** asked the Minister for Community, Rural and Gaeltacht Affairs the position regarding the application by a centre (details supplied) in County Tipperary for a grant of €4,000 under the Community Services Programme 2006; and if he will make a statement on the matter. [33243/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Expressions of interest were invited from eligible community groups for new projects under the Community Services Programme. Interested groups were required to make application through their local development agencies — Partnerships, Community Partnerships or LEADER companies. LEADER companies were asked to prioritise two projects from their area for consideration for support under the Programme. Unfortunately the relevant agency in this case has not done so. Accordingly, it has not been possible to progress the application.

Departmental Expenditure.

463. **Mr. Wall** asked the Minister for Community, Rural and Gaeltacht Affairs the number of pedestrian walks provided adjacent to canals or rivers or in forests by funding or grants from his Department and so on; and if he will make a statement on the matter. [33262/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): While I am unable to give the Deputy a specific number of such projects, funding from my Department is provided for this purpose under a number of headings. For example, Waterways Ireland restores and maintains tow paths and walks along the network for which it is responsible — The Royal and Grand Canals, the Shannon/Erne Navigation and the Barrow Navigation. In addition, investment in a number of amenity projects in areas of high usage has been undertaken at specific locations along the canals principally in joint ventures with the relevant local authorities.

Separately, the Rural Social Scheme provides participants who are working on national waymarked ways. Also, my Department in consultation with the Department of Arts, Sport and Tourism, Fáilte Ireland and the National Waymarked Ways are in the process of identifying of the order of 20 looped walks and waymarked ways for development. Details will be published towards the end of the year of the work required to bring these up to the best international standards and funding of €1.5m has been set aside for this purpose.

Following the recent publication of Comhairle na Tuaithe's report on a National Countryside Recreation Strategy, I have allocated €90,000 (€30,000 per annum over the next three years) from the Rural Development Fund to Wicklow Uplands Council and Wicklow Rural Partnership to provide a network of access routes over private lands in areas of high scenic and amenity value in County Wicklow. Finally, funding for such measures as walkways etc., is also available through the LEADER programmes, which are delivered through 35 area-based groups covering all rural areas in the country. If the Deputy wishes to obtain information in relation to particular projects, I will be happy to make inquiries on his behalf.

Afforestation Programme.

464. **Mr. Penrose** asked the Minister for Agriculture and Food the Government plans for the afforestation grants and premium payments from the beginning of 2007; the programmes the Government are planning in relation to forestry from 2007 to 2013; and if she will make a statement on the matter. [33259/06]

Minister for Agriculture and Food (Mary Coughlan): A new forestry programme will be brought forward as part of the Rural Development Plan for the period 2007 to 2013. The detail of the new Plan and its forestry component is being finalised and it will be made available for public consultation shortly.

Food Labelling.

465. **Mr. Naughten** asked the Minister for Agri-

culture and Food the discussions she has had with the Food Safety Authority of Ireland and the Department of Health and Children on the enforcement of country of origin labelling within the catering trade; and if she will make a statement on the matter. [33027/06]

Minister for Agriculture and Food (Mary Coughlan): The regulations governing the provision of country of origin information on beef in the catering sector were introduced by the Minister for Health and Children. Responsibility for enforcement of the regulations is with the Food Safety Authority of Ireland. Officials of my Department have had extensive discussions with the Department of Health and Children and the FSAI during the drafting of the regulations and since the regulations were made. These discussions included aspects relating to enforcement.

There are over 44,000 food businesses in Ireland of which over 29,000 are in the service sector, which includes caterers. These are inspected on a routine basis by the Environmental Health Officers in the Health Service Executive operating under a Service Contract with the FSAI. Checks on compliance with the Health (Country of Origin of Beef) Regulations are being incorporated into routine hygiene and food safety inspections by HSE Environmental Health Officers for establishments covered by these regulations.

EU Directives.

466. **Mr. Naughten** asked the Minister for Agriculture and Food the status of the Nitrates Directive and the derogation application; and if she will make a statement on the matter. [33028/06]

Minister for Agriculture and Food (Mary Coughlan): Ireland's action programme under the Nitrates Directive was given legal effect by the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2006, which were signed by the Minister for the Environment, Heritage and Local Government on 18 July, 2006. Consideration of Ireland's proposals for a derogation to allow certain farmers to operate, under appropriate conditions and controls, up to a level of 250kg of organic nitrogen per hectare per annum is at an advanced stage in the European Commission. Officials from my Department and the Department of Environment, Heritage and Local Government made a presentation regarding our derogation proposals to the EU Nitrates Committee on 19 September 2006. Questions were subsequently received from member states and these have been responded to in writing by Ireland. A further meeting of the Committee was held yesterday and I am hopeful that a positive Commission proposal on our

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request will be presented for approval at the November Committee meeting.

Food Labelling.

467. **Dr. Upton** asked the Minister for Agriculture and Food her plans to introduce country of origin labelling for poultry and poultry products; and if she will make a statement on the matter. [33031/06]

Minister for Agriculture and Food (Mary Coughlan): We already have EU Regulations which provide for the labelling of unprocessed poultrymeat at retail level. The information which these regulations require on the label includes the registered number of the slaughterhouse or cutting plant and, where imported from a Third Country, an indication of country of origin. These regulations do not apply to poultry products that are processed in any way.

The primary legislation enacted by the Oireachtas in March of this year, under which our beef labelling requirements on country of origin were extended to the catering sector, also allows for the extension of country of origin labelling to other meats. However, because different origin labelling requirements apply to other meats in the retail sector under current EU legislation and there are also different systems of traceability as well as some import/export complexities, it is not as straightforward as it is for beef. The European Commission has opposed Member States introducing legislation in this area that is in excess of common EU requirements. Nonetheless, my Department is at present in the process of drafting new regulations to require operators in the retail and catering sectors to provide country of origin information on poultrymeat, pigmeat and sheepmeat. It is my intention to submit these regulations, when they are finalised, to the European Commission for approval as required by EU legislation.

Of course, the preferred way forward is that the Commission would progress the question of country of origin labelling of all meat at EU level. I wrote earlier this year to the European Commissioner for Health and Consumer Protection on this subject. I also raised the issue in the Agriculture Council some months ago and will continue to take every opportunity to press for progress on this matter. I raised the issue of food labelling with EU Commissioner Fischer Boel during her recent visit to Ireland and was pleased with her positive views on the need for an EU origin logo on EU produced foods.

I am glad to inform the Deputy that the Health and Consumer Protection Directorate of the European Commission undertook a consultative process on a wide range of issues in this area earlier this year, under a document entitled "Labelling: Competitiveness, Consumer Information and Better Regulation for the EU". I arranged

for my Department to make a submission on food labelling and country of origin labelling of meat in particular to the Department of Health and Children, who co-ordinated the Irish contribution to this process. In the meantime, my Department will continue its work on the drafting of national measures.

Afforestation Programme.

468. **Mr. Sargent** asked the Minister for Agriculture and Food if the proposed guidelines for felling to protect the fresh water pearl mussel will be subject to a regulatory impact assessment. [32659/06]

469. **Mr. Sargent** asked the Minister for Agriculture and Food the date on which the proposed guidelines for felling to protect the fresh water pearl mussel will be published for public consultation; and the length of time that period will be. [32660/06]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 468 and 469 together.

The proposed guidelines for felling to protect the freshwater pearl mussel will not be subject to a Regulatory Impact Analysis. Regulatory Impact Analysis is a tool used to assess the likely effects of a proposed new regulation or regulatory change and implies a focus on the regulatory framework, i.e. primary and secondary regulation. The freshwater pearl mussel guidelines will not result in any new regulation or regulatory change. It is planned to have drafts of the guidelines available for consultation by mid-November with a four-week time span for responses.

470. **Mr. Sargent** asked the Minister for Agriculture and Food if she will assure the Houses of the Oireachtas that the issues of hydrological impacts and dangerous substances are addressed by the Forestry Working Group associated with the Western River basin district to assist in the assessment of forestry pressures in the Water Framework Directive Catchment Characterisation reports; and if not, the measures she proposes to address these issues in relation to forestry. [32661/06]

Minister for Agriculture and Food (Mary Coughlan): The transposition of the Water Framework Directive is the responsibility of the Minister of the Environment, Heritage and Local Government.

The hydrological impacts, and the use of herbicides and pesticides associated with all sectoral activities, are currently being addressed by separate working groups reporting to the Department of the Environment, Heritage and Local Government. The impacts, if any, can only be addressed once they have been quantified by the various working groups.

Industrial Relations.

471. **Ms Shortall** asked the Minister for Agriculture and Food the number of times since 1987 that civil servants have been forced to obtain an Order from the Courts enforcing or associated with enforcing their contractual rights and entitlements; the additional cost to the Exchequer over and above that which would have prevailed had the State recognised and honoured the contractual rights and entitlements involved in the first instance; and if she will make a statement on the matter. [32849/06]

Minister for Agriculture and Food (Mary Coughlan): I am not aware of any occurrence in my Department of a Civil Servant seeking to obtain an Order from the Courts to enforce their contractual rights. However, given the large number of staff in my Department, to confirm this would require an examination of a large number of files of serving, retired and deceased staff going back over a period of nearly twenty years. If the Deputy requires further information, I can arrange for one of my officials to contact her to clarify her request.

Dairy Industry.

472. **Mr. Deenihan** asked the Minister for Agriculture and Food the measures she intends to take to prevent further milk price reductions in January 2007; and if she will make a statement on the matter. [32909/06]

Minister for Agriculture and Food (Mary Coughlan): The price paid to milk suppliers is a commercial decision between the supplier and purchaser over which I have no influence. Milk prices paid to producers have reduced over the past few months arising from the new policy framework where market forces are the key drivers of dairy product prices. Greater efficiency and economies of scale at both producer and processors levels are key to competitiveness in the market.

The Luxembourg Agreement in 2003 provided that the intervention price for milk products would reduce in the period 2004-2007 and these reductions would be compensated by the introduction of a direct payment amounting to 3.6 cent per litre equivalent to €180 million in 2006. This payment, taken together with the market value of milk has resulted in a return for dairy farmers similar to that of the previous few years.

At EU level, I have consistently challenged the pace and level of reduction in support level implemented by the Commission. In my view it is important that the EU consolidates its international market share while ensuring there is balance on the EU market. I have urged the Commission to maintain a competitive combination of aids and subsidies to achieve these objectives.

I am confident that the Irish dairy industry at both producer and processor level will make the necessary adjustments to adapt to new market conditions. In the meantime I will continue to encourage the Commission to carefully manage the market to ensure a smooth transition through the final phases of the 2003 Luxembourg Agreement.

Afforestation Programme.

473. **Mr. Sargent** asked the Minister for Agriculture and Food if she has evaluated the response to the recent forestry promotion campaign; and if she will make a statement on the matter. [32930/06]

Minister for Agriculture and Food (Mary Coughlan): The forestry promotion campaign, "Forests for a Bright Future", a joint initiative by the Irish Forest Industry Chain (IFIC) and my Department, is ongoing. The purpose of the campaign is to highlight the multifunctional benefits of forestry and the advantages to the farmer and the wider community, and thereby promote planting. To date regional launches have taken place in Cavan, Ennis, Tullamore and Mullingar, which were well attended. Other launches will be held in the southern region in due course. While the campaign only commenced in the Summer, it is due to run for 18 months and the response will be fully evaluated at that time.

Alternative Energy Projects.

474. **Mr. Sargent** asked the Minister for Agriculture and Food if she has discussed with farmers' organisations opportunities for and potential concerns of farmers in relation to wind energy; and if she will make a statement on the matter. [32931/06]

Minister for Agriculture and Food (Mary Coughlan): As policy in respect of wind energy is the responsibility of the Minister for Communications, Marine and Natural Resources, I have not had any discussions with the farming organisations on this issue. However, the farming organisations, and others have an opportunity during the public consultation on the Green Paper, Towards a Sustainable Energy Future for Ireland, to input into the policy process on wind energy.

Animal Diseases.

475. **Mr. Sargent** asked the Minister for Agriculture and Food if her attention has been drawn to recent research regarding the spread of bovine tuberculosis to wildlife; and if she will make a statement on the matter. [32932/06]

Minister for Agriculture and Food (Mary Coughlan): It is assumed that the Deputy is referring to the recent study published by the Proceedings of the National Academy of Sciences of

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the United States of America. The study, which concentrated mostly on the situation in the United Kingdom, indicates that, in the UK, badgers are implicated in transmitting *Mycobacterium bovis*, the causative agent of bovine tuberculosis (TB), to cattle. This finding is in line with research undertaken concerning bovine TB in Ireland. However, the study also includes an observation that badger culling has the capacity to both increase and decrease the level of T.B. incidence in different areas and that repeated badger culling in the same area is associated with increasing prevalence of *M. bovis* infection in badgers. These observations do not concur with my Department's experience in dealing with bovine TB and published research studies such as the East Offaly Project and the Four Areas Study have demonstrated that, as badger cull was repeated, the prevalence of infection in badgers and cattle decreased.

Notwithstanding the findings of this research undertaken in Ireland, my Department, in association with CVERA (the Centre for Veterinary Epidemiology and Risk Analysis) is currently undertaking a critical review of the work on which the conclusions of the UK study were based. It would appear that there are fundamental differences between the badger populations found on both islands and that badgers in England exist at far higher population densities than observed on this island. These differences may be such that many of the conclusions obtained from UK studies are not applicable to the Irish situation and vice versa.

476. **Mr. Crawford** asked the Minister for Agriculture and Food when a final report will be made available to a person (details supplied) in County Monaghan; her views on this type of delay; and if she will make a statement on the matter. [32937/06]

2001	2002	2003	2004	2005	Jan-Sept 2006
100,457	148,094	221,093	130,347	185,267	198,344

Live exports continue to be an important outlet for our cattle, providing an essential element of competition with the beef trade. Following an increase of more than 40% in such exports in 2005, the strong upward trend has continued in 2006. Figures for 2006 to date show a further increase of over 45% against the same period in 2005.

Food Industry.

478. **Mr. Callely** asked the Minister for Agriculture and Food the funding available to provide

Minister for Agriculture and Food (Mary Coughlan): My Department's Veterinary Laboratory Service involvement in this investigation commenced with a field visit to the farm by laboratory staff on 17 July 2006 — the day on which the Laboratory Service was first made aware of the problem by the farmer's private veterinary practitioner (PVP). A further visit to the farm was made by Laboratory staff together with Monaghan County Council Veterinary Officer, and a Monaghan DVO Veterinary Inspector, on 27 July 2006. A wide selection of clinical samples was collected from animals during these visits for laboratory analysis. In addition, full post-mortem examinations were carried out on five cows submitted to my Department's Laboratory at Athlone.

While a number of possible causes were considered and investigated by my Department's Laboratory Service, nothing was identified that could account for these losses and for the clinical and pathological findings. Although Botulinum toxin was not detected in samples examined, botulism remains the suspected cause of the problem on the farm. The hardener's PVPs were kept fully informed of the progress of the investigation throughout. This was done by way of on-farm discussions, telephone and written reports. Printed reports both interim and final were faxed or posted to the veterinary practice as results became available. There was no delay in providing information and reports to the individual's private veterinary practitioner.

Live Exports.

477. **Mr. Callely** asked the Minister for Agriculture and Food the level of live cattle trade in 2006 and comparative figures for the past five years; and if she will make a statement on the matter. [32939/06]

Minister for Agriculture and Food (Mary Coughlan): The following table sets out details of the export of live cattle for each of the last 5 years and for the nine months to the end of September 2006.

of specific food related initiatives to assist in the enhancement and development of the food industry; and if she will make a statement on the matter. [32940/06]

Minister for Agriculture and Food (Mary Coughlan): Under the National Development Plan (NDP) 2000-2006 significant funding has been provided for a full range of support measures to enhance the development of the food industry. These cover capital investment, research and development, marketing and promotion and human resource development. Up to the end of

June 2006, over €270 million has been allocated under the food related initiatives of the NDP.

Capital investment funding for near farm type enterprises engaged in marketing and processing of agricultural products and funding of public good research under the Food Institutional Research Measure are made available by my Department on a tranche basis under the NDP. Support to the food sector for marketing and promotion initiatives is available from Bord Bia. The development agencies, Enterprise Ireland and Shannon Development, provide a full range of services and expertise to client companies, based on an agreed development plan. The needs of the company are matched with financial or non-financial solutions, or a combination of both, and the level and type of supports are geared towards the individual need of each investment.

