



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

Wednesday, 1 November 2006.

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# DÁIL ÉIREANN

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*Dé Céadaoin, 1 Samhain 2006.*  
*Wednesday, 1 November 2006.*  
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Chuaigh an Leas-Cheann Comhairle i gceannas ar 2.30 p.m.

—  
*Paidir.*  
*Prayer.*  
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## Ceisteanna — Questions.

### Priority Questions.

#### Hospitals Building Programme.

82. **Dr. Twomey** asked the Minister for Health and Children if she is satisfied that the selection process for the new national tertiary children hospital was rigorous, transparent and equitable and in line with best international practice; and if she will make a statement on the matter. [35754/06]

#### Minister for Health and Children (Ms Harney):

A review of tertiary paediatric services carried out by McKinsey & Company on behalf of the Health Service Executive, HSE, recommended the establishment of a single tertiary paediatric hospital in Dublin, co-located with a leading adult academic hospital. Subsequently, a joint HSE-Department of Health and Children task group was established to advise on the optimum location of the proposed new hospital.

Based on this assessment, the task group recommended that the new national tertiary paediatric hospital should be built on a site to be made available by the Mater Hospital. The task group's report and its recommendations were endorsed by the board of the HSE and by the Government, which mandated the HSE to move forward with the development of the new hospital and its associated urgent care centres and to explore any philanthropic proposition in respect of its development.

I am fully satisfied that the task group undertook a rigorous and robust examination of the key issues in making its recommendation. The task group conducted a thorough assessment and consideration of criteria such as the breadth and depth of tertiary services necessary to complement the paediatric hospital, ease of access, governance and site suitability.

A joint HSE-Department of Health and Children transition group has since been established to advance the development of the new hospital. Among the key items to be addressed by the transition group are the definition of a high-level framework brief for the new hospital and the determination of the range of services and location of the associated urgent care centres required to support the new hospital. The group will consult with relevant stakeholders in the course of its work.

**Dr. Twomey:** This is an extremely important issue. It is important that the selection process was transparent but the Minister's answer leaves me in some doubt as to whether it was rigorous and followed best international practice. I do not wish to make the charge that political interference occurred but this charge arises because people are unsure as to how this decision was reached. The Minister of State at the Department of Enterprise, Trade and Employment, Deputy Killeen, indicated in the Seanad that three hospitals were more or less immediately knocked out of this process because of the breadth and scope of their tertiary services. Given the Minister of State's assertion, the Minister should explain to the House the deficits in tertiary care that exist in St. Vincent's Hospital and the National Children's Hospital, Tallaght, which make them unsuitable sites for the new children's hospital.

If the Minister is insisting on closing down the National Children's Hospital, Tallaght, where does this leave all the other paediatric units across the country which are much smaller than the paediatric unit in Tallaght? Does the Minister also intend to rationalise the services in these units in the future when she examines the wider elements of paediatric care? These are extremely important questions. We need to find out how the Mater site was selected. Fine Gael has no difficulty with whatever hospital receives the new children's hospital but it has a considerable problem with how it is selected. The Minister has not made it sufficiently clear how the site was selected and her answers so far are not sufficiently transparent. She should also address the other questions. What is wrong with St. Vincent's Hospital and the National Children's Hospital, Tallaght, to render them unsuitable for tertiary paediatric services? What are the Minister's plans for paediatric units across the country which are smaller than the National Children's Hospital, Tallaght?

**Ms Harney:** A total of six hospitals were considered as part of the process undergone by the group. These hospitals included the National Children's Hospital, Tallaght, St. James's Hospital, James Connolly Memorial Hospital in Blanchardstown, Beaumont Hospital, St. Vincent's Hospital and the Mater Hospital. The group felt that only three of these hospitals —

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Beaumont Hospital, St. James's Hospital and the Mater Hospital — had the breadth and depth of speciality needed to complement the paediatric hospital.

I am not a clinician and am, therefore, not in a position to say what the particular issues were, except to say there are not many tertiary facilities in the National Children's Hospital, Tallaght. The vast majority of children from that hospital's catchment area who have tertiary-related issues are treated at Our Lady's Hospital for Sick Children in Crumlin. As Deputy Twomey is aware, very sick children, regardless of whether their conditions relate to cancer or cardiac matters, are treated in Our Lady's Hospital for Sick Children, rather than the National Children's Hospital, Tallaght.

I understand the group narrowed it down to the Mater Hospital, St. James's Hospital and Beaumont Hospital. As a result of a number of other factors, including speed of delivery, it was felt that the Mater Hospital was the most central site and could be developed more quickly than the other two facilities, Beaumont Hospital being located on the north side of the city.

There will be urgent care centres. For example, the National Children's Hospital, Tallaght, has a bed occupancy rate of less than 40%. Thankfully, the vast majority of children who attend hospital do so for relatively minor events, day surgery or ambulatory reasons and do not require the kind of intensive care that will be available at this national tertiary hospital. There will, of course, be children's hospital facilities around the country. The new hospital will be a national hospital for those children who require very specialised treatment.

The McKinsey & Company report recommended co-location. In particular, there are considerable benefits when many hospital facilities are co-located. We can see these benefits even in large countries like the US. Given that Ireland has a population of only 4 million, the report argued very strongly that in certain specialties, it would be impossible to produce sufficient numbers of people to solely carry out paediatric work because the country simply does not contain enough children, given its small population base.

I was in the Children's Memorial Hospital in Chicago in the past two days. It is located about three miles out of the city but will move to a downtown city site to co-locate with an adult teaching hospital and a maternity hospital for much the same reasons that we are seeking to do that here. It has about 300 paediatrician consultants on its staff. It is operating on a scale much greater than anything we could have, yet it considers enormous benefits can be gained from co-location.

**Dr. Twomey:** The question has not been answered. Will the Minister release the information that resulted in these hospitals being dis-

counted so quickly? What is the breadth and depth of it? I understand the Minister is not a clinician but many people would like to know why the Mater Hospital was picked as opposed to any of the other hospitals. All they are looking for is the information on why the decision was reached. Concerns exist that it may not have been as clear-cut as the Minister has implied. The information should be released so that people know exactly why they were not selected. It should be made crystal clear why the HSE considered St. Vincent's Hospital and Tallaght Hospital unsuitable for a tertiary children's hospital.

If the Minister is still intent on closing the National Children's Hospital in Tallaght she should be aware it will have a significant impact on the many other paediatric units across the country. There are supposed to be joined-up policies in all aspects of the health service. What is the thinking of the HSE in this regard, as it will have a profound impact on aspects of the health service around the country? There is a need for the Minister to be honest with people about what she intends to do and why this decision was reached.

The Minister stated that the reason she wants to close the National Children's Hospital in Tallaght and Crumlin Hospital and amalgamate them on to one site was that the outcomes for children's cancer are the only ones in keeping with the EU average. That is an important fact. The Minister only got McKinsey & Company to look at paediatric services across the country. No attempt was made to examine tertiary services for adults across the country. Is there any request from McKinsey & Company to do exactly the same for adult services because that would impact on the future delivery of services? That is an aside and I do not wish to get into a discussion on the matter at present. The HSE should make known how it reached its decision and what its plans are for the future, not just for Tallaght Hospital but for all paediatric units around the country. The Minister should not hide behind the kind of answer we have been getting in recent months.

**Ms Harney:** I am not hiding behind anything. We proceeded on the basis that we would build a new hospital in Crumlin with 400 beds and a new hospital in Temple Street with in excess of 200 beds, in addition to the facility in Tallaght. When the analysis was done the reason we came to this position in the first place was that many of the paediatricians in Dublin said to me that such an approach was crazy and that we should have brought services together years ago. This was not something I had ever reflected upon. That is how we came to the position of examining what we would do before it was too late and we had spent a great deal of money.

The same applies to adults but, unfortunately, there are more sick adults than sick children.

Thankfully, there are relatively few sick children because children generally are healthy. With a population just in excess of 4 million, we are not justified in having more than one tertiary facility. In the case of adult treatments, we have to provide some tertiary facilities and they can only be provided on a single site basis. What we want to do on the adult sites is to develop regional facilities where people can be treated based on quality assurance, safety protocols etc. That is particularly important in the area of cancer care.

In the end, the decision came down to either the Mater Hospital site or St. James's Hospital. St. James's Hospital has the largest range of adult specialties. The Mater Hospital's advantage was that many of the paediatricians in Temple Street Hospital are also on the staff of the Mater Hospital. The site there could also be available more quickly because of the work that had been done on the redevelopment of both facilities. We want also to make arrangements for a maternity hospital because many of the children who will be treated there are neonates. It was for all those reasons that the decision was made. I assure Deputy Twomey that there is no question of closing Tallaght Hospital. The issue for that hospital is whether it will become an urgent care centre.

I asked the group to examine as a matter of priority where urgent care centres in Dublin should be situated and what should be their scope. Those matters must be agreed quickly. Anaesthetists and others will be required to perform day procedures. I cannot be certain, but, given the experience of the hospital in Tallaght, I would be surprised if the group did not designate it an urgent care centre.

### Hospital Services.

83. **Ms Lynch** asked the Minister for Health and Children if her attention has been drawn to the fact that the number of children with diabetes being treated by the paediatric diabetes unit at Cork University Hospital has risen from 120 patients in 2002 to 207 in 2006; the extra resources which will be given to the unit to cope with this extra demand; her views on whether there is an urgent need to have a dedicated medical person appointed to the unit to give advice to parents on all aspects of their children's health; and if she will make a statement on the matter. [35690/06]

**Ms Harney:** My Department has been informed by the HSE about this matter and I have been advised that discussions are ongoing between the hospital, the parents' support group for children with diabetes and the network manager about the services provided for children with diabetes.

A post of clinical nurse specialist filled on an acting basis has been advertised for permanent appointment. A further clinical nurse specialist has also been appointed and will take up duty on

12 November. This increase in support will improve response time to phone calls for advice and insulin dose changes, improve access to education sessions and provide greater continuity of service for children by avoiding long periods without cover.

I am confident the HSE will continue to monitor the delivery of paediatric diabetes services at Cork University Hospital to ensure that the needs of service users are prioritised.

**Ms Lynch:** The Minister's answer epitomises what has happened on this issue since 2002. In 2002, 120 children with type 1 diabetes were treated at Cork University Hospital. This year, it is estimated that number will rise to between 207 and 215. As the Minister correctly stated, discussions between the parents' support group and the HSE are ongoing and have been taking place for 18 months. Local representatives are also involved in discussions. We hear different versions of the answer given by the Minister every time we attend a meeting.

The Minister's answer in written form, which I assume is correct because she has responsibility for this matter, states two full-time permanent clinical nurses will be in place from 12 November. Two weeks ago, the Deputies for the area were told two full-time nurses would be in place from 10 November but that one of them would be paid for by the private sector with a grant of €40,000 for one year and the other position would be filled by two part-time nurses.

It is easy to understand how the parents involved have become frustrated. No one knows what is the exact position or what it will be. The HSE states progress is being made and it has an estimate in for what the parents seek, including a full-time consultant — who will now be shared with other paediatric services — and three full-time specialist diabetic paediatric nurses. At present, 1.5 such nurses are in place, one of them for only one year. The parents also need a space dedicated to their needs instead of sharing with everyone else as they do now.

What the parents need to know is what the position will be. The requests made by the HSE are for a full-time consultant, a full-time dietician with expertise in this area and three specialist paediatric nurses with clinical expertise. I am sure the Minister has examined the Estimates for this year, particularly for this area. Is the answer given by the Minister today the same as that which the parents will receive next week?

**Ms Harney:** I am informed a full-time clinical nurse specialist will start on 12 November. At present, a clinical nurse specialist is acting on a temporary basis and that post has been advertised for permanent appointment. That will mean a total of two nurse specialists.

With my support, the HSE recently advertised for 100 new consultants to be appointed to hospitals during the coming months. These

[Ms Harney.]

appointments will be based on innovation. When I refer to innovation, I mean the hospitals which are performing well will get more consultants because it is clear we will get more from consultants who are applied to an innovative environment than if we appoint them in a traditional way. I do not know if Cork University Hospital will apply for consultants under that initiative but there is much interest from other hospitals.

On a more general point, adult and child diabetes should be managed in the community and treatment should not be hospital based, which is not best practice in other parts of the world. We are moving to ensure we manage illnesses such as diabetes on a community basis and the staff involved should work in a community setting. One of the major discussions we are having in the context of renegotiating the contract of employment with general practitioners is how what are essentially nurse-led clinics will manage type 1 and type 2 diabetes, which have very serious consequences for patients and the health care system.

Type 1 diabetes can take 20 years off one's life if it is not managed and type 2 diabetes can take ten years off one's life. I met a lady at a recent event who has had her diabetes managed for 67 years. She was perfectly healthy because it was well managed and she had not had many of the complications which, unfortunately, are suffered by other patients.

Diabetes is a major priority and challenge for the health service. I am conscious of the deficiencies that exist in Cork but I hope the appointment of the new nurse specialist will greatly alleviate some of the pressures parents are experiencing. In particular I hope parents can have their child assessed on a frequent basis rather than as an emergency case, which is what happens when there is not an appropriate service.

**Ms Lynch:** We all agree diabetes should be community managed. The difficulty in Cork is that diabetes is not managed at all, either in the community or the hospital. If we were to apply best practice in this area, we would have three nurse specialists, a committed consultant, a specialist dietician and a special area to which patients could come to have prolonged consultation on a frequent basis.

There were approximately 40 mothers with children from as young as 18 months up to 15 years of age outside Cork University Hospital this morning. In ideal circumstances, these people would probably tut-tut at anyone making a protest. However, the mothers have been driven to the point where they had to bring their children, who were being monitored, to the protest to highlight this issue. This is despite the fact the issue had already been highlighted in 2002 in a report on diabetes nationally in which Cork was earmarked as a blackspot with regard to the provision of treatment for type 1 diabetes, which affects children.

When a child is diagnosed in Cork, the parent is given a syringe and an orange and told to go home, to practise and that eventually they will get it right. The issue is more serious when children are involved, as the Minister knows, and there it is necessary to ensure a regular and constant balance with regard to diet, insulin injections and the energy children expend.

When things begin to go wrong for such children and their mothers telephone the nurse at Cork University Hospital, whether it is late in the evening or during the day, they will probably get an answering machine because the nurse works just two and a half days per week. They are lucky to get a call back the following week. There are parents in Cork who take their children out of the system there and bring them to Temple Street Hospital in Dublin, where there is a 24 hour call service and nurses bring their telephones with them to give the advice that is necessary.

Everyone agrees it should be a nurse-led service but hoping and wishing the system will be better is no longer good enough. The Minister knows the position and what needs to be put in place. The notion that she has instructed that 100 consultants be appointed is of no benefit to mothers in Cork given they are not certain one of the consultants will be available to deal with their children. Wishing and hoping for it is not good enough. What will the Minister do about it?

**Ms Harney:** While the Estimates have not yet been published, it is no secret that this year the HSE will get at least an extra €1 billion to provide services around the country on a priority basis over the next year. We are fortunate that over the past nine or ten years we have been able to triple health funding because of the great success of the economy. Health Ministers from Europe and elsewhere tell me their challenge is to maintain services with increases of 2% or 3%, which in some cases does not even meet inflation.

As we increase funding, we must ensure we make appointments that make sense and on terms that make sense. That is why the 100 consultants the HSE has identified to appoint this year are not by speciality but by priority areas, particularly in hospitals where innovation is being embraced. I am not certain whether Cork University Hospital will qualify or has applied. I hope it has done so. Priority areas will receive consultant posts until we reach the stage where we can appoint the consultants we need for the health service over the next number of years.

I share Deputy Lynch's concern. Diabetes, if not managed early, has catastrophic effects on patients, their families and the health system and budgets. That is why this is a priority and I have had a number of meetings with HSE experts on how we can begin to have a community-wide initiative in 2007 to manage diabetes involving GPs and nurse-led clinics. If we can move into that space, it will be successful.

### Infectious Diseases.

84. **Caoimhghín Ó Caoláin** asked the Minister for Health and Children the measures she is taking to ascertain the true extent of serious infections and fatalities from MRSA; the further measures she will take to tackle this crisis in hospitals here; and if she will make a statement on the matter. [35573/06]

**Ms Harney:** The Health Protection Surveillance Centre, HPSC, collects data on MRSA as part of the European Antimicrobial Resistance Surveillance System, EARSS. This system collects data on the first episode of bloodstream infection per patient per quarter. The Irish data showed that there were 445 cases in 2002, 480 cases in 2003, 553 cases in 2004, 586 cases in 2005 and 285 reported cases in the first half of 2006.

This year Ireland participated in the Hospital Infection Society's prevalence survey of health care associated infections, HCAIs, in the United Kingdom and Ireland. The survey provides accurate and comparable data on the prevalence of health care associated infections including MRSA in acute hospitals in Ireland and can also be compared to similar data being obtained in England, Scotland, Wales and Northern Ireland. Preliminary results of this study are now available. The overall prevalence of health care associated infection in the UK and Ireland study, excluding Scotland, is 7.9%. The individual figures are England, 8.2%; Wales, 6.3%; Northern Ireland, 5.5%; and the Republic of Ireland, 4.9%, the lowest.

Active recruitment is ongoing within the HSE nationally to employ essential infection control staff, such as infection control nurses, hospital liaison pharmacists, surveillance scientists and clinical microbiologists. The HSE will shortly publish a three-year action plan which will set targets in this important area.

It is difficult to identify the number of fatalities attributable to MRSA as many people also have significant co-morbidity factors. All medical practitioners have an ethical responsibility to complete death certificates as accurately as possible and this includes recording MRSA infection. Discussions are ongoing between the HSE and the coroner's office as to how best to ensure the accuracy of death certification can be improved.

**Caoimhghín Ó Caoláin:** The organisation MRSA and Families continues its work of collating the incidence of MRSA arising from hospitalisations in this State and will hold its second annual conference this weekend in Waterford. Is the Minister aware that the incidence of MRSA is increasing? Is she aware of the recent shocking case of a woman who presented at one of our hospitals for the removal of a kidney stone? She contracted MRSA through bed sores in her ankles and left hospital with both legs amputated. That is an astonishing fact. Does the Minister agree these are all preventable tragedies? What

we require is proper hygiene and supervision and the implementation of the guidelines laid down as far back as 1995. Yet we see the alarming increase in infections and deaths being recorded. The Minister made a point about the coroner's office. Has she noted the requirement stipulated recently by the Dublin City Coroner for doctors to report to him all cases of death from MRSA prior to signing the death certificate? Does she accept this demonstrates the need for proper recording of these deaths? I believe this reflects the serious and growing concern among the public that the true extent of MRSA infection and its role as a primary or contributory secondary factor of deaths in our hospitals is not being recorded in all cases. While the Minister may show comparisons with neighbouring countries, as she did in her initial response, the truth is, as indicated by the concerns raised by the Dublin City Coroner, that the problem is much worse than the statistics suggest.

Will the Minister initiate action with her colleague, the Tánaiste and Minister for Justice, Equality and Law Reform, Deputy McDowell to insist that all coroners emulate the action of their Dublin city colleague? I am just looking at a number of particular points I believe are essential. For instance, will the Minister establish a national directorate for the inspection, prevention and control of MRSA? Will she expand the role of the Health Information and Quality Authority as regards MRSA? Does the Minister agree that these are specific actions that could aid the objective of reducing the incidence of MRSA to the maximum possible extent?

I accept the Minister is aware and appreciates the great frustration, hurt and pain of families who have lost loved ones to MRSA as well as those people who have had the harrowing experience of the loss of both legs as a result of being infected while in hospital merely for the removal of a kidney stone. I know she must share the same feelings. Will she now take on board the call of the MRSA and Families network for a public inquiry into the non-implementation of the 1995 guidelines? We need to see the guidelines for the control of MRSA implemented. Will she consider the example of a redress board, which the network has demanded, for the victims of MRSA in our hospitals?

**Ms Harney:** The Deputy has a number of questions. The survey among different countries was a sample study of some 75,000 patients, 10% of whom were Irish. It was significant that our rates were much lower. I am not boasting about that, but simply pointing out that this is not often the message we hear. The Deputy asked whether I agreed that these matters were preventable. Unfortunately, they are not. There is no such thing as an environment where people will not contract hospital-related infection. The main reason we have higher figures for MRSA now is that there is more data available. In the past this

[Ms Harney.]

was not measured. Nowadays there is much more measurement and that will reveal the type of data that was not available in the past.

The over-prescribing of antibiotics is a crucial factor worldwide, not just in Ireland. At the last general election in Britain, Mr. Tony Blair set a target of reducing MRSA and other hospital-acquired infections by a third over an eight-year period. Many would say that is a very low target, but it is nonetheless extremely difficult to achieve because of the difficulties involved in trying to eliminate hospital-acquired infection. The most common infection acquired in hospital is a urinary tract infection. That relates mainly to people who have a catheter-related infection, with the percentage being 56.2%. A large proportion of patients with pneumonia, some 18.5%, get ventilatory-related infections and so on.

We must have a hospital and health care environment which operates to the highest possible standards of cleanliness. The hygiene audit has proven successful. Second, we should have people in every health care setting who have responsibility for infection control. The hospitals that do best are those which have some senior person in charge of this. That is why we gave the HSE additional resources this year to recruit specialist nurses and microbiologists in this area. That is the only way of having the expert staff to ensure we have an appropriate environment within the hospital.

We should have more single rooms. On my two-day visit to the United States, the big issue there and in every other country is whether we should move entirely to single-bed rooms for infection control reasons. With these, the capacity of patients to acquire an infection is minimised, particularly for very sick patients in an environment where there is much sickness and people are extremely vulnerable.

We should not be complacent as we have much to do. The HSE is having discussions with the coroner, and I will pursue the matter with my colleague, as the Deputy suggested.

**Caoimhghín Ó Caoláin:** I thank the Minister for her reply. We all agree the kernel of the issue is hygiene and vigilance. The absence of same is the real contributory factor to the problem. Would the Minister not agree that hygiene issues arise for a number of reasons? Part of it can also be attributable to overcrowding and understaffing in our hospitals. Does the Minister believe there is a correlation and connection between both of these factors, which are very obvious and identifiable in many of our hospitals? They must also be tackled if we are truly to grapple with the issue of MRSA.

The Minister cited a number of countries for comparison. Is she aware of other countries with better results? I point her in the direction of the Netherlands as one example, as the Minister is probably aware of the success there. We should

be comparing with best practice, not the sadder reality under Prime Minister Blair's Administration.

While accepting that the Minister has indicated she will look at the ideas mooted by the Dublin City Coroner, what we really need is accurate information, as well as real and concerted action. We require accurate information to establish the true picture. I am very much of the view that we are not seeing the full extent of either the primary or contributory factors of MRSA in depth in our hospital sites around this country.

With regard to concerted action, I made some points to the Minister in my opening contribution, which I will reiterate as the Minister did not respond. One was to establish a national directorate for the inspection, prevention and control of MRSA, and whether the Minister saw a role for the Hospital Information and Quality Authority in addressing MRSA. There were also two points raised by the MRSA and Families network with regard to a public inquiry and the establishment of a redress board.

The Minister has had to address such issues with other matters that have arisen with regard to hospital sites in this State. We are both very much aware of those. I do not believe for one moment that the issue of MRSA is going to quietly go away, or be suffered indefinitely by people without taking a serious stand. That is already apparent.

It is incumbent on the Minister, the Department and the Government to act now in a responsible fashion on this matter for all the right reasons, and not only because of the prospect of action by people who have suffered and lost loved ones from MRSA.

**Ms Harney:** Hygiene has a factor to play in all of this, but the biggest contribution is made by the over-prescription of antibiotics. We must not forget that, as all the very strong evidence suggests, this is what has made our immune system so vulnerable to acquiring all kinds of infections, particularly in the developed world. Hygiene is still a factor and hospitals should be run to the highest possible standards. We have made major efforts over the past year with good and interesting results. The newest hospitals or those with most resources did not necessarily do best. In many cases old hospitals did well as a result of management. One of the first tasks of the Health Information and Quality Authority, HIQA, is to examine the matter of hospital acquired infection, particularly MRSA. I agree with the Deputy that HIQA is the appropriate body to do this.

The National Hospitals Office is headed by Mr. John O'Brien. He has a number of staff and is considering the recruitment of additional personnel for infection control. Staff are reporting to him on this matter and in time there may be a director at this level. One must consider who should be responsible in each health care setting, which is more important in the first instance.

### Care of the Elderly.

85. **Dr. Twomey** asked the Minister for Health and Children the steps she has taken to ensure the publication of the Leas Cross report on deaths in Leas Cross by Professor O'Neill; and if she will make a statement on the matter. [35755/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** It has not been possible to publish the Leas Cross report to date because of legal difficulties regarding its current format. The Minister sought legal advice from the Attorney General and has requested the HSE, in accordance with that legal advice, to engage in a further process to overcome the legal obstacles that heretofore prevented the publication of the report. The HSE has entered into such a process and has informed the Department that it hopes to publish the report on or about 10 November 2006.

**Dr. Twomey:** It is vital that this report be published. Does the Minister of State agree it was his policy to place elderly people in any nursing home with no regard to the consequences or the level of care on offer? This is one of the core issues in the report. Does the Minister of State agree he is damned in this report, along with the Government and senior members of the HSE? His failure to publish this report gives the impression that it is a cover-up. It is important it is published for the sake of Ministers.

I have read the report and see no reason why it should not be published immediately. What are the legal matters that prevent its publication? There seems to be collusion between Ministers and senior members of the HSE to lie to the people. It is unbelievable that the Minister of State has implemented none of the recommendations of the report and that he has not commented on them. No legal matters prevent him from doing this.

How much did the former Minister for Health and Children, Deputy Martin, know about the situation in Leas Cross and other nursing homes over the past five years? Where are the senior staff of the HSE and former staff of the health boards and what do they have to say about this? They are not named in this report so no legal issues arise. The Minister of State need only worry about his own incompetence, which is scattered throughout the report. The report damns him for doing nothing over the past six years. The report states that Ministers of State were aware of what was occurring as far back as 2000. What briefing did the Minister for Education and Science, Deputy Hanafin, receive in May 2005 as referred to in the report?

What was Mr. Aidan Browne, national director of primary, community and continuing care, referring to when he stated he received no complaints from the clinical staff of St. Ita's visiting Leas Cross? It seems a huge amount of corre-

spondence was sent between one of the doctors in St. Ita's and the HSE regarding the problems in Leas Cross. Was this incompetence or a cover-up? People deserve to know what Ministers and senior staff in the HSE knew. Why are these people remaining so quiet? There are no legal matters to be considered and if there are, they should be explained. There is no reason why the recommendations of the report should not be published. The Minister of State should answer rather than hiding behind lawyers and the Attorney General.

**Mr. S. Power:** I am not sure what the appropriate reply is to the Deputy's question. He spoke before in this House about a cover-up when nothing could be further from the truth.

**Dr. Twomey:** Has the Minister of State read the report?

**Mr. S. Power:** The Deputy should allow me to answer because he has raised several questions. No one on this side of the House ever attempted to try to cover up this report. Following the television programme about Leas Cross the Health Service Executive asked Professor Desmond O'Neill to write a report on the deaths of residents in Leas Cross. That has been completed but there are difficulties and the HSE was legally advised not to publish it in its present form.

The Minister and former Tánaiste asked the HSE to work on the difficulties in the report to ensure that it would be published. On or about 10 November, next week, the report will be published, yet the Deputy continues to talk about a cover-up. We were always anxious that it would be published. There is little point in my commenting on the details or contents of the report, or the difficulties therein until it is published.

We were surprised at what we saw on the programme on Leas Cross. The decision to go into a nursing home is a serious commitment for any family or individual to make. It is important that we give the individual certain guarantees on the type of care he or she will receive while there. The programme made it obvious that the system operating then was not appropriate to provide what is required and what older people deserve when they go into a nursing home. We have worked on those areas and have promised legislation on that which will be published before the end of the year. We have also drafted new standards. We have made progress in ensuring that older people receive the care they deserve when they enter nursing homes. We never intended to cover up what happened in Leas Cross. We are happy to publish the report and learn lessons from the mistakes made in Leas Cross.

**Dr. Twomey:** Is the Minister of State saying that senior HSE staff did not pass on concerns raised with them regarding Leas Cross, or any similar institutions, in the past six years, to any



[Dr. Twomey.]

Minister? Were the Ministers blissfully unaware of what was happening in nursing homes around the country? While that may not verge on negligence, it verges on incompetence. It is almost criminal in regard to the senior HSE staff involved. It will be important for the Minister of State, when publishing the report on 10 November, to make clear what everybody, particularly the political Executive, knew.

Ever since the former Minister for Health and Children, Deputy Martin, washed his hands of all responsibility for the health services, this hand-washing seems to be endemic in Ministers. How can the Minister of State expect us to believe that he will look after elderly people when he has postponed all the relevant legislation until after the next general election? The Minister of State should make clear when he publishes the report how much he and each of the Ministers in the Department knew because its comments on the senior HSE staff and the Ministers is damning.

**Mr. S. Power:** The Deputy said a few weeks ago that the report would never be published, now that I have given him a date for its publication he wants me to comment on it before then.

**Dr. Twomey:** We have been waiting too long for the Minister of State.

**Mr. S. Power:** Following the programme on RTE about Leas Cross I immediately wrote to the Garda Commissioner asking him to examine it to see if there was a case to be answered. The HSE asked Professor Des O'Neill to prepare a report, which has been done. This report has been completed and will be published next week.

Leas Cross nursing home is no longer in operation and has been closed down. I do not want to frighten people into thinking that what happened in Leas Cross happens in every other nursing home. From my experience, most nursing homes make an honest effort to provide a high standard of care to their patients. It is important, however, that a proper scheme is put in place to ensure this happens in every nursing home and not just the majority.

The HSE has adopted a policy of working with nursing homes. Where there are difficulties, it encourages them to change their practices to achieve a high level of care. It may not have worked in all nursing homes, but it has worked in many. Through a process of communication and regular callbacks, high levels of care have been achieved as a result of the HSE's intervention.

The legislation covering this area will be published this year. It is our intention, with the support of the Opposition parties, to pass it as quickly as possible. It is not intended to put it back beyond the general election. The Government has shown its commitment to older people and treated their issues as a priority through

increases in the old age pension and the provision of an extra €150 million in the last budget. That money was targeted in areas where it had real benefit to people through home care packages, meals on wheels and home helps, improving the quality of the lives of older people.

#### **Ambulance Service.**

86. **Dr. Cowley** asked the Minister for Health and Children if her Department will provide adequate funding for the transport needs of older and ill people requiring essential hospital investigations and treatment; her views on whether the funding required by her Department to the Health Service Executive west needs to be increased in order that the old and the ill can get to hospital for appointments; if her attention has been drawn to the fact that lack of funding by her to the HSE west is putting the emergency ambulance service in jeopardy by underfunding as the money supplied to run the HSE west ambulance service has not kept pace with the increased transport demands of ill and older people; when adequate funding will be provided to supply ambulance transport to persons who need it; and if she will make a statement on the matter.

[35619/06]

**Ms Harney:** The role and purpose of the ambulance service is to provide a clinically appropriate and timely pre-hospital care and transportation service. Pre-hospital emergency care and transportation services are provided as an integral part of the continuum of care for patients.

The Department of Health and Children has been advised by the HSE that there was a significant growth in demand for patient transport services in the west between 2004 and 2005. The ambulance service in that region has prioritised the provision of transport to oncology patients, dialysis patients, patients with acute lower limb injuries and transplant patients for one year after the operation.

The HSE has advised my Department that it examines all requests for patient transport services on a case by-case-basis, taking account of individual needs. The HSE's national ambulance office, in conjunction with the primary, community and continuing care directorate and the National Hospitals Office, is arranging for a comprehensive review to be undertaken of all non-emergency transport needs of patients. It will include an examination of the service delivered nationally and make recommendations for its future development. The group will also be tasked with developing proposals on how best to support patients who have to travel to access specialist services. One of the key outcomes for the group is to complete a needs analysis and strategic plan for a national patient transport scheme, to be finalised by the end of 2006. Subsequently, it will plan the migration to a separate

role, which would be implemented on a phased basis from 2007.

**Dr. Cowley:** I thank the Minister for Health and Children for her answer but the question I asked was would she provide enough money to the HSE west to bring ill people to hospital appointments. Patients requiring leg treatment will not get transport unless their leg is falling off from trauma but not if it is falling off from gangrene. I know of an elderly lady on a pension, whose family has a strong history of bowel cancer, who must have a check-up every year. She is expected to get her own transport home after being administered an anaesthetic. Does the Minister know that people on pensions must travel from Belmullet to Galway city, almost the same distance between Dublin and Galway? Can she imagine a pensioner in Dublin having to go to Galway for a hospital appointment at his or her own expense? Does this make sense? It is a scandal and outrage. How can the Minister stand over it?

Will the Minister provide enough money to the HSE to provide essential transport for those older people who need it? How can a pensioner pay €110 each way for a taxi to travel from Achill to Galway to have a pacemaker checked? It is my job as a Deputy to raise this matter in the House. I am outraged that the Minister has not responded to my specific question. The Minister has given so little moneys to the HSE west that it is now facing a €3.9 million deficit which is threatening the provision of emergency services. Does the Minister condone this situation? Why will she not provide additional moneys? What good is a review to a lady who must have her pacemaker checked but must borrow money to get a private taxi to do so? She, along with many more, deserves more. The categories of patients referred to by the Minister have been in place since March. What about those with cardiac failure, liver failure and other diseases?

**Ms Harney:** Deputy Cowley is always outraged. Every time I reply to his questions, I get the same response. Last year, the HSE received an extra €1 billion, a 10% increase in resource allocation. I do not divvy up these moneys as autonomy and authority for them are vested in the HSE as a result of an Act passed by the House. It is the HSE's responsibility to use that money to provide for the transport needs of patients on a priority basis.

I want the HSE to examine alternatives to the traditional ambulance transport to hospital facilities, particularly where long distances are involved. We must be innovative in how we transport people to hospital. On some occasions, it may be possible to transport the medics and the diagnostics away from Galway city and closer to where the patient lives. If the case referred to by Deputy Cowley is common, it may be more cost-effective to bring the doctor and diagnostics

closer to Belmullet. I accept the considerably long distance between Belmullet and Galway. The number of people receiving transportation in the west has gone up by 48% in two years and the cost by 51%. An extra ten crew members have been added. There has been an increase from three ambulances on a 24-hour basis to nine and 13 additional ambulances have been provided for the region.

I accept challenges and deficiencies arise in how patients travel for treatment. Earlier, in response to Deputy Lynch, I pointed out more must be done on a community level, particularly for patients with particular chronic illnesses. They are all required to come to the regional hospital for treatment, a model not used in other countries. It does not suit Ireland's circumstances. It is neither cost-effective nor suitable for patients' convenience. That is why one of the priorities this year will be to beef up community-based services that can provide greater supports to patients and minimise the need for them to enter the acute hospital system.

**Dr. Cowley:** It is not fair for the Minister to throw it back on the HSE. She claims it is up to the HSE to prioritise resources. On 1 July 2005, the assistant chief ambulance officer for the region, Paddy Duffy, informed me that "transport is provided on a discretionary basis on having resources to do so".

**Ms Harney:** That was July 2005. It is now almost 2007. Much more money since then has gone into the system.

**Dr. Cowley:** More recently, the chief ambulance officer, Ray Bonor, informed me: "I would like to see all applications for transport for the elderly supported, but the financial resources to do so are not available." The Minister should read my lips. "Demand always exceeds our ability to supply certain services; this is a common problem throughout the health service". The HSE is willing and able to provide transport for these unfortunate pensioners if the Minister will only provide the funding.

The Minister is failing in her responsibility by not meeting the needs of these older people who have done so much for the State. In their autumn years, they simply require that they be able to visit the hospital to have their pacemakers checked. It is disgraceful that the Minister refuses to provide the HSE with the resources to provide the necessary transport. I would resign if I were in her shoes. Those categories that are covered, including dialysis and oncology, are already over-subscribed. As the population ages, there is an increased need for dialysis and a greater incidence of cancer.

The HSE is willing and able to provide transport for any impoverished elderly or ill person requiring hospital investigation or treatment. It is scandalous, in one of the richest countries in the

[Dr. Cowley.]

world, that it is not able to perform this essential service because of a lack of money. The Minister should resign if she cannot even ensure patients can travel to their hospital appointments.

**Mr. S. Power:** It is another opportunity for Deputy Cowley to protest.

**Ms Harney:** Unlike Deputy Cowley, I am a full-time politician totally devoted to health reform. In addition to his parliamentary role, the Deputy is a practising GP with a large practice in the west. If he does not mind me saying so, he sometimes confuses those two roles. I am sure what he is saying will sound great on local radio tomorrow but the reality is that this country's increase in expenditure on health care in the last ten years, including in the western region, has been greater than that of any country in the developed world.

It is also the reality, however, that there are deficiencies and problems. One of the tasks I have assigned to the HSE is to look at innovative solutions to these difficulties. There may well be different ways of providing patients with their necessary treatments either closer to home, by means of doctors attending centres closer to where patients live on an outreach basis, or through the provision of modes of transport other than ambulances. In most countries ambulances are used only where they are necessary and there may be other modes of transport more suitable in the situations to which the Deputy refers. Other forms of transport are already in use in some areas.

Our priority is to ensure services are available as closely as possible to patients' homes so long as this can be done without compromising the high quality of provision for patient safety. If a person is obliged to make a round trip of 220 miles for a check-up, even on an annual basis, we should explore whether there is a better way of proceeding.

**An Leas-Cheann Comhairle:** The time for Priority Questions has expired and the remaining questions will be taken in ordinary time. I remind Members that under Standing Orders, supplementary questions and responses to those questions are limited to one minute.

### Other Questions.

### Hospital Services.

87. **Mr. Naughten** asked the Minister for Health and Children the status of plans to move inpatient surgery from the County Hospital, Roscommon; and if she will make a statement on the matter. [35304/06]

**Ms Harney:** Roscommon County Hospital and Portiuncula Hospital, Ballinasloe are closely

linked and many consultant appointments are shared between the two hospitals. The HSE aims to maximise the range and volume of surgery and other services in each of the two hospitals by developing greater collaboration between them. This is designed to increase access by patients in Roscommon and east Galway-west midlands to high quality services locally.

The HSE has decided to create a joint department of surgery-anaesthetics between Portiuncula Hospital and Roscommon County Hospital, with shared consultant appointments. There are no plans to discontinue any surgical services at either facility. The HSE, in consultation with the staff in both hospitals is working out an implementation plan to give effect to this decision. The objective is to provide an appropriate structure for a high quality, sustainable and, above all, safe service for the people of the area in the future.

**Mr. Naughten:** I thank the Minister for her reply. The initial announcement by the HSE indicated the transfer of inpatient surgical services from Roscommon County Hospital to the overcrowded Portiuncula Hospital, 40 minutes to an hour away, which is struggling to cope with the increased demand being placed on it from the west midlands, including Athlone. This would mean that patients in west Roscommon, for example, would have to travel for up to one and a half hours to access acute emergency care. Will the Minister clarify whether inpatient surgery will be retained at Roscommon County Hospital not only in the short term but in the medium term?

Will she also clarify whether the two surgeons currently based in Roscommon will remain there rather than being transferred to Portiuncula Hospital? A threat was made by the HSE to the effect that future developments at Roscommon County Hospital would not go ahead if it did not accept the original proposals. Will the Minister clarify the position in this regard?

**Ms Harney:** Surgical activity was of a low volume at both these hospitals. In the case of Roscommon County Hospital, I understand there were as few as two to four procedures per week. The only way to ensure a safe environment for treatment is to maintain the skill base of surgeons through higher volume activity. As has happened in County Louth, for example, Roscommon County Hospital and Portiuncula Hospital will become effectively a single surgery department operating on two sites. Anybody who has concerns in this regard should go and see what is happening in Louth. I have seen the remarkable developments for patients, doctors, nurses and other staff.

**Mr. Naughten:** Dundalk and Drogheda are only up the road from each other.

**Ms Harney:** Both those facilities now have a far higher volume of activity and shorter patient

waiting times. Developments have taken place that it was previously believed would never occur.

Provision has been made for a CAT scanner in Roscommon County Hospital and all the other developments to which the Deputy referred are proceeding. I understand the two consultants to whom the Deputy made reference are co-appointed and that this has always been the case.

**Mr. Naughten:** That is not true.

**Ms Harney:** I believe it is true. I am not certain they worked in both hospitals but I understand they were appointed to both places.

**Mr. Naughten:** No, my understanding is that one of the appointments was a co-appointment but the other was a full appointment to Roscommon County Hospital. Will the Minister clarify whether the two surgeons will be based on the Roscommon campus? Will inpatient surgery services there be retained in the medium to long term?

I understand a consultant in emergency medicine, a third consultant physician and a consultant anaesthetist were to be appointed to Roscommon County Hospital. In addition, a consultant surgeon was to be appointed to serve both Roscommon and Portlinculla hospitals. A threat was issued, however, that these appointments would not be ratified on a formal basis, especially the third consultant physician post, unless the original proposals were accepted.

**Ms Harney:** I said in my response that the new appointments would be to both hospitals. In other words, they will share anaesthetic and surgical staff and there will effectively be a single department operating on two sites. Subject to correction, I believe such posts were in the past appointed to both hospitals but it may not have operated in this way for training and other reasons. The main issue of concern in Roscommon is whether activity will continue there. I confirm that it will as long as it safe for it to do so. If the team is appointed to both hospitals, that level of activity can continue on both sides.

**Mr. Sherlock:** Is the Minister aware of the criteria and terms of reference being used in regard to the review of acute hospital services in the southern region? Is she aware that the appointment of two consultant radiologists to Mallow General Hospital, promised since 2001, is still not completed?

**Ms Harney:** We are seeking to organise hospital services based on the need for patient safety. Procedures will continue to take place in a particular environment where it is safe for them to do so. Where it is unsafe for them to continue, there must be change. I have pointed on many occasions recently to the example of breast sur-

gery. In 2003, the last year for which we have figures, of the 1,800 breast surgeries that were carried out, 39 of the consultants involved performed fewer than five such surgeries per year. We know from international evidence that this is a highly dangerous scenario in that outcome survival rates are poor when such a low volume of surgeries is carried out. It is not a safe environment in which to operate. That happens in other surgical areas as well and not only in surgery. We cannot allow that situation to continue. I have said on many occasions that we cannot downgrade patient safety. We must be able to give assurance to a woman in Donegal, as much as to one in Dublin, that she will have access to the same standard of care.

In regard to the region about which the Deputy spoke, the idea is to ensure Mallow, Bantry, Cork and Tralee work closely together as a team providing an acute hospital service for the region, bearing in mind that we must also take on board patient convenience issues because of the long distances involved.

I have a very high regard for Mallow hospital because it came number one in the first hygiene survey and number two in the second one. It is a hospital I hope to visit shortly because what they do there is very impressive. The Deputy need not worry about Mallow hospital.

#### **Primary Care Services.**

88. **Aengus Ó Snodaigh** asked the Minister for Health and Children the progress on the delivery of the network of primary care centres promised in the programme for Government; and if she will make a statement on the matter. [35470/06]

**Ms Harney:** The primary care strategy is the roadmap for the future development of primary care services in Ireland over a period of ten years, both as the appropriate service for the delivery of the majority of people's health and social care needs and to complement the services provided by acute hospitals. At the heart of the strategy is the aim of developing services in the community to give people direct access to integrated multidisciplinary teams of general practitioners, nurses, health care assistants, home helps, occupational therapists and others.

I was encouraged to learn that in excess of 1,000 general practitioners replied to invitations from Health Service Executive local health managers for expressions of interest to become involved in the further development of primary care services and, in particular, in the formation of primary care teams either this year or in coming years. The HSE has been working with stakeholders to finalise arrangements for the establishment of a significant number of primary care teams in development in 2006. The HSE envisaged that between 75 and 100 would be established in 2006 and it has indicated that it expects this target to be achieved.

[Ms Harney.]

As part of this development process, the HSE advertised in September for applications for up to 300 additional frontline health professionals from a range of disciplines and this recruitment process is approaching completion. A considerable amount of work is being undertaken by the executive to realign HSE services to give best efficiencies for team-working and to determine ideal team compositions to meet the needs of identified areas.

The HSE has informed me that work will also commence during 2006 with GPs who will help to form teams in 2007 and my Department will continue to work with the HSE to monitor progress in this regard.

**Caoimhghín Ó Caoláin:** Is the Government still committed to the primary care strategy? For instance, what has happened to the ten pilot projects established under that strategy? What about the roll-out of the network of primary care centres that were to have been put in place? What is the status of that proposition at this point?

Will the Department carry out a comprehensive survey of GP cover area by area throughout the country? Why has the Department not already done so, recognising that there are large swathes of this jurisdiction where GP cover is clearly inadequate and where locally-based GPs are making heroic efforts to provide cover to their dependent communities? It is not only in rural areas in different parts of the State that there is inadequate GP cover but it is also a fact of life in many urban centres, including, in particular, the north inner city area of Dublin.

On the need for additional trained medical cover, what is being done to increase the number of training places for medical students who intend to go and are committed to going into general practice?

**Ms Harney:** Taking the last question first, we have increased the number of training posts by, I believe, approximately 17 this year. The college was not able to deal with anymore. I hope we can increase that further next year and provision is being made to do so. A number of general practitioners are prohibited under an industrial relations agreement with the Irish Medical Organisation to practice as general practitioners under the GMS scheme and that is a matter I am examining.

The primary care strategy is being rolled out differently from the ten pilot projects because it would take an enormous amount of time and money to do so on that type of basis. In regard to the manner in which it was rolled out last year, 1,000 GPs applied and 75 to 100 will be supported. We hope to do the same next year and by 2008, we hope to have rolled it out to approximately 300 further GP practices. It will be done on the basis of the initiative funded in 2006.

### Adjournment Debate Matters.

**An Leas-Cheann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy McHugh — to discuss broadband for Tuam, County Galway; (2) Deputy Gay Mitchell — the reason for differing interpretation of the regulations on retirement age by FÁS; (3) Deputy Broughan — the urgent need for the Minister to ensure that the site and campus of the historic Greendale community school, Kilbarrack, Dublin 5, retains its critical educational and community role for local residents; (4) Deputy Costello — the need for the Minister for Foreign Affairs to state what measures have been taken to determine the circumstances of the disappearance of an Irish citizen (details supplied); (5) Deputy Neville — the small-scale permanent accommodation grant for Athea national school; (6) Deputy Kehoe — I call on the Minister for Health and Children to urgently review the case (details supplied) with a view to providing occupational therapy services for this child. Having contacted the senior occupational therapist in the Enniscorthy district, the child's mother was informed that the 2003-04 list is currently being worked on and that there was a lengthy waiting period to access the service; (7) Deputy Crawford — to ask the Minister for Agriculture and Food that clear direction be given to farmers and their legal advisers on what is required of them when farms are being transferred, especially within family structures, so that payments such as single payments are automatically transferred and not held up because of lack of clarity and proper forms being filled; will she advise the legal system accordingly and will she make a statement on the matter; (8) Deputy Harkin — to discuss the provision of a new community school in Ballinamore, County Leitrim, and the serious need for a new school in Dromore West, County Sligo; (9) Deputy Durkan — the decision by the Minister to cease invalidity pension for a person (details supplied); (10) Deputy Catherine Murphy — the need for facilities at and leading to train stations to be dramatically improved; (11) Deputy Fiona O'Malley — to discuss the recently published Stern report on climate change and the implications for Irish energy policy; and (12) Deputy Cowley — to ask the Minister for Communications, Marine and Natural Resources if he will agree that the Government needs to explore a five-year step-aside option for drift net fishermen, considering the severe implications of a total ban on rural communities, if he will agree that this is a logical option for those who have been drift netting for generations, and recovery of stocks after five years, if he has considered any other options besides a total ban and if he will make a statement on the matter.

The matters raised by Deputies Fiona O'Malley, Gay Mitchell, Durkan and Catherine Murphy have been selected for discussion.

### Leaders' Questions.

**Mr. Kenny:** Later today the House will debate Report Stage of the Health (Nursing Homes) (Amendment) Bill 2006. My colleague, Deputy Twomey, has consistently raised the concern about certain provisions in this Bill which will require the Health Service Executive to take into account 5% of the value of an applicant's house when he or she is applying for nursing home subvention. I understand this rule is being put into primary legislation for the first time and it is the cause of considerable concern to a great number of elderly people, many of whom are frail and vulnerable.

Yesterday I noted the comments of Age Action Ireland that the application of the rule would effectively force many elderly people to dispose of the family home. The Taoiseach is only too well aware of the value of the family in our Constitution and the family home is part of that social bond. In the past decade the country has seen dramatic increases in house prices. For instance, the average price of a modest, average house in 2006 is approximately €300,000 compared to approximately €75,000 to €76,000 ten years ago.

The rule allows the HSE to calculate what it considers a notional income of 5% of the market value of the house. That means someone looking for nursing home subvention and living in a modest, average house would have a notional income assessed at over €15,000. The Taoiseach will be well aware that notional income, together with an old age pension, would see a person fail to qualify for subvention and, as a consequence, be forced to sell the home. The trouble is that one cannot buy anything with a notional income. One cannot buy groceries in Tesco, Dunnes Stores or elsewhere with a notional income, but the HSE can use it as a method to deprive a person of subvention for a nursing home.

Given the concern and the fact that this is causing anxiety to a great number of elderly people, is the Taoiseach prepared to withhold the section of the Bill dealing with the 5% notional income assessment until its implications can be thoroughly reviewed?

**The Taoiseach:** The subvention scheme is provided for under the Nursing Homes (Subvention) Regulations 1993, as amended. When carrying out a financial assessment for the purpose of subvention, 5% of the imputed value of the person's principal private residence is taken into account. There are exceptions, for example, where the house is occupied by a spouse, a child under the age of 21 or a person in receipt of certain social welfare payments.

The Health (Nursing Homes) (Amendment) Bill of 2006 is designed simply to put the current subvention scheme on a sound legal footing. It proposes no changes to the financial assessment process that currently operates. The position is that the HSE may make that assessment, which is the way it has been over the years. The Bill provides that the HSE, with discretion, can refuse to pay a subvention if the value of the applicant's assets exceeds a certain threshold or if the value of his or her principal residence exceeds €500,000 in, or €300,000 outside, Dublin. The limits were raised substantially, from €95,000 to €500,000, this year. This does not represent any change from the current practice.

The Government agreed on a number of principles contained in the report of the inter-departmental group on long-term care, which are reflected in the social partnership agreement, Towards 2016. Advanced discussions are being held to draw up proposals for a new policy on long-term care. I saw the newspaper article and the cases made, but this legislation aims to put on a sound legal footing what has been happening in practice for the past number of years.

**Mr. Kenny:** I am sure the Taoiseach does not want a situation to arise where he and his Government are accused of forcing people to sell their family homes. This was part of regulation. Did I understand the Taoiseach correctly when he said that the HSE will still retain the right to exercise discretion towards a person in individual cases? He said that the HSE would have the discretion to refuse a subvention. Does that mean that the HSE will also have the discretion to approve a subvention, even in a case where the notional income is in excess of the 5% limit?

In the case of a person in a Dublin suburb, with a very average house, with children living in Derry, Belfast or Cork, the tradition would have been that those visiting their mother or father at the weekend would stay in the family home. However, the average assessment, notionally, of the value of a house in Dublin would now be well in excess of the limit for subvention. Therefore, the use of the family home to provide an income stream to pay for care will deprive the family of the benefit of having the social bond of being able to return to the family home at weekends. I ask the Taoiseach to clarify the situation in that regard.

The Bill proposes that there will be an appeals mechanism set out. We do not know what that mechanism is, although I see the Minister for Health and Children is telling the Taoiseach now. We have not seen the details of that mechanism. This is a matter of very serious concern to a great number of elderly people. They do not want, under any circumstances, to be forced to sell the family home, if their families could find alternative means. What is the situation in this regard?

[Mr. Kenny.]

There is no appeals mechanism obvious to us and the implications of this should be teased out more fully. By enshrining the 5% in primary law, the Government is giving vent to a great deal of angst, frustration and genuine fear among a great number of people. I ask the Taoiseach to clarify the situation, in light of enormous increases in house values in the recent years.

**The Taoiseach:** The value of the household under the regulations was €95,000 up to last December. The limit has been increased from €95,000 to €300,000 outside, and €500,000 inside, Dublin, which is a substantial increase. Deputy Kenny asked if the HSE has discretion in this area. The answer is that the HSE may, in either case, use discretion. If there is somebody living in the residence, for example, a spouse or child, the HSE has discretion. The Deputy is correct in that I said the HSE has the discretion to refuse to pay a subvention, but it can work either way.

The Bill is simply putting the current subvention scheme on a sound legal footing. It proposes no changes to the financial assessment process currently in operation. We had many discussions on this issue during the social partnership negotiations late last year and earlier this year. Advanced discussions are being held to help draw up proposals for a new policy on long-term care, based on the principles endorsed by the Government and the social partners. These include appropriate and equitable levels of co-payments by care recipients based on a national standardised financial assessment. The aim is to achieve an equitable, balanced scheme, for residential and community care and for public and private provision.

That ongoing work was commenced under social partnership talks and we must now take it forward. We have been examining a number of models, suggestions and analyses of how this can best be done. That work is not yet complete, but it is our intention to bring forward proposals for a new policy for long-term care.

**Mr. Rabbitte:** The Minister for Social and Family Affairs recently said he was alarmed to find that so many poor people are in the grip of money lenders. He went on to say that the scale of the problem was alarming, given that the clients of the Money Advice and Budgeting Service are in debt this year to the tune of €65 million. The Minister said this was outrageous. In case the Taoiseach missed the interview, here is what the Minister said:

I've just discovered that a whole range of these people who are in debt, it's a new kind of debt. In the old days, it was money lenders, a back street kind of thing, but today these are official legal lenders and in one case they were charging 39% interest to people who were bor-

rowing to pay for First Communion, bereavements, Christmas, family events or just to pay their rent.

He also said: "At the start of the 21st century, we still have an underbelly of debt in this country and I have instructed my Department to prepare legislation on this." The Minister went on to say that he was taking legal advice as to whether, in drawing up the new legislation, "outrageous and totally unacceptable rates of up to 39% can be curbed or even banned". I ask the Taoiseach when this legislation will appear.

I am delighted the Minister for Social and Family Affairs can be with us. I met a woman in Cork last week who told me that every time the Minister, Deputy Brennan, gives a television interview, her dog licks the television set.

**Mr. Durkan:** I hope that is all the dog does.

**Mr. Rabbitte:** Every time the Minister for Justice, Equality and Law Reform gives an interview, the dog barks uncontrollably.

**Mr. Brennan:** What does the dog do when Deputy Rabbitte appears? Does he run around in circles?

**Ms Lynch:** He pays close attention.

**Mr. Rabbitte:** Even the dogs on the street support the Minister for Social and Family Affairs when he puts on his sincere face. During this very sincere period, he promised legislation to curb and ban interest rates. When will the legislation be introduced and will it ban interest rates?

Since the interview, the Minister was corrected by his officials and told that he could not do what he proposed. The position has now changed to

*4 o'clock* one where he is introducing new legislation to renovate the Money Advice and Budgeting Service.

When will that legislation be prepared? The Minister has said he has instructed his officials to draw it up. However, if one examines today's Order Paper, No. 3 refers to the Money Advice and Budgeting Service Bill 2002.

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

**Mr. Rabbitte:** This Bill was published in March 2002, re-entered on the current Government's schedule and has remained there for the past four years without ever having been brought before this House. However, in his weekend round of interviews the Minister told Ursula Halligan that he has instructed his officials to the effect that poor people are in debt and that he would introduce new legislation to deal with it. What order is this new law and when will Members see it?

**Mr. Brennan:** The Deputy is like a dog with a bone.

**The Taoiseach:** As for the two pieces of legislation, some time ago the Minister decided the legislation listed and the heads of that Bill were unsatisfactory. He announced some time ago that he would introduce a different, more comprehensive Bill to deal with the issue of loans. He was referring to legalised loans rather than to money-lenders, as many of the organisations in question are licensed. He stated he believed there was a different way of dealing with the issue and sought legal advice to do so. This is all that was engaged in this respect.

The new legislation is listed to come before the Government shortly. As we do this time every year, the Minister has been talking to all the relevant groups regarding their pre-budget submissions and hopes to bring forward the terms of his legislation to the Government shortly.

The point is that while Deputy Rabbitte raised a number of issues, poverty and social exclusion still has a significant impact on a certain group. It has been highlighted for some years that it is not good enough for us to deal with such matters simply on an administrative basis and that legislation is required. The question is whether it is possible to legislate for such issues and legal advice has been sought in this regard.

To the best of my knowledge this was considered approximately 20 years ago. At that time, the view was that one could not legislate for such issues, particularly as a number of the organisations in question are licensed. They operate under Acts of this House and must be examined under consumer legislation. I do not know the answer to the question as to whether one can act. The Minister believes he can bring forward this legislation based on financial advice and is committed to introducing a new Bill. He intends to bring its terms before the Government around the time of the introduction of this year's social welfare Bill.

**Mr. Rabbitte:** I agree with the Taoiseach that a poverty problem exists and that some people are in the grip of moneylenders and pay high interest rates. In a society based on credit, some people cannot get access to credit from conventional institutions and therefore resort to money-lenders, for which there is a premium to be paid. I do not dispute any of that. However, I asked the Taoiseach about the legislation promised by the Minister to ban or curb such exorbitant interest rates and he now tells me that no such legislation is contemplated.

As for the refurbishment of the Money Advice and Budgeting Service, it is odd that the Government published a Bill in this respect in March 2002 that has never been introduced to the House on Second Stage and that Members are now informed that the Minister finds it to be defective. Although he did not do so in the past four and a

half years, it is claimed he will bring in legislation in the four and a half months left to him.

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

**Mr. Rabbitte:** I find this lacks credibility. Although the Taoiseach stated that advice has been received over the years to the effect that one cannot legislate for this issue, why has the Minister claimed he can do so?

For example, the Money Advice and Budgeting Service could set up a scheme to extend the facilities of the credit union movement—

**Mr. M. Higgins:** Absolutely.

**Mr. Rabbitte:** —to have targeted and tailored loans available to those people who find themselves in a hole regarding money to pay for rent, for Christmas, for first Holy Communion or whatever.

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

**Mr. Rabbitte:** Forgive me for being somewhat sceptical that if the Minister has not done it in four and a half years, he will do so in four and a half months.

**A Deputy:** He got his headline.

**The Taoiseach:** As Deputy Rabbitte is aware, there are, on the face of it, powers to deal with a number of these issues under several legislative measures. However, they have not proven to be effective over a long time. While the Deputy noted that the Bill is from 2002, the Bill that we had approved is from the late 1990s as the issue was discussed in the late 1990s and in 2000. In the view of the Minister's officials, the Bill in question can be improved considerably.

As for the legislation regarding the Money Advice and Budgeting Service, while there are no rocket science issues involved, it is a question of being able to table a Bill with the legal powers to in some way curtail, prevent and control legally based organisations in such a way that they cannot levy punitive interest rates on those who are, as the Deputy correctly noted, marginalised, excluded or affected. I refer to those who find themselves with no alternative except to borrow what are usually relatively small amounts of money, but who pay exorbitant rates. It is a question of introducing legislation that can do something in this regard.

The Minister has advised me that he awaits this legal advice. However, the Deputy and I are aware that this has been attempted since the 1960s, back in the days when money launderers and moneylenders operated in this city and elsewhere. To my knowledge, an effective way of dealing with them — when legalised — has not been found. There is an effective way of dealing



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with illegal operators who operate outside the system. It is a question of whether this can be done. This is the point on which the Minister is waiting. The difficulty or delay does not lie with the remainder of the proposals regarding the Money Advice and Budgeting Service, other initiatives and whether credit unions can help — credit unions are already very helpful in this regard. It is a question of whether one can control or curtail such people. When the Minister receives his advice in this regard, he will be able to proceed with the Bill.

**Caoimhghín Ó Caoláin:** The Government claims the shared ownership scheme between first-time buyers and local authorities to be one of the successes of its so-called housing policy. Is the Taoiseach aware that the price limit for a housing unit that may be purchased via this scheme in the four local authority areas covering this city and its environs is between €210,000 and €275,000? Does the Taoiseach share with Members the despair of those first-time buyers, given the limitations that apply under this scheme? The set figures deny people who aspire to shared ownership via this scheme and close it off for them entirely across the greater Dublin area.

Last week, Sinn Féin conducted a survey in the four Dublin local authority areas. A total of 24 estate agents across Dublin were surveyed and we found only 12 properties across the four areas for sale within the limits of the shared ownership scheme as laid down in each of the authority areas. A total of 11 of the properties were located within the Dublin City Council area. No suitable accommodation was found in the Fingal or South Dublin County Council areas and only one was found in Dún Laoghaire-Rathdown. Of the 11 properties found in the Dublin City Council area, three were so-called apartments. They were little more than one room and one bedroom facilities. Seven of them were one bedroom apartments, ranging in price from €195,000 to €260,000. We only found a single two bedroom house, which was priced at €259,000.

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

**Caoimhghín Ó Caoláin:** Does the Taoiseach accept that there are thousands of people on the social housing list in Dublin and hundreds of these have applied for the shared ownership scheme? Will the Taoiseach acknowledge that applications from these people are, to all intents and purposes, a waste of time, given the restrictive ceiling figures that apply for this scheme in the respective four authority areas cited by me? What will the Taoiseach do to tackle house prices and to tackle the need of the many thousands of families — over 44,000 identifiable household units — across this State, many of whom are in

the city of Dublin? Will he, for instance, reinstate Part V of the Planning and Development Act, that he diluted in 2002 at the behest of developers and speculators? Will he also consider compulsory purchase orders in respect of land for the provision of much-needed housing, as is done for the provision of roads?

**The Taoiseach:** In respect of shared ownership and other schemes, the Minister of State at the Department of the Environment, Heritage and Local Government with responsibility for housing examines the thresholds for these schemes on an annual basis and continually adjusts them based on what is happening in the market. It is true that in the first half of this year, there was a very steep increase in prices in the third quarter, particularly in the second-hand market in Dublin. This increase has stabilised to great extent. The Minister of State will examine the figures, as he does every year.

Approximately 17,000 units will be delivered for various affordable housing schemes between 2007 and 2009. That is in line with what has happened in the past few years across a range of schemes. There are approximately six different national schemes administered by local authorities that assist people in that regard. Last year, we established the affordable homes partnership to add impetus to the delivery of affordable housing in the greater Dublin area, where price pressures, as the Deputy rightly pointed out, are greatest.

As well as producing some very good and easily understood information, particularly for young people and people on affordable housing, which sets out the various local authority papers and position in very clear language and has proven to be very helpful, the partnership group has advanced a number of projects. It has exchanged sites like Brock House for affordable housing and has continued with other schemes. It began with the Harcourt Street deal, invited proposals to bring forward additional land, mainly for affordable housing, provided high quality guidance on affordable housing schemes and produced a range of other initiatives.

Approximately 70 sites have been identified for State or local authority lands. There is an output from Part V, which has the potential to deliver a target figure of approximately 10,000 units. Members will have seen the information on Part V produced by the Department in the past few days which shows that far greater output is received from Part V as the old planning permissions have run through the system. As the Deputy will recall, changes were made to Part V because it was stated in this House and elsewhere that because Part V was so restrictive, it would stagnate the market when we needed to create supply.

The nucleus of Part V is working. The initiative has delivered and hopes to deliver several thousand units over the next few years. It is estimated

that approximately 2,250 units will be provided under the initiative this year and that over 3,000 units will be provided next year. As Members can see from the information provided by the affordable homes partnership, the partnership has identified a large amount of housing, admittedly mainly apartments, that are within the range of affordable houses on the fringes of the greater Dublin area, which should certainly help the 44,000 household units referred to by Deputy Ó Caoláin. In addition — the Deputy did not raise this matter — there is provision this year for approximately €2 billion to be spent by local authorities on social housing, which is more than double the expenditure of six years ago.

**Caoimhghín Ó Caoláin:** One would have to point out to the Taoiseach that Part V of the Planning and Development Act 2000 was brought in some years ago. We are now heading into 2007. The five-year position in respect of planning approvals kicking in would surely have shown before now. Much of the response the Taoiseach has given this afternoon is clearly from a briefing note prepared last year, which did not kick in this year either and I fear will not do so in 2007. It is stale and needs to be revisited.

There are 44,000 identifiable household units across this State, including a great number of people in the city of Dublin, who are anxiously waiting for the provision of social or affordable housing. Only 5% of the houses completed across this State in the first three months of this year were in the social or affordable housing category. Does the Taoiseach agree that this is a very poor number, given that there is a real crisis, identified by a raft of organisations and commentators in this area?

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

**Caoimhghín Ó Caoláin:** Does the Taoiseach not agree that we need to see the restoration of Part V of the Planning and Development Act, which was introduced by his Government and supported by me? This measure was innovative and courageous, yet the Government buckled under the pressure in 2002 and amended it to suit the interests of a particular sector.

In the course of his reply, the Taoiseach neglected to address the ceiling figures I identified as a result of the survey we have carried out that clearly shows that the shared ownership scheme is a non-runner. It is a dead duck across the four local authority areas in the city of Dublin. Will the Taoiseach ensure that the threshold for qualification for the shared ownership scheme is increased adequately in line with the situation that is real outside this House for so many people in this city?

**The Taoiseach:** I thought I had answered the Deputy's last point, but to clarify matters, the

thresholds for people applying under the various schemes are examined on an annual basis and I understand they will be examined again this year. They are based on what happened in the market during the previous year and are examined annually.

**Caoimhghín Ó Caoláin:** Will the Taoiseach push them?

**The Taoiseach:** Yes, I will raise that issue. I do not wish to debate Part V, but when we introduced Part V of the Planning and Development Act, the cry from everywhere was that it was overly restrictive and unworkable and would not provide us with a supply so we made changes to it. We were told at the time that there would be a run-through of approximately five years before those planning permissions were dealt with and that we would not get the benefit of this measure for a number of years. We are now beginning to obtain the benefits, as I demonstrated with the figures I quoted earlier.

The most up-to-date figures show that we are heading this year for approximately 90,000 completions. In Towards 2016, we committed ourselves to producing 17,000 affordable houses over a three-year period. The needs of approximately 60,000 households will be met through the various schemes. These were the figures agreed under the social partnership process, towards which the Department of the Environment, Heritage and Local Government is working.

We are examining issues surrounding developers who have land with planning permission but are not building on that land. There is an argument about how extensive this problem is but we are examining the relevant legislation to try to find a legal method of forcing people who sit on planning permissions and watch prices escalate to build on those lands. We are at an advanced stage in respect of legislation on that issue.

As we head into November, the affordable housing schemes, the affordable housing partnership, the housing programme itself and social programmes are well on target in respect of the commitments in that regard at the beginning of the year. Approximately 6,500 local authority houses will be acquired this year, including units provided under various regeneration schemes. A total of 14,000 household units will be acquired from a range of social and affordable housing schemes, representing an additional investment for the period ahead. There has been an acquisition of a further 4,000 housing units, bringing the total number for the latest period on which the Department worked up to 27,000. That is quite an increase. The Deputy stated there are 44,000 people on the housing list but that is almost a 10% decrease on the last housing statistics. That is a considerable decrease. The income threshold for eligibility under the grant schemes will be examined. They are usually considered at the end

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of the year but I will raise the issue with the Minister.

### Visit of US Delegation.

**An Ceann Comhairle:** Before proceeding with Taoiseach's Questions, I would like on my own behalf and on behalf of the Members of Dáil Éireann to extend a céad míle fáilte to Ambassador Foley from the United States. We hope he will have a very pleasant and successful time in Ireland to the mutual benefit of the people of Ireland and the United States.

### Ceisteanna — Questions (Resumed).

#### Office of the Attorney General.

1. **Mr. Rabbitte** asked the Taoiseach if he will make a statement in regard to the Sullivan report on events in the Office of the Attorney General leading up to the A case. [28238/06]

2. **Mr. Rabbitte** asked the Taoiseach the progress made to date with regard to the implementation of the recommendations contained in the Sullivan report; and if he will make a statement on the matter. [28239/06]

3. **Mr. Rabbitte** asked the Taoiseach when he expects to receive the first report of the three-person panel of experts to advise upon and review, twice yearly, risk management procedures within the Office of Attorney General; and if he will make a statement on the matter. [28372/06]

4. **Mr. Sargent** asked the Taoiseach if he will report on the work of the Attorney General's office; and if he will make a statement on the matter. [30648/06]

5. **Mr. Sargent** asked the Taoiseach if he will report on the implementation of the Sullivan report; and if he will make a statement on the matter. [30649/06]

6. **Mr. Kenny** asked the Taoiseach the number of recommendations for the Sullivan report regarding the Office of the Attorney General which have been implemented to date; and if he will make a statement on the matter. [30784/06]

7. **Caoimhghín Ó Caoláin** asked the Taoiseach if he will report on the work of the Attorney General's office, including implementation of the Sullivan report; and if he will make a statement on the matter. [34472/06]

8. **Mr. J. Higgins** asked the Taoiseach if he will report on the implementation of the recommendations made in the Sullivan report. [35923/06]

**The Taoiseach:** I propose to take Questions Nos. 1 to 8, inclusive, together.

The four principal legal functions carried out by the Office of the Attorney General are summarised in paragraph 2.3 of the Sullivan report as (i) the provision of legal advice — advisory counsel; (ii) legislative drafting — Parliamentary Counsel; (iii) the processing of litigation; and (iv) conveyancing and other transactional services, the Chief State's Solicitor's Office, CSSO.

The report on the Sullivan review of the Office of the Attorney General, submitted in June 2006, contained 19 recommendations, the final one being that the director general should keep the implementation and operation of the new measures under review. The report also provided that the first such review is to be completed within six months. Substantial progress has been made already in implementing the recommendations.

To assist the director general, the office put in place an action plan which is regularly monitored by a review working group comprising officials of the Office of the Attorney General and the Office of the Chief State Solicitor. The three-person panel of external experts, appointed by the Attorney General to review risk management procedures within the office, has had two meetings with the Attorney General, the director general and the deputy director general. The panel members have been supplied with relevant material to enable them to familiarise themselves with the internal procedures and protocols of the office together with relevant office publications, risk management policy and a risk register. The panel has also met and plans to meet soon with the Chief State Solicitor and the office audit committee. The panel members will also be reviewing the processes involved in dealing with files in the office.

New enhanced procedures in regard to sensitive files were put in place at the end of July, placed on the office intranet and all advisory counsel notified. These procedures will be reviewed in the light of experience.

The office implemented a procedure to consult with and brief relevant Departments to ensure that they develop an appropriate containment strategy for each risk identified. The office prepared and reviewed status reports as to all cases pointing where legislation is being constitutionally challenged. The office's risk assessment policy and risk register were addressed in the office's statement of strategy 2006-08 which was published in July and the register is being reviewed in the context of new business plans.

Protocols have been put in place to ensure the effective handover of responsibilities to new group co-ordinators within the advisory side of the office. Five advisory counsel grade II have been designated to undertake specific responsibility for risk assessment as envisaged in the Sullivan report.

Written reports are now submitted by each advisory counsel grade I to the weekly review meeting and a new legal management committee has been established. The committee which includes the Attorney General, senior officials of the advisory and drafting sides of the Office of the Attorney General and senior officials of the Office of the Chief State Solicitor had its inaugural meeting on 11 October and will meet again in November and thereafter every two months.

Considerable work has been undertaken in regard to development of IT systems to support the management of sensitive cases. Existing systems have already been modified while the new systems being developed will have the necessary functionality. Recommended changes to the office's intranet have also been implemented. The Office has formulated and agreed procedures for mentoring for new advisory counsel, including a general checklist of milestones for litigation cases.

Six advisory counsel grade III have been recruited by the office for training prior to secondment to Departments. The first two secondments — to the Departments of the Environment, Heritage and Local Government and Education and Science — took place on 2 and 9 October, respectively. Further secondments will follow in coming months.

Discussions have taken place between the office and the Office of the Director of Public Prosecutions about the transfer of responsibility for fisheries prosecutions to that office. Discussions have also taken place between the office and the Chief State Solicitor's office with the Department of Justice, Equality and Law Reform on the transfer of the administration of the Attorney General's scheme.

Formal protocols to ensure that all pleadings and submissions in constitutional and sensitive cases are approved by the Attorney General and confirmed by the director general via the Chief State Solicitor, with notification to Departments and the Secretary General to the Government, were put in place in the measures introduced in August relating to sensitive cases.

Two meetings have taken place between officials of the Office of the Attorney General and the Office of the Director of Public Prosecutions to review and assess the effect, if any, on the general enforcement of the criminal law of any constitutional challenges. The results of these meetings have been conveyed to the relevant line Departments and to the Secretary General to the Government. A memorandum for the information of the Government will be submitted at regular intervals giving an update on important litigation being handled by the relevant offices.

The action plan also includes monitoring of the new procedures proposed by the Attorney General which are appended to the Sullivan report. The director general of the Office of the Attorney General hosted a conference on 6 October 2006, attended by representatives from the Attorney General's office, the Chief State

Solicitor's office, CSSO, the Courts Service, the Director of Public Prosecutions' office, the Chief Prosecution Solicitor's office and the Department of Justice, Equality and Law Reform to discuss channels of communication between all stakeholders in serious litigation cases. At the conference, certain action points were agreed as follows. The office, in consultation with the CSSO, the Director of Public Prosecutions office, DPPO, and the Revenue Solicitor's Office, RSO, would draft and publish a practice note in the *Law Society Gazette* outlining service requirements for State offices and that counsel would also be made aware of the practice note; the office, the CSSO and the PPO will make contact with the president of the High Court on difficulties caused by the late filing of written submissions in serious litigation cases; and the participating offices will jointly develop a protocol to ensure prompt communication and co-operation between the offices.

**Mr. Rabbitte:** I thank the Taoiseach for an unusually comprehensive reply. It will bear reading. As he is aware, the Sullivan report listed seven different stages at which the Attorney General himself ought to have been briefed on the statutory rape issue. It only happened at one stage, namely, the initial stage of briefing counsel. We know the issues that derived from that. It is not a question of whether the case might have been defended differently. The issue is that the Attorney General is the law officer to the Government who is personally in attendance at Cabinet meetings and ought to be in a position on matters of legal, constitutional or public interest to advise the Government in that capacity.

The best way to question the Taoiseach on this matter is to ask him whether he is satisfied that adequate procedures are now in place to ensure the State cannot be taken unawares by a judgment of the Supreme Court in a case of the gravity of the statutory rape case. Will the Taoiseach indicate whether any of the key recommendations of the Sullivan report have not been implemented or whether a decision has been taken to exclude any one of the key recommendations and, if so, why?

**The Taoiseach:** Deputy Rabbitte correctly pointed to what happened in that case and what the Sullivan report recommended. The relevant parties accept the CC case met the criteria of being an "important and sensitive" case — which are the words used in the protocols — such as to warrant reference to the Attorney General according to its office policy and protocols. It identified several milestones in the evolution of the case of which the Attorney General ought to have been informed. In reality, he was consulted only about the first, which was the nomination of counsel.

The report instances the various relevant procedures and protocols in force, the policies in

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operation to ensure staff were aware of the requirement and that the office co-ordination arrangements provided further mechanisms to assist in observance requirements. The report finds the reason the Attorney General was not notified or consulted was the result of administrative error.

The report goes on to outline in the 19 recommendations the various issues it is believed can tie down all of these. To answer Deputy Rabbitte's question, I understand all 19 recommendations are under way. As is pointed out in the report, work on some began immediately in July, some in August and some in October. I know other work is ongoing in IT.

The report found that in spite of the failure to inform the Attorney General of the progress of the case, the case was processed in an expeditious, timely and conscientious manner. It finds no conscious or deliberate decision was made to withhold notification. The difficulty is that so many cases happen at any one time. I read some of the background notes in preparation for these questions and saw that the number of cases involving challenges to the constitutionality of Acts of the Oireachtas or statutory instruments is 550. The Deputy will agree this is a very large number, even though they are grouped into certain areas.

It is important that every one of those files, not to mind the hundreds of others, is followed through. The State offices dealing with these issues have large staffs and systems. I am glad to see they co-ordinate their systems and do not follow a case only within the protocols of their own offices. That is a major issue. The Chief State Solicitor's office, the DPP and the Attorney General's office work jointly on these cases, perhaps with the Department of Justice, Equality and Law Reform.

The procedures have been put in place and time will tell how effective they are. The offices have tried their utmost not only to nail down the difficulties of that particular case but to try to tie down the protocols. On a two-monthly basis they look back and co-ordinate their efforts across the main cases they deal with. I thought a small number of cases would be involved. However, as the Deputy can see from what I stated, a huge amount of cases are involved. At least they are grouped in areas and are not all over the place. The groups include the large number of nursing home cases and challenges to the Immigration Act regarding children born to immigrants. The majority fall within three different areas.

Protocols were put in place which it is believed will allow a proper handle to be kept on cases and to allow the relevant bodies to remain updated as these cases move through various systems and the courts.

**Mr. Rabbitte:** I wish to ask the Taoiseach about a different aspect of this. He may recall the Mini-

ster for Communications, Marine and Natural Resources, Deputy Noel Dempsey, recently explaining on a public television programme the collapse of Dáil business on three occasions this term. He linked it to a logjam in the drafting section of the Parliamentary Counsel's section of the Attorney General's office. He stated it takes seven years to train a parliamentary draftsman. It seems a long time but I believe it to be the case.

Is it true the number of entry level drafters has not increased since 2001? I understand substantial increases were made in the advice section of the Attorney General's office. Is it true three younger drafters left during the same period? The result is the gap is filled by contract drafters, often from other jurisdictions not always compatible with our common law heritage. This poses its own difficulties in terms of interpretation. Sometimes, major differences in interpretation and style have led to judges being able to make inferences.

Is it the case that foreign contract drafters are supervised by Irish drafters? Does the Taoiseach know what is the proportion of foreign contract drafters as compared to Irish entry-level drafters taken in directly by the Office of the Attorney General?

**The Taoiseach:** An ongoing problem exists in obtaining, holding and training drafters. On a number of occasions over the past few years, approval was given to the Attorney General to obtain additional drafters. In my reply I mentioned some drafters were brought in from the younger people assigned to other Departments to help in the legislative process.

The issue of key experienced people is an extremely difficult one. The Deputy correctly stated a number of drafters are contracted. A number of them have become quite elderly over the past number of years. Their service has been magnificent and not having had them would have created a difficult problem for us. It is correct to state we had to seek drafters from outside the country.

We have a problem getting through legislation. I believe 21 Bills are on the A list at present and a large number of them are advanced. The complexities of modern legislation tend to get more complex each year. A drafter assigned to a Bill tends to remain working on it for a considerable time. This means other Bills are put aside and put back.

To the best of my knowledge there has not been a great number of people who want to take on drafting. This is despite the fact that the salary grades were improved quite substantially in an agreement made a few years ago. Even when they come in to the job, drafters want to move on to other areas. Drafting is a tedious and very tension-filled job involving reviewing legislation. I talked to a number of drafters over the years about this. It is a specialist position. Many of the people who have come in move on when they are

still young. The retention level of drafters is not good even though on the face of it the career looks fairly good.