The development of a sustainable, competitive consumer-focused agri-food sector is my priority. The Agri-Vision 2015 Plan of Action, which I launched in March, sets out a comprehensive action plan for the future of the agri-food sector. The Plan sets out a new vision in the light of the re-orientation of the Common Agricultural Policy, liberalised trade, changes in lifestyle, the clear emergence of technology and R&D as significant market drivers and major changes in the structures of farming and retailing. The Plan focuses on three key requirements for success in the light of these challenges: competitiveness, innovation and consumer-focused marketing.

As part of my strategy for the development of a competitive and sustainable dairy processing sector, in July of this year I announced details of an investment package for the sector amounting to some €300 million over the next three years. The investment will include some €100 million of Government grant assistance and is designed to act as a catalyst to take the Irish dairy sector forward in a cohesive and strategic manner. The package will enable the State, through Enterprise Ireland, to provide financial assistance in support of capital investment into the marketing and processing of dairy products. Support will be geared toward the individual needs of each investment and will be available toward the cost of construction and acquisition of buildings, new machinery and equipment, and associated costs. I am delighted with the hugely positive response from all stakeholders in the sector and I am confident that the initiative will enable the sector to address the many challenges that lie ahead.

EU Directives.

479. **Mr. O'Dowd** asked the Minister for Agriculture and Food the progress to date on securing a derogation on the Nitrates Directive; and if she will make a statement on the matter. [32941/06]

Minister for Agriculture and Food (Mary Coughlan): Consideration of Ireland's proposals for a derogation to allow certain farmers to

operate, under appropriate conditions and controls, up to a level of 250kg of organic nitrogen per hectare per annum is at an advanced stage. Officials from my Department and the Department of Environment, Heritage and Local Government made a presentation regarding our derogation proposals to the EU Nitrates Committee on 19 September 2006. Questions were consequently received from member States and these have been responded to in writing by Ireland. A further meeting of the Committee was held yesterday and I am hopeful that a positive Commission proposal on our request will be presented for approval at the November Committee meeting.

Land Exchange.

480. **Mr. Perry** asked the Minister for Agriculture and Food when the necessary registration documentation will be issued to a person (details supplied) in County Sligo in relation to the land exchange; and if she will make a statement on the matter. [33019/06]

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 have, however, requested Coillte to contact the person concerned directly in relation to this issue.

Food Safety Standards.

481. **Mr. Durkan** asked the Minister for Agriculture and Food if she is satisfied that all food imports to this country comply in full with Irish and EU traceability and husbandry in production requirements; and if she will make a statement on the matter. [33038/06]

Minister for Agriculture and Food (Mary Coughlan): In the case of food imported from an EU source it must come from an approved establishment and be accompanied to its destination with a commercial document or a health certificate signed by an official veterinarian of the competent authority of the Member State of origin. In the case of importation from third countries it must originate in a country approved by the EU for trade in such products, have been produced in an approved establishment and be accompanied by a health certificate in accordance the provisions of Community legislation and must be presented for inspection at an EU Approved Border Inspection Post. Checks are carried out by the EU Food and Veterinary Office to ensure that EU requirements are being complied with and I am satisfied that my Department and other State Agencies have a system in place to ensure

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that all food imported into this country complies with National and EU Regulations.

Food Labelling.

482. **Mr. Durkan** asked the Minister for Agriculture and Food if all meat sold or served here carries an indication of country of origin; and if she will make a statement on the matter. [33039/06]

Minister for Agriculture and Food (Mary Coughlan): All beef sold or served in the retail or catering sector is now required by law to carry an indication of country of origin. There are EU Regulations which provide for the labelling of unprocessed poultry meat at retail level. The information which these regulations require on the label includes the registered number of the slaughterhouse or cutting plant and, where imported from a Third Country, an indication of country of origin. There are no specific EU regulations governing the labelling of pig meat or sheep meat beyond the general food labelling regulations which do not require country of origin information.

The general EU food labelling regulations covering all food sold in Ireland require that the information be given clearly, accurately and in a language understood by the consumer. Among these requirements is origin marking in cases where failure to provide such information would be likely to mislead the consumer to a material degree. This legislation comes under the remit of the Department of Health and Children.

The primary legislation enacted by the Oireachtas in March of this year, under which our beef labelling requirements on country of origin were extended to the catering sector also allows for the extension of country of origin labelling to other meats. However, because different origin labelling requirements apply to other meats in the retail sector under current EU legislation and there are also different systems of traceability as well as some import/export complexities, it is not as straightforward as it is for beef. The European Commission has opposed Member States introducing legislation in this area that is in excess of common EU requirements. Nonetheless, my Department is at present in the process of drafting new regulations to require operators in the retail and catering sectors to provide country of origin information on poultry meat, pig meat and sheep meat. It is my intention to submit these regulations, when they are finalised, to the European Commission for approval as required by EU legislation.

Of course, the preferred way forward is that the Commission would progress the question of country of origin labelling of all meat at EU level. I wrote earlier this year to the European Commissioner for Health and Consumer Protection on this subject. I also raised the issue in the Agri-

culture Council some months ago and will continue to take every opportunity to press for progress on this matter.

I am glad to inform the Deputy that the Health and Consumer Protection Directorate of the European Commission undertook a consultative process on a wide range of issues in this area earlier this year, under a document entitled Labelling: Competitiveness, Consumer Information and Better Regulation for the EU. I arranged for my Department to make a submission on food labelling and country of origin labelling of meat in particular to the Department of Health and Children, who co-ordinated the Irish contribution to this process. In the meantime, my Department will continue its work on the drafting of national measures.

Dairy Industry.

483. **Mr. Durkan** asked the Minister for Agriculture and Food if price reductions in the dairy sector are being passed on the consumer; and if she will make a statement on the matter. [33040/06]

Minister for Agriculture and Food (Mary Coughlan): While the price of milk paid to dairy farmers is a commercial matter between milk producers and milk purchasers for which I have no direct responsibility, I am aware that market prices have been reducing in recent months. Prices paid to milk producers are determined by a combination of the international market for dairy products, the product mix and the efficiency of the processor as well as the overall operation of the EU price support mechanisms. Over 80% of dairy production in Ireland is exported, therefore the milk price paid to producers is determined significantly by market conditions in other EU countries and third countries.

The Mid Term Reform of CAP provided that the intervention prices of milk products would reduce in the period 2004-2007 and these reductions would be compensated by the introduction of a direct premium payment. This compensation amounts to €180 million or 3.6 cent/litre in 2006. This compensation, added to the milk price paid, has maintained an average return similar to the aggregate price return of the past three years. My Department has no function in regard to the retail price of milk or milk products. This price is related to general competition matters and to the functioning of the market at retail level.

Question No. 484 answered with Question No. 152.

Forestry Industry.

485. **Mr. Durkan** asked the Minister for Agriculture and Food the total carbon sequestration capacity of all trees currently growing here; and

if she will make a statement on the matter. [33042/06]

Minister for Agriculture and Food (Mary Coughlan): Under Article 3.3 of the Kyoto Protocol, forests planted since 1990 are eligible for carbon accounting purposes. On this basis, the total carbon sequestration capacity of forests in 2006 amounts to approximately 1.1 million tonnes of carbon dioxide.

486. **Mr. Durkan** asked the Minister for Agriculture and Food the total area of forestry planted in each of the past five years; the areas harvested in the same period; and if she will make a statement on the matter. [33043/06]

Minister for Agriculture and Food (Mary Coughlan): The total area of afforestation grant aided by my Department, and the areas reported as harvested in the last five years, are as follows

	Afforested (ha)	Harvested (ha)
2001	15,464	9,217
2002	15,054	7,553
2003	9,097	8,642
2004	9,734	8,557
2005	10,090	8,802

Agriculture Development.

487. **Mr. Durkan** asked the Minister for Agriculture and Food the extent to which she sees the agriculture sector developing in the context of the aftermath of CAP reform and the World Trade Organisation; and if she will make a statement on the matter. [33044/06]

Minister for Agriculture and Food (Mary Coughlan): The Agrivision 2015 Action Plan which I published in March sets out my vision for a competitive, consumer-focused and knowledge driven agri-food sector which will contribute to a vibrant rural economy, society and environment and which exploits opportunities in non-food areas. In addition to a broad vision statement, the Plan sets out one hundred and sixty six specific actions to be implemented for the development of the sector. It was drawn up in the light of recent CAP reforms and the likelihood of a more liberalised trade policy under a new WTO agreement but also against the background of other

changes which will impact on the sector such as lifestyle changes, the emergence of technology and Research and Development as market drivers and structural changes in the farming and the retail sector.

Alternative Farm Enterprises.

488. **Mr. Durkan** asked the Minister for Agriculture and Food if she is satisfied that adequate resources are available to protect and develop the Irish draught sector; and if she will make a statement on the matter. [33045/06]

Minister for Agriculture and Food (Mary Coughlan): My Department provides funding for the development of the non-thoroughbred industry, including the Irish Draught Horse Sector, under the National Development Plan 2000-2006 and also by way of annual grant aid provided to the Irish Horse Board. The Irish Horse Board is the approved organisation to maintain the Irish Draught Horse Stud Book. In addition to the wide range of supports it operates for the sport horse sector in general, the Irish Horse Board has specific grant schemes for pure bred Irish Draught foals and an Irish Draught Colt Retention Scheme.

Breeders can also avail of funding under Supplementary Measure 3 of REPS 3 for the conservation of Animal Genetic Resources including the Irish Draught Horse. My Department, through the Advisory Committee for Genetic Resources in Agriculture and Food, has provided assistance for the development of a National Conservation Strategy Plan for Irish Farm Animals which includes the Irish Draught Horse. Grant aid is also available under the Department's revised Farm Waste Management Scheme for stabling and associated manure-handling facilities. Grants towards lunging and other equine facilities are available under the Alternative Enterprises Scheme.

Beef Exports.

489. **Mr. Durkan** asked the Minister for Agriculture and Food the extent to which the overseas market for Irish beef has expanded or fluctuated in each of the past five years; and if she will make a statement on the matter. [33046/06]

Minister for Agriculture and Food (Mary Coughlan): The following table sets out details of beef exports for the last five years.

	2001	2002	2003	2004	2005
'000 tonnes Total	345	445	495	493	487
<i>Of which to:</i>					
Int. markets	50	90	82	55	35
• Russia	43	83	76	47	25
• Egypt	0	0	1	1	—

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	2001	2002	2003	2004	2005
• Other	5	7	5	7	10
Cont EU	72	110	162	174	192
• France	13	16	20	24	40
• Italy	11	22	35	40	42
• Netherlands	26	30	39	41	40
• Scandinavia	13	30	35	35	38
• Other	9	12	33	34	32
UK	220	245	251	264	260

I am committed to broadening access for Irish beef on all export markets. My Department works closely with Bord Bia and the Department of Foreign Affairs to further this aim.

Ireland produces about 520,000 tonnes of beef annually, over 90% of which is exported. More than half of those exports go to the UK with about 40% going to the high value Continental EU markets. This excellent result which is in line with stated policy for the sector has been achieved largely by effective marketing and promotion by the industry and Bord Bia and the delivery of a high quality, competitively priced product. The outlook for Irish beef exports is also positive with the decreasing production trend throughout Continental Europe. The EU is predicted to have a beef supply deficit of 350,000 tonnes in 2006 with this shortfall offering an opportunity for Irish beef producers to further consolidate their position in this market. While there has been a significant reduction in reliance on third country markets in recent years, these destinations will continue to be important alternative outlets for Irish beef and I will continue my efforts to ensure that as many as possible of these Third Countries are open to our exports.

Alternative Energy Projects.

490. **Mr. Durkan** asked the Minister for Agriculture and Food the total area growing the various bio-fuel crops; and if she will make a statement on the matter. [33047/06]

Minister for Agriculture and Food (Mary Coughlan): My Department is currently processing 2006 Energy Crops applications in respect of 2,458.51 hectares and 2,076.7 hectares in respect of the 2006 Non-Food Set-aside Scheme. Article 92 of Council Regulation (EC) No 1782/2003 provides for a review of the Energy Crops Schemes by the EU Commission. This report was recently presented by the Commission to the Council, ahead of the 31 December 2006 deadline, and was the subject of discussion at the recent meeting of the EU Working Party on Horizontal Agricultural Questions. The views of that Working Party are now being referred to the Management Committee on Direct Payments, which is charged with identifying ways of simpli-

fying and improving the regime. Significant progress in this regard is anticipated by year-end.

Question No. 491 answered with Question No. 152.

Meat Exports.

492. **Mr. Durkan** asked the Minister for Agriculture and Food the extent to which Irish lamb exports have maintained their position on European or World markets; and if she will make a statement on the matter. [33049/06]

Minister for Agriculture and Food (Mary Coughlan): Regarding exports of Sheepmeat, the latest period for which official statistics are available is the period from January to June 2006. Data for this period show that a total of 26,941 tonnes of Sheepmeat was exported to European and third country destinations. This compares to 29,477 tonnes for the corresponding period in 2005. The decline was due to a combination of a reduction in production and increased sales on the home market. I am satisfied that Irish lamb is maintaining a strong position on the important export markets and in particular in France.

Grant Payments.

493. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Galway was penalised under cross compliance measures regarding the non tagging of calves in view of the fact that the animals were already registered at the CMMS in Cork; and if she will make a statement on the matter. [33118/06]

Minister for Agriculture and Food (Mary Coughlan): An application under the Single Payment Scheme /Disadvantaged Areas Scheme was received from the person named on the 15th May 2006.

As part of the control procedures under EU legislation governing the Single Payment Scheme, the application was randomly selected for an on-the-spot cross compliance inspection.

During the course of the inspection, it was found that movements of 30 animals were not notified to the Cattle Movement Monitoring

System, that 6 animals were not registered and that 1 animal had both ear tags missing. As a result of these identification and registration errors a 5% cross compliance penalty was applied.

To date no review has been sought by the person named. However, if he is not satisfied with the result of the inspection, he may seek a review by contacting the Local Office. He also has the right to appeal the outcome of any such review.

494. **Mr. Connaughton** asked the Minister for Agriculture and Food when the annual forestry premium will be paid to a person (details supplied); and if she will make a statement on the matter. [33119/06]

Minister for Agriculture and Food (Mary Coughlan): I understand that documentary evidence of farm income is outstanding in this case.

495. **Mr. Durkan** asked the Minister for Agriculture and Food if and when a person (details supplied) in County Kildare will qualify for installation aid; and if she will make a statement on the matter. [33206/06]

Minister for Agriculture and Food (Mary Coughlan): The person concerned is an applicant for grant-aid under the Installation Aid Scheme. His application for payment (IAS 2 form) is currently being examined within my Department and the outcome will be notified to the person concerned as soon as possible.

496. **Mr. Penrose** asked the Minister for Agriculture and Food the steps she will take to ensure that an appeal by a person (details supplied) in County Westmeath against the refusal for entitlements to the National Reserve 2005, which was lodged on 24 April 2006, is dealt with and that entitlements be granted to the person, on foot of the strong grounds made in the appeal; and if she will make a statement on the matter. [33257/06]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application for an allocation of entitlements from the 2005 Single Payment Scheme National Reserve under Categories A and D.

Category A caters for farmers who inherited land or received land free of charge or for a nominal sum from a farmer who had retired or died by 16 May 2005 and who had leased out his/her holding to a third party during the reference period 2000 – 2002. The person named was unsuccessful under this category as he did not acquire the holding free of charge or for a nominal sum.

Category D caters for farmers who purchased or inherited land and 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. The person named was not successful under this category as

the land acquired was leased land which does not qualify for this category.

The person named submitted an appeal against this decision and provided additional documentation in support of his appeal. This documentation was examined by my Department but did not provide grounds for changing the original decision. The case has now been forwarded to the Independent Single Payment Appeals Committee who will carry out a full review of the case and will correspond directly with the person named following the outcome of their review.

However, in the 2006 National Reserve there are provisions for New Entrants to farming who have leased land. This category (category B) caters for farmers who commenced farming after 31 December 2002 or who, while farming during 2002, did not receive any direct payments in respect of that year. The income and educational qualification that applied in 2005 will again apply to this category. In addition, new entrants who are farming leased / rented land will be eligible for an allocation provided they can demonstrate a genuine commitment to farming.

In this context the leased/rented land must have been declared on the 2004 Area Aid application and on the 2005 and 2006 Single Payment Scheme applications.

My Department has forwarded a 2006 National Reserve application form to the person named for his attention. Should the person named feel that he may qualify for the 2006 National Reserve he should return the completed application form to my Department's offices in Portlaoise on or before the closing date of the 20 October 2006.

497. **Mr. Naughten** asked the Minister for Agriculture and Food the reason for the delay in a payment for a person (details supplied) in County Roscommon; when this payment will be made; and if she will make a statement on the matter. [33395/06]

Minister for Agriculture and Food (Mary Coughlan): There was an issue relating to the sale of lands in this case. The matter has now been clarified and processing of the application will be finalised with a view to any payment due issuing as soon as possible.