The advisory counsel's side is considered far more interesting and attractive than drafting on the Parliamentary Counsel's side and that is not changing much. From what I know, other jurisdictions have the same problem. Most of the people we get on contract would be retired people from other jurisdictions. We are not managing to lure them from the other grades. They are mostly people aged over 60 or 65. That continues to be a problem.

**Mr. Sargent:** With regard to the last question, how many of the draftpersons have retired in the course of preparing Bills such as the charities Bill which we were promised in 1990 following the Costello report? Could the fact that people retired be an explanation as to why we are still waiting? There needs to be a radical rethink with regard to how we attract draftpersons. I understand approximately 19 are employed at present. Has thought been given to a formula for attracting more draftpersons? What is the Taoiseach's view in that regard?

I understand some of the drafting work of the Attorney General's office is being outsourced. Is experience being lost among in-house draftpersons? Is this a permanent solution or a short-term, stop-gap measure?

In terms of morale, would it help if the electronic legislation system hosted and maintained by the Attorney General's office was accurate in its electronic form? A person recently told me they were aghast at the inaccuracy of the electronic legislation system. Is the Taoiseach aware the electronic version essentially cannot be trusted and that one is therefore directed to the hard copy? Does it not make a mockery of the idea of having an electronic version of legislation if it must be checked on hard copy?

Has the Taoiseach considered the Tasmanian Government system of designating its electronic statute book as the authentic version? I am not sure if the Taoiseach is familiar with Senator Bob Brown and the Green Party in that part of the world but it has been very influential in this regard. The electronic version is the authentic version in Tasmania. Will that be considered more closely here?

The Sullivan report found that the recommendations made in 1994 had been largely implemented by 2006. I do not want to talk across the Minister of State, Deputy Kitt, if he is busy informing the Taoiseach about something.

**Mr. Kitt:** There is no problem.

**Caoimhghín Ó Caoláin:** He is telling him about Tasmanian devils.

**Mr. Sargent:** That is another story. Have the recommendations of the Sullivan report been

fully implemented and have the flaws in the communications system identified in the report been rectified?

**The Taoiseach:** The parliamentary counsel published approximately 175 Bills. As a Parliament, we deal with more Bills than most. In terms of productivity, the number of Bills the Office of the Parliamentary Counsel produces is higher each year. However, while the staff of the office are working harder and producing more Bills, legislation gets more complex and is of a more specialist nature. It is a difficult job. Over many years I have talked to those involved in what is tedious work.

On the contracting out of drafting, I have heard the opinions of several Attorneys General over the years who claim that despite contracting out the work to various people — probably the last ten Attorneys General have said the same thing — they end up having to do the work themselves in the office. It certainly helps the work—

**Mr. Kenny:** That is an average of one Attorney General for every year of the Taoiseach's tenure in office.

**The Taoiseach:** I was not just referring to my time in office. The position is the same at present. The staff find they have to check all the work so contracting work out does not help much. It is preferable to have a core staff within the office. That is their view and I am in no position to contradict them.

I am surprised at the position with regard to the CD-ROM. A CD-ROM takes the hard copy and provides it—

**Mr. Sargent:** It is not up to date. It is worth checking.

**The Taoiseach:** I will raise it with the office. It should be up to date. We brought in reinstatement legislation which means there is a reinstatement process whenever the House passes an Act. The latest Act should be available, which was the idea of the reinstatement legislation. I will raise the matter with the staff.

With regard to the Deputy's point on legislation, the broadcasting Bill is being published online for consultation and to allow the public to make their comments on it. That will help the consultation process. Parts of the charities Bill were drafted but the person working on one part was taken off that work to work on other legislation. I understand that the individual involved is now working on legislation which the social partners are demanding that we deal with under the initiative. There is a host of legislation in that regard. The staff are trying to finish that legislation by January but it would be helpful if they were able to get a free run at this Bill.

The amount of legislation to be dealt with by the office is the difficulty, given the requirements

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of the House for legislation in so many areas. The staff are producing more Bills every year but we are producing far more requests for legislation.

**Mr. Sargent:** The problem is that people are directed to the hard copy. It is not authentic.

**Mr. Kenny:** As the Taoiseach is aware, the online Statute Book facility is now preceded by a disclaimer which the user must accept. It states that the Attorney General assumes no responsibility for the accuracy or up-to-date nature of the information provided on the website. Given that there has been an IT report and a three-man recommendation in 1995 following the Sullivan report, we should have moved on from a position where the information published on the website, which is accessible to citizens, researchers, academics, legal practitioners, legislators and members of the Judiciary, is not 100% reliable. Either the Statute Book is accurate or it is not. We should be in a position to state that the content of the Attorney General's Statute Book website is accurate. Will the Taoiseach comment on that?

The Taoiseach will recall the famous Fr. Smyth affair, which was followed by recommendations for changes within the Attorney General's office so it would never happen again. Deputy Rabbitte referred to the Mr. A statutory rape case. I stated at the time and still believe it is incredible that the Attorney General of the day, who meets the Minister for Justice, Equality and Law Reform of the day on a regular basis, would not be able to at least state that, as case X or Y is before the Supreme Court and as the decision to be made by the Supreme Court, while it is for that court to make, will be one way or the other, the Government of the day will be in a position to act accordingly.

During the statutory rape case, as the Taoiseach was on official business at the United Nations, the Minister for Justice, Equality and Law Reform, who was left here, told us there was no need for us to rush but the next day he had to say the Dáil would be recalled. The Supreme Court made its decision one way and then made a revised decision a fortnight later. Has that matter been dealt with in terms of the implementation of the Sullivan report? Is the Attorney General aware of any sensitive social cases such as this, where a decision is currently in the process of being arrived at in the Supreme Court that might require the Government to act legislatively and promptly? The Taoiseach does not want what happened in the Smyth case a number of years ago and in the recent statutory rape case to arise again and neither does anybody else. Therefore the Taoiseach needs clarity of agenda and real information from the Office of the Attorney General for the Cabinet, particularly for the Minister for Justice, Equality and Law Reform.

Has that been addressed in following the Sullivan report's recommendations?

**The Taoiseach:** Each case is different. In the CC case not all the procedures were followed. However, all the work on the case showed it was processed in an expeditious, timely and conscientious manner. Although the work went on, the Attorney General had not been informed. Efforts have been made to improve procedures. Some months ago when I asked how many challenges to constitutional Acts of the Oireachtas there were, the number was 550 cases.

**Mr. Kenny:** There were 550.

**The Taoiseach:** Yes. Some of those were blocked around particular issues. With 550 cases coming down the line, as well as all the other cases, it would be difficult for the Attorney General to be on top of them all, even with all these procedures. Could one ever be on top of this? However the procedures have been put together. The more important point, as I said to Deputy Rabbitte, is regular interaction between the offices, and they have brought in procedures for that. They are all busy fighting cases in the courts, and it is important that they sit down and go through the cases that arise. The sheer volume of issues being challenged arises. However, they feel happy that they have put these procedures together. Only time will tell how they work. As Deputy Kenny knows, there is no end to litigation. They have tried to put together weekly and bimonthly meetings to keep track of this. While I would love to make a commitment that this means nothing will ever slip through, I would be reluctant to do so.

**Caoimhghín Ó Caoláin:** Does the Taoiseach recall that the Sullivan report stated the case in question should have been brought to the Attorney General's attention on a number of occasions in accordance with stated and well known office policy and procedures, but it was not? Does the Taoiseach have residual doubts on the Sullivan report's finding that there was no deliberate attempt to withhold information from the Attorney General and that there was no attempt at a cover-up? If that is the Taoiseach's view, does he also agree the debacle led to a serious situation where standing law was struck down by the Supreme Court and replaced by flawed emergency legislation? Is the Taoiseach satisfied this cannot happen again? Is he satisfied everything that needs to be done can be done and that there will be no repeat of this debacle? Can he give such an assurance? When will the flawed emergency legislation be revisited in this Chamber?

**The Taoiseach:** I do not accept the Deputy's point, which he has made on two occasions, that the Criminal Law (Sexual Offences) Act 2006 is

flawed. Although there are different views on this matter, the Attorney General is satisfied the Bill is not unconstitutional. Otherwise it would not have been introduced. Although I accept that many issues must be teased out, not least that there is a general dissatisfaction that there is a need to provide for a defence of honest belief as a result of the Supreme Court ruling, it is not flawed.

I have answered the other issues. The person who dealt with the case processed it in an expeditious, timely and conscientious manner. There was no deliberate decision to withhold notification or information from the Attorney General, nor was there any suggestion of cover-up or concealment. Under procedures and protocol the case should have been brought to the attention of the Attorney General. It was not, and we know what happened. We also know that over the period no convicted prisoner who was sentenced to jail for offences under section 1(1) of the 1935 Act was released from jail, other than Mr. A, who was released only for a few days as a result of the Supreme Court judgment. None of Messrs. B, C or D, or any other convicted criminal, was released from jail. The procedures have been thoroughly examined in the Sullivan report. The Office of the Attorney General has worked diligently in the past four months to implement those recommendations in its office procedures and protocols, which are strict. The Office of the Attorney General has also worked to develop better co-ordination and to highlight issues on a more regular basis. That does not take away from the volume of work and case law it has. Because the courts, including the Supreme and High Courts, have more members, the Office of the Attorney General experiences heavy workloads and pressure. The last mistake was not one of a lack of procedure but an administrative error. We have to understand that it can happen. While it would be great for me to say these things should never happen, they can. The Office of the Attorney General will do all it can to ensure these matters are rectified by having tighter procedures and controls in the future.

*Written Answers follow Adjournment Debate.*

#### **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.

**Aengus Ó Snodaigh:** I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the appalling fact that despite successive budget surpluses, 10,000 calls to Women's Aid domestic violence help line went unanswered last year due to a lack of funding meaning an alarming number of people continue to suffer as a direct result of underfunding from

the State; the need for the Government to reverse this unacceptable situation by providing the resources necessary for the organisation to meet demand for its services; the need for the Departments of Health and Children and Finance to continually assess the demand for such services and to provide adequate funding to meet future demands and the shameful refusal of the responsible Minister to answer parliamentary questions on the matter.

**Mr. Cuffe:** I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the need to debate the groundbreaking report on climate change by Sir Nicholas Stern on behalf of the British Government, its simple and apocalyptic message that climate change is fundamentally altering the planet, that the risks of inaction are high and that time is running out and to discuss the Irish Government's response.

**An Ceann Comhairle:** Having given the matters full consideration, I do not consider them to be in order under Standing Order 31.

#### **Order of Business.**

**The Taoiseach:** It is proposed to take No. 11, Health (Nursing Homes) Amendment Bill 2006 — Report and Final Stages, resumed; and No. 12, Citizens Information Bill 2006, *5 o'clock* Second Stage, resumed. It is proposed, notwithstanding anything in Standing Orders, that Private Members' Business shall be No. 25 — Planning and Development (Amendment) Bill 2006 — Second Stage, which shall take place tomorrow immediately after the Order of Business and the proceedings on Second Stage thereon shall, if not previously concluded, be brought to conclusion after 90 minutes on that day.

**An Ceann Comhairle:** Is the proposal for dealing with Private Members' Business tomorrow agreed? Agreed.

**Mr. Kenny:** When does the Taoiseach expect the Criminal Justice (DNA Database) Bill to move forward and when can we expect publication of the coroners Bill? Has the Whip made a decision yet in respect of the elements of the Morris tribunal that might be discussed in the House, the reports of which have been published?

**The Taoiseach:** The criminal justice DNA Bill, to provide for the establishment of a database, is being drafted and, I understand, will be available for the spring session. The heads of the coroners Bill have been approved and the Bill has been submitted for drafting. I understand quite an amount of work has been done on it and that it should also be available early in 2007. The Chief Whip will update the Deputy on the Morris tri-



[The Taoiseach.]

bunal debate. I understand the Minister for Justice, Equality and Law Reform is anxious to take three reports, but the Chief Whip will outline to the Whips some of the procedures involved.

**Mr. Rabbitte:** Do I take it from our exchanges earlier today in terms of the Minister for Social and Family Affairs, Deputy Brennan's legislative programme and the allowed musings that No. 3 on the Order Paper is withdrawn and that a new Bill will be entered? Will the Taoiseach give an indication as to when the new Bill will be entered?

I want to return to the point about the Morris report, the Dean Lyons report and other outstanding reports. It occurs to me that the Barron report received very little credit for the enormous, painstaking detail and effort that went into it. It pretty much passed by our colleagues in the media. Presumably we cannot blame them as we did not debate it in the House.

**An Ceann Comhairle:** Does the Deputy have a question?

**Mr. Rabbitte:** There was an understanding, at least as reported to me, that next week we would take a series of these reports. I now have the schedule which is entirely different.

**The Taoiseach:** The Money Advice and Budgeting Service Bill was published almost five years ago, in the early part of 2002. It is the view of the Minister and the Department that the structures to improve this legislation are considerably different from those of five years ago and it would be possible to introduce a far better Bill. The Title will be the same but the Bill will have been comprehensively revised and the Minister will bring the relevant procedures before the Department.

The Whip is telling me that the reason for the change next week is that there is a committee meeting on the Judge Curtin case, in which the spokespersons are involved. I welcome what the Deputy said about the Barron report. We agreed that report would go to the committee. I commend both Mr. Justice Barron and the committee, which is just coming to the end of its fourth report on this issue. For all those who were very concerned about the issue, not just the families and relatives of the victims affected in the various Troubles, an enormous amount of work, research and detail has been involved. Sometimes people ask whether there will be a tribunal or investigation into this. Mr. Justice Barron has uncovered a significant amount of the relevant information and facts.

This is a matter for the committee, but when it finishes the fourth report shortly, it will consider publishing an omnibus edition of the four reports. On foot of this the Government is committed to

taking the relevant action. I would certainly welcome highlighting of the Barron investigation. I am certain that the families and victims who were asked to participate in the process are aware of the amount of work that has been done. It would be a good idea to discuss the omnibus report from the committee.

**Mr. Sargent:** Earlier the Taoiseach told us there was a difficulty in bringing forward legislation on time. Is the carbon fund Bill one of those Bills that is stuck at the drafting stage, given that it will need to do more than buy carbon credits?

**An Ceann Comhairle:** The Deputy knows he cannot discuss the contents of a Bill.

**Mr. Sargent:** It will have to provide for payment for flood barriers and so forth. Is that in the legislation being prepared?

**An Ceann Comhairle:** The Deputy knows he cannot discuss the contents of legislation.

**Mr. Sargent:** I appreciate that, but—

**An Ceann Comhairle:** We cannot make a special rule for the Deputy.

**Mr. Sargent:** —I want to ask about the publication date. Given that it will not be soon, perhaps the Taoiseach will take the initiative, following publication of the Sir Nicholas Stern report on climate change, to accept that the request from my colleague, Deputy Cuffe, will form the basis of a debate?

**An Ceann Comhairle:** This is a matter for discussion in the Adjournment debate tonight. The Taoiseach will be heard on the legislation.

**Mr. Sargent:** It goes far beyond the scope of the Adjournment debate. We are talking about an apocalyptic scenario.

**An Ceann Comhairle:** We will not deal with the issue on the Order of Business. The Deputy has other means at his disposal for raising it.

**Mr. Sargent:** You cannot sideline to the Adjournment debate, to the twilight zone of the Dáil—

**An Ceann Comhairle:** There are ways the Deputy can raise the matter, but this is not one of them.

**Mr. Sargent:** It has been raised in a legitimate fashion. The Ceann Comhairle regards it as not urgent.

**An Ceann Comhairle:** The Chair expresses no view on these matters.

**Mr. Sargent:** You just did.

**An Ceann Comhairle:** The Chair will not create a special rule for the Deputy.

**Mr. Sargent:** That is why I am asking the Taoiseach, in order that the Ceann Comhairle does not have to disturb himself or make exceptions to any rules.

**An Ceann Comhairle:** The Deputy should let the Taoiseach answer his questions.

**Mr. Sargent:** The Taoiseach can take the initiative on whether to allow a debate on this matter.

**Mr. Cuffe:** Does the Ceann Comhairle not believe the future of the planet is an urgent matter?

**Mr. Sargent:** I just want to ask whether the Taoiseach will take the opportunity to allow a debate on the matter.

**An Ceann Comhairle:** The Chair will allow a debate on the matter if——

**Mr. Sargent:** The Ceann Comhairle has already ruled it out.

**An Ceann Comhairle:** No, the Chair has only ruled it out on the Order of Business.

**Mr. Sargent:** It is in the Taoiseach's court and I am asking him to put the point.

**An Ceann Comhairle:** The Chair is passing no comment, good, bad or indifferent, on it.

**Mr. Sargent:** You already did.

**The Taoiseach:** The heads of the carbon fund Bill were approved in July and the Bill is due in early 2007. As regards a debate, that is a matter for the Chief Whip.

**Mr. Crawford:** On the serious situation regarding road alignment and so on, when will the roads amendment Bill be introduced? I asked some weeks ago about a date for discussion of the Teamwork report. It is now clear from the Minister for Health and Children, Deputy Harney, that it is national policy. It is time that the Teamwork report for the north east was fully debated in this House.

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

**Mr. Crawford:** What about the Teamwork report?

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

**Mr. Crawford:** It should arise.

**An Ceann Comhairle:** Then change the Standing Orders.

**Mr. English:** The Ceann Comhairle knows we cannot change them.

**Mr. Costello:** This day week I asked the Taoiseach whether he had proposals for additional legislation on fireworks in the context of Hallowe'en. I assume the Taoiseach had the opportunity of listening to illegal fireworks displays in his constituency last night and watching them. Over the weekend a roaring trade was done with Northern Ireland from the Republic.

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

**Mr. Costello:** I have. Fireworks were sold in the Republic on the bank holiday Monday. People came down from the North to sell them here. Will the Taoiseach say whether anything will be done to co-ordinate the legislation between this jurisdiction and Northern Ireland?

**The Taoiseach:** the legislation on fireworks was amended in the summer under the Criminal Justice Bill.

**Mr. Costello:** That was pitiful.

**The Taoiseach:** It made a big impact. If anyone was watching over the past few weeks, there was a huge reduction——

*(Interruptions).*

**The Taoiseach:** As far as co-ordination between the North and South is concerned, that matter should be taken up with the Minister.

**Caoimhghín Ó Caoláin:** Do not tell me the Minister for Justice, Equality and Law Reform just cracked a funny. Dear me.

**Ms Lynch:** He has changed completely.

**Caoimhghín Ó Caoláin:** With regard to two promised pieces of legislation in the finance area, the asset covered securities (amendment) Bill and the markets in financial instruments Bill were both signalled in the previous legislative programme for 2006. They have now both been deferred until mid-2007. Is it seriously intended to bring forward both of these in the period prior to the general election and the dissolution of this Dáil? The Bills in question are the asset covered securities (amendment) Bill and the markets in financial instruments Bill.

**The Taoiseach:** The asset covered securities (amendment) Bill is listed for 2007.

**Caoimhghín Ó Caoláin:** It had been listed for 2006.

**The Taoiseach:** The heads of the markets in financial instruments Bill were recently approved by Government. It is listed for next summer.

**Caoimhghín Ó Caoláin:** Will the Taoiseach circulate the heads of the Bill?

**The Taoiseach:** That matter can be raised with the appropriate Minister.

**Caoimhghín Ó Caoláin:** The Taoiseach is an enthusiast.

**The Taoiseach:** I am.

**Mr. Broughan:** Will we see the inland fisheries authority Bill before the general election? Will there be any other legislation? The Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, is telling us two pieces of legislation may be necessary to implement the salmon decision made this morning. Can we expect some legislation in that regard?

**The Taoiseach:** There is no Bill listed.

**Mr. Broughan:** The Minister is making it up then.

**Mr. Kenny:** When does the Taoiseach expect the Attorney General to report to the Cabinet on the questions surrounding the St. Andrew's agreement? The Attorney General has clearly been asked to review it. When does the Taoiseach expect a briefing?

**The Taoiseach:** To return to Deputy Broughan's question, the national inland fisheries authority Bill is due next year. That is the only Bill listed.

**Mr. Broughan:** Will that be before the election?

**The Taoiseach:** With regard to Deputy Kenny's question, the Attorney General cannot do an assessment until we see the legislation that is agreed, if we can get the legislation finally agreed. That will be in approximately three weeks' time. He has already put down his markers on it.

As I previously stated, the strong position of the Democratic Unionist Party, with which I do not agree, frankly, is that there should be an election in Northern Ireland. That is not a matter I can control. I think it will create other difficulties. However, if the party insists on this, the second largest party in Northern Ireland, Sinn Féin, would also state there should be an election, although it would rather not have one. If it goes down that road, it will be a different procedure. We will still have to look at whatever the legislative changes would be. We cannot do that until we see the work completed.

**Mr. Hogan:** Will the Taoiseach indicate if the national consumer agency Bill will be published and debated in the House this session?

**The Taoiseach:** Yes.

### Health (Nursing Homes) (Amendment) Bill 2006: Report Stage (Resumed)

Debate resumed on amendment No. 8:

In page 10, line 7, after "the" to insert "Greater".

—(Deputy Twomey).

**Mr. S. Ryan:** In supporting these amendments, I believe the long-term care arrangements for older people are unplanned, inadequate, inequitable and underfunded. All older people wish to continue to live in their own homes and, fortunately, the vast majority succeed in doing so. They mainly live healthy and active lives, with some support from general practitioners, community care services, their families and communities. They are able to make and implement decisions about their lives and do not need constant or sustained care.

We are speaking about people who require long-term care. Those who must leave their homes and enter long-stay institutional care are among the most vulnerable members of our society. Our society is civilised, respects human rights and promotes human dignity. It should be judged on the way the care is provided and the quality of life facilitated within the care system.

There are major shortcomings in this regard. Any objective judgment on our care system would be harsh. We have a stated policy in the context of this section of the Bill. It demonstrates that we have a stated policy which favours community or home care. The practice makes such care extraordinarily difficult and effectively supports institutional care more than it supports home care.

We do not have a fair and equitable system for financing care, and we do not have a fair and transparent set of rights and entitlements. In the context of the Bill, the Minister has stated he is just regularising the situation. He has also indicated that fundamental changes are proposed in legislation, which would reflect on many of the concerns and points expressed by other Deputies during the course of the Bill. If we are to believe what the Minister has stated and accept that the primary piece of legislation will be in place before the next general election, why are we proceeding down this road and not putting all the resources of the Department into finalising the primary legislation?

The explanatory memorandum to the Bill states the purpose of the subvention scheme is "to provide financial assistance to persons towards the cost of maintenance in a private nursing home". The Bill defines subvention as a payment towards the cost of care and maintenance

of a dependent person in a nursing home. The 1993 regulations simply state that the payment of subventions was towards the cost of nursing home care. There is a fundamental difference between this Bill and previous regulations.

The financial assessment of an applicant's means is to include all income and investments, including life policies and any assets transferred within the previous five years, for nominal considerations. It will also include up to 5% of the market value of one's house. Some 80% of the income from the State non-contributory pension is also included in the means test. In the previous regulations, assets may have been taken into consideration when taking means. They do not state assets shall be taken into account. In the Bill "the first €11,000, or the prescribed amount, whichever is the greater, of the applicant's assets" is also excluded from the financial assessment of means. However, for the social welfare means test, the exclusion amount is €20,000. The social welfare means test allows for earnings up to €100 per week to be disregarded. There are further exclusions under social welfare, including income from renting a room where a person would otherwise live alone. None of these exclusions is included in the Bill. Furthermore, for the social welfare means test the principal residence is not considered in the financial assessment of means. If one sells a house to buy or rent more suitable accommodation or enters the care of a nursing home, the first €190,460.71 of the sale proceeds are disregarded. The Bill makes no reference as to whether such income will be considered for the nursing home subvention means test. Let us be clear in the comparison between the Bill and other legislation. The exclusion of the home where a relative is residing makes no provision for cohabiting couples in the same section. This should be included in another section and an amendment is required.

The difficulty of setting upper limits for the income level and the valuation of houses in primary legislation poses major difficulties. Given the spiralling cost of houses, should amounts be reviewed annually? Reviews of eligibility can be made at any time and 60 days notice can be given of withdrawal or reduction of subvention. That is an inconsistency.

The limit of €9,000 on income before housing assets are considered for means testing is already exceeded by the State non-contributory pension. Is this equitable and fair for elderly people? What does €9,000 represent? Should we believe the Minister of State's statement of 12 October 2006 when that "the HSE will not implement existing rules in such a way that people would lose their houses"? Where is this reflected in the Bill? It is not the Minister of State's commitments, nor those of his successor, that are relevant but the Bill. If such discretion is given by the HSE, what is the use in setting up percentages in the first place?

An appeal against the decision of the HSE will be heard by someone who may be an employee of the executive and who must comply with guidelines set out by the executive. There is no independent appeals system or advocacy service for an appellant. Both services are proposed in the case of other Bills. They should be set up before the Bill is enacted. The Bill should clearly state the decisions of an appeals officer should be reviewed by the Ombudsman.

There is no reference to those in nursing homes with low dependency. Reference is only made to those with maximum, high and medium dependency levels. No further clarity is given regarding enhanced subventions or fully contracted beds. It is easy for the Minister of State to give the impression he is doing something by referring to enhanced subvention and contract beds. We all know that availability of enhanced subvention is minimal and fully contracted beds are no longer in existence in some areas.

Older people who raised their children, allowing them to be part of the Celtic tiger, cannot be cared for at home. They cannot be given a commitment because of the waiting list. I have attended the funerals of many constituents who were told they could be on a waiting list for nine years before a public sector bed became available. They died at home rather than receiving care to which they were entitled under legislation as citizens of the State. The Minister of State refers to implementing policy. The Government made a commitment to providing 2,000 extra long-term public beds. The health strategy referred to a lower figure of 800 but none has been delivered.

This section of the Bill allows a high degree of discretion to the executive. The intention of a standardised system of assessment will not be achieved. On the basis of comparisons with the means testing of the Department of Social and Family Affairs, efforts to introduce standardised eligibility criteria will be further frustrated by the lack of consistency in means testing across Departments. This will result in allegations of unfairness and inequality. This is the last thing we want for people concerned about their final years in the world. The necessity of staying at a long-term, private facility means they have used up the nest egg and are faced with the threat — implicit in the Bill — of their house being sold over their heads.

Older people are not treated in the same way as everyone else. A young child coming into the world is entitled to care and attention in a public hospital. The care to which someone aged 65 years or over is entitled under the Constitution is not available. If one has the money, one can go into a private nursing home. There are three degrees of subvention for others but if one earns over €11,000 per annum, one has a problem. If one's house is worth more than the valuation stipulated in the Bill, one is not entitled to a sub-

[Mr. S. Ryan.]

vention. House values in rural areas and Dublin are inconsistent.

The Minister of State and his officials are well aware of the problems encountered. Court cases are pending on the issue of elderly people's constitutional entitlement to care. Many reports outlining the need for action have been placed before the Minister of State or someone else in his Department. The result is a commitment from the Government and the Minister to regularise the existing arrangement rather than deal with the problem. This at a time when we are told the resources of the State are not always available, or there is a staff shortage. The Minister of State should be ashamed.

While the Bill is an attempt to incorporate a 1993 regulation in primary legislation, other legislation and regulations have superseded many aspects of the 1993 regulations. For example, the assessment of a child's income was provided for in the 1993 regulations but ended in 1999. It makes no sense to include old regulations in new laws, notwithstanding that the old regulations were bad law in the first instance. New legislation requires new regulations. The elderly are entitled to legislation that will protect them and provide the care and attention they deserve. The Bill does not meet that need. I fully support the amendment.

**Mr. Wall:** I support the amendment in respect of the definition of the Dublin area. The Bill sets a ceiling of €300,000 and above on the value of a principal residence outside the Dublin area. An article in the *Irish Examiner* on 26 October stated the cost of housing in the greater Dublin area, including counties Kildare, home to the Minister of State and me, Louth, Meath and Wicklow, bucked the trend for house prices to ease off. Instead they had increased by 14%. If the average cost of a house in Dublin is €419,000 and the greater Dublin area extends to the counties I have named, will the Minister of State accept that it is necessary to reconsider that section of the Bill and agree to the amendment? These counties form a commuter belt for people working in Dublin because of their proximity to the city. There is no obvious reason not to accept that they form part of the greater Dublin area in the context of house prices.

The Minister of State has said the Bill is intended to provide in legislation for the decision made in 1993. There will be no further legislation on this matter for some time and many families will suffer as a result. If the newspapers report a percentage rise in house prices in clearly defined areas, it is difficult to understand why we cannot agree that the definition of the Dublin area should be extended to include the greater Dublin area. One could then reflect on including the four local authorities in the four named counties. I have heard no one say the prices mentioned in the report are out of line with reality. The Bill

will affect a senior citizen who owns such a house. If, under the legislation, the Department does not recognise a senior citizen who owns a house in this area, that person's home will be sold over his or her head. There should be no problem in accepting the amendment because there is a definite line around the counties to which I refer. The figures are available at the press of a button to show how the commuter belt affects them.

I do not see how the Minister of State can refuse to accept the amendment. He was under pressure on Committee Stage to resolve this matter but refused to accept the amendment. On occasions when I have discussed the Bill with him he has told me it is not the "be all and end all" of a Bill but that some changes have been made. This is one change he must accept. He should agree to consider this aspect of the Bill and recognise that it threatens family homes. No member of the Government has said there is a mechanism available to protect the family home if the value of the home must be taken into account. The cost of nursing home care in the areas mentioned is such that one can see how it would affect local families. A person in receipt of an old age pension in any part of the country will receive €800 a month. The cost of a nursing home place in County Kildare is €2,800 per month. It will, therefore, cost over €100,000 a year to sustain a person in a nursing home. If a person cannot receive a subvention and must sell his or her home, the price will only give them three years in a nursing home. Allowing that a place in a nursing home will cost €2,000 per month, the yearly cost will be €104,000.

**Minister of State at the Department of Health and Children (Mr. S. Power):** No, it will not; the Deputy has multiplied the figure by 52 weeks rather than 12 months.

**Mr. Wall:** Regardless, it will eat into the value the person received for his or her home. I do not understand why the Minister of State cannot accept that the greater Dublin area comprises four other counties. If this amendment is accepted, it will put some substance into the value of the Bill for families from those counties that are affected.

**Mr. M. Higgins:** I question these amendments' sufficiency. On the final Stages it is worth questioning the Bill's essential constitutionality. It is legally fragile in so far as it sets out to treat citizens in a different fashion, in a manner which could be construed as arbitrary. Separate from the issue of strict constitutionality, other questions arise. There is a real problem as there is such a significant departure from any rights-based approach in the legislation. In identifying forms of physical dependency, the legislation purports to deal with the needs of a citizen. On the other hand, it proposes to meet the needs of the citizen

through a set of mechanisms. This will create problems.

When compared internationally the Bill is not consistent with several European conventions. It will not stand up to a court challenge if a case is brought. It is my expectation and hope that such a case will be brought. The fundamental principle is that citizens are entitled, even in the scarcest of times, to be treated equally. The 1966 International Covenant on Economic, Social and Cultural Rights contains several crucial words, "the progressive realisation of one's rights". One cannot structure an inequity of treatment.

The Minister of State will be advised that he is legally entitled to establish some form of a means test. That will not rescue him from the fact that people are being treated unequally. These are fundamental points. The only way of delivering a system, even if one did not have the surplus we have now in the State's revenues, is by treating people equally. The legislation does not treat citizens equally. That is its fundamental flaw and it will fall, rightly, on it.

The Bill eschews the principle of universality. I accept that is an ideological position. The Government, particularly its junior partners, rejects a robust citizenship founded on the principle of universality. In ordinary language, this means each child is entitled to a decent education. People must be treated equally in housing legislation, which has already been tested in the courts. These principles have been established in different aspects of health care. The system proposed in the Bill rejects universality and establishes a set of tiered qualifications based on the most dubious principles. If one followed it from a rights perspective, one would expect to be moving towards the progressive realisation of care for an older person. Accountability is not being offered. One is burying different forms of discretion but the citizen does not receive a guarantee. The system is not based on a principle of guarantee. It is, therefore, moving out of the framework of any constitutional certainty. It is simply bad legislation.

Having been a sociologist for 20 years, I have spoken on occasion about the various academic work on longevity. There is that great curve of life where one has no roles when one is born or dead and the great parabola when one is most active. The longer one stays active in different interests, the longer one lives. Few Members are willing to speak about the short period people actually live after they enter a nursing home. It raises questions as to the degree of activity available to residents. It raises questions as to the urgency of a nursing home inspectorate which is not yet in place.

A most important aspect is when one moves from one's home to an institutional setting. The Bill assumes that one can put a market value on a person's home. It is assumed that it is available as an asset, free to go on the market and based on the market value in one region or another.

This principle would not last a day in court because of its highly arbitrary structure. Older people moving to an institutional setting must make a choice as to what they must leave behind. They are limited in what objects that have connotations of intimacy or are family-related they can bring with them. One goes as a single person rather than as a unit. It is a traumatic transition. Most people visiting relatives in nursing homes will often tell them how well they are being looked after. They are likely to get a withering look because the relatives in the nursing home know the difference between their current situation and that which they enjoyed in their own home. Anybody who says to such persons that they must put a value on their house, that it is simply an asset, knows nothing about social gerontology and the aging process. It is rubbish.

In regard to the family home, there are several ways the obligations of the beneficiaries of estates and so on can be structured through the taxation system. However, this is not the direction being taken. Instead, nursing home residents must concern themselves, as my colleague, Deputy Wall, pointed out, with the price they got for their home, the difference between it and the current rate and the division of the sum they secured by the monthly charge. They must ask themselves how long will it last and what is to happen when it is used up.

There is a waiting list of five years at the St. Francis nursing home in Galway and some one third of those on the waiting list are more than 80 years old. Some 15 public nursing home beds were made available in County Galway in the past ten years. There are no step-down facilities in the county and the spare capacity in hospitals is being given over to private medicine, for private rackets in the sickness industry.

All Deputies are aware of the situation. We should agree in a cross-party way on the urgent need for an inspectorate and an enhancement of the level of nursing home care. We all agree there are circumstances in which people need care. However, I do not agree with the substitution proposed in section 3 in regard to the definition of need. The problem is that if we are to meet the definition of need on a rights basis, there must be something that is coterminous between the assessed need of a person and the provision he or she receives. For instance, three levels of dependency are defined. If these are assessed externally, what will happen in the context of the institutional setting of the nursing home? Who is to decide whether it is maximum, high or medium? Will this be assessed by the inspectorate or otherwise?

Even before Committee Stage, I noted a serious flaw in the Bill in the provision relating to those who will make an assessment of impairment, whether physical, psychological or social. There are major deficiencies in regard to the social and psychological aspects. Might there be a suggestion that environmental inspections could

[Mr. M. Higgins.]

be followed up by other inspections and that this would be adequate? It is an absurd prospect. In the transition from a home setting to a nursing home assessments must take account of the whole person. The definitions in the explanatory memorandum do not address this issue which was not dealt with on Committee Stage.

My attitude to this issue is straightforward and republican. In a republic what should count is citizenship. From that citizenship certain rights should be derived. Nobody is saying everything one demands should be provided today or tomorrow. However, the rights perspective, traced through economic conditions, should be based on vulnerability. The State can be reasonably required to move towards the progressive realisation of these basic needs, whether in regard to children, the elderly, disabled people or other vulnerable categories.

It is disgraceful in such conditions of surplus that this legislation should demand that the homes of elderly people must have a market value and that estate agents will decide their entitlement to nursing home subvention. The estate agents who publish the average price of a house, whether in Dublin, the greater Dublin area, Leinster, Munster, Galway or elsewhere, are the ones who report victory every other week when a particular house breaks the magic figure of €1 million. They are parasites who are simply massaging speculators, completely oblivious to any decent consideration of rights, needs or necessities in regard to young people, the elderly or other vulnerable groups.

I do not give a damn whether the value of a person's home exceeds some specified threshold. It is an obscenity that the House should discuss the needs of older people in such terms. The citizens of a republic are entitled to be treated according to a progressive realisation of their needs. That is the basis of a rights perspective. Consequently, they are entitled to be treated equally and to a service that is accountable. Beyond this, they are entitled to an inspectorate and the dignity of assessment as a whole person. They must not be sent to places where they will spend the remainder of their lives — less than three years on average — wondering whether the yield from their home, the asset value, will suffice and whether there will be anything left for their children.

If the Government has concerns about the beneficiaries of estates, it should have the courage to deal with that issue through the taxation system. Will it be the case that the HSE in the different regions will approach the local auctioneer to discover the average price of a house in that location? Will there be people wondering whether they should put half their house over the border into the greater Dublin area and the kitchen in Leinster? All of this is an insult in regard to the care of the aged.

**Mr. S. Power:** Two particular issues have been raised by Members and we must not confuse them, although they are related. One relates to the nursing home subvention scheme, the subject of this legislation, while the other is the funding of long-term care. Members have pointed out the faults and failings attached to the subvention scheme and the changes they would like to see introduced. I repeat, however, that it is on the advice of the Attorney General that we are placing the subvention scheme on a primary legislative basis.

**Mr. M. Higgins:** He will find himself at the European Court of Justice and I hope it is soon.

**Mr. S. Power:** Deputy Higgins made a wonderful contribution to this debate in explaining how he is highly insulted by the scheme as it operates. I remind him that the regulations were introduced by his colleague, Deputy Howlin, when he was Minister for Health and Children. Clearly, he was not insulted at their introduction in 1993 and they have been used by successive Governments since. Unfortunately, there is no bottomless pit of funding for schemes such as this. There is a limit to the amount we can spend on the scheme.

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

**Mr. S. Power:** We must attach a means test to it. While some €5 million was provided for it in 1993, the corresponding figure for this year is €160 million. More than 8,000 people are in receipt of subvention.

The amendments tabled by Deputies McManus and Twomey attempt to change the term "Dublin area" used in the Bill to "Greater Dublin area" and to include several local authority areas in the definition of "Greater Dublin area". Deputy Twomey's amendments were not accepted on Committee Stage because we have used the same definition of the Dublin area as is used by the Department of the Environment, Heritage and Local Government when compiling data on house prices. It is logical to do so. It is not feasible to begin including other areas in the definition because some geographical boundary must be drawn. If we were to include the counties immediately surrounding Dublin, we would have to include the counties adjacent to them.

**Mr. M. Higgins:** The Minister of State could have asked the GAA about this.

**Mr. S. Power:** Deputy Twomey's amendment includes County Westmeath, for example, which is not even adjacent to Dublin. If that county was to be included, so also would counties Longford and Offaly. We would end up including the entire country.

**Caoimhghín Ó Caoláin:** That is exactly what should be done; there should be no differentiation.

**Mr. S. Power:** Deputy McManus's amendment proposes doing just that by increasing the principal private residence threshold to €500,000 for the entire country.

In responding to the Deputies' proposals it is crucial that I clarify a certain point in taking into account a property for the purposes of considering subvention applications. When carrying out financial assessment for the purpose of subvention, the applicant's home is not taken into account in certain circumstances. Examples of this include where it is occupied by a spouse, a child under 21 years of age, a child in full-time education or a relative in receipt of certain social welfare payments or where taking 5% of the value of the residence into account could give rise to destitution or homelessness of a person closely connected to the applicant. The last provision is a new one which was not contained in the regulations and allows the HSE discretion to take into account exceptional circumstances if and when they arise. If none of these situations applies, 5% of the imputed value of the person's principal private residence is taken into account as part of the financial assessment. This 5% is imputed in all such cases regardless of the value of the property and the thresholds on property were updated in the Nursing Homes (Subvention) (Amendment) Regulations 2005 from €95,000 for the whole country to €500,000 and €300,000 for the Dublin area and the rest of the country, respectively. It is, therefore, not proposed to accept these amendments as we used the Department of the Environment, Heritage and Local Government house price data to reach the figures of €300,000 and €500,000 and also used its definition of the Dublin area, so we intend to keep both of these for the purpose of consistency.

The funding of long-term care was mentioned on the different Stages of the Bill. We have given the matter serious consideration and it has been examined inside out. I realise there is an issue to be tackled, and we will do so. There are proposals before Cabinet and it will make decisions on them in the near future.

**Dr. Twomey:** I have no difficulty giving way to my colleagues in the Labour Party and will withdraw most of my amendments if we can take the family home issue out of this. During Leaders' Questions the Taoiseach acknowledged that elderly patients will have to sell their homes because the HSE may refuse the subvention. He agreed with what we have said all along that elderly patients may have to sell their homes. This is basically a property grab by Fianna Fáil which the Minister of State fully acknowledged this evening after five months of trying to get it out of him.

In a press release issued in October, the Minister of State said the income threshold above which subvention may be refused was €36,000 and the principal residence value above which subvention may be refused was €500,000 in the

Dublin area and €300,000 outside the Dublin area. The press release and this legislation state "may be refused". Every Deputy will have come across at least one case in the past ten months where people have been refused subvention on the grounds of this provision even though it is quite clear it states "may be refused". When the Taoiseach said during Leaders' Questions today that a person "may be refused" subvention, he was basically saying that one could read it as "will be refused" subvention.

What is coming out on the final Stages of the Bill is that Fianna Fáil will take houses from elderly people. There are no two ways about it; it is now official Government policy. That is the only clarity we have received in respect of this legislation in the past five months. As has been pointed out, patients have already had to sell their homes to pay for nursing home care. It has happened at least three times not to constituents of mine but to patients of mine in the past two to three years. The most despicable aspect of this is that when they have exhausted their assets, they have received no assistance from the HSE. In fact, we have had to go begging and scraping for them to get a contract bed when their funds were exhausted.

This legislation and the way the Government is behaving is a race to the bottom in terms of looking after elderly people into the future. The Minister of State will not apply consistent standards across the country on the back of this legislation, rather it will apply consistently low standards. He said the amount people receive in subvention is unequal throughout the country and that some HSE areas give more. It looks as if the only thing he wishes to give is less subvention to every elderly person in the country.

Deputy Higgins raised constitutional issues in this regard. We saw what happened with the former health boards when the issue of illegal nursing home charges cropped up. When people said they would challenge the charges in the courts, their fees were paid and they were told they would not be charged. This is exactly how the Government will respond when court cases are brought in this instance. It will suddenly drop the notion of expecting patients to pay. It will buy off those it believes might cause it a problem but will attempt to screw every other elderly person from whom it believes it can get property. That is what the Government is doing and it is shameful. What is even more shameful is that Fianna Fáil does not have the guts to admit it is taking people's houses from them through the back door.

If the Government had the courage of its convictions, which I doubt it has, it would have first brought forward its policy on funding care of the elderly into the future and would have told us what was to happen. We have waited long enough for its policy. I have press statements from the former Minister, Deputy Martin, dating back as far as 2003 stating that a Government decision on



[Dr. Twomey.]

the O'Shea report, the Mercer report and funding care of the elderly into the future was imminent. In 2003 it told us it would be fair but by 2006, the Government has obviously made up its mind exactly how it will fund care of the elderly into the future; it will take their houses from them. The Minister of State more or less said that when he said the only aspect which worried him was how much it will cost. He made direct comparisons between how much it cost in 1993 with how much it costs now. He does not give a hoot about equality, rights and how elderly patients will be treated in the future. The only aspect which bothers the Government is the bottom line.

The Tánaiste and Minister for Justice, Equality and Law Reform said there were so many billions of euro sloshing about in the Department of Finance that the Government did not know what to do with them. Obviously, it has changed its mind and has decided that the only way to keep the coffers full is to penalise elderly people and take their homes from them. I will withdraw amendments Nos. 8 and 12.

**Mr. S. Ryan:** The Minister of State probably did not have sufficient time to take on board some of my contribution on my assessment of the Bill but I thought he would have referred to some of the relevant points I made. I referred, in particular, to the provision for cohabiting couples which should be included. I made some other realistic proposals. The Minister of State said he wished to be consistent. However, he is being anything but consistent. I referred to the social welfare means test. If he wishes to be consistent, why does he not take that on board rather than have different standards in the Department of Health and Children and the Department of Social and Family Affairs?

I have listened to the representatives of older people, including Age Action Ireland, the Irish Senior Citizens Parliament and other organisations. Time and again, they have expressed grave concern in regard to the assessment of the principal residence of the applicant. The assessment of the degree of dependency and means of the applicant brings us to the core of the issue. Our amendment No. 6 reads "In page 7, to delete lines 20 to 48 and substitute the following: "(i) the principal residence of the applicant, ". The Minister of State can refer to 1993 but the situation has changed. We have learned that more older people are seeking care and attention. By accepting our amendment, the Minister of State would be taking on board the views of older people living at home and those in long-stay institutions. Amendment No. 6, which reads "In page 7, to delete lines 20 to 48 and substitute the following:

"(i) the principal residence of the applicant," would deal with many of the concerns and anomalies that exist. If one takes the

approach of disregarding the main residence, one can then examine other ways of dealing with this issue.

I do not accept the argument that there may be people who will benefit from the sale of a house when loved ones have died. That is not the principle at stake. The principle is one of universality with regard to services and as Deputy Higgins clearly outlined, there are other means of dealing with income deriving from the sale of a family home subsequent to the death of the main resident. That issue can be addressed and the Labour Party will draw up proposals to do so. I urge the Minister of State to accept our amendment but on the basis of what he has said so far, I doubt he will do so.

**Caoimhghín Ó Caoláin:** With regard to this group of amendments, I welcome Deputy Twomey's decision regarding amendment Nos. 8 and 11. As I have indicated previously, I find greater favour with the amendments proposed by Deputy McManus, namely Nos. 9 and 10, but only in the context of our not being able to establish with the Minister of State and his colleagues in Government the absolute requirement of the exception of the family home.

It is absurd to even suggest this is not a consequence that will be faced by many people. As Deputy Twomey said, it is already a reality. I have previously put on record in the House the situation of a family in my own home town. There are many cases but one in particular drove the issue home to me very clearly. An elderly lady had to go into nursing home care. She had very little by way of savings but the family home, the simple, council-built home that had appreciated in value over time, was factored in to her means assessment because none of her offspring was living there. They were living elsewhere in the country and overseas. The HSE's drive to force that lady to dispose of her home forced her adult children to face all of the effects of the loss of a parent, even though their mother was in a nursing home facility. The disposal of the home and of all their mother's personal effects had to be endured. The memories of their childhood growing up there had to be dispersed, displaced and disposed of. I personally witnessed the pain of all of that and it was absolutely harrowing. These were young adults who would come home to visit their mother and stay in the home where they grew up. Now, because that home is no longer in the family's possession, they are faced with the added burden of the cost of accommodation when they come home to visit their mother in the nursing home. This is already an expensive trip, as three of them have to make their way back to Ireland to do so. They now have to come to their home town and find there is no longer a home for them to visit. They are forced into hotel or bed and breakfast accommodation. It is an absolutely dreadful scenario and that is what the Govern-

ment is compounding. That is what the Government will force more and more families to face.

If one thinks ahead, the scenario is equally dreadful. Thankfully, the lady is still alive but when she dies, where will her family gather to grieve? Where will they gather to think back on the years of their childhood, the years they shared with their parent in the nursing home? Where will the lady be waked? There will be no home open to her neighbours, friends and community to come to sympathise. What is the Government doing? Does the Minister of State have any idea of the consequences of what is being proposed for the reality of life for families throughout the country? This is the most poorly thought-out legislation put before us for some time. I know it is not all the fault of the Minister of State. He has been entrusted with the role and responsibility of having to defend the Bill but where are the drafters coming from, the people to whom the Taoiseach referred? Where are they living? How distant have they and those in the Department who advise on the preparation of such legislation become from the reality of life for ordinary people in our communities? It is shameful and a disgrace. The Bill is compounding a pain that is already in evidence and making the situation even worse.

I indicated during my contribution to the Second Stage debate that I welcomed the presentation of a Bill that would place the subvention scheme on the basis of primary legislation but what is it that we have before us? If the Minister of State holds his current line, particularly in this area — although that is not to say there are not other areas of the Bill which are seriously flawed — other Deputies and I will have no choice but to oppose the Bill outright. People throughout the State, when they become aware of the reality and see the pain the outworking of this legislation will cause, as I have described, will also oppose it and the Government will deservedly face a very irate public.

**Mr. S. Power:** I must make the point that what we are doing here is converting regulations into primary legislation. With regard to the financial assessment, we are not proposing any change here. We are not proposing any great change in the way the scheme will operate.

From the point of view of looking after older people, the Government has treated them very much as a priority. We have seen that in successive budgets, with the old age pension increasing. We increased the number of home care packages. Last year we had 1,100 and have increased that this year by an extra 2,000 throughout the country. These are things that have made a real difference and have improved the quality of life of so many.

We are introducing the measures proposed today on the advice of the Attorney General. We are criticised when we do not take advice. Now that we are taking advice and acting upon it, we are being criticised for that as well. With regard to Deputy Twomey's comments on funding, that is fine when one is in Opposition because one can be as carefree as one likes. However, any reasonable person will accept that in proposing any scheme, one must be very conscious of how much it will cost. I suggest that if he happens to be in the Cabinet after the next election, he make the same proposals. He will see what short shrift he gets from the Department of Finance if he does not cost a scheme he proposes to introduce. We are living in the real world here.

**Mr. M. Higgins:** They were against electricity in their day. They said it would not catch on.

**Mr. S. Power:** I hope they never oppose power in Kildare.

**Mr. Wall:** Perhaps one or two might.

**Mr. S. Power:** As with all constituencies, old people live in Kildare and I am familiar with the difficulties and pressures exerted on those families that find themselves in the unfortunate position where they are obliged to provide for long-term care for a family member. The Deputy is asking me to exclude the principal residence from the Bill. While that proposal might be desirable, it is not possible to agree to it.

Amendment, by leave, withdrawn.

**Mr. S. Ryan:** I move amendment No. 9:

In page 10, line 8, after "area" to insert "or elsewhere in the State".

Amendment put.

The Dáil divided: Tá, 57; Níl, 64.

Tá

Boyle, Dan.  
Breen, James.  
Broughan, Thomas P.  
Bruton, Richard.  
Burton, Joan.  
Connaughton, Paul.  
Connolly, Paudge.  
Costello, Joe.  
Cowley, Jerry.  
Crawford, Seymour.  
Crowe, Seán.  
Cuffe, Ciarán.

Deasy, John.  
Deenihan, Jimmy.  
Durkan, Bernard J.  
English, Damien.  
Enright, Olwyn.  
Ferris, Martin.  
Gilmore, Eamon.  
Gormley, John.  
Harkin, Marian.  
Hayes, Tom.  
Healy, Seamus.  
Higgins, Joe.

## Tá—continued

Higgins, Michael D.  
 Hogan, Phil.  
 Kehoe, Paul.  
 Lynch, Kathleen.  
 McCormack, Padraic.  
 McEntee, Shane.  
 McGrath, Finian.  
 McGrath, Paul.  
 McHugh, Paddy.  
 Morgan, Arthur.  
 Moynihan-Cronin, Breeda.  
 Murphy, Catherine.  
 Murphy, Gerard.  
 Naughten, Denis.  
 Neville, Dan.  
 Ó Caoláin, Caoimhghín.

O'Dowd, Fergus.  
 O'Keeffe, Jim.  
 O'Shea, Brian.  
 O'Sullivan, Jan.  
 Pattison, Seamus.  
 Penrose, Willie.  
 Quinn, Ruairi.  
 Rabbitte, Pat.  
 Ryan, Eamon.  
 Ryan, Seán.  
 Sargent, Trevor.  
 Sherlock, Joe.  
 Shortall, Róisín.  
 Timmins, Billy.  
 Twomey, Liam.  
 Upton, Mary.  
 Wall, Jack.

## Níl

Ahern, Dermot.  
 Ahern, Michael.  
 Ahern, Noel.  
 Brady, Johnny.  
 Brady, Martin.  
 Brennan, Seamus.  
 Callanan, Joe.  
 Carey, Pat.  
 Carty, John.  
 Cassidy, Donie.  
 Collins, Michael.  
 Coughlan, Mary.  
 Cowen, Brian.  
 Cregan, John.  
 Davern, Noel.  
 Dempsey, Tony.  
 Dennehy, John.  
 Devins, Jimmy.  
 Ellis, John.  
 Fahey, Frank.  
 Finneran, Michael.  
 Fitzpatrick, Dermot.  
 Gallagher, Pat The Cope.  
 Glennon, Jim.  
 Grealish, Noel.  
 Hanafin, Mary.  
 Haughey, Seán.  
 Hoctor, Máire.  
 Jacob, Joe.  
 Keaveney, Cecilia.  
 Kelleher, Billy.  
 Kelly, Peter.

Killeen, Tony.  
 Kirk, Seamus.  
 Kitt, Tom.  
 Lenihan, Conor.  
 McDowell, Michael.  
 McEllistrim, Thomas.  
 McGuinness, John.  
 Moloney, John.  
 Moynihan, Donal.  
 Moynihan, Michael.  
 Mulcahy, Michael.  
 Ó Cuív, Éamon.  
 Ó Fearghaíl, Seán.  
 O'Connor, Charlie.  
 O'Donnell, Liz.  
 O'Donoghue, John.  
 O'Donovan, Denis.  
 O'Keeffe, Batt.  
 O'Keeffe, Ned.  
 O'Malley, Fiona.  
 O'Malley, Tim.  
 Parlon, Tom.  
 Power, Peter.  
 Power, Seán.  
 Roche, Dick.  
 Sexton, Mae.  
 Smith, Brendan.  
 Smith, Michael.  
 Treacy, Noel.  
 Wallace, Mary.  
 Wilkinson, Ollie.  
 Wright, G.V.

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

Amendment declared lost.

In page 10, to delete lines 13 to 19.

**Mr. S. Ryan:** I move amendment No. 10:

Question put: "That the words and figures proposed to be deleted stand."

The Dáil divided: Tá, 62; Níl, 55.

## Tá

Ahern, Dermot.  
 Ahern, Michael.  
 Ahern, Noel.  
 Brady, Johnny.  
 Brady, Martin.  
 Brennan, Seamus.  
 Callanan, Joe.  
 Carey, Pat.  
 Carty, John.

Cassidy, Donie.  
 Coughlan, Mary.  
 Cowen, Brian.  
 Cregan, John.  
 Davern, Noel.  
 Dempsey, Tony.  
 Dennehy, John.  
 Devins, Jimmy.  
 Ellis, John.

## Tá—continued

Fahey, Frank.  
 Finneran, Michael.  
 Fitzpatrick, Dermot.  
 Gallagher, Pat The Cope.  
 Glennon, Jim.  
 Grealish, Noel.  
 Hanafin, Mary.  
 Haughey, Seán.  
 Hoctor, Máire.  
 Jacob, Joe.  
 Keaveney, Cecilia.  
 Kelleher, Billy.  
 Kelly, Peter.  
 Killeen, Tony.  
 Kirk, Seamus.  
 Kitt, Tom.  
 Lenihan, Conor.  
 McDowell, Michael.  
 McEllistrim, Thomas.  
 McGuinness, John.  
 Moloney, John.  
 Moynihan, Donal.

Moynihan, Michael.  
 Mulcahy, Michael.  
 Ó Cuív, Eamon.  
 Ó Feargháil, Seán.  
 O'Connor, Charlie.  
 O'Donnell, Liz.  
 O'Donoghue, John.  
 O'Keefe, Batt.  
 O'Keefe, Ned.  
 O'Malley, Fiona.  
 O'Malley, Tim.  
 Parlon, Tom.  
 Power, Peter.  
 Power, Seán.  
 Roche, Dick.  
 Sexton, Mae.  
 Smith, Brendan.  
 Smith, Michael.  
 Treacy, Noel.  
 Wallace, Mary.  
 Wilkinson, Ollie.  
 Wright, G.V.

## Níl

Boyle, Dan.  
 Breen, James.  
 Broughan, Thomas P.  
 Bruton, Richard.  
 Burton, Joan.  
 Connaughton, Paul.  
 Connolly, Paudge.  
 Costello, Joe.  
 Cowley, Jerry.  
 Crawford, Seymour.  
 Crowe, Seán.  
 Cuffe, Ciarán.  
 Deasy, John.  
 Deenihan, Jimmy.  
 Durkan, Bernard J.  
 English, Damien.  
 Enright, Olwyn.  
 Ferris, Martin.  
 Gilmore, Eamon.  
 Gormley, John.  
 Harkin, Marian.  
 Hayes, Tom.  
 Healy, Seamus.  
 Higgins, Joe.  
 Higgins, Michael D.  
 Hogan, Phil.  
 Kehoe, Paul.  
 Lynch, Kathleen.

McCormack, Padraic.  
 McEntee, Shane.  
 McGrath, Finian.  
 McGrath, Paul.  
 McHugh, Paddy.  
 Morgan, Arthur.  
 Moynihan-Cronin, Breeda.  
 Murphy, Catherine.  
 Murphy, Gerard.  
 Naughten, Denis.  
 Neville, Dan.  
 Ó Caoláin, Caoimhghín.  
 O'Dowd, Fergus.  
 O'Shea, Brian.  
 O'Sullivan, Jan.  
 Pattison, Seamus.  
 Penrose, Willie.  
 Quinn, Ruairi.  
 Rabbittie, Pat.  
 Ryan, Seán.  
 Sargent, Trevor.  
 Sherlock, Joe.  
 Shortall, Róisín.  
 Timmins, Billy.  
 Twomey, Liam.  
 Upton, Mary.  
 Wall, Jack.

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

Question declared carried.

mencement of the payment of a relevant subvention.”.

Amendment declared lost.

Amendments Nos. 12 to 14, inclusive, not moved.

**Dr. Twomey:** I move amendment No. 15:

In page 11, line 11, to delete “Executive,” and substitute the following:

“Executive, and

(iii) except in exceptional circumstances, not sooner than 12 months after the com-

Every opportunity should be taken to discuss the Bill in as much detail as possible. The aim of the amendment is to enable the HSE to allow patients to receive a subvention for a specific period. The difficulty is that the payment of a subvention can be queried almost within months of a patient receiving it. Subventions should not be reviewed for a certain period of time. They should be treated like medical cards which can be issued for three to six months. If a subvention is reviewed soon after it is given because information has been provided for the HSE which

[Dr. Twomey.]

might not be true, it makes matters difficult for the patient involved.

Many of the amendments are based on the one issue. I am disappointed the Minister of State is not reciprocating in any way with this side of the House. The Minister, Deputy Harney, stated that under the new policy no one would be forced to sell his or her house and that the HSE would not implement existing rules in such a way that people would lose their homes. This appeared on the website of Age Action Ireland.

The Taoiseach implied that funding for the care of the elderly in the future had already been decided and that discussions had taken place with mythical stakeholders. I previously asked the Minister of State to identify these mythical stakeholders who had already decided it was perfectly valid to take the homes of elderly people in order to pay for their private nursing home care. He did not answer the question. It is clear that the words of the Minister to the effect that houses will not be taken from elderly people will have no value in years to come because they do not have any value today. We have already pointed out that patients are being forced to sell their homes to pay for their nursing home care. Therefore, her words have zero value.

What will matter is legislation; that is what we are discussing. The measly words of the Minister, the Minister of State and the Taoiseach will mean nothing when it is passed. Will the Minister of State indicate who are the stakeholders with whom he had discussions and who agreed that homes should be taken from elderly people? As he did not discuss the issue with anybody on this side of the House, it is clear that the stakeholders are not on this side. Who are they? Age Action Ireland stated its group was not involved and that it was against the legislation. With whom has the Minister of State had discussions? Who decided that homes would be taken from elderly people to fund their care? We now know this is Fianna Fáil and Progressive Democrats policy but we do not know with whom it was agreed. Fianna Fáil brings in everybody to discuss matters. It brings in IBEC and the trade unions. The elderly people who are engaged in this discussion would like to know who is representing them who allowed this proposal to go forward. It is most important that the Minister of State answers this question.

We are aware the Government parties have no respect for the Dáil. They will be backtracking when this measure is reflected in the opinion polls. It will be suggested not much will be taken from elderly people but there will be a difference between what the parties will state in their general election manifestoes and what is contained in the legislation. The Minister can write on any website she wishes, including that of Fianna Fáil, that she will not take anybody's home, but it is already happening. Her words and those of the Minister of State have no value. What matters is the legislation. This is different

from regulations which can be and were interpreted differently by the CEO. Believe it or not, in the past ten months, when we knew the legislation would be brought forward, the HSE has been more inclined to stop elderly patients receiving subventions.

The subvention rates have been the same since 2001 and there have been no discussions to increase them. An attempt to increase them might be made once the Government copperfastens the arrangements to deprive a large percentage of elderly people of the right to receive a subvention.

The Minister of State must answer the questions asked. I asked about the figure of 5% as far back as 11 May in my Second Stage speech. The Minister of State avoided that question completely until he attempted to explain the situation in a press release issued before he was due to speak on "The Last Word" with Matt Cooper on 12 October. No attempt was made to explain it clearly in the House. While he is here, will he indicate who are the stakeholders with whom he discussed the issue and who agreed to allow legislation under which the homes of elderly people would be taken from them to pass through the House? He should do so without further prevarication.

Families will have some job in obtaining a subvention under this legislation as the Government will take everything into account and ensure families will have to go to a solicitor to sign off or risk being locked up in jail for a couple of months. If a family does succeed in obtaining a subvention, the elderly person concerned will deserve to receive it and hold on to it for a few months.

**Mr. S. Power:** More constructive debate.

**Dr. Twomey:** That is the purpose of the amendment which I will press because the Minister of State must explain himself to the House.

**Mr. M. Higgins:** I certainly support the amendment. One must ask whether there is a balance of fairness between the executive and the citizen in a nursing home. On the one hand, an elaborate set of procedures is laid down in the Bill for a person who wants to appeal against a refusal. The grounds must be within a framework acceptable to the executive and a particular set of requirements must be followed. On the other hand, section 7D states that at any time the executive may arrange for a review to be carried out.

The formulation regarding the executive is loose. Almost immediately after granting a subvention, should it wish to do so, it may change either the degree of dependency or the level of means. However, the procedures laid down in the section governing a dependant or a person acting on his or her behalf are more cumbersome. This raises a further question about the human being involved in the assessment.

The reason I support the amendment is the decision should apply for at least 12 months. Otherwise, there could be an absurd situation whereby a person will be subject to this strange method of decision making on degree of dependency and then be vulnerable in having it redefined almost arbitrarily within an extremely short period of time. As I understand it, all the amendment seeks to ensure is that a decision arrived at would apply for 12 months.

I am regularly invited to be practical. I would like to be practical about this issue also. Let us suppose a hypothetical case concludes with a person being moved from one category of dependency to another. Can I assume the contribution of the HSE will automatically change? I cannot find any such guarantee in the legislation. While one could find one's category has changed, one's liability has remained stable. That is not in the interests of anybody. The case can be made that it could work the other way but that is a separate issue. This involves a person being assessed using multiple criteria. In many cases there is considerable merit in leaving a decision stand for a period of time. The rights of the person concerned included in a later section can be invoked better in such circumstances.

**Mr. Naughten:** I support the amendment. It is critically important that when a decision is made it should apply for 12 months. In many cases the battle in going back and forth to appeals officers to get the right decision for an elderly person can take almost 12 months. The Bill gives the executive the right to automatically review a decision.

The topical issue is taking 5% of the value of a property or house. In reality, this will force many elderly people to sell their homes. That is morally wrong and the Minister of State should review the matter. The average price of a house price is approximately €300,000. The Minister of State has stated, as the Taoiseach did earlier today, that if a house outside Dublin is worth €300,000, the owner will not be entitled to receive a nursing home subvention.

Let me give as an example a semi-detached house valued by an auctioneer at €200,000, 5% of which is used, even though the elderly person concerned cannot liquidate or sell that asset. If the house next door is sold at auction for €300,000 the week after a subvention is granted, under the legislation the HSE will be able to review its decision it made, even though the valuation will have been made by a certified valuer. All of a sudden, the elderly person concerned will have his or/her nursing home subvention withdrawn.

The rates of subvention mentioned by Deputy Twomey are appalling. The maximum rate in County Roscommon is €308. Last month the HSE decided it would not provide an enhanced subvention for anyone. This will result in people living in poverty. I know of one instance where a man lived in his home with his elderly mother

who had to go into a nursing home. The 5% valuation came into play. He did not have any assets, other than the roof over his head. Because he did not meet any of the criteria laid down, he had to try to find the money somewhere. He committed suicide.

The executive should not have such flexibility. I came across a policy within the HSE on medical cards under which people were not told that they had the right of appeal. A person may be granted a subvention and believe it will be payable for at least 12 months. However, the HSE will be able to review it immediately. In many cases, people are not informed that they have the right of appeal under certain schemes. It is important to have such a right.

Debate adjourned.

### **Private Members' Business.**

#### **Planning and Development (Amendment) Bill 2006: Second Stage.**

**Mr. Crowe:** I move: "That the Bill be now read a Second Time."

I wish to share time with Deputies Ó Snodaigh and Ó Caoláin.

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

**Mr. Crowe:** The right to a roof over one's head is one of the most basic rights a person should have and it is a right Sinn Féin believes is so important that it should be contained in Bunreacht na hÉireann, the Constitution. No family should be forced to wait for periods of up to seven years on a housing list, as is the case in parts of this city. Nobody should be forced to live in substandard rented accommodation for years because of Government neglect. Nobody should be forced to live on the streets because of Government indifference.

After nine years in Government, during a time of unprecedented economic prosperity, the undeniable fact is that the Government and the Minister of State at the Department of the Environment, Heritage and Local Government, Deputy Noel Ahern, have failed. The Minister of State knows he has failed; he is acutely conscious of it. However, rather than face the reality, he turns away and pretends, ostrich-like, that if he refuses to acknowledge the existence of a crisis, it will simply cease to exist.

**Mr. Morgan:** He will not even come to the House.

**Mr. Crowe:** He hides behind a stream of selectively chosen statistics that I have no doubt he will regurgitate again in this debate. He hopes that if he can throw up enough smoke and dazzle

[Mr. Crowe.]

us with enough mirrors, we will believe that a Government, which writes its housing policy at the behest of developers, is interested in creating policy to deliver for people.

No amount of spin will hide the facts. There are 44,000 households on social housing waiting lists. Social housing output as a percentage of overall annual housing output has fallen dramatically in the past four years from around 10% in 2002 to 5.8% in 2005. Less than 5% of the homes completed in the first three months of this year were for local authority tenants. Of the 81,000 houses built last year, only 830 were in the social and affordable sector. With regard to houses which have been built, there has been an 11.9% increase in the price of new houses State-wide and a 14% increase in house prices in the Dublin area. The average price of a house in Dublin in 2005 was €386,089; in 2001, the average price was €252,000. There has been a 17% increase in the price of second-hand homes. The Government is now 15,000 units short of the number of social and affordable housing it made a commitment in the national development plan to deliver by the end of this year. If that is not a crisis, I do not know what is.

The Bill put forward by Sinn Féin sets out a realistic plan to try to help achieve the NESC target of 73,000 extra social housing units by 2012, a target the Government is nowhere near achieving. We want to amend the Planning and Development Acts 2000 to 2002 to oblige developers to provide 20% of social and affordable housing and remove the option for developers to make a financial contribution to local authorities in place of providing social and affordable housing units. This will ensure that Part V delivers social and affordable housing in an integrated manner, as originally envisioned.

The decision of the Government in 2002 to abandon any real effort to deliver social and affordable housing has had a dramatic impact across the State. I will give a concrete example — a case study — of one local authority where the impact of Part V since the Government introduced the developer's loophole in 2002 can be clearly observed, using figures I received from my colleague, Councillor Joe Reilly, whom I hope will be able to raise these issues in the House after the next election.

Meath County Council has received financial contributions from builders totalling just under €4.5 million since 2002. The total number of social houses provided in Meath is three, all located in Johnstown in Navan. In terms of affordable housing, 73 units were built. To be fair, it should be noted that, in the six years since Part V was introduced, another 41 houses are "in progress". This is the record of Part V in Meath: 73 affordable units, 41 in progress and a total of three social housing units, or one every two years.

The total number of applicants on Meath County Council's local authority waiting list is

780. Is it in this lifetime or the next that the Minister of State aims to eliminate social housing waiting lists? Does he want it recorded that Fianna Fáil, the party he represents, is more comfortable with a system where developers can get out of their commitments by handing over cash than one that delivers housing for families?

The difficulties do not stop there. The erosion of the social sector means that the private rental sector increasingly acts as a refuge for people on low incomes. In 2005, over 60,000 individuals in the private rented sector were in receipt of rent supplement, representing an annual expenditure of more than €368 million. This means that every day more than €1 million of public money is shovelled into the pockets of private landlords rather than being used to build social housing. This must stop. We need a managed transition away from State subsidy of private tenancy and towards increased public resources for social housing, where tenure is by definition more secure. If Part V were amended to provide social units to those in need of social housing, we would not have to spend €1 million a day of public money on subsidising the private rented sector.

There are huge differences in the quality of houses being rented. At a meeting with the Society of St. Vincent de Paul today, I heard about a house in a neighbouring county where a family is living in rat-infested accommodation which has been condemned three times. This accommodation is being paid for by the taxpayer through rent supplement. It is a disgrace that any family is being asked to live in such conditions.

**Mr. Morgan:** It is scandalous.

**Mr. Crowe:** It is a disgrace that it is not only tolerated by the State, but paid for by its taxpayers.

All of this makes the argument that Part V should be returned to its original purpose and the Government's approach to housing should change. People need to be treated on the basis of equality, and parity in housing needs to be the number one goal in housing policy. The policy of mixed tenure development should be to the forefront of any new plans for house building regardless of whether the development is in Dún Laoghaire-Rathdown or Tallaght.

Part V can help in the provision of high standard, quality accommodation for some of the 44,000 currently on local authority waiting lists. However, amending Part V is only one step. My colleagues will deal with other measures that need to be addressed.

Every person in Ireland has the right to live in security, peace and dignity, and to the continuous improvement of living conditions. Every person has a right to housing, regardless of income or access to economic resources, economic status or group or other affiliation or status, and every person has a right to freedom from discrimination in housing. Sinn Féin is committed to bringing about

a progressive improvement in living conditions for lower income people, and to allow for tenure of choice. Sinn Féin aims to end the housing crisis, eliminate homelessness and ensure that adequate and appropriate housing is available and accessible to every person on the island without exception.

It is time to put the needs of families before the needs of developers. It is time to develop a housing policy aimed at delivering social and affordable housing, not one aimed at delivering higher profits for the construction industry. The Bill will give all parties the opportunity to pick a side and take a stand.

**Aengus Ó Snodaigh:** Sinn Féin has a realistic alternative vision for housing that is based on our understanding that housing is a human right. Our objective is to establish an equitable, balanced and fairly regulated housing market where the people who rely on housing in the social sector are catered for. Reversing the small gains made in the original Part V in 2002 has done nothing to address the current acute housing crisis that exists in this State.

I noted the comments of the Minister of State, Deputy Noel Ahern, this morning when he debated this legislation with my party colleague, Deputy Crowe. The Minister of State claimed it was too early to judge the effect of the changes in Part V, which was introduced in 2002, because it takes five years for the various planning permission requests to work their way through the system. I have no doubt the irony of what he was saying was lost on the Minister of State. Fianna Fáil was happy enough to introduce the change in 2002, less than two years after it was set to deliver. Sinn Féin argued at the time that because of the delays in planning permissions, and the appeal to the Supreme Court against the constitutionality of the legislation, the Government's real motive in introducing the current loophole for developers was to appease the construction lobby. Although we said more time should be given to allow the benefits of Part V to become apparent, the Minister, Deputy Cullen, would have none of it and guillotined the Bill through the House as fast as possible. As my colleague, Deputy Morgan, observed at the time, reading the construction industry's trade publications is as good a guide as any to forthcoming changes in Fianna Fáil policy on housing in particular, and it was clear that the industry wanted Part V changed.

When the construction industry got its changes the ordinary working-class people were affected most by them. Dublin is among the areas most directly affected by the chronic lack of social housing. The housing crisis in Dublin is a direct result of the Government's cosy relationship with its developer and property speculator friends. The dilution of Part V of the Planning and Development Act 2000 at the behest of the developers has led to €32 million being paid to local

authorities by developers buying their way out of their obligations to provide 20% of social and affordable housing in all housing developments. Meanwhile the housing waiting list has soared with 43,684 families waiting to be housed. Dún Laoghaire-Rathdown County Council has received almost €3.5 million, more than any other council in the State from developers buying their way out of their obligations, while the social housing waiting list continues to grow. Some 3,519 families are waiting to be housed by the council. These are disgraceful statistics. Units need to be provided for low-income families and developers buying their way out of providing social housing units is legalised bribery.

In Dublin City Council's area a similar situation exists, with developers trying to wrangle out of even the small obligations they have under the Government's changes. They are forcing the council to go to court to try to compel them to meet those obligations. The situation in Dublin is out of control. Reports over the summer indicated that key public sector workers, such as nurses, fire-fighters and teachers, are being forced out of Dublin and other major cities as they cannot afford to buy a home. Developers feel they are immune from the law and from moral decency, and have been issued a blank cheque by the Government for their actions. If the Government is serious about promoting social inclusion in housing, it is high time the Minister of State, Deputy Noel Ahern, stood up to those developers who are buying or bullying their way out of their obligations to provide social and affordable housing.

**Mr. F. McGrath:** Hear, hear.

**Aengus Ó Snodaigh:** His recent pledge to tackle property speculators has been exposed as nothing but empty rhetoric and that is why Sinn Féin has brought this Bill before the house.

**Caoimhghín Ó Caoláin:** I understand that other Deputies will follow me. Earlier today when I asked the Taoiseach about the purpose of this Bill, the reinstatement of Part V of the Planning and Development Act 2000, he claimed the Government changed it because of demands from all sides, including here in the Dáil. Although there was certainly pressure from some on the Government benches, the changes that were introduced in 2002 were strongly opposed in this House, including by Sinn Féin — we were not alone on that occasion. We all know where the pressure came from. It was from the developers and the speculators who contribute so much to the funding of the Minister's party. It was one of the quickest turn-arounds ever for a political lobby.

Let us examine the other side of this. People with disabilities campaigned tirelessly for a rights-based disability Bill. The final Bill was a bitter disappointment to many who had spent a lifetime



[Caoimhghín Ó Caoláin.]

working and promoting the introduction of rights-based legislation for their loved ones. The Bill they secured in no way reflected the needs of people with disabilities. They were treated differently from the speculators and developers, who lobbied for less than 18 months. For this Government, rights-based legislation was never on the cards for those who needed it, but the Galway tent lobby was acceded to with undue haste.

The Fianna Fáil-Progressive Democrats Government has been in power since 1997. Back then the housing crisis was developing and although it was clear what was going to happen as the economy grew, the Government failed to act. The Minister and the Taoiseach failed to act. They placed total reliance for the provision of housing, including social housing, on the private sector. The Government's approach was and is driven by the drive for profits by the land speculators and the developers. This has played into the hands of the lending institutions, which are profiting from the massive scale of mortgages weighing down on young families and — take note — into perpetuity. That is the reality those young families face. We pointed out that at the time and we stated that local authorities must be given a lead role in providing homes for our people, but that was ignored. Local authority housing as a proportion of overall housing supply has fallen to a record low under this Government. This State has one of the lowest outputs of social housing in the European Union, and that is an incontrovertible fact.

The consequences of the housing crisis go far beyond the issue of accommodation. Poor housing is a contributory factor to poor health among sections of our population. The exorbitant price of homes has a knock-on effect for the care of children. It leads to both parents in young families having to work to make ends meet. The pressure on family budgets and on the demand for child care places is enormous. More importantly, the quality of life for children and indeed for parents is adversely affected.

Thousands of social and affordable homes would now be in place if Part V had been left as it was introduced in the Bill in 2000. It can still have that important effect if now reinstated, and that is the challenge we put to the Government tonight. We ask that the Government end the scandal by which a nation with an abundance of wealth sees so many people sleeping rough on our streets or living in overcrowded conditions, for example, with two families sharing accommodation. All their needs should be met and this Bill will go some way to doing that.

I commend the make room campaign which is being spearheaded by Focus Ireland, the Simon Communities of Ireland, the Society of St. Vincent de Paul and Threshold. They have said that with strong political leadership, a responsive policy agenda and adequate resources, homelessness could be ended. The target date of 2010

for ending rough sleeping and long-term homelessness has been set by the Government, but that target will not be reached unless the Government prioritises social and affordable housing based on the needs of people.

The make room campaign has stated that in recent years, the profile of homelessness has changed, with fewer people sleeping rough. However, thousands of people remain without a home, many living for years in insecure hostel or emergency and temporary accommodation. They say that turning the corner on homelessness will require much more comprehensive and sustainable housing solutions, and we absolutely endorse the make room campaign view of that. One of the first steps in the solution to homelessness lies in the delivery of a needs assessment. The campaign has identified that as a means of establishing the actual need of each applicant who is identified as homeless or in need of housing, and we support that proposition. Individual solutions can then be developed based on the facts derived from that needs assessment.

The social housing stock in the Twenty-six Counties is inadequate. Let the Minister acknowledge that fact. As we stated previously, much-needed local authority homes have not been delivered. Some 44,000 family units are in need of housing, equivalent to more than 120,000 citizens. That is the issue that needs to be tackled. I am telling the Minister of State not to roll out his statistics this evening or tomorrow. We are tired listening to them from the Minister of State, the Taoiseach and the coalition parties in Government. These statistics mean absolutely nothing to the people who need housing. What we need is action and we are demonstrating that, clearly indicating to the Minister of State one step that can be taken. We urge him to adopt this Bill and make it his own, and we shall gladly applaud him for it.

**Mr. Cuffe:** I propose to share time with Deputies Catherine Murphy and McGrath.

It is not often I commend Fianna Fáil, but I praised the former Minister for the Environment and Local Government, Deputy Dempsey, when he introduced the Planning and Development Act 2000 because it was both radical and focused. It proposed that developers of land for housing should do one of three things, namely, make homes, houses or apartments available or sites or land available to local authorities. Yet that brave legislation was filleted the moment the former Minister for the Environment and Local Government, Deputy Cullen, came into office. I firmly believe Deputy Cullen looked the developers in the eye and blinked, because he filleted that legislation.

He introduced two opt-out clauses, to give cash to the local authority or to provide sites elsewhere. That was a retrograde step which is fomenting ghettoisation in housing policy. The one thing we should be doing in an ever-changing

Ireland is trying to reduce ghettoisation. We see the Minister of State with responsibility for housing trumpeting the fact he is selling off land and getting sites elsewhere, under the affordable homes initiative. He is selling lands in Dublin 4 and 2 and providing lands somewhere on the periphery of the capital. I do not believe that is a good policy. What he should be doing is counter-acting ghettoisation. He should be providing housing units, whether in Nutley Lane, Dublin 4 or beside the canal in Dublin 2. The Minister has a great opportunity to reduce ghettoisation and he is not doing enough about it, given the powers he has. The changes which the former Minister for the Environment and Local Government, Deputy Cullen, introduced were a retrograde step in housing policy, because he let developers off the hook by allowing them to provide cash or sites elsewhere, which add to ghettoisation. As regards the financial contributions, I do not believe many local authorities around the country have used that provision sufficiently.

The Minister of State needs to provide local authorities with the resources to track down the developers. Developers will use every trick in the book to try and wriggle their way out and a very smart law agent is required as well as good people in middle management in local authorities to get Part V delivered on. Local authorities, including in my constituency in Dún Laoghaire-Rathdown, have lost out on potential contributions by not using the provisions of Part V to the best of their ability. It is no good the Minister of State shedding crocodile tears on the subject. He should be ensuring he is delivering on a commitment to provide affordable homes. In Dún Laoghaire-Rathdown under the 1999 scheme, one unit has been built so far this year according to the figures I have. Under Part V, so far this year 11 units have been built, not something to set the crowds jumping for joy, and under the affordable homes initiative nothing has been built to date. When one tots up everything that has been built in Dún Laoghaire-Rathdown under the 1999 scheme, Part V and under the affordable housing initiative, it does not amount to 150 housing units.

**Mr. Morgan:** That is scandalous.

**Mr. Cuffe:** By any standards that is not a decent accomplishment. I really do not believe the Minister of State is making an impact. Meanwhile, we are finding out that 16% of homes in the country are vacant. The Government is providing tax incentives for holiday homes that remain vacant for 11 months of the year. That is not the way forward in terms of housing policy and the Minister of State should look at the type of incentives being given and reconsider them in order to help the less well off rather than those who are doing quite well.

In many respects a triple tax incentive is being provided, particularly if one considers the relief available for rental property. Builders construct

accommodation for rental purposes. They get tax relief on the cost of the rental units in the first instance. They also get tax relief on the rent received. To add insult to injury they get a third tax relief from the State, namely, a payment under the rental subsidy scheme. While people are living in substandard accommodation and housing lists in Dún Laoghaire-Rathdown have trebled over the last ten years, the Minister of State is providing a triple tax relief to some of the wealthiest people on this island. That is not the right type of housing policy. The measure of any social housing policy is how it helps the least well off.

When one looks at the transition for those on rental supplement to the rented accommodation scheme, one finds that when local authority officials inspect the accommodation it simply is not up to scratch. Whether this is due to fire regulations, the lack of hot or cold running water, damp on the walls or whatever, only 10% or 15% of the accommodation vetted under the rental accommodation scheme — I am subject to correction on this — passes muster. The accommodation is not measuring up to the simple basic standards for 2006, a damning indictment of the Minister of State's housing policy.

This is not about general housing, but rather about housing for the least well off. It is for lone parents trying to bring up a couple of children who are struggling to make ends meet and paying money to landlords day in day out. Even that type of accommodation is simply not meeting the basic standards, and it is the most vulnerable who are suffering, whether parents trying to bring up children on their own, recently arrived immigrants or whoever. Meanwhile three different types of benefit are being handed out to very well off people. They are getting the double rent relief, capital allowances and rental supplement. The well off are doing better out of this and the most vulnerable are suffering.

I commend Sinn Féin for attempting to reinstate Part V of what was well considered legislation. Fianna Fáil has moved to the right, particularly under Deputy Cullen's stewardship. It sees the only way forward as the privatisation of essential State services. I am concerned that the State has an enormously important role to play in providing the basics, whether in health, education, housing or in public transport. The last few years in particular have seen State agencies starved of the essential funding they need and legislation filleted of the intentions that were there in the first instance.

We must also consider the issues raised by the All-Party Oireachtas Committee on the Constitution and its conclusions as regards housing. It suggested two very simple initiatives. One was that local authorities should be able to purchase land at the existing use value, plus 25%. The other was that we should be taxing the benefits of the increase in value that accrues from rezoning. If one looks at any of the property sup-

[Mr. Cuffe.]

plements one can see we are not talking about millions or tens of millions of euro but hundreds of millions of euro in increased value. The lands belonging to Sir Marc Cochrane in Shankill went overnight, by virtue of a stroke of a planner's or a county councillor's pen, from a value of €3 million to €170 million. That is the type of profit being made by those who are inside the tent at the Galway races. The efforts of the Government could be concentrated on a few slight changes that would improve the capacity of the local authority to build homes in the first instance.

**Mr. F. McGrath:** I wish to share time with Deputies Catherine Murphy and Cowley.

I thank the Ceann Comhairle for allowing me to speak on this new legislation, the Planning and Development (Amendment) Bill 2006. I commend Sinn Féin for bringing the Bill before the House, as housing is a significant issue for most people. It is an issue for our young, our disabled and our elderly.

I also wish to challenge the Government on its record, a disaster for most people. It seems to have decided to side with the developers instead of working people. I am here to demand action for our people, taxpayers and citizens. We need the 20% portion of social and affordable housing as a matter of urgency, a matter with which this Bill deals. I support this progressive legislation, as it gives our people a chance in the housing market.

The Government seems to be obsessed with the market and the economy, while turning its back on our people and citizens. Section 2 amends the Planning and Development (Amendment) Act 2002 by restoring the original obligations which existed under the Planning and Development Act 2000 on developers to provide 20% of social and affordable housing. It does this by removing the option for developers to make a financial contribution to local authorities in place of providing social and affordable housing.

I urge everyone in this House partaking in the debate to support the rights of the disabled with regard to housing and long-term care in society. They must be a major part of any housing policy. This issue is a major part of my own political agenda. People with disabilities should not only have their proper share of the cake, but they should also run the bakery with regard to housing and long-term care accommodation. They deserve supports, our respect and to be part of this legislation. I urge all Deputies in the House, and the Minister of State in particular, to listen to the voice of the disabled, especially on the issue of housing.

I strongly support the Make Room Campaign, put together by a group of organisations working with the homeless. It is campaigning to ensure people at risk of, or experiencing, homelessness will have their housing and support needs assessed and met. I support the campaign for an

annual output of 10,000 new social housing units per year to help to prevent and alleviate homelessness.

We need measures like supported housing, care support and tenancy sustainment programmes to support people who have experienced homelessness. I am calling for changes in the rent supplement scheme so people on low incomes can be given more help with meeting their housing needs. We need new regulations of accommodation in the private rented sector covering basic standards such as safety, the provision of heating and cooking facilities and maintenance. I am also calling for a range of poverty-proofing measures and poverty prevention actions across areas of education, health and services, which could help prevent homelessness in the first instance.

In terms of housing, I urge the Minister of State and all Deputies not to forget our elderly. While maintaining people in their own homes is the preferred option of many of us, other options should be made available to older people to enable them to live in good quality accommodation suited to their needs.

The Government must wake up and increase the provision of supported housing for older people, and it should provide the revenue for appropriate supports and personnel to manage them. The Government should create a dedicated housing advice service for older people to help them manage their limited resources and explore the housing options available, such as home improvements, adaptations or moving to alternative accommodation.

I commend Sinn Féin for this excellent legislation. I urge all Deputies in the House to support it. Housing is a key issue for our people and they deserve our support.

**Ms C. Murphy:** I welcome the opportunity to contribute to this debate and state my support for the Bill.

Kildare is an area where the full 20% portion is included in the housing strategy. It is an area in which whole towns are under construction and there is every conceivable type of housing unit, including apartments, duplexes and triplexes. The whole shebang is under construction at present.

It is an area where there is an expectation, because of the extent of the development, that the housing list would be wiped out if this measure was working the way it is intended to work. However, what we have seen are the crumbs from the table. We have seen a couple of dozen units, at the very most, covering both affordable and social housing.

There is a total lack of transparency around this issue. Those on the waiting list for both social and affordable housing find it impossible to get information about availability, or when different housing will become available within new developments visibly under construction.

Local authorities also seem to have wound down their own direct programmes and they have not been amassing land banks because they were depending on Part V to deliver on the housing programme. It was supposed to be a cure-all. Not only would it deliver on housing, but it would also provide for good integration. Many people welcomed this, including myself.

Land banks which would have been appropriated as part of community gain under development plans, for example, did not come about because developers complained there would be a double take if they had to contribute under Part V as well as community gain. So there has been a loss in more than one respect.

In Kildare, 1,500 families or individuals are on the waiting list. That understates the case, as every day of the week I come across people who have been scratched off the list because they did not complete the assessment last year. A 22-page assessment is pretty daunting for some individuals, and it is part of the reason people have gone off the list. Where land is provided in lieu, the planning and building process must be gone through, which adds to delivery time. Despite the fact that there is a fast-track approach for local authorities, it often takes them an excessively long period to actually deliver the houses.

There is a price in human terms to pay, but there is also an economic price to pay, a point which has already been made. A third of all people in private rented accommodation are being supported by the State. As long we have these people supported by the State, that money will come from taxes. It is an idiotic policy.

Developers are not offering housing units, but apartments. I can see nothing but apartments being offered on social and affordable housing. Although it is very suitable for some family types, it is not suitable for others. Very often in affordable housing, there is a significant amount of cost going towards management companies, etc.

**Dr. Cowley:** This is very enlightened Bill. I compliment Sinn Féin on bringing it forward. As far as I can see, action taken by former Deputy Bobby Molloy when he was the Minister of State has been totally destroyed and watered down by the very people who should be upholding what he was trying to do. He was trying to do something very pure and act in a way politics and this House should be do.

He was trying to ensure that homeless people and people in need would have a house. Unfortunately, his dream was destroyed by the same corruption which is destroying the Government. It is all about money, greed and power. This Bill would address that point. If there is a collection of Independent Deputies after the next general election, they would certainly want to restore Part V in its entirety, and more.

**Mr. F. McGrath:** Hear, hear.

**Dr. Cowley:** The demand for social housing is now bigger than it has ever been in the history of the State, with 48,000 people waiting. People who need housing are being put in a very bad position. We find that the people who have money will make even more money. While private housing is thriving, social housing is in the doldrums. The level of house prices is such that one requires ten times the average industrial wage to get to the entry point for housing. It is the reality of this country at this stage.

We had many ways forward, such as the all-party committee on the Constitution. The National Economic and Social Council report is lying there, with its recommendations being ignored. More resources for local authorities and housing associations are required. The private rented housing subsidy of €250 is an open cheque book for private developers. This is on the backs of the homeless and the destitute. More social housing must be targeted at low income households and vulnerable groups such as the elderly, the homeless and the disabled. We have the lowest stock of social housing in Europe, with the exception of poor Luxembourg. This is the state of dear old Ireland in 2006. Where has Fianna Fáil gone? Is it the party that will look after the poor and the vulnerable or is de Valera's dream gone down the Swanee? NESC recommends an increase from 127,000 houses to 200,000. We can now see a new generation of drifters, moving from one private landlord to another.

This country has been asset-stripped of social housing. We need more resources now. Does the Government agree with NESC? If not, it should forget about the council but if the Government agrees, it must do something about the situation. The targets were identified in the National Development Plan 2000-2006 but they have not been met. There is a future but I am not sure the Government is prepared to go down the right road.

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** I oppose the Bill but wish to clarify the Government's position regarding the Planning and Development (Amendment) Act introduced in 2002 and particularly how it impacted on the provision of social and affordable housing. There has been much misinterpretation of Part V since its introduction. I have arranged for my Department to prepare a short Part V fact sheet which is available in the Dáil Library.

It is the view of the majority of observers that Part V is a key measure in providing housing for all the community, especially those in need of social and affordable housing. For the first time it made the community's needs for social and affordable housing a material planning consideration that a local authority is obliged to take into account when preparing its housing strategy, formulating development plan policies and deciding on residential planning applications. Part V

[Mr. N. Ahern.]

places a statutory obligation on local authorities to ensure that sufficient land is zoned for housing in their development plans to meet the projected housing requirements over the period of the plan. A set percentage, up to 20%, of residentially zoned land must be reserved for social and affordable housing.

Each planning authority is required to prepare a housing strategy that covers the period of the development plan. The housing strategy forms an integral part of the development plan and acts as a cornerstone for future housing policy within the functional area of the authority. Local authorities set out the options for compliance with Part V in their housing strategies. Through the 2002 amendment, they are enabled to develop different preferred options. In effect, local authorities determine what they want from developers to meet the need for social and affordable housing in their area.

**Mr. McCormack:** What the developers want.

**Mr. N. Ahern:** The developers may make suggestions but it is the local authorities that decide.

**Mr. Morgan:** It is in my foot.

**Mr. N. Ahern:** Most of us have been members of local authorities in the not too distant past. If Members of this House feel councillors are not acting on Members' behalf, they can communicate this to them.

Measures to address the housing needs of all sectors of the existing and future population in the area including first-time buyers, the elderly, people with disabilities, students etc. are also in the strategy. The objectives of the development plan on the form, type and positioning of housing are based on detailed local research to ensure that the right units are delivered to the right locations within the functional area of the authority. Each and every applicant for permission for residential development, other than certain exempted residential developments prescribed in legislation, must specify in the planning application how it is proposed to meet the requirements of the housing strategy with regard to the development for which permission is being sought.

The proposed Bill intends to restore the situation we had some years ago. There is nothing innovative in this Bill.

**Mr. McCormack:** That is right. We agree with the Minister of State.

**Mr. N. Ahern:** One would think it was a Sinn Féin idea originally. It was very much the idea of this Government.

**Aengus Ó Snodaigh:** You cannibalised it, that is the problem.

**Mr. N. Ahern:** Part V is about providing social and affordable housing and is an important mechanism in our approach to meeting the ever-increasing demands for such housing. The question for Government is how best to maximise the delivery of such output. Part V was difficult to implement in the early stages.

**Aengus Ó Snodaigh:** No more so than the cannibalised version of the Act.

**An Ceann Comhairle:** Deputy Ó Snodaigh was allowed to make his contribution without interruption.

**Mr. Morgan:** That was because the Minister of State had nothing to say.

**Mr. N. Ahern:** It soon became apparent to all that it was not realising its potential. Something had to be done to ensure greater output. Like all new schemes it was slow to get going, but this did not distract from what was obvious to the various stakeholders, namely, that the Part V provisions were inflexible and overly bureaucratic and were not achieving the desired results of improving the supply of social and affordable housing.

Difficulties experienced on small sites and high value sites led to the conclusion that there should be an option for off-site provision or equivalent financial contributions.

**Aengus Ó Snodaigh:** Was that on Ailesbury Road or Shrewsbury Road?

**Mr. N. Ahern:** There were clear advantages in accepting off-site provision, in cases where one or two social or affordable units would be provided in a very expensive area of a city as opposed to multiple units elsewhere. This was just one of the impediments to achieving maximum output and it could not be ignored. A Government committed to enabling home ownership for as many people as possible could not turn a blind eye to the problem. Consequently, an undertaking to review the Planning and Development Act was included in An Agreed Programme for Government in 2002. The review was to ensure that Part V met its objectives for social and affordable housing.

My Department undertook the review in consultation with a wide range of interested bodies—

**Mr. Morgan:** A wide range of developers.

**Mr. N. Ahern:** —including local authorities and representatives of the house building industry, professional institutes and voluntary housing providers.

**Aengus Ó Snodaigh:** Not the public. There were no representatives of home owners, no public representatives and no community representatives.

**An Ceann Comhairle:** Deputy Ó Snodaigh should allow the Minister of State to continue without interruption.

**Aengus Ó Snodaigh:** He is just winding me up.

**Mr. N. Ahern:** No one could argue that this group did not represent a broad range of relevant interested parties from whom balanced and practical recommendations for improvement could be expected. The review concluded that greater flexibility in the operation of Part V was required. Measures to achieve this were contained in the Planning and Development (Amendment) Act 2002 that Deputy Crowe is now proposing to abolish.

The requirement for the provision of social and affordable housing in new developments contained in the original Act has not been deleted or removed. The primary requirement of Part V, which has remained unchanged since its introduction in 2000, is the transfer of land on-site. The transfer of housing units, my preferred option and the preference of many local authorities and developers, is one of the options to the transfer of land on-site. We have made it clear to local authorities and developers that we seek housing units.

The 2002 amendment provides additional ways in which applicants for residential planning permission may comply with the requirements of Part V. Instead of reserving land or providing sites to the local authority within the proposed development, applicants can now reach an agreement with the local authority to reserve land or to provide houses or sites at another location, to make a financial contribution that will be used for the provision of social and affordable housing, or to agree to a combination of any of these options. The money collected to date — €38 million — has been ring fenced for housing.

**Mr. McCormack:** It is not being spent.

**Mr. N. Ahern:** It has to come in first.

**Mr. O'Dowd:** It is not producing houses.

**Mr. N. Ahern:** It will come in. It is all ring fenced for housing, be it affordable or social and will all be used. It is totally protected.

**Mr. Morgan:** If that money is ever seen.

**Aengus Ó Snodaigh:** If they ever get it from the companies.

**Mr. N. Ahern:** In all cases, where an option is utilised to secure a Part V agreement, the principle of equivalent monetary value must be achieved. The changes, or rather, improvements, introduced following the review of Part V were designed to ensure that more housing is provided under Part V arrangements where it is needed, while at all times ensuring the objective of

preventing undue social segregation. I am amazed at comments by earlier speakers about “ghettoisation”. Part V is the answer. Twenty or 30 years ago we built massive social housing estates——

**Aengus Ó Snodaigh:** The changes have not affected Ailesbury Road.

**Mr. N. Ahern:** ——such as those about which we have recently heard in Limerick, where there are between 700 and 1,000 houses. We are spending a couple of hundred million euro a year on regeneration and remedial works trying to put right the problems and mistakes we made 30 years ago.

**Mr. Morgan:** The Government made plenty of those.

**Mr. N. Ahern:** Part V is the answer. We no longer build massive estates of 800 houses.

**Mr. Morgan:** Yes, the Government does.

**Mr. O'Dowd:** The Minister of State has not been canvassing recently.

**Mr. N. Ahern:** We build small integrated estates. That is the aim of Part V. To turn that around and say we have not achieved absolute perfection is nonsense.

**Aengus Ó Snodaigh:** The Government has achieved perfection for developers.

**Mr. N. Ahern:** Developers can now reach an agreement to reserve land, provide houses or sites at another location, make a payment to the local authority which will be used for the provision of social and affordable housing, or agree to a combination of any of these measures. These options help to speed up the process while maintaining the integrity of Part V. They do not let developers off the hook, as some speakers have said.

**Mr. Morgan:** Of course they do.

**Mr. N. Ahern:** They do not. Paying in cash is one way for a developer to fulfil his or her legal obligations.

**Aengus Ó Snodaigh:** They do not do that in Dublin City Council.

**Mr. N. Ahern:** The developer may suggest or ask but the local authority decides.

**Aengus Ó Snodaigh:** Developers may delay as they have done.

**Mr. N. Ahern:** That is the law and the reality. While all of the options give considerable flexibility to planning authorities and developers, the Government's preferred option remains the delivery of housing units, particularly on-site to

[Mr. N. Ahern.]

achieve integrated mixed tenure developments. Evidence since 2002 is that the direct delivery of homes continues to be the main option adopted under Part V arrangements. The Opposition talks as if 50% or 75% of developers were buying their way out.

**Aengus Ó Snodaigh:** The Minister of State should look at the figures in Dun Laoghaire-Rathdown.

**Mr. N. Ahern:** That is not happening. The cash option is used in only a minority of cases, amounting to 13% or 14%.

**Aengus Ó Snodaigh:** The Minister of State should examine what has been delivered.

**An Ceann Comhairle:** It appears to the Chair that Deputy Ó Snodaigh wishes to leave the House.

**Aengus Ó Snodaigh:** I do not. I am having good fun arguing with the Minister of State.

**An Ceann Comhairle:** I suggest that the Deputy leave voluntarily rather than forcing the Chair to ask him to do so, which is the next action the Chair will take.

**Mr. N. Ahern:** To pretend that if that option did not exist—

**Aengus Ó Snodaigh:** The Minister of State is provoking me.

**An Ceann Comhairle:** If the Deputy is being provoked in the House, I suggest he watch the debate in his room.

**Mr. N. Ahern:** —it would radically change the situation is nonsense because cash is taken only in approximately 13% of cases. If this Bill aimed to guarantee a greater return from Part V than is being achieved, I might be persuaded to support it but it will not achieve this so the claim is false and hollow. If the Deputies wish to use it as an excuse to have a general discussion on housing that is fine, and maybe that is what we are doing, but let us not pretend that the Bill would significantly increase the output of social housing.

**Mr. Morgan:** It is one small part of the Bill.

**Mr. N. Ahern:** The proposed Bill seeks “to restore [the position] in relation to the provision of social and affordable housing, which existed under Part V of the Planning and Development Act 2000 prior to the amendment of that Act in 2002”.

**Aengus Ó Snodaigh:** It refers only to that part of the Bill.

**Mr. N. Ahern:** If I read that correctly, it means going back to the original rigid format of the provision of a portion of the land on-site or, with the developer’s agreement, the transfer of units or sites on the land that is the subject of the planning application.

**Aengus Ó Snodaigh:** Fair dues to the Minister of State.

**Mr. N. Ahern:** What will that achieve?

**Aengus Ó Snodaigh:** It will do what it says on the pack.

**Mr. N. Ahern:** It would not provide more units.

**Mr. Crowe:** It would provide social integration.

**Mr. N. Ahern:** It would result in greater rigidity, drawn-out negotiations, more appeals and arbitration, and fewer units. While I appreciate fully the intentions of the proposed Bill, it is flawed and would not achieve what it sets out to do.

**Aengus Ó Snodaigh:** The Minister of State never gave it a chance to work.

**Mr. N. Ahern:** We tried that before and changed the system because we saw what would happen. We have introduced some flexibility to the situation. That is warranted and necessary in a portion of developments.

**Mr. Morgan:** The Minister of State gave it no chance to work. He cut it off.

**Mr. N. Ahern:** Deputy Crowe’s intention is no doubt to increase output from Part V and substantially increase the delivery of units. With respect, however, this is not the way to ensure that Part V reaches optimum delivery. The Bill aims to achieve this by reverting to a framework clearly identified as inflexible and a hindrance to optimum delivery. While I do not believe this is what is intended, I am under no illusion that this is exactly what would happen if this Bill were passed.

Some people believe that the introduction of the additional options contained in the 2002 amendment have somehow watered down or diminished the effectiveness of Part V. I have already referred to the phrase “letting developers off the hook”. No one has been let off any hook. Nothing has been watered down; if anything, Part V has been strengthened. The additional options provided to secure Part V agreements are not a let-off, or a get out of jail free card, as some have suggested, or an escape from responsibility.

**Aengus Ó Snodaigh:** The Minister of State would not get them into jail in the first place.

**Mr. N. Ahern:** One of the most sustained criticisms of the options under Part V relates to the making of a financial contribution by the developer. While some media and other commentators characterise the cash option as a widespread phenomenon of “developers buying their way out of Part V”, this is simply not true. The delivery of units, sites and land for development of social and affordable housing represents most Part V agreements.

**Aengus Ó Snodaigh:** It is being used in Dún Laoghaire-Rathdown.

**Mr. N. Ahern:** It would be used there because, sadly, many of the houses in that area cost between €700,000 and €900,000. Even subsidising those by €50,000 or €100,000 does not make them affordable.

**Mr. Morgan:** What is going wrong?

**Aengus Ó Snodaigh:** That is not the social incubation the Minister of State mentioned earlier.

**Mr. N. Ahern:** The question is whether the local authority can dictate to, or work with, a developer to provide the type of houses we need. The local authorities may need to be more proactive. Maybe until now they have been sitting back dealing with planning applications as they come in but if a developer sends in an application for 100 five-bedroom houses to sell at €1.2 million, there is nothing one can do to make them affordable.

**Aengus Ó Snodaigh:** Make them social housing.

**Mr. N. Ahern:** It might appeal to the Deputy's ideology to blow his trumpet and say he got a €1.2 million house for social housing. I would rather get eight or ten houses somewhere else at €300,000 each to take eight people off the list.

**Aengus Ó Snodaigh:** The Minister of State is not getting the houses.

**Mr. N. Ahern:** It is a matter of reality over ideology.

**Mr. Morgan:** It is a matter of solving the problem.

**Mr. N. Ahern:** While a financial contribution is a legitimate option, it is a matter for the local authority to accept or reject the offer, having regard to its housing strategy and whether it constitutes the best use of the resources available to it. The developer may propose, but it is the local authority which decides. When doing so it is bound to consider what is statutorily laid down and the best way of meeting the requirements identified in its housing strategy. That point must be clear. The

developers do not decide. The developers may offer cash or land or houses elsewhere, but the local authority makes the decision. A cash contribution is in lieu of a percentage of the land that is subject to the planning application and not in lieu of housing units.

There were two main policy motives behind Part V of the Act, to increase the supply of sites for social and affordable housing and to have a good distribution of sites for social integration. Part V is beginning to deliver on its promise. Up to end of June 2006, 2,787 homes were acquired under Part V, while 3,801 dwellings were under construction and a further 4,109 were planned on foot of agreements with developers. Some 51 land transfers to local authorities have been completed involving 40 hectares and a further 259 partially or fully serviced sites have been transferred to local authorities and voluntary housing bodies. Up to €38 million has been received in lieu of lands. Proposals to develop the lands and spend the moneys received are in train in many local authorities. This will deliver many more houses. Even at a low density of 25 units per hectare, these sites and lands will result in additional output of 1,000 units on the land transferred. I hope the local authorities will come forward quickly with their plans to build social housing on these lands.

**Mr. Morgan:** They have not come forward.

**Mr. N. Ahern:** I was disappointed when two Members claimed local authorities are depending on Part V and not pushing traditional local authority housing programmes. On several occasions I have made it clear to local authorities not to rely on Part V. Up to €980 million was allocated to the standard local authority housing programmes. The number of social housing units built last year was the highest in 20 years.

**Mr. Morgan:** They are not delivering. Ours is the lowest percentage in Europe.

**Mr. N. Ahern:** The Deputy can talk about percentages but he is only fooling himself. It is up to the local authorities to use these moneys. Members will be surprised by the amount of time the Department spends on driving housing associations and local authorities to introduce their plans and draw down the funds. Some years ago it was the opposite. The €38 million is ring fenced and it will be used.

This output clearly reflects the use of the various flexible options now available to satisfy Part V obligations. Without fear of contradiction, had we not introduced flexibility by increasing the options available we simply would not have attained the numbers delivered and future output would have been bleak.

**Mr. Morgan:** I contradict that.



**Mr. N. Ahern:** The Government will not allow the benefits achieved under Part V to be undermined in any way.

It is important to stress that not all housing output in the State is subject to Part V. Regularly, the mistake is made that in viewing output under Part V one simply applies a percentage to the total overall housing output to determine the Part V contribution. This is not the case. The misreading of the matter has led many to jump to erroneous conclusions and wild pronouncements about what Part V should be achieving.

Part V is restricted to multiple housing developments on land zoned for residential use, or a mixture of residential and other uses. The bulk of all housing developments, therefore, are not subject to Part V. It does not apply to planning permissions granted prior to the introduction of Part V, many of which developments have been built in the past several years nor to planning applications on unzoned land or to developments of four units or less. Normal planning permission is valid for five years. Some large estates in large urban areas have seven and ten year planning permissions. It will take time for some of these old planning permissions to work through the system. As the new planning permissions are coming in, Part V will be a significant take from those developments.

Members on the other side of the House are twisting statistics, talking about the percentage of overall development. The number of social housing units built last year was the highest for 20 years.

**Mr. Morgan:** That is because of the disgracefully low output for the past 20 years.

**Mr. N. Ahern:** They can play around with percentages.

**Aengus Ó Snodaigh:** Statistics do not lie.

**Mr. N. Ahern:** Just because overall housing output has grown, it should not be used as an excuse to belittle what we are achieving in social unit output. An extra €100 million was allocated to social housing programmes this year. The Department has been pushing local authorities to use it.

**Aengus Ó Snodaigh:** How many social housing units have been closed? Up to 400 homes in Fatima Mansions were closed.

**Mr. N. Ahern:** Another Member was giving out about hovels. If that is the Deputy's idea—

**Aengus Ó Snodaigh:** These were replaced with only 150 homes. That is a loss of 250 social housing units.

**Mr. N. Ahern:** The Fatima Mansions renewal project gave people proper living conditions.

**Aengus Ó Snodaigh:** It was the same with St. Teresa's Gardens and Swan's Nest.

**Mr. N. Ahern:** Members opposite referred to the average price of a house. Some of the exercises conducted by financial institutions, such as Halifax, on house prices are meaningless. The average price of a Dublin house is largely made up by the prices of houses in the leafy suburbs of the south side of the city. The first-time buyer is not buying into these areas. These exercises conducted by financial institutions are stupid. They do not achieve anything other than getting publicity. We know the average price paid by a first-time buyer.

**Aengus Ó Snodaigh:** How much is it?

**Mr. N. Ahern:** Those are the relevant statistics. Spending on housing under the national development plan is ahead of what was forecast. I accept output is somewhat down but the spending has been ahead of schedule.

**Mr. Crowe:** How many shared ownerships have there been?

**Aengus Ó Snodaigh:** Is the Minister considering the average income and how realistic it is to house prices?

**Mr. N. Ahern:** A Sinn Féin Deputy claims Meath County Council will not push for Part V housing. If that is the case, he should talk to his councillors there. The council chamber is where that argument must be fought.

There are 43,000 families on the housing waiting list.

**Mr. Morgan:** At least 43,000.

**Mr. N. Ahern:** By the last needs assessment that figure was down 10% over three years.

**Mr. Morgan:** It is a 22 page document.

**Mr. N. Ahern:** Some 40% of those on the list are single. Some 15 years ago, they would not have been eligible to apply. Now one can apply for local authority housing no matter what age one is.

**Aengus Ó Snodaigh:** Is the Minister claiming single people do not deserve social housing? That is discriminatory.

**Mr. N. Ahern:** Up until recently only families or senior citizens could apply.

**Aengus Ó Snodaigh:** Many of those single people on the waiting lists are older people.

**Mr. N. Ahern:** Many of them are separated. It is not true to claim there are 120,000 people on the housing waiting list.

**Mr. Morgan:** Nearly 35,000 children are on the housing waiting list. Does the Minister want to discuss that?

**Mr. Crowe:** When will the Minister end the waiting list?

**Mr. N. Ahern:** This year, the budget for social and affordable housing stood at €2 billion. The local authority programme is the largest part of this. There are also the regeneration, remedial works and voluntary housing schemes. Our problem is in spending this funding. That is available if the local authorities bring forward plans based on acquired lands or proposed land purchases.

**Aengus Ó Snodaigh:** How can they buy land when the Government sells its properties to the highest bidder? What about Clancy Barracks? Dublin City Council bid for it but the Government would not give it to it. Shanganagh Castle was sold to the highest bidder.

**Mr. N. Ahern:** I am familiar with a particular tract of land on the north side of Dublin city. I believe a Sinn Féin councillor supported its sale. Many people pretend to take one position but when it comes to the crunch, they change their minds. As the old planning permissions phase out, Part V will deliver.

**Aengus Ó Snodaigh:** What about Dún Laoghaire-Rathdown County Council?

**Mr. Morgan:** What about Meath County Council?

**Mr. N. Ahern:** This Bill will simply create an overly bureaucratic arrangement. The flexibility of cash is necessary in a small number of cases where one is dealing with exclusive and well-to-do areas.

**Mr. Morgan:** That is a real Fianna Fáil trait.

**Mr. N. Ahern:** There is no point in buying social housing units at €1.2 million. In such cases, it is better to take the cash and use it elsewhere for social or affordable units. That is what we are doing. The €36 million we have received, and any other money that comes in later, will be ring fenced for social and affordable housing. Sinn Féin proposes nothing substantial in this Bill and I cannot support it. It merely provides for a debate and allows us to talk about this for two days.

**Mr. McCormack:** I propose to share time with Deputies O'Dowd and Naughten.

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

**Mr. McCormack:** I am astonished at the Minister of State's speech. He did his best to deliver

it in a manner to prove that everything is in order, but that is far from the case. It was difficult to resist interrupting him but I managed it.

Ireland is in the midst of a housing crisis. Official statistics for 2006 indicate first-time buyers are paying, on average, more than €250,000 for their first home, some of which are apartments. More than 100,000 individuals are waiting for local authority houses. Despite a Government promise to assist the voluntary housing sector to achieve the target of 4,000 accommodation units per annum, as envisaged under the national development plan, only 600 voluntary housing units were completed in the first half of this year. There are enough homeless people to fill the Point Depot.

In putting forward this Bill, the Sinn Féin Party is proposing something that will benefit communities instead of destroying them. It is clear that the easy option of accepting money in lieu of social housing units has become too common. The figures speak for themselves. According to the Department's housing statistics bulletin, 43,899 units were completed nationally in the first six months of 2006. In the same period, however, only 616 units of social and affordable housing were provided under Part V of the Planning and Development Acts 2000-2006. Instead of 20%, only 1.4% of new builds were social and affordable units. If the local authorities are being given land or money in lieu of providing such housing——

**Mr. N. Ahern:** I explained all this. Deputy McCormack was not listening.

**Mr. McCormack:** I did not interrupt the Minister of State and I ask him not to get excited. If the local authorities are receiving money or land in lieu, how is it that only 1.4% of completed units are for social and affordable housing?

It is obvious that while there is private success, there is gross public failure. This Bill would go some way towards correcting that failure. Developers, because of the nature of their business, are in regular contact with personnel in planning offices. Developers and their professional advisers are shrewd people and are working to high stakes in this business. They are sometimes able to enter into arrangements with the planning office to enable them — legitimately, under the 2002 Act — to avoid having to set aside 20% of their developments for social and affordable housing, as provided for in the Government's original legislation. This Bill simply seeks to have the Government restore the 2000 Act as it was originally introduced.

Builders realise that giving over 20% of units in a development in a highly sought after area to social and affordable housing will reduce the price they will get for the other units. The result of the opt-out clause in the 2002 Act is that house prices are kept artificially high by buyers, who wish to live where there is no social and afford-

[Mr. McCormack.]

able housing. This clause also defeats the Government's stated objective of facilitating a social mix in communities. It continues to be the case that social and affording houses are built only in certain areas.

**Mr. N. Ahern:** One can only wonder why Fine Gael did not support the 2000 Act, which Deputy McCormack professes to find so wonderful.

**Mr. McCormack:** There may be some short-term gain for the Government in taking such a populist approach but it is poor policy in the long term. The Government, however, seems unconcerned about the long-term consequences.

It is incredible that under the 2002 Act, a local authority can take land in any area under its jurisdiction in lieu of the provision of 20% of units in a new development for social and affordable housing. In County Galway, for example, the developers of new schemes in Oranmore and other places have reached agreement with the local authority to provide land in places such as Headford or Glenamaddy, 30, 40 or 50 miles from the prime residential areas close to Galway city. This is a ridiculous situation. People who avail of social and affordable housing and work in Galway city spend hours travelling to and from their homes in Headford, Glenamaddy or Williamstown or wherever else the developer can secure agreement from the local authority to give land in lieu of setting aside 20% of units in their developments in the much sought after areas.

Fine Gael remains concerned at the lack of protection awarded to residents and tenants and has published three Private Members' Bills on the subject. Each of them was rejected by the Government but we pledge once again to implement them if elected to Government. The Housing (Staged Payments) Bill 2006 is designed to eliminate the practice of customers being forced to make staged payments for houses in estates throughout the State. This practice, which is estimated to cost consumers up to €175 million per annum, is a blatant anti-consumer activity which fundamentally undermines and weakens the position of consumers purchasing homes.

The Planning and Development (Amendment) Bill 2006 is designed to end the scourge of unfinished housing estates by ensuring developers who did not live up to their responsibilities in regard to a previous development will not receive permission for any future developments.

The Residential Tenancies (Amendment) Bill 2006 allows for the regulation of management companies and their agents in face of reports that new home owners are faced with poorly maintained communal areas, inadequate provision for sinking funds and a total lack of transparency in regard to how rapidly rising management fees are spent. In Galway city and county, developers are obliged under a condition of their planning permission to establish management companies in

housing estates comprising only houses as well as those which include apartments. This was never meant to be the case.

The building company is now setting up the management company and the two are one and the same. Householders are being penalised for services that should be provided by the local authority. I do not pay management company fees in the estate in which I live in Galway city. However, my neighbours across the road in Roscam pay exorbitant fees to live in exactly the same type of estate. Many of them are young people in their first homes. The Government is doing nothing to help such people.

I am absolutely astonished at the farce that was the Minister of State's speech. It is no wonder he was interrupted so often by the proposers of this Bill. I hope he does not stand by what he said.

**Mr. N. Ahern:** I certainly do.

**Mr. O'Dowd:** This Bill will restore the *status quo* as set out in the original 2000 Act. The key issue for the public is that we are in the midst of a significant housing crisis. This is particularly difficult for some categories of people, such as first-time buyers and separated people in dire need of decent accommodation. I listened to the Minister of State's speech with interest but heard no mention of the rental allowance scheme, RAS, which was trumpeted with so much fanfare by him and his Department.

The reality is that it is the Government's policy to provide long-term rented accommodation rather than social housing, contrary to the policies of all Governments since the foundation of the State. The Minister of State's view is that the RAS will meet the long-term needs of those in need of social and affordable housing. This is unacceptable to those people and to the public in general. He has millions of euro which he has failed to spend. The Minister of State is quite right, he has not been able to spend this money because he is not giving local authorities that wish to use the rental accommodation scheme to put people into long-term accommodation which it may have found or sourced for them in places like Drogheda and other areas. He will not allow them to pay the rents asked. Last year of the €16 million available, he spent approximately €6 million. I do not have the picture for this year but I am sure it is every bit as bad. The Minister of State is failing to look after single people and those who might be starting off their family lives before they buy their own homes. His policy is an absolute failure.

The Government also baulked at affordable housing. The Fianna Fáil tent at the Galway races is so full of developers, it is afraid to stand up to them. It changed the legislation because the builders said it was not popular with them. Fianna Fáil took on board their views, watered down the Act and made it easier for them to get out of their responsibility, that is, the social responsibility of

mixed housing, where social, affordable and other housing are mixed.

**Mr. N. Ahern:** The Deputy's party fought against it.

**Mr. O'Dowd:** That is what Fianna Fáil baulked at. It did not insist on that housing mix. It listened to the builders and gave them the option—

**Mr. N. Ahern:** The Deputy is now trying to get back to a situation which he fought against when we brought in this provision. There is no logic to the Deputy's case.

**Mr. O'Dowd:** There is much logic to what I am saying now because it is based on fact. Fianna Fáil bowed its head to the builders in its tent at the Galway races. The Minister of State can dress it up any way he likes but that is the truth and the Government is not delivering. No matter what argument the Government puts forward, it is not meeting the housing needs of people.

The Minister of State spoke about affordable housing in Dublin. He should tell me where it is and who is buying it. People from his constituency are living in Louth, Meath, Kildare and Portlaoise, and are moving out of Dublin city. The Minister of State is making it impossible for a generation of young people in Dublin to live in and buy an affordable house in the city. It is not happening under his regime because the Minister of State is not doing his job. People are moving out of the city. Young people are spending long hours commuting because they have not been provided with a public transport network. They are unable to live a decent, normal life. They work 12 to 13 hours per day and never see their families. One case study done in County Meath showed that young parents do not have quality time with their very young children. That is the type of society the Government is building and it is not acceptable to us.

The Government has refused to make its spatial strategy work. It is building everything around Dublin. It does not have a strategy to deal with moving population and jobs out of the main city, Dublin, to the provinces and the west to build up Limerick, Cork, Waterford and other places. The Government is an absolute failure.

What is working in the heart of Dublin city is the Dublin Docklands Authority. It has a very effective housing policy which the Government does not have. It has social, affordable and private housing in the same blocks and everybody is happy with it because it is being properly managed. Fears some people might have of a dysfunctional family or a family involved in drugs in their apartment block are being dealt with radically and properly. If people misbehave, their lease is taken from them and they are not allowed to continue to live in the block. If we are to have a true social mix, we need proper social management and people who may be dysfunctional or anti-

social must be dealt with properly. That is how it should be done and not the Fianna Fáil way of saying "yes" to builders in the tent at the Galway races.

What is wrong with the Government is that it is not capable of standing up to the vested interests. By not doing so, it is failing in its duty of care to provide proper, affordable and decent housing for people. It demonstrates a lack of nerve and commitment. Despite all the talk opposite about socialism and change, the way the Government treats young people who cannot buy homes and the elderly in nursing homes, some of whom have experienced appalling cases of neglect under the Government's watch, show that it is in the hands of developers and is not thinking of the needs of the people, which are not being met. That is where the Government is failing.

**Mr. Naughten:** I welcome the opportunity to speak on this Bill. I wish to raise a number of specific issues, the first being the affordable housing scheme. As the Minister of State knows, the affordable housing scheme is aimed at supplying affordable housing through local authorities. It has been successful in some parts of the country where it has been taken up but in other parts, there is not a huge demand for the scheme. The scheme is basically targeted at low to middle income couples and primarily first-time buyers.

There is a specific problem in County Roscommon in regard to low cost or affordable sites. A scheme was promoted to try to give young couples the opportunity to build their own homes on a developed site at a relatively low cost. The difficulty is that while the affordable housing scheme has statutory backing, there is no statutory basis for the affordable site scheme. There is a new housing estate in Roscommon town which is half built. Some young couples were fortunate enough to get in early and have their houses completed but others who had some capital available built their houses to roof level where they remain. Other young couples who purchased, or who are in the process of purchasing, the site from the local authority cannot get started. The local authority made a condition that they must have provisional approval from a bank or building society to get the site but the banks will not allow the couples to draw down the mortgages. While the provision of affordable sites in towns such as Castlerea, Ballaghaderreen, Boyle and Roscommon town—

**Mr. N. Ahern:** To which bank did they go?

**Mr. Naughten:** They went to all the lending institutions, none of which will approve mortgages for any of the couples for an affordable site. The lending institutions have stated that there is no statutory basis for affordable sites. The local authority has gone out of its way and has waived its charge in regard to the recoupment of moneys should the site or property be sold on within a

[Mr. Naughten.]

20-year period. It has agreed to deeds of postponement, yet the banks have not found these acceptable. I ask the Minister of State to resolve this issue which probably requires amendment of the primary legislation. It is causing considerable financial difficulties for many young couples in County Roscommon.

I do not believe this anomaly has arisen in any other local authority area. It did not arise in County Roscommon until now but for some unknown reason, the lending institutions are not prepared to provide mortgages. As I said, there are instances of houses built to roof level, yet people cannot draw down mortgages. Much capital is tied up—

**Mr. N. Ahern:** It should not have happened with all the financial institutions.

**Mr. Naughten:** It has happened with all the financial institutions. They have all refused to provide mortgages. Once one made the decision, they all backed it up. They cannot give a reason but because one lending institution refused to provide mortgages, they have all refused.

I wish to bring to the Minister of State's attention the issue of anti-social behaviour, particularly in regard to voluntary housing associations. While local authorities have strong powers under section 62 of the Housing Act 1966, that same provision does not apply to voluntary housing associations. The 1997 Act included anti-social behaviour under exclusion orders but for such an order to proceed, it must go through the courts system. It must be evidence based and proof must be provided. Under the 1997 legislation, the judge has the discretion as to whether to enforce the exclusion order. Under the 1966 Act, that was not required in regard to a local authority.

I have come across a couple of instances in the case of voluntary housing associations where there are huge problems of anti-social behaviour among two tenants. However, the locals and residents are afraid to provide the evidence in case of victimisation. I ask the Minister of State to examine the legislation in that regard.

## Adjournment Debate.

### Climate Change.

**Ms F. O'Malley:** The Stern Review on the Economics of Climate Change, published yesterday, marks a significant milestone in global co-operation. The report should be compulsory reading for every Government in the world. The threat of climate change is global and the response must be on a global scale. The comprehensive research conducted by Mr. Nicholas Stern is of such international significance and application that it is important we in Ireland take

the opportunity to discuss it and I welcome that opportunity tonight.

Economics do not change with international boundaries. We have much to be thankful to the British for and we do not need to conduct our own research into the phenomenon now. This report provides the evidence, as if we need it, of the economic cost of global climate change. It is important that we respond to and act upon the findings of the review. It is comforting to note what the author said yesterday:

The conclusion of the review is essentially optimistic. There is still time to avoid the worst impacts of climate change, if we act now and act internationally. Governments, businesses and individuals all need to work together to respond to the challenge. Strong, deliberate policy choices by governments are essential to motivate change.

But the task is urgent. Delaying action, even by a decade or two, will take us into dangerous territory. We must not let this window of opportunity close.

It is not too late. That is the message, essentially, but we must act now.

Our Kyoto obligations are indeed onerous. That our economic growth took place between the benchmark year of 1990 and the present accentuates the challenge before us. However, this fact does not absolve us, particularly those of us in Government, of the responsibility to implement policies which will permit us to respond positively to the task before us. The cost of doing nothing is prohibitive. Risk modelling forecasts a minimum cost of 5% of global GDP, rising to a possible 20%. In contrast, Mr. Stern predicts that the cost of taking action to reduce the worst effects of climate change could be limited to 1% of global GDP.

Tackling climate change will have consequences for our lifestyles. Should we continue to be able to take flights with impunity? The review suggests that the carbon costs of our actions should be transparent to increase our awareness of the problem and I would welcome that move. Developing new, cleaner and more efficient technologies offers enormous opportunities for Ireland. As has been stated on numerous occasions, we are ideally located to develop wind energy in particular. We could realise my own personal ambition of making Ireland the research capital for renewable technologies. We must have that ambitious target.

We must take action to stimulate energy efficiency. We must inform and educate people about the cost of their lifestyles so they can respond to the challenge. Last year, when measures were taken in the budget in this area, people could not get enough. People will respond to measures to create efficiencies, particularly those that will make their homes more energy efficient. I hope the forthcoming budget will go a

step further to meet the appetite that is clearly there among people. We must realise that people want to change. If we inform and educate them about the cost of climate change, they will want to take mitigating measures themselves.

Tackling climate change is a pro-growth strategy. Ignoring it will ultimately undermine economic growth.

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O’Keeffe):** I thank Deputy O’Malley for raising an appropriate, pertinent and opportune issue and, as always, for making an incisive contribution to the discussion. I am glad to have an opportunity to respond to the Stern report.

The Stern Review on the Economics of Climate Change published by the British Government this week puts the global warming debate centre stage in economic terms and reminds all countries that the costs of inaction far outweigh the cost of tackling climate change now.

The review stresses that global climate change is an international problem and that the actions required to tackle the issue effectively must be multilateral. Any one country is only part of the problem. However, a sustained and effective collective response is necessary from all countries to avoid the worst effects of climate change in the future.

The review suggests that three elements of policy are required for an effective response. The first is carbon pricing, through taxation, emissions trading or regulation, so that people are faced with the full social costs of their actions. The aim should be to build a common global carbon price across countries and sectors. The second is technology policy, to drive the development and deployment at scale of a range of low-carbon and high-efficiency products. The third element is action to remove barriers to energy efficiency and to inform, educate and persuade individuals about what they can do to respond to climate change. A shared understanding of the nature of climate change and its consequences is critical in shaping behaviour, as well as in underpinning both national and international action.

Within the EU, Ireland is performing well in terms of greenhouse gas emissions relative to other member states and our position is by no means the worst in the EU. Ireland ranks mid-table with seven of the EU 15 further away from their Kyoto Protocol targets than us. *Per capita* emissions, while high, are not much higher than in many EU countries. Ireland’s *per capita* carbon dioxide emissions were approximately 11 tonnes in 2004 compared to an EU 15 average of nine tonnes. Belgium, Denmark, Finland and Luxembourg had higher *per capita* CO<sub>2</sub> emissions than Ireland. Most importantly, Ireland has achieved a decoupling of its emissions from economic growth, so that while our emissions grew by 23% since 1990, our economy grew by almost 150%.

The challenge of global climate change is a critical element of the global and EU energy landscape, along with the backdrop of high energy demand and volatile oil and gas prices. The energy policies we adopt for the future must play a substantial role in Ireland’s response to this issue. The principal policy options set out in the recent Green Paper on energy are designed to deliver a more sustainable energy future for Ireland. These are well aligned with the review of the national climate change strategy, Ireland’s Pathway to Kyoto Compliance, published by the Minister for the Environment, Heritage and Local Government, Deputy Roche. As part of an overall strategy for the energy sector, these principles stress the importance of increasing our use of renewable energy as the key to sustainability and future security of supply. We must also tackle energy demand itself through systematic energy efficiency strategies.

The energy Green Paper envisages an ambitious target of 30% of electricity produced by renewable energy by 2020. There are differing views on whether such a target is too much or too little, but it is proposed as a realistic ambition and one for which a solid foundation has been laid with the recently announced REFIT programme.

The Government intends that by 2020 the best commercial ocean energy technology should be Irish. Our ocean energy strategy is aimed to position us at the cutting edge of development.

Bio-fuels and biomass will play a major role by 2020, underpinned by the new bio-energy strategy that is led by the ministerial task force.

**An Leas-Cheann Comhairle:** The Minister of State should conclude.

**Mr. B. O’Keeffe:** Through greater energy efficiency, individuals and businesses have the power to contribute to the 2020 vision. This will mean a change in behaviour and attitudes to achieve the target set out in the Green Paper of 20% reduction in energy demand by 2020. The recently launched national energy efficiency campaign, The Power of One, is aimed at encouraging such behavioural change. The agenda will include setting higher standards, regulating for change and, where necessary, incentivising change. The campaign will also target individual sectors and for example, the public sector must set the pace.

#### Consular Services.

**Mr. Costello:** I wish to share time with Deputy Gregory.

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

**Mr. Costello:** My motion concerns the need for the Minister for Foreign Affairs to state what measures have been taken to determine the circumstances regarding the disappearance of an Irish citizen. As the Minister of State at the

[Mr. Costello.]

Department of Foreign Affairs, Deputy Conor Lenihan, is aware, it is extremely alarming that an Irish woman should disappear without trace in Medjugorje. Ms Winnie Brady travelled to Medjugorje at the beginning of September with a group of Irish people on a religious pilgrimage. As it was not her first time there, she had a reasonable knowledge of the area. Although her disappearance was reported to the police on 6 September, she may have been missing from either 4 or 5 September, as she had not been seen on those days. Hence, there was a potentially serious delay of a full 48 hours in reporting her disappearance that could have been the critical period for the beginning of a police inquiry. It also transpires that none of the Irish people who accompanied her was questioned by the local police. Moreover, the fact that Winnie Brady, who was a heavy smoker, left her accommodation without her cigarettes suggests she did not intend to go far. Furthermore, it transpires that approximately eight people have gone missing in Medjugorje over the years, some of whom were Irish, and have disappeared without trace.

Tom Daly, a policeman with the European monitoring mission, has been helpful to the family. The mission is in regular contact with officials from the Department of Foreign Affairs who have kept family members informed of developments. Despite this however, the family is extremely frustrated. Nearly two months have now passed and family members fear the worst for their loved one. They even fear there may be a serial killer operating in the area. They are most unhappy with the response from the local authorities and police. Most of all, they want to know what happened to Winnie. They want closure, even if it means bad news.

They wish to see intervention on the part of the Minister for Foreign Affairs. They ask whether it is possible for the Irish troops stationed in Kosovo to perform a thorough search of the area. I believe approximately 150 troops are stationed there in addition to a Garda unit. They also ask whether the Garda in Ireland can question the Irish pilgrims who accompanied Winnie Brady on her pilgrimage as the local police in Medjugorje never bothered to speak to any of them to pick up any possible evidence, information or clues. The family members want to pursue all avenues until they find out what happened to her. After two months, the Minister for Foreign Affairs is probably their last hope and should help them.

**Mr. Gregory:** I thank Deputy Costello for sharing time. The sisters of Winnie Brady also spoke to me and are absolutely distraught eight weeks after the disappearance and loss of their sister. This is an appalling nightmare for them. I ask either of the Ministers of State present in the Chamber, Deputies Conor Lenihan and Michael Ahern, to meet the sisters and other relatives of Winnie Brady to listen to their concerns at first

hand. The Ministers of State would be moved by how the relatives feel.

They strongly believe the search in Medjugorje has been inadequate thus far and that more must be done. They are fearful of a local cover-up designed to prevent a negative impact on tourism in that area. As the Minister of State is aware, many thousands of Irish tourists travel to the region. I join with the call that the Army and Garda personnel already stationed in Bosnia might work with the local authorities to carry out a thorough search. The relatives of Winnie strongly believe the search thus far has simply been inadequate and has not extended to the requisite areas.

As Deputy Costello noted, there have also been rumours of other disappearances and of the presence of a serial killer in the area. In his contacts with the local authorities in Medjugorje and Bosnia, has the Minister for Foreign Affairs established whether this is the case? If so, it chimes with the views of some of the relatives that there may have been a local cover-up because of the consequential negative impact on tourism.

Above all, the sisters and relatives do not want this matter to be swept under the carpet. They will not allow it to go away and intend to campaign until Winnie is found and the truth is established. As local representatives, Deputy Costello and I insist that everything possible should be done to help the relatives in their search. They require greater action, greater openness from the authorities here, to assure them the search is not over and that—

**An Leas-Cheann Comhairle:** The Deputy should conclude.

**Mr. Gregory:** —whatever action must be taken will continue to be taken until this matter is resolved by establishing the truth of what happened and by bringing Winnie home.

**Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan):** Like both Deputies, I can only imagine the terrible nightmare being experienced by the family. I assure both Deputies that everything possible will be done by my Department and any other relevant Department to seek an answer to the questions posed by the family. At the outset, I wish to express my solidarity with the plight in which the family of the person mentioned by Deputy Costello find themselves. As all Members will appreciate, this is a difficult and trying time for the family concerned, made all the more difficult by the fact that their loved one has gone missing far away from home.

The Department of Foreign Affairs and the embassy in Slovenia, which is also accredited to Bosnia-Herzegovina, has provided active consular assistance and support to the family of the person in question. In this regard, the embassy in Slovenia has been in ongoing contact with the

relevant authorities in Bosnia-Herzegovina, including the local police force, rescue services, politicians and senior officials in the region in which the town of Medjugorje is situated.

A diplomatic officer of the embassy travelled to the region to liaise with local police, relevant agencies and with officials involved in the search. During the visit, the officer also had many meetings with members of the missing person's family. Subsequently, the Irish ambassador travelled to Medjugorje and to the regional capital, Mostar, to review the search arrangements.

Since the person's disappearance, there have been six largescale searches, some of which involved the use of a helicopter provided by the officer commanding the European Union police mission in Bosnia-Herzegovina. In addition to these largescale searches, there have been more localised searches. Searching continues and an officer from the Irish Embassy will again shortly visit Medjugorje to review the situation. Members of the Garda Síochána and the Defence Forces on EU service in Bosnia-Herzegovina have also participated actively and helpfully in the searches for the missing person.

I assure the Deputies that since the person's disappearance, the consular division of the Department of Foreign Affairs has provided all possible consular assistance and support to her family. In this regard, the husband of the missing person has expressed warm appreciation for all the assistance he has received from the Department and from the Irish Embassy in Slovenia. I can also confirm that senior officials of the consular division recently met with other family members of the person.

I assure the Deputies that the Department will continue to provide all possible consular assistance and support, including, as indicated above, a third visit at an early date by an officer of the embassy to Medjugorje to review the search operation. I will personally convey the specific request made in the context of this debate to the Minister for Foreign Affairs, Deputy Dermot Ahern, with a view to setting up a meeting with all relevant individuals.

### **Community Employment Schemes.**

**Mr. G. Mitchell:** At a recent occupational health and safety summit, the Minister of State at the Department of Enterprise, Trade and Employment with responsibility for labour affairs, Deputy Killeen, made a number of points. Among them were the observation that Ireland's workforce is set to experience rapid ageing from 2025 onwards and that increased rates of life expectancy for both men and women pose significant challenges for the work environment. He argued that early or mandatory retirement also presents significant challenges for our future labour market. He pointed out that in 2004 the Central Statistics Office projected that the population aged 65 years and over would increase by

538,000 from 2006 to 2031, an increase of 116%, with no corresponding increase in the younger working age population.

The Minister of State argued that the cost of funding age-related payments in 2005 was in the order of €3 billion. He argued that while this ageing was not taking place as quickly as in some of our European partners, there was no doubt that this would become a significant issue for Ireland in the longer term and that the NCB in 2006 predicted that by 2050 there would be less than two persons of working age per person over 65. He argued that the cultural mindset change that is required by both employers and employees to encourage older workers to remain in the labour market is one which the national strategy on health and well-being at work would endeavour to encourage through promotion, prevention and rehabilitation and so enable them to avail of the education and employment opportunities as envisaged in the agreement. He argued that, consequently, unlike our European partners, we have time and opportunity to address this through the strategy, which is designed to maintain and, where necessary, improve the work ability of the older workforce so they can work healthily to full retirement age and beyond full retirement age if they wish and retire healthily.

This is what the Minister of State stated at this summit. Interestingly, the European country in which men can expect the longest period of illness-free life after the age of 65 is Cyprus, which has an average of 12.6 years. Cyprus is also the EU member state with one of the highest proportions of people aged between 65 and 69 in employment — 20% against an EU average of 8%. I raise this issue in the context of a case involving a constituent who has worked for a FÁS scheme for the last six years, the last three of which he has worked as a supervisor under a jobs initiative in a parish hall. This scheme is administered by a partnership board. The man took retirement in 1994 as a result of an occupational accident and now takes home €296 out of €320 gross. He signed a contract in June 2006 to continue for the year and has now been informed that he must retire the day before he turns 66. He will be 66 years of age on 31 December 2006.

This man carries out an important function locally which is badly needed. As I understand it and bearing in mind the comments made by the Minister of State which I have just cited, Government policy is to encourage those who reach the age of 66 to continue to be available for work if they so choose. This is for a variety of reasons, including the issue of longevity to which I referred. When is Government policy likely to become consistent with its stated aims? For the sake of consistency of policy and, particularly in this case for the sake of the community, I ask the Minister to direct FÁS to change its policy so FÁS supervisors and workers can be retained after the age of 66 where they wish to continue and where the community wishes to retain them.



[Mr. G. Mitchell.]

FÁS tells me this is a matter of policy and policy is made by the Government and the Dáil. I ask the Minister to review and change this policy. This man will be not be 66 for another two months and wishes to continue serving his community, which needs him. He is not being paid a fortune but he is engaged in a very worthwhile job and is very badly needed. I ask the Minister to change the policy and allow him to continue working.

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern):** It is welcome to see Deputy Gay Mitchell back in the House. He has not lost any of his energy. I am delivering this reply on behalf of the Minister for Enterprise, Trade and Employment, Deputy Martin, who has responsibility for community employment, CE, schemes. CE schemes are active labour market programmes designed to provide eligible long-term unemployed people and other disadvantaged persons with an opportunity to engage in useful work within their communities on a temporary basis.

CE as an active labour market programme has the emphasis on progression into employment. This programme, with its focus on the needs of disadvantaged persons, forms a major response by FÁS to tackling the social exclusion of such groups as persons with disabilities, lone parents, long-term unemployed people and drug abusers, with a view to their reintegration into the labour market.

Changes have been made to CE so that it responds to the needs of disadvantaged people. CE health sector places have been ring fenced from any reductions that have taken place since March 2002 and FÁS makes every effort to ensure places are maintained at the agreed level on ring-fenced schemes. In addition, projects in RAPID areas are given priority. However, it is important to remember that the primary purpose of CE is to provide short-term work experience and training opportunities for long-term unemployed persons and other disadvantaged groups with a view to facilitating their progression to work in the open labour market. It is imperative, therefore, that CE positions be vacated on a rolling basis to facilitate new participants.

To cater for older workers in particular, in November 2004 the Department of Enterprise, Trade and Employment raised the three-year participation limit to allow those aged 55 years and over to avail of a six-year period on CE schemes based on participation since 3 April 2000. This was done in recognition of the fact that older participants may find it more difficult to progress into the open labour market.

In July of this year, my Department published its sectoral plan under the Disability Act 2005. One of the key highlights of this plan is to increase participation rates of people with disabilities on CE over the period of the plan and to

raise the CE participation limits for people with disabilities to provide additional training to assist progression to employment. In the case of people with disabilities under 55 years of age, the participation limit was raised by one year from three to four years, while for people with disabilities over 55 years of age, the participation limit was also raised by one year from six to seven years.

A new individual learner plan is also currently being rolled out nationally in FÁS which is designed to track and record an individual's progress from programme entry to exit. Beginning with the identification of learning needs at induction, through to project and progression skills development, this new approach addresses the personal, social, vocational and specific work-related skills needs of each participant.

**Mr. G. Mitchell:** Will the Minister review this case?

**Mr. M. Ahern:** Funding for CE in 2006 has been provided with a view to maintaining overall numbers on FÁS schemes at 2005 levels. Currently, over 22,000 people are employed on CE schemes nationally, a figure which has been maintained throughout 2006. FÁS is hopeful it will fill its full allocation in 2006. In delivering these places, FÁS operates flexibility in the management of this allocation in order to maximise progression to the labour market while at the same time facilitating the support of community services. This provision of places is managed through a standardised application process between regional FÁS offices and local sponsor-community organisations and any issues regarding the allocation of places are dealt with in this context. FÁS makes every effort to ensure differing levels of demand between neighbouring schemes are equalised.

CE still aims to remain an active labour market programme with the emphasis on progression into employment. The programme is managed within this context, with consideration given to the availability of resources and the needs of participants and the community. However, I will raise the case highlighted by Deputy Gay Mitchell with the Minister and ask him to review the situation pertaining to the individual in question.

**Mr. G. Mitchell:** I thank the Minister of State.

### **Railway Stations.**

**Ms C. Murphy:** I thank the Ceann Comhairle for allowing me to raise this matter. There are six train stations in my constituency. Kildare North would generally be regarded as being in the heart of the commuter belt and transport-related matters are a key issue because of the level of congestion both locally and to and from Dublin city centre and other parts of the city. Part of the focus of Transport 21 is an attempt to shift people away from a

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high dependence on the private car and towards the use of public transport. It is not just a question of providing additional trains, buses, stations and a wider variety of radial and orbital routes, it is about considering how commuters get from their hall doors to their destinations. I can say with certainty that there is total chaos every day of the week at the stations in my constituency. I expect the same is true of most other suburban stations. Not only are cars parked at the stations but they are also in neighbouring housing estates, along footpaths and streets.

It is difficult to conclude that there is anything other than a willingness by the public to use public transport but much more attention needs to be paid to ancillary services around public transport corridors. For example, a greater use of feeder buses is one option that could be considered. While the likelihood of such services making money is remote, if one balances the cost of congestion against the subsidy that would be paid there is a strong argument in favour of such services. The same can be said about the provision of decent well lit footpaths and cycleways.

As the capacity of public transport services increases, the absence of provision of such services around public transport corridors will get worse. Irish Rail is now actively considering charging for parking at train stations. I have heard a tariff of €4 per day mooted. When one considers that a day return ticket can cost €3.60, this would more than double the daily travel cost for some commuters, thus making public transport a most unattractive option. I am well aware that it can be expensive to provide and maintain car parking facilities to a high standard but if one empties the car parks, most cars will converge onto the N4, the N7, the M50 etc. When one considers the issues of inefficiency, congestion both in terms of the cost to individuals and the economy, carbon emissions and the cost of carbon trading and increased accident rates, it is a small cost in the overall context of the provision of public transport.

Maynooth station car park is full before 8 a.m. Many commuters drive from Enfield to Maynooth to get the train. Neighbouring housing estates are filled with commuters' cars and all the on-street parking spaces in the village are taken up, thus leaving no space for shoppers. This puts pressure on the local authority for the provision of off-street parking, which is expensive.

Hazelhatch station, which serves Celbridge, is a mile from the town centre so there is no question of people walking to it. Cars park on the path and cycleway for up to 100 yd. beyond the train station which has a fairly big car park. Sallins station, which serves Naas, is also a distance from the town. I am trying to paint a picture for the Minister of State, Deputy Gallagher, of what conditions are like at those three stations.

It is intended to charge for parking at the new car park provided at Leixlip Louisa Bridge station. This will make it unattractive for com-

muters. When cars are parked in neighbouring housing estates it makes it difficult for bins to be collected, people cannot get deliveries and there is a problem with access for emergency vehicles. There is a need to address this serious problem in the overall context of the provision of additional public transport. People are willing to use public transport but it must be considered how people get from their homes to their destinations. I can well understand imposing charges for parking in the city centre as a disincentive to the use of cars but I cannot understand why it would be considered on the outskirts. I believe it will be counterproductive.

**Minister of State at the Department of Transport (Mr. Gallagher):** I thank Deputy Catherine Murphy for raising this issue and giving me the opportunity to respond. The provision of facilities at train stations to enhance physical access to services and increase usage is integral to investments already made in the rail network under the national development plan and planned or under way under Transport 21.

Under the National Development Plan 2000-2006, substantial Exchequer funding has been provided for improvements at stations throughout the network. Such improvements include upgrade works on stations and access to stations, platforms, lighting, signage, car parks, etc. In addition, Iarnród Éireann seeks to facilitate and develop feeder bus services to maximise use of train services. For example, feeder bus services are operated jointly with Dublin Bus at Sutton, Blackrock, Dún Laoghaire and Connolly station, for Heuston station. Where new stations are being built, for example as part of the Cork commuter services project and the Kildare route project, a high standard of customer facilities is specified in the design, including for extensive car parking facilities and for pedestrian and cyclist access.

Access and services are further enhanced through the requirement that all investments in both new and existing facilities comply with the Department's sectoral plan under the Disability Act 2005. This plan establishes a framework for a high standard for access generally to public transport services, and was developed in consultation with disability and other user groups.

Park and ride facilities are an important component in encouraging people to transfer from private cars and onto public transport. I have therefore made funding available under Transport 21 for the capital costs of developing park and ride facilities. Iarnród Éireann has park and ride facilities at the majority of the 134 railway stations throughout its network. These vary from small on-street facilities to large pay facilities at major stations.

In the greater Dublin area, GDA, Iarnród Éireann has over 30 car parks, each with more than 20 car spaces. The largest of these are at Greystones, Coolmine, Kildare and Newbridge.

[Mr. Gallagher.]

In addition, Dún Laoghaire-Rathdown County Council operates a pay car park at Salthill station. Both Connolly and Heuston stations have dedicated pay car parks for intercity service users. There is a pay parking facility at Cork station and Galway station has a limited number of spaces for public use. There is also car parking at Waterford. Iarnród Éireann plans to expand the parking facilities at Cork and Galway stations.

Iarnród Éireann has been extending car parking facilities at all locations where it has land available. In recent years this has included Portmarnock, Newbridge, Killester, Clontarf Road and Skerries. Iarnród Éireann is currently undertaking car parking extensions at Mallow, Ennis, and Leixlip Louisa Bridge.

My Department is also funding, as part of Transport 21, a study by Irish Rail into the prioritisation of car park initiatives across the rail network, with a view to developing a strategic, programmed approach to the provision of car park facilities in the future. In the meantime, all new station developments on commuter networks in the GDA and the rest of the country are designed to include car park facilities.

The issue of pay parking at train stations is an operational matter for Iarnród Éireann in the first instance having regard to the costs and revenues involved, traffic management requirements and the need to ensure the viability of rail routes.

The Dáil adjourned at 9.10 p.m. until 10.30 a.m. on Thursday, 2 November 2006.

## Written Answers.

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

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

*Questions Nos. 9 to 81, inclusive, resubmitted.*

*Questions Nos. 82 to 88, inclusive, answered orally.*

### Child Care Services.

89. **Mr. Howlin** asked the Minister for Health and Children if her attention has been drawn to the recent OECD Report which found that child-care costs here are among the highest in Europe and are rising far faster than inflation; the steps she will take to ensure affordable childcare for parents; and if she will make a statement on the matter. [30636/06]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** I welcome the OECD's recent report on Early Childhood Education and Care "Starting Strong II".

I believe the Report's findings show a strong convergence between OECD and Irish Government policy for Early Childhood Education and Care. The OECD notes that policy in this area should not be elaborated from outside but should be based on consensus-building within the country as each OECD member will have individual factors and levels of historical development which will require tailored solutions to be found. Secondly brief reference is made in the report to some of the major recent initiatives taken by Ireland in the area of Early Childhood Education and Care. The data and the findings of the Report largely reflect the position during 2002-2004 which have been substantially advanced by these more recent developments.

The report finds that, along with Italy and Portugal, Ireland was found to be spending 0.44% of its GDP on this area. If our level of investment is measured as a percentage of Gross National

Product (GNP), the figure rises to 0.54% which is on a par with Germany and Austria. Parents will receive more support in paying their child-care costs in 2006 following the increases in April this year in Child Benefit and the introduction of the Early Childhood Supplement of €1,000 per annum to parents of children aged up to 6 years.

The Irish model has taken the classic features of state supported "supply-side" systems, such as wage supports for community childcare services, providing supports for services through the 33 local City and County Childcare Committees, supporting national voluntary childcare organisations and targeting identified local childcare service needs. Our investment is also based on social inclusion which is also relevant to our increasingly diverse society. These are all key values identified by the OECD.

These Programmes are, in turn, key elements of the National Childcare Strategy 2006-2010. I am satisfied that the Government approach to childcare will serve to moderate prices in the sector over time by increasing the supply of places and giving parents greater choice. As I have outlined, the Government approach is also about improving quality as childcare should not be judged solely on matters of cost and availability.

### Hospital Services.

90. **Mr. McEntee** asked the Minister for Health and Children the person responsible for highlighting new or existing protocols to the medical and administration staff of hospitals in regard to inter-hospital transfer; and if she will make a statement on the matter. [35542/06]

**Minister for Health and Children (Ms Harney):** The HSE has advised my Department that the decision to transfer an individual patient from one hospital to another is a matter for the attending clinician and his or her team. Patient

[Ms Harney.]

safety is the overriding factor in any inter-hospital transfer.

There is no national protocol governing inter-hospital patient transfers. Any such protocol could only outline general principles and would have to be developed further at local level taking account of regional and local considerations.

A number of HSE hospital networks have developed protocols for specific circumstances such as the transfer of seriously injured trauma patients to specific units and how to deal with situations in which a woman in advanced labour presents to a hospital without an obstetric unit.

The hospital network in the north-east has done considerable work in relation to this issue and has prepared a very detailed document. This highlights the need, in drawing up protocols, to take account of the services available locally in a hospital and those available regionally within a hospital network. This document is being circulated to all hospital networks and I have asked the HSE to ensure that all networks review their existing protocols in the light of this document and develop new ones as appropriate.

#### **Pension Provisions.**

91. **Mr. Stanton** asked the Minister for Health and Children the criteria for eligibility for public health sector pension schemes; and if she will make a statement on the matter. [35452/06]

#### **Minister for Health and Children (Ms Harney):**

There are a range of public sector pension schemes in the health sector which have developed over time. In the past, health board employees would have been covered by the Local Government Superannuation Scheme while other health sector employees, in voluntary hospitals for example, would have been covered by the Voluntary Hospitals Superannuation Scheme or the Nominated Health Agencies Superannuation Scheme. Other statutory organisations within the health sector have their own superannuation schemes based on the public service model scheme. For most employees of organisations covered by such schemes, membership of the relevant superannuation scheme is mandatory.

As my colleague, Mr Seán Power T.D., Minister of State at my Department, explained to the House in an adjournment debate on 18 October employees of non-public health sector organisations do not have access to these superannuation schemes.

#### **Care of the Elderly.**

92. **Ms C. Murphy** asked the Minister for Health and Children the efforts which have been made to overcome the problem of VAT being charged by commercial suppliers of home care packages; if persons who have had to pay VAT will be refunded; if the VAT collected will be added to the €150 million home care package

fund; and if she will make a statement on the matter. [35193/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** My Department is currently examining, in consultation with the HSE, the Department of Finance and the Revenue Commissioners, the scope within the relevant EU directives to exempt the provision of homecare services by commercial suppliers from VAT.

In relation to VAT already paid, the Department of Finance has advised that non taxable persons cannot recover VAT incurred on goods and services that they purchase. Essentially only VAT-registered businesses which charge VAT are able to recover VAT.

In line with normal practice, all VAT revenues are applied by the Exchequer for the common good, as determined by the Oireachtas. Earmarking particular taxes reduces the discretion of Government and the Oireachtas in determining the priority areas in which public money should be spent.

#### **Hospital Accommodation.**

93. **Mr. Allen** asked the Minister for Health and Children if the Health Service Executive has published its cost benefit analysis on the multi-million project to provide 1,000 private beds in the grounds of public hospitals. [35505/06]

#### **Minister for Health and Children (Ms Harney):**

The co-location initiative is designed to deliver up to 1,000 new public beds at 10 public hospitals for an estimated tax cost of about €420 million, less than half the full capital cost. The tax cost will be offset by VAT and other taxes paid during construction. Lease payments at commercial rates in respect of public land will be paid by the private operators, in contrast with the current situation where there is no return on the public land in question.

Following an open procurement process in December 2004, my Department commissioned Prospectus Management Consultants to provide:

- succinct and appropriate strategic and investment appraisal frameworks for the initiative; and
- formal criteria and conditions for such proposals that would both encourage private initiative and promote and protect the public interest.

I published the full policy direction and the other documentation when launching this policy in July last year. This included details of the investment appraisal framework suggested by Prospectus Consultants for the HSE to apply.

A rigorous value for money assessment of each co-location proposal will be carried out by the HSE. I have required this of the HSE from the start. No project will proceed without the value

to the State being demonstrated. This is how cost-benefit analysis is built into the initiative.

The National Development Finance Agency is assisting my Department to ensure that the financial assessment method being applied by the HSE is entirely robust.

### Health Service Reform.

94. **Mr. McCormack** asked the Minister for Health and Children her views on whether the abolition of the health boards may have been premature in view of the setting up of regional fora for councillors and regional meetings for Oireachtas members and having held a national consultative meeting in Kilkenny in October 2006 with stakeholders in the health services. [35527/06]

183. **Mr. McCormack** asked the Minister for Health and Children if she has full confidence in the Health Service Executive in view of the regional meetings and fora set up around the country on the health services. [35528/06]

**Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 94 and 183 together.

The Audit of Structures and Functions in the Health System, published in 2003, found that the arrangements in place at the time were complex and fragmented. It identified the need for fundamental system-wide structural reform to move from fragmentation to consolidation and integration. This detailed analysis was accepted by the Government, and the HSE was established in January 2005 pursuant to the Health Act 2004.

The provisions of the Act which established the HSE also took cognisance of the need to provide for public representation and user participation. These included the establishment of Regional Health Forums and the National Health Consultative Forum referred to in the Question.

The National Health Consultative Forum, which has the function to advise the Minister on matters relating to the provision of health and personal social services, represents a continuation of a similar arrangement initiated on a non-statutory basis under the National Health Strategy. Annual meetings took place from 2002 to 2005.

As I have indicated, the Regional Health Forums were envisaged as part of the arrangements for the establishment of the HSE. I made regulations under the 2004 Act to allow for their establishment on 1st January 2006. To date each of the four Regional Forums established has met on a number of occasions.

The HSE, as a new and large public organisation, is investing considerable effort in developing its links with Oireachtas members. The recent commencement of meetings by the HSE's senior managers at Administrative Area level with Oireachtas members is part of an ongoing development of its channels of communi-

cation in that regard. It is a development I welcome. These arrangements are, of course, additional to the very specific provisions relating to the Executive's accountability to the Oireachtas at national level which are contained in the 2004 Act.

As we proceed with the consolidation of services under a single statutory body, the HSE, rather than a multiplicity of different bodies, I remain convinced of the importance and correctness of the reform path being taken.

### Hospital Staff.

95. **Mr. Hogan** asked the Minister for Health and Children her views on the new consultants' contract; and the way this will fit with her view of private hospitals in the grounds of public hospitals. [35509/06]

**Minister for Health and Children (Ms Harney):** Discussions on a new contract will resume in early November on the basis of a formula presented to the parties by the independent chairman, Mr Mark Connaughton S.C. It is the chairman's intention that the parties will engage in intensive negotiations over the next two months.

Our objectives for a new consultant contract include:

- a consultant-provided rather than a consultant-led service;
- greater flexibility in consultants' work practices and working times;
- consultants will have a clearly defined commitment to the public hospital system;
- the introduction of team working as the norm;
- enhancement of the role of consultants with respect to managerial and financial accountability;
- consultants to play a more pro-active and strategic role in the supervision, education and training of NCHDs; and
- more effective planning and monitoring of consultants' services.

The co-location initiative to achieve up to 1,000 new public beds by having private facilities built on the campuses of public hospitals is progressing apace. The Health Service Executive is currently engaged in a procurement process in respect of 10 public hospital sites.

As I said in the House last week, arrangements will be made to allow consultants to work in these facilities and remain on the one site, subject to better working arrangements by consultants in the public hospital itself.

### General Medical Services Scheme.

96. **Mr. Costello** asked the Minister for Health and Children if her attention has been drawn to

[Mr. Costello.]

the fact that the general practitioner only cards do not cover a patient wishing to obtain the services of the Irish Family Planning Association; if it is her intention to include this service to the GP only medical cards to persons who may not afford it otherwise; and if she will make a statement on the matter. [35443/06]

**Minister for Health and Children (Ms Harney):**

The General Medical Services Scheme is largely a treatment based scheme which provides medical and other services for eligible persons from contracted general practitioners.

Family planning services are available for medical card holders and GP visit card holders from the majority of GMS contract holding general practitioners. If a GP does not provide family planning services, he/she is obliged to refer a patient to a GP who will provide this service.

While the Irish Family Planning Association are being funded by the HSE to provide a choice of family planning services, I believe that GP visit card holders should have access to those services free of charge. I have asked my Department to request that the HSE make the necessary arrangements in this regard.

**Hospital Staff.**

97. **Mr. Coveney** asked the Minister for Health and Children if Cavan Hospital consultants are still precluded from doing major GI surgery; and if she will make a statement on the matter. [35545/06]

**Minister for Health and Children (Ms Harney):**

The HSE has advised me that restrictions were introduced on consultant surgeons in Cavan and Monaghan performing major Gastro-Intestinal surgery in 2003 following the suspension of two consultants. Consultants are no longer precluded from carrying out major GI surgery in Cavan. These restrictions reflected concerns regarding the then heavy reliance on locum consultants at both sites, and concerns about surgical outcomes in Cavan which led to a number of external reviews of patient treatments being commissioned.

In November 2005 a series of recommendations concerning surgical services in Cavan/Monaghan were announced by the National Hospitals Office (NHO) and the Royal College of Surgeons in Ireland. These recommendations were developed following the 2004 RCSI report on surgical services at Cavan General Hospital.

The implementation of the RCSI's recommendations saw the promotion of team working among the consultants, the promotion of interdisciplinary audit, equity of access to resources for all consultants, and the co-ordination of activity between the two hospitals.

A joint surgical department was formed across Cavan and Monaghan hospitals from 1 January

2006. Following compliance with all RCSI and NHO recommendations, the new surgical department, which includes three new consultants appointed from January 2006, now carries out a range of surgical procedures.

**Ambulance Service.**

98. **Mr. J. O'Keeffe** asked the Minister for Health and Children the number of advanced paramedics working in the Health Service Executive in an operational capacity to administer drugs such as cardiac medication; and if she will make a statement on the matter. [35552/06]

**Minister for Health and Children (Ms Harney):**

As part of the reform of the health service a National Ambulance Office has been established within the Health Service Executive (HSE). It has responsibility for the provision of pre-hospital emergency care nationally.

The most significant development in the sector for many years is the roll-out of the Advanced Paramedic Training Programme. The introduction of the programme required two legislative changes which were completed in August 2005. The National Ambulance Training School (NATS), which operates under the auspices of the HSE, in conjunction with University College Dublin, is providing training for Advanced Paramedic candidates.