School Transport.

498. **Mr. Callanan** asked the Minister for Education and Science the reason for the length of time it has taken Bus Éireann to provide the Tullamore transport section a simple report on school transport regarding the application for school transport grant for a person (details supplied) in County Galway; and if she will make a statement on the matter. [32985/06]

Minister of State at the Department of Education and Science (Miss de Valera): The family of the pupil referred to in the details supplied

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submitted documentation to my Department in the belief that they were entitled to a grant. A claim for a grant is generally not considered by my Department until an assessment has been made of the pupil's eligibility for school transport.

This assessment can only be made on receipt of the relevant background information from Bus Éireann.

A Bus Éireann report has been requested by my Department and when this report is received and considered the family will be advised of the position.

Road Safety.

499. **Mr. Perry** asked the Minister for Education and Science the discussions she has had in view of the daily occurrence of carnage on roads here to implement plans to have the road safety lessons built into the secondary school curriculum, where every student in the country is entitled to such a course at a subsidised price, as it is only available to students who can afford to pay €350 per person; her views on whether the cost to the Exchequer of implementing such a programme would be minimal compared to the savings in insurance claims, emergency service, Garda presence and accident and emergency; and if she will make a statement on the matter. [33017/06]

532. **Mr. Perry** asked the Minister for Education and Science if, in view of the daily occurrence of carnage on roads here, he plans to have road safety lessons built into the secondary school curriculum, where every student in the country is entitled to such a course at a subsidised price, as it is only available to students who can afford to pay €350 per person; his views on whether the cost to the Exchequer of implementing such a program would be minimal compared to the savings in insurance claims, emergency service, Garda presence and accident and emergency costs; and if she will make a statement on the matter. [32848/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 499 and 532 together.

I have no plans to introduce driver education, in the form of driving lessons, in schools, and this is not the norm within the EU. As the Deputy may be aware, a report produced for the NCCA by an expert group which included representatives of the National Safety Council, the Garda Síochána, the Irish Insurance Federation, and the Society of the Irish Motor Industry indicated that the research available internationally was inconclusive on the benefits of teaching young people to drive at school. Particular issues highlighted include the gap arising between the time practical skills are learned initially and put into regular

practice, and the risks arising from more young people taking up driving at an earlier age.

Nonetheless, I do believe that schools have a role to play both in teaching students about road safety issues and in helping them to develop the attitudes necessary to promote safe behaviour on the roads. The Social Personal and Health Education programme, which is mandatory in primary schools and at junior cycle level, provides a framework under which the generic values and skills which underpin responsible decision-making, and respect for the rights and safety of others can be developed and promoted among students. SPHE has a specific personal safety strand within the programme, and this provides a mechanism through which road safety issues for all can be best dealt with in an age appropriate way.

Specific materials for teaching young people about road safety have also been given to schools. At the start of the 2001/02 school year the National Safety Council, with assistance from my Department, distributed copies of *Staying Alive* — a road safety resource for Transition Year and the Senior Cycle — to all second level schools. This pack contained a wide range of learning opportunities and activities on topics such as personal responsibility and decision-making, environmental issues and risks and rules for road users. A CD-ROM with additional material downloaded from the Internet was included in the pack along with copies of the *Rules of the Road*. In the preparation of the *Staying Alive* resources material, views were sought from a range of organisations with interests in the promotion of road safety. Prior to its issue to second level schools, the material was piloted in 20 schools and the response from teachers in those schools was very positive. This is also supplemented by a Garda visits to primary and second level schools during which the themes of crime, road safety, personal safety and substance abuse are explored as part of the SPHE programme. There were some 1900 school visits in 2005.

So, not only is there a curricular framework in place already in which the importance of road safety can be taught to our young people, but this is supplemented by specific teaching materials and by a comprehensive programme of Garda visits to schools.

Nonetheless, my Department is continuing to work with the Road Safety Authority to strengthen the role of schools in promoting road safety even further. The RSA has already commenced work on a number of key areas including the development of a Road Safety programme for use in Transition Year. This work is being undertaken in co-operation with my Department and the National Council for Curriculum and Assessment.

School Building Programme.

500. **Mr. Deenihan** asked the Minister for Edu-

cation and Science when she intends to give permission to the board of management of a school (details supplied) in County Kerry to proceed with building an extension and renovating the existing school; and if she will make a statement on the matter. [32626/06]

Minister for Education and Science (Ms Hanafin): My Department is in liaison with the school in question regarding the delivery of the project on a devolved basis under the Small Schools Scheme.

School Accommodation.

501. **Mr. Stanton** asked the Minister for Education and Science if her attention has been drawn to the need to provide extra accommodation to a school (details supplied) in County Cork; her plans in this regard; and if she will make a statement on the matter. [32629/06]

549. **Mr. Allen** asked the Minister for Education and Science the action that will be taken on recommendations from a number of school inspectors who have recommended extra permanent accommodation for a school (details supplied) in County Cork. [33074/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 501 and 549 together.

An application for capital funding towards the provision of an extension has been assessed and the long term projected staffing, on which the accommodation needs will be based, has recently 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 the existing buildings carried out. Once the technical assessment is completed, the building project required to deliver the extension will be progressed in the context of the School Building and Modernisation Programme 2006-2010.

School Building Projects.

502. **Mr. Naughten** asked the Minister for Education and Science the status of a building project for a school (details supplied) in County Roscommon; and if she will make a statement on the matter. [32635/06]

Minister for Education and Science (Ms Hanafin): The large scale building project for the school referred to by the Deputy was one of the projects I announced in 2005 for proceeding to tender and construction over a 12 to 15 month period. Officials in my Department are currently in the process of arranging a meeting with the school and their Design Team to discuss the revised Stage 3 submission (Developed Sketch Scheme).

When my officials are satisfied that the revised Stage 3 submission is in order, the project will be progressed further with a view to giving devolved authority to the school authorities to progress the project to tender and construction.

Educational Projects.

503. **Mr. Naughten** asked the Minister for Education and Science when the decision was taken by her Department to locate the proposed school of podiatry in a university; the reason an institute of technology was deemed unsuitable; and if she will make a statement on the matter. [32637/06]

515. **Mr. Naughten** asked the Minister for Education and Science if a chairperson has been appointed to chair the inter-Departmental or inter-agency committee which is to be established to progress the strategic development and implementation of the school of podiatry; the persons who will be the members of this committee; and if she will make a statement on the matter. [32686/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 503 and 515 together.

Meetings are continuing at an official level between my Department, the Department of Health and Children, the Higher Education Authority and the Health Service Executive in relation to a proposed School of Podiatry. Pending the finalisation of these discussions it is not possible to advise when a call for proposals to establish the School will issue.

No decisions have been taken on the location of the proposed School of Podiatry. However, the delivery of clinical training, which is a significant core component of the course, must be facilitated in an integrated manner with Health Service Executive services. The Health Service Executive's view is that a school of podiatry would be best located in a large centre of population, one that is associated with a multi-disciplinary health professional environment and which is linked to a major teaching hospital.

Educational Grants.

504. **Mr. Stanton** asked the Minister for Education and Science the number of home tuition grants applied for and approved and drawn each year since 2000 to date in 2006; and if she will make a statement on the matter. [32638/06]

505. **Mr. Stanton** asked the Minister for Education and Science further to the review being carried out into the home tuition grant scheme, the persons carrying out this review; when she expects the review to be completed; and if she will make a statement on the matter. [32639/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 504 and 505 together.

I wish to advise the Deputy that the information regarding the number of home tuition grants applied for and approved and drawn each year since 2000 to date in 2006 is not readily available in my Department. However I can confirm that officials in my Department has recently revised procedures to ensure that this information will be readily available in future.

The home tuition scheme provides funding to parents to provide education at home for children who, for a variety of reasons such as chronic illness, are unable to attend school. The scheme was extended in recent years to facilitate tuition for pupils awaiting a suitable educational placement.

As the tuition takes place outside of the school supervision, the Deputy will appreciate the need to ensure that tuition providers are appropriately qualified to give education to the children concerned. The usual requirement is a fully qualified teacher. However other qualifications are acceptable depending on the individual needs of the child. In this context a review of qualifications is underway in consultation with my Department's inspectorate.

Nominated tuition providers with qualifications other than teaching qualifications have been accepted for the first school term this year to allow time to establish the suitability of the range of qualifications submitted. As the process progresses the parents concerned will be informed of the decision which will result in approval for subsequent terms of the nominated tuition provider or direction to recruit a tuition provider with suitable qualifications. It is important to stress that the allocation of tuition hours under the scheme is not at issue in the context of the review of qualifications in this regard.

School Building Projects.

506. **Mr. Gogarty** asked the Minister for Education and Science the efforts made in recent weeks to acquire land for a site for a school (details supplied) in County Dublin. [32642/06]

Minister for Education and Science (Ms Hanafin): The Property Management Section of the Office of Public Works, which acts on behalf of my Department in relation to site acquisitions generally, has been requested to source a site for the school referred to by the Deputy.

On foot of advertising, a number of proposals were received by the OPW. A Technical Assessment has been carried out on all site proposals and OPW are currently awaiting these reports.

Once a suitable site has been secured, the project will then be considered in the context of the School building and Modernisation Programme 2006-2010.

507. **Mr. Gogarty** asked the Minister for Education and Science if she will write to the management of South Dublin County Council supporting calls by local representatives for a compulsory purchase order to be made on lands (details supplied) in County Dublin. [32643/06]

Minister for Education and Science (Ms Hanafin): The Property Management Section of the Office of Public Works, which acts on behalf of my Department in relation to site acquisitions generally, has been asked to source a site for a particular school in the Edmonsbury area of Lucan.

In addition, my Department is actively considering the issue of whether to formally request the local authority to consider the use of their compulsory purchase order powers in this regard.

508. **Mr. F. McGrath** asked the Minister for Education and Science the reason for the delay in providing proper premises for the Educate Together national school in the Dublin 3 area. [32645/06]

Minister for Education and Science (Ms Hanafin): The school to which the Deputy refers commenced operation in September 2002 with provisional recognition from the Department on the basis that it would be providing multi-denominational education in the Clontarf/Marino/ Fairview area of Dublin.

It is a condition of recognition that the Patron must provide suitable accommodation in the stated area which must be capable of meeting the growing needs of the school. Accommodation remains the Patron's responsibility until the Department is in a position to provide permanent accommodation, assuming the school achieves permanent recognition.

In this case, the promoters were unable to find suitable accommodation in the area that it had intended to serve. Instead, it set itself up, as a temporary measure, in a vacated school building in Dublin 9, an area already providing multi-denominational education by two other schools. The school in question has not yet attained permanent recognition status.

In the context of the extent of multi-denominational provision in the area concerned, it is incumbent on the Department to strategically examine this provision to determine long term requirements and how these should best be addressed. The Department is carrying out this assessment which will be completed as quickly as possible.

Pupil-Teacher Ratios.

509. **Mr. Lowry** asked the Minister for Education and Science the progress to date on the implementation of the Programme for Government commitment to reduce the pupil teacher ratio in schools; if the commitment will be

reached for mainstream classes in the lifetime of this Government; and if she will make a statement on the matter. [32649/06]

Minister for Education and Science (Ms Hanafin): As the Deputy will be aware, major improvements have been made in staffing at primary in recent years. At the beginning of the current school year there are no less than 4000 extra teachers in our primary schools, compared with 2002.

The average class size in our primary schools is 24 and there is now one teacher for 17 pupils at primary level.

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 primary schools are staffed on a general rule of at least one classroom teacher for every 28 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 28 children in the school. Next year (2007/2008 school year) this is being reduced to 27 children per classroom teacher.

A further initiative that has been of direct benefit to primary schools has been the change in the criteria for developing schools. For the current school year the threshold for getting a developing school post was reduced specifically to help schools that are seeing large increases in enrolments each year. 170 such posts were sanctioned in the 2005/06 school year, compared to 105 in 2004/05.

The pupil teacher ratio at second level fell from 16:1 to 13.21:1 during the period from 1996/97 to 2005/2006. The reduction in the ratio was achieved through the creation of over 2000 additional posts and the retention of over 2100 posts which would otherwise have been lost due to the fall in enrolments. This Government has shown a clear determination to improve the staffing in our schools and we will continue to prioritise this issue going forward.

Departmental Agencies.

510. **Mr. Costello** asked the Minister for Education and Science the reason for the delay in establishing the Grangegorman Development Agency; when the agency will be formally estab-

lished; and if she will make a statement on the matter. [32664/06]

Minister for Education and Science (Ms Hanafin): There has been no delay in the establishment of the Grangegorman Development Agency. I announced earlier this year the appointment of Mr. John Fitzgerald as Chairperson of the Agency and I am now actively considering the other appointments to the Agency. However, a number of necessary measures have to be in place to allow the work of the Agency to function properly such as the location of suitable premises and staff. In this regard, my Department officials have had regular meetings with the Chairman to facilitate the establishment of the relevant infrastructure to support the Agency when fully established. In addition, a temporary Chief Executive Officer was appointed during the summer to support the Chairman with this preparation work for the new Agency.

I expect to be in a position to announce shortly the membership and the date of the first meeting of the Agency.

School Enrolments.

511. **Mr. Costello** asked the Minister for Education and Science the number of pupils from the ten accession countries since 2004 who enrolled in primary schools, second level schools and third level schools; the number of asylum seekers and refugees enrolled at each of the three levels; the number of extra teachers employed to cater for the extra pupils at each of the three levels; and if she will make a statement on the matter. [32665/06]

Minister for Education and Science (Ms Hanafin): The latest figures available to my Department indicate that there are in excess of 22,000 children of immigrants enrolled at primary level and in excess of 12,000 at post-primary level. My Department does not keep statistics relating to the residency status of the parents of these children. Figures are not available at third-level.

In order to ensure that children who do not have English or Irish as a first language are not at a disadvantage in educational terms, my Department gives additional support to schools which can take the form of financial assistance, additional temporary teacher posts or portions of teacher posts.

The level of extra financial or teaching support provided to any school is determined by the numbers of non-English speaking students enrolled. In the school year 2005/06, 562 whole-time equivalent language support teachers were in place at primary level and 262 whole-time equivalent teachers were in place at second level to support such pupils, representing an investment of €46.5 million. This compares to 149 and 113 teachers respectively in the school year 2001/02.

Departmental Funding.

512. **Mr. Costello** asked the Minister for Education and Science her views on the points made in correspondence (details supplied); her proposals for improving funding for second level education; and if she will make a statement on the matter. [32666/06]

Minister for Education and Science (Ms Hanafin): There has been substantial progress made in the funding of our schools since 2003, the financial year indicated in the OECD Report referred to be the Deputy.

Spending by my Department on second level education increased by 17% between 2003 and 2005. In 2005 €2.7 billion was spent on second-level education — up from €2.3 billion in 2003 and €1.25 billion in 1997.

These increases have allowed for major progress to be made both in the staffing and in the day-to-day funding of our schools.

With regard to staffing, it should be noted that there is now one teacher for every 13 students at second level.

Day to day funding for our schools has also increased significantly in recent years. Since the financial year referred to in the OECD report — 2003 — second-level schools have benefited from substantial increases in funding. The standard capitation grant of €266 per pupil in 2003 now stands at €298 per pupil from 1 January last. In addition, the support services grant for secondary schools has been increased from €127 per pupil in 2003 to €159 per pupil from January last. This per capita grant is in addition to a range of equalisation grants of up to some €15,500 per school per annum that were also approved for voluntary secondary schools.

These significant increases in the funding and staffing of schools are a clear demonstration of my commitment to prioritise available resources to address the needs of schools.

Special Educational Needs.

513. **Mr. Bruton** asked the Minister for Education and Science her plans for the development of services for children with dyslexia and in particular the plans in respect of services at second-level education. [32667/06]

Minister for Education and Science (Ms Hanafin): My Department has given a very high priority to the provision of resources to address the learning difficulties of children with low levels of achievement in reading. As the Deputy is aware, my Department implemented a general allocation system in all primary schools with effect from the start of the 2005/2006 school year. The general allocation scheme is designed to ensure that each school has learning support/resource teaching support available to meet the needs of children with high incidence special needs including dyslexia.

There are now over 5,000 teachers in our primary schools working directly with children with special needs, including those requiring learning support. This compares to fewer than 1,500 in 1998.

Where the condition is of a more serious nature, provision can be made in one of the 4 special schools, or 23 special classes attached to ordinary primary schools, dedicated to the needs of children with dyslexia. All special schools and special classes for such children operate at a reduced pupil teacher ratio of 9:1 and pupils attending such facilities attract a special increased rate of capitation.