The HSE has advised my Department that there are currently 26 Advanced Paramedics working in an operational capacity throughout the Ambulance Service. It anticipates that a further 18 Advanced Paramedics will be working before the end of this year. There are currently an additional 46 students in training and it is expected that the students who successfully complete the training programme will go operational in 2007.

A Group Authority Licence was required for the administration of three controlled drugs — morphine, lorazepam and diazepam — by Advanced Paramedics. This Licence was issued by the Irish Medicines Board on 5 May 2006. Completion of the training programme allows ambulance personnel to administer an additional 19 medications. This includes, for example, cardiac medications, which they could not administer previously.

The Pre-Hospital Emergency Care Council (PHECC) is currently undertaking a spatial analysis study which will guide the HSE in determining the optimum number and deployment of Advanced Paramedics required and advise in their deployment.

**National Cancer Strategy.**

99. **Mr. G. Mitchell** asked the Minister for Health and Children her plans to launch a renewed campaign to highlight the issues surrounding prostate cancer; and if she will make a statement on the matter. [35189/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** Prostate cancer is the second most common cause of cancer deaths in men. There are approximately 1,150 new invasive prostate cancer cases annually. It is predominantly a disease experienced by older men with the majority of cases occurring in the 70–74 year age group and the majority of deaths in the 80–84 year age group. The Department of Health and Children published a National Strategy for Cancer Control in June 2006. This National Strategy was developed by the National Cancer Forum which is chaired by Professor Paul Redmond, Head of Surgery, University College Cork and Cork University Hospital. The Forum is multi-disciplinary and representative of all levels of service, both community and hospital based, and of the Health Service Executive. It also has consumer representation.

As part of its work on the Strategy, the Forum reviewed all issues relating to cancer control including specific diseases such as prostate and colorectal cancer. It highlighted that cancer control requires a whole population, integrated and cohesive approach that involves prevention, screening, diagnosis, treatment, and supportive and palliative care. It places a major emphasis on measurement of need and on addressing inequalities. The Forum did not call for a specific awareness campaign on the issue of prostate cancer.

The Forum concluded that there is currently insufficient evidence to recommend the introduction of a population based prostate screening programme in this country but said that this issue should be reassessed when results are available from randomised control trials currently being conducted internationally. This position is consistent with the Recommendations adopted by the European Union which advocate the introduction of cancer screening programmes which have demonstrated their efficacy having regard to professional expertise and priority setting for healthcare resources.

We are very supportive of the Irish Cancer Society's campaign entitled "Action Prostate Cancer" which was launched in April of this year by the Minister for Health and Children. Its aim is to become the leading provider of prostate cancer information and support in Ireland. Appropriate treatment for men diagnosed with prostate cancer is available at major hospitals throughout the country. Any man who has concerns in relation to prostate cancer should contact his GP who will, where appropriate, refer him to the appropriate services in his area.

#### **Hospitals Building Programme.**

100. **Mr. G. Mitchell** asked the Minister for Health and Children her plans to build new hospitals in Dublin; and if she will make a statement on the matter. [35380/06]

**Minister for Health and Children (Ms Harney):** New hospitals are being developed in Dublin under a variety of initiatives. The Government has mandated the Health Service Executive to move forward with the development of a new national tertiary paediatric hospital on a site to be made available by the Mater Hospital. A joint HSE/Department of Health and Children Transition Group has been established for this purpose. Among the key items to be addressed are the definition of a high level framework brief for the new hospital, the transfer of the site from the Mater Hospital and the establishment of a Development Board for the new hospital.

The Government also noted that the joint HSE/Department of Health and Children task group recommended that the HSE undertake a review of the configuration of both adult acute services and maternity services in Dublin.

The Deputy will be aware of the major capital development currently in train that will provide extensive new and redeveloped facilities at the Mater Hospital.

Funding is available in the capital programme for the redevelopment of the National Rehabilitation Hospital.

The Deputy will also be aware that the Health Service Executive is undertaking a procurement process to select consortia to build and operate a private hospital on each of 10 public hospital sites, including St James's, Beaumont, Connolly Memorial and Tallaght hospitals in Dublin. This initiative will free up additional beds for public patients at these hospitals by transferring private activity to the new private hospitals. There has been a lot of interest in this initiative. The HSE has pre-qualified a number of bidders in respect of each site and is now in the process of evaluating outline proposals and shortlisting bidders.

#### **Health Legislation.**

101. **Mr. Ring** asked the Minister for Health and Children the legislation which has been passed since she became Minister. [35526/06]

**Minister for Health and Children (Ms Harney):** The legislation within my remit which has been enacted since my appointment as Minister for Health and Children is as follows:

- (1) the Health Act 2004;
- (2) the Health Amendment Act 2005;
- (3) the Health and Social Care Professionals Act 2005;
- (4) the Irish Medicines Board (Miscellaneous Provisions) Act 2006;
- (5) the Hepatitis C Compensation Tribunal (Amendment) Act 2006; and
- (6) the Health (Repayment Scheme) Act 2006.



### Accident and Emergency Services.

102. **Mr. P. McGrath** asked the Minister for Health and Children the difference between a patient waiting in accident and emergency for an acute hospital bed and a patient waiting in an admission lounge for an acute hospital bed. [35530/06]

131. **Mr. McGinley** asked the Minister for Health and Children the number of accident and emergency admission lounges which have been opened and the number of beds they contain. [35472/06]

**Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 102 and 131 together.

The Health Service Executive activity reports over recent months indicate a significant reduction in the average number of patients in A & E Departments awaiting admission. Waiting times for patients have also been reduced. The percentage of people waiting longer than 24 hours for admission has decreased from 13% in May to 7% in September.

In addition, admissions lounges have been developed at St James's Hospital (15 beds), Connolly Memorial Hospital (8 beds), St Vincent's Hospital (6 beds), Cork University Hospital (10 beds) and the Mercy Hospital in Cork (4 beds).

These admissions lounges enable patients awaiting admission to an acute hospital bed to be managed safely while preserving their right to dignity and privacy.

The performance targets in relation to the time that patients spend awaiting admission apply equally to those patients who are waiting in admission lounges and those who are waiting in the emergency department.

103. **Mr. McGinley** asked the Minister for Health and Children the main points of her winter initiative to deal with accident and emergency; and if she will make a statement on the matter. [35473/06]

**Minister for Health and Children (Ms Harney):** Improving the patient's progress through A&E Departments is the key area of focus for the Health Service Executive (HSE) in 2006/07. Measurable improvements have been achieved in recent months. In order to ensure that these improvements can be sustained, particularly during the winter months, the HSE has introduced a broad-based Winter Initiative.

The Winter Initiative will be similar to those in place in other health systems internationally. Its purpose is to ensure that the services required to address the particular demands of the winter season are in place and operating optimally. It will encompass not just hospital services but also primary and community care services.

The Initiative will build on work already underway and focus on a range of measures including:

- preventative measures;
- public communications;
- operational readiness (capacity, staffing, etc);
- out of hours arrangements;
- NHO/PCCC service integration (Ambulance/Primary Care/A&E links, Discharge Initiatives, Continuing Care and Home Supports);
- planned escalation procedures to enable responsiveness to increased demand beyond normal operating levels; and
- ongoing development of necessary infrastructure particularly for continuing care.

A formal structure is now in place, with eight Local Implementation Teams covering the whole country. A comprehensive work programme has been presented to each team for implementation. The teams will be responsible for ensuring that the Initiative's priorities are implemented at local level, as well as devising and implementing local solutions to address specific local winter demands.

### Hospital Services.

104. **Mr. Wall** asked the Minister for Health and Children her views on the Health Service Executive commissioned report that recommended a restructuring of obstetrics and gynaecology services here, an increase in consultant numbers and the provision for the first time of publicly funded assisted reproduction facilities; if she intends to carry out its recommendations; and if she will make a statement on the matter. [35494/06]

192. **Caoimhghín Ó Caoláin** asked the Minister for Health and Children if she has received the recent report on maternity services commissioned by the Health Service Executive; and if she will make a statement on the matter. [35466/06]

**Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 104 and 192 together.

I take it that the questions refer to a report on the future of Maternity and Gynaecology Services in Ireland that has been prepared by the Institute of Obstetricians and Gynaecologists. My Department is advised by the Health Service Executive that, while the Executive did not commission the report, it did facilitate its preparation by way of grant assistance.

My Department is advised that the Institute has finalised its report and is due to discuss its findings and recommendations with the HSE and my Department shortly.

### Proposed Legislation.

105. **Mr. Deasy** asked the Minister for Health and Children when the Pharmacy Bill will be introduced. [35522/06]

#### Minister for Health and Children (Ms Harney):

As I have previously stated, I consider the first Pharmacy Bill a priority piece of legislation. The first Bill will deal with the governance of the Pharmaceutical Society, registration and fitness to practice issues. It will also remove the EU derogation for supervisory pharmacists (where only Irish-trained pharmacists can supervise pharmacies less than three years old). The general scheme and draft heads of the first Bill were approved by Government on 25th May 2006. Work on the drafting of the Bill is ongoing between my officials and the Parliamentary Counsel's Office. Subject to the Cabinet's approval, I hope to publish the Bill and present it to the Oireachtas before the end of the current session of the Oireachtas.

### Hospital Services.

106. **Mr. Crawford** asked the Minister for Health and Children if Cavan General Hospital is expected to receive all surgical transfers from Monaghan Hospital; and if she will make a statement on the matter. [35546/06]

#### Minister for Health and Children (Ms Harney):

My Department has contacted the HSE and is advised that a protocol for the management of surgical patients within Cavan/Monaghan Hospital governs the circumstances in which a surgical patient may be transferred from Monaghan to Cavan.

The protocol was drawn up by a group chaired by the lead consultant surgeon in Cavan/Monaghan and included representatives of staff in medicine, surgery and emergency medicine at both hospital sites as well as the surgical services co-ordinator and the risk manager for Cavan/Monaghan. The protocol reflects principles in the north east inter-hospital patient transfer policy, governing transfers among the five north east hospitals and between these hospitals and hospitals outside the north east.

My Department is advised that the protocol emphasises the importance of communication between consultants referring patients from one hospital to another. It also emphasises the importance of Cavan Hospital accepting the transfer of surgical patients from Monaghan, but also allows for the transfer of surgical patients from Monaghan directly to a tertiary surgical centre where the patient's condition warrants this and where such a transfer can be effected.

107. **Mr. English** asked the Minister for Health and Children the implications for other paediatric units around the country if the Health Service Executive feel it necessary to close a facility like

the National Children's Hospital, Tallaght. [35533/06]

#### Minister for Health and Children (Ms Harney):

The Deputy will be aware that a review of tertiary paediatric services undertaken by McKinsey & Company on behalf of the Health Service Executive recommended that:

- the population and projected demands in this country can support only one world class tertiary paediatric hospital;
- it should be in Dublin and should ideally be co-located with a leading adult academic hospital;
- it should also provide all the secondary (i.e. less complex) hospital needs of children in the Greater Dublin area; and
- these secondary services should be supported by strategically-located Urgent Care Centres.

Following extensive examination, discussion and consultation, the joint HSE/Department of Health and Children Task Group that was established to advise on the optimum location for the new hospital recommended that the new national tertiary paediatric hospital should be built on a site to be made available by the Mater Hospital. This recommendation was accepted by the Board of the HSE and was subsequently endorsed by the Government, who mandated the Executive to move forward with the development of the new hospital.

A joint HSE/Department of Health and Children Transition Group has been established for this purpose. Among the key items to be addressed are the definition of a high level framework brief for the new hospital, and the determination of the range of services and location of the urgent care centres required to support the new hospital. Other key actions that will be pursued by the Transition Group are the transfer of the site from the Mater Hospital, the determination of co-ordination policies between the new hospital and other hospitals (including those outside of Dublin), and the establishment of a Development Board for the new hospital.

The Transition Group will have consultations with relevant stakeholders in the course of its work.

To date, no decision has been taken in relation to the range of services to be provided at the National Children's Hospital at Tallaght in the context of the development of the national paediatric hospital and its associated urgent care centres.

### Health Service Staff.

108. **Mr. O'Shea** asked the Minister for Health and Children the status of the recruitment process of the 32 elder abuse officials or care

[Mr. O'Shea.]

workers; and if she will make a statement on the matter. [35481/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The recruitment process referred to is a function of the Health Service Executive, which has informed my Department that the campaign to fill these posts is proceeding. The closing date for applications was 6th October, 2006 and the HSE will now be proceeding to the next stage of the recruitment process.

#### **Infectious Diseases.**

109. **Mr. Connaughton** asked the Minister for Health and Children if she will respond to the call by the MRSA and families organisation for a judicial inquiry into the non-implementation of the national guidelines contained in the 1995 Control of MRSA in the Irish Health care setting; and if she will make a statement on the matter. [35543/06]

196. **Mr. Connaughton** asked the Minister for Health and Children her views on the call by MRSA victims and families on the setting up of a redress board to compensate MRSA victims and their families. [35544/06]

**Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 109 and 196 together.

My Department has no plans at present to set up a judicial enquiry or a redress board to compensate people who have contracted MRSA.

The control of Health Care Associated Infections (HCAIs) including MRSA continues to be a priority for the HSE. Measures to control the emergence and spread of HCAIs are necessary because there are fewer options available for the treatment of resistant infections and because these strains spread amongst vulnerable at-risk patients. The prudent use of antibiotics underpins any approach to the control of antibiotic resistant bacteria, including MRSA. This, together with good professional practice and routine infection control precautions, such as hand hygiene, constitute the major measures in controlling and preventing healthcare-associated infection, including that caused by MRSA, both in hospital and in community health care units.

The implementation of the revised SARI Guidelines on the control and prevention of MRSA in hospitals and in the community, the "Clean Hands Campaign", the National Hygiene Audits and the development of national standards in relation to infection control and hospital hygiene are also aimed at addressing the challenges presented by HCAIs.

110. **Mr. Cuffe** asked the Minister for Health and Children the latest preparations by both the Health Service Executive and her Department

for a possible flu pandemic; and if she will make a statement on the matter. [35459/06]

126. **Dr. Upton** asked the Minister for Health and Children the position on the latest new estimates from experts for the expected numbers of persons that may become infected with avian flu; her Department's plans to deal with avian flu; and if she will make a statement on the matter. [35492/06]

**Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 110 and 126 together.

I take it both questions relate to a possible human flu pandemic. For the sake of clarity, avian flu (H5N1) is primarily a disease of birds. To date, there have been a very small number of human cases of H5N1 infection in situations where there has been very close contact with infected birds. There is no evidence of efficient human to human transmission.

I would like to draw a very clear distinction between avian flu and the possibility of a future human flu pandemic. Experts advise that such a pandemic may arise as a result of the current H5N1 avian flu situation, but this is by no means inevitable. Nevertheless, the pandemic threat is real: while neither the timing nor the severity of the next pandemic can be predicted, experts advise it is a matter of when it arrives not if.

A global flu pandemic will affect all countries and will cause widespread disease and death, and massive disruption to the health services and to society.

Improving our preparedness to manage a flu pandemic is therefore a high priority for my Department and for the Health Service Executive. A high level pandemic flu plan will be published in December 2006 based on the framework recommended by the World Health Organisation for national pandemic plans and reflecting up to date advice from the Influenza Pandemic Expert Group. The plan will focus on the health response, but will also provide the basis for the contingency planning which must take place across all sectors of society.

It is not possible to predict the impact of the next pandemic: much will depend on the characteristics of the virus, such as the clinical attack rate, the severity of the illness and the resulting case fatality rate. These cannot be known until the pandemic virus emerges. However, in order to assist planning, a number of scientific models of the impact of a pandemic have been developed internationally. In Ireland an empirical model of pandemic influenza has been proposed by the Health Protection Surveillance Centre (HPSC) and adopted for planning purposes. This model can be used to estimate the number of clinical cases, hospitalisations and deaths that will occur in Ireland during each week of a 15-week single wave pandemic, in the absence of any interventions.

The planning assumptions are:

- a 25% clinical attack rate resulting in almost 980,000 clinical cases in the course of a pandemic hospitalisation rate between 0.55% and 2.4%, with a minimum total of 5,400 influenza-related hospitalisations over the 15 weeks peaking at 1,100 during week 6; and
- a minimum total of 3,600 influenza-related deaths over the 15 weeks with a peak of 780 during week 6.

These assumptions are being kept under review and may be revised in line with international advice and risk assessment.

The following list gives an indication of ongoing preparedness activities:

- the Influenza Pandemic Expert Group is updating expert guidance for publication in December;
- the Pandemic Influenza Operational Response Plan is being updated in line with the most up to date expert advice;
- a Standing Inter-Departmental Committee has been established to consider issues which go beyond the health aspects of an influenza pandemic;
- arrangements have been made to procure a stockpile of the human H5N1 vaccine for key health care workers and other essential workers — my Department is also actively pursuing an advanced purchase order for a pandemic strain vaccine;
- we have stockpiled 1 million treatment packs of the antiviral drug, Tamiflu, and a supply of the active pharmaceutical ingredient (oseltamivir phosphate powder) to treat children aged between 1 to 5 years of age;
- on foot of expert advice, we are now stockpiling additional supplies of the other suitable antiviral drug, Relenza; and
- the Expert Group is updating guidance on the non-pharmaceutical public health interventions aimed at reducing the spread of infection with reference to the latest recommendations from the World Health Organisation.

I wish to take this opportunity to acknowledge the progress made over the past year in preparing for a possible flu pandemic and this work will continue to be a top priority for my Department and for the HSE in the coming year.

#### **Mental Health Services.**

111. **Mr. P. Breen** asked the Minister for Health and Children her views on the statement by the Joint Committee on Health and Children that the provision of mental health services for

adolescents is high on aspiration but low on action; and if she will make a statement on the matter. [35537/06]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** “A Vision for Change”, the report of the Expert Group on Mental Health Policy acknowledged the need for increased in-patient beds and for improved resources to care for 16 to 18 year olds who can fall between child and adult services, and may not receive care appropriate to their particular needs.

It is recognised that dedicated adolescent mental health services are required. “A Vision for Change” makes a number of recommendations for the improvement of mental health services for adolescents. I have appointed a Monitoring Group to monitor and assess progress on the implementation of all the recommendations in “A Vision for Change”.

The implementation of the report's recommendations, including those relating to mental health services for adolescents, are the responsibility of the Health Service Executive. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

#### **Nursing Home Subventions.**

112. **Mr. Gilmore** asked the Minister for Health and Children her views on the uneven payouts to elderly people in nursing homes here and the fact that the enhanced financial assistance currently being made at the discretion of each Health Service Executive region results in some regions making no enhanced payments and in other cases there is a discrepancy in the amounts being granted; the steps she will take to address same; and if she will make a statement on the matter. [35483/06]

**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.

[Mr. S. Power.]

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. The additional €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”.

#### **Proposed Legislation.**

113. **Mr. Sargent** asked the Minister for Health and Children when she will introduce the Alcohol Products Bill; if she has been lobbied by the alcohol industry to cancel it in favour of voluntary agreements; and if she will make a statement on the matter. [35465/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** A recommendation contained in the Interim Report of the Strategic Task Force on Alcohol calls for a reduction in the exposure of children and adolescents to alcohol advertising, marketing and sponsorship. In

response to this, my Department entered into negotiations with the broadcasting, media and drinks industries while at the same time pursuing the development of legislation to restrict alcohol advertising, sponsorship and sales promotions/marketing practices. It was agreed that the industry would respond on an incremental basis. This has resulted in the establishment of Central Copy Clearance Ireland which addresses the issue of the content of advertisements, the development of a Voluntary Code of Practice on Advertising which addresses the issue of placement and the establishment of the Alcohol Marketing and Communications Monitoring Body to oversee the implementation of the Voluntary Code. As the Minister for Health and Children has previously indicated, she will await the Annual Report of the Monitoring Body before deciding on future actions in relation to legislation on this issue.

#### **Nursing Home Charges.**

114. **Mr. Broughan** asked the Minister for Health and Children the number of payments processed in relation to the long stay charges repayment scheme; the timeframe a person would expect to wait for payment after application to the scheme; and if she will make a statement on the matter. [35450/06]

202. **Mr. Kehoe** asked the Minister for Health and Children the amount of money refunded to date to those people who were illegally charged for nursing home care. [35516/06]

**Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 114 and 202 together.

The Health (Repayment Scheme) Act 2006 came into effect on 30 June 2006. The repayment scheme was launched publicly by the Health Service Executive (HSE) and the scheme administrator KPMG/McCann Fitzgerald on 14 August 2006. A national advertising campaign and a helpline also commenced on this date.

The HSE have informed the Department that over 126,000 forms have been dispatched to members of the public.

The Scheme Administrator has commenced scanning the records of long stay facilities around the country and to date more than 50 locations have been visited for this purpose. These records will form the basis for the calculation of the majority of the repayments.

The HSE have informed the Department that over 17,000 forms have been submitted to the scheme administrator applying for repayments and these applications are being processed at present. The timeframe for payment is predicated primarily on whether the applicant is alive or whether the application is being made by a family member or the estate of a deceased person. Priority is being given to pay those who are still

alive. It is estimated that there are now in the region of 15,000 people within this category. Living people who were wrongly charged will be first to receive payments under the scheme.

The HSE has advised that the first offers of repayment are commencing this week and that the first payments are expected to issue before the end of November with further payments continuing thereafter in subsequent weeks. It is expected that the bulk of payments to estates will commence in the Spring of 2007.

Provision has been made for applications to be received up to 1 January 2008.

#### **Drug Treatment Programme.**

115. **Mr. Deenihan** asked the Minister for Health and Children if there are plans to move heroin addicts from drug treatment into regular primary care facilities by training doctors to prescribe the anti-addiction drug buprenorphine; and if she will make a statement on the matter. [35191/06]

**Minister for Health and Children (Ms Harney):** I am aware that the drug Buprenorphine is being proposed as an alternative to methadone in the treatment of opiate dependent addicts. The current position is that Buprenorphine can be prescribed to opiate users by addiction services consultants in specialists drug treatment clinics, where the prescription and dispensing of Buprenorphine is tightly controlled.

The Irish Medicines Board has amended the authorisation for Buprenorphine to allow it to be prescribed by General Practitioners who have specialist training in its use. My Department is considering the implications of this revised authorisation, especially in view of the diversion potential of Buprenorphine in its current form.

My Department does not have a role in defining the training programmes of doctors. This is a matter for the Medical Council and the relevant training body.

#### **Health Services.**

116. **Mr. Callanan** asked the Minister for Health and Children the reason the Western Regional Immunisation Board has not been reinstated following its disbandment in November 2005; and if she will make a statement on the matter. [35200/06]

**Minister for Health and Children (Ms Harney):** I am informed by the Health Service Executive (HSE) that when its structures changed it was decided that it was no longer appropriate to have a regional Immunisation Committee for the former Western Health Board area that no longer existed and it was, therefore, disbanded. This was in anticipation of new structures for HSE West.

However, in parallel to this decision, it was agreed that the Immunisation Committee in each of the three counties of the former Western

Health Board would be re-established. These County Committees are charged with driving the Immunisation Agenda. A system has also been put in place whereby the Chair of each local committee will meet with the Local Health Manager with responsibility for immunisation on a regular basis, where issues of common concern can be addressed.

#### **Health Strategy.**

117. **Mr. Howlin** asked the Minister for Health and Children her views on figures from the Public Health Alliance that the death rates for all cancers among the lowest occupational class is over twice as high for the highest class, it is nearly three times higher for strokes, four times higher for lung cancer, and six times higher for accidents; the way she intends to combat such inequalities in health outcomes here; and if she will make a statement on the matter. [35451/06]

136. **Mr. Stanton** asked the Minister for Health and Children the targets her Department has set to reduce the disproportionate burden of ill health that lower income groups suffer as detailed in Quality and Fairness, A Health System for You; the initiatives in place to reduce these health inequalities; the success of same; and if she will make a statement on the matter. [35453/06]

**Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 117 and 136 together.

One of the key measures of health status is premature mortality, major causes of premature mortality in Ireland being circulatory diseases, cancer, accidents and injuries. For all of these, there is a social class gradient, with those in the lowest socio-economic group being the worst off. Likewise, at the beginning of life, health status indicators such as infant mortality and low birth weight highlight the adverse situation of the lowest socio-economic group. In addition, it is known that some groups such as Travellers have lower life expectancy than the general population. Smaller scale studies also show higher levels of ill health among homeless people, drug users and prisoners. Mental illness is also a significant cause of morbidity, with the burden again falling most heavily on the lowest socio-economic group.

The health sector is strongly committed to implementing a range of measures aimed at tackling and reducing these health inequalities. Social inclusion-relevant aspects of existing health strategies and plans feature in the current National Action Plan against Poverty and Social Exclusion (NAP inclusion) 2003-2005, in the recently negotiated social partnership agreement, Towards 2016, and in Ireland's National Report on Strategies for Social Protection and Social Inclusion (NSSPI) 2006-2008.

The National Anti-Poverty Strategy (NAPS) is the main vehicle through which the Govern-

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ment's response to the problems of poverty and social exclusion is being channelled. The Government's 2002 review of the NAPS Building an Inclusive Society sets out a number of targets aimed at reducing health inequalities. These include targets to reduce the gap in premature mortality between the lowest and highest socio-economic groups for circulatory diseases, for cancers and for injuries and poisoning; to reduce the gap in low birth weight rates between children from the lowest and highest socio-economic groups; and to reduce the gap in life expectancy between the Traveller Community and the whole population. My Department is currently working to develop an appropriate set of shorter-term targets that will reflect progress towards these longer-term outcomes. It is anticipated that this work will feed into the 2007 HSE Service Plan and the forthcoming NAP inclusion 2006-2008 process.

In June this year I launched the Cancer Control Strategy 2006 prepared by the National Cancer Forum. The Strategy recognises that there is a need for a consistent focus on risk factors for cancer, incidence of cancer, access to services, and outcome from services to help to reduce health inequalities between various groups. The Strategy recommends that the HSE should put in place arrangements to monitor inequalities in cancer risks, cancer occurrence, cancer services and cancer outcomes. The policy indicators proposed in the Strategy will provide an important means of maintaining a policy focus on cancer inequalities.

#### Health Service Management.

118. **Mr. Hayes** asked the Minister for Health and Children when the corporate plan for the Health Service Executive was published; and if she will make a statement on the matter. [35548/06]

**Minister for Health and Children (Ms Harney):** Under Section 29 of the Health Act, 2004, the Health Service Executive is obliged to prepare, adopt and then submit to me for approval a Corporate Plan for a three year period. The Executive submitted its Corporate Plan 2005-2008 in accordance with the provisions of this section. This Plan outlines the key objectives for the period 2005-2008, how the achievement of these objectives will be measured and the use of its resources.

I approved the HSE Corporate Plan 2005-2008 on 17 October, 2005 and a copy of it was laid before the Houses of the Oireachtas on 20 October, 2005. This Corporate Plan is also available from the HSE's website, which is [www.hse.ie](http://www.hse.ie).

#### Child Abuse Inquiry.

119. **Ms McManus** asked the Minister for Health and Children the action to be taken to examine the fact that it is over seven and a half

years since an inquiry was established into alleged abuse (details supplied) in County Galway and people are still waiting for results; the steps being taken to review this inquiry process; when this review will be completed; and when the report will be published. [35440/06]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** I am advised that an inquiry into allegations of abuse by former residents of the Brothers of Charity Services in the former Western Health Board area was commenced in April 1999 by that Health Board. I understand from the Health Service Executive that in September, 2005 it commenced a review of the inquiry process with a view to ensuring that the process will be completed at the earliest possible date. This review is ongoing at the present time.

I am concerned about the length of time which has elapsed since the initial inquiry commenced and I have asked the Health Service Executive to ensure that it is completed as a matter of urgency.

#### Medical Cards.

120. **Mr. Boyle** asked the Minister for Health and Children if her Department has calculated the cost of introducing free medical cards for both persons under six and 18 years old; the cost in both cases; and if she will make a statement on the matter. [35457/06]

**Minister for Health and Children (Ms Harney):** I have asked my Department to arrange to provide the Deputy with information on the estimated cost of providing medical cards to all children aged under six years. However an exercise to establish the estimated cost will first need to be undertaken, with the assistance of the Health Service Executive, and the information sought will be provided to the Deputy as soon as possible.

In relation to the Deputy's request for an estimate of the cost of providing medical cards to persons aged under 18 years who do not currently hold a medical card, it is estimated this would cost approximately an additional €300 million per annum. This estimate has been calculated on the basis of the Central Statistics Office's national population by age estimates for 2004 and information from the Health Service Executive on the number of medical card holders aged under 18 years, as at 1st September 2006. Cost data from a number of sources has been used, in particular from the latest available 2004 Annual Report of the former General Medical Services (Payments) Board and figures provided by the HSE regarding General Medical Services (GMS) GP capitation fee payments as of 31st December 2005.

It will be noted that should eligibility arrangements be adjusted to enable larger numbers to qualify for a medical card, the actual costs arising would depend on the precise demographic profile

of those additional clients. The capitation payments to GPs, for example, are calculated according to clients' age, sex and distance of their residence from the GP's centre of practice. Furthermore, the effect on the GMS drugs budget and on certain other services available free of charge to medical card holders cannot be predicted with accuracy and would be dependent on the health status of the clients concerned.

The following matters were not taken into account in arriving at the estimate of approximately €300 million:

- potential additional costs in terms of income forgone by public hospitals in respect of A & E attendance and in-patient charges;
- the possible cost, depending on the circumstances of the additional persons obtaining medical cards, of such services as aids and appliances and public health nursing;
- any offsetting effect of a potential reduction in costs under the Drug Payments Scheme, non-medical card holders are entitled to make claims under the Drugs Payments Scheme (DPS) for reimbursement of all prescribed drugs and medicines in excess of €85 per calendar month, and persons obtaining a medical card and who currently qualify under this scheme would no longer come within the terms of the scheme, as their drug costs would be met under the GMS; and
- costs in other areas of Government in which the holding of a medical card may be used as a means of determining entitlement to services or benefits.

#### Hospital Procedures.

121. **Mr. Coveney** asked the Minister for Health and Children the number of day ward and elective cases that are cancelled every day due to overcrowding in accident and emergency departments here. [35474/06]

#### Minister for Health and Children (Ms Harney):

It is regrettable that some patients may have their procedures postponed. The Health Service Executive (HSE) endeavours to keep postponements to a minimum and to have postponed procedures rescheduled as soon as possible. However, due to the nature of the acute hospital system, in some instances, it is necessary to reschedule planned treatments when priority has to be given to emergency cases or for a variety of other reasons such as infection control.

My Department has requested the Parliamentary Affairs Division of the Executive to provide the Deputy with the information requested.

#### Hospital Services.

122. **Ms B. Moynihan-Cronin** asked the Mini-

ster for Health and Children her views on reports of proposals for specialist paediatric surgical services for very young children being centralised at Our Lady's Hospital, Crumlin and paediatric neurosurgical services at Temple Street; the provisions for such services; the submissions the Health Service Executive has received regarding paediatric surgical services; and if she will make a statement on the matter. [35476/06]

#### Minister for Health and Children (Ms Harney):

The organisation of specialist paediatric and neonatal surgical services has been the subject of extensive debate for a number of years. International best practice indicates that best clinical outcomes are achieved when the number of patients being treated in a unit is sufficient for a high level of surgical, anaesthetic and nursing expertise to be maintained.

There are currently three departments of paediatric surgery in Dublin, one in each of the children's hospitals. While there is a level of shared consultant posts, the three departments operate separately. My Department is advised by the Health Service Executive that its view is that there is now a unique opportunity to develop a single, unified department of paediatric surgery in Dublin to facilitate integration and further collaboration among the three children's hospitals in advance of the move to a new national paediatric hospital.

The HSE has been in discussions with the three children's hospitals regarding paediatric services in general and paediatric specialist surgery in particular. Following these meetings, the HSE sought submissions from the hospitals. I understand that these submissions have recently been received and are under consideration.

#### Services for People with Disabilities.

123. **Mr. J. O'Keeffe** asked the Minister for Health and Children when national standards for disability services will be published and implemented; and if she will make a statement on the matter. [35551/06]

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

My Department, in partnership with the National Disability Authority (NDA), has developed draft National Standards for Disability Services (NSDS) in consultation with people with disabilities, their families, carers, service providers, health services providers and other stakeholders. These standards are designed to ensure that services are provided to an agreed level of quality and that the level of quality is consistent on a national basis. It is proposed that the standards will apply to a range of services for people with disabilities as funded by the Health Service Executive.

The draft NSDS are being considered within the framework of the Health Services Reform Programme. A critical element in this process is



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the establishment of the Health Information Quality Authority (HIQA). The new Health Bill currently being drafted to underpin the Health Reform Programme will include provision for the establishment of HIQA on a statutory basis. The establishment of HIQA as a key part of the architecture of planning and developing health and personal social services in Ireland will promote a continuous quality improvement ethos in the health system. The development and implementation of the NSDS is a central element of the process.

Meanwhile, the draft NSDS have been forwarded to the interim HIQA for its consideration. The implementation process for the NSDS will necessarily involve an incremental process of planning, training and implementation over the coming years.

#### **Residential Institutions Redress Scheme.**

124. **Mr. Ferris** asked the Minister for Health and Children if her Department has received representations from persons abused while in foster care; if such abuse will be addressed by means of a redress scheme; and if she will make a statement on the matter. [35471/06]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** As the Deputy may be aware in 2002, the then Minister for Education and Science introduced the Residential Institutions Redress Act. This legislation was enacted to provide a mechanism for former residents of industrial schools, reformatories, orphanages, children's homes and in certain situations special schools and hospitals to obtain redress for injuries they suffered while so resident.

The rationale behind the setting up of the Redress Board was that children in the residential institutions were separated from their parents and, therefore, did not have the benefit of the care and protection which a child in the care of a family usually enjoys. The institutions concerned controlled all aspects of the children's lives 24 hours a day, 7 days a week with no reasonable capacity for access to or involvement by their parents. Therefore, the children in the institutions relied to a significant degree on the public bodies that had a statutory duty to protect them.

During the passage of the legislation through both Houses the issue of including children who were in foster care was discussed and it was decided not to extend the legislation, as children in foster care were not in a residential institution. It is not the intention currently to establish a redress board dealing with foster care. However, I wish to assure the Deputy that I am committed to ensuring that children placed in foster care receive the highest standard of care.

I am aware of correspondence from 3 individuals in recent times seeking the establishment of

such a redress board and I have responded to these individuals in this regard. It is, of course, open to any individual to pursue their own redress through the courts system should they wish.

#### **Vaccination Programme.**

125. **Caoimhghín Ó Caoláin** asked the Minister for Health and Children if she will include pneumococcal immunisation as part of the State-wide universal vaccination programme, as called for by the Meningitis Research Foundation and the Meningitis Trust and in view of the fact that this immunisation is now being implemented in the Six Counties; and if she will make a statement on the matter. [35467/06]

**Minister for Health and Children (Ms Harney):** Ireland's recommended immunisation programme is based on the guidelines of the National Immunisation Advisory Committee of the Royal College of Physicians of Ireland. These guidelines are prepared with the assistance of an active committee from associated disciplines in paediatrics, infectious diseases, general practice and public health. Vaccines are continually evolving and guidelines change given the nature of these developments.

The inclusion of the pneumococcal vaccine in the Primary Childhood Immunisation Programme is being considered by the National Immunisation Advisory Committee as part of its review of the immunisation guidelines. No decision has yet been reached. My Department and the Health Service Executive will be guided by the expert advice from the NIAC in this regard.

The Immunisation Guidelines for Ireland recommend vaccination against pneumococcal disease for persons who are at increased risk of the disease and its complications, particularly for those with:

- Asplenia or severe dysfunction of the spleen, including surgical splenectomy;
- Chronic renal disease or nephrotic syndrome;
- Chronic heart, lung or liver disease illness including cirrhosis;
- Diabetes mellitus;
- Sickle cell disease;
- Immunodeficiency or immunosuppression due to disease or treatment, including HIV infection at all stages;
- Patients with CSF leaks, either congenital or complicating skull fracture or neurosurgery; and
- Persons aged 65 years or older.

A vaccine is licensed for use in at-risk children aged under 2 years of age.

*Question No. 126 answered with Question No. 110.*

### **Mental Health Services.**

127. **Ms Enright** asked the Minister for Health and Children her plans to improve the availability of specialist out-patient psychiatry teams for children and adolescents. [35539/06]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

### **Hospital Services.**

128. **Mr. Morgan** asked the Minister for Health and Children the extent to which blood testing in the public hospital system is contracted out of private laboratories; her Department's policy in this regard; if surveys of cost differentials between contracting out and carrying out work directly in public hospitals have been or will be undertaken; the safeguards which apply to ensure that the highest standard operating procedures apply; if she has had discussions with the Health Service Executive on this matter; and if she will make a statement on the matter. [35468/06]

**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.

### **Hospital Accommodation.**

129. **Mr. Allen** asked the Minister for Health and Children if she will publish the policy paper on her initiative to put 1,000 private beds on the grounds of public hospitals. [35504/06]

**Minister for Health and Children (Ms Harney):** I published the full policy direction and supporting documentation to this initiative when it was announced in July 2005. The policy has been on my Department's web site since the announcement.

### **Eating Disorders.**

130. **Mr. M. Higgins** asked the Minister for Health and Children her views on the lack of facilities for the estimated 200,000 people with eating disorders; her further views on the fact that the only dedicated public services are three beds at St. Vincent's Hospital, Dublin that are designated to eating disorder patients over 18 years; her plans to address this issue to provide services to under 18 year olds that have eating disorders; and if she will make a statement on the matter. [35485/06]

**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.

*Question No. 131 answered with Question No. 102.*

### **Nursing Home Inspections.**

132. **Mr. O'Shea** asked the Minister for Health and Children her views on whether it is acceptable that some inspections of nursing homes are taken by environmental health officers who are not qualified to assess the standards of medical and nursing care; the reason, in the cases of inspections being carried out separately by medical and nursing team officials, these have not been made public; and if she will make a statement on the matter. [35480/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The inspection of private nursing homes is the responsibility of the Health Service Executive under the Health (Nursing Homes) Act, 1990. The 1990 Act provides for the registration of private nursing homes and procedures for attaching conditions to the registration and for de-registering homes. The Nursing Homes (Care and Welfare) Regulations, 1993 set out the standards which private nursing homes owners must adhere to in the provision of nursing home services.

In accordance with the Regulations, the HSE carries out inspections of private nursing homes. The HSE has inspection teams in each area. Each team is comprised of a Senior Area Medical Officer (Chairperson), a Director or Assistant Director of Public Health Nursing and a Principal or Senior Environmental Health Officer. Where Environmental Health Officers visit initially, a medical and nursing inspection is carried out soon afterwards.

Each nursing home receives an integrated report following inspection, which contains

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recommendations in relation to best practice/conditions, which are required for continued registration. Under the 1990 Nursing Homes Act and the 1993 Regulations, Health Service Executive areas can attach particular conditions to registration. Any deviation from these conditions can be subject to sanction up to and including legal action in the District and Higher Courts. The inspection team liaises with the proprietor to ensure compliance with the Regulations within an agreed timescale.

Two inspections per year of every nursing home are required in accordance with Article 24 of the Regulations. In addition the inspection teams carry out follow-up inspections as required and also conduct advice visits for prospective nursing homes.

The HSE has informed my Department that they commenced publishing nursing home inspection reports on their website: *www.hse.ie* in September 2006. The plan to publish nursing home inspection reports follows considerable consultation within the HSE and also with representatives of nursing homes organisations. It should be noted that the reports being published on the website will give a snapshot of the situation in a particular nursing home on the date of inspection. Information of a confidential nature will not be published.

In addition, a Working Group was established by the Department to develop the standards for residential care settings for older people. Membership of the Group comprised officials from the Department, the Health Service Executive, the Social Services Inspectorate and the Irish Health Service Accreditation Board. The Group was involved in developing draft standards for the inspection of both public and private residential care for older people. These draft standards will be circulated to interested parties for consultation shortly. In addition, the Irish Health Services Accreditation Board has examined the development of accreditation standards for both public and private residential care for older people. These will be introduced once national standards are established. The IHSAB and the DoHC are in ongoing consultation in relation to national and accreditation standards.

#### **Hospital Services.**

133. **Ms O. Mitchell** asked the Minister for Health and Children if she will proceed with closing down St. Luke's Hospital for radiotherapy treatment in Dublin. [35514/06]

330. **Mr. Naughten** asked the Minister for Health and Children her plans and that of the Health Service Executive to transfer the services at St. Luke's Hospital, Rathgar to St. James's Hospital; the reason for this decision; if she will review this policy; and if she will make a statement on the matter. [35185/06]

#### **Minister for Health and Children (Ms Harney):**

I propose to take Questions Nos. 133 and 330 together.

The expertise and professional commitment of the staff at St. Luke's Hospital will continue to be an essential element in the development of cancer care. The decision to transfer this resource 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 radiation 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. 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 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. Last week I also announced the approval of two radiation oncology facilities at Beaumont and St. James's Hospitals, comprising of two linear accelerators and associated treatment planning at each site, to be delivered in early 2009. These are key elements of the delivery of the National Plan.

#### **Health Services.**

134. **Ms O'Sullivan** asked the Minister for Health and Children the most recent position of chiropody services for medical card holders; if she will clarify the possibility of chiropodist charging top-up fees to medical card holders; and if she will make a statement on the matter. [35445/06]

**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 eligible 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.

**Competence Assurance Scheme.**

135. **Mr. Perry** asked the Minister for Health and Children the start-up date for competence insurance for all health professionals; and if she will make a statement on the matter. [35520/06]

**Minister for Health and Children (Ms Harney):**

Healthcare personnel have a responsibility to ensure that their practice is safe and their skills are up to date. The introduction of statutory schemes for the maintenance of professional competence is being dealt with in the context of the Medical Practitioners Bill, which will provide for a statutory basis for an appropriate scheme or schemes to ensure the maintenance of professional competence of medical practitioners, and in relation to other legislation which is in preparation regarding nurses, dentists and pharmacists.

*Question No. 136 answered with Question No. 117.*

**Hospitals Building Programme.**

137. **Mr. Kenny** asked the Minister for Health and Children if she has received representations

from church authorities regarding the location of a new National Children's Hospital. [35190/06]

**Minister for Health and Children (Ms Harney):**

The Taoiseach, the Chief Executive Officer of the Health Service Executive and I met with representatives of the Adelaide Hospital Society on 28 June 2006 to discuss a number of issues relating to the Adelaide and Meath Hospital incorporating the National Children's Hospital, Tallaght. The delegation included the Most Rev R.H.A. Eames, Archbishop of Armagh and Primate of All Ireland, the Very Rev Dr David Clarke, Moderator of the Presbyterian Church in Ireland and Rev Desmond Bain, former President of the Methodist Church in Ireland, together with the Archbishop of Dublin, The Most Rev Dr John W Neill, President of the Hospital. They expressed concern at the implications for the National Children's Hospital of the Government decision to endorse the development of a single national tertiary paediatric hospital on a site to be made available by the Mater Hospital.

A number of other matters relating to the provision of hospital services at Tallaght were also discussed. In this context the delegation submitted a document proposing a wide range of service developments at the hospital over the next 10 years. The proposals have been forwarded to the Health Service Executive for consideration.

In a letter to Archbishop Eames following the meeting, the Taoiseach gave an assurance that the Government wishes the hospital to thrive on a sustainable basis as a particular focal point for the involvement of the minority tradition in the healthcare system and as a key health provider to an expanding local population. These objectives will be pursued in tandem with other compelling objectives, including the achievement of an effective and efficient hospital care system, which will deliver the highest possible standards of care within a framework designed to respond to the needs of patients at national, regional and local level.

Arising from the meeting, it has also been decided that a review will be conducted of decisions taken with regard to the funding and development of the hospital. The arrangements for the review are being finalised.

In relation to the development of the new National Paediatric Hospital, a joint HSE/Department of Health and Children Transition Group has been established to advance the matter. Among the key items to be addressed are the definition of high level framework brief for the new hospital and the determination of the range of services and location of the urgent care centres required to support the new hospital. The Transition Group will have consultations with relevant stakeholders, which will include representatives of the National Children's Hospital at Tallaght.

To date, no decision has been taken in relation to the range of services to be provided at the

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National Children's Hospital at Tallaght in the context of the development of the national paediatric hospital and the associated urgent care centres.

#### **Mental Health Services.**

138. **Mr. P. Breen** asked the Minister for Health and Children her plans to increase the number of psychiatric inpatient beds available for children and adolescents from the current level of 20 nationally. [35538/06]

**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.

#### **Accident and Emergency Services.**

139. **Mr. Durkan** asked the Minister for Health and Children if, with regard to the hardship, stress and suffering caused to patients arising from the practice of the use of hospital trolleys due to a lack a sufficient bed space, she has taken steps to ensure the availability of adequate beds throughout the winter months; and if she will make a statement on the matter. [35424/06]

178. **Mr. Callely** asked the Minister for Health and Children the average time spent by a patient in the accident and emergency department of Dublin hospitals; the way these times will be improved; her Department's policy on waiting times; and if she will make a statement on the matter. [35367/06]

194. **Mr. Eamon Ryan** asked the Minister for Health and Children if, as a result of actions taken by her Department and the Health Service Executive, an improvement in accident and emergency services will be seen in winter 2007. [35462/06]

**Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 139, 178 and 194 together.

Tackling the problems in A & E departments is the Government's top priority in health. Our objectives are to reduce the numbers waiting for admission, the time spent waiting for admission, and the turnaround time for those who can be treated in A & E and do not require admission.

A & E services are improving around the country. The Health Service activity reports over recent months indicate a significant reduction in the average number of patients in A & E departments awaiting admission. Waiting times for

patients have also been reduced. The percentage of people waiting longer than 24 hours for admission has decreased from 13% in May to 7% in September. The long-term objective is to ensure that no patient waits longer than six hours to be admitted after the clinical decision to admit has been made.

I understand that the HSE intends to begin collecting data on the turnaround time for those who are treated in A & E departments without recourse to an acute hospital bed. In the meantime, the Executive will carry out occasional surveys to give an indication of the length of time such patients wait in A & E.

In order to ensure that the improvements that have been achieved in recent months can be sustained, particularly during the winter months, the HSE has introduced a broad-based Winter Initiative.

The Winter Initiative will be similar to those in place in other health systems internationally. Its purpose is to ensure that the services required to address the particular demands of the winter season are in place and operating optimally. It will encompass not just hospital services but also primary and community care services.

The Initiative will build on work already underway and focus on a range of measures including:

- preventative measures;
- public communications;
- operational readiness (capacity, staffing, etc);
- out of hours arrangements;
- NHO/PCCC service integration (Ambulance/Primary Care/A&E links, Discharge Initiatives, Continuing Care and Home Supports);
- planned escalation procedures to enable responsiveness to increased demand beyond normal operating levels; and
- ongoing development of necessary infrastructure particularly for continuing care.

A formal structure is now in place, with eight Local Implementation Teams covering the whole country. A comprehensive work programme has been presented to each team for implementation. The teams will be responsible for ensuring that the Initiative's priorities are implemented at local level, as well as devising and implementing local solutions to address specific local winter demands.

I believe that the actions and initiatives being taken by the HSE will result in the sustained improvements in A & E services that patients and their families deserve.

#### **Proposed Legislation.**

140. **Mr. Timmins** asked the Minister for Health and Children when she expects the Health

Information and Quality Authority legislation to be introduced. [35524/06]

**Minister for Health and Children (Ms Harney):**

Earlier this year I published, for consultation purposes, the draft Heads and General Scheme of a Bill providing for the establishment of the Health Information and Quality Authority (HIQA). The draft Heads have been revised following on from the consultation process and I will be seeking Government approval within the next few weeks to commence drafting the full Bill. As my Department has been working very closely with the Office of the Parliamentary Counsel on the draft Heads, work is at an advanced stage on the draft provisions and I intend to publish the Bill during the Autumn Session.

**National Treatment Purchase Fund.**

141. **Mr. Noonan** asked the Minister for Health and Children the private facilities being used to treat public patients; if access is unlimited or if there are restrictions on access; and if she will make a statement on the matter. [35511/06]

**Minister for Health and Children (Ms Harney):**

The National Treatment Purchase Fund (NTPF) was established as one of the key actions for dealing with public hospital waiting lists arising from the 2001 Health Strategy. The NTPF purchases procedures for public patients predominantly from private hospitals in Ireland.

My Department has asked the Chief Executive of the Fund to outline for the Deputy the protocols and procedures in relation to referring patients to private hospitals.

**School of Podiatry.**

142. **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. [35303/06]

**Minister for Health and Children (Ms Harney):**

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. A decision has not yet been taken on the location of the school or the criteria associated with this.

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 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 consider all issues and to progress the matter.

**Health Services.**

143. **Ms Enright** asked the Minister for Health and Children her plans to provide specialist facilities for brain damaged persons under 65 years of age. [35540/06]

**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.

**Care of the Elderly.**

144. **Mr. Rabbitte** asked the Minister for Health and Children the steps she intends to take to ensure an adequate standard of care is provided through home care packages; if she will establish a minimum standard of care charter to set down minimum qualifications for all care staff employed by agencies including appropriate language competency; and if she will make a statement on the matter. [35488/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):**

The Deputy will be aware that significant funding has been made available to the HSE in the 2006 Budget in respect of home care packages — €30m. for 2006 and a further €25m. for 2007, giving a full year cost of €55m.

The aim of Home Care Packages is to enable older people to remain at home who would otherwise be cared for in a residential setting. A home care package consists of a range of services including Home Help, Public Health Nursing, Registered General Nursing, Occupational Therapy and Physiotherapy. In the first instance the use of mainstream community services will be maximised to maintain the older person at home. If further services are assessed as being required, these will be provided through the home care package.

The Home Care Packages are designed to:

- Facilitate timely discharge of older people from Acute Hospitals;
- Reduce inappropriate admissions;
- Reduce the need for older people to attend A&E departments; and

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- Support older people to continue to live in their own community.

The HSE has advised that the decision to allocate a Home Care Package is based on the assessment of needs of the individual and the identification of any assessed needs which are not being met by mainstream services together with consideration of the appropriateness of care in the community in the individual case.

Guidelines are being drawn up in conjunction with the HSE for the standardised implementation of all aspects of Home Care Packages across the HSE. In the meantime each area is continuing to roll out home care packages in accordance with the HSE service plan.

The HSE has further advised that the Dublin Mid Leinster Area has recently advertised requesting applications from tenderers for inclusion on a panel of preferred providers for home care services. Successful tenderers will be used to provide services over and above that which is possible to provide by the HSE inhouse. The tender specifies stringent standards that will have to be met on an ongoing basis for continued inclusion on the panel. It is envisaged that details of this panel will be available to members of the public who can then be assured that where they contract with a provider for services those services will be of a high standard that is monitored.

#### Health Service Staff.

145. **Mr. G. Murphy** asked the Minister for Health and Children the amount of the 300 additional personnel for primary care teams who have been recruited. [35550/06]

**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.

#### Hospitals Building Programme.

146. **Mr. Hogan** asked the Minister for Health and Children the timeframe for the tendering process for the private beds to be built on the grounds of public hospitals. [35508/06]

193. **Mr. Crowe** asked the Minister for Health and Children if the Health Service Executive has concluded the public procurement process for private for-profit hospitals in any of the ten public hospitals sites earmarked for collocation; and if she will make a statement on the matter. [35469/06]

#### Minister for Health and Children (Ms Harney):

I propose to take Questions Nos. 146 and 193 together.

The Health Services Executive is currently undertaking a procurement process to select a consortia to build and operate private hospitals on the sites of 10 public hospitals.

The new private hospitals will be procured by utilising the competitive dialogue tendering process. It involves a three stage process namely:

1. pre-qualification;
2. competitive dialogue phases within which solutions are identified and discussed; and
3. a final tendering stage.

The HSE has had a lot of interest in the initiative.

It has pre-qualified a number of bidders for each site and is now in the process of evaluating outline proposals and short listing bidders for each site.

The intention is to select the consortium for each site, negotiate the detailed contracts and sign the contracts by the first quarter of 2007.

#### Health Services.

147. **Mr. McEntee** asked the Minister for Health and Children the staff guidelines in place for responding to people presenting in hospitals following deliberate self-harm and resource services for dealing with this situation in primary or secondary care settings; her plans to improve or expand these; and if she will make a statement on the matter. [35541/06]

**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.

#### Organ Retention.

148. **Mr. Sargent** asked the Minister for Health and Children the reason she will not agree to a full statutory inquiry into the issue of organ retention as requested by the parents; and if she will make a statement on the matter. [35464/06]

**Minister for Health and Children (Ms Harney):** I do not believe there is anything to be gained from the establishment of a Statutory Inquiry into the issue of organ retention. 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 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 rep-

resentatives 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.

#### **Mental Health Services.**

149. **Mr. Neville** asked the Minister for Health and Children her views on the statement by the Joint Committee on Health and Children in June 2006 that funding for mental health services is allocated in a random manner with scant regard for need. [35536/06]

**Minister of State at the Department of Health and Children (Mr. T. O’Malley):** This 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.

The Health Service Executive (HSE) has informed my Department that the National Mental Health Directorate of the Health Service Executive took a population-based approach in allocating new resources in 2006.

The 2002 Census data was used and the SAHRU (Small Area Health Research Unit) Deprivation Index was employed to pinpoint areas of deprivation in recognition of the close correlation between social deprivation & mental illness. As the Mental Health Act, 2001 places a particular emphasis on the role of the Consultant Psychiatrist, the availability of Consultants was an important driver in decision making in 2006. Consultants were taken as a proxy for teams. It is recognised by the HSE that many teams are incomplete at this time and work to address this is the focus of further analysis following the Census 2006.

The HSE’s “Vision for Change” Implementation Group has identified the need for a comprehensive exercise to analyse concerns regarding funding inequity and resource availability nationally and intends to include this exercise in its workplan for 2007, building on the work already in train.

#### **Hospital Services.**

150. **Dr. Twomey** asked the Minister for Health and Children if the Health Service Executive has entered into a service level agreement with the providers of the private radiotherapy facilities in Waterford; and the number of people they envisage being treated in the first year. [35519/06]

**Minister for Health and Children (Ms Harney):** Quality standards for the provision of radiation oncology services for public patients have been



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prepared by an expert group established on foot of a Government decision in January 2004. The Health Service Executive (HSE) has advised my Department that it is applying these standards to radiation oncology services that it provides or arranges to have provided.

There has been recent communication between the HSE and the UPMC Whitfield Clinic to explore the scope and conditions for the procurement of its radiation oncology services. The HSE will comply with relevant procurement and quality guidelines in any contracting for these services.

My Department is working closely with the HSE to progress the National Radiation Oncology Plan announced by Government in July 2005. It will deliver integrated care to cancer patients by multi-disciplinary teams of cancer experts at 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.

#### **Infectious Diseases.**

151. **Mr. S. Ryan** asked the Minister for Health and Children if her attention has been drawn to reports from the UK on the superbug *C. difficile* which can cause severe illness and death in patients who have undergone surgery and is at unprecedented levels there and with experts warning that it is more of a danger than MRSA; the position in relation to this superbug here; the plans in place to deal with it; and if she will make a statement on the matter. [35448/06]

**Minister for Health and Children (Ms Harney):** My Department is aware of these UK reports and the findings in relation to *Clostridium difficile*.

*Clostridium difficile* is not a notifiable disease and as a result it is difficult to quantify the extent of infection in the health care system. However, *Clostridium difficile* infection was examined in The Third Prevalence Survey of Health Care Associated Infections (HCAIs) in acute hospitals in 2006. The survey found that thirty six patients had *Clostridium difficile* infection representing 0.5% of patients studied. *Clostridium difficile* infection increases with age and is eight times more common in patients over 65 years compared to those under the age of 65 years. The emergence of more virulent strains of *Clostridium difficile* which is partly due to over use of antibiotics underlines the importance of strict antibiotic stewardship in our health care system.

*Clostridium difficile* is one of the HCAIs and as such, the identification, surveillance and control is comprehended within the Strategy for the control of Antimicrobial Resistance in Ireland (SARI) Strategy. SARI was launched in 2001 and includes recommendations such as hospital hygiene practice, appropriate antibiotic prescribing, active surveillance for the detection of

HCAIs, and corporate/clinical governance structures in the area of infection control. The HSE will shortly publish a three year Action Plan which will set targets in this important area.

#### **Pharmacy Regulations.**

152. **Mr. Broughan** asked the Minister for Health and Children her views on the Pharmacy Review Group's recommendations that there should be no beneficial ownership or business interest of any kind between dispensing and prescribing; her further views on the potential conflict of interest that arises from the development of multi-practice health centres; and if she will make a statement on the matter. [35449/06]

**Minister for Health and Children (Ms Harney):** On foot of the recommendations of the Pharmacy Review Group, my Department has commenced drafting new pharmacy legislation in two pharmacy bills.

The second bill will address the regulation of pharmacy and pharmacy services, including the definition of pharmacy services and of a community pharmacy, enhanced provisions for the inspection of pharmacies, and the provision for regulation of pharmacies for matters such as physical conditions, standards, record keeping and promotional activities. It is also proposed to deal with general provisions relating to community pharmacy contracts for services, as well as the remaining recommendations of the Pharmacy Review Group.

The Government accepted the Review Group recommendation that there should be no beneficial ownership or business interest of any kind between prescribing and dispensing and, in regard to multi-GP practices with adjacent pharmacies, that contracted pharmacies and general practices should occupy discrete premises, with separate entrances. I have agreed to consider the potential conflict of interest issues arising from the development of health centres with adjacent contracted pharmacies and this issue will be addressed in the second bill in the light of that examination. In the interim, my Department has advised the Health Service Executive to take due care in assessing pharmacy contract applications so that any commercial relationship between a pharmacy contractor and a health centre will not affect the proper provision of services as required under clauses 21, 22(3), 22(4) and 23 of the pharmacy contract, dealing with ownership of pharmacies and beneficial interest. I have also written to the Medical Council in relation to this issue.

The Deputy will note that the location of services is a land use planning issue and therefore a matter for the relevant planning authority. I am not in a position to dictate the location of privately funded and owned pharmacies or GP practices, nor to restrict the awarding of State pharmacy contracts based on location.

### Health Services.

153. **Ms O'Sullivan** asked the Minister for Health and Children her views on the lack of adequate aftercare support groups and treatment centres for the Drogheda area; her plans to improve the services for drugs and alcohol after-care support groups and treatment centres for the area; her further views on the embargo on manpower within the Health Service Executive in this area that may be adding to the problem of adequate services; and if she will make a statement on the matter. [35446/06]

**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.

154. **Mr. M. Higgins** asked the Minister for Health and Children her views on the fact that one in eight people here is suffering from chronic pain; her further views on the new drug-free implant which uses the body's own nerves to control pain being used at present in St. Vincent's; her plans to extend the number of pain clinics here; and if she will make a statement on the matter. [35484/06]

**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.

### Cancer Screening Programme.

155. **Mr. Gilmore** asked the Minister for Health and Children the position and timeframe on the national roll-out of BreastCheck by region; the budget spend on the roll-out by region with initial cost projections and the current cost projections; and if she will make a statement on the matter. [35482/06]

**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. I have approved additional revenue funding of €2.3m to meet the additional costs of roll-out and an additional 69 posts have been approved. 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.

At a meeting with my Department recently, BreastCheck reported on significant progress that has been made in preparation for the roll-out. BreastCheck has appointed Clinical Directors for the Southern and Western regions and both will take up their positions today. The recruitment of Consultants and other staff, including Radiographers is underway. Construction teams have been appointed for the static units in University College Hospital Galway and South Infirmar/Victoria Hospital, Cork. Construction will commence at both sites on 6 November.

BreastCheck is not in a position to provide a breakdown by region of costs and timeframes in advance of essential elements of the roll-out being in place, including adequate staffing, effective training and quality assurance programmes. 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.

### Health Service Management.

156. **Mr. P. McGrath** asked the Minister for Health and Children the reason the headquarters of the Health Service Executive is split in two and her views on whether it would be more sensible to have the HQ concentrated on one site. [35529/06]

**Minister for Health and Children (Ms Harney):**

In accordance with the provisions of the Government decision of July, 2004 the headquarters of the Health Service Executive is located in Naas, Co. Kildare. However, for operational reasons, the HSE also maintain a sub-office in Parkgate Street, Dublin 8. My Department has been informed by the Executive that it is satisfied with the effectiveness of the current arrangements.

### Hospital Services.

157. **Mr. Hayes** asked the Minister for Health and Children the acute hospitals which have a programme of clinical governance in place; and if she will make a statement on the matter. [35547/06]

**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.

### Eating Disorders.

158. **Mr. Costello** asked the Minister for Health

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and Children the waiting list for St. Columcille's Hospital, Ireland's only obesity clinic; the steps she will take to aid St. Columcille's Hospital; the measures she will take to combat obesity here; and if she will make a statement on the matter. [35444/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** Obesity is a major public health problem both for Ireland and for our European neighbours. The National Taskforce on Obesity published a report in 2005 containing 93 recommendations to halt the rise in levels of overweight and obesity.

The Taskforce recognises that a multi-sectoral approach is necessary, involving other State agencies and Government Departments and real engagement of the public and private sectors to implement all of the report's recommendations. It is proposed to utilise social inclusion structures already established as well as other working groups as required to facilitate this.

I understand that the Health Service Executive has established a Working Group to implement those recommendations of the Task Force on Obesity for which the HSE has the lead responsibility and for which €3 million has been allocated. It is currently undertaking an audit of existing services to reduce and prevent obesity, to identify gaps in current service provision and to make recommendations for future service provision. It has already commenced a number of new initiatives and has secured 8 additional posts this year focussed on obesity.

The part of the question which queries the waiting list for St. Columcille's Hospital relates to the funding, management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

#### Proposed Legislation.

159. **Mr. Timmins** asked the Minister for Health and Children when does she expect that legislation on eligibility and provision of entitlements for elderly people will be enacted. [35523/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The Deputy may be aware that work has commenced on a new legislative framework to provide for clear statutory provisions on eligibility and entitlement for health and personal social services for the whole population. 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 delivery and technology

that have occurred since the Health Act 1970. Publication is expected in 2007.

#### Vaccination Programme.

160. **Mr. Gogarty** asked the Minister for Health and Children the overall cost of the flu vaccine; the uptake in 2005 and to date in 2006; if there was a drop in the rates of flu as a result; and if she will make a statement on the matter. [35460/06]

**Minister for Health and Children (Ms Harney):** The overall cost of the influenza vaccine campaign was €10.837m for the 2004/2005 influenza season and €11.465m in the 2005/2006 season. Final costs are not yet available for the current season. The figures given include the costs of the media campaigns, the flu vaccine and GP fees.

Influenza vaccine uptake statistics are available for those aged 65 years and over. Data provided by the Health Protection Surveillance Centre (HPSC) indicate that the uptake of influenza vaccine in those aged 65 years and over for the 2004/2005 and 2005/2006 influenza seasons was as follows:

National Influenza Vaccine Uptake %

	65-69	70-74	75+	65+
2005/2006	52.71	61.26	66.66	62.69
2004/2005	49.15	57.62	67.43	61.38

Note:

- Data for the 2005/2006 season are provisional only and relate to September 2005 to July 2006. Receipt of finalised data for this season is awaited.
- Data on influenza vaccine coverage is not yet available for the 2006/2007 season.

In Ireland the current influenza season (2006/2007) began on Week 40 (commencing October 2nd 2006) and no cases of influenza have been reported in this period. The influenza-like illness rates have been very low so far with rates of 2.7, 8.9 and 2.6 per 100,000 for weeks 40 to 42 respectively. I should add that the European Influenza Surveillance Scheme (EISS) has reported that influenza activity is low across Europe this season to date.

#### Health Policy.

161. **Mr. Kenny** asked the Minister for Health and Children if the Hanly report is still Government policy. [35512/06]

**Minister for Health and Children (Ms Harney):** The National Task Force on Medical Staffing, chaired by Mr David Hanly, was set up to:

- devise a strategy for reducing the average working hours of non-consultant hospital doctors (NCHDs) so as to achieve the requirements of the European Working Time Directive (EWTG);

- address the consequent medical staffing needs of Irish hospitals;
- analyse the practical implications of moving to a consultant-provided hospital system; and
- consider the requirements for medical education and training arising from any changes to the current model of delivering services.

The Report of the Task Force made a series of important recommendations. These covered issues such as:

- the changes needed in NCHD work patterns;
- the need for a significant increase in the number of consultants;
- the need for a revised contract for medical consultants;
- reform of medical education and training; and
- the reorganisation of acute hospital services.

Work is proceeding in relation to each of the main recommendations made by the Task Force. The Task Force advised that the current organisation, structure and staffing of our hospital system is failing to deliver the care that, at its best, the Irish system is capable of giving. It further advised that patients have better outcomes when treated in hospitals with appropriate numbers of specialist staff, high volumes of activity and access to the right diagnostic and treatment facilities.

I am concerned that, at present, some patients are being exposed to increased risk because specialist services are being provided in some hospitals that lack the necessary critical mass of activity and patient throughput. Patient safety and quality must be paramount and must be the key drivers in the re-configuration of our acute hospital services and, indeed, our services generally. The policy of the Government is to provide safe, high-quality services that achieve the best possible outcomes for patients. This will mean that those services that can be safely delivered locally are delivered locally and that more complex services that require specialist input are concentrated at regional centres, or in the case of highly specialised services such as organ transplantation, in national centres of excellence. This approach is consistent with international best practice for the optimum delivery of patient care. The Health Service Executive has begun the process of reorganising our acute services in order to achieve these objectives. This will take time and, in the meantime, there will be no diminution in services available locally until suitable alternative arrangements have been put in place.

### Hospital Services.

162. **Mr. Gormley** asked the Minister for Health and Children if a common waiting list was considered as part of the 2001 health strategy; the reason for its exclusion; her views on whether it would introduce greater equality into the system; and if she will make a statement on the matter. [35454/06]

177. **Mr. Gormley** asked the Minister for Health and Children if her Department has carried out studies on the possible impact of a common waiting list; her views on whether this would introduce greater equality into the system; and if she will make a statement on the matter. [35455/06]

### Minister for Health and Children (Ms Harney):

I propose to take Questions Nos. 162 and 177 together.

The reform of the acute hospital system, now well under way, was proposed in the Health Strategy published in 2001. The actions for change proposed for the development of the system were related to capacity, the mix between public and private patients and measures concerned with organisational and practical steps aimed at promoting equity, people-centredness, quality and accountability.

Together with other proposals designed to ensure that public patients obtain needed access to hospital treatment as quickly as possible, consideration was given to the establishment of a common waiting list during the deliberations stage. The common waiting list suggestion was not proceeded with, in the final analysis. Instead, a number of alternative proposals put forward in the Strategy were considered to be preferable as methods of obtaining the required result. They included the following innovative proposals which, I am glad to say, are now well in train:

- the provision of up to 3,000 additional acute beds over ten years;
- the establishment of a strategic partnership with private hospital providers,
- the establishment of a National Hospitals Agency (now the National Hospitals Office under the HSE); and
- the establishment of a Treatment Purchase Fund (now the statutory National Treatment Purchase Fund).

In relation to the initiatives to increase the number of public beds, the following developments indicate that the Government's commitment to increase total acute bed capacity is virtually complete:

- In 2001, the average number of in-patient beds/day places available for public patients in acute hospitals was 12,145. By

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2005, this number had risen to 13,255; an increase of 1,110.

- A further 450 bed/day places are in various stages of planning and development under the Capital Investment Framework, 2005-2009.
- In July 2005, I announced an initiative to have private hospitals built on the campuses of public hospitals. The aim of this initiative is to enable up to 1,000 beds in public hospitals, which are currently used by private patients, to be redesignated for use by public patients. The HSE is currently evaluating outline proposals from interested parties in the private sector to construct private hospitals on the sites of ten publicly funded hospitals.

The National Treatment Purchase Fund was set up to reduce the length of time public patients are on hospital waiting lists by offering them an opportunity to obtain access to high quality treatment, quickly, safely and in line with the Government's Health Strategy. I am very pleased at the success of the Fund to date. Since referring its first patient in the summer of 2002, the Fund has arranged treatment for over 48,000 public patients.

All of these initiatives demonstrate that the Government is meeting its commitment to improving public access to hospital care.

### Health Services.

163. **Mr. Boyle** asked the Minister for Health and Children the studies her Department has carried out on the possible introduction of universal health insurance; the overall cost of such a scheme; and if she will make a statement on the matter. [35456/06]

**Minister for Health and Children (Ms Harney):** The issue of what is an appropriate method of funding the health services was discussed in the Health Strategy of 2001, which remains Government policy. The conclusion in the Strategy was that the present system should remain as "there is no compelling evidence that any alternative approach to the tax-based system would deliver significant improvements".

If the question is referring to an extension of full eligibility to everyone, which the Health Strategy did not propose, then my view is that it is reasonable to expect those who can afford to pay for services to do so. There are many supports available already to those without full eligibility. These include the GP Visit Card, the Long Term Illness Scheme, treatment in a public ward of an acute hospital is free other than a modest hospital charge for non medical card holders, and the Drugs Payment Scheme contributes significantly towards the cost of pharmaceuticals. In

addition, there are reliefs available in respect of medical costs under taxation provisions.

The largest element of cost in extending full eligibility to the entire population would arise under the general medical services scheme. If this were extended to the whole population, the estimated cost would be in excess of €3 billion, based on current fees to participating contractors, i.e. pharmacists and GPs in the GMS Scheme.

This estimate takes no account of adjustments to fees to the contractors which might result from negotiations that would be required with the representative bodies of the contractors involved. The additional costs that might arise under other schemes, such as the Dental Treatment Services Scheme (DTSS) and other community services, have not been taken into account.

### General Medical Services Scheme.

164. **Ms Burton** asked the Minister for Health and Children the number and percentage of general practitioner only cards that have been issued; the number of GP cards waiting to be issued; the breakdown of GP cards per Health Service Executive area by number and percentage; and if she will make a statement on the matter. [35442/06]

### Minister for Health and Children (Ms Harney):

The most recent information provided by the Health Service Executive (HSE) to my Department shows that 41,506 GP visit cards have been issued as at 25th October, 2006. More detailed statistical data provided by the HSE to my Department and correct as of 1st October 2006 contains county-by-county figures for the number of GP visit cards issued and this information is set out below.

My Department has requested the HSE to provide the Deputy with the current figures regarding the number of GP visit cards waiting to be issued and the breakdown of GP visit cards per HSE Area.

GP Visit Cards as at 1st October 2006

County	GP Visit Cards
Dublin	3,734
Kildare	741
Wicklow	826
Laois	832
Longford	481
Offaly	866
Westmeath	835
Clare	746
Limerick	1,124
Tipperary North	468
Cavan	804
Louth	1,282
Meath	1,464

County	GP Visit Cards
Monaghan	670
Donegal	2,420
Leitrim	438
Sligo	727
Carlow	971
Kilkenny	920
Tipperary South	1,240
Waterford	1,046
Wexford	1,484
Cork	5,212
Kerry	1,558
Galway	2,604
Mayo	1,750
Roscommon	774
Total	36,017

### Hospital Staff.

165. **Mr. Noonan** asked the Minister for Health and Children if it is her policy to bring in public only contracts for consultants. [35510/06]

**Minister for Health and Children (Ms Harney):** Proposals for a new employment contract for consultants working in the public health system have been tabled by the management side in the context of the consultants' contract negotiations, which will resume shortly.

The new contract will be a first step towards the introduction of a consultant-provided service and the appointment of large numbers of dedicated public hospital and community based consultants, working in teams. This will be matched by a reduction in the number of non-consultant hospital doctors.

The precise nature of the public hospital commitment will be a matter for negotiation by the parties involved.

### Hospital Accommodation.

166. **Mr. Rabbitte** asked the Minister for Health and Children the location and number of the 500 nursing beds provided in 2006 by the Health Service Executive; the number of private nursing home beds and the number of public beds; and if she will make a statement on the matter. [35489/06]

**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.

### Ambulance Service.

167. **Mr. Penrose** asked the Minister for Health and Children if, in relation to the use of private ambulances she will confirm that there should be a certified emergency medical technician or paramedic travelling in the back with the patient at all times; the best practice guidelines for same; the reason this practice is not followed; and if she will make a statement on the matter. [35486/06]

**Minister for Health and Children (Ms Harney):** The Pre-Hospital Emergency Care Council (PHECC) is responsible for the development of professional and performance standards for the ambulance services and for the accreditation of institutions providing training for ambulance personnel.

The Health Service Executive has advised that when private ambulance services are contracted to carry out A&E duties, on the Executive's behalf, it ensures that both crew members are Emergency Medical Technicians (EMTs) registered with the PHECC.

The Executive has also advised that in relation to all inter hospital transfers, the minimum requirement is that one member of the crew, who must be either a PHECC registered EMT, a Registered nurse or a clinician (where required), will travel with the patient at all times.

The HSE has confirmed that when private ambulance services have been contracted to deliver services on its behalf, they must always comply with the requirements as laid out by the National Ambulance Office.

### Hospital Services.

168. **Mr. Deenihan** asked the Minister for Health and Children if the Hollywood report on radiotherapy services is still Government policy. [35513/06]

**Minister for Health and Children (Ms Harney):** The Government is committed to making the full range of cancer services available and accessible to cancer patients throughout Ireland. Government policy is to achieve best outcomes for patients based on all aspects of cancer care, surgery, radiotherapy and chemotherapy delivered by multi-disciplinary teams based around major centres.

My Department is working closely with the Health Service Executive (HSE) and the National Development Finance Agency (NDFA) to progress the National Radiation Oncology Plan announced by Government in July 2005. 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.

The NDFA has assembled a team to progress the financial and procurement aspects and the HSE has appointed a Project Manager and sup-

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port team. A Clinical Output Specification Group is well advanced in specifying the clinical aspects of the development. Technical advisors will be appointed shortly to advise on the construction and other technical aspects of the project. I have also appointed the Chairman of St. Luke's Hospital to chair a National Radiation Oncology Oversight Group to advise me on progress on the implementation of the plan.

Arrangements are now in place for access by Donegal radiotherapy patients to the major cancer centre at Belfast City Hospital, commencing today. I have 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. Last week I also announced the approval of two radiation oncology facilities at Beaumont and St. James's Hospitals, comprising of two linear accelerators and associated treatment planning at each site, to be delivered in early 2009. These are key elements of the delivery of the National Plan.

#### **Hospital Staff.**

169. **Mr. Quinn** asked the Minister for Health and Children the Government's position on EU Commission Infringement 2004/5152 regarding equal treatment in employment; her views on whether the people's prior experience in professions in other EU countries should be taken into account when applying for posts here; the steps she intends to take to reassure the Commission on this matter; and if she will make a statement on the matter. [32044/06]

**Minister for Health and Children (Ms Harney):** EU Commission Infringement 2004/5152 deals with the calculation of salary on the staff nurse pay scale, in particular the appropriate incremental point when experience gained in other EU countries is taken into account. The ruling, which is called a Reasoned Opinion, was addressed to Ireland by the Commission under Article 226 of the Treaty on 19 December 2005.

All EU citizens are currently entitled to receive equal treatment with Irish nationals in regard to employment in the Irish public health service. Registered nurses, regardless of nationality, receive incremental credit for genuine nursing experience gained anywhere in the world. This has been the position since 1998.

However, this particular case relates to service as a State Enrolled Nurse (SEN), a grade employed in the UK's health service. The SEN qualification is not recognised as a nursing qualification under Irish legislation, as training for it is deemed insufficient to qualify as a nurse registered with An Bord Altranais.

The complaint referred to the EU was made by a nurse employed in the public health service. She argued that experience acquired in the United

Kingdom as a SEN, before she was qualified as a Registered General Nurse, was not taken into account in the calculation of her salary by her Irish employers. She was seeking recognition for incremental purposes of her service as a SEN in the UK for a period of over 16 years.

The Rights Commissioner Service and the Labour Court, who adjudicated on the claim in 2004, both found that management was within its rights not to recognise periods of service as a SEN in the UK for incremental credit purposes.

This case was subsequently referred to the EU Commission who found, under Infringement No. 2004/5152, that Ireland had failed to fulfil its obligations under Article 39 of the European Community by not making a comparison between the experience acquired by a worker in the UK, and the type of experience acquired in Ireland, in calculating the salary of registered general nurses. The ruling does not deal with the application process or eligibility conditions for posts in the public health service.

I have accepted the EU ruling and my Department has informed the Health Service Executive — Employers Agency of the outcome of the complaint. The HSE-EA is arranging for a circular letter on the matter to issue very shortly to all public health service employers. The circular will direct that incremental credit be granted on appointment as a Registered General Nurse, on the basis of one increment for every three years service as a SEN, with a seventh increment being given for twenty years service. The EU Commission have been informed accordingly.

#### **Medical Profession Regulation.**

170. **Mr. Wall** asked the Minister for Health and Children her views on the increasing number of complaints being made to the Medical Council regarding doctors; her further views on the concerns that regulation is proactive and not reactive; and if she will make a statement on the matter. [35475/06]

**Minister for Health and Children (Ms Harney):** Complaints about medical practitioners are obviously of concern to me. I understand that a total of 189 complaints were made to the Medical Council in the first six months of this year, compared with 174 in the first six months of 2005.

I am currently preparing a new Medical Practitioners Bill. The proposed legislation is intended to be both proactive and reactive. The main objective of the Bill is to provide for a modern, efficient, transparent and accountable system for the regulation of the medical profession, which will satisfy the public and the profession that all medical practitioners are appropriately qualified and competent to practise in a safe manner on an ongoing basis.

### Nursing Home Subventions.

171. **Dr. Twomey** asked the Minister for Health and Children the social partners who agreed that 5% of the value of an elderly person's house is taken into account for subvention purposes; and if she will make a statement on the matter. [35503/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The practice of imputing 5% of the value of a person's principal private residence in certain defined circumstances is not new. It has applied since the introduction of the subvention scheme under Regulations made in 1993. 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 Nursing Homes (Subvention) (Amendment) Regulations 2005.

When carrying out a means test for the purposes of subvention, the applicant's home is not taken into account in certain circumstances, for example, where it is occupied by a spouse, a child under 21 or a relative in receipt of certain social welfare payments. If none of these situations apply, 5% of the imputed value of the person's principal private residence is taken into account as part of the financial assessment. This situation has applied since the subvention regulations were introduced in 1993.

An Inter-Departmental Group was set up to examine financially sustainable models of long-term care. The Group reported to Government, and Government agreed on a number of principles that are reflected in the new social partnership agreement "Towards 2016". That agreement describes a whole range of initiatives covering new arrangements for residential and community care for older people. The Inter-Departmental Group has continued to meet to help draw up proposals for a new policy on long-term care, based on the principles endorsed by Government and the social partners. One of these principles is that, where residential care is required, there should be appropriate and equitable levels of co-payment by care recipients, based on a standardised financial assessment. The aim will be to achieve an equitable, balanced scheme, both for residential and community care, and for both public and private provision.

The Deputy will be aware that the social partners comprise representatives of Government, employers, trade unions, the farming sector and the community and voluntary pillar.