Second level pupils with dyslexia are normally integrated into ordinary classes. In such situations, they may receive additional tutorial support from the remedial/learning support teacher, guidance counsellor and subject teachers. There are currently a total of 534 wholetime equivalent remedial/learning support teachers and 684 wholetime equivalent guidance teachers in place at second level.

To qualify for additional teaching support, under this category, children must be assessed by a psychologist as being of average intelligence or higher and having a degree of learning disability specific to basic skills in reading, writing or mathematics, which places them at or below the 2nd percentile on suitable, standardised, norm referenced tests.

In accordance with the terms of circular letter M10/94, pupils with dyslexia may also, depending on an educational assessment, meet the criteria for exemption from the learning of the Irish Language on the grounds of having a learning disability. Depending on the degree of the condition, they may also be eligible for special arrangements in the Certificate Examinations.

My Department provides funding to the Dyslexia Association to facilitate the operation of dyslexia workshops. This funding helps the organisation operate an information service for members and the public. In addition, part of the funding assists in meeting the costs associated with the attendance of some children from disadvantaged backgrounds at workshops and programmes organised by the association.

My Department also provides funding to schools for the purchase of specialised equipment such as computers to assist children with special educational needs, including children with dyslexia, with their education once relevant professionals recommend the equipment. Schools can apply to the local SENO directly for this support.

In September 2003, my Department established the Special Education Support Service (SESS) to manage, co-ordinate and develop a range of supports in response to identified training needs. As part of its response to the growing demand from teachers for support and training, the SESS is currently developing teams of trai-

ners to deliver training in four specific areas: Autism, Challenging Behaviour, Dyslexia, and Inclusion. This training will be delivered locally through the Education Centre network and/or through whole-staff in-school support. The SESS provides fees subsidies for the online training course, 'Dyslexia: Identification and Early Interventions' Fees subsidies are also provided for teachers to enable them to avail of the Dyslexia Association of Ireland courses.

Training is available through the 21 Teacher Education Centres nationally for teachers using ICT and assistive technologies to support pupils with special educational needs, including those with dyslexia.

The Deputy may be aware that my Department has developed an information resource pack on dyslexia in CD-Rom, DVD and video format, in association with the Department of Education in Northern Ireland. This product has been made available to all primary and post-primary schools. The DVD and video provides support for parents of pupils with dyslexia while the CD-Rom assists teachers who are teaching children with dyslexia in the mainstream classroom.

Third Level Grants.

514. **Mr. Durkan** asked the Minister for Education and Science if a review will be undertaken in the application for educational grant in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [32668/06]

Minister for Education and Science (Ms Hanafin): Under the terms of grants schemes administered by the VECs on behalf of my Department, the position is that, generally speaking, students who are entering approved courses for the first time are eligible for grants where they satisfy the relevant conditions as to age, residence, means, nationality and previous academic attainment.

The candidate's reckonable income for the purposes of the means test is his/her gross income from all sources and the gross income of his/her parents or guardians, where applicable, with certain specified Social Welfare and Health Board Payments being exempt. Grant assistance may not be awarded in any case where the reckonable income exceeds the prescribed income limits for the award of a grant.

It is understood from Kildare VEC, the assessing authority in this case, that the candidate referred to by the Deputy was not eligible for the maintenance grant as the reckonable income in this case – i.e. the combined income from the mother's employment, Department of Social and Family Affairs payment and the student's own income — exceeded the prescribed limit for the 2005 tax year as set out in the grant scheme.

I regret that it is not possible to allow grant aid where reckonable income exceeds the prescribed limits irrespective of the particular circumstances.

I would like to take this opportunity to draw the Deputy's attention to the ESF-aided Student Assistance Fund for Third Level Institutions. The objective of this Fund is to assist students in a sensitive and compassionate manner who might otherwise, because of financial reasons, suffer severe hardship or be unable to continue their third level studies. Application for funding should be made by the student to the Access Officer in their institution. The Fund is administered on a confidential, discretionary basis.

Question No. 515 answered with Question No. 503.

Special Savings Incentive Scheme.

516. **Mr. Aylward** asked the Minister for Education and Science if her Department has instructed local authorities and vocational education committees to include matured SSIA's as reckonable income in respect of grant applications in view of the fact that student grants were always based on reckonable income for the previous financial year; and if she will make a statement on the matter. [32693/06]

Minister for Education and Science (Ms Hanafin): Since SSIA's were introduced, the amount of income to be included in respect of them is the government grant earned on the savings in the relevant tax year plus, in the case of savings accounts, the gross interest earned in the relevant tax year, and, in the case of investment accounts, the investment profit earned in the relevant tax year. Investment losses sustained in the relevant tax year are deductible.

The same position has long applied to interest earned on similar savings products, including post office savings certificates, life assurance bonds etc. Thus the treatment of SSIA's is consistent with the traditional treatment of other similar investments.

Thus in applying for a grant for the 06/07 academic year, the only income that has to be declared in respect of SSIA's is the government grant earned on the SSIA in the 2005 tax year, plus in the case of savings accounts, the gross interest earned in the 2005 tax year, and, in the case of investment accounts, the investment profit earned in the 2005 tax year.

School Accommodation.

517. **Mr. Noonan** asked the Minister for Education and Science when permanent accommodation will be provided for a school (details supplied) in Dublin 22; if funding will be provided for this project in 2006; and if she will make a statement on the matter. [32707/06]

524. **Ms Enright** asked the Minister for Education and Science the position of an application by a school (details supplied) in Dublin 22 to secure a new site; and if she will make a statement on the matter. [32793/06]

530. **Mr. Kenny** asked the Minister for Education and Science the approaches she has made to the Office of Public Works to secure a new site for a school (details supplied) in Dublin 22; and if she will make a statement on the matter. [32799/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 517, 524 and 530 together.

The Department acknowledges the need for a permanent solution to meet the long term accommodation needs of the school to which the Deputy's refer. The Department is actively looking at proposals regarding an alternative site for the school. However, due to the sensitivities surrounding site acquisitions, I am unable to comment on specifics at this time.

School Staffing.

518. **Mr. Noonan** asked the Minister for Education and Science if a special needs teacher will be assigned to a person (details supplied) in County Limerick whose special needs assistant has been discontinued since they transferred to a new primary school; and if she will make a statement on the matter. [32708/06]

Minister for Education and Science (Ms Hanafin): The Deputy will be aware that the National Council for Special Education (NCSE), through the local special educational needs organisers (SENOs), is responsible for processing applications for special educational needs (SEN) supports from primary and post primary schools. The teaching and special needs assistant (SNA) support allocated are intended to enable schools to meet the needs of pupils as outlined in psychological and other professional reports. In allocating SEN supports for individual pupils, the SENOs examine the teaching and other resources available within the individual schools. It is not a case of individual SEN supports automatically transferring when a pupil transfers from one school to another. The SENO also operates within the parameters of my Department's criteria for the allocation of such resources.

In the case referred to by the Deputy, the school in question made an application for additional resource teaching support in respect of the pupil. However, the application did not meet my Department's criteria for individual resource teaching support. The school authorities were notified of this decision on 20th September 2006 by the SENO. A request for special needs assistant support has not been made to the SENO.

The NCSE will review decisions previously taken in relation to such cases on foot of a request from the school or parents/guardians, when accompanied by relevant additional information that may not have been available at the time of the decision. The NCSE has outlined this process in its Circular 01/05, which has issued to all primary schools.

Site Acquisitions.

519. **Mr. McCormack** asked the Minister for Education and Science if her Department has identified a three acre site for the provision of a 16 teacher school to meet the needs of a school (details supplied) in County Galway; and if she will make a statement on the matter. [32709/06]

Minister for Education and Science (Ms Hanafin): My Department is actively engaged in sourcing a suitable site to facilitate the construction of a permanent building for the school referred to by the Deputy. The Deputy can be assured that the permanent accommodation needs of Gaelscoil Dara are being addressed as expeditiously as possible and the provision of a permanent building for the school will be progressed in the context of the School Buildings and Modernisation Programme when a site is acquired.

School Transport.

520. **Mr. McGuinness** asked the Minister for Education and Science the reason the school bus service to a school (details supplied) has been altered; if the issue will be investigated with a view to restoring the service; and if she will make a statement on the matter. [32710/06]

Minister of State at the Department of Education and Science (Miss de Valera): Bus Éireann, which operates the school transport service on behalf of my Department, has been asked to provide a report on the case referred to by the Deputy in the details supplied. When the report is received and considered, my Department will advise the families of the position.

Grant Payments.

521. **Mr. Haughey** asked the Minister for Education and Science if she will provide grant assistance to a school (details supplied) in Dublin 9 for the provision of a hoist for the lifting of disabled pupils into its swimming pool; and if she will make a statement on the matter. [32775/06]

Minister for Education and Science (Ms Hanafin): The School Building Unit of my Department approved funding in May 2006 for the provision of a ramp at the swimming pool at this school. There is no record of an application from the school authorities for the provision of a hoist for the lifting of disabled pupils into its

swimming pool. Officials of my Department have been in contact by telephone with the school advising them of the procedure for applying for funding for the provision of a hoist.

As soon as the application is received it will be considered as a matter of urgency and the decision will be notified to the school authorities without delay.

Youth Services.

522. **Caoimhghín Ó Caoláin** asked the Minister for Education and Science her Department's funding commitments to youth work and the role of the National Youth Council of Ireland in 2006 in detail, and by individual member organisation where applicable; her intentions, both broad and specific for 2007 and beyond; and if she will make a statement on the matter. [32776/06]

Minister of State at the Department of Education and Science (Miss de Valera): The 2006 financial provision for my Department's Youth Affairs Section is €45.037m. In addition, my Department is also proposing to make a further €2m from the Dormant Accounts Fund available to local youth clubs and groups on a once off basis for small scale equipment grants.

The focus of financial allocations by my Department's Youth Affairs Section in 2006 is on the consolidation of current provision, a priority identified by the National Youth Council of Ireland and the Irish Vocational Education Association (IVEA) in submissions to my Department. This includes a 5% increase (over the 2005 baseline) in funding in 2006 for the three main funding schemes i.e. Youth Service Grant Scheme, Special Projects for Youth and Youth Information Centres. Some €7.155m has been provided to the youth work sector by my Department under the Young People's Facilities and Services Fund which seeks to address the needs of young people who are at risk of substance misuse. In addition, a further eight Special Projects for Youth (SPY) were expanded from one-worker to two-worker projects and two new SPY projects were sanctioned in 2006.

Funding of over €926,000 has been allocated to the VEC sector in 2006 to allow VECs to carry out their functions under the Youth Work Act, 2001. A Development Fund for Youth Work Organisations of €300,000 has been set up again this year to assist those organisations in meeting requirements arising from the Act.

Increased financial resources have been allocated this year to other youth work initiatives and programmes including Léargas — the Exchange Bureau, Gaisce — the President's Award and Child Protection programme for the youth work sector.

With regard to the National Youth Council of Ireland (NYCI), this organisation is the prescribed National Representative Youth Work Organisation under Section 24 of the Youth

Work Act, 2001. My Department supports the NYCI's core work via the Youth Service Grant Scheme, the allocation to date in 2006 being €691,897.

The NYCI also receives funding from my Department for some of the additional programmes it operates i.e. National Youth Arts Programme, National Youth Health Programme and Comhthraenáil.

I am arranging for details of the funding allocated to these programmes and other member organisations of the NYCI in 2006 to be supplied separately to the Deputy .

With regard to 2007 and beyond, my Department intends to continue its focus on the consolidation of existing provision and on the further roll out of the various elements of the Youth Work Act, 2001 and of the National Youth Work Development Plan as resources permit. This will include ongoing work on the establishment of a Youth Work Development Unit in the National University of Ireland, Maynooth and the further development of the Child Protection Training Programme for the youth work sector.

I would like to take this opportunity to restate my support of and commitment to the development of youth work in Ireland.

Residential Institutions Redress Scheme.

523. **Ms O'Sullivan** asked the Minister for Education and Science if her Department has made progress in addressing an issue of institutional abuse raised by a person (details supplied); and if she will make a statement on the matter. [32792/06]

Minister for Education and Science (Ms Hanafin): Section 4 of the Residential Institutions Redress Act 2002 provides that the Minister for Education and Science may, by order, insert additional institutions in the Schedule to the Act. For an institution to be considered under Section 4, it must be an industrial school, a reformatory school, an orphanage, a children's home, a special school for children with a physical or intellectual disability or a hospital providing medical or psychiatric services to people with a physical or mental disability or mental illness. It must also be one in which children were placed and resident and in respect of which a public body had a regulatory or inspection function.

The case in question concerns the Regina Coeli Hostel which provided shelter for homeless women, mothers with young children and expectant mothers. However, as such hostel facilities do not come within the scope of Section 4 of the Act, it is not open to me to consider the inclusion of this institution in the Schedule. The closing date for receipt of applications by the Redress Board has now passed and the question of including additional institutions has been fully considered by my Department in consultation with relevant

[Ms Hanafin.]

Government Departments. It is not proposed to add any further institutions to the Schedule.

In the range of Government initiatives to address past abuse, the needs of those who suffered abuse in institutions not covered by the Redress Act is recognised and various measures have been put in place to assist them. These include the Commission to Inquire into Child Abuse and dedicated counselling and other support services for victims of abuse.

I have spoken in the past to the person in question and explained the situation to her as have officials in my Department. I understand that she was resident in another institution which is included in the Schedule and prior to the closing date for applications to the Redress Board in December 2005 she was advised by Department officials that it was open to her to make an application to the Board based on her experience in that institution.

Question No. 524 answered with Question No. 517.

Schools Building Projects.

525. **Mr. Neville** asked the Minister for Education and Science when a new school will be constructed for a school (details supplied) in County Limerick. [32794/06]

Minister for Education and Science (Ms Hanafin): The school referred to by the Deputy is part of an amalgamation project with the SN Peadar agus Pol to provide a new 16 classroom school. The new school will be known as Scoil Mocheallóg.

The project is currently at an early stage of architectural planning. A full Design Team has recently been appointed for the project. My Department, in a letter dated September 28th, 2006, authorised the Design Team to prepare a Stage 1/2 submission (Site Suitability/ Sketch Scheme). When the completed submission is forwarded by the Design Team to my Department, my Officials will be in a position to further progress this project.

Progression of the project to tender and construction will be considered in the context of the School Building and Modernisation Programme 2006-2010.

School Enrolments.

526. **Mr. Neville** asked the Minister for Education and Science the long term projected enrolment being finalised for a primary school (details supplied) in County Limerick; and when it is anticipated that scheduled accommodation will be drawn up. [32795/06]

Minister for Education and Science (Ms Hanafin): The assessment of projected enrolments, which includes inter alia the consideration

of demographic trends and housing developments in the area, is currently underway in my Department and will assist in determining the long term projected enrolment for the school on which the school's long term accommodation needs will be based. When the long-term projected enrolment has been finalised and agreed with the school authorities my Department will draw up schedules of accommodation for the project which will be considered in the context of the School Building and Modernisation Programme 2006 – 2010.

School Services Staff.

527. **Mr. F. McGrath** asked the Minister for Education and Science the reason a school (details supplied) in Dublin 3 is being forced to reduce the secretary's salary by €834 per annum due to inadequate grants; and if she will assist them as a matter of priority. [32796/06]

Minister for Education and Science (Ms Hanafin): My Department provides funding towards the cost of secretarial and caretaking services in primary schools under two separate schemes. One scheme is the 1978/79 scheme for the employment of full-time secretaries and caretakers in primary schools, under which my Department meets the full cost of salary. This scheme is being phased out as posts become vacant and no new posts are being created. This scheme has been superseded by a more extensive grant scheme now referred to as the Ancillary Services grant.

The Ancillary Services grant provides additional funding for primary schools towards the cost of secretarial and caretaking services. The scheme does not provide for the linking of the grants to any particular pay scale and is flexible by nature, giving Boards of Management discretion as to the manner in which secretarial and caretaking services are provided.

The amount of grant paid to an individual school is determined by the enrolment in the school. The standard rate of grant has been increased in recent years from a level of €102 per pupil in 2002 to a level of €139 per pupil in 2006.

Where a school already has either caretaking or secretarial services under an existing Department scheme, the rate of grant payable is €69.50 per pupil.

The school to which the Deputy refers has the services of a full-time caretaker under the 1978/79 scheme. Accordingly, the rate of grant payable in this case this year in respect of secretarial services is €69.50 per pupil.

The question of increasing the rate of grant under this scheme in the future will be considered in the context of available resources and priorities within the education sector.

School Transport.