### Health Services.

172. **Ms Lynch** asked the Minister for Health and Children her views on reports that three in four children here have decayed permanent teeth by the time they are 15 years old and that half of all five year olds have rotten teeth; the measures she is putting in place to address same; and if she will make a statement on the matter. [35479/06]

**Minister for Health and Children (Ms Harney):** Despite the substantial decline in the prevalence and severity of dental cavities in Ireland since 1964, this largely preventable disease is still common. Fluoridation of community drinking water is a major factor responsible for the decline in dental caries. 71% of the Irish population live in areas with fluoridated water supplies.

In Ireland, according to the preliminary National Children's Survey (2002) report, over 2/3rds (69.5%) of 5 year olds with fluoridated water had no decay in their teeth, and 52.5% of 5 years olds without water fluoridation have no dental decay.

According to the same report, one third of 15 year olds in fluoridated water areas are free of dental decay and approximately one quarter (26%) of those living in non-fluoridated water areas have no dental decay in their permanent dentition.

Dental decay is an infectious disease that affects most people in developed countries. There are many factors involved in the development of dental decay, the main factors being a susceptible tooth, sugar and bacteria in dental plaque. Data from the 'Health Behaviour of Children in School' report found that of all the countries surveyed the percentage of students who reported eating sweets or chocolate every day was consistently higher in Northern Ireland, Scotland and Ireland (71-80%). The consumption of soft drinks has increased considerably in recent years.

The Health Service Executive is responsible for planning oral health care. Since 2000, all children under the age of 16 years who attended state primary schools have access to free dental care through the public dental service. Children aged 7, 9 and 12 are targeted for screening and for application of preventive measures, oral health education, fluoride mouth rinsing in non-fluoridated areas and fissure sealing of vulnerable permanent molar teeth.

A number of initiatives have been undertaken to address oral health promotion recently:

- **Winning Smiles** is a school based oral health programme. Launched by the Taoiseach it is a north/south initiative involving Queens University Belfast, the Oral Health Research Centre and Dental Health Foundation. This schools programme provides toothpaste and toothbrushes to introduce tooth brushing programmes into schools.



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- Smart Start is a cross-border initiative emphasising nutrition, physical activity and oral health for very young children. Trainers have been trained to visit pre-school teachers to teach the implementation of best practice in areas of good oral health, diet and nutrition.
- The National Guidelines Development Group, which is funded by the Health Research Board, is working in a multi-disciplinary way and is also involving parents to develop best practice guidelines regarding school screening and oral health in high risk children.

#### **Hospital Accommodation.**

173. **Ms Burton** asked the Minister for Health and Children the position in view of the Government's stated commitment to providing an extra 3,000 beds and of Professor Drumm's previous statements on the lack of need for extra beds in the Health Service; and if she will make a statement on the matter. [35441/06]

#### **Minister for Health and Children (Ms Harney):**

In 2001, the year of the publication of Health Strategy, the average number of in-patient beds and day places available for treatment of patients in the 53 public acute hospitals was 12,145. At the end of 2005, this figure had increased by 1,204 to a total of 13,349 (an additional 724 in-patient beds and 480 day places).

In July 2005, I announced an initiative to have private hospitals built on the campuses of public hospitals. This is designed to enable up to 1,000 beds in public hospitals, which are currently used by private patients, to be re-designated for use by public patients. The HSE is currently engaged in a procurement process with the private sector to build and operate private hospitals on 10 public hospital sites.

The 2006 estimates for the Health Service Executive includes €60 million to open new facilities built under the National Development Plan. These new facilities include additional in-patient beds and day treatment places in acute hospitals. The HSE has indicated that when fully opened these new facilities will provide an additional 97 in-patient beds, 68 day treatment places and 7 intensive care / high dependency beds. A total of 172 treatment places in acute hospitals.

In addition, a further 450 acute beds/day places are in various stages of planning and development under the Health Service Executive's Capital Plans.

All of these additional in-patient beds/day places will mean that this Government's commitment in the Health Strategy to increase total acute hospital capacity is well on the way to completion.

In view of the changes which have occurred since the publication of the Health Strategy the HSE is undertaking a further review of acute hospital bed capacity. The Review will:

- identify acute bed capacity needs to the year 2020;
- the number and type of acute beds that are required by HSE administrative area;
- identify the capital and revenue implications; and
- advise on how to meet the identified need.

#### **Mental Health Services.**

174. **Mr. Neville** asked the Minister for Health and Children her views on the statement by the Inspector of Mental Hospitals that community residences for former long-stay patients is an exercise in relocation rather than part of a rehabilitation programme; and if she will make a statement on the matter. [35535/06]

#### **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, including the provision of community residences, which are the responsibility of the Health Service Executive under the Health Act, 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

#### **Departmental Expenditure.**

175. **Mr. Gogarty** asked the Minister for Health and Children her views on the latest ESRI recommendations regarding spending in the health sector; and if she will make a statement on the matter. [35461/06]

#### **Minister for Health and Children (Ms Harney):**

I have noted the recommendations contained in the recent report of the ESRI in relation to the Health Sector under the NDP 2007-2013. These recommendations will be considered in the context of the Government's deliberations in finalising the new National Development Plan which is due to be announced in January next.

#### **Hospital Services.**

176. **Ms O. Mitchell** asked the Minister for Health and Children if consultants are keen on her private hospitals initiative due to the fact that public hospitals are under resourced and many consultants are frustrated at not being able to carry out the work that they are trained to do. [35515/06]

**Minister for Health and Children (Ms Harney):**  
As I stated in the debate on the co-location

initiative last week, arrangements will be put in place whereby consultants will be able to work at these co located private hospitals. The policy direction states that the development of the new private hospitals will be subject to better work practices being put in place in each of the public hospitals involved in the initiative. Many consultants at individual hospital level are keen to do this and have expressed their support for the initiative to me.

*Question No. 177 answered with Question No. 162.*

*Question No. 178 answered with Question No. 139.*

### **National Cancer Strategy.**

179. **Mr. Perry** asked the Minister for Health and Children when she expects that the implementation plan for the next cancer strategy will be published; and if she will make a statement on the matter. [35518/06]

#### **Minister for Health and Children (Ms Harney):**

The National Cancer Control Strategy encompasses all aspects of cancer, including prevention, screening, diagnosis, treatment, supportive and palliative care. My objective is to develop an integrated cancer control programme based on:

- evidence of what works to prevent and treat cancer;
- standards that assure quality in all aspects of cancer control; and
- fairness, so that all patients, irrespective of county, region or personal financial means, can be assured of the best cancer care.

Our efforts to prevent cancer will include societal and public policy responses to reduce smoking and alcohol misuse and improve diet and exercise. I have written to the Minister for Finance on fiscal measures to reduce the consumption of tobacco. Heads of a Bill are being prepared for consideration by Government to regulate the use of sunbeds, including prohibiting their use by those under 16.

I will shortly establish a National Cancer Screening Service to amalgamate BreastCheck and the Irish Cervical Screening Programme (ICSP) to deliver both programmes nationally. BreastCheck will commence national roll-out next year. It is my goal to have the ICSP rolled out nationally by 2008, based on an affordable model. The Service will also advise in relation to a colorectal cancer screening programme.

My Department is working closely with the Health Service Executive and the National Development Finance Agency to progress the delivery of the National Radiation Oncology Plan. I have approved the provision of two

additional linear accelerators at St. Luke's Hospital to provide much needed interim capacity pending the roll out of the national plan. I expect these services to commence late next year. Last week I also announced the approval of two radiation oncology facilities at Beaumont and St. James's Hospitals, comprising of two linear accelerators and associated treatment planning at each site, to be delivered in early 2009.

The HSE is establishing a National Cancer Control Programme that will build on the significant investment that has been made in the development of cancer control since 1997. A Programme Director, at national level, will be accountable for all HSE cancer control activities. A single national budget for all cancer control activities will be developed. The Programme will facilitate national standards for equity and access and will maximise ambulatory care. The HSE will establish four Managed Cancer Control Networks to deliver the Programme. Clinical leaders in oncology will be appointed to lead the delivery of quality multi-disciplinary care. I intend to invest substantially in cancer control based on the reform programme I have outlined.

### **Hospital Services.**

180. **Dr. Upton** asked the Minister for Health and Children her views on reports that the blood test laboratory at Our Lady of Lourdes Hospital in Drogheda is unable to keep up with demand and that a private clinic has to be used; the private clinics used; the cost of the blood tests to the private clinics; the measures she is taking to provide extra resources to the laboratory in Our Lady of Lourdes; and if she will make a statement on the matter. [35493/06]

#### **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.

181. **Mr. O'Dowd** asked the Minister for Health and Children the additional resources which have been given to Our Lady of Lourdes Hospital, Drogheda now that the teamwork plan has started to be implemented by the Health Service Executive North East. [35531/06]

#### **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-

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tive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

### Parliamentary Questions.

182. **Ms B. Moynihan-Cronin** asked the Minister for Health and Children her views on the fact that 10% of parliamentary questions referred by her to the Health Service Executive in the six months of 2006 remain unanswered; her further views on concerns over the lengthy delays in securing answers to questions; and if she will make a statement on the matter. [35477/06]

#### Minister for Health and Children (Ms Harney):

In the first 6 months of this year, Deputies asked 2,222 Parliamentary Questions which were appropriate for direct reply, either in part or in full, by the HSE having regard to its statutory remit. These questions covered a broad scope of issues, ranging from the provision of services to individuals to national operational or infrastructural matters. The Executive has informed my Department that to date final replies have issued to 2,084 (94%) of these questions of which, 1,222 replies issued within 20 working days.

The HSE's Parliamentary Affairs Division handles the centralised receipt, assignment and tracking of PQs within the HSE's network of operations. It also has the capacity to monitor overall performance in relation to the timely issue of replies and to propose developments in that regard. The Chief Executive Officer of the HSE, Professor Drumm, has previously directly informed Oireachtas members of the importance he attaches to this area of work. I am aware that he is very focussed on improving the turnaround time for replies to the greatest possible extent taking account of the complexity of the Questions and the availability of information sought.

*Question No. 183 answered with Question No. 94.*

### Water Fluoridation.

184. **Mr. Cuffe** asked the Minister for Health and Children when she will implement the recommendations of the report from the fluoridation forum; and if she will make a statement on the matter. [35458/06]

#### Minister for Health and Children (Ms Harney):

The Forum on Fluoridation was established by the Minister for Health and Children to review the fluoridation of public piped water supplies in Ireland. The main conclusion of the Forum Report was that the fluoridation of public piped water supplies should continue as a public health measure.

The Forum, while recommending that fluoridation of water supplies continue, recommended a reduction in the levels of fluoride used from between 0.8 parts per million and 1 part per mil-

lion to between 0.6 parts per million and 0.8 parts per million.

The Forum reported that the re-defined optimal level of fluoride would be sufficient — along with the continued use of fluoride toothpaste — to maintain meaningful reductions in dental decay rates.

In all, the Report of the Fluoridation Forum made thirty-three recommendations covering a broad range of topics such as research, public awareness, and policy and technical aspects of fluoridation and the establishment of an Expert Body to oversee the implementation of the recommendations.

The Irish Expert Body on Fluorides and Health (the Expert Body) was set up in 2004. The membership of the Expert Body is representative of public health interests, consumer interests, the Food Safety Authority, the Environmental Protection Agency, my Department and the Department of the Environment and Local Government.

The terms of reference for the Expert Body are:

- to oversee the implementation of the recommendations of the Forum on Fluoridation;
- to advise the Minister for Health and Children and to evaluate ongoing research — including new emerging issues — on all aspects of fluoride and its delivery methods as an established health technology and as required; and
- to report to the Minister on matters of concern at his/her request or on its own initiative.

The Expert Body is overseeing the implementation of the wide-ranging recommendations of the Forum and will advise on all aspects of fluoride.

I will be bringing regulations before the House shortly to bring into effect the Forum's recommendations in relation to the fluoride levels in the water supply.

### Mental Health Services.

185. **Mr. Quinn** asked the Minister for Health and Children if she will recognise and designate dementia as a national health priority; her views on the Alzheimer Society of Ireland's calls in seeking investment in early diagnosis, intervention, enhanced care services and medical and social research up to a budget of €75 million over three years; and if she will make a statement on the matter. [35447/06]

#### Minister of State at the Department of Health and Children (Mr. S. Power):

The Action Plan for Dementia, published in 1999, outlines the complexity and range of issues involved in the effective management of dementia. The plan emphasises the need for the development of co-

ordinated, multi-layered and well-resourced services, which are responsive to the individual needs of people with dementia and of those who care for them. The Action Plan describes a model of best practice for the provision and planning of dementia care in Ireland.

The recommendations in the plan include increased funding, changes to service delivery mechanisms, expanded Old Age Psychiatry services, increased support for family carers and provision of day care and respite services.

Since the report was published, community supports have been enhanced over the years and increased levels of funding have been made available to develop a wide range of community based services, including community nursing, paramedical services, home help services, and support to family carers.

In Budget 2006, additional funding was provided to further enhance services for older people, including €30m for Home Care Packages, €30m for the Home Help Service, €7m for Day/Respite Care, €2m for Old Age Psychiatry Service and €15m for the Development of Primary Care Teams.

In terms of dementia specific services, new day care centres and residential units have been designed and developed in partnership with the Alzheimer's Society. Home care services have also been specifically developed to meet the needs of persons with Alzheimer's and their carers.

The additional funding provided under Home Care Packages and the Home Help Scheme will further enhance the supports available to families caring for people with dementia at home.

In August 2006 the Alzheimer Society of Ireland published "Perceptions of Stigma in Dementia: An Exploratory Study" in conjunction with the School of Nursing and Midwifery, Trinity College, Dublin. The HSE has advised that it will work closely with the Alzheimer Society of Ireland, as is the case at present, in examining the various recommendations of this report in the context of services for older people.

#### **Hospital Accommodation.**

186. **Mr. Bruton** asked the Minister for Health and Children the way she intends replacing the €1 billion paid to public hospitals by VHI and BUPA when the private beds are removed from these same public hospitals. [35507/06]

**Minister for Health and Children (Ms Harney):** Private health insurance companies do not pay public hospitals €1 billion in respect of private beds in public hospitals. The €1 billion paid out by private health insurance companies is an estimate of the total payments by the companies in respect of consultant fees, claims from private hospitals claims from public hospitals and claims in respect of out-patient services.

Our initial estimate of the income which could be lost by the public hospitals which was published with the policy direction back in July 2005 was €145m. This initial estimate was calculated in advance of the identification by the HSE of the public hospitals that would be participating in this initiative. However, in 2005 the private health insurance income to the 10 hospital sites selected as sites for co location was €111m.

Additional income to the hospitals in respect of the lease of the land will off set the loss of income from the private health insurers.

It has always been accepted that there will be a loss of income to the hospitals and that any net loss will have to be met by the exchequer. The impact of this initiative will not occur until 2009 when the new hospitals are built and is likely to be phased over a number of years.

#### **Infectious Diseases.**

187. **Mr. Durkan** asked the Minister for Health and Children the number of incidents of MRSA reported to date; the number of hospitals free from such infection; her plans to address the issue of hygiene in hospitals generally; and if she will make a statement on the matter. [35423/06]

188. **Ms McManus** asked the Minister for Health and Children the numbers of deaths from MRSA to date in 2006; her views on whether there should be an appointment of a person specifically charged with eradicating MRSA; and if she will make a statement on the matter. [35439/06]

**Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 187 and 188 together.

The Health Protection Surveillance Centre (HPSC) collects data on MRSA bacteraemia (also known as bloodstream infection or "blood poisoning") as part of the European Antimicrobial Resistance Surveillance System (EARSS). EARSS collects data on the first episode of blood stream infection per patient per quarter. The Irish data for EARSS, which is published on a quarterly basis by the HPSC, showed that there were 445 cases in 2002, 480 cases in 2003, 553 cases in 2004, 586 cases in 2005 and 285 reported cases in the first half of 2006.

It is difficult to identify the number of fatalities attributable to MRSA as many people also have significant co-morbidity factors.

This year, Ireland participated in the Hospital Infection Society's "Prevalence Survey of Health Care Associated Infections" (HCAIs) in the United Kingdom and Ireland. The survey provides accurate and comparable data on the prevalence of Health Care Associated Infections (including MRSA) in acute hospitals in Ireland and can also be compared with similar data being obtained in England, Scotland, Wales and Northern Ireland. Preliminary results of this

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study are now available. The overall prevalence of health-care associated infection in the UK and Ireland study (these figures exclude Scotland) is 7.9%. The England figure is 8.2%, Wales 6.3%, Northern Ireland 5.5% and the Republic of Ireland 4.9%.

As expected, the prevalence of health-care associated infection was highest in regional/tertiary hospitals at 6% and lowest in specialist hospitals at 2%. 10% of patients with a health-care associated infection in the Republic of Ireland were recorded as having an MRSA related health-care infection. This is lower than the UK average of 16%. While the overall prevalence is lower in Ireland than UK, further analysis needs to be done before the true implications of this survey become clear.

Measures to control the emergence and spread of HCAs are necessary because there are fewer options available for the treatment of resistant infections and because these strains spread amongst vulnerable at-risk patients. The prudent use of antibiotics underpins any approach to the control of antibiotic resistant bacteria, including MRSA. This, together with good professional practice and routine infection control precautions, such as hand hygiene, constitute the major measures in controlling and preventing healthcare-associated infection, including that caused by MRSA, both in hospital and in community health care units.

A Strategy for the control of Antimicrobial Resistance in Ireland (SARI) was launched in 2001 and includes recommendations such as hospital hygiene practise, appropriate antibiotic prescribing, active surveillance for the detection of MRSA and corporate/clinical governance structures in the area of infection control. At present, active recruitment is ongoing within the HSE nationally to employ essential infection control staff such as infection control nurses, hospital liaison pharmacists, surveillance scientists and clinical microbiologists. The HSE are shortly to publish a three year Action Plan which will set targets in this important area.

### Proposed Legislation.

189. **Mr. Ring** asked the Minister for Health and Children the legislation she expects to have been passed by both Houses of the Oireachtas before the next general election. [35525/06]

**Minister for Health and Children (Ms Harney):** The Deputy will appreciate that passage of a Bill through the Oireachtas is dependent on the availability of Oireachtas time. As set out in the Government's Legislation Programme, the proposed legislation within my remit is as follows:

#### 1. Published Bills:

- The Health (Nursing Homes) Amendment Bill 2006 is before the Dáil.

- The Child Care (Amendment) Bill has been published and is now before the Seanad.

#### 2. Bills expected to be published during the Autumn Session 2006:

- The Health Bill will provide for the establishment of the Health Information and Quality Authority (HIQA) and the Office of the Chief Inspector of Social Services within HIQA with specific statutory functions. The Bill will also provide for a registration system in respect of residential services for children, older people and people with disabilities to replace existing registration procedures in the Health (Nursing Homes) Act 1990 and the Child Care Act 1991 and 2001.
- The Medical Practitioners Bill will replace the Medical Practitioners Act, 1978 which established the Medical Council and provides for the registration of doctors and the regulation of their activities.
- The Pharmacy Bill – No. 1 will provide fitness to practise regulations for pharmacists and the removal of the restriction on pharmacists educated in other EU or EEA countries from managing or supervising a pharmacy in Ireland that is less than three years old — a derogation under Article 2.2 of Council Directive 85/433/EEC. It is also proposed to provide for an appropriate statutory basis for the Pharmaceutical Society of Ireland and certain competency issues.

#### 3. Heads agreed and Bills being drafted:

- The Voluntary Health Insurance Board Bill will address VHI's corporate status and related matters. I expect to publish the Bill in December.
- The Adoption (Hague Convention, Adoption Authority) Bill will ratify the Hague Convention on the Protection of Children in respect of Intercountry Adoption. The Bill will provide for the creation of the Adoption Authority (replacing the Adoption Board) as the Central Authority required under the terms of the Convention to oversee the implementation of the Convention in effecting Intercountry adoptions. The Bill will also provide for miscellaneous issues dealing with domestic adoption. I expect to publish the Bill in early 2007.

#### 4. Heads not yet approved:

- The Nurses and Midwives Bill will modernise the regulatory framework for

nurses and midwives. It will update and amend the Nurses Act, 1985 in order to reflect and to respond to the significant changes which the health services and nursing and midwifery professions have undergone since 1985. Publication is expected in 2007.

- The Eligibility for Health and Personal Social Services Bill will clarify and update the present provisions relating to eligibility for health and personal social services. Publication is expected in 2007.
- Legal advice relating to the area of registering persons who are unsafe to work with children is being examined with a view to bringing forward legislation to address this issue.
- The Public Health (Miscellaneous Provisions) Bill will provide for the prohibition of the use of sunbeds by those under 16 years of age together with minor amendments to the Public Health (Tobacco) Acts and the Food Safety Authority of Ireland Act. Work on the draft heads is proceeding. I expect to submit draft Heads to Government for approval by the end of this year.

Work will begin on the Pharmacy Bill — No. 2, which will deal with other changes in the regulatory framework for pharmacy and pharmacy services and other recommendations of the Pharmacy Review Group, as soon as the first Pharmacy Bill is enacted. Its date of publication is dependent on progress of the first Bill.

#### Care of the Elderly.

190. **Mr. Callely** asked the Minister for Health and Children the home supports available in the Dublin area to older people who require a level of support; the level of home care packages available; and if she will make a statement on the matter. [35366/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The Deputy will be aware that, in Budget 2006, an investment package of €150m was announced for additional services for Older People and Palliative Care. This package included €55m for the rolling out of 2,000 additional Home Care Packages. €30m of this was for 2006, with the remaining €25m for 2007. Of this €30m, a total of €3.6m was allocated to the former Northern Area Health Board area, based on the percentage of the population aged over 65.

At the 30th of September 2006, a total of some 900 Home Care Packages were being delivered in the former Northern Area Health Board area, 700 of which commenced since the 1st of January this year.

Home Care Packages are delivered to persons either to facilitate their earlier discharge from an acute hospital, or to prevent admission to acute hospitals or long term residential care, where this is not necessary. The level of service to be provided is based on an overall assessment of the applicant's medical and social care needs, and the family or other supports available to the applicant, which determines the suitability of the applicant for care in the home. Home care packages consist of a mixture of grants, contracted care services, therapeutic input, equipment and other such community services as determined by a needs assessment to facilitate an older person to remain living in their own home. They vary according to the care needs of the person so that, for example, there might be a greater emphasis in some packages on home care assistance while other packages may require a greater level of therapy and nursing.

#### Hospital Services.

191. **Mr. Crawford** asked the Minister for Health and Children the commitments she or personnel on her behalf gave to a person (details supplied) regarding the future of Monaghan General Hospital; if she or her personnel advised that medical services would be retained on a 24 hours 7 days per week basis at Monaghan General Hospital along with surgical services plus the opening of the new treatment room to take the pressure off Cavan General Hospital; if the replacement and additional staff will be appointed to allow this to be delivered; and if she will make a statement on the matter. [30510/06]

#### Minister for Health and Children (Ms Harney):

I have not made any commitments to the person concerned regarding Monaghan Hospital and I am not aware of any such commitments given on my behalf.

The HSE has recently established a Steering Group and a North East Project Group to oversee a programme designed to improve safety and standards across the acute hospital network in the North East Region. The decision was taken having regard to the issues raised in the report prepared for the HSE by Teamwork Management Services — “Improving Safety and Achieving Better Standards — An Action Plan for Health Services in the North East” and taking account of the findings of the recent report into the death of Mr Patrick J Walsh.

Led by the HSE's National Hospitals Office, the Steering Group has representation from key stakeholders such as clinicians and primary care providers. The Project Group is being led by a Consultant Surgeon from outside the Region.

The HSE has given me an assurance that, in progressing the implementation of these reports, there will be no discontinuation of existing services until suitable alternative arrangements have been put in place.

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The HSE has advised that it is working in conjunction with staff and staff representatives towards the opening of the new treatment room in Monaghan General Hospital. It is expected that the Unit will open shortly.

*Question No. 192 answered with Question No. 104.*

*Question No. 193 answered with Question No. 146.*

*Question No. 194 answered with Question No. 139.*

#### **National Treatment Purchase Fund.**

195. **Mr. Eamon Ryan** asked the Minister for Health and Children if she has considered the introduction of a national diagnostic purchase fund; and if she will make a statement on the matter. [35463/06]

**Minister for Health and Children (Ms Harney):** The National Treatment Purchase Fund (NTPF) was established to expedite the provision of treatment for patients on public hospital waiting lists who have been waiting longest for surgery. In this context diagnostic services, such as MRIs, are provided to public patients as part of their treatment under the scheme. I have no plans to expand the remit of the NTPF or introduce a national diagnostic purchase fund. Diagnostic services are provided by public acute hospitals to in patients and out patients and to general practitioners.

*Question No. 196 answered with Question No. 109.*

#### **Hospital Accommodation.**

197. **Ms Shortall** asked the Minister for Health and Children the applications for extra beds or facilities from acute hospitals here; the date of such applications; the location of the applying hospital; the number of beds and types of facilities requested; and if she will make a statement on the matter. [35491/06]

**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.

#### **Birth Control Products.**

198. **Mr. English** asked the Minister for Health and Children her views on whether the morning after pill should be made available without prescription; and if she will make a statement on the matter. [35534/06]

**Minister for Health and Children (Ms Harney):** The morning after pill is currently confined to prescription control in accordance with the Medicinal Products (Prescription and Control of Supply) Regulations 2003, as amended. In order for this product to be available without a prescription, the licence holder would have to initiate the process by making an application to the Irish Medicines Board and would also need to make a simultaneous application to the Department of Health and Children to amend the above mentioned Regulations.

An application to change the status of the morning after pill would be assessed by the Irish Medicines Board and a decision could only be taken having reviewed all the scientific data on the risks and benefits of the wider availability of this product.

#### **National Cancer Strategy.**

199. **Ms Lynch** asked the Minister for Health and Children her views on the situation that there is no dedicated funding for cancer patients travelling to radiotherapy services outside the south east; her further views on the fact that when alternative transport arrangements are provided there is no budget for displaying this information by means of a poster or flyer; her plans to address these issues; and if she will make a statement on the matter. [35478/06]

**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.

#### **Health Services.**

200. **Mr. G. Murphy** asked the Minister for Health and Children the amount of the €16 million promised for primary care teams which has been spent. [35549/06]

**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.

### Legislative Programme.

201. **Mr. Deasy** asked the Minister for Health and Children when she expects the medical practitioners Bill to be introduced. [35521/06]

**Minister for Health and Children (Ms Harney):** Following a consultation process with interested parties on the draft Heads of Bill, work is progressing on the drafting of a new Medical Practitioners Bill. I intend introducing the Bill in the Oireachtas before the end of the year.

*Question No. 202 answered with Question No. 114.*

### Health Capital Programme.

203. **Mr. Bruton** asked the Minister for Health and Children the major capital projects that were expected to go to tender in 2006 but did not receive sanction from the Department of Finance due to the fact that there was no cost benefit analysis in these projects which were to cost over €30 million. [35506/06]

**Minister for Health and Children (Ms Harney):** In accordance with Department of Finance guidelines, major health capital projects with a total project cost of over €30 million, require a Cost Benefit Analysis in each case. There are a number of such projects at present in the health capital programme going through various stages of procurement. However, no project requiring a Cost Benefit Analysis was programmed to go to tender for construction in 2006.

### Hospital Accommodation.

204. **Mr. Kehoe** asked the Minister for Health and Children the location where the 800 nursing home beds which she is seeking under her winter initiative are being sought; and if she will make a statement on the matter. [35517/06]

**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.

205. **Ms Shortall** asked the Minister for Health and Children the reason for the failure to publish the review of acute beds commissioned by the Health Service Executive; the date it will be published; and if she will make a statement on the matter. [35490/06]

### Minister for Health and Children (Ms Harney):

A Steering Group has been established under the chairmanship of the National Director of the National Hospitals Office to review our acute hospital bed requirements up to the year 2020. The Group includes representatives of the Health Service Executive, my Department, the Department of Finance and the Economic and Social Research Institute.

The review of Acute Bed Capacity requirements for Ireland to 2020 will be published when it is completed.

### Law Reform Commission.

206. **Mr. Stanton** asked the Taoiseach the annual budget allocation to the Law Reform Commission for each year respectively from 1997 to date in 2006; and if he will make a statement on the matter. [35650/06]

**The Taoiseach:** The annual budget allocation for the Law Reform Commission for each year from 1997 to 2006 is set out as follows:

Year	€
1997	688,000
1998	707,000
1999	1,102,000
2000	1,150,000
2001	1,279,000
2002	1,348,000
2003	1,577,000
2004	1,593,000
2005	1,900,000
2006	2,044,000

### Departmental Expenditure.

207. **Mr. P. McGrath** asked the Taoiseach the amount expended on photographers by his Department for events and publicity leaflet production in his constituency and the constituency of each Minister of State of his Department in the years 2004, 2005 and to date in 2006; and if he will make a statement on the matter. [35291/06]

**The Taoiseach:** My Department did not incur any expenditure on photographers relating to my Constituency Office or the Constituency Offices of the Ministers of State in the period concerned.

### Registered Births.

208. **Mr. Neville** asked the Taoiseach the percentage of children born to single mothers in 2005. [35624/06]

**Minister of State at the Department of the Taoiseach (Mr. Kitt):** The number of births registered outside marriage in 2005 was 19,528, which was 32% of all births.



### Census of Population.

209. **Mr. Kenny** asked the Taoiseach if, arising from the latest census of population, reference will be made to the town of Foxford, County Mayo, based on its population as distinct from townlands currently mentioned, that is, Toomore and Srahnalee; his views on whether such direct reference will be beneficial in the context of attractiveness for location of investment and industry both foreign and indigenous; and if he will make a statement on the matter. [35636/06]

**Minister of State at the Department of the Taoiseach (Mr. Kitt):** Information in the preliminary census report published on 19 July was based on summaries prepared by the 4,400 enumerators of the enumerated population. The lowest level of geography distinguished in the report was Electoral Divisions (EDs). This was possible as the enumeration areas chosen for census collection were organised along ED lines.

Processing of the 1.5 million census forms is currently ongoing with a target date of April 2007 for publication of the Principal Demographic Results. Volume 1, dealing with Areas, which is due to be published in May 2007 will give population figures for every town with 50 or more occupied households. This will include the town of Foxford in County Mayo. It is important to bear in mind that in addition to publishing the population of legally defined towns, other towns are also shown. This requires a careful examination of enumerator maps to determine the precise boundary of the town at the time of the census, taking account of housing development since the previous census.

The small area population statistics give a breakdown of the demographic and social characteristics of the various towns throughout the State. This has proven to be an invaluable aid to planners, those in market research and the public at large.

### Illegal Fireworks.

210. **Mr. Dennehy** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he is satisfied that sufficient measures are being taken to protect members of the public from illegal use of fireworks; and if he will make a statement on the matter. [35398/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Explosives Act, 1875 provides for the control of the importation, manufacture, storage and sale of fireworks. That Act was amended by the Criminal Justice Act, 2006 and, on 1 August, 2006 I signed an order bringing all sections of the Act relating to fireworks into immediate effect. These amendments provide for new offences governing the possession of illegal fireworks with intent to supply and misuse of fireworks in public places. They also provide for significantly increased penalties

governing the illegal importation, sale and use of fireworks.

Under the new provisions it is an offence:

- for any person to possess a firework with intent to sell or supply, without a licence;
- to throw an ignited firework at any person or property; and
- to light unlicensed fireworks in a public place.

The penalty for such offences is as follows:

- a fine of up to €2,500 or 6 months imprisonment or both on summary conviction; and
- a fine of up to €10,000 or 5 years imprisonment or both on conviction on indictment.

The simple possession of fireworks without a licence is also an offence for which a person may be liable to a fine of up to €10,000.

Every effort is made by the Gardaí to identify persons involved in the illegal importation and sale of fireworks and where necessary specific policing plans are put in place in areas where particular problems arise. Each year, leading up to Halloween, special efforts are made by the Gardaí to combat the illegal importation, sale and use of fireworks and this year an intelligence led operation called “Operation Tombola” was launched on 25 September. To date this operation has resulted in 42 seizures of fireworks with an estimated value of €104,876. Over the last five years such operations have resulted in seizures valued at over €2 million. All fireworks seized are forfeited by the person importing them and destroyed in accordance with the provisions of the Explosives Act 1875.

I am confident that, following the introduction of the new offences and penalties, Garda operations will be even more effective in combating the illegal importation, sale and use of fireworks.

### Remembrance Commission.

211. **Mr. F. McGrath** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will ensure that a person (details supplied) receives the maximum support with all their medical treatments and expenses. [35107/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been advised by the Remembrance Commission that the person in question is continuing to receive funding for medical expenses under the terms of the Amended Scheme of Acknowledgement, Remembrance and Assistance for Victims in this Jurisdiction of the Conflict in Northern Ireland.

The Commission will continue to support the person to the maximum extent possible within its remit.

### Asylum Support Services.

212. **Mr. Gogarty** asked the Tánaiste and Minister for Justice, Equality and Law Reform his Department's plans for the new accommodation centre for asylum seekers in Clondalkin village; the length of time such a facility is expected to be open for; the final capacity envisaged; the consultation that has taken place with the local community; the consultation that has taken place with South Dublin County Council; if planning applications were submitted or needed to be submitted; the consultation that has taken place with the Department of Education and Science regarding the provision of additional school places, including language support and possibly special educational need; and if he will make a statement on the matter. [35109/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Reception & Integration Agency (RIA) has entered into a contract for the accommodation of asylum seekers at the Towers in Clondalkin, Dublin 22. The contract will expire on 24th December 2012. The capacity of the centre is 250 persons.

It was not possible to engage in any advance consultation process with local service providers (including the Department of Education and Science) until such time as the acquisition of the property was completed and a contract with RIA was in place. Discussions have since opened with the relevant support groups and service providers and will intensify over the coming weeks.

Under the terms of the contract, it is the responsibility of the contractor to ensure that the premises complies and operates in accordance with all relevant statutory requirements of Local Authorities and other Agencies in relation to planning, building, by-laws, bedroom capacity, food, food hygiene, water supply, sewage disposal, fire precautions and general safety.

### Residency Permits.

213. **Mr. Penrose** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position in relation to an application by a person (details supplied) in County Westmeath for permission to remain in the State; and if he will make a statement on the matter. [35119/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The legal representatives of the person concerned lodged an application for permission to remain in the State on the 28 February 2006. A decision granting her permission to remain on work permit conditions issued to her legal representatives on the 9 March 2006. She attended at the Garda National Immigration Bureau on the 27 March 2006 where her passport was endorsed and a Certificate of Registration issued in respect of her, valid until the 9 March 2007.

### Garda Stations.

214. **Mr. Noonan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position regarding proposals to upgrade and extend Henry Street Garda Station in Limerick; the new facilities which will be provided; when the project will be put out to tender; and if he will make a statement on the matter. [35120/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** There are plans to provide a new Divisional Headquarters Station for the Gardaí in Limerick City. The Garda Authorities have agreed briefs of requirements for a new Divisional Headquarters at a recent meeting and I expect that these will be submitted shortly to this Department and the Office of Public Works. The Office of Public Works are currently exploring various options to meet both short and longer term requirements and will finalise their strategy when the briefs have been provided to the Board. The briefs include the typical facilities associated with Divisional Offices and also provides for additional capacity for the future.

I can assure the Deputy that every effort is being made to address the accommodation issues in Henry Street. The approach and timescale for tendering will be very much dependent on the options selected including the nature of any temporary accommodation required and if the longer term requirements can be accommodated on the existing site.

### Asylum Applications.

215. **Ms O. Mitchell** asked the Tánaiste and Minister for Justice, Equality and Law Reform when a decision will be made on an application for asylum for a person (details supplied); and if he will make a statement on the matter. [35121/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** It is not the practice 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 this application will be made upon receipt of the decision of the Refugee Appeals Tribunal.

### Rented Accommodation.

216. **Mr. F. McGrath** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position of the Civil Law (Miscellaneous

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Provisions) Bill 2006 regarding business tenancies; and if he will ensure that jobs are protected at a business (details supplied) in County Wexford following this legislation. [35138/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** Sections 57 and 58 of the Civil Law (Miscellaneous Provisions) Bill 2006 propose to amend the Landlord and Tenant (Amendment) Act 1980 so as to enable all business tenants to contract out of provisions that confer a right to a new tenancy, such course of action being conditional on the tenant having received independent legal advice in the matter. At present only tenants of office accommodation can contract out of such provisions. As the Deputy is aware, the Bill has passed Second Stage in the Dáil and is awaiting Committee Stage before the Dáil Committee on Justice, Equality, Defence and Women's Rights.

The Tánaiste has no responsibility for the matter raised in the second part of the Deputy's question.

#### Road Traffic Offences.

217. **Ms O. Mitchell** asked the Tánaiste and Minister for Justice, Equality and Law Reform the date on which the power to impound uninsured vehicles that are registered outside the State was granted; the number of vehicles impounded under this power; and if he will make a statement on the matter. [35158/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have requested a Garda report in relation to this matter and I will contact the Deputy again when the report is to hand.

#### Prison Accommodation.

218. **Mr. Stanton** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he or the prison service considered in detail any other site other than Spike Island for the new prison to replace Cork Prison; and if he will make a statement on the matter. [35159/06]

219. **Mr. Stanton** asked the Tánaiste and Minister for Justice, Equality and Law Reform his views on building a prison on Spike Island which requires a bridge and road network to be put in place before substantial building work can commence which may delay the provision of a replacement prison for the overcrowded and outdated Cork Prison compared to a possible alternative site that would have the necessary infrastructure directly adjacent to it; and if he will make a statement on the matter. [35160/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 218 and 219 together.

The Irish Prison Service is at present engaged on preliminary works and surveys on Spike Island which are intended to inform on the technical and planning aspects of the project prior to proceeding with the construction of the bridge. When these are complete I will be in a position to provide more detailed information on the likely timescale and logistics of the proposed development.

There are only two sites currently available to the Irish Prison Service in the Cork region for prison development. The existing site in Cork city has been considered in detail and is not deemed to be suitable. The prison facility on Spike Island offers obvious advantages from a security perspective and is immediately available for development. No other sites in the Cork region have been offered for prison development.

#### Residency Permits.

220. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position in relation to an application for leave to remain here in the case of a person (details supplied) in County Westmeath; and if he will make a statement on the matter. [35173/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** It is not the practice 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 this application will be made upon receipt of the recommendation of the Refugee Applications Commissioner or the decision of the Refugee Appeals Tribunal as appropriate.

#### Citizenship Applications.

221. **Mr. Ring** asked the Tánaiste and Minister for Justice, Equality and Law Reform when an application for citizenship for a person (details supplied) in County Mayo will be dealt with in view of the fact that the applicant has been living and working here for the past five years. [35187/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Irish Nationality and Citizenship, 1956, as amended, provides that the Minister for Justice, Equality and Law Reform may, in his absolute discretion, grant an application for a certificate of naturalisation provided certain statutory conditions are fulfilled. In the case of a non-national applicant

who is the spouse of an Irish citizen those conditions are that the applicant must:

- be of full age;
- be of good character;
- be married to the Irish citizen for at least 3 years;
- be in a marriage recognised under the laws of the State as subsisting;
- be living together as husband and wife with the Irish spouse;
- have had a period of one year's continuous residency in the island of Ireland immediately before the date of the application and, during the four years immediately preceding that period, have had a total residence in the island of Ireland amounting to two years;
- intend in good faith to continue to reside in the island of Ireland after naturalisation; and
- have made, either before a Judge of the District Court in open court or in such a manner as the Minister, for special reasons allows, a declaration in the prescribed manner, of fidelity to the nation and loyalty to the State.

An application for a certificate of naturalisation from the person referred to by the Deputy was received in the Citizenship section of my Department on 31 May 2006. The application was examined and it was determined that the person in question did not have the required reckonable residency as she was not married for three years at the date of application and consequently was not eligible to apply for a certificate of naturalisation at that time. She was informed of this by letter dated 14 October 2006.

It is open to her to lodge a new application if and when she is in a position to meet the statutory requirements applicable at the time.

#### **Garda Recruitment.**

222. **Mr. Deasy** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of applicants from both Waterford City and Waterford County who applied for the Garda Reserve unit. [35194/06]

223. **Mr. Deasy** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of the group of Garda Reservists picked for training, after the initial interviews, who registered for training. [35195/06]

224. **Mr. Deasy** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of Garda Reservists that have been fully trained to date. [35196/06]

226. **Mr. Deasy** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of applicants for the Garda Reserve who have had their application rejected; and the number who have withdrawn from the scheme. [35198/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 222 to 224, inclusive, and 226 together.

The total number of applicants for the Garda Reserve at 19 September was 6,661. Of these applications 148 were in respect of persons from Waterford County, including the city. A table showing the county by county breakdown of all 6,661 applications is set out below.

County	
Carlow	104
Cavan	85
Clare	189
Cork	673
Donegal	185
Dublin	1922
Galway	343
Kerry	186
Kildare	332
Kilkenny	124
Laois	123
Leitrim	43
Limerick	239
Longford	67
Louth	226
Mayo	217
Meath	328
Monaghan	60
Offaly	122
Roscommon	119
Sligo	116
Tipperary	190
Waterford	148
Westmeath	165
Wexford	160
Wicklow	154
Northern Ireland	37
Other	4
Total	6,661

A further 439 applications have been received between 20 September and 27 October. However, a county by county breakdown of them is not yet available. The first interviews were held in September and involved 374 candidates. 138 people from this group failed to pass either the interview or the written test. Not all applications were processed to completion during September.

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There will be further trainees selected from the first interview group who will commence training at a later date. The first group of 37 trainees commenced phase one training in Templemore on 30 September 2006. They are currently in phase two of their training and are expected complete their training in December.

The next interviews will be carried out this month and will involve applicants from counties Limerick, Kerry, Galway, Clare, Sligo and Dublin.

#### Crime Prevention.

225. **Mr. Deasy** asked the Tánaiste and Minister for Justice, Equality and Law Reform the types of weapons the Gardaí have received under the Criminal Justice Act 2006 weapons amnesty; and the number of knives included in same. [35197/06]

262. **Mr. J. O'Keefe** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number and type of weapons handed in on foot of the weapons amnesty. [35675/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 225 and 262 together.

I wish to inform the Deputy that the Gun, Knife and Offensive Weapons Amnesty which commenced on 1 September 2006 expired at midnight on 31 October 2006. The Garda Síochána are compiling a comprehensive list of all weapons handed in which I will forward to the Deputy as soon as it is available. The Garda Síochána have informed me that up to Monday, 30 October, 2006 a total of 368 weapons, which includes 54 knives, had been handed in.

*Question No. 226 answered with Question No. 222.*

#### Road Traffic Offences.

227. **Ms O. Mitchell** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of speed checks carried out by the Gardaí in 2005 and to date in 2006; the number of drink driving interventions carried out by the Gardaí in 2005 and to date in 2006; and if he will make a statement on the matter. [35212/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that the number of fixed charge notices issued for speeding was 143,651 in 2005 and 152,669 in 2006 (up to 30 September). I am also informed that the number of drink driving related incidents recorded on PULSE was 13,727 in 2005 and 12,829 in 2006 (up to 30 September).

Statistics are provisional, operational and liable to change.

#### Sexual Offences.

228. **Dr. Upton** asked the Tánaiste and Minister for Justice, Equality and Law Reform the status of his request, as stated in his reply to Parliamentary Question No. 601 of 4 July 2006, of the Gardaí for a report into the matters raised in that parliamentary question; if he has received that report; and if not, when he expects to receive same. [35243/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have requested a Garda report in relation to this matter and I will contact the Deputy again when the report is to hand.

#### Garda Strength.

229. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of Gardaí allocated to each Garda station in County Kerry; the way these figures compare with the end of 1997; the number of Gardaí in County Kerry at the end of 1997 and today; and if he will make a statement on the matter. [35245/06]

**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 by the Garda authorities that the personnel strength (all ranks) of each Garda station in the Kerry Division as at 31 December, 1997 and as at 25 October, 2006 was as set out in the table hereunder:

Station	31/12/97	25/10/06
Tralee	76	95
Ardfert	2	3
Fenit	1	1
Abbeydorney	1	1
Dingle	7	8
Clochan	1	1
Castlegregory	2	2
Annascaul	2	1

Station	31/12/97	25/10/06
Ballyferriter	1	1
Camp	1	1
Caherciveen	18	21
Ballinskelligs	1	1
Valentia Island	1	1
Glenbeigh	2	2
Portmagee	1	1
Castlemaine	3	1
Killorglin	6	10
Waterville	2	2
Sneem	2	2
Killarney	36	58
Kilgarvan	1	1
Kenmare	6	8
Castleisland	7	10
Farranfore	2	2
Barraduff	1	1
Beaufort	2	1
Lauragh	1	1
Listowel	23	32
Ballyheigue	2	2
Ballylongford	1	1
Ballybunion	7	8
Ballyduff	3	2
Brosna	1	1
Knocknagoshall	0	2
Lixnaw	2	1
Moyvane	2	2
Tarbert	3	2

The personnel strength of the Kerry Division as at 31 December, 1997 was 230 (all ranks). The personnel strength of the Kerry Division as at 25 October, 2006 was 290 (all ranks). This represents an increase of 60 (or 26%) in the number of personnel allocated since that date.

Rathmore Garda Station is situated in County Kerry but is policed by the Cork West Garda Division. The personnel strength of Rathmore Garda Station as at 31 December, 1997 and 25 October, 2006 was 2 (all ranks) and 1 (all ranks), respectively.

In addition, I would point out to the Deputy that the Division'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 the Divisional Officer 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 Kerry Division will be given the fullest consideration.

#### Missing Persons.

230. **Ms C. Murphy** asked the Tánaiste and Minister for Justice, Equality and Law Reform if, in view of his publically stated commitment to the rights of victims of crime, and the ongoing problems faced by the families of missing persons, he will reinstate funding to a dedicated missing person's helpline in order that victims, their families and persons wishing to provide information on such cases are given every assistance possible; and if he will make a statement on the matter. [35247/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The disappearance of any person is traumatic for their family and friends, and for this reason I am anxious to assist them in any way I can. I am of the view that a helpline for this purpose is best set up on an independent basis and by a non-official, voluntary organisation. Any proposals for funding for such a purpose which are made to my Department will be carefully considered on their merits.

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. 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 Missing Persons Bureau in Garda Headquarters is responsible for maintaining data relating to missing persons. All cases of a person reported missing in suspicious circumstances remain open and under ongoing review and

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investigation until the person is located or, in the case of a missing person who is presumed drowned, a verdict to that effect by the coroner.

At present, local Garda management take direct responsibility for missing person cases, and special investigation teams are appointed as necessary. All missing persons are recorded on the PULSE system. When a person is reported missing, the local Garda Superintendent will appoint an investigation team to include any specialised unit deemed necessary, for example, the National Bureau of Criminal Investigation or the Technical Bureau. The systems in place by An Garda Síochána to manage and deal with reports of missing persons are in line with best international police practice, and Garda management have assured me that they are satisfied that the systems in place are adequate to deal with any reported case of a missing person.

An Garda Síochána interacts fully and as appropriate with all of the media outlets — print, radio and TV — in highlighting cases involving missing persons. The services of other external agencies such as Interpol and Europol are also available to assist in the investigation. In addition, every Garda District has a specially trained search team that is familiar with the locality. The investigation of missing persons is a dedicated subject on the curriculum at the Garda College, Templemore, and is also a subject covered in in-service training.

The Garda authorities 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 has been received in my Department from the Missing In Ireland Support Service to restore the National Missing Persons Helpline and officials are currently examining the proposal. A response on this proposal will issue to the organisation in the near future.

#### Asylum Applications.

231. **Mr. F. McGrath** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position in relation to persons (details supplied) in Dublin 17; and if they will be given the maximum support. [35265/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I understand that

the Immigration Division of my Department has been in correspondence with the person concerned. Upon receipt of the documentation requested, a decision will be made on the application.

#### Residency Permits.

232. **Ms O. Mitchell** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of people granted humanitarian leave to remain here for each of the years from 2002 to date in 2006; and if he will make a statement on the matter. [35266/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I presume that the Deputy is referring to applications for Leave to Remain in the State made pursuant to Section 3 (6) of the Immigration Act, 1999.

An application for Leave to Remain in the State in these circumstances arises where a non-national person is served with a notice of intent to deport under section 3(3)(a) of the Immigration Act, 1999. A person served with such a notice of intent to deport is afforded three options, viz. to leave the State voluntarily; to consent to the making of a Deportation Order; or to make representations in writing within 15 working days setting out reasons as to why a Deportation Order should not be made and why temporary Leave to Remain in the State be granted instead.

In determining whether to make a deportation order or grant temporary leave to remain in the State, I must have regard to the eleven factors set out in Section 3(6) of the Immigration Act, 1999 and Section 5 (Prohibition of Refoulement) of the Refugee Act, 1996. Temporary leave to remain is considered in every case regardless of whether representations are made by, or on behalf of, the persons concerned. Statistics are not maintained in a way which distinguishes between those who have made an application for leave to remain and those who have not. Moreover, it must be borne in mind that many of those who failed the asylum process, and who did not opt to return voluntarily or consent to deportation, nonetheless left the State before a decision to deport or grant leave to remain was made.

The figures in the table below refer to persons who received a notification of intention to deport under Section 3(b)(ii) of the Immigration Act, 1999 but were subsequently granted temporary leave to remain in the State for an initial period of one year. The majority of these would have been persons who were refused refugee status in the State.

Leave to remain granted

Year	2002	2003	2004	2005	2006 (until 30 September)
Number of persons	158	86	207	135	95

The figures in the table above do not include persons who have been granted permission to remain in the State on the basis of parentage of an Irish born child either under the revised scheme announced in January 2005 or under the earlier arrangements, or those granted residency on the basis of marriage to Irish/E.U. nationals. Many of these persons would otherwise have been considered for leave to remain in the context of the deportation system described above. For example, in the case of the Irish Born Child Scheme initiated in January of last year, a total of 17,917 applications for leave to remain were received of which, as of 19 October, 2006, 16,980 have been granted.

#### **Departmental Expenditure.**

233. **Mr. P. McGrath** asked the Tánaiste and Minister for Justice, Equality and Law Reform the amount expended on photographers by his Department for events and publicity leaflet production in his constituency and the constituency of each Minister of State of his Department in the years 2004, 2005 and to date in 2006; and if he will make a statement on the matter. [35289/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I regret that the information sought by the Deputy is not readily available in the time allowed and is currently being researched. I will contact the Deputy again when the information is to hand.

#### **Prison Building Programme.**

234. **Mr. J. Higgins** asked the Tánaiste and Minister for Justice, Equality and Law Reform the reason he has not considered submissions made under Part 9 of the Planning and Development Regulations 2001 in relation to the prison development at Thornton Hall. [35305/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Planning procedure for the development has not yet been instigated. It is intended that when this occurs, which is likely to be early in 2007, that all submissions received in relation to the development will be given full consideration.

#### **Public Order Offences.**

235. **Mr. Kelleher** asked the Tánaiste and Minister for Justice, Equality and Law Reform when will anti social behaviour orders come into effect; if An Garda Síochána will be given instructions on the way they will be implemented and enforced; his views on their implementation with urgency; his further views on whether anti-social behaviour is a major problem in many of our communities; if the Gardaí will be given extra resources to tackle anti-social behaviour; if he is

satisfied that there is enough legislative support to tackle anti-social behaviour; and if he will make a statement on the matter. [35317/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I can inform the Deputy that strong provisions are in place to combat anti-social behaviour. The primary basis for the law regarding public order offences is the Criminal Justice (Public Order) Act, 1994, which modernised the law in this regard. Furthermore, because of my concerns about the abuse of alcohol and its contribution to public order offending and broader social problems, I brought forward tough provisions to deal with alcohol abuse and its effect on public order in the Intoxicating Liquor Act 2003. The Criminal Justice (Public Order) Act 2003 has also been enacted, the main purpose of which is to provide the Garda Síochána with additional powers to deal with late night street violence and anti-social conduct attributable to excessive drinking.

More recently, I brought forward additional provisions, which were enacted in the Criminal Justice Act, 2006, to deal with anti-social behaviour. The Act empowers a senior member of the Garda Síochána to apply to the District Court by way of a civil procedure for an order which will prohibit an adult from behaving in an anti-social manner.

Separate provision is being made in relation to young people. The Act introduces provisions for behaviour orders for children aged 12 to 18 years into the Children Act, 2001 and the protections of that Act will apply. There will be a series of incremental stages, with parental involvement, preceding an application for a behaviour order. These include a warning, a good behaviour contract and referral to the Garda Juvenile Diversion Programme. Only after these stages can a behaviour order be sought through the courts.

The relevant provisions of the Criminal Justice Act, 2006 will be commenced following consultations between my Department, the Office of the Minister for Children and the Commissioner of the Garda Síochána. These consultations are currently ongoing. The purpose of this is to ensure that these provisions will commence as soon as the Commissioner has made the necessary internal arrangements to ensure the smooth introduction of these new procedures.

I am informed by the Garda authorities that An Garda Síochána has a pro-active approach to policing anti-social/public disorder issues by immediate intervention, arrest and prosecutions or advice, as appropriate. Local Garda management provide for this in policing plans and make every effort to provide a highly visible police presence on the streets of our towns and villages through the deployment of uniform Gardaí, detective units, divisional traffic corps, community policing units and mountain bike units as



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appropriate. Garda patrols pay particular attention to areas where the public tends to congregate such as licensed venues and fast food outlets while awaiting transport, so as to prevent and detect incidents of public disorder.

Insofar as the resources available to the Gardaí are concerned, the position is that these have been increased significantly in recent years. 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. Furthermore, the Garda Budget now stands at €1.3 billion, a 13% increase on 2005 and an 85% increase since 1997 in real terms.

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 and the Garda Commissioner will now be drawing up plans on how best to distribute and manage these considerable additional resources.

#### Visa Applications.

236. **Mr. Kelleher** asked the Tánaiste and Minister for Justice, Equality and Law Reform if a special concession will be put in place on humanitarian grounds to avoid the continued separation of a family (details supplied). [35318/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I understand the Immigration Division of my Department has recently been in contact with the person concerned outlining the options open to her.

#### Computerisation Programme.

237. **Ms O. Mitchell** asked the Tánaiste and Minister for Justice, Equality and Law Reform if the Garda fixed charge processing system is fully integrated with the Courts Service information technology system and the National Drivers File; and if he will make a statement on the matter. [35344/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I can confirm that there are electronic interfaces between the Garda and Courts Service information technology systems for the purposes of processing summons applications and court scheduling details for fixed charge offences.

An Garda Síochána are supplied with an electronic copy of the National Driver File by the

Department of Environment, Heritage and Local Government for the purpose of processing payments in respect of fixed charge penalty point offences. Details of payment received by An Garda Síochána in respect of these offences are electronically transmitted to the Department of Environment, Heritage and Local Government for the purpose of applying penalty points to the driver licence record.

#### Citizenship Applications.

238. **Ms Harkin** asked the Tánaiste and Minister for Justice, Equality and Law Reform the situation with regard to an application for naturalisation by a person (details supplied) in County Sligo; if this person has one year's continuous reckonable residency in the State. [35345/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Irish Nationality and Citizenship Act, 1956, as amended, provides that the Minister may, in his absolute discretion, grant an application for a certificate of naturalisation provided certain statutory conditions are fulfilled, including where the applicant has had a period of one year's continuous residency in the State immediately before the date of the application and, during the eight years immediately preceding that period, has had a total residence in the State amounting to four years.

The person referred to in the Deputy's question lodged an application for naturalisation which was received in the Citizenship Section of my Department on 21 April 2006, having lodged an earlier, unsuccessful application in July 2005. On both occasions, the person concerned did not satisfy the statutory residency conditions and was deemed ineligible to apply for naturalisation. In her earlier application, the person concerned did not have five years reckonable residency at the time of her application and in the second application, she did not satisfy the statutory requirement of having one year's continuous reckonable residence in the State immediately prior to applying for naturalisation. The person concerned was informed of this in writing on both occasions.

My officials have informed me that the person in question now satisfies the statutory residency requirement and it is open to her to submit a fresh application for naturalisation if she wishes. Any application for naturalisation submitted by the person concerned will be assessed against the requirements of the Irish Nationality and Citizenship Act.

#### Asylum Support Services.

239. **Mr. Kenny** asked the Tánaiste and Minister for Justice, Equality and Law Reform the moneys spent on the development of Baleskin Reception Centre, Finglas, Dublin 11; the status

of the reception centre; his plans for the future of the centre; and if he will make a statement on the matter. [35350/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** Arising from an EU tender in January 2001, Baleskin was developed by a private company as a reception centre for asylum seekers. The Reception and Integration Agency (RIA) has remunerated the company on a fixed rate basis since that time and the total value of the contract to date is €20,865,951. Baleskin Reception Centre currently operates as a reception centre providing reception facilities, including access to voluntary medical screening, for asylum seekers newly arrived into the State. I understand from the RIA that the Agency is currently in negotiations with the contractors at Baleskin in relation to the renewal of the contract.

240. **Mr. Kenny** asked the Tánaiste and Minister for Justice, Equality and Law Reform if the Baleskin Reception Centre operated as a refugee reception centre without an appropriate fire certificate being in place; and if he will make a statement on the matter. [35351/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** Under Section 6(b)(iv) of S.I. 496 (Building Control Regulations) 1997, the Department of Justice, Equality and Law Reform is exempted from the requirement to obtain a fire certificate. Notwithstanding this exemption, the Reception and Integration Agency (RIA) includes in all contracts requirements that the contractor complies, at all times, with the provisions of the Fire Services Acts 1981 and 2003, and in particular with the requirements of the Local Authority Fire Officer. The contractors are also obliged to provide, annually, to the Office of Public Works (OPW) written confirmation of the OPW requirements regarding fire certification together with evidence of ongoing, independent, third party fire certification.

In this regard, and before the initial contract at Baleskin started, the contractors treated this requirement as if it was an application to the local authority for a fire safety certificate and lodged all appropriate drawings and plans with the OPW. The contractor has at all times since complied with the obligation to provide, annually, to the OPW written confirmation of the OPW requirements regarding fire certification together with evidence of ongoing, independent, third party fire certification.

The RIA actively monitors the status of fire certification on all contracts. Contractors are penalised where failure to comply with the requirements of the Local Authority Fire Officer leads to loss of capacity at, or closure (however temporary) of, the centre. Failure to comply with the OPW requirements leads to the automatic suspension of payments under the contract.

241. **Mr. Kenny** asked the Tánaiste and Minister for Justice, Equality and Law Reform the nature of instructions issued by his Department in relation to the development of Baleskin Reception Centre on foot of interest from the Health Service Executive in converting the property into a long term care facility; and if he will make a statement on the matter. [35352/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** My Department has issued no instructions in relation to the matter raised by the Deputy. When the prospect arose of the centre in question being used by the HSE for step-down beds, my Department advised the Department of Health & Children that it would make available a senior staff member to facilitate the health authorities in exploring that particular option. This was done, but in the event, ultimately the HSE decided not to proceed with the use of the centre for that purpose.

#### **Garda Strength.**

242. **Mr. Kenny** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of Gardaí stationed in Shankill, Dalkey, Dun Laoghaire, Blackrock, Deansgrange and Cabinteely Garda Stations during the years 1997 to date in 2006; and if he will make a statement on the matter. [35353/06]

**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 by the Garda authorities that the personnel strength (all ranks) of Shankill, Dalkey, Dún Laoghaire, Blackrock, Kill O Grange and Cabinteely Garda stations as at 31 December, 1997 to 2005, inclusively, and as at 26 October, 2006 was as set out in the table below:

The personnel strength (all ranks) of the DMR as at 31 December, 1997 and 31 October, 2006 was 3,399 and 4,045, respectively. This represents an increase of 646 (or 19%) in the number of personnel allocated to the DMR during that period.

[Mr. McDowell.]

Stations	'97	'98	'99	'00	'01	'02	'03	'04	'05	26/10/06
Shankill	50	48	53	53	48	53	55	61	60	61
Dalkey	27	23	23	23	23	29	28	26	26	26
Dún Laoghaire	109	110	104	107	109	106	90	104	99	100
Blackrock	71	75	75	75	74	66	66	68	75	80
Kill O Grange	35	35	38	36	33	36	37	35	33	32
Cabinteely	42	42	46	49	41	39	40	41	39	33

I have also been informed that the area of Deansgrange is located in the Dún Laoghaire sub-district and is policed by Kill O Grange Garda station. Shankill, Dalkey, Dun Laoghaire, Blackrock, Kill O Grange and Cabinteely Garda Stations all form part of the Dublin Metropolitan Region (DMR).

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, all of which have had increased resources to provide a comprehensive policing service to the community.

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 DMR will be given the fullest consideration.

#### Making of Wills.

243. **Mr. Dennehy** asked the Tánaiste and Minister for Justice, Equality and Law Reform

the percentage of the adult population who have made a will; and his views on a campaign to highlight the importance of making a will. [35412/06]

#### Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):

No data is available on the percentage of the adult population that has made a will. However, the 2005 Annual Report of the Courts Service indicates that of the 15,671 applications made to the Probate Office in the year under review 11,328 (72.3%) were in respect of wills having been made and 4,343 (27.7%) were in cases without a will having been made.

The policy of the Succession Act 1965 ensures particular distributions of the estate of a deceased person whether or not a will is made and whether or not there are any children of the deceased. The Legal Aid Board provides a leaflet on the making of a will and the Courts Service provides a leaflet on the service provided by its Probate Office. The contents of both leaflets may be accessed on their respective websites. In addition, the Citizens Information website — provided by Comhairle — gives comprehensive information on the subject.

The Deputy will be aware that solicitors are normally in the best position to advise their clients on the merits of making a will and the need for care in doing so. The Law Society has, on occasion, promoted the case for making a will.

I am satisfied that there are useful avenues of information available on the issue of wills. However, the need to inform persons any further is being kept under review.

#### Visa Applications.

244. **Mr. Curran** asked the Tánaiste and Minister for Justice, Equality and Law Reform if a renewal work visa will be issued early for a person (details supplied) in County Dublin; and the appropriate steps to be taken in relation to same. [35425/06]

#### Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):

Subject to the provisions of the Immigration Act 2004, an Immigration Officer may, on behalf of the Minister for Justice, Equality & Law Reform, give a non-national a document, or place in his or her passport or other equivalent document an inscription,

authorising the non-national to land or be in the State.

In performing his or her functions with regard to the granting of a permission to land or remain in the State, pursuant to the provisions of the Immigration Act, 2004, an Immigration Officer shall have regard to all of the circumstances of the non-national concerned known or represented to the officer by him or by her.

In the circumstances outlined in this case, the granting of a permission of the nature sought will be considered on presentation, by the person referred to, at the Garda National Immigration Bureau (GNIB), Burgh Quay, in the calendar month immediately prior to the intended date of travel, i.e., November 2006.

### **Garda Strength.**

245. **Mr. McEntee** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he is satisfied that the number of Gardaí stationed in Dunboyne, County Meath and Slane, County Meath is adequate to meet the policing needs of the areas; and if he will make a statement on the matter. [35565/06]

**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 by the Garda authorities that the personnel strength (all ranks) of Dunboyne and Slane Garda Stations as at 27 October, 2006 was 14 and 3, respectively.

I have also been informed that Dunboyne and Slane Garda stations are located within the Louth/Meath Division. The personnel strength of the Louth/Meath Division as at 27 October, 2006 was 541 (all ranks). The personnel strength of the Louth/Meath Division as at 31 December, 1997 was 498 (all ranks). This represents an increase of 43 (or 9%) in the number of personnel allocated to the Division during that period.

In addition, I would point out to the Deputy that the Division'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 Louth/Meath Division will be given the fullest consideration.

### **Prison Accommodation.**

246. **Ms Burton** asked the Tánaiste and Minister for Justice, Equality and Law Reform the accumulated capital cost of the Dóchas women's facility in Mountjoy prison; the facilities it provides for the women prisoners; the level of access the prisoners have to their children; the number of prisoners accommodated in the facility; the period of time they spend in the facility; and if he will make a statement on the matter. [35566/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Dóchas Centre comprises of seven houses as well as a dedicated healthcare unit. There is an average of twelve predominantly single occupancy bedrooms with en-suite facilities in each house. A television is provided in each room. Each house also contains domestic style cooking, laundry and recreational facilities.

All sentenced and remand prisoners in the Dóchas Centre have access to a wide range of services and facilities — including medical, psychological, psychiatric, dentistry, chaplaincy, educational, work training, library and recreational.

Medical, psychological, psychiatric, dentistry and chaplaincy services are provided by a combination of persons who visit the Centre on a full time, part time and sessional basis.

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Educational classes and courses are provided by a team of full and part-time teachers in a specially designed Education Unit. Courses offered cover a wide range of academic and practical skills — including Parenting, Home Economics, Drug Awareness, Addiction Studies, Office Skills, Typing/Word Processing, Computers, English, Maths/Numeracy and, Leather and Fabric Crafts. Work and Training opportunities include catering, hairdressing and sewing skills. As part of the roll out of the Proposal for Organisational Change, additional work/training staff will be appointed shortly which will facilitate an increase in the range of vocational activities and opportunities available in the Dóchas Centre. All prisoners have access to a fully fitted out gymnasium and sports hall. There is also a television installed in the recreation area in each House in the Dóchas Centre as well as in each individual room.

Sentenced prisoners are allowed one visit a week but additional visits may be granted from time to time at the discretion of the Governor. Remand prisoners are allowed one visit each day — with the exception of Sunday — but additional visits may be granted at the discretion of the Governor. Visits are supervised by staff but are open. Every effort is made to allow mothers as much flexibility as is possible on visits with their children. There is no statutory entitlement for mothers to have their children stay with them in the Dóchas Centre — although Rule 20 of the Government of Prisons 1947 provides that a child of a female prisoner may be received into prison in certain circumstances. I should add that this Rule is, however, being revised under Rule 19 of the new draft Prison Rules which are available on my Department's web-site.

All prisoners may make a phone call of six minutes duration to a nominated person each day. Organisations who visit the Dóchas Centre include Alcoholics Anonymous (AA), Narcotics Anonymous (NA), St Vincent de Paul, Befrienders, Samaritans, Legion of Mary, Tús Nua, Ruhama and Coolmine.

In January, 1996, the Government gave approval for the construction of a new Women's Prison at the Mountjoy Prison Complex. The construction cost was €17.2 million, which included all the costs associated with the construction of both the new prison and a 300 space multistorey car park, adjacent to St. Patrick's Institution, to service the entire prison complex at Mountjoy. Roughly one quarter of the costs are attributable to the multistorey car park.

The total cost of maintenance and improvement works for the Dóchas Centre since it opened to date is approximately €1.5 million.

Figures indicate that on 31 October, 2006 there were 91 persons in custody in the Dóchas Centre, of which 61 are serving a sentence. A breakdown

of the sentence lengths are outlined in the table below.

Sentence Length	Number
<3 Mths	4
3 to <6 Mths	1
6 to <12 Mths	8
1 to <2 Yrs	17
2 to <3 Yrs	7
3 to <5 Yrs	10
5 to <10 Yrs	9
10 Yrs+	1
Life Sentence	4
Grand Total	61

### Garda Complaints Procedures.

247. **Mr. Kenny** asked the Tánaiste and Minister for Justice, Equality and Law Reform if his attention has been drawn to allegations made by a person (details supplied) in County Waterford against An Garda Síochána; if he intends to take action on foot of these allegations; and if he will make a statement on the matter. [35568/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have requested a Garda report in relation to this matter and I will contact the Deputy again when the report is to hand.

### Crime Levels.

248. **Mr. Stanton** asked the Tánaiste and Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 276 of 24 October 2006, the number of people convicted as a result of domestic violence incidents in each Garda district and region for the years 2004 and 2005 respectively; and if he will make a statement on the matter. [35585/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I regret that it has not been possible in the time available to obtain the information requested by the Deputy. I will be in touch with the Deputy in relation to this matter when it becomes available.

### Asylum Applications.

249. **Mr. Bruton** asked the Tánaiste and Minister for Justice, Equality and Law Reform the criteria he applied in deciding whether persons who are not Irish citizens are allowed to stay here following a criminal conviction and release from prison. [35586/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** By way of background, it should be noted that the effect of a

deportation order when served on a person is that the person concerned is legally obliged to leave the State and to thereafter remain out of the State. Additionally, it should be borne in mind that while Section 3(2) of the Immigration Act, 1999 — the relevant legislation in this area — provides for a deportation order to be made in a variety of circumstances, in practical terms, deportation orders tend to be made based on the provisions of Section 3(2)(f) of the Act, that is, where the persons concerned have failed all stages of the asylum process and Section 3(2)(i) of the Act, that is, where the persons have otherwise become illegal in the State such as where they have overstayed a work permit or a study or holiday visa etc. It should also be borne in mind that all deportation orders, regardless of the specified headings they are made under, are equal in value, legally and operationally. For example, a person who would be liable to deportation on the grounds of a prison sentence might also be liable to be deported as an overstayer. The effect is the same.

Each case is considered on its individual merits having regard to the gravity of the offence committed as well as what, if any, other connection each individual has to the State. For example, if a non-EU national prisoner has a legal entitlement to be in the State, for example, as a recognised refugee or as a person who has availed of EU Treaty Rights through marriage to an Irish or an EU National, they would clearly be less likely to be deported. Where a person has been here for some time and their children have settled here it would be necessary to consider the impact that deportation would have on the family unit. Where no such legal entitlement to be in the State exists, and the offence committed was of a serious nature, there is every likelihood that the person in question would be deported at the time of their release from prison.

There is no provision in Irish law for the automatic deportation of a non-national person who has committed a criminal offence. Section 3(2) of the Immigration Act, 1999 sets out nine categories of persons in respect of whom the Minister can make a deportation order. Included are (i) persons who have served or are serving a term of imprisonment imposed on them by a Court in the State, (ii) persons whose deportations have been recommended by a Court in the State before which they have been indicted or charged with a crime or an offence and (iii) persons whose deportation would, in the opinion of the Minister, be conducive to the public good.

### Sexual Offences.

250. **Mr. Bruton** asked the Tánaiste and Minister for Justice, Equality and Law Reform the nature of the sex offenders register maintained; his plans to extend access to this information to additional groups or agencies in the community; and if he is satisfied with the degree of protection

provided by this system particularly where children might be at risk. [35587/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Sex Offenders Act which commenced on 27 September 2001 sets out the obligations on persons convicted of a range of sexual offences against both children and adults. A convicted sex offender must notify his/her name(s), date of birth and current home address to the Garda Síochána within seven days of the conviction for the sexual offence concerned or, where the offender is sentenced to imprisonment, from the date of full release from prison.

Thereafter, the offender must notify the Gardaí of any change of name or address within seven days of that change. Notification of any address where the offender spends either as much as seven days or two or more periods amounting to seven days in any twelve month period must also be given to the Gardaí.

If the offender intends to leave the State for a period of seven days or more s/he must inform the Gardaí of this fact and the address at which s/he intends to stay and also notify the Gardaí of his/her return. If s/he did not intend to stay away for more than seven days but did, s/he must inform the Gardaí within a further seven days. The provisions of the Act extend to any sex offenders entering this jurisdiction from abroad who have an obligation to register in their own countries or who have been convicted abroad of an offence comparable to one covered by the Act.

Part 4 of the Sex Offenders Act 2001 provides that it is an offence for convicted sex offenders to apply for, or to accept, work or to offer services, a necessary and regular part of which consists mainly of unsupervised access to, or contact with, children or mentally impaired persons, without informing the employer or organisation of his/her conviction for a qualifying sexual offence.

It is an offence to fail to comply with the notification requirements. The penalty is imprisonment for up to 12 months or a fine of €1,900 or both. The courts can also sentence an offender who has been found guilty of an offence under the schedule of offences in the Act to a period of statutory supervision under the Probation and Welfare Service on their release from prison.

Before an offender is released from prison, the Prison Service must inform him/her that they are subject to the notification requirement of the Act. Ten days before the date of release, the Prison Service must inform the Garda Síochána that s/he is being released.

The Garda Síochána has in place a system for the monitoring of persons subject to these requirements. The Domestic Violence and Sexual Assault Unit monitor and manage the notification provisions. The information on persons who are subject to the requirements of the Sex Offenders Act, 2001 is maintained at a central

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location. Only specified nominated Garda personnel have access to this information.

There are nominated Garda Inspectors in each Garda Division who are notified by the Domestic Violence and Sexual Assault Unit when a sex offender, who is subject to the requirements of the Act, is resident in their Division. These inspectors are responsible for the monitoring of such offenders. The Garda authorities are currently preparing to computerise the system for recording persons subject to the requirements of the Act and integrate it into the PULSE system.

As of the 27 October, 2006 there were 972 persons subject to the requirements of Part 2 of the Act. The Criminal Law (Trafficking in Persons and Sexual Offences) Bill 2006, which has been approved by Government and forwarded to the Office of the Parliamentary Counsel for drafting, contains amendments and additions to the Act, including amendments to the notification system. The Joint Committee on Child Protection is at present examining a wide range of issues relating to the protection of children, in particular protection against sexual abuse. The Committee is due to report back to each House with recommendations in a final report by 30 November 2006. I will await completion of that report before considering any further changes to the operation of the notification system.

#### **Garda Investigations.**

251. **Mr. Ferris** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position of an internal investigation conducted into the issuing of a public service vehicle licence to a person (details supplied) in County Kerry. [35588/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have requested a Garda report in relation to this matter and I will contact the Deputy again when the report is to hand.

#### **Asylum Applications.**

252. **Mr. O'Shea** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will allow a person (details supplied) in County Meath to remain here temporarily; and if he will make a statement on the matter. [35605/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The persons concerned and their children, Nigerian nationals, arrived in the State on 7 August, 2002 and 18 November, 2002 and applied for asylum on 1 April, 2004. They had previously applied for asylum in 2002 and had withdrawn this application on the basis of the birth of an Irish born child. Their application was refused by the Office of the Refugee Applications Commissioner on 19 May,

2004 and 25 May, 2004. Their subsequent appeal was refused by the Office of the Refugee Appeals Tribunal and they were notified of this recommendation by letter on 23 September, 2004 and 27 September, 2004.

In accordance with section 3 of the Immigration Act 1999, the people concerned were informed on 6 December, 2004 and 30 December, 2004 that the Minister was proposing to make a deportation order in respect of them. They were in accordance with the Act, given the option of making representations within 15 working days setting out the reasons why they should not be deported i.e. be allowed to remain temporarily in the State; leaving the State before the deportation order was made; or consenting to the making of the deportation order. The persons concerned applied to remain in State on the basis of parentage of an Irish born child born before 1 January, 2005. This permission to remain was subsequently refused on 12 January, 2006. An additional notification of intention to issue a deportation order was issued on 13 October, 2006.

I expect the case files in this matter to be submitted to me for decision in due course. This decision will be taken having regard to considerations specified in section 3(6) of the Immigration Act 1999, as amended. These considerations include matters relating to the common good, the person's family and domestic circumstances, as well as humanitarian considerations. Consideration will also be given to the prohibition of refoulement which is contained in section 5 of the Refugee Act 1996 as amended.

#### **Visa Applications.**

253. **Mr. Haughey** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will grant a visitors visa to a person (details supplied); and if he will make a statement on the matter. [35612/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The application referred to by the Deputy was received in the Irish Embassy in Ankara on 19th October, 2006. A decision in respect of the application in question will be made in the near future.

#### **Driving Licences.**

254. **Mr. Haughey** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will ask the Gardaí at the Carriage Office in Dublin Castle to review the decision on humanitarian grounds not to renew the PSV licence of a person (details supplied) in Dublin 5; and if he will make a statement on the matter. [35613/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that any person who wishes to drive a Public Services Vehicle must have

sufficient knowledge to operate as a PSV driver. Under the PSV Regulations there is a provision for a person to undergo an oral test. I am also informed that the person referred to should re-submit his application to renew his PSV Licence and the application will be dealt with in a sympathetic manner.

### Crime Prevention.

255. **Mr. Haughey** asked the Tánaiste and Minister for Justice, Equality and Law Reform the main elements of his strategy for tackling crime; and if he will make a statement on the matter. [35614/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The recently published provisional headline crime statistics for the third quarter of 2006 show a decrease of 1.6% for the quarter compared with the same quarter in 2005. Looking at long term crime trends, the level of headline crime in 2005 was lower than that in 2003 by 1.6% and that in 2002 by 4.4%. Furthermore, in 1995, when we had a population of almost 3.6 million, there were 29 crimes per 1,000 of the population, while in 2005, with a population of over 4.1 million, there were 24.6 crimes per 1,000 of the population — 15% crimes less per 1,000 of the population.

I am determined that disturbing trends will be addressed as they are identified and, despite an increasing population, we should continue to enjoy relatively low crime rates. High on the Government's list of policing priorities for 2006, which have been incorporated into the Garda Síochána Policing Plan for the year, is the continued targeting of organised crime, including drug trafficking, and the gun culture associated with it through the use of specialist units and targeted, intelligence-led operations. Garda strategies are in place for dealing with drug offences which are designed to undermine the activities of organised criminal networks involved in the trafficking and distribution of illicit drugs. These strategies include gathering intelligence on individuals and organisations involved in the distribution of drugs, conducting targeted operations on criminal networks based on intelligence gathered and working in collaboration with other law enforcement agencies both within and outside the jurisdiction to address the national and international aspects of drug trafficking and distribution. These strategies continue to result in operational successes.

While it is the case that a number of the increases in headline crime statistics reflect increased enforcement activity on the part of An Garda Síochána, the overall picture indicates there is no room for complacency. The Government's decision to continue to devote unprecedented resources to the fight against crime shows that it is not complacent, as does my insist-

ence that those resources be deployed at the front line of policing in the State.

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 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.

Operation Anvil commenced in the Garda Dublin Metropolitan Region on 17 May, 2005. It is an intelligence led policing initiative, the focus of which is the targeting of active criminals and their associates involved in serious crime by preventing and disrupting this criminal activity through extensive additional overt patrolling and static check points by uniform, mobile and foot patrols, supported by armed plain clothes patrols. The Operation remains in place and is on-going in the Dublin Metropolitan Region. It was extended nationwide in 2006.

Outside the Dublin Metropolitan Region, a series of special operations, prepared by senior Garda managers and designed to focus on areas and incidents of high crime, has been initiated. These operations are focused with particular targets identified. A number of these operations have been completed, while further are ongoing.

Operation Anvil has proved to be very successful in disrupting the criminal activities of a number of key criminal gangs. It has resulted in a number of high-profile arrests and the acquisition of intelligence on the movements of criminals. Notable improvements have been achieved in recorded crime in the target crime areas under the operation. A budget of approximately €11 million has been allocated for Operation Anvil during 2006, and the Garda Commissioner has been advised that an additional €10 million has



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been made available for further operations to tackle gang related crime.

In addition to the introduction of Operation Anvil, the Commissioner in November 2005 augmented the Organised Crime Unit at the National Bureau of Criminal Investigation with an additional 55 Garda members to address the problem of criminal gang activity. Enforcement by the Unit has resulted in further firearms being seized and a number of persons arrested, thereby disrupting their criminal activities. Operation Anvil will continue to be funded to the extent and as long as the Commissioner considers that it is necessary to do so and it is fulfilling its objectives.