528. **Ms O'Sullivan** asked the Minister for

Education and Science if she will reconsider a decision to refuse access to the school transport service to persons (details supplied) in County Cork; and if she will make a statement on the matter. [32797/06]

Minister of State at the Department of Education and Science (Miss de Valera): Under the terms of my Department's Primary School Transport Scheme pupils who reside 3.2 kilometres or more, and are attending, their nearest Gaelscoil, as determined by my Department, are eligible for free school transport. The pupils referred to by the Deputy, in the details supplied, do not meet these eligibility criteria.

Site Acquisitions.

529. **Mr. Kenny** asked the Minister for Education and Science the number of sites currently available for new schools in the Dublin area; and if she will make a statement on the matter. [32798/06]

Minister for Education and Science (Ms Hanafin): As the Deputy will be aware, sites that may be used for school projects in future would include those that are owned by schools, those in the ownership of local authorities and those in private ownership.

The Department considers the need for sites at both the level of individual schools and those of particular geographical areas as part of the new process of publishing Area Development Plans that has been introduced.

The Department is also included among the prescribed authorities to whom local authorities are statutorily obliged to send draft development plans or proposed variations to development plans for comment. Under this process, the Department causes sites to be reserved for educational purposes which further assists in planning on a geographical basis. All sites reserved under this process are a matter of public record and are indicated in the County/Local Area Development Plans. In relation to my amendments, just a couple of points — sites owned by schools/patrons — this is the same thing.

Sites do not have to be zoned educational to acquire them. Just a matter of seeking planning permission. We liaise with all local authorities — not just Dublin for the reservation/acquisition of sites.

Question No. 530 answered with Question No. 517.

Special Educational Needs.

531. **Ms Enright** asked the Minister for Education and Science the number of children, with a language disorder waiting for a place in a specialist language class; if she can provide this information on a county basis; and if she will make a statement on the matter. [32800/06]

Minister for Education and Science (Ms Hanafin): I can confirm that there are currently 58 special classes for children with specific speech and language disorder in primary schools nationwide. The classes operate at a pupil teacher ratio of 7:1.

The Deputy will be aware that the National Council for Special Education (NCSE), through the local special educational needs organisers (SENOs), is responsible for processing applications from primary and post primary schools for special needs supports, including applications for the establishment of special classes. Responsibility for enrolment to these classes rests with the individual school authority and my Department does not hold any information in relation to waiting lists for these classes.

Question No. 532 answered with Question No. 499.

Industrial Relations.

533. **Ms Shortall** asked the Minister for Education and Science the number of times since 1987 that civil servants have been forced to obtain an Order from the Courts enforcing or associated with enforcing their contractual rights and entitlements; the additional cost to the Exchequer over and above that which would have prevailed had the State recognised and honoured the contractual rights and entitlements involved in the first instance; and if she will make a statement on the matter. [32854/06]

Minister for Education and Science (Ms Hanafin): In response to the Deputy's question, I am not aware of any cases taken by Civil Servants, in which the Courts have made an order against my Department in relation to the payment of damages, compensation or legal costs arising from a Plaintiff contending that my Department had not honoured contractual rights and entitlements during the period in question.

Site Acquisitions.

534. **Mr. Broughan** asked the Minister for Education and Science if there are outstanding legal issues to be resolved with regard to the purchase of a site for a school (details supplied) in County Meath; if so, the issues in relation to same; his plans to resolve the matter; and if she will make a statement on the matter. [32911/06]

Minister for Education and Science (Ms Hanafin): Contract documentation for the acquisition of the site for the school in question is currently with the Chief State Solicitor Office. The matter of the transfer of the legal title is currently being examined by the Chief State Solicitor Office.

State Examinations.

535. **Mr. Gregory** asked the Minister for Education and Science if arrangements can be made for the parents of the leaving certificate student (details supplied) to view their history examination paper as they were not informed of the viewing arrangements already held in the school despite having applied in time to the school to have the paper reviewed. [32949/06]

Minister for Education and Science (Ms Hanafin): The State Examinations Commission has statutory responsibility for operational matters relating to the certificate examinations, including issuing the results of examinations and determining procedures to enable the review and appeal of results of examinations at the request of candidates.

In view of this, I have forwarded your query to the State Examinations Commission for direct reply to you.

Schools Building Projects.

536. **Mr. Naughten** asked the Minister for Education and Science if she will approve funding for a school building project (details supplied) in County Roscommon; and if she will make a statement on the matter. [32950/06]

Minister for Education and Science (Ms Hanafin): An application has been received in my Department from the school referred to by the Deputy under the Summer Works Scheme 2007. My Department is currently assessing all applications received from schools. I intend to announce details of the approved schemes by the end of the year.

Psychological Service.

537. **Mr. Callely** asked the Minister for Education and Science the waiting list and waiting period to avail of the educational psychologist's services in the Dublin area; the measures under consideration for improvements in the service; and if she will make a statement on the matter. [32951/06]

Minister for Education and Science (Ms Hanafin): 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.

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.

Community colleges and vocational schools in the Dublin area have access to psychological services provided by the two VEC committees. In the case of schools that do not currently have dedicated NEPS psychologists assigned to them such schools have access to educational psychological assessments through the SCPA. Under this Scheme, schools can commission assessments from a member of the panel of private practitioners approved by NEPS, and NEPS will pay the fees directly to the psychologist concerned.

NEPS provides assistance to all schools and school communities that experience critical incidents, regardless of whether or not they have a NEPS psychologist assigned to them. NEPS also provides psychological services to schools in Dublin for children with visual impairment and for children with hearing impairment.

Since the establishment of the NEPS in 1999, the number of NEPS psychologists has increased from 43 to 123 at present. Four psychologists have recently been assigned to the National Behaviour Support Service of my Department and my Department is currently in the process of replacing those psychologists from an established panel resulting from a recruitment competition of last year.

Development of psychological services must be seen in the context of all the initiatives and support services introduced by my Department in recent years, including the general allocation of resources to all schools, the DEIS programme, the establishment of the NBSS referred to above and the development of the NCSE (National Council for Special Education) and of the NEWB (National Education and Welfare Board).

Schools Building Projects.

538. **Mr. Callely** asked the Minister for Education and Science the schools that have been approved for improvement or building works under the various schemes now in operation in her Department; the total moneys made available for improvement or building works; and if she will make a statement on the matter. [32952/06]

Minister for Education and Science (Ms Hanafin): I am pleased to inform the Deputy that my Department is delivering a record school building programme which is transforming the standard of school accommodation throughout the country. Between 2000 and 2005, over €2 billion was spent on educational infrastructure on over 6,500 individual school building projects.

In 2006 my Department is funding the delivery of circa. 1,300 school building projects with an investment this year of over €500m. My Department's 5 year multi-annual capital envelope which currently amounts to a total of €3.9 billion will enable my Department to continue to take a pro-active approach to modernising school accommodation. Details of the rolling series of my announcements on the school building programme are available on my Department's website.

Special Educational Needs.

539. **Mr. Callely** asked the Minister for Education and Science the number of remedial and support teachers and classroom assistants that have been put in place over the past five years; and if she will make a statement on the matter. [32953/06]

Minister for Education and Science (Ms Hanafin): As the Deputy is aware there has been enormous progress made over the past number of years in relation to increasing the number of teachers in our schools who are specifically dedicated to providing education for children with special educational needs. At primary level, there are now more than 5,000 teachers in our primary schools working directly with children with special needs, including those requiring learning support. This compares to approximately 2,485 in 2001. At second level, approximately 1,836 whole-time equivalent additional teachers are in place to support pupils with special educational needs. This compares to approximately 559 whole-time equivalent teachers that were in place in the 2001/2002 school year for such pupils. In addition, there are 534 whole-time equivalent learning support teachers.

With regard to special needs assistants (SNAs), I can confirm that there are approximately 6,706 whole-time equivalent SNAs employed in primary schools nationwide compared to approximately 2,800 posts in 2001. At second level there are currently 1337.91 whole-time equivalent SNAs compared to 292.89 in the 2001/2002 school year.

540. **Mr. Callely** asked the Minister for Education and Science the policy in relation to the provision of Educational services and supports for people with autism; and if she will make a statement on the matter. [32954/06]

541. **Mr. Callely** asked the Minister for Education and Science the number of places available in the school system for people with autism; the number of people on the waiting list for services; and if she will make a statement on the matter. [32955/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 540 and 541 together.

The Deputy will be aware of my commitment to ensuring that all children, including those with Autistic Spectrum Disorders, receive an education appropriate to their needs. The following autism-specific educational provision has been established: 171 Special Classes for children with autism, attached to special and mainstream schools; 5 Special Classes for children with Asperger's Syndrome; 16 preschool classes to facilitate the demand for early intervention provision for children on the autistic spectrum; 12 Stand Alone facilities providing an Applied Behavioural Analysis (ABA) specific methodology on a pilot basis. Approval has also been given for the establishment of a further two such facilities.

My Department considers that all children with special educational needs, including children with autism, should access to appropriate education through the primary, special and post-primary school network where they have access to qualified teachers, a range of autism-specific teaching methodologies and have maximum opportunities for integration with their peers. A multi-skills approach is used with teachers using, as appropriate, a range of teaching methodologies including Treatment and Education of Autistic and Related Communication Handicapped Children (TEACCH), ABA (Applied Behavioural Analysis) and Picture Exchange Communication System (PECS).

Pupils with autism, who are fully integrated into mainstream school, receive individual teaching support for a number of hours per week as well as support from special needs assistants and specialist equipment if required. Special classes for autism sanctioned by my Department can cater for a maximum of 6 children and in general each class is staffed by one teacher and at least two special needs assistants.

As the Deputy is aware, the National Council for Special Education (NCSE) came into operation on 1st January 2005. One of the specific functions of the NCSE, through its network of local special educational needs organisers (SENOs), is to identify appropriate educational placements for all children with autism. The SENO is a focal point of contact for parents and schools. The SENO's role extends to ensuring that there is sufficient provision available within the primary and post primary sector for all children with autism. Further such classes will be established in response to identified needs.

Schools Refurbishment.

542. **Mr. J. O'Keefe** asked the Minister for Education and Science if she has received an application under the summer works scheme for a school (details supplied); and if she will sanction this application. [32956/06]

Minister for Education and Science (Ms Hanafin): An application has been received in my Department from the school referred to by the Deputy under the Summer Works Scheme 2007. My Department is currently assessing all applications received from schools. I intend to announce details of the approved schemes by the end of the year.

School Completion Programme.

543. **Mr. McGuinness** asked the Minister for Education and Science if 12 part-time teaching hours will be granted to the out of school component of the school completion programme for a person (details supplied) in County Kilkenny as a matter of urgency; and if she will expedite a response to this request. [32957/06]

Minister for Education and Science (Ms Hanafin): The Kilkenny Individual Learning Programme is currently in receipt of funding for activities under the Kilkenny School Completion Programme. The objective of the School Completion Programme is to provide a range of in-school, after-school, out-of-school and holiday interventions in areas of disadvantage that support the retention of young people in education. The programme targets those in danger of dropping out of the education system or those who may have already dropped out. As the minimum school leaving age is 16, or the completion of three years of post-primary education, whichever is the later, students attending this out of school unit should be registered with the National Educational Welfare Board. The general functions of the NEWB are to ensure that each child attends a recognised school or otherwise receives a certain minimum education.

The allocation to VECs of Co-operation Hours with Other Institutions for 2006/2007 has been completed and my Department is currently undertaking a review of the allocation of teaching hours to VEC'S under the Co-Operation Hours with Other Institutions. VEC's will be invited to apply for teaching support hours for existing and new centres for the 2007/08 school year early in the new year. My Department will be in contact with the person referred to by the Deputy in relation to the procedure in relation to applying for teaching hours through the VEC for 2007/2008.

School Closures.

544. **Dr. Upton** asked the Minister for Education and Science the position regarding arrangements for a school (details supplied) in Dublin 8; if any agreement has been reached with her Department on the future of the school; and if she will make a statement on the matter. [32990/06]

Minister for Education and Science (Ms Hanafin): As the Deputy may be aware, the decision to close the school was taken by the school's Trustees and it was decided that the closure of the school would take place on a phased basis, culminating with full closure in June 2007.

In part, thanks to the cooperation of another school in the immediate area, the necessary arrangements have been made to ensure that all pupils in the closing school will be accommodated.

Departmental Funding.

545. **Dr. Upton** asked the Minister for Education and Science if she will review the funding needs of a school (details supplied) in Dublin 10; if her attention has been drawn to the initiatives taken by the school in providing a resource for the children of the area and the need to sustain these initiatives; and if she will make a statement on the matter. [32991/06]

Minister for Education and Science (Ms Hanafin): Primary schools' running costs have been traditionally met by the Department's scheme of capitation grants which are the main source of funding for the running costs of primary schools. The scheme of funding is flexible in nature and affords Boards of Management discretion as to how the funding is used in meeting schools' day-to-day running costs.

The capitation grant to primary schools has been increased substantially in recent years. The standard capitation grant at primary level, which stood at £45 (€57.14) in 1997, increased to €121.58 per pupil with effect from 1st January, 2004. It was increased by a further €12.00 per pupil with effect from 1st January, 2005 bringing it to €133.58 per pupil. The rate has been increased by a further €12 with effect from 1st January, 2006 bringing the rate to €145.58 per pupil.

Funding towards the cost of secretarial and caretaking services in new primary schools is provided under the Ancillary Services grant scheme. The standard rate of grant per pupil under the scheme, which was increased from €102 in 2002 to €127 in 2004, was increased by a further €6 to €133 in 2005. The rate has been increased by a further €6 this year bringing the rate to €139. The amount of grant paid to an individual school under both the capitation and ancillary services grant scheme is determined by the enrolment in the school, subject to a minimum grant in the case of a school with 60 pupils or less. There is also a start-up grant available to enable new schools to purchase equipment, furniture, teaching and administrative materials and to cover insurance and other costs attendant with the operation of a new school. The rate of this start-up grant is €6,348.69. The school referred to by the Deputy qualified for this grant.

I understand that local management is currently finalising arrangements to draw down child

care funding to support the establishment of a preschool service for 3-4 year old children in the area. The school will be considered for supports under the DEIS initiative's School Support Programme in the context of new schools (including those created through amalgamation) opening in the 2005/06 school year and thereafter.

Site Acquisition.

546. **Mr. Sherlock** asked the Minister for Education and Science if she has received notice from Cork VEC that arrangements are agreed for the purchase of a site for a school (details supplied); and if she will make a statement on the matter. [33052/06]

Minister for Education and Science (Ms Hanafin): Cork County VEC has identified a suitable site for the new school in question. My Department has authorised the VEC to negotiate, subject (inter alia) to Contract and value for money considerations, with the vendor for the acquisition of the site. When the site purchase is complete the building project will be considered in the context of my Department's School Building and Modernisation Programme 2006-2010.

School Accommodation.

547. **Mr. Sherlock** asked the Minister for Education and Science if she will make a statement on the development of a school (details supplied) in County Cork. [33053/06]

Minister for Education and Science (Ms Hanafin): An application for capital funding towards the provision of an extension has been assessed and the long term projected staffing, on which the accommodation needs will be based, has recently 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 the existing buildings carried out. Once the technical assessment is completed, the building project required to deliver the extension will be progressed in the context of the School Building and Modernisation Programme 2006-2010.

548. **Mr. Sherlock** asked the Minister for Education and Science if she will make a statement on the progress of a school (details supplied) in County Cork. [33054/06]

Minister for Education and Science (Ms Hanafin): The long term accommodation needs of the school referred to by the Deputy has been determined as 12 mainstream classrooms plus appropriate ancillary accommodation and the school authority have been notified of same. The building project required to deliver the school accommodation is being considered in the con-

text of the School Building and Modernisation Programme 2006-2010.

Question No. 549 answered with Question No. 501.

Educational Projects.

550. **Mr. Penrose** asked the Minister for Education and Science her views on correspondence furnished in relation to the provision of land and resources, for a school (details supplied) in County Westmeath to enable them to provide a follow on centre for young adults ; if she will pursue same at inter-departmental level to ascertain the help, funding and resources that will be allocated to this project; and if she will make a statement on the matter. [33077/06]

Minister of State at the Department of Education and Science (Miss de Valera): Funds for Adult and Community Education services are provided by my Department to the Vocational Education Committees. The disbursement of these funds is a matter for each VEC, which, subject to its budget, decides the nature of the Adult and Community Education service to be provided in its area and the manner in which the funds should be spent. It is open to the group to submit an application to the local VEC.

Pupil-Teacher Ratio.

551. **Ms McManus** asked the Minister for Education and Science her views on reports of unacceptably high pupil teacher ratios currently in place at a school (details supplied) in County Wicklow; the way this school compares to international best practice; the way this school compares to figures provided in the Government's Progress Report on Education; the steps she is taking to improve the situation; and if she will make a statement on the matter. [33120/06]

Minister for Education and Science (Ms Hanafin): The staffing in the school referred to by the Deputy for the 2006/2007 school year is as follows: 1 Principal Post, 7 Mainstream Class Teacher Posts, 1 Permanent Developing School Post, 3 Permanent Learning Support/Resource Post, 1 Temporary Language Support Post. My Department recently received the September Salary Return form from the Board of Management of the School. This form indicated that there were 218 pupils enrolled in the school on the 30th September 2006.

As the Deputy will be aware, major improvements have been made in staffing at primary in recent years. At the beginning of the current school year there are no less than 4000 extra teachers in our primary schools, compared with 2002.

The average class size in our primary schools is 24 and there is now one teacher for 17 pupils at primary level. Children with special needs and

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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 primary schools are staffed on a general rule of at least one classroom teacher for every 28 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 28 children in the school. Next year (2007/2008 school year) this is being reduced to 27 children per classroom teacher.

A further initiative that has been of direct benefit to primary schools has been the change in the criteria for developing schools. For the current school year the threshold for getting a developing school post was reduced specifically to help schools that are seeing large increases in enrolments each year. 170 such posts were sanctioned in the 2005/06 school year, compared to 105 in 2004/05. This Government has shown a clear determination to improve the staffing in our schools and we will continue to prioritise this issue going forward.

Special Educational Needs.

552. **Ms C. Murphy** asked the Minister for Education and Science the work that has been undertaken to ensure that the students of a special unit for autism at a school (details supplied) in County Kildare are provided with school based educational provision for the month of June beginning in the summer of 2007; the work that remains to be carried out to ensure that this provision is in place; if she will commit to the provision of school based educational provision during the month of June in the unit in question, to commence in June 2007; and if she will make a statement on the matter. [33140/06]

Minister for Education and Science (Ms Hanafin): My Department's support package for the July Education Programme is available to all special schools and mainstream primary schools with special classes catering for children with autism who choose to extend their education services through the month of July. The Department also provides for a July Programme for pupils with a severe/profound general learning disability. The package includes special nationally agreed rates of remuneration for teachers and special needs assistants involved in the July Prog-

ramme. Participating schools also receive a special rate of capitation funding in respect of pupils participating in the programme. Funding is also available to facilitate the provision of school transport and escort services for the children. All relevant schools were advised of the detailed funding arrangements applicable to the July Education Programme when the service was introduced in July, 2001.

All relevant schools are encouraged to participate in this initiative in the interest of the children in question. If schools are not participating in the July Education Programme, home tuition is offered as an alternative for the pupils who would normally attend such schools.

My Department is currently considering proposals to extend the July Programme service to post primary schools catering for pupils with autism. In this regard, the development of appropriate support measures to facilitate post primary schools in participating in this programme is being examined. My Department is evaluating existing arrangements with a view to formalising a programme in consultation with all concerned.

School Staffing.

553. **Ms C. Murphy** asked the Minister for Education and Science the number of teachers employed by her Department; the number of these teachers who are employed on a permanent basis; the number employed on a temporary basis who work in a designated special class or unit; the way in which her Department determines the number of permanent teaching positions to make available in each year; and if she will make a statement on the matter. [33141/06]

Minister for Education and Science (Ms Hanafin): According to my Department's records, there are 27,823 teachers employed in primary schools currently. There are 25,448 primary teachers employed on a permanent basis and 110 temporary teachers employed at primary level in a designated special class or unit. 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. Under the staffing arrangements for primary schools there is provision for the allocation of an additional post where a school experiences rapid growth in its enrolment. In such cases, an additional post, referred to as a developing school post, may be sanctioned provisionally where the projected enrolment at 30th September of the school year in question equals or exceeds a specified figure. If the specified figure is not achieved on 30th September, sanction for the post is withdrawn.

The criteria for developing school status for the coming school year have been reviewed and the minimum numerical increase of 30 pupils for larger schools has been removed. There is now just one minimum numerical increase in pupils required, i.e., 25. To ensure openness and transparency in the system an independent Appeal Board is now in place to decide on any staffing appeals. The criteria under which an appeal can be made are set out in Department Primary Circular 0024/2006. The teacher allocation to individual second level schools for a particular school year is determined by the enrolment of all recognised pupils at the end of September of the preceding school year.

Teachers in second level schools are employed by the authorities of the schools concerned. The appointment of teachers and the subject areas involved is a matter in the first instance for the authorities of the school concerned. When deciding on the number of teaching posts, if any, which may be filled in a permanent capacity in a particular school year, the school authorities must take account of the approved teacher allocation for the school for that year, the number of permanent teachers currently employed, including those on approved leave, the overall limits as to the level of permanency laid down by my Department from time to time and the need for flexibility to cater for the needs of all of the pupils.

My Department has allocated approximately 25,405 wholetime equivalent teaching posts in respect of second level schools for the 2006/07 school year. The vast majority of teaching posts at second level are filled on a permanent wholetime basis. Vacancies in schools arising from career breaks, approved leave of absence or secondments and concessionary posts, which are allocated in excess of a school's normal quota of posts, are normally filled in a temporary or part-time capacity. In addition, in order to ensure that schools have the flexibility to meet the curricular needs of their students, particularly in minority subject areas, it is necessary for them to appoint temporary or part-time teachers.

At second level my Department's payroll relates to teachers in voluntary secondary, community and comprehensive schools only. Information regarding vocational teachers is maintained by the Vocational Education Committees by whom they are employed and paid. Therefore, the overall number of permanent posts currently in the second level system is not available within my Department.

Special Educational Needs.

554. **Ms C. Murphy** asked the Minister for Education and Science if her Department is responsible for determining the number of SENOs to be employed here; if so, if her Department has a function in determining the number of SENOs allocated to each administrative area; the basis on which SENO staff are allocated to each area; if

the level of need or population figures for each area are taken into account when allocating SENO staff; and if she will make a statement on the matter. [33142/06]

555. **Ms C. Murphy** asked the Minister for Education and Science if she will increase the overall allocation of SENO staff positions to the NCSE in line with the population increase indicated in the Census 20006 Preliminary Report; and if she will make a statement on the matter. [33143/06]

556. **Ms C. Murphy** asked the Minister for Education and Science if her attention has been drawn to any under staffing of SENOs here; the maximum number of cases each SENO is intended to, or able to take on at a given time; and if she will make a statement on the matter. [33144/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 554 to 556, inclusive, together.

I wish to advise the Deputy that the number of special educational needs organisers (SENOs) that may be employed by the National Council for Special Education (NCSE) is subject to the consent of the Minister for Education and Science and the Minister for Finance under Section 25(1) of the Education for Persons with Special Educational Needs Act, 2004. The deployment of SENOs throughout the State is a matter for the NCSE, subject to overall approved staffing limits.

As the Deputy will be aware there are more than 70 Special Education Needs Organisers, or SENOs, employed by the NCSE. They are deployed on a nationwide basis, with each SENO having responsibility for the primary and second level schools in a particular area. The establishment of the SENO service has received very positive feedback.

Placing organisers in the locality enables them to work with the parents and the schools in a customer friendly way to ensure that children can get access to extra supports as quickly as possible. I am committed to supporting the SENO service in the excellent work that it is doing and will keep the staffing needs of the service under review in the context of other developments in the special education area.

557. **Ms C. Murphy** asked the Minister for Education and Science if an effort is being made to assess the number of primary school children with special educational needs who will progress to secondary school and who require the provision of support therapies or special educational provision; the action her Department would advise parents of such children to take in order to obtain suitable special educational provision and support therapy provision for secondary level schooling;

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and if she will make a statement on the matter. [33185/06]

Minister for Education and Science (Ms Hanafin): As the Deputy is aware there has been enormous progress made over the past number of years in relation to increasing the number of teachers in our schools who are specifically dedicated to providing education for children with special educational needs. At primary level there are now more than 5,000 teachers working directly with children with special needs, including those requiring learning support. This compares to fewer than 1,500 in 1998.

At second level, approximately 1,836 whole time equivalent additional teachers are in place to support pupils with special educational needs. This compares to the approximately 200 teachers that were in place in 1998 for such pupils. In addition, there are 534 whole time equivalent learning support teachers and approximately 1,337 whole time equivalent special needs assistants (SNAs) in our second level schools.

The general allocation model at primary level is based on the premise that all primary schools have children with learning support or high incidence special educational needs. Early intervention support at primary ensures that many children do not need additional support at second level.

The precise model of provision made available at second level will depend on the assessed needs of the pupils involved. Some students are capable of attending ordinary classes on an integrated basis with additional teacher and/or special needs assistant support. In other cases, placement in special dedicated classes or units attached to the school may be the more appropriate response. Such special classes operate at significantly reduced pupil teacher ratios. Students attached to these special classes may be facilitated in attending ordinary subject classes on an integrated basis wherever possible.

With effect from 1 January 2005, the National Council for Special Education (NCSE) has taken over key functions from my Department in relation to special educational provision. The NCSE was formally established as an independent statutory body on the 1st October, 2005 under the Education for Persons with Special Educational Needs Act 2005. The Council acts under the broad policy direction of my Department but has the resources and the remit to play the leading role in the delivery of education services to children with disabilities/special needs.

The provision of speech and language therapists, occupational therapists and other health related supports is a matter for the Health Service Executive.

However, the NCSE co-ordinates with the health services, schools and other relevant bodies regarding the provision of education and related

support services to children with disabilities/special needs.

The responsibilities of the NCSE include the following:

- Deciding on applications for additional teaching support in respect of children with disabilities with special educational needs at second level;
- Deciding on applications for special needs assistant hours;
- Processing applications for school placement in respect of children with disabilities with special educational needs.

Under the new arrangements, the Council, through the local Special Educational Needs Organiser (SENO) will process the relevant application for resources and inform the school of the outcome. It is important to note that in the case of decisions on additional teaching and SNA support, the SENOs will outline the process to the school and parents, where appropriate, and will at the end of the process outline the basis on which the decision was made.

My Department will continue to ensure that the necessary resources are made available for the education of children with special needs. I am confident that the advent of the NCSE will prove of major benefit in ensuring that all children with special educational needs receive the support they require.

Third Level Grants.

558. **Mr. Durkan** asked the Minister for Education and Science when a decision will be made regarding an appeal against the decision to refuse educational grants for year ending 2005 in the case of a persons (details supplied) in County Kildare; and if she will make a statement on the matter. [33207/06]

Minister for Education and Science (Ms Hanafin): Under the terms of Higher Education Grants Scheme administered by the Local Authorities on behalf of my Department, the position is that, generally speaking, students who are entering approved courses for the first time are eligible for grants where they satisfy the relevant conditions as to age, residence, means, nationality and previous academic attainment.

The candidate's reckonable income for the purposes of the means test is his/her gross income from all sources and the gross income of his/her parents or guardians, where applicable, with certain specified Social Welfare and Health Board Payments being exempt. Grant assistance may not be awarded in any case where the reckonable income exceeds the prescribed income limits for the award of a grant.

It is understood from Kildare County Council, the assessing authority in this case, that the candidates referred to by the Deputy were not eligible

for the maintenance grant for the 2005/06 academic year as the reckonable income exceed the limit for the 2004 tax year as set out in the grant scheme. Kildare County Council have advised that they have not received a written appeal from the students referred to by the Deputy in regard to eligibility for grant assistance for the 2005/06 academic year.

Kildare County Council have also advised that grant assistance has been approved for the 2006/07 academic year as the reckonable income for the 2005 tax year is below the prescribed limits.

559. **Mr. Durkan** asked the Minister for Education and Science when an education grant will be issued in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [33208/06]

Minister for Education and Science (Ms Hanafin): The decision on eligibility for third level grants and the issue of grant awards is a matter for the relevant local authority or VEC. These bodies do not refer individual applications to my Department except in exceptional cases where, for example, advice or instruction regarding a particular clause in the relevant scheme is desired.

My Department contacted Kildare VEC, the awarding body in this case, and was advised that an application was received in the VEC from the student referred to by the Deputy but that this application has yet to be processed. The VEC will advise the student on the outcome of their application when the assessment process is complete.

School Transport.

560. **Mr. Stanton** asked the Minister for Education and Science if all buses used in the school transport scheme have been fitted with seatbelts; if not, when she expects this to be completed; the legislation governing same; and if she will make a statement on the matter. [33241/06]

Minister of State at the Department of Education and Science (Miss de Valera): Bus Éireann has advised that all of its buses, and the majority of contractors' buses, operating as part of the School Transport Schemes have been fitted with safety belts. The remainder are on schedule to be fitted with safety belts by the target date of December, 2006. This is in accordance with the package of measures to enhance the safety of school transport operations announced by Minister Hanafin and myself in July, 2005.

My colleague, the Minister for Transport, made regulations earlier this year entitled the European Communities (Compulsory Use of Safety Belts and Child Restraint Systems in Motor Vehicles) Regulations 2006 (S.I. No. 240 of 2006). Essentially, these regulations provide that safety belts must be worn once they are fitted. These

regulations also oblige owners of buses fitted with safety belts to ensure that passengers are informed of the requirement to wear safety belts while they are seated and the bus is in motion. This obligation may be discharged by one or more of the following means — announcement by the driver or conductor, by audio visual means or by signs or by pictograms displayed at each seat.

Schools Refurbishment.

561. **Mr. Quinn** asked the Minister for Education and Science her views on increasing the finance made available to a school (details supplied) in County Tipperary; the reason the funding for the school remains at the 2004 level of the devolved grant scheme; and if she will make a statement on the matter. [33246/06]

Minister for Education and Science (Ms Hanafin): As part of the expansion of the devolved scheme for primary school building works, a grant of €440,000 was sanctioned in March 2005 to the management authority of the school in question to extend and refurbish their school. This was the rate of grant applicable to a four teacher school in 2005. The rate applicable to a four teacher school in 2004 was €350,000.

My Department is in liaison with the school in question regarding the delivery of the project under the terms of the devolved scheme.

School Curriculum.

562. **Mr. G. Murphy** asked the Minister for Education and Science the role her Department and An Comhairle um Oideachas Gaeltachta agus Gaelscolaíochta have in promoting the Irish language within the education system in the Gaeltacht and beyond in view of the findings of the Harris Report. [33247/06]

Minister for Education and Science (Ms Hanafin): Improving students' competences in spoken and written Irish is a major policy priority of my Department and a range of measures have been taken in this regard, with plans for further actions to take effect in the near future.

The role of the Chomhairle is to provide policy advice, undertake research, provide support services, and plan and co-ordinate the provision of textbooks and teaching resources in relation to the teaching of Irish and through Irish in schools generally and particularly in Gaeltacht and all-Irish schools.

At primary level, a revised curriculum in Irish has been implemented in all schools since September 2003. A communicative, task-based approach to language learning is at the heart of this curriculum which places emphasis on enjoyment and on using the language in activities such as games, conversations and drama.

[Ms Hanafin.]

Its implementation has been supported by a national programme of 3500 in-service training seminars for 21000 primary teachers. At post primary level, the Second Level Support Service provides a series of modular programmes for teachers in Irish through the education centre network. Additional personnel are being appointed at present to support and expand in-career development for teachers in Irish in our schools at both primary and second level.

I have arranged that part of the drama in-service training planned for primary teachers in the current academic year will be 'Dramaíocht trí Ghaeilge'. This will assist teachers enormously in making the learning of Irish fun for children.

For Leaving Certificate Irish, a revised literature course was introduced in September 2004 which was examined for the first time in June of this year. This has been widely welcomed as it allows literature to be taught using modern communicative approaches that appeal to young people and it affords a high level of choice to students and teachers. For example, film is now an option for the first time. A comprehensive set of guidelines to support teachers in delivering the revised course has been issued.

Substantial progress has been made in the provision of textbooks and resources to support Irish in schools, particularly since Scéim na nDearthóirí was established in 2001 and An Chomhairle um Oideachas Gaeltachta agus Gaelscolaíochta was set up in 2002. Some €3m. has been invested under the Scéim over the period 2003-2005 in a new set of materials for schools, known as Séideán Sí for infant, senior infant and first class pupils. Materials for second class pupils will be available shortly. This investment will continue until a complete set of resources for the eight year primary cycle is available.

An Chomhairle works closely with An Gúm, Scéim na nDearthóirí and other agencies to address the deficit in Irish medium resources and materials. It has published an extensive resource directory, running to 83 pages, on the website www.cogg.ie on materials and resources now available to support the teaching of Irish in the curriculum, and the teaching of other subjects through Irish, across primary and post primary schools.