With regard to legislative measures, the Deputy will be aware that the recently enacted Criminal Justice Act 2006 provides a comprehensive package of anti-crime measures which will enhance the powers of the Gardaí in the investigation and prosecution of offences. In addition, the Act contains an essential updating of our criminal law to ensure that criminal offences can be investigated and prosecuted in a way which is efficient and fair and which meets the needs of modern society. The Act addresses a wide range of matters including the designation of a place as a crime scene, increased detention powers for certain offences, the admissibility of statements by witnesses who subsequently refuse to testify or who retract their original statements, the creation of new offences in relation to organised crime and the misuse of drugs, the strengthening of existing provisions in relation to sentencing for drug trafficking offences; provisions to update and strengthen the law in relation to firearms and fireworks and provisions to deal with anti-social behaviour.

With effect from today the following provisions come into effect:

- mandatory minimum sentences, of between five and ten years, for certain firearms offences, including possession of a firearm in suspicious circumstances, possession of a firearm with criminal intent, possession of a firearm with intent to endanger life or cause serious injury to property, possession of a firearm while hijacking a vehicle, and use or production of a firearm to resist arrest; and
- new offences concerning the modification of firearms such as “sawing-off” a shotgun.

The Government gave approval on 27 July, 2006 for the drafting of a Criminal Justice (Miscellaneous Provisions) Bill, 2006 which includes a number of provisions aimed at introducing certain changes and improvements in the operation of the Criminal Justice system. It is expected that drafting of the Bill in question will be completed early in 2007. The purpose of the Bill is twofold. Firstly, it will provide for miscellaneous, mainly technical, changes to the

criminal law in relation to a number of statutes. These changes include the following:

- provision for a presumption of continuity of evidence in relation to secure storage of Audio/video recordings;
- provisions dealing with giving evidence in Court by Garda Technical Bureau staff;
- consecutive sentences for offences committed on bail by amending Section 11 of the Criminal Justice Act 1984;
- consideration of the definition of harassment as currently contained in Section 10 of the Non Fatal Offences Against the Person Act, 1997;
- allowing for the separation of Juries during trials; and
- amendments to the European Arrest Warrant Act, 2003 arising from experience of operation of the provisions of the Act.

Secondly, the Bill will also give legislative effect to a number of international instruments relating to criminal law, these include:

- Article 15 of the United Nations Convention against Transnational Organised Crime which requires the signatories to establish jurisdiction over certain offences, including money laundering when the offence is committed in the territory of the State or outside it or on a vessel or aircraft registered to the State.
- The Council of Europe Convention on Cybercrime, which is the first international treaty dealing with criminal offences by means of, or against, computer networks, in particular child pornography, computer related fraud, network security and infringement of copyright. The aim of the Convention is to pursue a common criminal approach aimed at the protection of society against cybercrime.
- An OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. A number of recommendations made by an OECD Working Party following an evaluation in 2002 in relation to this provision, will be included in the Bill.
- The Framework Decision on Combating Corruption in the Private Sector, which was adopted in July 2003. Ireland’s anti-corruption legislation already has extensive measures which largely comply with the requirements of this Framework Decision. The Bill provides an opportunity to deal with any outstanding issues.

The Bill will also contain provisions which are largely procedural in nature, the aims of which

are to facilitate the operation in Ireland of the Schengen Information System.

In addition to the drafting of the Criminal Justice (Miscellaneous Provisions) Bill 2006, work has commenced on a General Scheme of a Criminal Justice (Money Laundering) Bill which will have the effect of transposing the European Communities 3rd Money Laundering Directive into Irish law.

Preparatory work on a General Scheme of a Bill, which will allow Ireland to ratify the United Nations Convention Against Corruption, is also underway and it is intended, subject to Government approval, to have this proposed legislation published and introduced in the Oireachtas without undue delay. The enactment of all of the provisions set out above is intended to improve the working of the criminal justice system and will also enable Ireland to play its part in developing a common approach at international level to combat crime.

Strong provisions are in place to combat anti-social behaviour and vandalism. The primary basis for the law regarding public order offences is the Criminal Justice (Public Order) Act, 1994, which modernised the law in this regard. Furthermore, because of my concerns about the abuse of alcohol and its contribution to public order offending and broader social problems, I brought forward tough provisions to deal with alcohol abuse and its effect on public order in the Intoxicating Liquor Act 2003. One of the provisions of the Act is to broaden the application of the temporary closure order penalty, which was originally introduced to combat under-age drinking, to cover also convictions for a series of offences, such as a licensee supplying intoxicating liquor to drunken persons and permitting disorderly conduct on the licensed premises.

The Criminal Justice (Public Order) Act 2003 has also been enacted, the main purpose of which is to provide the Garda Síochána with additional powers to deal with late night street violence and anti-social conduct attributable to excessive drinking. It does this by providing for the closure of premises such as pubs, off licenses, late night clubs and food premises where there is disorder or noise on or close to the premises, as well as the making of exclusion orders on individuals convicted of a range of public order offences, in addition to any penalty they might receive under the 1994 Public Order Act. The Criminal Justice Act, 2006 contains provisions to deal with anti-social behaviour. The Act empowers a senior member of the Garda Síochána to apply to the District Court by way of a civil procedure for an order which will prohibit an adult from behaving in an anti-social manner.

The relevant provisions of the Criminal Justice Act, 2006 will be commenced following consultations between my Department, the Office of the Minister for Children and the Commissioner of the Garda Síochána. These consultations are cur-

rently ongoing. The purpose of this is to ensure that these provisions will commence as soon as the Commissioner has made the necessary internal arrangements to ensure the smooth introduction of these new procedures.

Separate provision is being made in relation to young people. The Act introduces provisions for behaviour orders for children aged 12 to 18 years into the Children Act, 2001 and the protections of that Act will apply. There will be a series of incremental stages, with parental involvement, preceding an application for a behaviour order. These include a warning, a good behaviour contract and referral to the Garda Juvenile Diversion Programme. Only after these stages can a behaviour order be sought through the courts.

I am informed by the Garda authorities that An Garda Síochána has a pro-active approach to policing anti-social /public disorder issues by immediate intervention, arrest and prosecutions or advice, as appropriate. Local Garda management provide for this in policing plans and make every effort to provide a highly visible police presence on the streets of our towns and villages through the deployment of uniform Gardaí, detective units, divisional traffic corps, community policing units and mountain bike units as appropriate. Garda patrols pay particular attention to areas where the public tends to congregate such as licensed venues and fast food outlets while awaiting transport, so as to prevent and detect incidents of public disorder. I am further informed that Operation Encounter, which was introduced by Garda management in 2002, targets public disorder offences including assaults and drinking by underage persons.

Juvenile Liaison Officers regularly visit schools, youth clubs and social services to give presentations under the education programme and highlight alternative options for regular offenders. Community Gardaí and the Garda Schools Liaison Officers also visit schools and address young people on a variety of topics including anti social behaviour.

Members of An Garda Síochána are frequently in contact with other Government and non-government agencies, including the Health Service Executive and the local authorities in order to have a multi-agency approach to addressing criminal issues. This multi-agency liaison will continue.

Garda Youth Diversion Projects are community based, multi-agency crime prevention initiatives which seek to divert young people from becoming involved (or further involved) in anti-social and/or criminal behaviour by providing suitable activities to facilitate personal development and promote civic responsibility. The Garda Youth Diversion Projects are funded by my Department and administered through Garda Community Relations Section of An Garda Síochána. The allocation of funding for the 74 Garda Youth Diversion Projects (along with 7

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Local Drug Task Force Projects) in 2006 is just over €6.6 million, which is an increase of €1.2 million on 2005.

It is my intention to ensure that 100 schemes will be established nationwide before the end of 2007. As part of this expansion, ten new projects were established this year and they are located in Blanchardstown, Birr, Carlow, Castlebar, Cavan, Clondalkin, Limerick, Tallaght and Tralee (two projects).

#### **Garda Stations.**

256. **Mr. Wall** asked the Tánaiste and Minister for Justice, Equality and Law Reform the plans for a temporary Garda station in Monasterevin, in view of the fact that the current station is closed for renovation and the residents have to travel the considerable distance to Rathangan or Kildare to conduct their business with the Gardaí; and if he will make a statement on the matter. [35629/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda Authorities that the Garda station in Monasterevin was closed due to fire damage on 13th September, 2006. The Office of Public Works have been requested to ascertain the remedial works required to re-open the station. When the proposals are received from the Board and examined by the Garda Authorities, a decision can be taken on how best to proceed, including the provision of temporary accommodation if appropriate.

#### **Garda Vetting Services.**

257. **Mr. Quinn** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of additional staff who will be required at the Garda vetting unit in Thurles, County Tipperary arising from the inclusion in the proposed childcare regulations of the need for creches and childcare facilities to have staff and volunteers appropriately vetted; and if he will make a statement on the matter. [35635/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Child Care (Pre School Services) Regulations 2006 were made by the Minister for Children, Mr Brian Lenihan, T.D., on 29 September, 2006. These Regulations will come into operation on 2 January, 2007. Sections 8(2)(c) and 8(2)(d) of the Regulations provide that (i) a person carrying on a pre-school service shall ensure appropriate vetting of all staff, students and volunteers who have access to a child by acquiring Garda vetting from the Garda Síochána when the latter has set down procedures to make such vetting available and (ii) in circumstances where Garda vetting is not available for staff, students and volunteers who have

lived outside the jurisdiction, by ensuring that these persons provide the necessary police vetting from other police authorities.

The Garda Central Vetting Unit (GCVU), which is responsible for providing child protection vetting, is currently well advanced in the ongoing, phased expansion of its vetting service to all personnel working in a full-time, part-time and/or voluntary capacity with children and vulnerable adults. To facilitate this, staffing of the GCVU has already been more than doubled, from 13 to 30. In line with the current expansion programme of the GCVU and in the context of the aforementioned Regulations, it is expected that vetting will be expanded to the pre-school sector in early 2007. Existing staffing levels at the GCVU are adequate to meet existing and foreseeable demand, although this will be subject to continuing review as expansion proceeds.

#### **Road Traffic Offences.**

258. **Mr. Kelleher** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he is satisfied that there is enough legislative support for the Gardaí to tackle the issue of non-Irish registered cars being driven here that have not got the correct insurance cover and vehicle road-worthy documentation to comply with Irish road traffic laws; when a proper compound will be provided for the Gardaí to store seized cars in County Cork; if he is further satisfied that the Gardaí are giving enough attention to the problem of non-Irish registered cars breaking road traffic laws; and if he will make a statement on the matter. [35639/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have requested a Garda report in relation to this matter and I will contact the Deputy again when the report is to hand.

#### **Garda Strength.**

259. **Mr. Stanton** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of Gardaí stationed in the Fermoy District Cork North Division each year from 1997 to 2001 inclusive; and if he will make a statement on the matter. [35653/06]

260. **Mr. Stanton** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of Gardaí stationed in each of the Garda stations in Mitchelstown, Kildorrery and Kilworth in each year from 1997 to 2001 inclusive; and if he will make a statement on the matter. [35654/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 259 and 260 together.

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 the Mitchelstown, Kildorrery and Kilworth Garda stations, and the Fermoy District of the Cork North Division, as at 31 December, 1997-2001, inclusively, was as set out in the table hereunder:

	1997	1998	1999	2000	2001
<i>Station</i>					
Mitchelstown	14	17	17	16	17
Kildorrery	3	2	2	2	2
Kilworth	1	1	1	1	1
<i>District</i>					
Fermoy	63	74	76	74	73

I have also been informed that the Fermoy District forms part of the Cork North Division. The personnel strength (all ranks) of the Cork North Division as at 31 December, 1997 and 1 November, 2006 was 208 and 258, respectively, representing an increase of 50 (or 24%) in the number of personnel allocated to the Division during that period.

In addition, I would point out to the Deputy that the Division'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 Fermoy District will be given the fullest consideration.

#### **Domestic Partnerships.**

261. **Mr. Stanton** asked the Tánaiste and Minister for Justice, Equality and Law Reform the breakdown of the budget allocation to the Working Group on Domestic Partnerships; and if he will make a statement on the matter. [35655/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** There is no specific budget allocated to the Working Group on Domestic Partnership. Costs arising from the work of the Group are met from the existing vote of the Department of Justice, Equality and Law Reform. I understand that the Working Group is finalising the Options Paper on Domestic Partnership for submission to me in the coming weeks.

*Question No. 262 answered with Question No. 225.*

#### **Weapons Amnesty.**

263. **Mr. J. O'Keefe** asked the Tánaiste and Minister for Justice, Equality and Law Reform the amount of money spent on advertising and promoting the weapons amnesty. [35676/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** A total of €331,608.26 (inclusive of VAT) was spent on advertising and promoting the Weapons Amnesty.

### Juvenile Offenders.

264. **Mr. S. Ryan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of youths between 16 and 18 years of age who are currently detained in St. Patrick's Institution, Dublin. [35689/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** Figures indicate that on 31 October, 2006 there were 52 persons in custody in St. Patrick's Institution who are aged between 16 and 18 years. This figure is made up of eighteen 16 year olds and thirty four 17 year olds.

### Garda Stations.

265. **Mr. McGinley** asked the Tánaiste and Minister for Justice, Equality and Law Reform the progress of a proposed 24 hour Garda station in Carndonagh in North Inishowen, County Donegal; and if he will make a statement on the matter. [35693/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities that there are plans to provide a new Area Headquarters Station at Carndonagh, Co. Donegal. To this end the Office of Public Works recently advertised in the local and national press for suitable sites. I understand that OPW are currently assessing the responses and their recommendations will be considered by the Garda Authorities and my Department once they are available. While it is not possible to say at this point in time when the project will commence, I can assure the Deputy that there will be no avoidable delay in addressing the accommodation needs of the Gardaí in Carndonagh.

I have been further 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 with 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 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 North Inishowen will be given the fullest consideration.

### Detention Centres.

266. **Mr. S. Ryan** asked the Tánaiste and Minister for Justice, Equality and Law Reform his proposals to develop the Oberstown Campus in County Dublin as a national centre for the detention of children; the number of children up to 18 years of age who will be detained in the complex; and his proposals for the development of the site. [35715/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** Amendments to the Children Act 2001 included in the Criminal Justice Act 2006 extend the children detention school model to all offenders under the age of 18 and transfer responsibility for the detention of young people to the remit of my Department from that of my colleague the Minister for Education and Science. This role in my Department is managed by a new executive office, the Irish Youth Justice Service, which operates within the policy parameters of the Office of the Minister for Children.

It has been agreed by my colleague the Minister for Children and myself, that the existing accommodation and other facilities at the Oberstown campus need to be replaced. In addition, the accommodation requirements of children aged 16 and 17 years within a children detention school model need to be met. In order to plan for these developments an Expert Group was set up. This Group is considering a range of issues including location of a national centre, capacity requirements and suitable infrastructure for care and education programmes. The Expert Group is expected to make an interim report to myself and the Minister for Children by the end of this year.

### Vehicle Registration.

267. **Mr. Stanton** asked the Tánaiste and Minister for Justice, Equality and Law Reform the procedures in place for An Garda Síochána to receive notification from vehicle registration in Shannon Town Centre, County Clare that a change of vehicle ownership has occurred; the way in which this information is transferred to the computer systems used by An Garda Síochána when checking on vehicle ownership; the typical length of time it takes for An Garda Síochána computer records to be updated following receipt of change of ownership notification; and if he will make a statement on the matter. [35751/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have requested a Garda report in relation to this matter and I will contact the Deputy again when the report is to hand.

#### Departmental Properties.

268. **Mr. J. O’Keeffe** asked the Tánaiste and Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 162 of 25 October 2006 in relation to property acquired or disposed of in the Dublin area by or on behalf of the Reception and Integration Agency, the number of expressions of interest received from persons interested in providing accommodation for asylum seekers in response to the advertisement of 10 July 2006; if other contractual arrangements, apart from those applying to the property in Clondalkin, were entered into arising out of such expressions of interest; if there have been

disposals or termination of contracts in the Dublin area by the RIA within the past two years of such asylum seeker accommodation; and if so, the details thereof. [35849/06]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** A total of 35 persons expressed an interest in providing accommodation for asylum seekers in response to the advertisement of 10 July 2006. One of these expressions of interest was not received by the closing date of 11 August 2006 and this expression of interest was rejected as being out of time.

No other contractual arrangements, apart from those applying to the property in Clondalkin, were entered into arising from such expressions of interest.

The following centres were closed by the RIA in the Dublin area in the period from October 2004 to date:

Centre	Closed
1 Montpelier Apartments, Dublin 7	12.10.2005
2 Ard Erdrad Apartments, Mulhuddart, Dublin 15	07.03.2006
3 Kilmarnock House, Killiney, Co. Dublin	03.04.2006
4 Morehampton House, Donnybrook, Dublin 4	03.05.2006

#### Garda Stations.

269. **Ms B. Moynihan-Cronin** asked the Minister for Finance the position regarding the provision of a new Garda station in Castleisland, County Kerry; and if he will make a statement on the matter. [35246/06]

**Minister for Finance (Mr. Cowen):** It is expected that a sketch scheme for the new Garda Area Headquarters at Castleisland will be ready by the end of the year for the approval of the Department of Justice, Equality & Law Reform and the Garda Authorities. On approval of the sketch scheme a Part 9 planning process will be initiated in early 2007.

#### Tax Code.

270. **Mr. G. Murphy** asked the Minister for Finance if she will make a special allowance to waive the stamp duty of €30,000 under the favourite nephew clause; and if he will make a statement on the matter. [35429/06]

**Minister for Finance (Mr. Cowen):** As regards liability to stamp duty, in normal circumstances where property is transferred upon death no stamp duty is liable. However, if the transfer in question from uncle to nephew was by way of gift, stamp duty liability may arise.

Stamp duty relief is available on the transfer of farm lands by way of gift or sale, where the farmer receiving the land is aged under 35 years

and has attained relevant educational qualifications. The required qualifications are listed in the Revenue Commissioners leaflet SD2A, which is available on their website. The relief is intended to encourage the transfer of land to young farmers who have successfully undergone agricultural training. If the individual in question meets the educational qualifications under this scheme he may qualify for stamp duty relief. Where the individual in question does not qualify for young trained farmer stamp duty relief, and where the farm is transferred to him by a relative, he may qualify for a 50% relief on the stamp duty otherwise chargeable, as a relative of the person transferring the land.

Favourite niece/nephew relief is a Capital Acquisitions Tax relief that is available to certain nephews and nieces who take a gift or an inheritance of a business or farm from a disponent. In order to qualify for the relief, the beneficiary must be a child of a brother or sister of the disponent (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 disponent 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 is not intended to apply generally to all gifts or inheritances taken by nieces/nephews.

#### Tax Yield.

271. **Mr. Kehoe** asked the Minister for Finance

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the amount of VAT that different local authorities have paid over the past two years; the breakdown of the figures per local authority and per year; his plans to change the system where local authorities could claim back VAT like businesses do; and if he will make a statement on the matter. [35638/06]

**Minister for Finance (Mr. Cowen):** I am informed by the Revenue Commissioners that it is not possible to furnish figures of the VAT paid by local authorities on their purchases of goods and services from VAT registered bodies, as the information furnished on VAT returns does not require the yield from particular consumers to be identified.

I would add that local authorities are treated as exempt bodies for VAT purposes. This means

that local authorities do not charge VAT on the goods or services they provide nor are they entitled to recover the VAT incurred on the goods and services which they purchase in the course of their activities. I have no plans to change the VAT treatment of local authorities.

#### Departmental Properties.

272. **Mr. Kehoe** asked the Minister for Finance further to Parliamentary Question No. 243 of 6 July 2006, when the outstanding information for the properties not included in his correspondence of 4 October 2006 will be available; if he will include information for all relevant properties (details supplied); and if he will make a statement on the matter. [35140/06]

**Minister for Finance (Mr. Cowen):** The information requested by the Deputy is shown on the following table.

#### Kilkenny Castle

Date of Event 2006	Client / Company	Fee
12-Feb.	Susan Proud, KK Music Club	250
25-Feb.	Clara Clark Event Mgmt Co	250
28-Feb.	SIPTU, KK	190
31-Mar.	Crafts Council	190
April dates	Heritage Officer, KK Co Co	570
25-Apr.	Tony Walsh, KK Co Co	190
28-Apr.	KK Limestone — Jenny Byrne	300
2-May	Siobhan Fahy, KK Book Centre	190
4-May	Pat Nolan, Celtic Festival	230
17-May	Helen Seery, Eli Lily	500
18-May	Crafts Council	190
19-May	Anne Logan, Childcare Dev, SEHB	190
24-May	Crafts Council	190
26-May	Dr Conway, KK	450
30-May	SIPTU, KK	190
13-Jun	James Fogarty County Librarian	190
19-Jun.	Susan Broderick, Health Promotion	380
21-Jul.	Tony Walsh, KK Co Co	190
Total		4,830

#### Tax Code.

273. **Mr. Carey** asked the Minister for Finance the basis on which VAT is charged on the standing charges for such utilities as electricity and gas; if it is open to him to vary the level of VAT charged on these utilities; and if he will make a statement on the matter. [35142/06]

**Minister for Finance (Mr. Cowen):** The position is that application of VAT to goods and services is subject to the requirements of EU VAT law with which Irish VAT law must comply. The method through which VAT must be calculated has been transposed under section 10 of the

Value Added Tax Act 1972 (as amended) on the following basis; "...the total consideration which the person supplying goods or services becomes entitled to receive in respect of or in relation to such supply of goods or services, including all taxes, commissions, costs and charges whatsoever, but not including value-added tax chargeable in respect of the supply". Any standing charges included in utility bills are therefore legally subject to VAT.

In relation to the scope under EU law for Member States to vary the rate of VAT applied to utilities such as gas and electricity, the position is that under the Sixth VAT Directive Member States may retain the zero rates on goods and

services, which have been in place since 1 January 1991, but cannot extend the zero rate to other goods and services. The supply of fuel and energy products used for home heating and light are already subject to the reduced VAT rate of 13.5% under Article 28 (2e) of the Sixth VAT Directive. This means that Member States had the option of maintaining, at a reduced rate of not less than 12%, any items not listed in Annex H of the Sixth VAT Directive, provided these items carried a reduced rate on 1 January 1991. Ireland is one of only eight Member States that apply a reduced or parked rate to the supply of fuel and energy products used for home heating and light. In Ireland the parked VAT rate equates to our reduced rate of 13.5%. Telecommunications are subject to the Standard VAT rate which in Ireland is 21%.

274. **Mr. Bruton** asked the Minister for Finance the excise and VAT on unleaded petrol in 1997 and 1998. [35156/06]

**Minister for Finance (Mr. Cowen):** The excise and VAT on a litre of unleaded petrol in 1997 and 1998 is as set out below.

Year	Price per ltr (cent)	Excise	VAT	Total Tax
1997	77.7	37.39	13.48	50.87
1998	76.8	37.39	13.33	50.72

The 1997 price is the national average price quoted by the CSO for November 1997; the 1998 price is that referred to by the Deputy in a footnote to the Question.

#### Special Savings Incentive Scheme.

275. **Mr. Carey** asked the Minister for Finance his views on allowing SSIA holders to reinvest their accumulated savings into PRSAs; if he will provide an incentive to persons who wish to do so; and if he will make a statement on the matter. [35157/06]

**Minister for Finance (Mr. Cowen):** There are already generous incentives for taxpayers investing in pensions. In addition, the Pensions Incentive Tax Credits Scheme, introduced in the 2006 Finance Act, provides an incentive for eligible SSIA holders on lower incomes to reinvest all or part of their net SSIA proceeds, after maturity, into an approved pension product, including a PRSA. It is primarily a savings scheme and is designed for people who are saving for retirement. The incentive involves a tax credit of €1 for every €3 of SSIA proceeds reinvested, up to a maximum of €2,500 credit (i.e. €7,500 invested). Secondly, there is an additional tax credit involving a percentage of the tax deducted from the SSIA on maturity. Where an SSIA holder avails of the Pensions Incentive Tax Cred-

its Scheme, it is not possible to claim any other tax relief for amounts invested up to and including €7,500. Tax relief can be claimed, however, on amounts in excess of €7,500 transferred from a matured SSIA to an approved pension product, subject to the standard limits.

If a person invests SSIA proceeds in a pension product without availing of the Pensions Incentive Tax Credits Scheme, he/she can claim tax relief in respect of that investment subject to the standard limits.

#### Tax Code.

276. **Ms Burton** asked the Minister for Finance if there are proposals for the Government to refund VAT payments to registered charities; the estimated annual cost to the Exchequer of such a proposal; and if he will make a statement on the matter. [35182/06]

**Minister for Finance (Mr. Cowen):** I am informed by the Revenue Commissioners that it is not possible to furnish figures of the VAT paid by charities and non-profit organisations on their purchases of goods and services from VAT registered bodies, as the information furnished on VAT returns does not require the yield from particular consumers to be identified.

In relation to the application of VAT to charities and non-profit organisations, 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



[Mr. Cowen.]

42%. In the case of donations from the PAYE sector the relief is given directly to the charities.

277. **Ms Burton** asked the Minister for Finance if there are proposals to charitable or sporting bodies such as the GAA regarding stamp duty; the estimated annual cost to the Exchequer; and if he will make a statement on the matter. [35183/06]

**Minister for Finance (Mr. Cowen):** I assume the Deputy is referring to proposals to amend the stamp duty code in the forthcoming Budget. I further assume the Deputy is seeking the cost of exempting sporting bodies from stamp duty.

As the Deputy is aware, I do not comment on possible changes ahead of the Budget. I am also informed by the Revenue Commissioners that they are unable to provide a cost of introducing an exemption from stamp duty for sporting bodies.

The Deputy will already be aware of the fact that an exemption from stamp duty is provided for in the stamp duty code in respect of a conveyance, transfer or lease of land made for charitable purposes to a body of persons established for charitable purposes only. This exemption is confined to bodies of persons which are recognised under law as having been established for charitable purposes only in which case the entirety of the activities carried on by the body in question must be charitable in nature.

In this regard, voluntary sporting bodies that do not have this charitable exemption are liable to stamp duty in the normal manner. However, there are separate relieving provisions in the tax code for not-for-profit and member-controlled sporting bodies. Amateur and athletic associations are not liable to income tax. In addition, a generous capital gains tax exemption is available to sports bodies where they dispose of a property and the proceeds are re-invested in new assets for the promotion of the sport in question. In this situation, capital gains tax is not payable. In addition, sporting organisations can avail of the special donations scheme. Where donations are made to qualifying sporting associations, the Revenue Commissioners will apply relief on the donation at the donor's marginal tax rate and refund the relief to the sports body in question.

#### **Tax Yield.**

278. **Mr. Bruton** asked the Minister for Finance the value of tax revenue raised by DIRT and the number of accounts; the amount refunded to persons over 65 not in the tax net and the relevant number of accounts; and the cost of applying tax only to the earnings in interest which exceeds the rate of inflation. [35229/06]

**Minister for Finance (Mr. Cowen):** I am informed by the Revenue Commissioners that the

net yield from DIRT collected in 2005 was €167 million.

The amount of DIRT due to be paid each year is dependent on the amount of monies on deposit and the rates of interest applying to such deposits rather than on the number of accounts involved. I am informed by the Revenue Commissioners that the statutory return of DIRT filed by the financial institutions requires details only of the relevant amount of interest paid in the year and the appropriate tax in relation to the payment of that interest. There is, therefore, no basis for compiling the information requested in relation to the number of accounts, either by reference to all account holders or to those aged over 65 years.

A refund of deposit interest retention tax is provided for where an individual is not liable or fully liable to income tax and is over 65 years of age at some time during the tax year or is permanently incapacitated by reason of mental/physical infirmity from maintaining himself or herself. (Bodies qualifying for 'charitable' status and companies are also entitled to refund of DIRT). The taxpayer must advise Revenue that he or she meets the legislative requirements and the amount of the retention tax suffered. I am informed by the Revenue Commissioners that the total amount of DIRT repaid in 2005 was €2.3 million and the number of such repayments was 971. With deposit interest rates being very low in recent years, the quantum of the interest earned and tax retained would be very small in many cases and may be considered uneconomic to reclaim.

As regards the cost of applying DIRT only to deposit interest which exceeds the rate of inflation, it is not possible to provide a costing due to the multiplicity of rates that are offered by Financial Institutions.

#### **Tax Collection.**

279. **Mr. Bruton** asked the Minister for Finance the amount of funds given to his Department by way of the Criminal Assets Bureau; the sums involved in each year since the establishment of the CAB; the purposes for which this money has been used by his Department or other Departments; and if he will make a statement on the matter. [35242/06]

**Minister for Finance (Mr. Cowen):** The Exchequer receives moneys directly from the Criminal Assets Bureau (CAB) in the form of non-tax revenue which arises from the forfeiture and subsequent disposal of assets and cash. In addition, all tax collected by the CAB is first paid to the Revenue Commissioners who forward these moneys to the Exchequer as part of general tax revenue collected by Revenue. The Table below sets out the non-tax revenue paid each year by the CAB to the Exchequer along with the tax revenue paid each year to the Revenue Commissioners.

In accordance with the requirements of Article 11 of the Constitution, these revenues accruing to the State through the functions of the CAB are paid into the Central Fund, from which the Government draws for expenditure on necessary public services and investment.

€m	Tax Revenue	Non-Tax Revenue	Annual Total
1996	—	—	—
1997	0.25	—	0.25
1998	0.79	0.07	0.86
1999	3	0	3
2000	8.6	0.33	8.92
2001	23.56	0.65	24.21
2002	10	0.03	10.03
2003	9.99	0.49	10.49
2004	16.41	0.44	16.85
2005	16.38	2.47	18.85
Total to date	88.98	4.47	93.45

Sources: CAB Annual Reports; Finance Accounts.

### Schools Building Projects.

280. **Mr. Andrews** asked the Minister for Finance if the Property Management Section of the Office of Public Works has identified a site for the re-development of a school (details supplied) in Dublin 18. [35254/06]

**Minister of State at the Department of Finance (Mr. Parlon):** The Commissioners of Public Works act as an agent on behalf of the Department of Education & Science in the acquisition of sites for new school facilities. The requirement for the school in question was advertised publicly during August 2006. However, no responses were received. The Commissioners have written to Dún Laoghaire-Rathdown County Council asking if they have any suitable lands available for the accommodation of a school; we are awaiting their reply.

Event	Date	Location	Amount
Group Photograph at the meeting of Regional Ministers, as part of the Irish Presidency of the EU. Chaired by the Minister of State Mr. Tom Parlon	26-28 February 2004	Portlaoise	€1,551.55
Hand-over of the keys to the Department of Finance's new offices	18 July 2006	Tullamore	€130.53
Official opening of the Department of Finance's new offices	6 October 2006	Tullamore	€1,578.22

### National Development Plan.

283. **Ms Harkin** asked the Minister for Finance the profile, the expenditure, and expenditure versus profile in the Border Midland Western region

### Tax Yield.

281. **Mr. Bruton** asked the Minister for Finance the amount raised in stamp duty from residential property in each of the past five years. [35255/06]

**Minister for Finance (Mr. Cowen):** The amount raised from stamp duty on residential property over the last five years is:

Year	€m
2001	265
2002	349
2003	528
2004	752
2005	945

### Departmental Expenditure.

282. **Mr. P. McGrath** asked the Minister for Finance the amount expended on photographers by his Department for events and publicity leaflet production in his constituency and the constituency of each Minister of State of his Department in the years 2004, 2005 and to date in 2006; and if he will make a statement on the matter. [35286/06]

**Minister for Finance (Mr. Cowen):** In the years 2004, 2005 and to date in 2006, the sum of €3,260.30 was spent by my Department on photographers for events held in my constituency and the constituency of the Minister of State, Deputy Tom Parlon. Details of these events, and associated expenditure on photographers, are set out in the table below.

No monies were expended by my Department, in the period in question, on publicity leaflet production in my constituency or the constituency of the Minister of State.

I have also asked the Office of Public Works to forward any information to the Deputy regarding any relevant amounts expended by that Office.

in the National Development Plan, to June 2006. [35296/06]

284. **Ms Harkin** asked the Minister for Finance the amount of extra expenditure, above that com-

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mitted in the National Development Plan, spent in the Border Midland Western region to June 2006. [35297/06]

285. **Ms Harkin** asked the Minister for Finance the profile, the expenditure, and expenditure versus profile in the southern and eastern region in the National Development Plan to June 2006. [35298/06]

286. **Ms Harkin** asked the Minister for Finance the amount of extra expenditure above that committed in the National Development Plan spent in the southern and eastern region to June 2006. [35299/06]

**Minister for Finance (Mr. Cowen):** I propose to take Questions Nos. 283 to 286, inclusive, together.

The National Development Plan/Community Support Framework (NDP/CSF) 2000-2006 is implemented through seven Operational Programmes (OPs). The most recent expenditure data reported to the Operational Programmes Monitoring Committees at their Autumn 2006 meetings held during week beginning 23rd October relates to the period January 2000 to the end June 2006.

In comparing the expenditure versus original profile, it is important to note that significant expenditure, particularly Exchequer expenditure, takes place in the latter half of the year. The position will become clearer when data is available for the full calendar year at the Spring 2007 Monitoring Committees scheduled to take place in April 2007.

The House will be aware of the general state of play in relation to expenditure in the BMW region from previous debates and questions on this issue. The figures reported at the recent Monitoring Committee meetings indicate that some €13.2 billion or 78% of the total original forecast for expenditure (Exchequer, EU and private) and €11.1 billion or 82% of forecast Exchequer expenditure had been incurred by the end of June 2006. This is a healthy implementation rate in view of the slow start up in some areas at the very beginning, the relatively disappointing response in certain demand led schemes and the fact that Exchequer spending in relation to the Structural Fund OPs for the 2000-2006 period will in fact continue up to 2008.

With regard to the Southern and Eastern (S&E) region, the figures reported indicate that some €35.1 billion or 97% of the total original forecast for expenditure (Exchequer, EU and private) and €30.2 billion or 108% of forecast Exchequer expenditure had been incurred in the S&E region by the end of June 2006. This means that the Exchequer contribution to the S&E region under the NDP had already exceeded its original target by €2.28 billion to the end of June 2006.

### **Flood Relief.**

287. **Mr. Gregory** asked the Minister for Finance if the Office of Public Works flood prevention personnel will re-inspect the Tolka River where there is a build up of debris and silt which residents believe will make their homes more vulnerable to flooding; if this build-up will be removed and the foundations of the river wall strengthened to alleviate residents concerns; if the new higher river wall on the opposite side will make flooding more likely at the Tolka Road side where the wall is much lower; and if he will make a statement on the matter. [35313/06]

**Minister of State at the Department of Finance (Mr. Parlon):** I am advised that maintenance of the channel is not required at this stage. The Office of Public Works is in consultation with Dublin City Council to ensure that the River Tolka Flood Relief Works, will be maintained as required.

The wall on the right bank of the River Tolka, downstream of Distillery Road Bridge has been assessed and raised in any areas where the levels were under the prediction level of a 100 year flood, i.e. a flood with a 1% probability of occurring in a given year, thereby giving each side of the river protection against the design extreme event. Parts of the new wall on the left bank may be higher in places but this would be only to ensure the wall is at a minimum safety height from the road side.

### **Hospital Access.**

288. **Mr. Gregory** asked the Minister for Finance if the Office of Public Works will review the access points to St. Mary's Hospital, Phoenix Park (details supplied). [35314/06]

**Minister of State at the Department of Finance (Mr. Parlon):** Vehicular access remains as it always has via the entrance on the eastern side of the property in question. The Commissioners understand from hospital representatives at the recent Consultations in the Park that the hospital operates a service whereby if visitors to the hospital present themselves at any one of the Park's gates and ring the hospital, the hospital's own minibus (16 seater) will be sent to collect them.

### **Traffic Management.**

289. **Mr. Gregory** asked the Minister for Finance further to Parliamentary Question No. 272 of 17 October 2006, if in view of widespread local concern regarding the impact of the proposed one way system on the adjoining Blackhorse Avenue, Dublin 7 area and the residents view that a traffic light or roundabout system at the Ashtown Gate, Dublin 7 would more effectively regulate traffic, he will direct the Office of Public Works to defer the implementation of the proposal, organise an information and consultation day for all local

residents, introduce the traffic light solution as an interim measure and reassess the situation after six months. [35320/06]

290. **Mr. Gregory** asked the Minister for Finance the cost to date of the Faber Maunsell traffic study on the Phoenix Park, Dublin 7; and the projected cost of it's full implementation. [35325/06]

300. **Mr. Gregory** asked the Minister for Finance further to Parliamentary Question No. 272 of 17 October 2006, if a copy of the ERM report referred to will be made available to this Deputy. [35592/06]

**Minister of State at the Department of Finance (Mr. Parlon):** I propose to take Questions Nos. 289, 290 and 300 together.

Firstly I wish to confirm that the Study in question was formulated following wide ranging consultation and following completion of the report recently, a number of presentations on the Study were held for a number of interested parties including local elected representatives, local residents and statutory authorities. Consultation is currently ongoing.

Options to resolve the severe traffic hazards at both the Ashtown and Cabra gates have been thoroughly investigated over an extended period in full consultation with the relevant authorities and I am satisfied that the option of a one way system for the Ashtown and Cabra gates represents the optimum solution. This solution has been endorsed by the independent Traffic Management Study recently completed and a similar system is proposed for Chapelizod and Islandbridge gates. As verified by the Traffic Management Study, the impacts of the one-way system on Blackhorse Avenue will be relatively minor. Consequently, while it is understandable that local residents have concerns about impacts on the area, in reality these concerns are largely unfounded. In light of the findings of the Traffic Management Study the deputy will appreciate that there is now an onus on the Commissioners to proceed with implementation of the measures contained therein, in the interests of the safety of all Park users and conservation of the Park and its amenities. I wish to confirm also that the Commissioners will monitor and review the effectiveness of these measures, following implementation, including of course the proposed one-way systems.

The fee for the Faber Maunsell Study, including services provided by ERM, amounts to €42,043.86 (including VAT) which has been paid. The provision of cost estimates for implementation of the measures did not form part of the

commission. The main cost element will be the measures proposed for the Chesterfield Avenue. Implementation of the measures will be subject to standard procurement procedures and the Commissioners are anxious to ensure that this process is not prejudiced in any way. The Commissioners will be in a position to confirm the costs once the procurement process, in each instance, has been completed.

Messrs. Faber Maunsell engaged Messrs. ERM to vet the proposed measures contained in the Study from an environmental perspective and the findings are incorporated in the Study. Section 5.3 and Table 5.1 of the Study deals with the assessment of the proposals. The Commissioners do not have a separate report from Messrs. ERM.

#### Tax Code.

291. **Mr. Timmins** asked the Minister for Finance the threshold for inheritance tax; the off-sets that can be used against it; the amount collected in tax under this category in 2000 to 2005 inclusive; and if he will make a statement on the matter. [35376/06]

**Minister for Finance (Mr. Cowen):** I am informed by the Revenue Commissioners that for the purposes of both Gift and Inheritance Tax, the relationship between the person who provided the gift or inheritance (i.e. the disponent) 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 are based on the relationship of the beneficiary to the disponent and are indexed annually by reference to the Consumer Price Index. The following are the Group thresholds for 2006: Group A: €478,155 — applies where the beneficiary is a child (including certain foster children) or minor child of a deceased child of the disponent. Parents also fall within this threshold where they take an inheritance from a child. Group B: €47,815 — applies where the beneficiary is a brother, sister, niece, nephew, or lineal descendant of the disponent. Group C: €23,908 — applies in all other cases.

Where both Capital Gains Tax and Capital Acquisitions Tax (Gift or Inheritance Tax) arise on the same asset on the same event, for example, on a gift of an asset, the Capital Gains Tax can be off-set or credited against the Capital Acquisitions Tax liability. From 21 February 2006, if the asset is disposed of within 2 years of the date of the gift, the off-set or credit allowed will be clawed back.

The Net Receipt of Inheritance Tax for the years 2000-2005 inclusive is as follows:

2000	2001	2002	2003	2004	2005
€154.72m	€121.50m	€128.06m	€130.65m	€171.29m	€196.65

### Tax Collection.

292. **Mr. Timmins** asked the Minister for Finance the amount of stamp duty collected on residential and commercial properties, by county, for the years 1998 to 2005 inclusive; and if he will make a statement on the matter. [35377/06]

**Minister for Finance (Mr. Cowen):** I am informed by the Revenue Commissioners that statistics on Stamp Duty transactions are not compiled by reference to the address of the property purchased and, accordingly, it is not possible to provide the information requested by county. The figures of total stamp duty yield from residential and non-residential property in the whole country for the years 1998 to 2005 are as follows:

Year	Residential Property €m	Non-Residential Property €m
1998	213	174
1999	263	288
2000	282	392
2001	265	406
2002	349	317
2003	528	547
2004	752	709
2005	945	1,056

### Schools Building Projects.

293. **Ms O'Sullivan** asked the Minister for Finance when he expects the Chief State Solicitor to complete deliberations on the transfer of title for the proposed site for a school (details supplied) in County Meath, in view of the ongoing pressure on primary school places in east Meath; and if he will make a statement on the matter. [35400/06]

**Minister of State at the Department of Finance (Mr. Parlon):** The Commissioners of Public Works act as an agent for the Department of Education & Science in the acquisition of sites for primary schools. A suitable site has been identified and agreement on price has been reached subject to contract. It is not possible at this stage to say when the conveyancing process will be completed.

### Ministerial Appointments.

294. **Mr. Bruton** asked the Minister for Finance when he plans to appoint an Irish representative to the European Bank of Reconstruction and Development in view of the fact that Ireland has not been represented for the past two meetings of the Bank. [35405/06]

**Minister for Finance (Mr. Cowen):** I can assure the Deputy that Ireland, as a member of the Denmark/Ireland/Lithuania/FYR Macedonia constituency at the European Bank for Recon-

struction and Development (EBRD), has been represented at the four Board Meetings that took place during September and October. I would also like to assure the Deputy that I expect to appoint a new Irish representative to the EBRD in the near future.

### Credit Unions Regulation.

295. **Mr. Sargent** asked the Minister for Finance if there has been progress or an outcome to the regulatory inspection which he promised; and the Government's plans to upgrade and update those aspects of credit union legislation and regulation which are curtailing and hampering the proper development of the credit union movement. [35419/06]

**Minister for Finance (Mr. Cowen):** Regulatory inspections are the responsibility of the Registrar of Credit Unions. The Registrar of Credit Unions is statutorily independent of me in performing his regulatory functions. On foot of the outcome of any regulatory investigations the Registrar can take whatever steps he considers necessary to resolve any issues using the powers available to him.

In relation to credit union legislation, the Credit Union Act, 1997 provides the legal framework for the regulation of credit unions. The Act was designed to provide the credit union movement with a regulatory structure that reflects and promotes the particular ethos and philosophy of the credit union movement, its strong tradition of volunteer service and the core objective of providing opportunities for saving and lending for members of credit unions. The approach to regulation embodied in the Credit Union Act has served the credit union movement well by providing clarity and certainty to individual credit unions, their Directors and members. It has helped support the continued stability of the credit union movement and to safeguard members' savings during a period of rapid growth.

As Minister for Finance, my role is to ensure that the legal framework for credit unions continues to be appropriate for the effective operation and supervision of credit unions. In recent months, I have introduced a regulation to increase the maximum amount a member of a credit union can hold in shares and deposits. Furthermore, the Registrar of Credit Unions recently issued guidelines on a revised framework for prudent and responsible investment by credit unions. Other developments include the establishment of a review group chaired by my Department to examine the current limits on longer-term lending in Section 35 of the Credit Union Act, and the agreement by the Financial Regulator to examine proposals for reform of the Savings Protection Scheme with a view to approving the scheme under Section 46 of the Credit Union Act 1997 to strengthen the protection afforded to credit union savings.

I believe it would be helpful if there was a clearer, and if possible shared, understanding on how a new regulatory framework would operate before moving to develop specific proposals. The Chair of the Regulatory Authority has recently confirmed that the Registrar of Credit Unions will engage with the credit union movement, in the first instance, to find common ground in relation to the principles that might guide the reform of the regulatory framework for credit unions.

#### **Tax Code.**

296. **Mr. Allen** asked the Minister for Finance the reason a person (details supplied) in County Cork, who was diagnosed with Multiple Sclerosis in 2004, is being refused remission of the VAT and vehicle registration tax of the price of their car; and if he will investigate the reason this has happened. [35562/06]

**Minister for Finance (Mr. Cowen):** I understand the person concerned applied for a Primary Medical Certificate in respect of the tax concessions available under the Disabled Drivers and Disabled Passengers (Tax Concessions) Scheme. He was not awarded the Certificate by the Senior Area Medical Officer of the relevant Health Service Executive administrative area who is responsible for deciding applications for the Primary Medical Certificate under the scheme. I also understand that the person concerned has appealed the decision of refusal of the Primary Medical Certificate to The Secretary, Disabled Drivers Medical Board of Appeal, National Rehabilitation Hospital, Rochestown Avenue, Dun Laoghaire, County Dublin. As the Deputy will be aware I have no direct role in the appeals process.

#### **Ports Security.**

297. **Mr. J. O'Keefe** asked the Minister for Finance the number of x-ray type machines capable of analysing the contents of a container, which are deployed at ports in the State; if he will identify such ports; and if he will make a statement on the matter. [35567/06]

**Minister for Finance (Mr. Cowen):** I am advised that the Revenue Commissioners currently have one mobile X-ray scanning machine capable of analysing the contents of a container. This machine, which has been in use since February 2006, is used to scan containers and vehicles, including heavy goods vehicles, vans and cars. The mobile scanner has been deployed at the following Lift-On Lift-Off (Lo-Lo) container ports nationwide: Drogheda, Dublin Port, Belview (Waterford), Tivoli (Cork) and Foynes. It has also been deployed at all of the Roll-On Roll-Off (Ro-Ro) ferry ports, namely, Dublin Port, Dun Laoghaire, Rosslare and Ringaskiddy.

Revenue staff operating the mobile scanner have been specially selected and highly trained in image interpretation and risk analysis.

#### **Decentralisation Programme.**

298. **Ms C. Murphy** asked the Minister for Finance the options available to civil servants who wish to decentralise to posts outside Dublin but whose Dublin based Departments cannot secure replacement personnel; and if he will make a statement on the matter. [35574/06]

299. **Ms C. Murphy** asked the Minister for Finance if there is a panel of civil servants who wish to remain in Dublin in the context of decentralisation; if the operation of this panel has been suspended; the reason for same; when this panel will be in operation again; and if he will make a statement on the matter. [35575/06]

**Minister for Finance (Mr. Cowen):** I propose to take Questions Nos. 298 and 299 together.

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. Further arrangements have been initiated for general service grades. The objective of these arrangements is to provide to the Public Appointments Service (PAS) 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. It is intended that the arrangements will continue over the full transition phase of the Programme.

My Department is monitoring these arrangements in co-operation with Departments and the relevant unions to ensure that they are operating efficiently and that there is a close alignment between the assignment of staff to decentralising posts and the readiness of Departments to release staff at particular grade levels.

*Question No. 300 answered with Question No. 289.*

#### **Tax Refunds.**

301. **Mr. Durkan** asked the Minister for Finance when a P45 will issue in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [35610/06]

**Minister for Finance (Mr. Cowen):** I have been advised by the Revenue Commissioners that they have arranged with the accountant representing the taxpayer's former employer to issue a P45 to the taxpayer within the next ten days.

302. **Mr. Durkan** asked the Minister for Finance when a P45 will issue in the case of a person

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(details supplied) in County Kildare; and if he will make a statement on the matter. [35611/06]

**Minister for Finance (Mr. Cowen):** I have been advised by the Revenue Commissioners that they have arranged with the accountant representing the taxpayer's former employer to issue a P45 to the taxpayer within the next ten days.

#### Registration of Title.

303. **Mr. S. Ryan** asked the Minister for Finance further to Parliamentary Question No. 233 of 6 July 2006, if he will report on progress, in respect on the title of a property (details supplied) in County Leitrim. [35649/06]

**Minister of State at the Department of Finance (Mr. Parlon):** The Office of Public Works have

	2000	2001	2002	2003	2004	2005
	€m	€m	€m	€m	€m	€m
Beer	475.9	435.6	477.4	455.4	458.2	457.3
Spirits	247.1	220.9	266.5	305.0	314.9	319.8
Wine	123.8	120.9	152.2	167.8	184.8	195.1
Cider	33.3	36.1	62.1	60.4	64.2	66.1
Total	880.1	813.5	958.2	988.6	1,022.1	1,038.3

Excise duty raised on alcohol is not allocated to any alcohol related programmes. In general, publicly funded alcohol related programmes are financed from the Exchequer.

#### Company Ownership.

305. **Mr. McGinley** asked the Minister for Finance the reason for the delay in transferring a directorship from the names of the previous ownership to the name of the current owner (details supplied); and if he will make a statement on the matter. [35692/06]

**Minister of State at the Department of Finance (Mr. Parlon):** The applicant's solicitor was advised on 23 May 2006 that it had been decided against waiving the Minister's interest in favour of the applicant. However, they were also advised to consider an alternative option of the restoration of the company to the Register of Companies.

#### Tax Code.

306. **Mr. Bruton** asked the Minister for Finance if his attention has been drawn to the proposal by the Dyslexia Association of Ireland to have medical tax relief extended to included specific remedial tuition for children affected by the medical condition dyslexia; and if he will make a statement on the matter. [35718/06]

been advised by the Office of the Chief State Solicitor that the property in question in County Leitrim, is not in State ownership.

#### Tax Yield.

304. **Mr. J. O'Keeffe** asked the Minister for Finance the amount of excise duty raised on alcohol in each of the years from 2000 to 2005 with a breakdown of the amounts raised in particular from beer, wine and spirits; if specific amounts or percentages of the total are allocated to particular alcohol related programmes; and if so, to specify same. [35669/06]

**Minister for Finance (Mr. Cowen):** I am advised by the Revenue Commissioners that the excise duty raised on alcohol in respect of the years 2000 to 2005 is as follows:

**Minister for Finance (Mr. Cowen):** I am aware of the proposal mentioned by the Deputy. The position is that expenses in respect of tuition for children with dyslexia do not qualify for health expenses tax relief and have never qualified for the relief since it was first introduced in 1967. I understand from the Revenue Commissioners, who deal with such claims, that individuals may have been under the impression that tuition for children with dyslexia was allowable under the heading of health expenses relief. I also understand that the Revenue Commissioners have written to the Dyslexia Association to clarify the matter.

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.

As I have indicated to the House already in this matter, I have no plans to extend Section 469 of the Taxes Consolidation Act 1997 to cover expenses incurred by parents who have children with dyslexia. However, this matter, like any

other, can be raised by the Deputy at Finance Bill time.

### Irish Language.

307. **Mr. O'Shea** asked the Minister for Finance the documents including his speech relating to Budget 2006 that were translated into Irish; the cost involved; the number of these Irish translations that were sold; and if he will make a statement on the matter. [35745/06]

**Minister for Finance (Mr. Cowen):** In accordance with the requirements of the Official Languages Act, the following Budget 2006 documents were published in Irish:

- Summary of Budget Measures; and
- Estimates of Receipts and Expenditure for the year ending 31 December 2006.

These documents are available in hard copy and on the Budget website at [www.budget.gov.ie](http://www.budget.gov.ie). My Department also produced an Irish version of the Budget Summary Leaflet, available in hard copy. The cost of the outside translation work for Budget 2006 was €3,875.13. This sum does not include translation related work carried out by staff in my Department. I am informed by the Government Publications Sales Office that no copies of the documents available in hard copy, i.e. the Summary of Budget Measures and the Estimates of Receipts and Expenditure for the year ending 31 December 2006 have been sold to date.

### Tax Code.

308. **Mr. Bruton** asked the Minister for Finance his views on introducing a threshold in respect of the new tax on imputed distribution of moneys from approved retirement funds in order to prevent an adverse impact on persons with low income; and if he will make a statement on the matter. [35746/06]

**Minister for Finance (Mr. Cowen):** I would make the following comments in relation to the tax on approved retirement funds, ARF. The 2006 Budget and Finance Act introduced an imputed or notional distribution of 3% of the value of the assets of an ARF on 31 December each year, which notional amount will be taxed at the ARF owner's marginal income tax rate. The change is being phased in over a 3 year period commencing next year. This measure was introduced because the internal review of tax relief for pensions provision undertaken by my Department and the Revenue Commissioners last year, and which was published earlier this year, found that the ARF option was largely not being used, as intended, to fund an income stream in retirement but instead was being used to build up substantial funds in a tax-free environment over the long term. The imputed distribution measure will

encourage the use of ARFs as intended, as funds actually drawn down by ARF owners will be credited against the imputed distribution to arrive at a net imputed amount, if any. It is important to note that ARF owners on lower incomes and who qualify for the higher income tax exemption limits for those aged 65 or over may not be affected at all by the measure.

309. **Mr. Bruton** asked the Minister for Finance the number of residential properties sold second hand in each of the past five years; the number in respect of which stamp duty was paid; the number which were deemed to be stamp duty exempt. [35747/06]

**Minister for Finance (Mr. Cowen):** I am informed by the Revenue Commissioners that the number of second hand residential properties sold each year is not determinable from stamp duty records as this data is not collected in such a manner that would allow a breakdown between second-hand and new residential property types. The available information is in respect of the number of residential property transactions, both second-hand and new, where stamp duty was paid in the years 2003, 2004 and 2005 and is as follows:

Year	Number of Residential Property Transactions where Stamp Duty was paid
2003	35,000
2004	44,500
2005	44,000

As the majority of new houses purchased are exempt from stamp duty — only new properties in excess of 125 square metres for owner-occupiers or new properties purchased as investments are liable to stamp duty — it could be reasonably assumed that the bulk of stamp duty paid in respect of residential property is from second-hand properties. The figures do not, however, include second-hand residential property valued at less than €317,500 for first-time purchasers and occupiers and valued at less than €127,000 for other owner-occupiers which are exempt from stamp duty. Particulars of transactions where no stamp duty applies are not normally captured and, accordingly, it is not possible to provide reliable information in relation to exempt categories.

### Child Care Services.

310. **Ms B. Moynihan-Cronin** asked the Minister for Health and Children the position regarding the future of EOCP funding for community based child care centres; if she will ensure that these centres are put on a sound financial footing into the future; and if she will make a statement on the matter. [35199/06]



**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** The Equal Opportunities Child Care Programme 2000-2006, EOCP, which had a budget of €499 million, including support from the EU structural funds, will effectively come to an end in the latter part of 2007. The successor programme to the EOCP, the National Child care Investment Programme (NCIP) runs from 2006 to 2010. The total budget for the new Programme is approximately €575 million, comprising €357 million in capital funding and €218 million in current funding. A value-for-money review of the EOCP has been commissioned by my office. This review is currently underway and is expected to be completed by the first quarter of 2007. The outcome of the review will inform the roll-out of the NCIP, in particular the arrangements for funding community and voluntary groups.

#### **Nursing Home Inspections.**

311. **Mr. P. McGrath** asked the Minister for Health and Children if, following comments made in Dáil Éireann on 18 October 2006 regarding nursing home standards where it was outlined that standard inspections are now unannounced, if she will provide the source of this information; if this standard will be enforced by the Health Service Executive; and if she will confirm that the HSE will ensure that nursing home inspections are adequate and acted on appropriately. [35277/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The inspection of private nursing homes is the responsibility of the Health Service Executive under the Health (Nursing Homes) Act 1990. The 1990 Act provides for the registration of private nursing homes and procedures for attaching conditions to the registration and for de-registering homes. The Nursing Homes (Care and Welfare) Regulations 1993 set out the standards which private nursing homes owners must adhere to in the provision of nursing home services.

The Health Service Executive established a National Nursing Homes Steering Committee in July 2005. One of the priority tasks outlined for this committee was to standardise policy and procedures relating to older people's services in general and residential care services in particular. The HSE is now implementing a national standardised inspection process which requires that all standard inspections are to be unannounced. The adequacy and appropriateness of nursing home inspections is a matter for the HSE. I have asked the executive to reply directly to the Deputy on this issue.

#### **Child Care Services.**

312. **Mr. Haughey** asked the Minister for Health and Children the measures she is taking

to ensure the provision of affordable child care; and if she will make a statement on the matter. [35387/06]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** The Government has brought in a number of measures, both on the supply side and the demand side, to deal with the growing demand for child care, which has been created by the economic and social changes which have taken place over the last decade. These measures are aimed at supporting parents with the cost of child care and increasing the supply of quality child care places available to parents.

The primary supply side measure of the Government's approach to ensuring the provision of affordable child care has been to stimulate the provision of quality child care places, through the provision of grants for the child care sector. This is being done through the equal opportunities child care programme, EOCP, 2000-2006 and the national child care investment programme, NCIP, 2006-2010. These programmes, with a combined budget of over €1 billion, are projected to create or support over 90,000 child care places, with some 29,000 of the new places already in place. These places are provided either through community based/not for profit child care groups or by private providers. Of the total funding committed in the period from the start of the EOCP to August 2006, over €67 million has been allocated to quality improvement and over €484 million to child care facilities, of which almost €183 million has been allocated to staffing grant assistance. This provides support towards the staffing costs of employing child care workers in community based child care centres in disadvantaged areas, ensuring that less advantaged parents in those areas have increased access to quality child care and that they are charged fees which are less than the economic cost of providing the service.

On the demand side, government policy to support parents with the cost of child care has been to increase child benefit payments and introduce the early child care supplement, ECS. Both instruments support all parents irrespective of income or employment status. Child benefit has been increased in successive budgets and in Budget 2006, it was increased by €8.40 per month for the first two children to €150 per month; and by €7.70 per month for the third and subsequent children to €185 per month. This means that over the period since 1997 child benefit has more than quadrupled.

The early child care supplement of €1,000 per annum was introduced for all children less than six years of age and became effective in April 2006. This is a direct, non-taxable payment of €250 per quarter year, in respect of each eligible child. There have already been two payments of the ECS in August and October, and I expect the final payment of €250 to be paid on 11 December. From 2007 the payments will be made in April,

July, October and December. Taken together these payments mean that a family with two children under the age of six years are now in receipt of a direct payment per annum of €5,800.

The levels of increase in child benefit and the introduction of the early child care supplement is unprecedented and delivers on the Government's objective of providing support for children generally while offering real choice to all parents in relation to the care of their children. I am satisfied that the EOCP and NCIP will serve to moderate prices in the sector over time by increasing the supply of places and giving parents greater choice. This Government's record in providing enhanced child care supports is without parallel and I am confident that we are moving rapidly to ensure that there are quality services available to parents throughout the country.

#### **Services for People with Disabilities.**

313. **Mr. Perry** asked the Minister for Health and Children her plans to improve the provision of occupational and speech therapy and other therapies for children with autism; and if she will make a statement on the matter. [35722/06]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** 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 to meet obligations to children with developmental delay, in the home, in the community and in other appropriate settings. In this regard €12.5 million was made available by the HSE from the 2006 investment programme to provide multi-disciplinary supports to people with intellectual, 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.

#### **Hospital Waiting Lists.**

314. **Ms Lynch** asked the Minister for Health and Children the reason there is a two-year waiting list for orthopaedic surgery in the Cork area; her views on whether such a delay is causing undue hardship and pain to many of the 3,000 patients in Cork awaiting this type of surgery; the reasons the recommendation made by Comhairle in 1994 to appoint two extra orthopaedic surgeons to the region has not been acted on in the intervening twelve years; and if she will make a statement on the matter. [35691/06]

**Minister for Health and Children (Ms Harney):** The HSE has advised me that there are approxi-

mately 2,517 patients on the outpatient orthopaedic waiting list at present. Since the 1994 Comhairle recommendations, one additional permanent consultant orthopaedic surgeon post has been approved and filled. In July 2006, negotiations were completed with the National Treatment Purchase Fund, NTPF, to implement an outpatient waiting list initiative which would focus on those waiting longest on the list. The position at present is that 1306 patients on the orthopaedic outpatient waiting list have been contacted by the NTPF. Of these, 498 have accepted referral by the NTPF to another agency for review and follow up.

#### **Health Service Information Technology.**

315. **Dr. Twomey** asked the Minister for Health and Children her views on the role of information technology in the health services here; and if she will make a statement on the matter. [35756/06]

#### **Minister for Health and Children (Ms Harney):**

By any standards the HSE is a very large organisation with total staffing of around 120,000 and a budget of over €12 billion. Such an organisation cannot function without sophisticated ICT systems. These systems need to cover areas such as personnel, payroll, purchasing and accounts. I acknowledge that there has been some public concern in relation to some of these systems in the HSE and with PPARS in particular. I am anxious to improve the governance of ICT within the Health Service Executive and I have written to the Chairman asking him to ensure that the matter is resolved as quickly as possible.

Apart from these business applications ICT has the potential to make hospitals and other health service settings safer and more efficient. It also makes health services management and delivery more efficient and effective. In my view ICT alone will not achieve this but it cannot be achieved without ICT. The over-riding purpose of ICT in health care should be the bringing of information to the point where it is required to support decision making and the most effective and reliable means of collecting health information is to generate it as a by-product of other health related processes, be they clinical or administrative.

Some concerns have been expressed about the confidentiality of electronic health records but ICT can increase the privacy and confidentiality of patients records by controlling and tracking who has access to them. One of the key issues in modern health care can be the availability of key critical information to the doctor at the point of care and sophisticated ICT systems are required to provide this. I do acknowledge that developing, implementing and using electronic patient records is a slow and complex process but the benefits can be considerable, especially in terms of reducing errors and improving the quality of care.

### Hospital Services.

316. **Caoimhghín Ó Caoláin** asked the Minister for Health and Children if her attention has been drawn to the fact that patients availing of out-patient services at the National Rehabilitation Hospital in Dún Laoghaire who live outside the hospital's catchment area have access to the hospital's transportation services only one day a week, but can not be guaranteed appointments on that day and that when transportation is available a patient may have to wait up to several hours in order that all patients with appointments can be brought to or from the hospital at the same time, regardless of the length of time between each patient's appointment; if she will take steps to address this problem in view of the hardship it is causing to these patients; and if she will make a statement on the matter. [35103/06]

**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.

317. **Mr. F. McGrath** asked the Minister for Health and Children the reason the operation for a person (details supplied) in Dublin 17 was cancelled; and if they will be assisted on this matter. [35104/06]

**Minister for Health and Children (Ms Harney):** The Deputy's question regarding the way that children are assessed and deemed eligible for orthodontic treatment relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

### Departmental Expenditure.

318. **Mr. Allen** asked the Minister for Health and Children further to Parliamentary Question No. 233 of 18 October 2006, the amount being spent on security; the location where an external security company is involved if applicable at all health service buildings here; when the first contract was entered into; and the cost of each contract on an annual basis since January 2000. [35114/06]

**Minister for Health and Children (Ms Harney):** The Deputy's question relates to the exercise by

the Health Service Executive of its functions under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to reply directly to the Deputy in relation to the information sought.

### Cancer Screening Programme.

319. **Mr. Timmins** asked the Minister for Health and Children the position in relation to the need to roll-out a nationwide screening programme for cervical cancer; when this nationwide programme will be up and running; and if she will make a statement on the matter. [35115/06] I

**Minister for Health and Children (Ms Harney):** I wish to see the Irish Cervical Screening Programme (ICSP) rolled out nationally by 2008, based on an affordable model and in line with international best practice. Significant preparatory work is well underway involving the introduction of new and improved cervical tests, improved quality assurance training and the preparation of a national population register. An additional €9 million is available to the Executive for cancer services development in 2006, including the continuation of preparations for the roll out.

I will shortly establish a National Cancer Screening Service to amalgamate BreastCheck and the ICSP to deliver both programmes nationally. This will maximise the expertise in both programmes, ensure improved efficiency and develop a single governance model for cancer screening. The plan is to have cervical screening managed as a national call/recall programme via effective governance structures that provide overall leadership and direction, in terms of quality assurance, accountability and value for money. All elements of the programme, call/recall, smear taking, laboratories and treatment services must be quality assured, organised and managed to deliver a single integrated service.

### Care of the Elderly.

320. **Mr. F. McGrath** asked the Minister for Health and Children the Minister of State responsible for the elderly during the Leas Cross Nursing Home crisis; and if she will clarify the situation in relation to same. [35134/06]

**Minister for Health and Children (Ms Harney):** The Deputy may wish to know that at the time of the Leas Cross investigation I had responsibility for services for older people.

### Health Services.

321. **Mr. F. McGrath** asked the Minister for Health and Children if a proper care plan will be put in place for a person (details supplied) in County Dublin; and the action she will take regarding the two year waiting list. [35135/06]

**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.**

322. **Mr. F. McGrath** asked the Minister for Health and Children the situation regarding the nursing home subventions and the elderly owning homes above €350,000; and if she will make a statement on the matter. [35136/06]

**Minister for Health and Children (Ms Harney):**

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 Nursing Homes (Subvention) (Amendment) Regulations 2005.

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 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 certain social welfare pension/allowances and generally does so unless there are exceptional circumstances. The Regulations provide that the HSE may refuse to pay a subvention if the value of the applicant's principal residence is in excess of €500,000 (where the residence is located in the Dublin area) or €300,000 (where the residence is located outside the Dublin area) and the applicant has an income of at least €9,000 per annum.

The Health (Nursing Homes)(Amendment) Bill 2006 which is currently on its passage through the Houses of the Oireachtas, 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 part-

ners 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 in this regard as agreed with the social partners in "Towards 2016".

323. **Mr. Carey** asked the Minister for Health and Children the arrangements that will apply to the contributions which nursing home patients on pensions will have to make towards their upkeep; the statutory basis for such contributions; and if she will make a statement on the matter. [35143/06]

**Minister for Health and Children (Ms Harney):**

I take it the question refers to the charging of people in long stay care.

The charging for long stay care under the Health (Amendment) Act, 2005 is being implemented by way of the Health (Charges for In-Patient Services) Regulations 2005. These Regulations were signed on 14 June 2005 and reinstated charges for in-patient services and provided for the levying of a charge in respect of the maintenance of persons in receipt of in-patient services. The Regulations were prepared following extensive consultation with the HSE and others.

Section 53 of the Health Act, 1970, (as amended by the Health (Amendment) Act, 2005) provides, *inter alia*, for the levying of a charge where in-patient services have been provided for a period of not less than 30 days or for periods aggregating not less than 30 days within the previous 12 months. In this regard, charging of patients in long-term care commenced on 14 July 2005, which was after the expiration of 30 days after the Regulations were signed. The Regulations, in keeping with Section 53 of the Health Act, 1970, as amended, have provided for two different classes of persons on whom charges can be levied.

Class 1 refers to people in receipt of in-patient services on premises where nursing care is provided on a 24 hour basis on those premises. In this case, a weekly charge can be levied of €120 or the weekly income of that person less €35, whichever is the lesser. Class 2 refers to people in receipt of in-patient services on premises where nursing care is not provided on a 24 hour basis on those premises. In this situation, a weekly

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charge can be levied of €90, or the weekly income of that person less €55 or 60% of the weekly income of that person, whichever is the lesser.

These regulations provide for the maximum charge to be levied on either class of person. The HSE has the power to reduce or waive a charge on the grounds of “undue hardship”. Under Section 1 (b) of the Health (Amendment) Act, 2005, the HSE can examine a person’s overall financial situation in view of the person’s reasonable expenditure in relation to themselves or their dependants, if any.

The mechanism for levying and collecting charges in respect of patients in receipt of social welfare pensions and also in respect of patients who are adult dependants on the social welfare pension of their spouse, is an operational matter for the HSE.

### Community Care.

324. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will be approved for the home care package. [35146/06]

**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.

325. **Mr. Ring** asked the Minister for Health and Children the details of payments made under a scheme (details supplied) for the past year. [35147/06]

**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.

326. **Mr. Ring** asked the Minister for Health and Children the reason the Health Service Executive did not respond to a question placed on 27 September 2006; and when a response will issue in this matter. [35148/06]

**Minister for Health and Children (Ms Harney):** I have had enquiries made of the Health Service Executive and I understand that statistical information for 2005 is currently being collated in a Statistical and Analysis Booklet. It is planned

that this booklet will be ready for publication within the next two weeks. Detailed statistical information as requested by the Deputy will be made available following the publication of this booklet.

327. **Mr. Ring** asked the Minister for Health and Children the reason the Health Service Executive did not respond to a question placed on 27 September 2006; and when a response will issue in this matter. [35149/06]

**Minister for Health and Children (Ms Harney):** I have had enquiries made of the Health Service Executive and I understand that a reply has issued to the Deputy.

328. **Mr. Ring** asked the Minister for Health and Children the reason the Health Service Executive did not respond to a question placed on 27 September 2006; and when a response will issue in this matter. [35150/06]

**Minister for Health and Children (Ms Harney):** I have been informed by the Health Service Executive (HSE) that the information sought by the Deputy is currently being collated for distribution in a Statistical and Analysis booklet and it is planned that this booklet will be ready for publication within the next two weeks. The HSE has indicated that the information requested will be forwarded to the Deputy at that time.

329. **Mr. Ring** asked the Minister for Health and Children the reason the Health Service Executive did not respond to a question placed on 27 September 2006; and when a response will issue in this matter. [35151/06]

**Minister for Health and Children (Ms Harney):** I have had enquiries made of the Health Service Executive and I understand that this information is currently being collated for distribution in a Statistical and Analysis Booklet. It is planned that this booklet will be ready for publication within the next two weeks. The information requested by the Deputy will be made available to him at that time.

*Question No. 330 answered with Question No. 133.*

### Assisted Human Reproduction.

331. **Mr. Naughten** asked the Minister for Health and Children the status of the report of the Commission on Assisted Human Reproduction; and if she will make a statement on the matter. [35186/06]

**Minister for Health and Children (Ms Harney):** The Commission on Assisted Human Reproduction was established in March 2000. Its terms of reference were: to prepare a report on the pos-

sible approaches to the regulation of all aspects of assisted human reproduction and the social, ethical and legal factors to be taken into account in determining public policy in this area.

The Commission conducted an intensive and analytical examination of AHR issues, and its conclusions derive from this wide research. Its report was prepared after twenty three meetings. It also consulted widely and sought submissions from the public. The Commission's report was published in May last year and the Government decided to refer the report to the Oireachtas Joint Committee on Health and Children. This process was intended to allow for further consideration of the complex issues involved and the Committee's report, along with the report of the Commission on Assisted Human Reproduction, will help to inform future policy in this area.

In the meantime, I have instructed my Department to prepare a policy proposals framework, as a first step in the process of development of appropriate legislation governing Assisted Human Reproduction in Ireland.

#### **Child Care Services.**

332. **Mr. Neville** asked the Minister for Health and Children when moneys will be made available for a crèche (details supplied) in County Limerick. [35201/06]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** As the Deputy is aware, I have responsibility for the Equal Opportunities Childcare Programme 2000-2006 (EOCP) and the National Childcare Investment Programme 2006-2010 (NCIP), which are being implemented by the newly established Office of the Minister for Children.

The Group in question was approved Capital funding under the EOCP of €710,681 in December 2004 and the Group has submitted an application for additional capital finding under the EOCP. I understand from enquiries I have made that this application for additional funding is under appraisal. Each application undergoes a thorough assessment by Pobal, formerly known as Area Development Management Ltd., which is engaged to administer the Programme.

Following completion of the assessment, the application will be considered by the Programme Appraisal Committee, before a decision is made regarding funding. The Group will be informed of the outcome of the assessment in due course.

#### **Hospitals Building Programme.**

333. **Ms B. Moynihan-Cronin** asked the Minister for Health and Children the position with regard to the provision of a new community hospital in Tralee, County Kerry; if there is a defined catchment area for which the hospital will cater; the timeframe and costs involved in this

project; and if she will make a statement on the matter. [35202/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

#### **Health Services.**

334. **Ms B. Moynihan-Cronin** asked the Minister for Health and Children the number of persons in County Kerry currently awaiting an appointment to see an orthodontist; the steps being taken to reduce waiting lists; and if she will make a statement on the matter. [35203/06]

**Minister for Health and Children (Ms Harney):** The Deputy's question regarding the way that children are assessed and deemed eligible for orthodontic treatment 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.

#### **Accident and Emergency Services.**

335. **Ms B. Moynihan-Cronin** asked the Minister for Health and Children the position regarding the proposed extension of accident and emergency facilities at Kerry General Hospital; and if she will make a statement on the matter. [35204/06]

**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 Accommodation.**

336. **Ms B. Moynihan-Cronin** asked the Minister for Health and Children further to the announcement on 29 July 2002, the number of those promised 850 beds which have been provided to date in 2006; the costs involved to date in 2006; and if she will make a statement on the matter. [35205/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** I am committed to putting in place additional residential places for older persons who can no longer live in their own homes. The Health Service Executive anticipates that it will have provided an additional 1,100 places for older persons by the end of this year. This includes an additional 725 places in the Dublin area and an extra 375 places throughout the rest of the country.

#### Hospital Services.

337. **Ms B. Moynihan-Cronin** asked the Minister for Health and Children if she will provide funding for a sexual assault treatment unit in County Kerry; and if she will make a statement on the matter. [35206/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The Deputy's question relates to the funding, management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

#### Hospitals Building Programme.

338. **Ms B. Moynihan-Cronin** asked the Minister for Health and Children the position regarding the provision of a new Community Hospital in Dingle, County Kerry; the timeframe and costs involved in this project; and if she will make a statement on the matter. [35207/06]

**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.

#### Medical Cards.

339. **Ms B. Moynihan-Cronin** asked the Minister for Health and Children the number of persons in Kerry currently in possession of a full medical card; the number in possession of a doctor only medical card; the percentage of the population of Kerry in possession of both types of medical card; and if she will make a statement on the matter. [35208/06]

**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.

#### National Treatment Purchase Fund.

340. **Ms B. Moynihan-Cronin** asked the Minister for Health and Children the number of persons in County Kerry who have been treated under the National Treatment Purchase Fund since its inception; and the number treated since 1 January 2006. [35209/06]

**Minister for Health and Children (Ms Harney):** The Deputy's question relates to the operation of the National Treatment Purchase Fund (NTPF). My Department has, therefore, asked the Chief Executive of the NTPF to reply to the Deputy directly with regard to the information requested.

#### Health Services.

341. **Mr. Callanan** asked the Minister for Health and Children the person who is the head of immunisation in the west of Ireland; the person who is the head of immunisation in Ireland; and if she will make a statement on the matter. [35210/06]

**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.

342. **Mr. Callanan** asked the Minister for Health and Children the number of cases at High Court level initiated by staff members of the old western health board that were settled in the past five years; the general nature of these cases; the settlement made in each case; if all settlements were made without prejudice; and if she will make a statement on the matter. [35211/06]

**Minister for Health and Children (Ms Harney):** The Deputy's question relates to human resource management issues within the Health Service Executive. As this is a matter for the Executive under the Health Act 2004, 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.

343. **Mr. Deenihan** asked the Minister for

Health and Children if her attention has been drawn to the difficulties currently being experienced in the delivery of orthodontic services in the Cork and Kerry region; the measures being taken to address the problems; and if she will make a statement on the matter. [35230/06]

344. **Mr. Deenihan** asked the Minister for Health and Children the number of patients currently awaiting orthodontic treatment in the Cork and Kerry region; the length of time that patients are waiting; the breakdown in the number of patients from Cork and Kerry; and if she will make a statement on the matter. [35231/06]

345. **Mr. Deenihan** asked the Minister for Health and Children the measures being taken to deal with patients currently awaiting urgent orthodontic treatment in the Cork and Kerry region; the length of time that patients are waiting; the breakdown in the number of patients from Cork and Kerry; and if she will make a statement on the matter. [35232/06]

**Minister for Health and Children (Ms Harney):** I propose to answer Questions Nos. 343 to 345, inclusive, together.

The Deputy's question regarding the way that children are assessed and deemed eligible for orthodontic treatment 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.

346. **Dr. Upton** asked the Minister for Health and Children her views on the recommendations contained in the 2004 review of the Expert Group on Domiciliary Births' Domiciliary Births Report; if these recommendations will be implemented; if so, when; if not, the reason for same; if these recommendations will be implemented in part, the parts that will not be implemented; the reason for same; if the National Implementation Committee has been established to implement the recommendations of that report; if not, the reason for same; if so, the number of meetings it has had since its establishment; the progress made in progressing the work undertaken by the review group which carried out the aforementioned 2004 review with regard to implementing an interim national approach to the provision of home births where no established pathway of care existed; and when the draft national guidelines and procedures for dealing with home birth grant application which have been prepared will be rolled-out nationally. [35235/06]

**Minister for Health and Children (Ms Harney):** My Department is committed to the principle of

choice for women in the area of childbirth and its primary concern in planning obstetric services is the safety of the mother and child. However, having considered the report of the Domiciliary Birth Group my Department has a number of concerns about the evaluations of the Pilot Projects and has conveyed these concerns to the Health Service Executive.

The questions on implementation of the recommendations etc 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.

347. **Dr. Cowley** asked the Minister for Health and Children the reason a person (details supplied) in County Mayo was not referred to the public orthodontic service for treatment while attending national school; and if she will make a statement on the matter. [35236/06]

**Minister for Health and Children (Ms Harney):** The Deputy's question regarding the way that children are assessed and deemed eligible for orthodontic treatment relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

#### **Mental Health Services.**

348. **Mr. Rabbitte** asked the Minister for Health and Children the timetable for implementing the recommendations contained in A Vision for Change; the way the Government plan to ensure that A Vision for Change will be fully implemented and that the necessary resources are put in place; and if she will make a statement on the matter. [35256/06]

349. **Ms Shortall** asked the Minister for Health and Children the way the Government intends to ensure that the policy for mental health, A Vision for Change, will be fully implemented and that action will be taken on its recommendations by all Government Departments whose role it mentions; and if she will make a statement on the matter. [35264/06]

365. **Mr. Crowe** asked the Minister for Health and Children the timetable for implementing Vision for Change. [35385/06]

366. **Mr. Crowe** asked the Minister for Health and Children the way the Government plans to ensure that Vision for Change will be fully



[Mr. Crowe.]

implemented, and that the necessary changes and resources are put in place to complete the recommendations. [35386/06]

385. **Mr. Carey** asked the Minister for Health and Children the policies she has put in place to focus on mental health promotion and prevention as it is stated that one in four people here will experience a mental health problem at some time in their lives; the way her Department is ensuring that these policies are being fully implemented in the context of the Government National Policy Framework for mental health *A Vision for Change*; and if she will make a statement on the matter. [35620/06]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** I propose to take Questions Nos. 348, 349, 365, 366 and 385 together.

The implementation of the recommendations in the Report of the Expert Group on Mental Health Policy, "*A Vision for Change*" will be a matter primarily for the Health Service Executive in accordance with the provisions of the Health Act, 2004.

The Report, which has been accepted by Government as the basis for the future development of our mental health services, outlines a vision of the future for mental health services and sets out a framework for action to achieve it over the next 7-10 years. An additional €26.2 million was made available this year to the Health Service Executive for the further development of our mental health services, bringing the total revenue spend to approximately €835m in 2006.

I acknowledge that significant capital investment is required to provide and equip the proposed new mental health infrastructure. "*A Vision for Change*" estimates that approximately €800m will be required. However, there are substantial capital assets tied up in the existing psychiatric hospital buildings and lands which could be used productively to expand and modernise our mental health services. The Report recommends that the full economic value of such hospital buildings and lands within the mental health services be assessed and valued. The value of these assets should significantly counterbalance the projected capital cost.

In March 2006, I appointed an independent monitoring group to monitor progress on the implementation of all the recommendations in "*A Vision for Change*". In addition, the Health Service Executive recently established an implementation group to ensure that mental health services develop in a synchronised and consistent manner across the country and to guide and resource service managers and clinicians in making the recommendations in "*A Vision for Change*" a reality. Both of these Groups will play an important role in ensuring that the recom-

mendations are implemented in a co-ordinated and timely manner.

"*A Vision for Change*" highlights the importance of mental health promotion in the prevention of mental health problems through the development of coping and problem-solving skills, help-seeking and resilience. It also recommends that mental health promotion should be available for all age groups, to enhance the protective factors and decrease risk factors for developing mental health problems. The Health Service Executive now has responsibility for the management and delivery of health and personal social services, including health promotion programme development and implementation and will be guided by national policy in the development of mental health promotion programmes.

#### Health Service Funding.

350. **Mr. Blaney** asked the Minister for Health and Children her views on increasing the allocation of moneys towards the Alzheimer Society in 2007; and if she will make a statement on the matter. [35274/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The Health Act 2004 provided for the Health Service Executive (HSE), which was established on 1 January 2005. Under the Act, the Executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for funding organisations and initiatives such as mentioned in the Deputy's question. Accordingly, my Department 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.

351. **Mr. P. McGrath** asked the Minister for Health and Children the waiting time for assessment of primary medical certificates in Counties Westmeath, Longford, Offaly and Laois; and if she will make a statement on the matter. [35275/06]

**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.

#### Departmental Expenditure.

352. **Mr. P. McGrath** asked the Minister for Health and Children the amount expended on

photographers by her Department for events and publicity leaflet production in her constituency and the constituency of each Minister of State of her Department in the years 2004, 2005 and to date in 2006; and if she will make a statement on the matter. [35288/06]

**Minister for Health and Children (Ms Harney):**

My Department has not provided any payment to photographers for constituency events or publicity leaflet production in the case of either myself or the Ministers of State at my Department. However, the following expenditure was incurred for photography services relating to official health engagements which took place in the constituencies of the Ministers of State concerned: Minister of State Lenihan — €306 in 2005; and Minister of State O'Malley — €410 in 2005.

**Health Services.**

353. **Mr. F. McGrath** asked the Minister for Health and Children if she will assist a person (details supplied) in Dublin 3 as a matter of priority. [35315/06]

**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 Service Funding.**

354. **Mr. F. McGrath** asked the Minister for Health and Children if she will assist a club (details supplied) in County Dublin with funding. [35316/06]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

**Hospital Services.**

355. **Mr. English** asked the Minister for Health and Children if she or a delegation from her Department or from the Health Service Executive has met with SIPTU regarding the action plan for health services in the north east; if representatives from SIPTU are included on the

steering committee; and if she will make a statement on the matter. [35330/06]

356. **Mr. English** asked the Minister for Health and Children the members of the steering committee regarding the action plan for health services in the north east. [35331/06]

**Minister for Health and Children (Ms Harney):**

I propose to take Questions Nos. 355 and 356 together.

The HSE has recently established a Steering Group and a North East Project Group to oversee a programme designed to improve safety and standards across the acute hospital network in the North East Region. The decision was taken having regard to the issues raised in the report prepared for the HSE by Teamwork Management Services — "Improving Safety and Achieving Better Standards — An Action Plan for Health Services in the North East" and taking account of the findings of the recent report into the death of Mr Patrick J Walsh.

Led by the HSE's National Hospitals Office, the Steering Group has representation from key stakeholders such as clinicians and primary care providers. The Project Group is being led by a Consultant Surgeon from outside the Region.

Neither I nor my Department has met with SIPTU regarding the Action Plan for Health Services in the North East. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the specific matters raised in the Deputy's questions investigated and to have a reply issued directly to him.

**Health Service Funding.**

357. **Mr. English** asked the Minister for Health and Children her plans to provide additional funding for groups that frontline violence against women services such as helplines, refuges and rape crisis centres in order that they can provide assistance and services to all women seeking help; and if she will make a statement on the matter. [35333/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The Deputy's question relates to the funding, management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

**Hospital Services.**

358. **Dr. Cowley** asked the Minister for Health and Children when a person (details supplied) in County Mayo can expect to be called for an angi-

[Dr. Cowley.]

ogram; and if she will make a statement on the matter. [35341/06]

**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.

**Services for People with Disabilities.**

359. **Mr. Rabbitte** asked the Minister for Health and Children when the recommendations will be put in place in relation to the National Disability Authority's Standards In-Care document, which was presented to her in April 2004; and if she will make a statement on the matter. [35342/06]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** I presume the Deputy is referring to the National Standards for Disability Services (NSDS), which my Department has developed in partnership with the National Disability Authority (NDA) in consultation with people with disabilities, their families, carers, service providers, health services providers and other stakeholders. These standards are designed to ensure that services are provided to an agreed level of quality and that the level of quality is consistent on a national basis. It is proposed that the standards will apply to a range of services for people with disabilities as funded by the Health Service Executive.

The draft NSDS are being considered within the framework of the Health Services Reform Programme. A critical element in this process is the establishment of the Health Information Quality Authority (HIQA). The new Health Bill currently being drafted to underpin the Health Reform Programme will include provision for the establishment of HIQA on a statutory basis. The establishment of HIQA as a key part of the architecture of planning and developing health and personal social services in Ireland will promote a continuous quality improvement ethos in the health system. The development and implementation of the NSDS is a central element of the process. Meanwhile, the draft NSDS have been forwarded to the interim HIQA for its consideration. The implementation process for the NSDS will necessarily involve an incremental process of planning, training and implementation over the coming years.

**Hospital Services.**

360. **Mr. Aylward** asked the Minister for Health and Children if she will request the Health

Service Executive south to arrange an appointment for a person (details supplied) in County Kilkenny for assessment for a hip replacement operation in Waterford regional hospital. [35343/06]

**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.

**Community Care.**

361. **Mr. Callely** asked the Minister for Health and Children the level of funding made available by her Department to the Health Service Executive for home care packages in the Dublin catchment area; and if she will make a statement on the matter. [35363/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The Deputy will be aware that, in Budget 2006, an investment package of €150 million was announced for additional services for Older People and Palliative Care. This package included €55 million for the rolling out of 2,000 additional Home Care Packages. €30 million of this was for 2006, with the remaining €25m for 2007. Of this €30 million, a total of €3.6 million was allocated to the former Northern Area Health Board area, based on the percentage of the population aged over 65.

Home Care Packages are delivered through the HSE and consist of a mixture of grants, contracted care services, therapeutic input, equipment and other such community services as determined by a needs assessment to facilitate an older person to remain living in their own home. They vary according to the care needs of the person so that, for example, there might be a greater emphasis in some packages on home care assistance while other packages may require a greater level of therapy and nursing.

**Hospital Accommodation.**

362. **Mr. Callely** asked the Minister for Health and Children the breakdown of the number of hospital beds available in the Dublin catchment area; the number of beds that have been identified by her Department as required to serve the population; and if she will make a statement on the matter. [35364/06]

**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.

#### **Departmental Staff.**

363. **Mr. Callely** asked the Minister for Health and Children the status of employment of people either by her Department or agencies of her Department; the employment status and employee entitlements of people employed as home helps in the health services; and if she will make a statement on the matter. [35365/06]

#### **Minister for Health and Children (Ms Harney):**

The majority of staff employed in my Department are permanent civil servants. There are also a small number of staff attached to my Department or agencies of my Department who have been seconded in or are on contract. These staff are all specialists in their areas. My Department also has three staff on temporary six month placements under Civil Service approved work experience schemes.

Both the Non-commercial State Sponsored Bodies under the aegis of the Department and the Health Service Executive are responsible for the terms and conditions of their employees on an on-going basis. However, when appointing new employees in the Non-commercial State Sponsored Bodies, their terms and conditions of appointment are subject to Ministerial approval. In statutory instruments establishing the individual bodies, the consent of the Minister for Finance may also be required. In the case of new employees with the Health Service Executive, terms and conditions are subject to the approval of the Minister, given with the consent of the Minister for Finance as set out in Section 22 of the Health Act 2004.

The Health Service Executive have confirmed that home help staff employed by them have the same status and entitlements as all employees of the Health Service Executive.

#### **Drugs Payment Scheme.**

364. **Mr. Neville** asked the Minister for Health and Children if she will reconsider the inclusion of the drug Melatonin for reimbursement in the drug payment scheme in view of the fact that it is being prescribed by the medical profession to promote sleep. [35368/06]

#### **Minister for Health and Children (Ms Harney):**

There is a common list of reimbursable medicines for the General Medical Services and Drug Payment schemes. This list is reviewed and amended monthly, as new products become available and deletions are notified. For an item to be included on the list, it must comply with published criteria, including authorisation status as appropriate, price and, in certain cases the intended use of the product. In addition, the product should ordi-

narily be supplied to the public only by medical prescription and should not be advertised or promoted to the public.

Any application by a supplier to have Melatonin included on the common list will be considered in the usual way. People who experience undue financial hardship in obtaining any particular product should contact the local area office of the Health Service Executive.

*Questions Nos. 365 and 366 answered with Question No. 348.*

#### **Health Service Staff.**

367. **Mr. Ring** asked the Minister for Health and Children the role of a person (details supplied) appointed to the Health Service Executive; the salary of the said person; when the person took up the position with the HSE; the length of time their appointment or contract lasts for; if this position was advertised as an open competition; and the appointment process in this case. [35408/06]

#### **Minister for Health and Children (Ms Harney):**

The Deputy's question relates to human resource management issues within the Health Service Executive. As this is a matter for the Executive under the Health Act 2004, my Department requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and my Department has been informed that a reply has already issued directly to the Deputy.

368. **Mr. Ring** asked the Minister for Health and Children the number of people working in the Health Service Executive in the west region administrative section; and the names of the people, their role and salary. [35409/06]

#### **Minister for Health and Children (Ms Harney):**

As this question relates to human resource management issues which are the responsibility of the Health Service Executive under the Health Act 2004, 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.**

369. **Mr. Dennehy** asked the Minister for Health and Children if she is satisfied with the provision of orthodontic services in the State; and if she will make a statement on the matter. [35410/06]

#### **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 (HSE) under the Health Act 2004. Accordingly, my Department

[Ms Harney.]

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.**

370. **Mr. Dennehy** asked the Minister for Health and Children her views on the development of adult neurosurgery facilities here; and if she will make a statement on the matter. [35411/06]

#### **Minister for Health and Children (Ms Harney):**

At the request of my Department, a committee was established by the former Comhairle na nOspidéal, to review arrangements for the provision of neurosurgical services and consultant staffing nationally, and following consultation with the interests concerned, to make recommendations on the future organisation and development of neurosurgical services.

My Department has been informed that the report will be published very shortly. The future development of neurosurgery services will be considered in the light of the recommendations of the report.

371. **Mr. Naughten** asked the Minister for Health and Children when a person (details supplied) in County Roscommon will be called for a CAT Scan at University College Hospital Galway; her views on whether it is acceptable that a person who is experiencing sight failure and collapsing should have to wait over 14 months for a scan; the time delay for such appointments; the steps she is taking to address the situation; and if she will make a statement on the matter. [35431/06]

372. **Mr. Naughten** asked the Minister for Health and Children when a person (details supplied) in County Roscommon will be called for a renal appointment at University College Hospital Galway; the time delay for such appointments; the steps she is taking to address the delay; and if she will make a statement on the matter. [35432/06]

#### **Minister for Health and Children (Ms Harney):**

I propose to take Questions Nos. 371 and 372 together.

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.

#### **Home Help Service.**

373. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will be provided with home help. [35435/06]

#### **Minister of State at the Department of Health and Children (Mr. S. Power):**

The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

#### **Hospital Services.**

374. **Mr. Bruton** asked the Minister for Health and Children the bed capacity in hospitals (details supplied) in each year from 1999 to date in 2006. [35553/06]

375. **Mr. Bruton** asked the Minister for Health and Children the number of day surgeries taking place in hospitals (details supplied) in each year from 1999 to date in 2006. [35554/06]

376. **Mr. Bruton** asked the Minister for Health and Children the number of bed days lost due to closed or blocked beds in hospitals (details supplied) in each year from 1999 to date in 2006. [35555/06]

377. **Mr. Bruton** asked the Minister for Health and Children the number of elective admissions to public hospitals in the Dublin area in each year from 1999 to date in 2006. [35556/06]

#### **Minister for Health and Children (Ms Harney):**

I propose to take Questions Nos. 374 to 377, inclusive, together.

The questions relate to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act, 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have these matters investigated and to have a reply issued directly to the Deputy.

378. **Mr. Bruton** asked the Minister for Health and Children the amount of revenue received from private patients, distinguishing hospitals, in each year since 1999 to date in 2006. [35557/06]

#### **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.

### **Nursing Home Services.**

379. **Mr. Bruton** asked the Minister for Health and Children the nursing home capacity in each year since 1999 to date in 2006; and if a census of nursing home capacity is available. [35558/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

### **Hospital Services.**

380. **Mr. N. O'Keefe** asked the Minister for Health and Children if she will assist in arranging to have a person (details supplied) in County Cork admitted to a hospital in County Cork for surgery. [35582/06]

**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.

381. **Mr. N. O'Keefe** asked the Minister for Health and Children if she will arrange an out-patient appointment for a person (details supplied) in County Cork. [35583/06]

**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 Staff.**

382. **Dr. Cowley** asked the Minister for Health and Children if her attention has been drawn to a crisis situation developing within the ENT section in Mayo; if funding will be made available in order that the position of head and neck surgeon and otolaryngologist can be advertised and prevent an ENT clinic in Mayo General Hospital being cancelled and extending the long waiting

lists; and if she will make a statement on the matter. [35584/06]

### **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.**

383. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will be called for an out-patient appointment in Galway. [35601/06]

### **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.

### **Health Service Allowances.**

384. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will be notified of the decision in relation to their application for the mobility allowance. [35602/06]

### **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.

*Question No. 385 answered with Question No. 348.*

### **Suicide Incidence.**

386. **Mr. Neville** asked the Minister for Health and Children the number of deaths and rate by 100,000 by suicide in the Health Service Executive Regional areas for each of the years 2002 to 2005. [35621/06]

### **Minister of State at the Department of Health and Children (Mr. T. O'Malley):**

The responsibility for classifying deaths in Ireland rests with the Central Statistics Office (CSO). They consult

[Mr. T. O'Malley.]

with a number of sources before making the classification of cause of death.

As the CSO collect data on a county basis, it is not possible to provide a breakdown on a Health

Service Executive regional area basis. According to figures provided by the Central Statistics Office the number of suicides by county and average annual suicide rate per 100,000 population is as follows:

Deaths by suicide & average suicide rate per 100,000 population classified by county of residence of deceased

County	2002	Rate	2003	Rate	2004	Rate	2005	Rate
Carlow	3	0.08	6	0.15	6	0.15	8	0.19
Dublin	103	2.64	107	2.69	104	2.58	101	2.44
Kildare	21	0.54	13	0.33	13	0.32	19	0.46
Kilkenny	11	0.28	13	0.33	10	0.25	7	0.17
Laois	6	0.15	3	0.08	3	0.07	6	0.15
Longford	4	0.10	2	0.05	5	0.12	4	0.10
Louth	14	0.36	14	0.35	12	0.30	7	0.17
Meath	19	0.49	16	0.40	24	0.59	13	0.31
Offaly	11	0.28	11	0.28	12	0.30	8	0.19
Westmeath	6	0.15	9	0.23	7	0.17	12	0.29
Wexford	17	0.43	22	0.55	11	0.27	13	0.31
Wicklow	15	0.38	15	0.38	12	0.30	17	0.41
Clare	16	0.41	15	0.38	14	0.35	15	0.36
Cork	62	1.58	80	2.01	69	1.71	53	1.28
Kerry	13	0.33	19	0.48	21	0.52	12	0.29
Limerick	30	0.76	28	0.70	25	0.62	16	0.39
Tipperary	22	0.56	25	0.63	17	0.42	23	0.55
Waterford	12	0.30	14	0.36	16	0.40	13	0.32
Galway	26	0.67	26	0.66	15	0.37	26	0.63
Leitrim	7	0.18	0	0	4	0.10	6	0.15
Mayo	18	0.46	12	0.30	11	0.27	11	0.27
Roscommon	4	0.10	3	0.08	1	0.02	5	0.12
Sligo	4	0.10	7	0.18	10	0.25	3	0.07
Cavan	10	0.26	5	0.13	9	0.22	11	0.27
Donegal	20	0.51	19	0.48	18	0.45	12	0.29
Monaghan	4	0.10	13	0.33	8	0.20	10	0.24
Total	478	12.20	497	12.49	457	11.30	431	10.43

Note: The figures provided for 2004 and 2005 are by 'year of registration' and are therefore provisional.

### Health Services.

387. **Mr. Ring** asked the Minister for Health and Children the reason, after six years of transport being provided on two days a week to a person (details supplied) in County Mayo, the transport provision has now ceased in view of the fact that it gave this person a chance to attend day care facilities which allowed them to meet with their peers and improve the quality of their life; when she expects their transport to be restored; and if she will make a statement on the matter. [35651/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The Deputy's question relates to the management and delivery of health and personal social services, which are the

responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

### National Treatment Purchase Fund.

388. **Mr. Sargent** asked the Minister for Health and Children the number of patients who have been waiting longer than a year for an operation or appointment and who have yet to receive a letter of confirmation that they have been put on the national treatment purchase fund scheme; and if she will make a statement on the matter. [35652/06]

**Minister for Health and Children (Ms Harney):** As the Deputy's question relates to the operation

of the national treatment purchase fund, NTPF, my Department has asked the chief executive of the NTPF to reply directly to the Deputy in relation to the information requested.

#### **Health Services.**

389. **Mr. Carey** asked the Minister for Health and Children the reason there is a requirement on a member of the applicant's family (details supplied) to supply certain information; and if she will make a statement on the matter. [35670/06]

**Minister for Health and Children (Ms Harney):** As the Health Service Executive has responsibility for administering the health repayment scheme, enquiries relating to the scheme are referred to the parliamentary affairs division of the executive. My Department has asked the HSE to have this matter investigated and to have a reply issued to the Deputy.

#### **Eating Disorders.**

390. **Mr. D. Wallace** asked the Minister for Health and Children if she will outline the immediate steps being taken to address the shortfall in public services available to people with eating disorders. [35671/06]

**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.

#### **Foster Care.**

391. **Mr. Wall** asked the Minister for Health and Children the number of social workers or link workers employed in the foster care sections for the Health Service Executive dealing with County Kildare; if there are vacancies in regard to the accepted number required to deal with the number of children in care; the ratio of social workers to the number of children; and if she will make a statement on the matter. [35680/06]

393. **Mr. Wall** asked the Minister for Health and Children the number of agencies employed by the Health Service Executive to deal with foster parenting in the Kildare area for the past three years; the number of children that are cared for by this system of care; and if she will make a statement on the matter. [35682/06]

394. **Mr. Wall** asked the Minister for Health and Children if the cost of employment of an agency to deal with foster parenting is greater than if the foster parenting was organised by the

Health Service Executive; the cost invested to the HSE in regard to the use of agencies for foster parenting for each of the past three years for the Kildare area; the cost for the HSE in regard to its own organisation of foster parenting for the past three years; and if she will make a statement on the matter. [35683/06]

397. **Mr. Wall** asked the Minister for Health and Children the number of children in foster care within the Kildare section of the Health Service Executive for each of the past five years; and if she will make a statement on the matter. [35686/06]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** I propose to take Questions Nos. 391, 393, 394 and 397 together.

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.

392. **Mr. Wall** asked the Minister for Health and Children the location where agencies are employed to deal with foster parenting by the Health Service Executive; if the social or link worker attached to each child is remunerated by the HSE or if the charge for the care of the child is inclusive of the payment of the social worker made by the agency; and if she will make a statement on the matter. [35681/06]

**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.

*Questions Nos. 393 and 394 answered with Question No. 391.*

395. **Mr. Wall** asked the Minister for Health and Children if she is satisfied that all of the guidelines and directives contained in the national standards for foster care are being implemented; the cost to her Department of foster parenting in each of the past three years; the number of children in foster parenting in all of the Health Service Executive regions; and if she will make a statement on the matter. [35684/06]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** The Deputy's question relates to the management and delivery



[Mr. B. Lenihan.]

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.

396. **Mr. Wall** asked the Minister for Health and Children the facilities which constitute proper access for children in foster parenting to meet with their parents; if such access is always supervised by a member of the Health Service Executive or agency dealing with the child; if there is an age limit on such supervised access meetings or if such meetings can be held without supervision; and if she will make a statement on the matter. [35685/06]

**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. 397 answered with Question No. 391.*

#### **Health Services.**

398. **Mr. Wall** asked the Minister for Health and Children her views on the removal of the county boundaries that were means of designation for health services in the old health board system due to the fact that these boundaries are now a cause of concern to many people seeking health services that are available in certain areas and not others; and if she will make a statement on the matter. [35687/06]

**Minister for Health and Children (Ms Harney):** Section 6 of the Health Act 2004 states that the Health Service Executive is a corporate body. In view of this, the provision of health services and the internal structures of how these services are delivered is a matter for the HSE. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

#### **Hospitals Building Programme.**

399. **Mr. P. McGrath** asked the Minister for Health and Children when work will commence, and work will be completed on the standard ward units in phase 2B of the Midlands Regional Hospital in Mullingar; and if she will make a statement on the matter. [35697/06]

400. **Mr. P. McGrath** asked the Minister for Health and Children when work will commence, and work will be completed on the acute psychiatric unit in phase 2B of the Midlands Regional Hospital in Mullingar; and if she will make a statement on the matter. [35698/06]

401. **Mr. P. McGrath** asked the Minister for Health and Children when work will commence, and work will be completed on the medical assessment unit in phase 2B of the Midlands Regional Hospital in Mullingar; and if she will make a statement on the matter. [35699/06]

402. **Mr. P. McGrath** asked the Minister for Health and Children when work will commence, and work will be completed on the operating department in phase 2B of the Midlands Regional Hospital in Mullingar; and if she will make a statement on the matter. [35700/06]

403. **Mr. P. McGrath** asked the Minister for Health and Children when work will commence, and work will be completed on the pathology department in phase 2B of the Midlands Regional Hospital in Mullingar; and if she will make a statement on the matter. [35701/06]

404. **Mr. P. McGrath** asked the Minister for Health and Children when work will commence, and work will be completed on the day services unit in phase 2B of the Midlands Regional Hospital in Mullingar; and if she will make a statement on the matter. [35702/06]

405. **Mr. P. McGrath** asked the Minister for Health and Children when work will commence, and work will be completed on the palliative care unit in phase 2B of the Midlands Regional Hospital in Mullingar. [35703/06]

406. **Mr. P. McGrath** asked the Minister for Health and Children when work will commence, and work will be completed on the coronary care unit in phase 2B of the Midlands Regional Hospital in Mullingar; and if she will make a statement on the matter. [35704/06]

407. **Mr. P. McGrath** asked the Minister for Health and Children when work will commence, and work will be completed on the Intensive care unit in phase 2B of the Midlands Regional Hospital in Mullingar; and if she will make a statement on the matter. [35705/06]

408. **Mr. P. McGrath** asked the Minister for Health and Children when work will commence, and work will be completed on the medicine for the elderly rehabilitation unit in phase 2B of the Midlands Regional Hospital in Mullingar; and if she will make a statement on the matter. [35706/06]

409. **Mr. P. McGrath** asked the Minister for Health and Children when work will commence, and work will be completed on the child and adolescent psychiatry unit in phase 2B of the Midlands Regional Hospital in Mullingar; and if she will make a statement on the matter. [35707/06]

410. **Mr. P. McGrath** asked the Minister for Health and Children when work will commence, and work will be completed on the catering department in phase 2B of the Midlands Regional Hospital in Mullingar; and if she will make a statement on the matter. [35708/06]

411. **Mr. P. McGrath** asked the Minister for Health and Children when work will commence, and work will be completed on the occupational therapy unit in phase 2B of the Midlands Regional Hospital in Mullingar; and if she will make a statement on the matter. [35709/06]

412. **Mr. P. McGrath** asked the Minister for Health and Children when work will commence, and work will be completed on the central staff change area in phase 2B of the Midlands Regional Hospital in Mullingar; and if she will make a statement on the matter. [35710/06]

413. **Mr. P. McGrath** asked the Minister for Health and Children when work will commence, and work will be completed on the office accommodation in phase 2B of the Midlands Regional Hospital in Mullingar; and if she will make a statement on the matter. [35711/06]

414. **Mr. P. McGrath** asked the Minister for Health and Children when work will commence, and work will be completed on the waste collection depot in phase 2B of the Midlands Regional Hospital in Mullingar; and if she will make a statement on the matter. [35712/06]

415. **Mr. P. McGrath** asked the Minister for Health and Children when work will commence, and work will be completed on the line collection and distribution area in phase 2B of the Midlands Regional Hospital in Mullingar. [35713/06]

416. **Mr. P. McGrath** asked the Minister for Health and Children when work will commence, and work will be completed on the maintenance and equipment area in phase 2B of the Midlands Regional Hospital in Mullingar; and if she will make a statement on the matter. [35714/06]

**Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 399 to 416, inclusive, together.

The Deputy's questions relate to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. This includes responsibility for considering

new capital proposals or progressing those in the health capital programme. Accordingly, my Department is requesting the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

#### **Health Services.**

417. **Mr. Durkan** asked the Minister for Health and Children the number of orthodontists currently available to deal with children; and if she will make a statement on the matter. [35723/06]

418. **Mr. Durkan** asked the Minister for Health and Children the number of children currently awaiting orthodontic treatment; and if she will make a statement on the matter. [35724/06]

**Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 417 and 418 together.

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.

419. **Mr. Durkan** asked the Minister for Health and Children the extent to which it is intended to upgrade the various health centres throughout County Kildare in accordance with requirements of increased population and modern demands; and if she will make a statement on the matter. [35725/06]

**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 Staff.**

420. **Mr. Durkan** asked the Minister for Health and Children the extent to which the number of nurses currently in training is expected to be adequate to meet future requirements; and if she will make a statement on the matter. [35727/06]

**Minister for Health and Children (Ms Harney):** Ensuring an adequate supply of nurses and midwives has been a concern of this Government for some time, and a number of substantial measures have been introduced in recent years. The annual number of undergraduate nursing training places has been increased by 94% since 1998 to 1,880 places from 2006 onwards. There are over 6,000

[Ms Harney.]

students in the system at any one time. Revenue funding for the undergraduate training programme is €115m per annum and the Government has provided €250m capital funding since 2002 to build thirteen new schools of nursing. The first cohort of students from the new four year degree programme graduated and registered as nurses earlier this year.

The measures to increase the domestic supply of nurses and midwives are vital to ensuring we have an adequate workforce to meet the needs of the health service going forward. It is expected that the nursing students funded by the Government will meet much of the demand for nurses in coming years. The Government has been successful in recruiting an additional 10,200 nurses (whole time equivalents) into the public health service over the last nine years. It is the responsibility of the HSE to effectively manage the nursing resource. In addition to training additional nurses it is also important that work systems are constantly monitored and adapted to ensure the best outcomes for patients. The increased use of health care assistants and better skill mix will help to ensure that our nursing care teams will continue to be able to deal with the growing demands on the health service. It has to be recognised that health professionals operate within a global labour market and that careers in the Irish public health service will also prove attractive to overseas nurses from EU and non-EU countries alike.

I am confident that the extensive range of measures to increase the domestic supply of nurses together with the more effective utilisation of the professional skills of nurses and midwives and the recruitment of overseas nurses, in addition to close monitoring and assessment of the situation on an ongoing basis, will continue to prove effective in addressing the nursing workforce needs of the health services.

#### Hospital Services.

421. **Mr. Durkan** asked the Minister for Health and Children the extent to which tuberculosis or other respiratory patients who previously dealt with Peamount Hospital are currently receiving treatment elsewhere; and if she will make a statement on the matter. [35728/06]

**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.

422. **Mr. Durkan** asked the Minister for Health

and Children the way it is intended to effectively respond to the needs of persons (details supplied) in County Kildare; the way it is intended to respond to the needs of such children now and in the future; and if she will make a statement on the matter. [35729/06]

**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.

#### Infectious Diseases.

423. **Mr. Durkan** asked the Minister for Health and Children the hospitals in respect of which there have been the most reported incidents of MRSA to date in 2006; and if she will make a statement on the matter. [35730/06]

424. **Mr. Durkan** asked the Minister for Health and Children the number of patients who have to date died arising from MRSA infections; and if she will make a statement on the matter. [35731/06]

425. **Mr. Durkan** asked the Minister for Health and Children the action being taken throughout the hospital services to prevent incidents of MRSA; and if she will make a statement on the matter. [35732/06]

**Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 423 to 425, inclusive, together.

The Health Protection Surveillance Centre (HPSC) collects data on MRSA bacteraemia (also known as bloodstream infection or 'blood poisoning') as part of the European Antimicrobial Resistance Surveillance System (EARSS). EARSS collects data on the first episode of blood stream infection per patient per quarter. The Irish data for EARSS, which is published on a quarterly basis by the HPSC, showed that there were 445 cases in 2002, 480 cases in 2003, 553 cases in 2004, 586 cases in 2006 and 285 reported cases in the first half of 2006.

It is difficult to identify the number of fatalities attributable to MRSA as many people also have significant co-morbidity factors.

This year, Ireland participated in the Hospital Infection Society's "Prevalence Survey of Health Care Associated Infections" (HCAIs) in the United Kingdom and Ireland. The survey provided accurate and comparable data on the prevalence of HCAIs (including MRSA) in acute hospitals in Ireland and can also be compared with similar data being obtained in England, Scot-

land, Wales and Northern Ireland. Preliminary results of this study are now available. The overall prevalence of health-care associated infection in the UK and Ireland (these figures exclude Scotland) is 7.9%. The England figure is 8.2%, Wales 6.3%, Northern Ireland 5.5% and the Republic of Ireland 4.9%.

As expected, the prevalence of health-care associated infection was highest in regional/tertiary hospitals at 6% and lowest in specialist hospitals at 2%. 10% of patients with a health-care associated infection in the Republic of Ireland were recorded as having an MRSA related health-care infection. This is lower than the UK average of 16%. While the overall prevalence is lower in Ireland than UK, further analysis needs to be done before the true implications of this survey become clear.

Measures to control the emergence and spread of HCAs are necessary because there are fewer options available for the treatment of resistant infections and because these strains spread amongst vulnerable at-risk patients. The prudent use of antibiotics underpins any approach to the control of antibiotic resistant bacteria, including MRSA. This, together with good professional practice and routine infection control precautions, such as hand hygiene, constitute the major measures in controlling and preventing health care associated infection, including that caused by MRSA, both in hospital and in community health care units.

A strategy for the control of Antimicrobial Resistance in Ireland (SARI) was launched in 2001 and includes recommendations such as hospital hygiene practice, appropriate antibiotic prescribing, active surveillance for the detection of MRSA and corporate/ clinical governance structures in the area of infection control. At present, active recruitment is ongoing within the HSE nationally to employ essential infection control staff such as infection control nurses, hospital liaison pharmacists, surveillance scientists and clinical microbiologists. The HSE are shortly to publish a three year Action Plan which will set targets in this important area.

#### **Hospital Accommodation.**

426. **Mr. Durkan** asked the Minister for Health and Children the number of medical, surgical and nursing beds available throughout the entire hospital system; the extent to which this compares with the number of beds available in 1990; and if she will make a statement on the matter. [35733/06]

**Minister for Health and Children (Ms Harney):** In order to make a valid, like-by-like comparison, the bed complement in 1990 for the current 53 acute hospitals was 11,154 in-patient beds and 284 day treatment places, a total of 11,438.

The National Service Plan of the Health Service Executive states that these 53 hospitals

now have 12,547 in patient beds and 1,197 day treatment places, a total of 13,771. This is an increase of 1,393 in patient beds and 913 day treatment places, a total of 2,333.

#### **Nursing Home Accommodation.**

427. **Mr. Durkan** asked the Minister for Health and Children the number of nursing home beds currently available; the number of such beds available in 1990; and if she will make a statement on the matter. [35734/06]

428. **Mr. Durkan** asked the Minister for Health and Children the number of public long stay nursing beds currently available here; the number in 1990; and if she will make a statement on the matter. [35735/06]

**Minister of State at the Department of Health and Children (Mr. S. Power):** I propose to take Questions Nos. 427 and 428 together.

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 Service Staff.**

429. **Mr. Durkan** asked the Minister for Health and Children the number of nurses now employed throughout the public health service; the numbers in 1990; and if she will make a statement on the matter. [35736/06]

**Minister for Health and Children (Ms Harney):** The number of whole-time equivalent nurses and midwives employed in the public health service on 30 June 2006 was 35,818.47, compared with 21,163.50 on 31 December 1990. This represents an increase of 69.25% over the period.

430. **Mr. Durkan** asked the Minister for Health and Children the full requirement in terms of doctors, nurses, consultants, radiologists, anaesthetists and or other categories of staff required to deliver a high quality health service at the present time; when she expects this level of staffing to be achieved; and if she will make a statement on the matter. [35737/06]

**Minister for Health and Children (Ms Harney):** The Deputy's question relates to human resource management within the Health Service Executive. As this is a matter for the Executive under the Health Act 2004, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have it investigated and to have a reply issued directly to the Deputy.

### Hospital Services.

431. **Mr. Durkan** asked the Minister for Health and Children the role she expects the Naas General Hospital to play in the future delivery of health services; the number of wards currently available for occupation; the numbers occupied; the extent to which the full scale of services as originally anticipated are currently available in the hospital; if all theatres are currently functioning in accordance with original intentions; if it is intended to increase the full bed complement in accordance with population requirements; and if she will make a statement on the matter. [35738/06]

**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.

### Human Rights Issues.

432. **Mr. Bruton** asked the Minister for Health and Children her views on a European Court of Human Rights ruling recognising the rights of transgendered people and their right to have their birth certificates altered to reflect their correct gender; if her attention has been drawn to the fact that in 22 of the EU 25 countries transgendered people have the right to alter their birth certificate; her further views on amending legislation to allow same here; and if she will make a statement on the matter. [35749/06]

**Minister for Health and Children (Ms Harney):** The Deputy may be aware that there is a case currently before the Irish Courts concerning an application by a transgendered person to have an alteration made in a birth registration. In the circumstances, I do not propose to comment further until such time as the Courts have completed their deliberations and issued findings.

### Health Service Staff.

433. **Ms C. Murphy** asked the Minister for Health and Children when she will conclude the discussions between her Department, the Department of Finance and the Health Service Executive regarding the review of the health service employment ceiling; if, as a result of these discussions, the employment ceiling will be raised; if so, the amount of same; if figures from the Census 2006 Preliminary Report are being used to determine the increased need for service in locations experiencing rapid population growth; the action available to her to overcome the imbalance between clinical and non-clinical posts and geographic imbalance in service delivery; the staff

ceiling; revisions identified in relation to new service developments and areas; and if she will make a statement on the matter. [35865/06]

**Minister for Health and Children (Ms Harney):** 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, which is a matter for the Health Service Executive.

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. Following discussions with the Health Service Executive, my Department has submitted proposals to the Department of Finance seeking a revision to the health service employment ceiling. This revision has been sought in light of approved service developments during 2005 and 2006 and to reflect a more inclusive methodology in the collection of health service personnel census information. A decision in this regard is awaited from the Department of Finance and as deliberations are on-going it would not be appropriate to disclose specific information in regard to staff ceiling revisions identified.

### Health Services.

434. **Ms C. Murphy** asked the Minister for Health and Children if the recommendations of the Joint Committee on Health and Children regarding orthodontic services will be implemented; when the review of orthodontic services instigated by this committee's findings will be completed; and if she will make a statement on the matter. [35866/06]

**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.

### Tax Code.

435. **Mr. Bruton** asked the Minister for Communications, Marine and Natural Resources the NORA levy on unleaded petrol in 1997 and 1998. [35156/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The

NORA levy was introduced on 1 July 1995 at a flat rate of 0.375 pence per litre on oil products including unleaded petrol. It has remained unchanged since then and the rate is now 0.476 cent per litre or 0.00476 Euro.

### Energy Policy.

436. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources the outcome of the recent meeting between the heads of the European Union and the Russian President on energy matters; and the consequences of the meeting for Irish energy policy. [35188/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** An Taoiseach attended the informal meeting of Heads of Government at Lahti, Finland, on October 20th last, which included a meeting with President Putin. The Heads of State and Government leaders conveyed a clear collective message to President Putin stressing the importance of mutual dependence and recognition for good cooperation between the EU and Russia and emphasising the need for reliability and predictability as the basis for good relations.

The generally agreed need for coherence between the internal and external dimensions of EU energy policy is of particular relevance to Ireland. The recently published energy policy Green Paper stresses our need to maintain diversity of fuels, dramatically increase our use of renewable energy and to have challenging targets for increased energy efficiency. These have also been highlighted in the EU Green Paper on energy policy, 'A European Strategy for Sustainable, Competitive and Secure Energy'. However, reliance on imports accentuates Ireland's interest in ensuring that there are secure sources of fossil fuels for Europe in future.

In this context, progress on EU-Russia cooperation on energy matters as well as diversifying sources of energy supply from the European perspective will be critical to Ireland's long-term energy interests.

### Inland Fisheries.

437. **Mr. N. O'Keeffe** asked the Minister for Communications, Marine and Natural Resources if there is to be a cessation of salmon fishing in a location (details supplied) in County Cork in 2007. [35118/06]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne):** As the Deputy is aware I have undertaken to follow the recommendations of the Standing Scientific Committee of the National Salmon Commission to fully align the management of the wild salmon fishery with their scientific advice for 2007.

I expect that the National Salmon Commission, having considered the advice of the Standing Scientific Committee and the fishery managers, will bring forward, in accordance with their terms of reference, advice on measures for management of the wild salmon fishery in 2007 including where and how fishing can continue. I am not in a position to anticipate this advice in relation to particular areas at this stage.

The National Salmon Commission is aware of the importance of my receiving their advice at the earliest possible date. I expect to receive their advice in the coming weeks in sufficient time for the publication of the necessary draft regulations governing the 2007 Wild Salmon and Sea Trout Tagging Scheme. There will be a period for public consultation prior to enactment in time for the start of the 2007 season.

### Aquaculture Development.

438. **Mr. Ring** asked the Minister for Communications, Marine and Natural Resources if he will appoint a facilitator to hear the view of all the mussel farmers in an area (details supplied) in County Galway and then bring forward recommendations which will facilitate farmers to enter into a long term sustainable plan for the industry and an agreed structure to ensure such a plan is implemented; and if he will make a statement on the matter. [35219/06]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne):** A Co-Ordinated Local Aquaculture Management System (CLAMS) was initiated in respect of Killary Bay some time ago. CLAMS is designed to provide operators with a forum to discuss how best to manage the development of aquaculture in bays and inshore waters throughout Ireland at a local level.

The CLAMS process has had remarkable success in the bays where it has been introduced in enabling fish and shellfish farmers to engage in structured dialogue and consensus building in respect of their current operations and future plans. It should be noted that participation in the CLAMS process is open to all aquaculture licence holders operating in a particular bay. I understand the CLAMS process is functioning well in Killary.

In addition, Killary is currently the subject of a groundbreaking study, which is designed to establish certain guiding principles in relation to carrying capacity. The study, when completed will play an important role in informing the development of public policy on this important issue.

CLAMS will provide the most appropriate means of implementing the future steps to be taken in order to enhance productivity within the bay.

439. **Mr. Ring** asked the Minister for Communications, Marine and Natural Resources

[Mr. Ring.]

if his attention has been drawn to the effects of falling productivity and slowing growth rates in the mussel farm industry in an area (details supplied) in County Galway; if so, the steps he will take to ensure the continued viability of this industry; and if he will make a statement on the matter. [35220/06]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne):** While I am aware of the falling productivity and slowing growth rates in the area the Deputy refers to, the shellfish sector in general has performed consistently well in the context of Irish aquaculture.

To ensure the continuation of this success, the Department is taking action in a number of areas. I have asked An Bord Iascaigh Mhara (BIM) together with the Marine Institute (MI) and in consultation with the Irish Shellfish Association (ISA), to undertake a Carrying Capacity study of bay areas in Ireland with regard to shellfish aquaculture. Killary Bay has been prioritised as the pilot location for this study. BIM and the MI are working closely with the CLAMS (Coordinated Local Aquaculture Management Systems) group in the area in order to identify any obstacles at local level that may be impacting on the sector's development, and make recommendations on how to improve performance of operators in Killary Bay.

I also asked BIM together with Enterprise Ireland to review the Rope Mussel industry. The report was prepared by PricewaterhouseCoopers and involved extensive consultation with industry. I consider that the report offers a very good blueprint for this sector. The implementation of the report's key recommendations will take time to bear fruit and it is important now to work with all involved to deliver on this report. These steps are essential to ensure the continued viability and the sustainable development of this mussel industry into the future.

#### **Mobile Telephony.**

440. **Mr. P. McGrath** asked the Minister for Communications, Marine and Natural Resources if, in view of the incidence of malicious anonymous text messages on mobile phones that can be sent from ready to go mobile phones which appear to be unregistered and untraceable and the emotional damage that can be caused by such communications, he will initiate a scheme whereby all mobile phones purchased must be registered to a national database. [35269/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Legislation exists to tackle the issue to which the Deputy refers:

- It is an offence under Section 13 of the Post Office (Amendment) Act, 1951, as

amended by The Postal and Telecommunications Services Act, 1983, to send by phone any message or other matter, which is grossly offensive, or of an indecent, obscene or menacing character;

- It is also an offence under Section 10 of the Non-Fatal Offences Against the Person Act, 1997, to harass a person by use of any means including by use of a telephone; and
- The sending of child pornographic images via phone is covered by the Child Trafficking and Pornography Act, 1998, and this Act provides for an offence carrying a maximum penalty of 14 years for anyone to knowingly produce, distribute, print, publish, import, export, sell, or show child pornography. Mere possession of child pornography can attract a penalty of five years imprisonment.

Anyone who has information in relation to these matters should bring it immediately to the attention of the Garda Síochána for criminal investigation.

The idea for a Register of mobile phones was extensively reviewed by my officials. There were many complex legal, technical, data protection and practical issues to be considered. In theory, a Register of mobile phones might seem like a good idea. However, having looked at the situation in other administrations, considered the ease with which an unregistered foreign or stolen SIM card can be used and the difficulties that would be posed in verifying identity in the absence of a national identification card system, and having consulted with the Office of the Attorney General and other interested parties, it was concluded that the proposal would be of limited benefit in that it would not solve the illegal and inappropriate use of pre-paid mobile phones and was not practical.

As Minister I continue to support the mobile industry in their work on the safe and responsible use of mobile phones. The Irish Cellular Industry Association (ICIA), has taken many steps in this regard, including the promotion of public awareness, exploring the benefits of content filtering software, the launch of a Parents Guide and a Code of Practice, which represents the minimum set of standards to which they will adhere for the responsible and secure use of mobile phones.

#### **Departmental Expenditure.**

441. **Mr. P. McGrath** asked the Minister for Communications, Marine and Natural Resources the amount expended on photographers by his Department for events and publicity leaflet production in his constituency and the constituency of each Minister of State of his Department in the years 2004, 2005 and to date in 2006; and if he will make a statement on the matter. [35280/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** There was no expenditure over the period in question on photographers for publicity leaflet production.

The Department's Press Office engages photography services for Departmental events and for certain functions, which are attended by myself or the Minister of State in our official capacity as Ministers. Some of these events take place in the relevant constituencies.

The total costs (including VAT) in relation to these events attended by me or the Minister of State and our predecessors during the period in question are as follows: 2004 — €6,995.22; 2005 — €2,201.15; and 2006 — €699.10.

#### Broadcasting Services.

442. **Aengus Ó Snodaigh** asked the Minister for Communications, Marine and Natural Resources if he will report on the progress in relation to the transmission of RTÉ for Irish emigrants living in England. [35309/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** As the Deputy may already be aware, RTÉ's statutory mandate, as defined in Section 28(1) of the Broadcasting Act, 2001, provides that RTÉ's radio and television services shall be made available, in so far as is reasonably practicable, to the whole community on the Island of Ireland.

As such, RTÉ's statutory mandate does not extend to the provision of radio or television services to Irish communities living in England or elsewhere.

As a consequence RTÉ may not use the proceeds of the television licence fee to provide such services. However, it should be noted that many people living outside of the Island of Ireland already enjoy access to a considerable quantity of RTÉ's television programming by way of the Internet, and to RTÉ's radio services by way of satellite, LW and MW and the Internet.

In the light of the recommendations of the Task Force on Emigration, it is proposed to amend the public service remits of RTÉ and TG4 to allow for the provision and public funding of broadcasting services to Irish communities in England.

The proposals to amend the Broadcasting Act, 2001 are contained in the draft general scheme of the Broadcasting Bill, which has been submitted to the Joint Oireachtas Committee on Communications, Marine and Natural Resources for the purposes of public consultation under the eConsultation initiative. I propose to introduce this Bill into the Houses of the Oireachtas in 2007 in the light of the outcome of the consultation process.

#### Emergency Services.

443. **Mr. Sargent** asked the Minister for

Communications, Marine and Natural Resources if his Department intends to promote the In Case of Emergency system in order that individuals' next of kin can be easily contacted in case of emergency. [35415/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Promotion of the storing of names of next of kin in mobile phones under the heading of ICE (i.e. In Case of Emergency please contact the following person) is a matter for agencies that provide emergency services.

#### Television Licences.

444. **Caoimhghín Ó Caoláin** asked the Minister for Communications, Marine and Natural Resources the reason tourist accommodation providers must purchase a separate television licence for each self-catering house; if this situation runs contrary to EU legislation by giving an unfair advantage to hotels, bed and breakfasts and guesthouses, which are only required to purchase one licence; his views on whether it should be possible to allow such an exemption to genuine, registered businesses providing self-catering accommodation for tourists, as opposed to personal use holiday homes; and if he will make a statement on the matter. [35847/06]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Television licences are granted under Section 5 of the Wireless Telegraphy Act 1926. This Section allows for the grant of a licence to a person to keep and have possession of a television set in a specified place.

I have recently submitted proposals for new broadcasting legislation to the Joint Oireachtas Committee on Communications, Marine and Natural Resources for the purposes of holding a public consultation on the proposals under the eConsultation initiative. These proposals include proposed amendments to the statutory basis for the television licence regime.

I propose to introduce a Broadcasting Bill into the Houses of the Oireachtas in 2007 in the light of the outcome of the consultation process.

#### Economic Partnership Agreements.

445. **Ms O. Mitchell** asked the Minister for Foreign Affairs if his attention has been drawn to the fact EPAs are being put in place to bring clear benefits to ACP countries; the measures in place to ensure that there is a system for monitoring real developmental progress in these countries, that is, rises in basic health, education and infrastructure levels; and if he will make a statement on the matter. [35426/06]

**Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan):** The Cotonou Agreement between the African, Caribbean and Pacific



[Mr. C. Lenihan.]

(ACP) States and the European Union (EU) provides for the negotiation of Economic Partnership Agreements (EPAs) between the Parties. The EPAs are first and foremost instruments for development that are intended to foster the smooth and gradual integration of the ACP States into the world economy, thereby promoting sustainable development and contributing to poverty eradication.

The establishment of a monitoring mechanism to track key development benchmarks of the EPA process was first announced by Commissioner Mandelson in January 2005. At the General Affairs and External Relations Council (GAERC) in Brussels in November 2005, which I attended, Member States further pledged to “establish and implement an improved monitoring mechanism against development objectives within the EPA process”.

This commitment was reinforced by Ministers for Foreign Affairs at the GAERC of December 2005, in the document ‘The EU and Africa: towards a strategic partnership’, in which Member States undertook to “closely monitor EPAs so that they help achieve development objectives”.

The review of the EPA negotiations, mandated by article 37.4 of the Cotonou Agreement, is now underway. I welcome the valuable opportunity this review will provide for reflection on both the process and substance of the EPA negotiations, including the question of a monitoring mechanism.

I urge all stakeholders in the EPA process to take full advantage of this review. A thorough and comprehensive evaluation is in the interests of all of us committed to a truly pro-development outcome to this process. I look forward to the results of the review, which are expected at the end of the year.

#### **Departmental Expenditure.**

446. **Mr. P. McGrath** asked the Minister for Foreign Affairs the amount expended on photographers by his Department for events and publicity leaflet production in his constituency and the constituency of each Minister of State of his Department in the years 2004, 2005 and to date in 2006; and if he will make a statement on the matter. [35287/06]

**Minister for Foreign Affairs (Mr. D. Ahern):** No expenditure under this heading was incurred by my Department in 2004 and 2005. To date this year, €1,548.13 was incurred in respect of photography for three official events in my constituency relating to official visits.

- Meeting with United States Congressman Jim Walsh, Congressman Brian Higgins and Congressman Tim Murphy in Carlingford, Co Louth, to discuss developments in

the Northern peace process and the plight of the undocumented Irish in America.

- Meeting with Grant Lally, President of the Irish Lobby for Immigration Reform (ILIR), to discuss the issue of the undocumented Irish in the United States.
- Meeting with delegation from the Japan External Trade Organisation (JETRO) to discuss bilateral economic relations between Ireland and Japan.

No such expenditure was incurred in respect of photography for publicity leaflet production.

#### **Road Network.**

447. **Cecilia Keaveney** asked the Minister for Foreign Affairs the position in relation to the development of the road network linking Strabane and Letterkenny; and if he will make a statement on the matter. [35576/06]

**Minister for Foreign Affairs (Mr. D. Ahern):** I am actively pursuing co-operation on the economic development of the North West in my discussions with the Secretary of State for Northern Ireland, Peter Hain.

The two Governments are committed to working together to maximise the potential of the North West region and in May 2006 we launched the North West Gateway Initiative to take forward cross-border co-operation in this area. Both Governments recognise that the upgrading of the road network is essential to the future prosperity and competitiveness of the region and the initiative includes a commitment to examine the potential for joint investment in key infrastructure projects.

The Deputy will also be aware that the road network linking Lifford/Strabane and Letterkenny has already been included for upgrade under the Government’s major capital investment programme for transport infrastructure, Transport 21.

#### **Departmental Expenditure.**

448. **Mr. P. McGrath** asked the Minister for Arts, Sport and Tourism the amount expended on photographers by his Department for events and publicity leaflet production in his constituency and the constituency of each Minister of State of his Department in the years 2004, 2005 and to date in 2006; and if he will make a statement on the matter. [35279/06]

**Minister for Arts, Sport and Tourism (Mr. O’Donoghue):** According to my Department’s records no expenditure has been incurred by my Department on photographers for events and publicity leaflet production in my constituency from 2004 to date.

### Decentralisation Programme.

449. **Mr. Hogan** asked the Minister for Arts, Sport and Tourism when the decentralisation of staff from the Arts Council to Kilkenny City will take effect in view of a commitment to do so in December 2003; and if he will make a statement on the matter. [35608/06]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** As the Deputy has indicated, the Arts Council, one of the State bodies under the aegis of my Department, has been selected under the Government's Decentralisation Programme to relocate to Kilkenny. However, the Decentralisation Implementation Group (DIG) has not identified it as one of the 'early mover' organisations.

The current position is that the Arts Council has prepared a revised decentralisation implementation plan and the Projects Division of the OPW, having assessed the requirements of the Arts Council, has identified a building in Kilkenny that may be suitable. It is a period building owned by the County Council and is in need of major refurbishment. A conservation report has been completed and the OPW has advised that further investigation is needed in order to ascertain the financial and architectural

implications of the possible refurbishment of the building.

### Job Creation.

450. **Ms B. Moynihan-Cronin** asked the Minister for Enterprise, Trade and Employment the number of jobs created with IDA support in County Kerry in 2006 to date and for each year since 2000; and if he will make a statement on the matter. [35237/06]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The Forfás Annual Employment Survey records jobs gained and lost in companies supported by the industrial development agencies. Data are compiled on an annualised basis and 2005 is the latest year for which such figures are available. A total of 1,368 new jobs were created in IDA assisted companies in respect of each of the years 2000 to 2005 in County Kerry. Annual data is set out in the attached tabular statement.

IDA Ireland has assured me they are actively promoting Kerry and the advantages of locating in the County, which include a young skilled population, the presence of an Institute of Technology, first class Business Parks and a Regional Airport. The Agency is also working closely with existing clients in Kerry to encourage them to expand their operations.

New Jobs in IDA Supported Companies in Kerry

Year	2000	2001	2002	2003	2004	2005	Total
New Jobs	550	379	151	84	100	104	1,368

### Departmental Expenditure.

451. **Mr. P. McGrath** asked the Minister for Enterprise, Trade and Employment the amount expended on photographers by his Department for events and publicity leaflet production in his constituency and the constituency of each Minister of State of his Department in the years 2004, 2005 and to date in 2006; and if he will make a statement on the matter. [35284/06]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** There was no such Departmental expenditure in respect of my own Office or those of the Ministers of State at my Department.

### Work Permits.

452. **Mr. F. McGrath** asked the Minister for Enterprise, Trade and Employment the situation regarding a work permit request for a person (details supplied); and to make this a priority case. [35311/06]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The Work Permits section of

my Department has informed me that this application was refused and the employer was notified of this decision in writing.

In the aftermath of EU Enlargement, it is Government policy that employers should be able to source nearly all of their workforce needs from within the EU. Accordingly, only in cases where skills and qualifications are needed for the job, and the employer has made meaningful attempts to find EEA nationals first, will my Department now consider work permit applications.

### Community Employment Schemes.

453. **Mr. Bruton** asked the Minister for Enterprise, Trade and Employment his views on extending the age limit for participation in community employment schemes in line with the Government's policy of promoting participation in the workforce beyond the age of 65 years. [35848/06]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** Community Employment (CE) is an active labour market programme designed to provide eligible long term unem-

[Mr. Martin.]

ployed people and other disadvantaged persons with an opportunity to engage in useful work within their communities on a temporary basis. CE helps unemployed people to re-enter the open labour market by breaking their experience of unemployment through a return to a work routine and to assist them to enhance/develop both their technical and personal skills.

With effect from 10 November 2004 those aged 55 years of age and over are eligible to participate on CE for a maximum period of 6 years, based on participation since 3rd April 2000. In June 2006 the participation limit for people with a disability was increased by 1 year. These measures were introduced in recognition of the fact that older participants and participants with a disability may find it more difficult to progress into the open labour market.

### Social Welfare Benefits.

454. **Mr. Wall** asked the Minister for Social and Family Affairs the position of an application for a bereavement grant by a person (details supplied) in County Laois; and if he will make a statement on the matter. [35105/06]

**Minister for Social and Family Affairs (Mr. Brennan):** The application of the person concerned for a bereavement grant was refused on the basis that the qualifying PRSI conditions were not satisfied. The person concerned also applied to the Community Welfare Officer of the Health Service Executive for an exceptional needs payment towards funeral expenses but, based on the circumstances and the details provided, the payment was not granted. The person concerned was advised by the CWO to contact the Executive should any exceptional circumstances or expenses subsequently arise. She was also informed of her right to appeal the decision not to grant her an exceptional needs payment to the designated appeals officer of the Executive.

455. **Mr. Bruton** asked the Minister for Social and Family Affairs if orphans are entitled to a back to school allowance in the same way as they are automatically entitled to a medical card, irrespective of the means of the relative or family they are living with; and if he will make a statement on the matter. [35106/06]

**Minister for Social and Family Affairs (Mr. Brennan):** In order to qualify for payment of back to school clothing and footwear allowance (BSCFA), a person must be in receipt of a qualifying social welfare payment (including family income supplement) 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.

Where a person is receiving a guardian's payment in respect of an orphan, a claim for BSCFA may be made, subject to the normal means assessment for the BSCFA scheme. This assessment takes into account the means of the guardians but disregards the actual guardians' payment and the means of the orphan.

I consider the back to school clothing and footwear allowance scheme to be an important support for parents. I am satisfied that the improvements to the scheme for this year have provided a major boost to meeting the financial costs associated with return to school for those who most need assistance.

456. **Mr. Timmins** asked the Minister for Social and Family Affairs the position in relation to a person in receipt of a carer's allowance; if the hours allowed to work will be increased to facilitate people who want to work with FÁS; and if he will make a statement on the matter. [35178/06]

460. **Mr. Timmins** asked the Minister for Social and Family Affairs further to Parliamentary Question No. 1043 of 27 September 2006, the position in relation to a person in receipt of a carer's allowance; if the hours allowed to work will be increased to facilitate people who want to work with FÁS; and if he will make a statement on the matter. [35177/06]

**Minister for Social and Family Affairs (Mr. Brennan):** I propose to take Question Nos. 456 and 460 together.

As I stated in response to the Deputy's previous question, supporting and recognising carers in our society has been a priority of the Government since 1997. Over that period, weekly payment rates to carers have been greatly increased, qualifying conditions for the carer's allowance have been significantly eased, coverage of the scheme has been extended and new schemes such as carer's benefit and the respite care grant have been introduced and extended.

One of the fundamental qualification conditions for carer's allowance is that the applicant must be providing full time care and attention to a person who needs such care. Since the introduction of the carer's allowance scheme this full time care and attention requirement has been eased in order to facilitate carers in engaging in employment, education or training.

Until June this year people could engage in employment outside the home for up to 10 hours per week and still qualify for payment. Since then, I have increased the number of hours a person can engage in employment, self-employment, training or education outside the home and still satisfy the qualifying conditions for payment, from 10 to 15 hours per week. This improvement applies to carer's allowance, carer's benefit and the respite care grant.

Any further change in the existing arrangements would have financial implications and would have to be considered in a budgetary context.

### Social Welfare Appeals.

457. **Mr. Wall** asked the Minister for Social and Family Affairs the procedure to be followed to ensure that a person (details supplied) in County Kildare who appeals a decision of his Department to refuse unemployment allowance receives a payment to provide for themselves in terms of food and so on; if, when the applicant presents themselves to the community welfare officer in such circumstances, the CWO has to provide such funding; if, despite the fact the appeal has been lodged and accepted by his Department, the CWO has the option to refuse such an application; and if he will make a statement on the matter. [35108/06]

**Minister for Social and Family Affairs (Mr. Brennan):** In August 2006, the person concerned applied for and was refused jobseeker's allowance from my Department. She appealed the decision of the deciding officer to the Social Welfare Appeals Office on October 18th 2006. Her appeal is currently being assessed by an Appeals Officer and she will be notified of the outcome as soon as possible.

The supplementary welfare allowance scheme (SWA) is administered on my behalf by the Community Welfare division of the Health Service Executive. SWA provides a safety net in that it gives a statutory entitlement to a minimum weekly income, based on criteria set out in legislation. Apart from a number of excluded categories, anyone in the State whose means are insufficient to meet their needs is entitled to assistance under the SWA Scheme.

The Dublin Mid-Leinster Health service Executive has confirmed that two applications (in August 2006 and October 2006) for basic weekly supplementary welfare allowance payments have been made by the person concerned while her claim and subsequent appeal for jobseeker's allowance are being considered.

The Executive has further advised that it has been unable to make a decision in relation to these basic weekly supplementary welfare allowance claims, as it had not received documentation requested from the person concerned. The claim for basic weekly supplementary welfare allowance from the person concerned can only be processed when the requested information in relation to her application has been provided.

### Social Welfare Benefits.

458. **Caoimhghín Ó Caoláin** asked the Minister for Social and Family Affairs his plans to make information on the way to obtain a PPS number available in multiple languages. [35169/06]

**Minister for Social and Family Affairs (Mr. Brennan):** My Department is very conscious of the increasing number of non-English speakers requiring access to services. The list of forms available in other languages is constantly reviewed and, when the need arises to translate a form into another language, this is done.

In addition to English and Irish the main Guide to Social Welfare Services (SW4) is available on the website in Polish, Chinese, Arabic, Russian, French and Spanish. This is a very extensive guide which includes details on the way to obtain a PPS number. The Personal Public Service (PPS) number application form itself is available in 23 languages

This allows applicants from all EU member states, as well as those from China and Russia to complete an application form in their native language. Nationals from these countries comprised just over 85% of the total of applications received in 2005. Many of the applicants from other countries would have fluency in, or a reasonable command of, one of the 23 languages involved.

### Social Welfare Code.

459. **Mr. Naughten** asked the Minister for Social and Family Affairs if he will review the means assessment for farmers to allow for revenue returns where available as an alternative to the farm profile means assessment; the reason this is not allowed at present; and if he will make a statement on the matter. [35175/06]

**Minister for Social and Family Affairs (Mr. Brennan):** Farm assist is a means-tested scheme providing weekly income support to low-income farmers. For the purpose of determining the rate of farm assist payable, deductions are allowed from net income in respect of qualified children, with the balance is assessed at 70%. In this regard, the means test is more favourable than the scheme's predecessor, the unemployment assistance scheme for small-holders.

In addition, income from the Rural Environment Protection Scheme is assessed separately, with the first €2,539 and 50% of the balance disregarded. 40% of net pay from insurable employment and €20,000 of capital are also disregarded.

Currently, 7,492 Farm Assist cases are in payment, receiving an average weekly payment of €178.79.

The assessment of means for the purpose of qualifying for farm assist is designed to reflect the actual net income, which is calculated as gross income less any expenses necessarily incurred, from farming. Income and expenditure figures for the preceding year are generally used as an indicator of the expected position in the following year. In computing income account is taken of the value of sales of milk, livestock, crops and subsidy payments such as headage payments. All expenses actually and necessarily incurred are

[Mr. Brennan.]

deducted from this. These include the cost of fertilisers, repairs to farm building and fences, the cost of replacing farm machinery, use of hired labour other than family members, the cost of electricity and transport used for farming purposes, veterinary expenses, purchases of fodder and animal feed, rent of land, crop sprays etc.

The aim of the assessment is to use the previous years income to accurately reflect farm income in the following twelve months, having regard to the size and type of farm, the quality of land and taking into account any significant anticipated changes.

In addition, account is taken of any exceptional circumstances so as to ensure that the assessment accurately reflects the current situation.

The farmer is given a copy of the report on the sources of income and expenses and is also given details of how the Deciding Officer has calculated the means and how this determines the rate of Farm Assist payable.

In so far as tax assessments show the factual income position as required under social welfare legislation they could be used by the social welfare inspector in preparing the report. I do not think, however that the use of tax assessments would be a reliable approach in all cases.

Any farmer who is dissatisfied with the rate of means assessed may apply for a review or may appeal the assessment to the Social Welfare Appeals Office.

*Question No. 460 answered with Question No. 456.*

### **Social Welfare Benefits.**

461. **Mr. Kehoe** asked the Minister for Social and Family Affairs if his attention has been drawn to the fact that a person on disability allowance can qualify for a living alone allowance irrespective of their age, whereas a person on a widow's pension must wait until they turn 66 before they can claim the living alone allowance; his plans to change this anomaly; and if he will make a statement on the matter. [35216/06]

476. **Mr. Ring** asked the Minister for Social and Family Affairs his views on increasing the payment rate for the living alone allowance as the current rate is very low in view of the added costs for a person living alone; when this allowance was last increased; the annual cost of this allowance; and if he will make a statement on the matter. [35438/06]

477. **Dr. Cowley** asked the Minister for Social and Family Affairs the reason the living alone allowance for a person (details supplied) in County Mayo has not increased from €7.70 for a number of years; and if he will make a statement on the matter. [35569/06]

**Minister for Social and Family Affairs (Mr. Brennan):** I propose to take Question Nos. 461, 476 and 477 together.

The living alone increase is an additional payment of €7.70 per week made to people aged 66 years or over who are in receipt of certain social welfare payments and who are living alone.

It is also available to people who are under 66 years of age who are living alone and who receive payments under one of a number of invalidity type schemes. The increase is intended as a contribution towards the additional costs people face when they live alone.

The additional payment is primarily designed to target the increased risk of poverty that older people face if living alone though, as already indicated, it is also payable to those receiving long-term invalidity type payments in recognition of the particular difficulties faced by that group. Extending the payment to other social welfare recipients who are under 66 years of age, such as those in receipt of widow's and widower's pension, would have significant cost implications.

The living alone increase has not been raised since 1996 because the policy in relation to support for pensioners has been, for many years, to give priority to increasing the personal rates of pension rather than focusing on payments such as the living alone increase. This approach ensures that resources are used to improve the position of all pensioners.

Any increases in the payment would have to be considered in a budgetary context.

### **Money Advice and Budgetary Service.**

462. **Ms B. Moynihan-Cronin** asked the Minister for Social and Family Affairs if he will restore the MABS supplement to assist people with debts; and if he will make a statement on the matter. [35250/06]

**Minister for Social and Family Affairs (Mr. Brennan):** My Department has overall responsibility for the Money Advice and Budgeting Service (MABS) which provides assistance to people who are over-indebted and need intensive help and advice in coping with their debt problems. The service places an emphasis on practical budget-based measures that help people to move permanently from dependence on moneylenders and to access alternative sources of low-cost credit, particularly through their local credit union. It is with the support and expertise of the MABS companies throughout the country that people can be best assisted in sorting out their debts. MABS supplements, paid in a minority of cases by certain former health boards through the supplementary welfare allowance scheme, ceased in 2003. I have no plans to reintroduce such supplements, given the successful arrangements that are in place at MABS outlets throughout the State. A person who is experiencing particular financial difficulties may apply to the community

welfare service of the Health Services Executive for an exceptional needs payment or other form of short-term income support through the supplementary welfare allowance scheme.

#### Social Welfare Benefits.

463. **Mr. Ring** asked the Minister for Social and Family Affairs if a person (details supplied) in County Mayo is being paid unemployment assistance; and if not, if there is an active application on file for them. [35263/06]

**Minister for Social and Family Affairs (Mr. Brennan):** The person concerned applied for job-seeker's allowance (unemployment assistance) on 19 October 2006. A Deciding Officer disallowed his claim on the grounds that he is not genuinely seeking work. The person concerned failed to produce sufficient evidence of having looked for work from employers where work is available. He has appealed this decision and his file is with the Deciding Officer for review. He is currently in receipt of supplementary welfare allowance. Under Social Welfare legislation decisions in relation to claims must be made by Deciding Officers and Appeals Officers. These officers are statutorily appointed and I have no role in making such decisions.

464. **Mr. Ferris** asked the Minister for Social and Family Affairs the proportion of households in receipt of fuel allowance that are home owners, local authority tenants or in the private rented sector. [35268/06]

**Minister for Social and Family Affairs (Mr. Brennan):** Some 264,400 people (145,800 with basic fuel allowance and 118,600 with smokeless fuel supplement) benefited from the national fuel scheme in 2005 at an annual cost of €85.4 million. It is estimated that some 274,000 people (151,000 with basic fuel allowance and 123,000 with smokeless fuel supplement) will benefit in 2006 at an estimated annual cost €125.1 million. Eligibility to the fuel allowance scheme is subject to means and other conditions. The main conditions that apply to the 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. Other than the conditions referred to above, a claimant's household circumstances are not relevant to the application process for fuel allowance and records of the accommodation of claimants are not maintained.

#### Departmental Expenditure.

465. **Mr. P. McGrath** asked the Minister for Social and Family Affairs the amount expended on photographers by his Department for events and publicity leaflet production in his constituency and the constituency of each Minister of

State of his Department in the years 2004, 2005 and to date in 2006; and if he will make a statement on the matter. [35290/06]

**Minister for Social and Family Affairs (Mr. Brennan):** The amounts expended by the Department of Social and Family Affairs on photographers for departmental events in the Minister's constituencies during 2004, 2005 and to date in 2006 is as follows: 2004, €265; 2005, €2,850.41; and 2006, €760.73. There was no departmental expenditure on publicity leaflet production specifically for the Minister's constituencies. The Department did not have a Minister of State for the period in question.

#### Social Welfare Benefits.

466. **Mr. Allen** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Cork is only receiving €180.40 per week disability allowance in view of the fact that they have no other income. [35302/06]

**Minister for Social and Family Affairs (Mr. Brennan):** The person concerned has been receiving disability allowance since April 2001. Under the legislative provisions that apply to disability allowance all income which the claimant has, subject to certain exceptions, is assessable as means. At the time she applied for the allowance she was receiving maintenance from her spouse and this was assessed as means resulting in a reduced rate of payment. From May 2003 maintenance payments up to €95.23 per week could be disregarded as being towards meeting housing costs and half of the balance of the maintenance assessed as means. The person concerned was paying rent in respect of her home, but this was overlooked in reviewing her means. Due to this oversight her means were not adjusted and she did not receive an increase in her disability allowance. Her means have now been reviewed and she has been awarded the maximum rate of disability allowance, backdated to 7th May 2003. Her payment book has been amended and she will receive the increased rate of payment from 1st November 2006. The arrears due will issue to her on 2nd November 2006.

467. **Mr. Gregory** asked the Minister for Social and Family Affairs the position of the application by a person (details supplied) in Dublin 9 for disability allowance. [35319/06]

**Minister for Social and Family Affairs (Mr. Brennan):** While the person concerned satisfies the medical criteria for the award of disability allowance, it has not been possible to determine his means. He was interviewed by appointment on 19 April 2006. When the Social Welfare inspector subsequently called to the address he was informed that the person concerned was not

[Mr. Brennan.]

resident at that address and had not resided there for several years. Accordingly, his claim was refused as his means could not be determined. He has been advised of this decision and of his right of appeal to the Social Welfare Appeals Office. Under Social Welfare legislation decisions in relation to claims must be made by Deciding Officers and Appeals Officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

468. **Mr. English** asked the Minister for Social and Family Affairs her plans to subsidise refuse collection for carers who are looking after someone who is in need of support because of age, physical or learning disability or illness, including mental illness, who require the disposal of incontinence products; and if he will make a statement on the matter. [35328/06]

**Minister for Social and Family Affairs (Mr. Brennan):** Supporting and recognising carers in our society has been a priority of the Government since 1997. Over that period, weekly payment rates to carers have been greatly increased, qualifying conditions for carer's allowance have been significantly eased, coverage of the scheme has been extended and new schemes such as carer's benefit and the respite care grant have been introduced and extended. The introduction of waivers or subsidies in respect of waste charges is, as stated by my colleague the Minister for Environment, Heritage and Local Government, a matter for each local authority. Waste collection and charging arrangements vary considerably and the introduction of a national social welfare scheme to address the issue would be complex given the wide range of charging regimes and cost structures that exist. Some local authorities already operate waiver schemes and any system put in place to assist people with waste collection charges would have to take account of the implications for the different local arrangements which currently apply. I have asked my Department to continue to explore possible options in this area.

469. **Mr. Ring** asked the Minister for Social and Family Affairs the income of a person (details supplied) in County Mayo; the breakdown of their income over a 12-month period; the way their income is calculated in relation to their entitlement to the fuel allowance; the way the income from abroad is broken down; the amount they are in excess of the guidelines, as they receive their pension only monthly; and the way their income for the year is divided. [35356/06]

**Minister for Social and Family Affairs (Mr. Brennan):** To qualify for a payment under the national fuel scheme, the income of a person over age 80 must not exceed a weekly threshold of €254.30. The weekly threshold comprises the maximum weekly rate of Social Welfare Con-

tributory Pension of €203.30 (in this person's case) plus €51. The person concerned reapplied for Fuel Allowance on 27 October 2006. She has not disclosed the amount of her savings. She has two pensions from the United States amounting to \$1,600.58 which equates to \$19,206.96 per annum, or \$369.36 per week. Using the appropriate conversion rate, this amounts to €289.84, which exceeds the weekly income threshold. Accordingly, her application for Fuel Allowance has been disallowed. The person concerned has been notified accordingly.

#### **Money Advice and Budgetary Service.**

470. **Mr. Deasy** asked the Minister for Social and Family Affairs the discussions he has had with the Department for Finance regarding the continued operation of illegal moneylenders here; his views on whether the introduction of MABS has had an impact on these activities; and if he will make a statement on the matter. [35360/06]

471. **Mr. Deasy** asked the Minister for Social and Family Affairs the amount of funding allocated to MABS in each year since its inception. [35361/06]

**Minister for Social and Family Affairs (Mr. Brennan):** I propose to take Questions Nos. 470 and 471 together.

Moneylending is regulated under the Consumer Credit Act 1995. The licensing of moneylenders is a matter for the Irish Financial Services Regulatory Authority. I am concerned about the cost and availability of credit for people on low incomes. In June 2005, I met the Financial Regulator to discuss this issue. As a result, the Financial Regulator initiated research with the Combat Poverty Agency to find out more about the nature and extent of financial exclusion. The report will be available to the Financial Regulator shortly. Officials of my Department will meet him to discuss the policy implications of the findings. MABS was established to build new and more comprehensive approaches to combating the problems of moneylending. My Department, in consultation with the MABS service providers, keeps the role of MABS under review to ensure it continues to strengthen its role in supporting people on low incomes to manage their finances. MABS received funding of €16.4 million from my Department in 2006 to provide a free, confidential and independent service through a network of over 50 offices and 230 staff for people in debt or in danger of sliding into debt. In 2005, almost 27,000 people used the service and so far this year 10,000 new clients have approached it. The growth in demand can be attributed to the increase in the availability of credit and the quality of the service provided by MABS staff. MABS is highly regarded and successful in meeting its clients' needs. I propose to put MABS on a statutory basis to build on the best features of the

MABS model of service to the public and thus ensure a modern and streamlined structure geared to meet the rapidly changing face of debt problems. I intend to bring proposals before the Government in the near future.

The following table, which details the amount of funding allocated to MABS in each year since its inception, shows that funding increased by 69% between 2002 and 2006.

MABS Funding 1992 to 2006

Year	Funding	Funding	Number of MABS Companies
	€	£	
1992	330,132	260,000	5 (pilot projects)
1993	634,869	500,000	13
1994	952,304	750,000	25
1995	952,304	1,250,000	32
1996	2,520,430	1,985,000	40
1997	2,793,424	2,200,000	44
1998	3,990,787	3,143,000	48
1999	5,345,597	4,210,000	48
2000	5,767,150	4,542,000	50
2001	8,465,344	6,667,000	50
2002	9,702,069	7,641,000	52
2003	9,867,000	N/A	52
2004	11,401,000	N/A	52
2005	13,620,000	N/A	53
2006	16,416,000	N/A	53

### Social Welfare Benefits.

472. **Mr. Haughey** asked the Minister for Social and Family Affairs the measures he is taking to improve the position of widows; and if he will make a statement on the matter. [35388/06]

**Minister for Social and Family Affairs (Mr. Brennan):** Widows and widowers can qualify for one of a number of different schemes depending on their circumstances. The contributory widow(er)'s pension is available to those who satisfy the necessary PRSI contribution conditions, either on their own record or that of the deceased spouse. Those qualifying for this benefit are not subject to a means test. Those without the necessary PRSI contributions can, if they have qualifying children, receive the one-parent family payment. This is a means tested payment which comprises an earnings disregard, which is designed to assist with the extra costs those with children face in trying to access training or employment. Up to €146.50 of earnings per week is completely disregarded, while earnings in excess of that and up to €375 per week are assessed at 50%. This upper threshold was increased by €82 per week in the last Budget. From 30 June 2006, people whose earnings have

risen above €375 per week may be entitled to half of their payment for up to 26 weeks. The widowed parent grant, introduced in 2000, also provides additional assistance following a bereavement. The grant is set at €2,700 and is paid in addition to the usual after death payments. In addition, increases in the rates of child benefit assist those widowed with children. Since 1997, the monthly rates of child benefit have been increased significantly in accordance with Government commitments. The current rates of child benefit are €150 per month for each of the first and second children and €185.00 per month for the third and subsequent children. Furthermore, children under 6 years of age will also qualify for the annual €1000 early childcare supplement (ECS) announced in Budget 2006.

Widowed persons without dependent children may, if they are under 66 years of age, qualify for widow(er)'s non-contributory pension, or the state non-contributory pension if they are over 66 years of age. With regard to the latter, which I introduced in September, the basic means disregard was increased by €7.60 to €20 per week while a specific additional disregard of €100 per week has been included where the pensioner is in employment. This is intended as an incentive to facilitate non-contributory pensioners who wish to continue working, or to re-enter the workforce and also applies to widow(er)s under 66 who are in receipt of widow(er)'s non-contributory pension. Widowed persons are also entitled to the fuel allowance, back to school clothing and footwear allowance, and other secondary benefits, on the same basis as other social welfare recipients. The adequacy of payments for widowed people, and for welfare recipients in general, is kept under review and, where appropriate, increases are granted in annual budgets. In Budget 2006, widowed people received increases of between €14 and €17 per week which is well ahead of the rate of inflation. I will continue to look for opportunities in the context of the forthcoming Budget to improve the position of this group.

473. **Mr. Sargent** asked the Minister for Social and Family Affairs the reason there has been no increase in payments for dependants under the widow's pension in nine years; and if he will make a statement on the matter. [35421/06]

**Minister for Social and Family Affairs (Mr. Brennan):** My Department provides child income support in a number of ways. The principal support is child benefit, (CB) a universal payment which is neutral *vis-à-vis* the employment status of the child's parents and does not contribute to poverty traps. In addition to CB, child dependant allowances (CDAs) are paid to social welfare recipients in respect of qualified child dependants. A third support is family income supplement (FIS), an employment support paid where a person with child dependants is in low-



[Mr. Brennan.]

income employment. The policy in recent years has been to maintain the rate of CDAs constant while concentrating additional resources in CB and FIS. Over the period since 1997, the monthly rates of child benefit have increased by €111.91 at the lower rate and €135.48 at the higher rate, increases of 293.8% and 273.6% respectively. Current child benefit rates are €150 per month for each of the first two children and €185 per month for the third and each subsequent child. CB is paid to over 547,540 families in respect of approximately 1,060,740 children. In addition, a number of improvements have been made to the FIS scheme over the years, including assessment of entitlement on the basis of net rather than gross income and progressive increases in the income thresholds, making it easier for lower income households to qualify for payment. As a result, there are currently over 20,000 families receiving a weekly FIS payment, reaching over 38,000 children. Any change to existing policy, including CDA increases, will be considered in a Budgetary context and in the context of an overall review of targeted child income supports.

474. **Mr. Ring** asked the Minister for Social and Family Affairs the way his Department assessed an overpayment for a person (details supplied) in County Mayo; the reason his Department did not respond to this person when they submitted a letter in 2001 notifying his Department of their employment; and if his Department will accept a repayment of €50 a month in this case. [35436/06]

**Minister for Social and Family Affairs (Mr. Brennan):** The person concerned was in receipt of the maximum rate of one-parent family payment from the introduction of the scheme in 1997, having been previously in receipt of lone parent allowance from September 1995. Customers receiving one-parent family payment can earn up to €146.50 per week without it affecting the rate of payment. In the case of a person in employment, half of his or her earnings to a maximum of €375 per week, are assessed as means. Recipients of the one-parent family payment scheme are obliged to notify my Department when there is a change in their circumstances, for example, when they commence employment or receive an increase in earnings. One-parent family payment customers are advised of the requirement to notify my Department of any change in their circumstances when their entitlement is initially decided. Failure to notify my Department about any change in circumstances can lead to a customer incurring an overpayment.