In regard to entry to primary teacher training, a minimum of Grade C at higher level in Irish continues to be a requirement. These students also undertake a summer programme the Gaeltacht as part of their training. In regard to the Scrúdú le hAghaidh Cáilíochta sa Ghaeilge which must be passed by primary teachers who trained abroad within 5 years of starting to teach in Ireland, a range of improvements have been made to the management and administration of the examinations, in addition to the development of a handbook and provision of courses for participants. This has greatly increased the success

rate in the examination. A range of higher education programmes through Irish are being offered by NUI Galway and Dublin City University, and to a lesser extent by other third level colleges.

Finally, my Department and the Department of Community Rural and Gaeltacht Affairs provide grant schemes to support the provision of summer courses in the Gaeltacht for some 25,000 young people each year, enabling them to immerse themselves in Irish language and culture.

I have asked the National Council for Curriculum and Assessment, the statutory body which advises on curriculum, to make proposals to me as soon as possible on how the syllabuses in Irish at post-primary level should be reformed and, in particular, how greater emphasis can be placed on oral competence in the language. I am determined to ensure that Irish is taught in our schools in a way that is interesting and relevant and will promote a positive attitude to the language among our young people.

Disadvantaged Status.

563. **Ms Cooper-Flynn** asked the Minister for Education and Science the reason a school (details supplied) in County Mayo failed to qualify under the DEIS after a review took place when it is in a cluster with two other schools both of which are included; and the way in which this school differed from the other two under the qualifying criteria for the scheme. [33248/06]

Minister for Education and Science (Ms Hanafin): 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 mechanism was put in place to address the concerns of schools that did not qualify for inclusion in the School Support Programme but regarded themselves as having a level of disadvantage which is of a scale sufficient to warrant their inclusion in the programme.

The review process operated under the direction of an independent person, charged with

ensuring that all relevant identification processes and procedures were properly followed in the case of schools applying for a review. He was supported by a nominated staff member from the Educational Research Centre and an official from my own Department.

Primary schools seeking a review were advised that applications must relate to data on the relevant variables included in the ERC survey of May, 2005 and to the reference date of 30 September, 2004. They were also informed that consideration would be given to major changes in a school's socio-economic composition at the mid-way point between the 2005/2006 and 2009/2010 identification process i.e. in 2007/2008.

All applications for review were thoroughly examined by the Review Group. This included making contact with schools where clarification was required on any aspect of their application.

An application for review was received from the school referred to by the Deputy. In accordance with the recommendations of the Review Group, the school has not been identified for inclusion in the School Support Programme and the Principal was informed by letter on 4th August, 2006.

My Department has recently received correspondence from the school outlining changes in the socio-economic profile of the area and has been informed that the points made will be noted in the context of the mid-term review of schools which have had a major change in socio-economic composition since September 2004.

Schools Building Projects.

564. **Mr. Kehoe** asked the Minister for Education and Science the budget approved by her Department for primary schools to proceed to tender and construction stage in 2006; the amount of moneys spent by her Department for same to date in 2006; and the number of primary schools involved. [33263/06]

Minister for Education and Science (Ms Hanafin): The capital funding at primary level for 2006 is €277 million and this is being used to fund a record school building programme which includes the delivery on a devolved basis of circa. 740 projects in primary schools throughout the country. Expenditure to date is over €172m which is significantly ahead of profiled expenditure.

School Completion Programme.

565. **Mr. Kehoe** asked the Minister for Education and Science the number of students who left the school that they were enrolled in who failed to be enrolled in another school, in order for them to complete their schooling; and the breakdown of the figures in terms of primary and post primary students for the years 2005 and to date in 2006. [33264/06]

Minister for Education and Science (Ms Hanafin): It is not possible to identify and account for all pupils leaving primary schools and not transferring to another school due to the lack of an individual Primary Pupil Database. My Department is currently planning the development of such a Database, which will facilitate the collation of much more accurate and comprehensive data on transfer rates in the future. Together with the current Post-Primary Pupil Database, this will allow much improved tracking of where children go after primary school.

At Second level, an estimated 2,900 left second level education in the course of 2004/2005 before sitting their Junior Certificate in 2005. At Senior cycle it is more difficult to measure drop-out due to uncertainty about the numbers transferring from publicly-aided schools to private (non-aided) colleges. However, an estimated 7,600 left second level in the course of Senior Cycle in 2004/2005 without sitting the Leaving Certificate in 2005 in a publicly aided school.

It should be noted that just considering the level at which young people left the state-aided school system does not give an full picture of their educational attainment. Aside from those who transfer to private non-aided schools, many other young people go on to pursue other educational opportunities such as in Youthreach centres and on apprenticeship training courses.

With regard to those who leave school without completing the Leaving Certificate, the available statistical evidence indicates that the increasing range of further education and training opportunities available for these students is having a positive impact. CSO data show that the educational profile of 20-24 year olds in Ireland has improved steadily over the last five years, as increasing opportunities have been made available in the further education and training sector. By 2005, 86.1% of 20-24 year olds had attained upper second-level education (or equivalent), up from 82.4% in 2000. This indicates that there has been an increase in the proportion of young people with at least the Leaving Certificate or equivalent. Indeed, the level of educational attainment of Irish young people is ahead of the EU average on that measure.

This Government has pursued a dual strategy of both encouraging more young people to finish school and ensuring much greater second chance and further education opportunities for those who left school early. This kind of strategy ensures that young people are empowered to achieve their full potential, be that by sitting the Leaving Cert or by pursuing qualifications through other pathways such as Youthreach or FAS apprenticeships which may be more appropriate to their individual interests. Thus, it is important that the Deputy appreciates that looking at just the level of retention in the formal school system is not a fair assessment of the educational attainment of our young people.

[Ms Hanafin.]

A key focus of the Government's education policy is to prioritise investment in favour of those most at risk and to optimise access, participation and outcomes at every level of the system for disadvantaged groups.

The total provision for educational inclusion programmes in 2006 is more than €640m across all levels of education, as compared with almost €600m in 2005.

The wide variety of measures in place for tackling educational disadvantage and social exclusion range from pre-school interventions, supports for tackling children's literacy problems, reduced pupil teacher ratios, increased capitation grants, measures to tackle early school leaving and strengthen ties between the school, the family and the community.

With regard to curriculum, my Department's strategies have included widening the educational experience available to students, which aim to achieve a greater level of inclusiveness in curricular provision and meet the needs of the diversity of pupils in our second level schools, by expanding funding for programmes such as the Leaving Certificate Vocational Programme (LCVP), Vocational Preparation Training (VPT) and the Leaving Certificate Applied (LCA).

The School Completion Programme was implemented to directly target those in danger of dropping out of the education system and is a key component of my Department's strategy to discriminate positively in favour of children and young people who are at risk of early school leaving, and in line with current thinking favours an integrated cross-community and cross-sectoral approach based on the development of local strategies to ensure maximum participation levels in the education process. It entails targeting individual young people aged 4-18, both in and out of school, and arranging supports to address inequalities in education access, participation and outcomes.

The Home School Community Liaison (HSCL) Scheme is concerned with maximising active involvement of children in the learning process, in particular those who might be at risk of failure; promoting active cooperation between home, school and relevant community agencies in promoting the educational interests of the children; raising awareness in parents of their own capacities to enhance their children's educational progress and to assist them in developing relevant skills; enhancing the children's uptake from education, their retention in the educational system, their continuation to post-compulsory education and to third level and their attitudes to lifelong learning and disseminating the positive outcomes of the scheme throughout the school system generally.

The Education Welfare Act and the establishment of the National Educational Welfare Board is an important plank in the campaign to keep

students at school and will provide a comprehensive framework for promoting regular school attendance and tackling the problems of absenteeism and early school leaving.

So, through a variety of measures, this Government has worked hard to encourage more young people to finish school and to provide greater opportunities for those who left school early. We will continue to prioritise this area.

Adult Education.

566. **Ms O. Mitchell** asked the Minister for Education and Science if in view of the importance of further education and the need for constant reskilling in a changing economy she will recognise the unique educational role of colleges of further education and their need to be considered as different from other school types for funding purposes. [33265/06]

Minister of State at the Department of Education and Science (Miss de Valera): My Department is committed to reskilling and upskilling adults and does this through the provision of a comprehensive Further Education suite of programmes at FETAC Level 1 to 6. Such programmes are predominantly delivered through the thirty three VEC's. In addition programmes are delivered by Secondary, and Community and Comprehensive schools and through community education.

With regard to larger Further Ed colleges the recently published "Towards 2016: Ten Year Framework Social Partnership Agreement 2006 - 2015" has noted that having regard to developments in the PLC sector, including the McIver report, concrete prioritised proposals in relation to PLC provision and focused in particular on the larger PLC providers will be prepared and will be the subject of further negotiations between management and unions. The level of resources for the PLC sector will be determined in the light of resources generally and the implications for other areas of education.

I want to invest in educational opportunity for all learners in the Further Education sector by providing the necessary system supports that will allow the sector as a whole to fulfil its important potential.

Third Level Grants.

567. **Mr. P. McGrath** asked the Minister for Education and Science if her attention has been drawn to the fact that students registering for PLC courses who have been sanctioned for full maintenance Grants by the respective vocational educational committees are asked to pay additional fees in certain Institute of Technology colleges; if her further attention has been drawn to the difficulties that these charges can cause for families who have already been deemed under

the threshold for grant purposes; and if she will make a statement on the matter. [33389/06]

Minister of State at the Department of Education and Science (Miss de Valera): My Department extended the provision of maintenance grants to PLC students with effect from September 1998. Almost 8,000 students attending PLC courses in 2005 received maintenance grants amounting to a total of €23 million in direct support. There is no provision for payment of fees under the maintenance grants scheme for students attending PLC courses as generally fees for PLC courses are waived.

Where students are receiving certification from non FETAC awarding bodies they may be required to pay for registration charges and examination fees by these professional bodies. Such fees are a matter for these professional bodies and students are advised of them by the provider before registration.

568. **Mr. P. Breen** asked the Minister for Education and Science if she will review clause 3.2 of the PLC Maintenance grants scheme for candidates who hold a FETAC level five qualification, a FETAC level six qualifications of a third level qualification a level six of higher particularly in relation to a person (details supplied) in County Clare; and if she will make a statement on the matter. [33397/06]

Minister for Education and Science (Ms Hanafin): The purpose of my Department's maintenance grants schemes is to allow candidates an opportunity to obtain at least one undergraduate qualification and one postgraduate qualification, where the student is progressing to a higher level of qualification at all times.

Under the terms of my Department's Maintenance Grant Scheme for Students attending Post Leaving Certificate (PLC) Courses, generally speaking, candidates who are entering approved PLC courses for the first time are ineligible to be considered for grant assistance on condition that they don't already hold a FETAC Level 5, FETAC Level 6 or a third level qualification at Level 6 or higher.

I understand that the candidate to whom the Deputy refers is ineligible for funding in respect of their FETAC Level 5 course as they already hold a third level qualification.

The terms and conditions of my Departments' Schemes are reviewed on an annual basis and it is not proposed to alter this particular clause in the foreseeable future.

Industrial Relations.

569. **Ms Shortall** asked the Minister for Defence the number of times since 1987 that civil servants have been forced to obtain an Order from the Courts enforcing or associated with enforcing their contractual rights and entitle-

ments; the additional cost to the Exchequer over and above that which would have prevailed had the State recognised and honoured the contractual rights and entitlements involved in the first instance; and if he will make a statement on the matter. [32853/06]

Minister for Defence (Mr. O'Dea): Civil Servants in my Department have not sought to obtain an Order from the Courts enforcing or associated with enforcing their contractual rights and entitlements since 1987.

Army Equitation School.

570. **Mr. Grealish** asked the Minister for Defence the procedure used by his Department for purchasing horses; the person who an individual or company can contact within his Department for the purpose of providing horses for army equitation; and if he will make a statement on the matter. [33079/06]

Minister for Defence (Mr. O'Dea): The mission of the Army Equitation School, as assigned to it on its establishment in 1926, is to advertise the Irish horse abroad through participation in international competitions. The school has discharged this task with considerable distinction down through the years and through its participation and numerous successes in equitation events at home and abroad, it has successfully promoted the qualities of the Irish horse.

The Army Equitation School has in place a Purchase Board consisting of the Officer Commanding the Equitation School, an official from the Department of Defence, the second Officer Commanding Equitation School and Col. E.V. Campion (Rtd.). The Equitation School actively encourages all breeders and producers who feel that they have a suitable horse to contact any member of the Horse Purchase Board or the Army Equitation School to arrange for inspection and assessment with regard to purchase or lease.

My Department continues to source high quality horses for the Equitation School for competition at home and abroad and I intend to ensure that sufficient numbers of good quality horses will continue to be acquired by the school in order to maintain the proud tradition of that establishment.

Architectural Heritage.

571. **Ms C. Murphy** asked the Minister for the Environment, Heritage and Local Government his views on taking over responsibility for the 11th century old church ruin within the grounds of Donaghcomper Cemetery, Celbridge, County Kildare with a view to restoring the building; and if he will make a statement on the matter. [32607/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I understand

[Mr. Roche.]

that the ruin in question is in the ownership of Kildare County Council who have responsibility for the protection and conservation of the property. Furthermore, as a national monument the property is afforded protection under the National Monuments Acts and the Planning and Development Act 2000. In these circumstances, there is no proposal to take this property into State care.

Under the Urban and Village Renewal Operational Programme 2000-2006, my Department administers a scheme of EU co-financed grants for the restoration and conservation of buildings of significant architectural heritage merit and which are in public ownership or open to the public generally. The 2006 grants scheme has closed and a replacement scheme for 2007 onwards is being considered in the context of the National Development Plan 2007-2013. The contact details of the promoters of this project have been noted and my Department will contact them in the event of a new scheme being introduced.

My Department also funds the Heritage Council which administers a number of further heritage and architectural grants schemes. Information in relation to these may be obtained from the Heritage Council.

Fisheries Protection.

572. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government if he will assure the Houses of the Oireachtas that the freshwater pearl mussel is protected to the same degree in all the rivers in which it occurs, regardless of whether these locations are within or outside of a designated special area of conservation. [32658/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Freshwater Pearl Mussel is protected under the Wildlife Acts and under the European Communities (Natural Habitats) Regulations 1997-2005.

The protection afforded to the freshwater pearl mussel under the Habitats Regulations is that appropriate to an Annex II species as listed in Council Directive 92/43/EEC on the conservation of natural habitats and of wild flora and fauna (“the Habitats Directive”): this involves Regulation 3 of the Habitats Regulations, the selection of areas for designation as Special Areas of Conservation (SACs).

This process does not require that every location for the species should be designated as an SAC. Article 3.2 of the Habitats Directive clearly indicates that the creation of designated sites shall be proportionate to the representation in the national territory of the Annex II species. Both the Directive and the Regulations (Article 4.1 and Regulation 3(2) (b) respectively) provide that, in regard to aquatic species which range over wide areas, such sites shall be proposed only

where there is a clearly identifiable area representing the physical and biological factors essential to their life and reproduction.

In line with this approach, SACs have been designated in Ireland for the freshwater pearl mussel where the best populations occur and where there are the best prospects for meeting the species’ requirements. Detailed requirements in relation to notification and environmental assessment of proposed developments or other activities apply in relation to SACs.

More general protection of the freshwater pearl mussel in all areas is provided by the Wildlife (Protection of Wild Animals) Regulations 1990, made under the Wildlife Act 1976. These provisions prohibit the capture, or wilful destruction of the breeding places, of fauna generally.

Decentralisation Programme.

573. **Dr. Twomey** asked the Minister for the Environment, Heritage and Local Government the number of people from his Department who have been decentralised to County Wexford under the Government’s present decentralising programme; and if he will make a statement on the matter. [33122/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Under the Government’s Decentralisation Programme a number of my Department’s operations are being decentralised to Wexford and New Ross. As outlined in the most recent Progress Report, dated September 2006, from the Decentralisation Implementation Group, the indicative timescale for completion of the Department’s Headquarters in Wexford is the third quarter of 2008 while that for New Ross is the last quarter of 2009.

At this stage a total of 157 staff have confirmed their availability to decentralise with the Department to both locations. 78 of these are now working in the Department and the process of arranging for the transfer of the other staff to the Department is continuing.

Planning Issues.

574. **Ms C. Murphy** asked the Minister for the Environment, Heritage and Local Government if he plans to introduce legislative measures to limit the operation of management companies to multi-unit developments; and if he will make a statement on the matter. [32605/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department has already informed planning authorities that they should not attach planning conditions relating to management companies in the case of traditional housing estates, unless in very specific exceptional circumstances, e.g. holiday home developments, or to maintain a specific private

shared facility. As the Deputy is aware, my Department has set up a Working Group on Management Companies/Taking in Charge of Estates which is considering the question of responsibility for the maintenance of common shared facilities (roads, sewerage, footpaths, public lighting, large open spaces, smaller landscaped open spaces, car-parking, etc) in residential estates, including the newer type of mixed high-density estate. It is intended to issue guidance to planning authorities based on the outcome of the Group's work, by the end of 2006 or in early 2007.

Waste Management.

575. **Caoimhghín Ó Caoláin** asked the Minister for the Environment, Heritage and Local Government if he has received correspondence of 9 October 2006 from the Cork Harbour Alliance for a Safe Environment on the matter of the proposed Ringaskiddy incinerator; if he will respond to their concerns in detail; and if he will meet with them to discuss their concerns. [32698/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Correspondence dated 9 October 2006 has been received from the Cork Harbour Alliance for a Safe Environment on the matter of the proposed incinerator in Ringaskiddy, County Cork and a response is now issuing.

As previously indicated, I have not considered it appropriate to meet with the Cork Harbour Alliance for a Safe Environment as the Minister for the Environment, Heritage and Local Government is precluded from exercising any power in relation to matters over which the Environmental Protection Agency and/or An Bord Pleanála have jurisdiction. In this regard I have been a staunch defender of the independence of the planning appeals and EPA licensing processes which moreover commands wide public support. In those circumstances, it would be inappropriate for me to get involved in a particular case such as this.

Pension Provisions.

576. **Mr. Ferris** asked the Minister for the Environment, Heritage and Local Government if it is compulsory on Government tendered projects, such as group water schemes, for workers pensions schemes to be taken out exclusively through the CIF. [32780/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Pension requirements for construction employees are outlined in the Registered Employment Agreement (Construction Industry Pensions Assurance and Sick Pay) Variation Order (No. 2), 2006 which is legally binding on all employers in the Construction Industry. A copy of this agreement is avail-

able on the website of the Department of Enterprise, Trade and Employment (www.entemp.ie).

Public procurement guidelines issued by the Department of Finance require contracting authorities to ensure that tenderers for public infrastructure projects have regard to all statutory obligations relating to minimum pay and other conditions of employment (including the pensions and sick pay provisions specified under the above Registered Employment Agreement) when submitting tenders and that tender documents should have an appropriate reference to this. It is not mandatory for tenderers to be members of the Construction Workers Pension Scheme operated by the Construction Industry Federation. Contracting authorities generally accept tenders which demonstrate that the tenderer's employees are covered by a pension and sick pay scheme with terms equivalent to those specified in the above-mentioned Registered Employment Agreement.

Energy Rating Policy.

577. **Mr. McGinley** asked the Minister for the Environment, Heritage and Local Government when the training course for heat rating calculation in houses will commence; and if he will make a statement on the matter. [32807/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Specification for the Assessor Training Programme for Building Energy Rating (New Dwellings) was published on 6 October 2006. I have arranged for a copy to be placed in the Oireachtas Library.

I understand that a number of training providers (third level institutions and building professional organisations) plan to start training as soon as their training programmes/trainers are accredited in accordance with the Specification.

Water and Sewerage Schemes.

578. **Mr. Neville** asked the Minister for the Environment, Heritage and Local Government the position regarding provision of an updated sewerage scheme in Askeaton, County Limerick. [32808/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Askeaton Sewerage Scheme, which is being advanced as part of a grouped project that also involves Athea, Foynes, Glin and Shanagolden, is included in my Department's Water Services Investment Programme 2005 – 2007 as a scheme to commence construction in 2007.

My Department is awaiting submission of Limerick County Council's Preliminary Reports for the project.

579. **Mr. Neville** asked the Minister for the Environment, Heritage and Local Government when the water supply scheme will be upgraded at Adare and Patrickswell, County Limerick. [32809/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Limerick County Trunk Water Mains Scheme which will supply Patrickswell and Adare from the Clareville Water Treatment Plant, which is about to undergo major upgrading and refurbishment, is approved for construction in my Department's Water Services Investment Programme 2005 – 2007.

The trunk mains to extend the Clareville supply to Patrickswell are already in place. I have recently approved Limerick County Council's proposals to invite tenders for new trunk mains between Patrickswell and Kilgobbin. The pipe-work to extend the scheme from Kilgobbin to Adare will be laid in conjunction with the Adare/Patrickswell Sewerage Scheme. My Department is awaiting additional information from Limerick County Council in order to finalise examination of the Council's Contract Documents for the sewerage scheme.

Housing Grants.

580. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government the grants which are currently available for the insulation of older houses; the action he intends to take in this regard; and if he will make a statement on the matter. [32810/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Ireland's housing stock is comparatively the newest and fastest growing in Europe. The Building Regulations have represented an important policy instrument for ensuring satisfactory standards of thermal insulation and other energy performance features in new housing stock. Part L Building Regulation insulation standards for new dwellings have been in operation since 1 June 1992 with revisions taking place in 1998 and again in 2003.

The Irish National Survey of Housing Quality (2001-2002), indicated that 82% of the housing stock had roof insulation by 2001/2002. The survey also suggested that there was evidence of a high level of energy-related home improvements in recent years.

While my Department does not operate a grants scheme specifically for thermal upgrading of houses, Sustainable Energy Ireland, under the auspices of the Department of Communications, Marine and Natural Resources, operates a Low Income Housing Programme. This was set up to help establish and implement a national plan of action to address the problem of fuel poverty. Core delivery is through the Warmer Homes

Scheme. This programme aims to improve the energy efficiency and comfort conditions of homes occupied by low-income households and at establishing the systems and growing the capacity in Ireland to install such measures which includes attic insulation, draught proofing, lagging jackets, energy efficient lighting, cavity wall insulation and energy advice.

The Government in its Housing Policy Framework: Building Sustainable Communities (December 2005), placed particular emphasis on the importance of rejuvenating existing social housing and has committed significant investment over the coming years to realise this aim.

My own Department operates a number of targeted options to assist vulnerable groups, such as lower income households and elderly persons, to secure necessary improvement works to their houses. These include the local authority house improvement loan scheme, the disabled persons and essential repairs grant scheme, the improvement works in lieu of local authority housing scheme, a Central Heating Programme and the Task Force on Special Housing Aid for the Elderly. The Central Heating programme promotes the provision of central heating facilities and related energy improvement and smoke detection measures in eligible dwellings. We have committed to ensuring that the programme is rolled out to all local authority housing by 2008.

In addition, my Department financially assists local authorities in upgrading, renovating and redeveloping their housing stock through the Remedial Works scheme and funding for regeneration and redevelopment projects. Works under the Remedial Works Scheme must comply with Building Regulations and where an extensive programme of refurbishment is carried out, measures are taken to improve thermal insulation in accordance with Building Regulations.

581. **Mr. Quinn** asked the Minister for the Environment, Heritage and Local Government when funds will be allocated to North Tipperary County Council to carry out work in an estate (details supplied) in County Tipperary, specifically for the building of front and dividing walls for residents of the estate; and if he will make a statement on the matter. [32842/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): My Department has previously issued approval to North Tipperary County Council for the use of its surplus internal receipts for the construction of boundary walls in Marion Estate, Newport. It is understood that the Council has engaged the National Building Agency to examine and re-assess refurbishment works in the estate; the provision of boundary walls will be examined as part of this exercise.

Industrial Relations.

582. **Ms Shortall** asked the Minister for the Environment, Heritage and Local Government the number of times since 1987 that civil servants have been forced to obtain an Order from the Courts enforcing or associated with enforcing their contractual rights and entitlements; the additional cost to the Exchequer over and above that which would have prevailed had the State recognised and honoured the contractual rights and entitlements involved in the first instance; and if he will make a statement on the matter. [32856/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): As far as can be ascertained, no such circumstances have arisen in my Department during the period in question.

Social and Affordable Housing.

583. **Mr. Mulcahy** asked the Minister for the Environment, Heritage and Local Government the number of new social housing family units excluding affordable and senior citizens housing which have been completed by Dublin City Council in the years 2002 to 2005. [32958/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The numbers of housing units completed/acquired by Dublin City Council in the years 2002 to 2005 are set out in the following table. These figures are published in the Department's Annual Housing Statistics Bulletins and on the Department website at www.enviro.ie. The figures exclude affordable housing units but include units completed for senior citizens. Figures excluding senior citizen units are not available to the Department.

Table: Housing Completions/Acquisitions by Dublin City Council – 2002-2005

Year	No. of units completed/acquired
2002	680
2003	688
2004	497
2005	699

Housing Grants.

584. **Mr. G. Murphy** asked the Minister for the Environment, Heritage and Local Government the moneys paid to a group (details supplied) in County Cork for their housing project specifying each amount and what the payment was for. [32959/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Capital funding is provided to approved housing bodies which provide accommodation under my Department's voluntary and

co-operative housing schemes. My Department's involvement with the schemes relate primarily to the provision of funds for individual projects. The administration of the schemes, the certification that particular projects comply with the terms of the schemes and the payment of grants to approved bodies are the responsibility of the local authority, in this instance, Cork County Council.

A total of €362,319 was paid to Cork County Council in respect of a project undertaken by Respond at Dromina. However, the detailed information sought in relation to individual stage payments by the Council is not available in my Department.

Local Authority Housing.

585. **Mr. Healy** asked the Minister for the Environment, Heritage and Local Government the basis for the consent to sale clause attached to the purchase local authority houses; his views on whether this clause discriminates against owners of these houses when it comes to resale; if he will review the need for and the legality of this clause; and if he will make a statement on the matter. [33268/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Section 90(12)(a) of the Housing Act 1966, (as amended) provides the legislative basis for the power of a housing authority in certain circumstances to refuse to consent to the resale of a tenant purchase dwelling within the period of twenty years from the date of the completion of the sale.

My Department is reviewing all aspects of the tenant purchase scheme in the context of the commitment in the Housing Policy Framework – Building Sustainable Communities to introduce a new scheme of tenant purchase that will allow for the sale of local authority apartments under certain conditions.

Water and Sewerage Schemes.

586. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the funding requested by Kildare County Council from his Department in regard to the treatment plant upgrade and network for the Athy sewerage scheme; the timescale of the project; and if he will make a statement on the matter. [33269/06]

587. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the cost of the Castledermot sewerage scheme; the proposed further work involved in the completion of the scheme; the timescale of the work involved; and if he will make a statement on the matter. [33270/06]

588. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the position of proposals in the bundled sewerage

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schemes for areas of County Kildare (details supplied); the estimated cost of such a proposal; the timescale involved; and if he will make a statement on the matter. [33271/06]

589. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the funding made available to Kildare County Council by his Department in regard to pipeline rehabilitation and augmentation for the Rathangan sewerage scheme in Kildare; the timescale of the proposed works; and if he will make a statement on the matter. [33272/06]

590. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the cost and timescale of the proposal put to his Department by Kildare County Council in regard to the Milltown sewerage scheme, County Kildare; and if he will make a statement on the matter. [33273/06]

591. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the funding requested by Kildare County Council and the position of the Allen reservoir supply area water supply scheme in County Kildare; and if he will make a statement on the matter. [33274/06]

593. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the position of an application for funding by Kildare County Council in regard to the old Kilcullen reservoir supply area water scheme; the amount of funding allocated; the timescale for the project; and if he will make a statement on the matter. [33287/06]

594. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the position of an application for funding by Kildare

County Council and the position of the project in regard to the high level area south Kildare water supply scheme; and if he will make a statement on the matter. [33288/06]

595. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the funding available to Kildare County Council in regard to the Rathangan Allenwood integration of water networks; the timescale of the project; and if he will make a statement on the matter. [33289/06]

597. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the timescale and costing submitted by Kildare County Council to his Department in regard to phase two of the Monasterevin sewerage scheme; and if he will make a statement on the matter. [33291/06]

598. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the position of an application by Kildare County Council for funding from his Department for the Athy and environs water supply scheme; the amount of funding allocated; the timeframe of the project; and if he will make a statement on the matter. [33292/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 586 to 591, inclusive, 593 to 595, inclusive, 597 and 598 together.

Earlier this year, my Department requested each local authority to undertake fresh assessments of the needs for capital water and sewerage works in their areas and to prioritise their proposals on the basis of the assessments. The priorities adopted by the members of Kildare County Council in this context are set out in the following table and will be taken into account in the framing of the next phase of my Department's Water Services Investment Programme.

Kildare County Council

Assessment of Water and Sewerage Needs 2007-2014

Priority	Project	Est. Cost
		€m
6.	Rathangan Sewerage Scheme – Pipeline Rehabilitation & Augmentation	2.75
9.	South Kildare Bundled Sewerage Scheme – Kilberry, Kildangan, Calverstown, Kilkea	3.5
10.	Athy Sewerage Scheme – Treatment Plant Upgrade & Network	7
11.	Milltown Sewerage Scheme	2.5
12.	Castledermot Sewerage Scheme – Phase 2	2
13.	Monasterevin Sewerage Scheme – Phase 2	4
14.	Rathangan/Allenwood – Integration of Water Networks	4
15.	Athy and Environs Water Supply Scheme	4
16.	High Level Area South Kildare Water Supply Scheme	6
17.	Old Kilcullen Reservoir Supply Area Water Supply Scheme	5
18.	Allen Reservoir Supply Area Water Supply Scheme	4

592. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the funding allocated by his Department to Kildare County Council in regard to the provision of a sewerage scheme for the Moone, Timolin and Ballytore areas of County Kildare; the proposed cost of such a scheme; the timescale of the proposal; and if he will make a statement on the matter. [33275/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Moone/Timolin/Ballytore Sewerage Scheme is included in my Department's Water Services Investment Programme 2005 – 2007 as a scheme to advance through planning an estimated cost of €4.1million.

Kildare County Council's brief for the appointment of consultants to draw up a Preliminary Report for the scheme is under in my Department and is being dealt with as quickly as possible. Consideration will be given to advancing the scheme to Contract Documents stage when the Preliminary Report is completed and submitted to my Department for approval.

Questions Nos. 593 to 595, inclusive, answered with Question No. 586.

596. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government if his Department has allocated funding to Kildare County Council in regard to the provision of or upgrading of a sewerage scheme at Ballymore Eustace County Kildare; the amount of funding allocated; and if he will make a statement on the matter. [33290/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Ballymore Eustace Wastewater Treatment Plant is included in my Department's Water Services Investment Programme 2005 – 2007 under the Serviced Land Initiative, at an estimated cost of €1.3million.

My Department is awaiting a modified Preliminary Report for the scheme from Kildare County Council and will finalise its examination of the proposal as soon as possible following receipt of this Report.

Questions Nos. 597 and 598 answered with Question No. 586.

Social and Affordable Housing.

599. **Mr. Callanan** asked the Minister for the Environment, Heritage and Local Government the amount of money awarded to each local authority as payments in lieu of the requirements of Part V of the Planning and Development Act 2000 to 30 September 2006; the number of affordable homes delivered by each authority to the same date; the breakdown of affordable homes

by those given under Part V and those built directly by the local authority; and if he will make a statement on the matter. [33390/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The latest information available, to end June 2006 on the number of affordable housing units acquired under the various Affordable Housing Schemes is published in my Department's Housing Statistics Bulletins, which are available in the Oireachtas Library and on the Department's website at www.environ.ie. In addition, some €38 million has been received in lieu of land under Part V.

Planning Issues.

600. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the number of once off housing units in respect of which planning permission has been granted throughout county Kildare in the years 2000 to date in 2006; the number refused in the same period; the extent to which such applications have been affected by the revised statutory guidelines issued by his Department in respect of rural housing; and if he will make a statement on the matter. [33391/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department has details of planning applications for individual houses determined by local authorities for the years 2004 and 2005. This data was gathered under the local authorities' performance monitoring initiative, Service Indicators in Local Authorities, an annual report of various local authority functions which commenced in 2004. My Department does not hold relevant details for the years 2000 to 2003 nor for the current year to date.

The details of the number of applications for individual houses determined in County Kildare in 2004 and 2005 are as follows:

Year	No. of Decisions	Granted	Refused
2004	1,054	659	395
2005	1,014	644	370

The Sustainable Rural Housing Guidelines for Planning Authorities were issued in draft form in March 2004 and formally in April 2005. The purpose of the Guidelines is to achieve a balance between the accommodation of rural housing needs and the need for development to be sustainable in economic, social and environmental terms. The Guidelines provide that reasonable proposals on suitable sites for persons who are part of and contribute to the rural community should be accommodated. This, of course, is subject to the need for proper consideration of

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matters such as adequate wastewater disposal and road safety.

Parts of Kildare are rural areas under strong urban influence and, as such, the Guidelines recommend that the development plan policies make a distinction between urban and rural gen-

erated housing in those rural areas closest to large urban areas, in order to avoid ribbon and haphazard development. Kildare County Council confirmed to my Department in October 2005 that their development plan for 2005-2011, which they must have regard to when considering a planning application, takes account of the Guidelines.