Following a review carried out by officers in my Department during 2003 it transpired that this customer was in employment and had earnings in excess of €293 per week during the tax years end-

ing 5 April 2001, 31 December 2001 and 31 December 2002. On the basis of her earnings from employment, it was decided that the customer was entitled to a transitional payment of half the rate of one parent family payment for the 12 month period to 4 April 2001. The entitlement to one parent family payment ceased completely from 5 April 2001. An overpayment of €19,577.76 resulted. My Department has no record on file of having received any notification from the customer in 2001 regarding a change in her earnings. Arrangements to repay the overpayment at the rate of €50 per month have been made in this case, and this has been communicated to the person concerned.

### Social Welfare Appeals.

475. **Mr. Ring** asked the Minister for Social and Family Affairs when an appeal by a person (details supplied) in County Mayo will be dealt with. [35437/06]

**Minister for Social and Family Affairs (Mr. Brennan):** Payment of disability benefit (now called Illness Benefit) to the person concerned was discontinued from 26 April 2006 following an examination by a Medical Assessor of the Department who expressed the opinion that he was capable of work. He was advised of this decision and of his right to appeal. The person did not appeal and submitted a final certificate from his own doctor dated 25/4/06, certifying that he was fit to resume work. Correspondence was received from a solicitor representing the person concerned in September seeking to appeal the decision. In the normal course an appeal against a Deciding Officer's decision must be made within 21 days of the decision. While there is provision for acceptance of an appeal outside the normal 21 day period, in view of the medical evidence submitted it was considered that the acceptance of an appeal in this case would not be warranted, since he had furnished medical evidence from his own doctor that he was fit to resume work from 26 April 2006. The solicitor was notified of this decision.

The person made a claim for unemployment assistance (since renamed Jobseekers Allowance) on 26 April 2006. His claim was disallowed by a deciding officer on the ground that he was not genuinely seeking work and was not available for full-time employment. He was advised of the decision on 22 September 2006 and of his right to appeal. An appeal against this decision will be opened on behalf of the person concerned. In accordance with the statutory requirements the relevant departmental papers and the comments of the Social Welfare Services Office on the matters raised in the appeals will be sought. On receipt of the response the case will be referred to an Appeals Officer for early consideration. Under Social Welfare legislation decisions in relation to claims must be made by Deciding

Officers and Appeals Officers. These officers are statutorily appointed and I have no role in making such decisions.

*Questions Nos. 476 and 477 answered with Question No. 461.*

### Social Welfare Benefits.

478. **Mr. Gregory** asked the Minister for Social and Family Affairs further to Parliamentary Question No. 269 of 19 October 2006 the views, reports or recommendations from a paternal perspective that were taken into consideration prior to the introduction of statutory instruments 198 of 1974. [35591/06]

**Minister for Social and Family Affairs (Mr. Brennan):** Statutory Instrument 198 of 1974 provides for payment of child benefit to one parent for the benefit of a child or children, where the mother has priority in determining which of the two parents receives the benefit.

This provision was introduced on foot of a recommendation of the first Commission on the Status of Women (1972). This approach has subsequently been supported in a number of reports, including the Second Commission on the Status of Women.

Through public advertisement, the commission invited submissions on matters covered by its terms of reference. Several organisations and individuals responded, including trade union and employer organisations, public service associations, women's organizations and various other groups and individuals. In addition the commission met with representatives of any organisation that wished to expand orally on any matters contained in its written submission. I set out below a list of groups and individuals who made submissions to the commission.

*1. List of those who made submissions (in order of receipt of submission)*

#### *Organisations*

Irish Pre-School Playgroups Association  
 Irish Dietetic Association  
 The Civics Institute of Ireland  
 Cork Town Association, ICA  
 Ad Hoc Committee of Women's Organisations on the Status of Women  
 Association of Widows in Ireland (Cork Branch)  
 Soroptimist Club of Cork  
 Women's Department, Wesley Chapel, Cork  
 Irish Federation of Women's Clubs  
 Civil Service Executive and Higher Officers' Association  
 Citizens for Civil Liberties  
 Irish Countrywomen's Association  
 Cumann na nGairm Mhúinteoirí

Council for Education Recruitment and Training for the Hotel Industry (CERT)

Irish National Committee of the World Organisation for Early Childhood Education

Institute of Professional Civil Servants

Civil Service Clerical Association

IRISH Local Government Officials Union

Catholic Women's Association

Irish Agricultural Advisers' Organisation

Association of Widows of Civil Servants

Cork Federation of Women's Organisations

Association of Women's Citizens of Ireland

Cumann na Meánmhúinteoirí

Altrusa Club of Dublin

Federated Union of Employers

Irish Housewives' Association

Irish Congress of Trade Unions

Civil Service General Council Staff Panel

Workers' Union of Ireland (Civil Aviation Branch)

Cumann na nGairm Mhúinteoirí, Craobh Chonndae Mhuineacháin

Association of Irish Widows

Irish Family Planning Rights Association

Fertility Guidance Company Ltd.

National Federation of Business and Professional Women's Clubs of the Republic of Ireland

Irish Conference of Professional and Service Associations

Administrative Officers' Association

Third Secretaries' Association

Post Office Officials' Association

Irish Women's Liberation Movement

Women's Advisory Council of the Irish Labour Party

Irish Nurses' Organisation

Divisional Union of the Soroptimist Clubs of the Republic of Ireland

#### *Individuals*

Mrs Deirdre O'Connor

Miss Elizabeth J. Cox

Miss Ellen Busher

Miss Judy Barry

Miss Lil Kinsella

Mrs. Alice Conway

Mrs Christine Crowley

Edna Frohill

Mrs Eileen O'Connor

Mrs Essie Harrington

Patricia J. Hodgins

Miss M. Quinn

Mrs. M.T. Cleary

Miss Nuala Hearne

Mrs. Marion Leopold

[Mr. Brennan.]

Mrs. Nancy Parkinson

Mr. George Jones

Eileen Brerton

Miss Imelda Martin

Mrs. Judith Cleary

Miss Eilish MacCurtain

Certain women employees of Aer Lingus

Miss Mary Mason

Certain women employees of I.B.M.

Nora O'Connor and Maeve Kennedy

Miss Mary O'Donovan

Miss Hilary Bateman

Rev. Fr. M. O'Carroll, C.S. Sp.

Dr. Patricia Pringle

Rev. Donal O'Driscoll, PhD.,CC.

Margaret Milner

Senator Neville Keery

Mrs. G. Fahy

Mrs. Violet Wilson

Mrs. Elizabeth Hanly

Sr. Benvenuta and Mary Daly

Certain women employees of Coras Trachtála

*2. List of those whom the Commission met for the discussion*

*Organisation*

An Chomhairle Oilíúna (AnCo)

Electrical Trades Union (Ireland)

Fianna Fáil

Fine Gael

Industrial Development Authority

Irish Bakers', Confectioners' and Allied Workers' Union

Irish Bookbinders' and Allied Trades Union

Irish Graphical Society

Labour Party

*Individuals*

Mr. D. Brannigan, Irish Congress of Trade Unions

Mrs. E. Byrne, President, National Federation of Women's Clubs

Professor Basil Chubb, Trinity College, Dublin

Mr D. Corboy, EEC Information Office

Mr. E. M. A Cummins, Trustee Department, Bank of Ireland

Mr. J. F. Gogarty, Secretary, Banks Staff Relations Committee

Mr. E. A. Golding, Irish Pensions Trust

Mr. G. J. Mephram, Philips Electrical Ltd

Mr. S. Murray, Irish Management Institute

Miss N. Ó Broin, Economic and Social Research Institute

*Government Departments and Offices*

Central Statistics Office

Department of Education

Department of Finance

Department of Justice

Department of Labour

Department of social Welfare

Labour Court

Office of the Revenue Commissioners

*3. List of those who made submissions on the participation of women in cultural affairs.*

The Arts Council; the Music Association of Ireland; Meadhbh Ní Chonmhidhe-Piskorski, Radio Telefís Éireann; Lelia Doolan, Artistic Director, Abbey Theatre; Professor Aloys Fleischmann, Music Department, University College, Cork; Nuala Hayes, Abbey Theatre; Joan Denise Moriarty, Cork Ballet Company; Professor Kathleen O'Flaherty, Department of French, University College, Cork; Eithne Waldron, Curator, Municipal Gallery of Modern Art.

**Social Welfare Code.**

479. **Mr. Bruton** asked the Minister for Social and Family Affairs the value of the income limit on secondary sources of income in order to qualify for the fuel scheme in each of the past 10 years. [35663/06]

**Minister for Social and Family Affairs (Mr. Brennan):** In 2006, in the case of contributory pensions which are not means tested, 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 additional income amount was increased to €51 per week with effect from 1 June 2005. Prior to that, it was €38.10 per week from September 1999, having previously been set at €19.05 per week. The overall fuel allowance income limits increase each season in line with the increases in the rate of the state pension (contributory).

Actual income from investments and money in savings accounts is not counted for means assessment purposes. Instead all cash values of investments and property, all money in savings accounts and cash-in-hand are added together and this capital is assessed as follows:

- the first €20,000 of capital is disregarded;
- capital between €20,000 and €30,000 is assessed on the basis of €1 weekly means for each €1,000 of capital;
- capital between €30,000 and €40,000 is assessed on the basis of €2 weekly means for each €1,000 of capital; and
- capital above €40,000 is assessed on the basis of €4 weekly means for each €1,000 of capital.

Income limits on secondary sources of income in order to qualify for fuel allowance from 1997 are set out in column B in the following tabular state-

ment attached. The overall income limit is also set out in the statement.

Applicable income limit for secondary sources of income

Year	OACP* rate	Means Limit	Adult Dependant Allce. Under 66	Adult Dependant Allce. Over 66	Single Person	Couple where Qualified Adult is Under 66	Couple where Qualified Adult is Over 66
	(A)	(B)	(C)	(D)	(A+B)	(A+B+C)	(A+B+D)
1997	99.04	19.05	64.76	70.34	118.09	182.85	188.43
1998	105.39	19.05	66.66	72.25	124.44	191.10	196.69
1999	113.00	38.10	70.98	76.06	151.10	222.08	227.16
2000	121.89	38.10	76.44	82.03	159.99	236.43	242.02
2001	134.59	50.79	86.60	101.07	185.38	271.98	286.45
2002	147.30	50.79	98.10	113.80	198.09	296.19	311.89
2003	157.30	50.79	104.80	121.50	208.09	312.89	329.59
2004	167.30	50.79	111.50	129.20	218.09	329.59	347.29
2005	179.30	51.00	119.50	138.50	230.30	349.80	368.80
2006	193.30	51.00	128.80	149.30	244.30	373.10	393.60

\* Old age contributory pension now called the State pension contributory.

480. **Mr. Bruton** asked the Minister for Social and Family Affairs his views on introducing a higher savings threshold for persons on a disability allowance whose disability hampers their ability to live independently in order that parents could, for example by way of bequest, make financial provision for such people without undermining their eligibility for continuing social welfare payments; and if he will make a statement on the matter. [35719/06]

**Minister for Social and Family Affairs (Mr. Brennan):** Capital owned by an applicant for a social assistance payment is assessed, with a disregard of the first €20,000 of the amount held. Any change to this disregard would have to be considered in the context of the budget.

In the case of inheritance, some persons making a will give consideration to the creation of a discretionary trust for people with a disability and this has somewhat different implications for the assessment of means.

A discretionary trust may be created by deed during a parent's (or other relative's) lifetime when a lump sum or windfall is to be invested, or it can be established in a will along with the naming of trustees. Funds within a discretionary trust are administered at the discretion of the trustees and whether they are assessable as means will depend on how they are administered.

Where a discretionary trust fund is set up for a recipient of a social welfare means-tested payment, a life interest in such a fund would mean that any cash income that s/he may reasonably be expected to receive from it during a particular year is assessable as means. Accordingly, periodic payments received from the fund are regarded as cash income and assessed as means.

However, funds used to purchase items of capital expenditure or services on behalf of the beneficiary do not constitute means e.g. money spent on renovating the house in which the claimant resides, the purchase of a car or holiday or assistive technology.

Similarly, occasional sums withdrawn or received by the claimant for particular purposes are not normally regarded as cash income for means purposes.

Transfers of capital to the beneficiary are assessable as capital. Unspent balances held by the claimant (for example in the claimant's own bank account) are assessable under the rules governing capital.

In relation to secondary benefits, the free travel pass and any other extra benefit entitlements will remain with the person as long as they are in receipt of the relevant social welfare payment, whether at full or reduced rate.

#### Departmental Expenditure.

481. **Ms Harkin** asked the Minister for Transport the spend on national roads in the Border Midland Western region as against the planned spend to June 2006 under the National Development Plan. [35300/06]

482. **Ms Harkin** asked the Minister for Transport the spend on national roads in the southern and eastern region as against the planned spend to June 2006 under the National Development Plan. [35301/06]

**Minister for Transport (Mr. Cullen):** I propose to take Questions Nos. 481 and 482 together.

The original forecast of expenditure under the National Roads priority relate to calendar years only and for the period 1st January 2000 to 31st

[Mr. Cullen.]

December 2006 for the BMW region is €2,479.362 million, and the south and east region €4,269.087 million.

The actual expenditure outturn for the period 1st January 2000 to the 30th June 2006 with a further six month expenditure still to take place amounts to for the BMW region €1,760.443 million and for the south and east region €5,372.538 million.

#### Traffic Management.

483. **Mr. Haughey** asked the Minister for Transport the measures he is taking to improve the traffic situation in the Greater Dublin Area; and if he will make a statement on the matter. [35384/06]

**Minister for Transport (Mr. Cullen):** Investment in public transport is a critical element of Government policy on transport for the Greater Dublin Area (GDA). Transport 21 is designed to inject a large amount of additional capacity into the public transport network over the next ten years, with a total investment of over €16bn in the GDA over its investment period.

By developing Metro North, Metro West, by extending the Luas network; by providing greater capacity on the DART and suburban rail network and by increasing significantly bus capacity, the annual number of public transport passenger journeys in Dublin will almost double. The objective is a four-fold increase in the numbers using suburban rail, while it is expected that over 100 million passengers will take the Luas and Metro every year when Transport 21 is delivered in full. Combined with a 60% increase in bus capacity, the target for passenger journeys in 2015 is 375 million as against approximately 200 million today.

Substantial traffic management measures in the Greater Dublin Area will also be required.

Transport 21 includes substantial funding provision for traffic management measures as an integral part of the transportation strategy for the Greater Dublin Area. The strategy aims to increase the modal share of public transport through infrastructure and service improvements and by encouraging a transfer of trips from the private car to more sustainable modes of transport.

In January of this year, the Dublin Transportation Office reviewed the bus priority programme in the context of the goal set in TRANSPORT 21 to double the length of bus priority infrastructure in the GDA within the 10-year period of TRANSPORT 21. A number of projects are now being implemented during the first 5 years of the period. In addition, last month, the DTO agreed to develop a public information programme to encourage less frequent use of single occupancy cars in the peak travel periods.

#### Marine Safety.

484. **Mr. J. Higgins** asked the Minister for Transport the reason a foreign flagged tanker (details supplied) which in early 2006 was involved in a collision with potentially serious consequences while in the process of transporting hazardous oil products does not hold an Irish loadline certificate as required by law. [35640/06]

485. **Mr. J. Higgins** asked the Minister for Transport the status of vessels servicing oil platforms on the Corrib Field as regards holding Irish loadline certificates as required by law. [35641/06]

**Minister for Transport (Mr. Cullen):** I propose to take Questions Nos. 484 and 485 together.

Ships, within the definition of the International Load Line Convention, when engaged on international voyages are required to hold International Load Line Certification. Such ships when engaged on other types of voyages are required to hold Irish Load Line Certification.

#### Marine Accidents.

486. **Mr. J. Higgins** asked the Minister for Transport if an investigation was conducted by his Department into an incident whereby a foreign flagged tanker (details supplied) was involved in a collision with potentially serious consequences while in the process of transporting hazardous oil products in early 2006; and if he will publish details of this investigation. [35642/06]

**Minister for Transport (Mr. Cullen):** It is assumed that the Deputy is referring to a vessel, which was involved in an incident in December 2005 in Galway. Following this incident the ship was inspected by Port State Control Officers from this Department and the report of the inspection is published on the website of the Paris Memorandum of Understanding on Port State Control: [www.parismou.org](http://www.parismou.org).

#### Air Services.

487. **Mr. Carey** asked the Minister for Transport the function he has in issuing directions to bodies or agencies which report to him regarding the levels of aircraft noise while on the ground and over-flying residential areas; and if he will make a statement on the matter. [35144/06]

**Minister for Transport (Mr. Cullen):** Under Statutory Instrument 645 of 2003 (Air Navigation and Transport Rules and Procedures for Noise Related Operating Restrictions at Airports) the Irish Aviation Authority (IAA) is the Competent Authority. I have no function in relation to issuing directions to the IAA under this Statutory Instrument.

However, I am advised that all aircraft arriving and departing Dublin Airport come under the direction of the Irish Aviation Authority who provide Air Traffic Control services in Ireland and it is they who are responsible for the routing of aircraft. The primary decision on runway use is based on meteorological conditions at the time (i.e. wind direction), for safety reasons aircraft must take off into the wind. Essential maintenance on runways, is another factor in influencing the choice of runway by the Irish Aviation Authority (IAA).

#### Departmental Correspondence.

488. **Dr. Cowley** asked the Minister for Transport when persons (details supplied) in County Mayo can expect a reply from the Secretary General of his Department; and if he will make a statement on the matter. [35152/06]

**Minister for Transport (Mr. Cullen):** I understand that a letter issued from the Secretary-General of my Department to the persons concerned on 3 October 2006.

#### Registration of Vehicles.

489. **Ms O. Mitchell** asked the Minister for Transport if a scheme exists to allow for the testing of imported vehicles before registration; and if he will make a statement on the matter. [35154/06]

**Minister for Transport (Mr. Cullen):** As a consequence of the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006) the Road Safety Authority is now responsible for vehicle standards including vehicle testing.

#### Departmental Expenditure.

490. **Mr. P. McGrath** asked the Minister for Transport the amount expended on photographers by his Department for events and publicity leaflet production in his constituency and the constituency of each Minister of State of his Department in the years 2004, 2005 and to date in 2006; and if he will make a statement on the matter. [35292/06]

**Minister for Transport (Mr. Cullen):** The amount expended on photographers by the Department of Transport for events and publicity leaflet production in my constituency and the constituency of Minister Pat the Cope Gallagher in the years 2004, 2005 and to date in 2006 is nil.

#### Public Transport.

491. **Mr. English** asked the Minister for Transport his plans to provide additional buses to serve the Clonmellon to Dublin bus service; if his attention has been drawn to plans of Bus Éireann to

increase the frequency of this service; and if he will make a statement on the matter. [35335/06]

**Minister for Transport (Mr. Cullen):** The provision of public bus services on specific routes is a commercial and operational matter for bus operators. However, there is a requirement on the State bus companies to notify my Department of any proposals to operate new bus services or to alter any existing services.

My Department has received and is currently processing a notification from Bus Éireann for amendments to the 111 service from Longford to Dublin. In accordance with long standing practice, details of all applications received in my Department remain confidential until a decision is made.

#### Road Network.

492. **Mr. Timmins** asked the Minister for Transport the policy directions he has given to the National Roads Authority since January 2005; the basis on which he provides funding to the NRA; and if he will make a statement on the matter. [35378/06]

**Minister for Transport (Mr. Cullen):** I have not issued any policy directions to the National Roads Authority during the period referred to by the Deputy.

Funding is provided to the NRA in accordance with the provisions of Section 24 of the Roads Act, 1993. Under Section 19(1)(f) it is a matter for the NRA to allocate monies in relation to the construction or maintenance works.

#### Air Services.

493. **Mr. Sargent** asked the Minister for Transport if he will grant improvement for the improvement of the Irish airlines superannuation scheme; his views on whether the scheme is out of line with appropriate standards and provisions in comparable employments; the size of the pensions deficit; and his plans to remedy same. [35422/06]

**Minister for Transport (Mr. Cullen):** The pension scheme in question, the Irish Airlines (General Employees) Superannuation Scheme, is a multi-employer scheme in which the Dublin Airport Authority, Aer Lingus and SR Technics participate.

Pension entitlements under the scheme are primarily matters for the Trustees, the members of the scheme and the companies participating in the scheme.

#### Road Traffic Offences.

494. **Ms Shortall** asked the Minister for Transport the regulations in force governing the setting down of double yellow lines in estates not taken in charge by the local authority; the regulations

[Ms Shortall.]

which allow parking infringements in such circumstances to be enforced by private parking enforcement staff; if Gardaí may enforce such infringements; and if he will provide information available to him on the way parking in private estates is regulated. [35564/06]

**Minister for Transport (Mr. Cullen):** I have no remit in relation to the regulation of parking on roads that have not been taken in charge in private residential estates.

The road traffic statutes and regulations provide for the application of parking controls and restrictions on public roads and in public car parks. A road authority has no power to provide traffic signs, including on-road markings, on roads that have not been taken into charge.

The Garda Síochána and traffic wardens or persons authorized by local authorities are only conferred with powers to enforce the parking law provisions that are applied under the road traffic statutes.

Decisions in relation to the provision of any lines or other signs on non-public roads and the methods deployed to ensure compliance with any requirements regarding use are matters for any estate management company and the occupiers of the property.

#### **Public Transport.**

495. **Ms Shortall** asked the Minister for Transport if his attention has been drawn to the fact that students from the village of Ratoath in County Meath must use separate Bus Éireann and Dublin Bus tickets to get to college in Dublin; and the action he is taking to provide an integrated ticket to cater for these students. [35572/06]

**Minister for Transport (Mr. Cullen):** Dublin Bus and Bus Éireann currently have in place a range of integrated fares and tickets which allow transfer between their services. In addition, there are also integrated fares which allow transfers with Iarnród Éireann and Luas services. The development of fares for any particular category of passenger is a matter for the bodies concerned.

#### **Motor Insurance.**

496. **Mr. Carey** asked the Minister for Transport the obligation that rests on the users of motorised wheelchairs to have insurance cover when they use roads, footpaths and cycle-ways; his views on whether it is advisable that such road users should carry insurance; and if he will make a statement on the matter. [35625/06]

**Minister for Transport (Mr. Cullen):** Motorised wheelchairs fall within the definition of a mechanically propelled vehicle, under section 3 of the 1961 Road Traffic Act. This means that Section 56 of that Act which requires compulsory third

party liability motor insurance for all mechanically propelled vehicles used in a public place, applies to motorised wheelchairs.

My officials are aware of insurance companies which provide the necessary motor vehicle insurance for motorised wheelchairs as part of a domestic insurance package. Other motor vehicle insurers provide cover as for any mechanically propelled vehicle.

The same requirements for verification of motor insurance apply to motorised wheelchair users as they do to users of any other mechanically propelled vehicle in a public place.

#### **Regional Airports.**

497. **Mr. Deasy** asked the Minister for Transport the estimated cost of the proposal he has received from the board of Waterford Regional Airport to extend the runway at the airport; when he will announce a decision on the application; and if he will make a statement on the matter. [35657/06]

**Minister for Transport (Mr. Cullen):** My Department's Capital Expenditure Grant Scheme for the regional airports which was launched earlier this year involves a planning and implementation framework extending to 2010 and a budget of 65 million Euro out of the total of 100 million Euro for which Transport 21 provides up to 2015. The application received from Waterford Regional Airport under the scheme includes a proposal for an extension of the runway, but I do not propose to disclose the project cost for reasons of commercial sensitivity.

The proposals received from all six regional airports are being assessed and prioritised by my Department with the assistance of expert advice and I expect to be in a position to announce the decision in respect of each project before the end of November.

498. **Mr. Deasy** asked the Minister for Transport the estimated cost of all proposals for capital investment he has received from the six regional airports under the capital expenditure grant scheme in respect of the period up to the end of 2010; if he will itemise each of the proposals and their cost; and if he will make a statement on the matter. [35658/06]

**Minister for Transport (Mr. Cullen):** The capital expenditure grant scheme for the regional airports which was launched earlier this year involves a planning and implementation framework extending to 2010 and a budget of 65 million Euro out of the total of 100 million Euro for which Transport 21 provides up to 2015.

At my Department's request, all of the regional airports have submitted proposals for funding under the new scheme involving a total estimated cost of almost 194 million Euro. This is broken down per airport as follows:

County	€m
Sligo	10.24
Galway	88.79
Kerry	22.46
Donegal	5.65
Knock	45.90
Waterford	20.70

The grant applications are being assessed and prioritized by my Department with the assistance of expert advice and I expect to be in a position to announce each airport's allocation under the scheme before the end of November.

499. **Mr. Deasy** asked the Minister for Transport the discussions he has had with the Department of the Environment, Heritage and Local Government with a view to securing funding for Waterford County Council for the upgrade of the approach road to Waterford Regional Airport; and if he will make a statement on the matter. [35659/06]

**Minister for Transport (Mr. Cullen):** I have had no discussions with the Department of the Environment, Heritage & Local Government on the issue of funding this roadway, I have however written to the Minister for the Environment, Health Local Government seeking advice on the Waterford County Council application for 100% funding for the R708 access road to Waterford Airport.

#### Public Transport.

500. **Dr. Fitzpatrick** asked the Minister for Transport if he has received an application from Dublin City Council for funding towards park and ride facilities; and if he will make a statement on the matter. [35660/06]

**Minister for Transport (Mr. Cullen):** I understand from the Dublin Transportation Office that it has not received any applications from Dublin City Council for a grant towards the cost of the development of park and ride facilities within its area.

#### Air Services.

501. **Mr. Haughey** asked the Minister for Transport his views on the proposed hostile takeover of Aer Lingus by Ryanair; the action he is taking to prevent this; and if he will make a statement on the matter. [35672/06]

**Minister for Transport (Mr. Cullen):** I do not consider that the Government's strategic objectives would be best served by a takeover of Aer Lingus by Ryanair. It is my firm belief that Ireland's economic interests are best served by the provision, on a competitive basis, of regular,

safe and cost-effective air services linking the country to key business and tourism markets around the world.

The Ryanair bid raises fundamental questions in relation to competition in aviation.

It is in the first instance a matter for the Board of Directors of Aer Lingus to evaluate the Ryanair offer and to express an opinion to its shareholders, including the State. The Board has already made clear its intention in this respect in its public rejection of the Ryanair offer. In any event my colleague, the Minister for Finance and I have already made clear that the State does not intend to sell its shares in Aer Lingus.

It is also the case that a proposal of this kind requires regulatory clearance from a competition perspective. Ryanair formally notified the European Commission of its intention to acquire a controlling interest in Aer Lingus on 30th October. My Department and the Department of Finance are working closely with advisors to prepare a case, detailing our concerns from an aviation policy and competition perspective, for submission to the European Commission. Officials of my Department met with the Competition Directorate of the European Commission on 20th October to set out the Government's concerns about the proposed takeover on competition grounds. Further contacts with the Commission will take place over the coming weeks.

#### Rail Network.

502. **Mr. Connaughton** asked the Minister for Transport the timetable for the construction of the western rail corridor from Ennis to Athenry and from Athenry to Claremorris; his views on the ESRI report which calls for a new evaluation on infrastructural transport projects; and if he will make a statement on the matter. [35750/06]

**Minister for Transport (Mr. Cullen):** I refer the Deputy to my answer to Question No. 244 of 28th September which sets out the timetable for this project.

All projects within Transport 21 are being, and will be, evaluated in accordance with the Department of Finance's Guidelines for the Appraisal and Management of Capital Expenditure Proposals in the Public Sector.

*Question No. 503 withdrawn.*

#### Acht na dTeangacha Oifigiúla.

504. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an bhfuil sé i gceist aige na dréachtrialacháin a foilsíodh faoi Alt 9 d'Acht na dTeangacha Oifigiúla 2003 nó Alt 95 den Acht um Thrácht ar Bhóithre 1961 a leasú chun a chinntiú go bhfuil ceist na síneacha tráchta clúdaithe acu. [35127/06]



505. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an bhfuil sé i gceist aige na dréachtrialacháin a foilsíodh faoi Alt 9 d'Acht na dTeangacha Oifigiúla 2003 a leasú chun a chinntiú go bhfuil ceist fógraíochta comhlachtaí poiblí clúdaithe acu. [35128/06]

506. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an bhfuil sé i gceist aige na dréachtrialacháin a foilsíodh faoi Alt 9 d'Acht na dTeangacha Oifigiúla 2003 a leasú chun a chinntiú go bhfuil ceist lógónna comhlachtaí poiblí clúdaithe acu. [35129/06]

507. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an bhfuil sé i gceist aige na dréachtrialacháin a foilsíodh faoi Alt 9 d'Acht na dTeangacha Oifigiúla 2003 a leasú chun a chinntiú go bhfuil spriocdháta níos réasúnta ann, ar nós 2011, maidir le comharthaí reatha na gcomhlachtaí poiblí seachas 2026 mar atá luaite. [35130/06]

508. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an bhfuil sé i gceist aige na dréachtrialacháin a foilsíodh faoi Alt 9 d'Acht na dTeangacha Oifigiúla 2003 a leasú chun a chinntiú go gclúdfar ceist fógraíochta taifeadta béil agus stáiseanóireacht comhlachtaí poiblí a úsáidfear lasmuigh den Stát. [35131/06]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Tá sé ar intinn agam Ceisteanna Uimh. 504 go 508, araon san áireamh, a fhreagairt le chéile.

Mar is eol don Teachta, d'fhoilsigh mé dréacht de na rialacháin atá i gceist agam a dhéanamh faoi Alt (9) d'Acht na dTeangacha Oifigiúla 2003 le déanaí — Na Rialacháin um Acht na dTeangacha Oifigiúla 2003 (Alt 9) 2006. Baineann na rialacháin sin le húsáid na Gaeilge agus an Bhéarla i bhfógairtí béil réamhthairfeadta, ar stáiseanóireacht agus ar chomharthaíocht ag comhlachtaí poiblí.

Is i bhfoirm dréachta a d'fhoilsigh mé na rialacháin sin d'aonghnó i le go mbeadh deis ag Teachtaí Dála agus Seanadóirí na dréacht-rialacháin a phlé sula síneofar iad agus moltaí a dhéanamh maidir le hathruithe, más mian leo.

Ní miste dom a lua nach bhfuil aon fhreagracht ar mo Roinnse maidir le halt 95 den Acht um Thrácht ar Bhóithre 1961 a leasú. Baineann sé sin le mo comhghleacaí, an tAire Iompair.

#### Foras na Gaeilge.

509. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cén méid de dheontas Fhoras na Gaeilge, bliain ar bhliain, a tugadh ar ais don státchiste agus an ndéanfaidh sé trácht ar an cheist. [35132/06]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Chomh fada agus a bhaineann sé leis an bhForas Teanga, foilsítear eolas den chineál atá á lorg ag an Teachta sna Meastacháin do Sheirbhísí Phoiblí agus sna Cuntais Leithreasa Iniúchta a leagtar faoi bhraid an Oireachtais i gcomhréir leis an Acht um Ard-Reachtair Cuntas agus Ciste (Leasú) 1993. Ní fhoilsítear briseadh síos idir Foras na Gaeilge agus Gnómhaireacht na hUltaise.

Mar áis don Teachta, seo a leanas an t-eolas foilsithe a bhaineann leis na blianta 2000-05:

Foras Teanga	Soláthar	Caiteachas	Fulleach
	000s	000s	000s
1999	£849	£847	£2
2000	5,967	5,967	0
2001	10,555	10,152	(3)
2002	14,000	13,883	(117)
2003*	12,416	13,614	1,198
2004	14,639	14,260	(379)
2005	15,177	13,720	(1,457)

\* Cistíocht bhreise curtha ar fáil i rith na bliana.

Tuigfidh an Teachta, ar ndóigh, go raibh éifeacht diúltach nach beag ar chaiteachas ag fionraíocht na n-institiúidí ó Thuaidh le blianta beaga anuas. Chomh maith leis sin, bhain cuid den easnamh i mblianta áirithe le tograí sonracha nach ndeachaigh ar aghaidh chomh tapaidh agus a bhíothas ag súil leis. Ar ndóigh, in aon chás nach gceaitear an t-airgead atá curtha ar leataobh faoi cheannteideal ar leith den Vóta, athraítear an t-airgead sin go tograí eile laistigh den Vóta nó tugtar ar ais don Státchiste é. Má bhíonn togra curtha ar athló, déantar soláthar eile dó i meastacháin na bliana dar gcionn.

#### Irish Language.

510. **Dr. Cowley** asked the Minister for Community, Rural and Gaeltacht Affairs the recommendations in the report linguistic study of Irish usage in the Gaeltacht which commenced in April 2004 and which was due for completion in September 2006; and if he will make a statement on the matter. [35172/06]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I understand that the study referred to by the Deputy regarding the use of Irish in the Gaeltacht is almost completed. As agreed with the consultants carrying out the work, interim progress reports have been received on a regular basis and I understand that the final element of the report and its recommendations will be furnished to my Department very shortly. As I have already outlined to the House, all of the findings and proposals emerging from the study will require careful and considered examination by my Department and no decisions

will be made on foot of the study until that process has been completed.

### Departmental Expenditure.

511. **Mr. P. McGrath** asked the Minister for Community, Rural and Gaeltacht Affairs the amount expended on photographers by his Department for events and publicity leaflet pro-

duction in his constituency and the constituency of each Minister of State of his Department in the years 2004, 2005 and to date in 2006; and if he will make a statement on the matter. [35281/06]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** The amount expended on photographers by my Department for events in my constituency in the years 2004, 2005 and to date in 2006 is as follows:

2006

Invoice date: 20/03/06 Sustainable Energy Ireland Conference, Na Forbacha	€214.06 (inc. VAT)
2006 Total	€214.63

2005

Invoice date: 22/12/05 Launch of TV ad to promote Irish language, 10/12/05	€283.75 (inc. VAT)
Invoice date: 22/12/05 Photo to promote farmers' markets/small food production, 3/12/05	€283.75 (inc. VAT)
Invoice date: 18/05/05 Presentation of bound copies of Placenames Orders 25/04/06	€488.96 (inc. VAT)
Invoice date: 05/05/05 Glór na nGael Placenames Presentation, An Spidéal 25/04/05	€523.01 (inc. VAT)
Invoice date: 04/01/05 Inauguration of new cargo ferry service to Aran Islands 04/01/05	€472.16 (inc. VAT)
Invoice date: 04/01/05 Presentation of EU Cohesion Report, Na Forbacha 20/12/04	€210.88 (inc. VAT)
Invoice date: 04/01/05 Signing of Gaeltacht Placenames Order, Na Forbacha 21/12/04	€449.23 (inc. VAT)
2005 Total	€2,711.74

There were four events in 2004 in Minister Ó Cuív's constituency for which photographers were hired. All were Departmental events. The detailed files on these events have now been sent to archive storage, however the details can be made available to the Deputy on request.

2004

Invoice date: 01/12/04	€666.70 (inc. VAT)
Invoice date: 24/11/04	€464.90 (inc. VAT)
Invoice date: 24/09/04	€652.63 (inc. VAT)
Invoice date: 17/06/04	€652.40 (inc. VAT)
2004 Total:	€2,436.63

2004 Total: €2,436.63

2005 Total: €2,711.74

2006 Total: €214.06

It should be noted that my Department has an office in Na Forbacha in the Galway Gaeltacht, and that the events for which photographers were hired bear no relation to the work of my constituency office; all events were directly related to the work of the Department. No photographers have been hired for events in Minister of State Ahern's constituency. My Department does not incur costs in relation to publicity leaflet production in the constituencies of either myself or Minister of State Noel Ahern.

### Community Development.

512. **Mr. O'Shea** asked the Minister for Community, Rural and Gaeltacht Affairs if projects relating to biofuel production can be funded under the Leader programme; and if he will make a statement on the matter. [35391/06]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Biofuel production projects can be funded under the Leader programme measures relating to the exploitation of agriculture, forestry and fisheries products and environmentally friendly initiatives. The funding of projects proposed is a matter for decision by the local Board subject to the funding available to them.

513. **Mr. Sargent** asked the Minister for Community, Rural and Gaeltacht Affairs if any member of rural Dublin Leader programme has benefited from grant aid whilst a member of the board. [35416/06]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Officials in my Department have been advised, by Rural Dublin Leader, that a company of which a board member of Rural Dublin Leader was a Director was approved for funding by the Board. Rural Dublin LEADER has confirmed to my Department that all proper procedures as per the Department's operational rules in relation to the project were strictly adhered to, that the member absented

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himself from the room and had no involvement in the discussion or decision of the Board and the Evaluation Committee.

### **An Teanga Ghaeilge.**

514. D'fhiafraigh **Mr. Sargent** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cathain a bheidh leaganacha Gaeilge agus Béarla de Bhillí ar fáil ag an tráth a bheidh leasuithe á ndéanamh ag baili an Oireachtais. [35417/06]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Dírim aird an Teachta ar an bhfreagra a thug mé ar Cheist Dála Uimh 16 ar 5 Deireadh Fómhair 2006.

### **Community Development.**

515. **Mr. Ring** asked the Minister for Community, Rural and Gaeltacht Affairs the position with regard to a group (details supplied) in County Mayo; their future participation in the delivery of rural development programmes; the changes made in the areas that they cover; if a final decision has been made in this regard; if so, the action that will be taken in relation to this group; and if he will make a statement on the matter. [35434/06]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** As indicated to the House in earlier replies to this topic, the cohesion process aims to streamline the way in which local, community and rural development programmes are delivered on behalf of the Department. The group referred to by the Deputy delivers rural development programmes on behalf of Western Rural Development Company in parts of North Mayo and West Sligo. I have expressed the view to the local delivery agencies in Co. Sligo and Co. Mayo that a unified overarching structure based around county boundaries in counties Sligo and Mayo, including West Sligo would best achieve cohesion objectives. Western Rural Development Company has indicated to my Department that it accepts this view. However, the optimum structure for delivery of local, community and rural development programmes in North Mayo is still under consideration.

### **Ceist Phleanáta.**

516. D'fhiafraigh **Mr. McGinley** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cad iad na pleananna atá á mbeartú le breis fostaíochta a chur ar bun i gceantar Chill Chárthaigh, Dún na nGall, go speisialta i réimse na n-ionad glaonna, agus an ndéanfaidh sé ráiteas ina thaobh. [35559/06]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Bíonn iarrachtaí leanúnacha ar siúl ag Údarás na Gaeltachta chun tograí

a chuirfidh fostaíocht fhiúntach ar fáil a mhealladh chuig gach uile chuid den Ghaeltacht, ceantar Chill Charthaigh ina measc. Maidir le hionaid ghlaonna, is mithid a lua go raibh toradh dearfach ar obair an Údaráis sa réimse seo le blianta beaga anuas agus gur éirigh leis tionscnaimh le fostaíocht fhiúntach a bhunú i gceantair sa Ghaeltacht, ar nós Gaoth Dobhair, An Daingean agus Acaill. Aithníonn an tÚdarás an tairbhe a bhaineann le tograí den chineál seo agus leanfar le hiarrachtaí tuilleadh tograí mar iad a mhealladh go dtí an Ghaeltacht.

### **Legislative Programme.**

517. **Mr. Costello** asked the Minister for Community, Rural and Gaeltacht Affairs his views on documentation (details supplied) in relation to the draft Road Traffic (Amendment) Bill 2006; and if he will make a statement on the matter. [35604/06]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** The Deputy will appreciate that I have no Ministerial responsibility in relation to Road Traffic legislation, which is a matter for my colleague, the Minister for Transport.

### **Grant Payments.**

518. **Mr. O'Dowd** asked the Minister for Agriculture and Food if funding will be granted to a person (details supplied) in County Louth; and if she will make a statement on the matter. [35100/06]

**Minister for Agriculture and Food (Mary Coughlan):** The person concerned is an applicant under the Farm Waste Management Scheme. The application is being considered and a decision will be made in respect of the application as soon as possible.

519. **Mr. Perry** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Sligo has not had a response from her Department officials in relation to their single payment entitlements; the reason for the delays in processing their file; when the top up will be included; and if she will make a statement on the matter. [35155/06]

**Minister for Agriculture and Food (Mary Coughlan):** As outlined in reply to a previous Question from the Deputy, the person named applied to the 2005 National Reserve for an allocation of entitlements under Category D. This category caters for farmers who commenced farming after 31 December 2002 or who commenced farming in 2002 but did not receive any direct payments in respect of that scheme year. The person named was deemed successful under this category.

However the person named also inherited land from a person who was the previous registered herdowner. In these circumstances the person named automatically inherits any entitlements established for the person from whom the land was inherited. The farmer from whom the land was inherited did not submit an Area Aid application during the 2000-02 reference period and because of this, while a Single Payment was established for that person the payment was not broken down into entitlements. It was therefore necessary to convert that Single Payment into standard entitlements before making an allocation from the National Reserve. This conversion is now complete and the entitlements have been topped up by an allocation from the National Reserve. A formal letter outlining the National Reserve allocation has issued to the person named and payment will issue shortly.

520. **Mr. Naughten** asked the Minister for Agriculture and Food if a landowner can stack their single farm entitlements where part of their lands have been taken over for the construction of a motorway; the procedure involved; and if she will make a statement on the matter. [35174/06]

**Minister for Agriculture and Food (Mary Coughlan):** A person may apply to consolidate his/her Entitlements where the land is lost as a result of a Compulsory Purchase Order for non-agricultural purposes, as long as this land was farmed by the farmer during the reference period (2000-2002) and was used to establish his or her Single Payment Entitlements. A person cannot consolidate below 50% of the average number of hectares farmed during the reference period.

The 2006 Consolidation Application form is available on my Department's Website, or from my Department's Office in Portlaoise (Consolidation Section, Department of Agriculture and Food, Eircom Building, Knockmay, Portlaoise, Co Laois. Lo-Call 1890 252240).

#### **Milk Quota.**

521. **Mr. Naughten** asked the Minister for Agriculture and Food the legal status of milk quota; if it is an asset or a licence; if the Revenue Commissioners concur with her view; if ownership is controlled by the farmer, the State or the commission; and if she will make a statement on the matter. [35179/06]

**Minister for Agriculture and Food (Mary Coughlan):** Milk delivery quota, as defined in the European Communities (Milk Quota) Regulations, 2000, (SI No. 94 of 2000), means the quantity of milk or other milk products which may be delivered by a producer to a purchaser from his or her holding, in accordance with the Regulations, in a milk quota year without the producer being liable to pay levy. These Regulations, as amended, allow the Minister to intro-

duce schemes for the surrender of milk quota at the end of each milk quota year and the reallocation of the surrendered quota at the beginning of the subsequent milk quota year, including the setting of a maximum payment for surrendered and reallocated quota. The Supreme Court, in its 2001 judgment in the case of *Maher and others -v- Minister for Agriculture, Food and Rural Development and others*, as reported in the Irish reports, held that the entitlement to a milk quota could not be equated to a right of property within the meaning of Articles 40.3.1, 40.3.2 and 43 of the Constitution.

#### **Grant Payments.**

522. **Mr. Naughten** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Sligo has not received their forestry premium payments since 1992; and if she will make a statement on the matter. [35213/06]

**Minister for Agriculture and Food (Mary Coughlan):** My Department has examined this case and can find no evidence that there are outstanding forestry premium payments due to the person in question since 1992.

523. **Mr. Kehoe** asked the Minister for Agriculture and Food the status of the grant application for a person (details supplied) in County Wexford; when a decision will be made; and if she will make a statement on the matter. [35217/06]

**Minister for Agriculture and Food (Mary Coughlan):** The person concerned is an applicant under the Farm Waste Management Scheme. A preliminary inspection will be carried out shortly and a decision in respect of the application concerned will be made following that inspection.

#### **Departmental Expenditure.**

524. **Mr. P. McGrath** asked the Minister for Agriculture and Food the amount expended on photographers by her Department for events and publicity leaflet production in her constituency and the constituency of each Minister of State of her Department in the years 2004, 2005 and to date in 2006; and if she will make a statement on the matter. [35278/06]

**Minister for Agriculture and Food (Mary Coughlan):** Details of the expenditure on photographers for official events as requested by the Deputy are set out below:

2004

Minister Mary Coughlan €340

Minister of State Noel Treacy €366.83

Minister of State John Browne Nil

2005

Minister Mary Coughlan €1,381.19

[Mary Coughlan.]

Minister of State John Browne €540.00

Minister of State Brendan Smith Nil

2006

Minister Mary Coughlan €1,611.82

Minister of State Mary Wallace €2,173.09

Minister of State Brendan Smith Nil

There was no expenditure on leaflet production in the period in question.

#### Grant Payments.

525. **Mr. Neville** asked the Minister for Agriculture and Food the position regarding an application for 2006 single farm payment by a person (details supplied) in County Limerick. [35294/06]

**Minister for Agriculture and Food (Mary Coughlan):** The person named submitted an application under Category C of the 2005 Single Payment Scheme National Reserve which caters for farmers who sold their milk quota into the Milk Quota Restructuring Scheme and converted their enterprise to a farming sector for which a direct payment under Livestock Premium and/or Arable Aid Schemes would have been payable during the reference period 2000 to 2002. The person named was deemed successful under this category and was allocated a top-up from the National Reserve.

Under the 2006 Single Payment Scheme National Reserve successful applicants under Category C of the 2005 National Reserve will now be eligible for a top-up from the 2006 National Reserve to reflect the increased value of the Dairy Premium in 2006. My Department will automatically apply this top-up and the farmers concerned need not make an application to the 2006 National Reserve. The person named will now be due an additional top-up which will be applied to his 2006 Single Payment. Provisions are currently being made to apply this top-up and it is expected that this will be in place soon. Once this top-up is applied, the person named will receive a 50% advance payment which will include the additional allocation from the 2006 National Reserve.

526. **Mr. Deenihan** asked the Minister for Agriculture and Food when a grant under the single payment scheme will be made to a person (details supplied) in County Kerry; and if she will make a statement on the matter. [35306/06]

**Minister for Agriculture and Food (Mary Coughlan):** An application for the Transfer of Entitlements to the person named under the Single Payment Scheme was submitted on the 23rd of March 2006. This application has now been

fully processed and payment in respect of 55.39 transferred entitlements will issue shortly.

527. **Mr. Hayes** asked the Minister for Agriculture and Food the situation regarding a person (details supplied) in County Tipperary who has appealed a decision in their application under the single payment scheme national reserve. [35307/06]

**Minister for Agriculture and Food (Mary Coughlan):** As outlined in a reply to a previous Question from the Deputy, the person named submitted an application for an allocation of entitlements from the National Reserve under Category C which caters for farmers who sold their milk quota into a re-structuring scheme and converted to a farming sector for which a direct payment under the Livestock and/or Arable Aid Schemes would have been payable in respect of the years 2000 to 2002.

The person named sold his milk quota into a re-structuring scheme in April 2002 but he did not convert to a farming sector for which a direct payment under the Livestock and/or Arable Aid Schemes would have been payable in respect of the years 2000 to 2002 and therefore did not satisfy the criteria for an allocation of entitlements under Category C.

The person named submitted an appeal against this decision and provided additional documentation in support of his appeal. In all such cases, the procedure is that all contentions put forward in support of an appeal are first of all reviewed within my Department to see whether there is sufficient evidence to warrant any change to the original decision. In this case the documentation was examined by my Department but did not provide grounds for a change to the original decision. This case has since been forwarded to the Independent Single Payments 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.

528. **Mr. Hayes** asked the Minister for Agriculture and Food the reason payment has not issued to a person (details supplied) in County Tipperary under the single payment scheme. [35308/06]

**Minister for Agriculture and Food (Mary Coughlan):** The Single Payment Scheme application of the person named has been fully processed and 50% advance payment will issue shortly. The Disadvantaged Area Scheme payment will issue also.

529. **Mr. Walsh** asked the Minister for Agriculture and Food if payment of single farm payment will be made to a person (details supplied) in County Cork. [35389/06]

**Minister for Agriculture and Food (Mary Coughlan):** As there is no record of an application under the 2006 Single Payment Scheme having been received from the person named, I have had arrangements made for an official of my Department to make direct contact with him with a view to clarifying the position.

#### **Afforestation Programme.**

530. **Mr. Sargent** asked the Minister for Agriculture and Food the status of the communication from the European Commission in early 2006 regarding environmental problems with Ireland's forestry policy; if the European Commission has contacted her Department since the initial communication; the content of these communication; and if her Department has taken action on the basis of that communication. [35390/06]

**Minister for Agriculture and Food (Mary Coughlan):** I understand that the Deputy is referring to two Reasoned Opinions addressed to Ireland, one in relation to the implementation of the EIA Directive and the other in relation to the Habitats Directive. The first is dated 13 July, 2005 and the second 4 July, 2006.

In relation to the first, which deals with the application of the EIA Directive to proposed afforestation projects, my Department has always had systems in place to assess whether or not a project required a full Environmental Impact Assessment. However, we have agreed with the European Commission that this procedure could be made more explicit and could be improved upon to better reflect the requirements of the Directive. Two meetings have taken place at official level between representatives of my Department and the European Commission where this issue was discussed in detail and where my Department provided details of new screening procedures, which have subsequently been introduced, to ensure Ireland's compliance with the EIA Directive. My Department has recently requested a final meeting with officials from the European Commission which, it is hoped, will bring this matter to conclusion.

In relation to the second Reasoned Opinion, which deals with the application of the Habitats Directive across a number of areas, including forestry, this matter is being dealt with by the Department of Environment, Heritage and Local Government. My Department has provided material to that Department which addresses the forestry concerns for inclusion in Ireland's response to the Commission. A reply to the Reasoned Opinion issued to the European Commission on the 4th of September 2006.

#### **Grant Payments.**

531. **Mr. G. Murphy** asked the Minister for Agriculture and Food if she will provide a full report of the entitlements of a person (details

supplied) in County Cork for 2006; if she will ensure they are given every consideration; and if she will make a statement on the matter. [35427/06]

**Minister for Agriculture and Food (Mary Coughlan):** The person named did not farm during the reference period and the Department did not therefore establish any payment entitlements for him. He submitted an application for an allocation of entitlements from the 2005 Single Payments 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 has indicated that the land in question was in fact leased out by himself and not by the farmer from whom he obtained the land. The person named was, therefore, deemed unsuccessful in his application to the National Reserve under this category.

Category D caters for farmers, who inherited or purchased 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 deemed unsuccessful as he did not comply with the off-farm income limits as required under this category.

A formal letter outlining my Department's decision issued to the person named and he submitted an appeal which has been forwarded to the Independent Single Payments Appeal Committee who will carry out a full review of the case and will correspond directly with him following the outcome of their review.

532. **Mr. G. Murphy** asked the Minister for Agriculture and Food if she will issue all payments due under the single payment to a person (details supplied) in County Cork; and if she will provide a breakdown of all moneys due. [35428/06]

**Minister for Agriculture and Food (Mary Coughlan):** An application under the Single Payment Scheme /Disadvantaged Area Scheme was received from the person named on the 4th April 2006.

As part of the control procedures under EU legislation governing the Single Payment Scheme, the application was randomly selected for and was the subject of a ground eligibility and cross compliance inspection.

During the course of the cross-compliance inspection, errors were discovered with regard to the identification and registration of bovine animals which resulted in a 3% cross compliance penalty being applied. The person named had also been the subject of a cross compliance

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inspection in 2005 and had also incurred a 3% penalty for a similar infringement. The person named did not seek a review nor did he lodge an appeal against that decision. Under the EU Regulations governing cross compliance and the rules regarding repetition of non-compliance, his penalty in 2005 was therefore multiplied by 3 to calculate the penalty for 2006. This has resulted in a 9% penalty being applied to his Single Payment for 2006.

The application has now been fully processed and an advance payment totalling €12,063.97 issued on 20th October 2006. Payment under the Disadvantaged Area Scheme totalling €3,970.95 issued on the 26th October 2006.

If the person named is not satisfied with the result of the inspection, he may seek a review by contacting his Local Office. To date no review has been sought. He also has the right to appeal the outcome of any such review.

### Genetically Modified Organisms.

533. **Mr. M. Higgins** asked the Minister for Agriculture and Food the position of Ireland in relation to the United Nations Convention on Biodiversity; the meetings which have taken place in the context of securing Irish support and acceptance of the terminator technology and patent in relation to genetically modified seeds; and if she will make a statement on the matter. [35606/06]

**Minister for Agriculture and Food (Mary Coughlan):** Ireland's obligations under the United Nations Convention on Biological Diversity are a matter in the first instance for the Minister for the Environment, Heritage and Local Government. I understand that the eighth Conference of the Parties to the Convention on Biological Diversity in March 2006 reaffirmed a previous decision that in the absence of reliable data on genetic use restriction technologies, products incorporating such technologies should not be approved by Parties for field testing. My Department has no role in the issuing of patents.

### Grant Payments.

534. **Mr. Kenny** asked the Minister for Agriculture and Food the reason an appeal by a person (details supplied) in County Mayo in respect of extra allocation from the national reserve was not assessed by her Department from 1 July to 20 October 2006; the number of appeals currently not dealt with in her Department in respect of extra allocation from the national reserve; the number of personnel appointed to deal with these applications and appeals; and if she will make a statement on the matter. [35632/06]

**Minister for Agriculture and Food (Mary Coughlan):** The daughter of the person named

submitted an application for an allocation of entitlements from the National Reserve under Category C. This category caters for farmers who were active milk producers who sold their milk quota into a re-structuring scheme and converted to a farming sector for which a direct payment under the Livestock and/or Arable Aid Schemes would have been payable in respect of the years 2000 to 2002. The person named sold his milk quota in April 2003 and ceased farming. He then gifted his farm and any associated Single Payment entitlements to his daughter in November 2003. As the daughter of the person named was neither an active milk producer nor the owner of a milk quota she did not therefore satisfy the criteria for Category C.

Under the 2005 Single Payment Scheme National Reserve in excess of 7,600 applicants have been deemed unsuccessful of which over 1,100 have appealed the decisions made. A significant number of the appeals received relate to applicants being deemed unsuccessful as the required information in support of their National Reserve application was not submitted. In relation to all appeals received, the procedure is that all contentions put forward in support of an appeal are first of all reviewed within my Department to see whether there is sufficient evidence to warrant any change to the original decision. Due to the type and volume of additional information received and to ensure fair and equitable treatment to all appellants, this review process can take some time to complete. There are a total of 21 staff engaged in processing applications under the National Reserve. These staff also carry out reviews on foot of appeals lodged by unsuccessful applicants. Cases unsuccessful in the review are dealt with by the Single Payment Appeals Committee presided over by an independent Chairman and assisted by 4 Appeals Officers from the Agriculture Appeals Office.

535. **Mr. Naughten** asked the Minister for Agriculture and Food the number of 2005 single farm payments applicants who have yet to be paid; the number of 2005 national reserve applicants still awaiting a decision; the number of 2006 single farm payment applicants who have yet to receive an interim payment; the steps she is taking to address the situation; and if she will make a statement on the matter. [35695/06]

**Minister for Agriculture and Food (Mary Coughlan):** Under the 2005 Single Payment Scheme, payments worth €1,180 million have been made to 127,838 applicants, who have declared eligible hectares and have entitlements under the Scheme, representing in excess of 99% of applicants. A further €14.2 million was paid in respect of Modulation refund. Insofar as the 2005 National Reserve is concerned the vast majority of applications have now been processed and decisions on eligibility have been made. Some

€15m has been paid to successful applicants under this measure. Some 800 applications remain to be fully processed pending receipt of outstanding information in some cases while other cases have to be examined under the anti-accumulation measures.

Under the 2006 Single Payment Scheme, advance payments worth €549 million have been made to 116,700 applicants, who have declared eligible hectares and have entitlements under the Scheme, representing almost 92% of applicants.

In common with the coupled schemes, which the Single Payment Scheme replaced, delays in processing can be caused by many factors, including incomplete application forms, errors on applications and discrepancies highlighted following computer validation, which must be resolved via correspondence with the applicant. In many cases, payment could not be made because applicants did not submit an application to transfer the Single Payment entitlements, with lands, by way of inheritance, gift, lease or purchase; the majority of the 2006 cases which have yet to receive an advance payment are in the latter category.

My Department will continue to issue payments, under both the 2005 and 2006 Schemes, to farmers, as outstanding problems are resolved. Balancing payments under the 2006 Scheme are scheduled to commence on 1 December 2006.

536. **Mr. Naughten** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Roscommon has not received a decision on their 2005 national reserve application; when this person will be informed of a decision; and if she will make a statement on the matter. [35696/06]

**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 Category D. This category caters for farmers who commenced farming after 31 December 2002 or who commenced farming in 2002 but who received no direct payments in respect of that scheme year.

The person named has been deemed successful under this Category. A formal letter of decision has issued to him and payment will issue shortly.

If the person named is dissatisfied with my Department's decision he now has the opportunity to appeal the decision to the Independent Appeals Committee, setting out the facts and contentions on which he relies in support of his appeal. An appeals application is available from any of my Department's offices or on the Department's website at [www.agriculture.gov.ie](http://www.agriculture.gov.ie).

537. **Mr. Connaughton** asked the Minister for Agriculture and Food the position in relation to an appeal of a decision not to grant an allocation

from the single farm payment national reserve to a person (details supplied) in County Galway; and if she will make a statement on the matter. [35739/06]

**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 Category C.

Category C caters for farmers who were active milk producers who sold their milk quota into the Milk Quota Restructuring Scheme and converted their enterprise to a farming sector for which a direct payment under Livestock Premia and/or Arable Aid Schemes would have been payable during the reference period 2000 to 2002. Documentation received in my Department from the person named indicates that he ceased supplying milk in November 1998 and therefore was deemed unsuccessful as he was not an active milk producer up to the date of sale of the milk quota.

My Department has no record of an appeal from the person named. However, he has the opportunity to appeal the decision to the Independent Appeals Committee setting out the facts and contentions on which he relies in support of his appeal. An appeals application is available from any of my Department's offices or on the Department's website at [www.agriculture.gov.ie](http://www.agriculture.gov.ie).

### Third Level Education.

538. **Mr. Durkan** asked the Minister for Education and Science the extent to which the number of students currently studying medicine is expected to be adequate to meet future requirements; and if she will make a statement on the matter. [35726/06]

**Minister for Education and Science (Ms Hanafin):** On the 1 February 2006 the Minister for Health and Children and I published the report of the Fottrell Working Group on Undergraduate Medical Education and Training. In addition the Minister for Health and Children published the report of the Postgraduate Medical Education and Training Group. These reports represent the most significant review of medical education and training ever undertaken in Ireland and are aimed at responding to the needs of a changing health system and ensuring that medical education in Ireland is sufficiently resourced and developed to maintain our reputation for producing quality doctors into the future.

As part of these reforms I am increasing the annual number of undergraduate places for Irish and EU students from 305 to 485. I am also introducing a separate graduate entry stream which will provide 240 additional places per annum. These increases, which will be phased in over a five year period, will increase the annual number of medical places from 305 to 725.



[Ms Hanafin.]

At undergraduate level an additional 70 places have been provided this Autumn, with a further 40 places being provided in 2007 and a further 35 places in each of 2008 and 2009. It is anticipated that the Higher Education Authority will shortly issue a competitive call for proposals to provide the new graduate entry programme, with a view to additional places being provided on this programme from 2007.

#### Education Services.

539. **Mr. Gogarty** asked the Minister for Education and Science if she has been consulted by the Reception and Integration Agency or the Department of Justice, Equality and Law Reform regarding its decision to set up an accommodation centre for asylum seekers on a site (details supplied) in Dublin 22; if additional resources are planned to be provided in terms of teachers, language support teachers and so on; and if she will make a statement on the matter. [35110/06]

**Minister for Education and Science (Ms Hanafin):** The Department of Justice, Equality and Law Reform commenced advance consultation with my Department early last month. I understand that the Department of Justice, Equality and Law Reform was not in a position to consult with service providers until such time as the acquisition of the property was completed and a contract for accommodation was in place with the Reception & Integration Agency (RIA).

My Department will continue to liaise with the Department of Justice, Equality and Law Reform on the educational needs of asylum seekers at the centre.

#### Departmental Reports.

540. **Mr. Ring** asked the Minister for Education and Science if a copy of a report (details supplied) which has been completed will be made available to this Deputy; and if she will make a statement on the matter. [35145/06]

**Minister for Education and Science (Ms Hanafin):** I can confirm that I have received a copy of a report from the Single Manager of the school referred to by the Deputy. Pending consideration of the report and any necessary clarification on it, I am sure the Deputy will appreciate that it would not be appropriate for me to release the report.

#### School Accommodation.

541. **Dr. McDaid** asked the Minister for Education and Science the position regarding the proposed extension of a school (details supplied) in County Donegal; and when her Department officials will revisit the site for further assessment. [35167/06]

**Minister for Education and Science (Ms Hanafin):** The proposed extension project for the school referred to by the Deputy is at an early stage of architectural planning and is one of the 124 schools that I announced last year to progress through the architectural planning process.

Following an increase in the long-term projected enrolments at the school, my Department's officials visited the school in question in February of this year and completed revised schedules of accommodation to take account of the increased enrolments. The school authorities were subsequently requested to forward a revised Stage 1 report (site analysis and building options) to reflect the impact of the revised accommodation schedules in the design and to also look at the option of a new build.

A revised Stage 1 submission has since been received in my Department and my officials have met with the school authorities and their Design Team on the 26th October to review the revised stage 1 submission. The aim of such a meeting is to evaluate the design submitted with a view to progressing the project through the design phase provided it is within approved parameters.

However, it was not possible at this meeting to authorise the progression of the project until further information is submitted by the school and its Design Team. When this is received, my officials will meet with the school authorities and its Design Team again in order to evaluate the documentation with a view to progressing the project. Progression of the project to tender and construction will be considered in the context of the School Building and Modernisation Programme 2006-2010.

#### Special Educational Needs.

542. **Dr. Cowley** asked the Minister for Education and Science if a person (details supplied) in County Mayo will be assured that they will continue to receive the help they need in order to make progress and that there will be no cut-back in these support services in their school; and if she will make a statement on the matter. [35168/06]

**Minister for Education and Science (Ms Hanafin):** As the Deputy is aware, the National Council for Special Education (NCSE), through the 75 local special educational needs organisers, known as SENOs, is responsible for processing applications from schools for special needs supports. These supports include resource teaching hours and special needs assistant support for pupils with low-incidence special needs and assistive technology or equipment for pupils in either high- or low-incidence special educational needs categories. In this way, pressing needs in the area of special needs supports in schools are identified early and acted upon quickly.

My officials have been in contact with the NCSE regarding the pupil referred to by the

Deputy. The NCSE has advised that the SENO will make direct contact with the school concerning the needs of the pupil in question.

#### **Departmental Property.**

543. **Mr. Kenny** asked the Minister for Education and Science if her Department own and are registered title holders to a school building (details supplied) in County Mayo or if it is vested in the diocese concerned; if her Department have been in contact with a legal firm in respect of acquisition of the ground and buildings which have been closed since the mid 1960's; and if she will make a statement on the matter. [35180/06]

**Minister for Education and Science (Ms Hanafin):** The school building referred to by the Deputy is not owned by my Department. An Official of my Department contacted the legal firm referred to by the Deputy and it would appear from them that there is no application with my Department regarding this matter.

#### **Pupil Teacher Ratio.**

544. **Ms B. Moynihan-Cronin** asked the Minister for Education and Science the number of primary schools in County Kerry with class sizes of less than 20, between 20 and 30, between 30 and 40 and greater than 40; if she will deliver on the Government's policy commitments on class sizes; and if she will make a statement on the matter. [35221/06]

**Minister for Education and Science (Ms Hanafin):** The information requested by the Deputy is not readily available in my Department. As the Deputy will be aware, major improvements have been made in staffing at primary in recent years. There are now 4000 more primary teachers than there were in 2002. The average class size in our primary schools is 24 and there is now one teacher for 17 pupils at primary level, including resource teachers etc.

Children with special needs and those from disadvantaged areas are getting more support than ever before to help them to make the most of their time at school. Indeed, with the thousands of extra primary teachers hired by this Government, recent years have seen the largest expansion in teacher numbers since the expansion of free education. Furthermore, the Government is committed to providing even more primary teachers next year to reduce class sizes.

As the Deputy knows 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. Over 280 such posts were sanctioned in the 2006/07 school year, compared to 170 in 2005/06. This Government has shown a clear determination to improve the staffing in our schools and we will continue to prioritise this issue going forward.

#### **School Transport.**

545. **Ms B. Moynihan-Cronin** asked the Minister for Education and Science if she will initiate a review of catchment boundaries for secondary school bus transport; and if she will make a statement on the matter. [35222/06]

**Minister of State at the Department of Education and Science (Miss de Valera):** Reviews of specific catchment boundaries may be carried out 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. I do not propose to have a general countrywide review of catchment boundaries.

#### **Education Welfare Service.**

546. **Ms B. Moynihan-Cronin** asked the Minister for Education and Science if and when a second education welfare officer will be appointed for County Kerry; the number of referrals to the board from County Kerry in the past four years; and if she will make a statement on the matter. [35223/06]

**Minister of State at the Department of Education and Science (Mr. B. Lenihan):** The National Educational Welfare Board (NEWB) was established under The Education (Welfare) Act, 2000 as the single national body with responsibility for school attendance. The Act provides a comprehensive framework which promotes regular school attendance and tackles the problems of absenteeism and early school leaving. The general functions of the Board are to

[Mr. B. Lenihan.]

ensure that every child attends a recognised school or otherwise receives a certain minimum education.

The Board is developing a nationwide service on a continuing basis that is accessible to schools, parents/guardians and others concerned with the welfare of young people. For this purpose, Educational Welfare Officers (EWOs) have been deployed throughout the country to provide a welfare-focused service to support regular school attendance and discharge the Board's functions locally.

The total authorised staffing complement of the Board is 94 comprising 16 HQ and support staff, 5 regional managers, 12 Senior EWO's and 61 EWO's. Five regional teams are in place with bases in Dublin, Cork, Limerick, Galway and Waterford.

In deploying its service staff, the NEWB has prioritised the provision of services to the most disadvantaged areas and the most at-risk groups. This deployment includes areas designated under the Government's RAPID programme where an intensive full level of service is provided. Since September 2005 every county in Ireland is served by an educational welfare service.

In addition to the NEWB personnel there are some 490 staff, within the education sector, deployed in education disadvantage programmes whose work involves an element of school attendance and significant scope exists for integrated working between these personnel and Educational Welfare Officers. My Department is anxious to ensure that the maximum benefit is derived from these substantial personnel resources. Consequently work is ongoing to develop appropriate protocols for all agencies and services to work together in collaboration and to ensure that optimum use is made of the resources deployed including NEWB resources. It is anticipated that the outcome of this work will inform my Department on the staffing requirement for the NEWB into the future.

This government is determined to do all that is possible to ensure that every child gets all the opportunities and support they need to enable them to achieve their potential and participate fully in education. I will be keeping the issue of the NEWB's staffing under review in light of the rollout of services, the scope for integrated working and any proposals that the Board may put to me in relation to clearly identified priority needs.

In relation to the Deputy's query regarding the number of referrals made to the NEWB over the past four years, I have sought this information from the NEWB and will respond to the Deputy further when I receive it.

### Schools Building Projects.

547. **Ms B. Moynihan-Cronin** asked the Mini-

ster for Education and Science the position regarding a building project for a school (details supplied) in County Kerry; and if she will make a statement on the matter. [35224/06]

**Minister for Education and Science (Ms Hanafin):** The need for a new school building on a new site for Blennerville National School is acknowledged by my Department. A suitable site has recently been acquired. The building project required to deliver the new school will be progressed in the context of the School Building and Modernisation Programme 2006-2010.

### School Accommodation.

548. **Ms B. Moynihan-Cronin** asked the Minister for Education and Science the position regarding a building project for a school (details supplied) in County Kerry; and if she will make a statement on the matter. [35225/06]

**Minister for Education and Science (Ms Hanafin):** The accommodation needs of the school referred to by the Deputy are under consideration by my Department. In order to ensure that the appropriate level of accommodation is provided, officials in the School Planning Section are currently assessing the long-term projected staffing figure on which the accommodation needs will be based.

Progress on the project will be considered in the context of the School Building and Modernisation Programme 2006-2010.

549. **Ms B. Moynihan-Cronin** asked the Minister for Education and Science the position regarding a building project for a school (details supplied) in County Kerry; and if she will make a statement on the matter. [35226/06]

**Minister for Education and Science (Ms Hanafin):** Following a meeting between Department officials, the school management authority and their Design Team earlier this year, it was agreed that the long term projected enrolment, on which the schools accommodation needs are based, would need to be reassessed. Officials in the School Planning Section of my Department are currently reassessing the long term projected enrolment for the school, which takes into account factors such as current and projected enrolment, existing post primary provision in the general area and the likely impact of ongoing and proposed housing developments. Once this reassessment is complete, a decision will be taken on how best to provide for the schools future accommodation needs and the project required will be progressed in the context of the School Building and Modernisation Programme 2006-2010.

### School Transport.

550. **Mr. N. O’Keeffe** asked the Minister for Education and Science if her attention has been drawn to a situation regarding a person (details supplied) in County Cork; and her views on whether any pupil in such a situation should be given time to obtain a replacement ticket and be permitted to travel on school transport for the duration as most pupils would be known to the bus driver. [35257/06]

**Minister of State at the Department of Education and Science (Miss de Valera):** Operational arrangements for the school transport service are a matter for Bus Éireann. I have requested them to reply to the Deputy directly in relation to this case.

### Third Level Fees.

551. **Ms O. Mitchell** asked the Minister for Education and Science if she will examine the rights granted to a person with humanitarian leave to stay here with regard to availing of the free fees scheme in third level universities; and if she will make a statement on the matter. [35267/06]

**Minister for Education and Science (Ms Hanafin):** The main conditions of my Department’s Free Fees Initiative are that students must (a) be first-time undergraduates; (b) hold E.U. nationality or official refugee status; and have been ordinarily resident in an E.U. Member State for at least three of the five years preceding their entry to an approved third level course. Official refugees are eligible on the same residency terms as Irish nationals. Persons with humanitarian leave to remain in the state are not eligible under the Free Fees Initiative.

Under the terms of the Higher Education Grants scheme grant assistance is awarded to students who meet the prescribed conditions of funding including those which relate to nationality, residency, means and previous academic attainment.

The Nationality requirement as set out in Clause 4.5 of the Higher Education Grant Scheme 2006 states:

Candidates must: hold E.U. Nationality; or have Official Refugee Status; or have been granted Humanitarian Leave to Remain in the State; or have permission to remain in the State by virtue of marriage to an Irish national residing in the State or be the child of such person, not having EU nationality; or have permission to remain in the State by virtue of marriage to a national of another EU Member State who is residing in the State and who is or has been employed, or self-employed, in the State, or be the child of such a person, not having EU nationality; or be nationals of a member coun-

try of the European Economic Area (EEA) or Switzerland.

### Higher Education Grants.

552. **Mr. Crawford** asked the Minister for Education and Science if the benefits of the SSIA are being taken into account for third level education grants; if so, her views on whether this is fair as they are not being taken into account for non-contributory pensions and so on; and if she will make a statement on the matter. [35270/06]

**Minister for Education and Science (Ms Hanafin):** I want to assure the Deputy that the Government is determined to ensure that SSIA savers are treated fairly in the calculation of reckonable income under my Department’s maintenance grant schemes. This is being achieved in two ways. Firstly, income from SSIA is being treated exactly the same as income from similar savings and investment products; and secondly, the reckonable income limits for student grants have been increased considerably in recent years.

Since SSIA 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 other savings products, including deposit accounts, post office savings certificates, life assurance bonds etc. The treatment of SSIA is therefore consistent with the traditional treatment of other similar investments over many years. The Department of Finance is aware of this approach to the assessment of income for eligibility for student support.

So, in applying for a grant for the 2006/07 academic year, only the relevant income earned, as outlined above, on the SSIA in 2005 has to be declared. The maximum that the Government grant to any SSIA saver could have amounted to last year, as in any year of the SSIA scheme, is €762. As I have pointed out in response to previous queries and PQs this has been the position since SSIA were introduced.

### School Transport.

553. **Mr. Neville** asked the Minister for Education and Science if additional seating has become available for students who previously availed of concessionary transport on a bus service operating to a primary school (details supplied) in County Limerick. [35271/06]

**Minister of State at the Department of Education and Science (Miss de Valera):** Under the terms of the primary school transport scheme a

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pupil is eligible for transport if s/he resides 3.2 kilometres or more from the nearest primary school. Pupils residing less than 3.2 kilometres from their nearest school may be offered transport on a concessionary fare-paying basis subject to spare seats being available and provided that no additional cost is involved.

Bus Éireann, which operates the School Transport Scheme on behalf of my Department, has confirmed that applications for concessionary fare-paying transport were received in respect of a number of pupils. However, it was not possible to accommodate these pupils as all the seats have been assigned to fully eligible pupils. Parents should liaise with the local Bus Éireann office regarding the availability of spare seating.

### Higher Education Grants.

554. **Mr. P. McGrath** asked the Minister for Education and Science the income threshold for students to qualify for the top-up higher education grant; and if she will make a statement on the matter. [35272/06]

**Minister for Education and Science (Ms Hanafin):** To qualify for the top-up grant in the academic year 2006/2007 all candidates must satisfy the following conditions:

1. Qualify for the ordinary maintenance grant in respect of the academic year 2006/07;
2. Total reckonable income limit in the tax year to 31 December 2005 must not exceed €16,748 (net of standard exclusions, as set out in the 2006 Maintenance Grants Schemes and net of Child Dependant increase (CDI) payments, where applicable);
3. As at 31 December 2005, the reckonable income of parent(s)/guardian(s), the candidate himself/herself, or the income of the spouse/partner, as the case may be, must include one of the eligible social welfare payments prescribed under the Scheme.

#### List of Eligible Payments

##### 1. Social Assistance Payments

Blind Person's Pension  
 Carer's Allowance  
 Deserted Wife's Allowance  
 Disability Allowance  
 Farm Assist  
 Lone Parent's allowance  
 Unemployment Assistance (where held for 391 days or more)  
 Old Age (Non-Contributory) Pension  
 One parent family payment  
 Orphans (Non-Contributory) pension  
 Pre-retirement allowance  
 Prisoner's Wife's Allowance

Widow's/Widower's (Non-Contributory) Pension.

##### 2. Social Insurance Payments

Carer's Benefit  
 Deserted Wife's Benefit  
 Invalidity pension  
 Unemployability Supplement  
 Occupational Injuries Death Benefit (Orphan's pension)  
 Occupational Injuries Death Benefit (pension for a widow or widower)  
 Old Age Contributory Pension  
 Orphan's (Contributory) Allowance  
 Unemployment Benefit (continuous for at least 12 months)  
 Widow's/Widower's (Contributory) Pension  
 Retirement Pension.

##### 3. Family Income Supplement (FIS)

##### 4. Designated Programmes

Back to Education Allowance  
 Back to Work Allowance (Employees)  
 Back to Work Enterprise Allowance  
 Community Employment Scheme  
 FÁS Training Programmes, including Apprenticeships  
 Job Start  
 Part time job incentive scheme  
 Vocational Training Opportunities Scheme (VTOS)

##### 5. Others

- (a) In receipt of payments under the Fáilte Ireland Skills Programme equivalent to a social welfare payment;
- (b) In receipt of payments under the FIT (Fastrack to IT) initiative equivalent to a social welfare payment;
- (c) Participants on a training course approved by a Government Department, State Agency or Area Partnership and who were in receipt of an eligible payment prior to progressing to the programme;
- (d) Grant aided employees in social economy enterprises;
- (e) In receipt of payments under the Senior Traveller Training Centre programmes.

### Departmental Expenditure.

555. **Mr. P. McGrath** asked the Minister for Education and Science the amount expended on photographers by her Department for events and publicity leaflet production in her constituency and the constituency of each Minister of State of her Department in the years 2004, 2005 and to date in 2006; and if she will make a statement on the matter. [35283/06]

**Minister for Education and Science (Ms Hanafin):** No expenditure was incurred by my Department on photographers or leaflet production for the purpose of publicity within my constituency, or the constituencies of the Ministers of State in the years 2004, 2005 and to date in 2006.

#### Schools Refurbishment.

556. **Mr. Hayes** asked the Minister for Education and Science the situation regarding a school (details supplied) in County Tipperary that has applied for the devolved grant for small schools scheme 2007; and if the school's category status under the summer works scheme 2007 will be improved due to the need to carry out urgent works that is the provision of a boundary wall for the safety of the children. [35310/06]

**Minister for Education and Science (Ms Hanafin):** I can confirm that the Department is in receipt of applications for both the Small Schools Scheme 2007 and the Summer Works Scheme 2007 from the management authority of the school to which the Deputy refers. All applications received are currently being assessed.

Outside of the Summer Works Scheme, it is open to management authorities to use the devolved funding received by them under the Minor Works Grant Scheme to address any urgent infrastructural needs arising in their schools.

#### School Fees.

557. **Mr. Deasy** asked the Minister for Education and Science the amount of grant aid paid to each fee paying private school by her Department in each of the past five years. [35357/06]

**Minister for Education and Science (Ms Hanafin):** Fee charging schools, with the exception of the special arrangements that apply in respect of the Protestant and Jewish fee paying schools, do not receive capitation or related supports. The Protestant and Jewish schools receive funding mainly by way of a Block grant, which has its origins in the desire of the State to enable pupils of the Protestant and Jewish persuasion to attend schools, which reflect their denominational ethos. Increased in line with capitation, the Block grant amounts to about €5.5m per annum. In the case of Protestant schools, the grant is paid to the Protestant Secondary Education committee which makes grants to needier Protestant children to enable them to attend school. The distribution of the grant by the Committee is not readily available to my Department. A similar arrangement is applied in the case of the Jewish school. Such schools also receive funding, other than the per capita grant, towards support services such as secretarial and caretaking and miscellaneous grants. Fee charging schools

not embraced by the Block grant do not qualify for payment of capitation supports.

#### Schools Recognition.

558. **Mr. Timmins** asked the Minister for Education and Science if she has received an application seeking approval for a Gaelcoláiste at Arklow, County Wicklow; the stage same is at; and if she will make a statement on the matter. [35370/06]

**Minister for Education and Science (Ms Hanafin):** I can confirm to the Deputy that the Department is in receipt of an application to establish a Gaelcoláiste in Arklow. This application is currently under consideration and a decision will be communicated to the proposer as soon as possible.

#### School Accommodation.

559. **Mr. Timmins** asked the Minister for Education and Science the applications she has for schools, primary and post primary (details supplied), for accommodation and facility improvements; the stage same are at; and if she will make a statement on the matter. [35371/06]

**Minister for Education and Science (Ms Hanafin):** The information requested by the Deputy will be compiled by the relevant officials in the Department and forwarded to him directly.

#### Third Level Grants.

560. **Mr. Timmins** asked the Minister for Education and Science the income limit for qualification for a third level grant; the expenses that can be off set against this; her plans to increase this threshold, or to permit additional set offs; and if she will make a statement on the matter. [35372/06]

**Minister for Education and Science (Ms Hanafin):** The following tables provide details of the current reckonable income limits. In relation to income thresholds prescribed under the student maintenance grant schemes, the practice in recent years has been to increase the reckonable income limits for the ordinary rate of grant by at least the annual increase in the average industrial wage in the 12 months to September of the year prior to the relevant academic year. This year, an increase of 5.3% was approved, in the reckonable income limits for the 2006/2007 academic year, as has the allowance by which the income limits may be increased for each dependant where two or more children are in further or higher education. This increase was ahead of the 3.2% increase in the relevant reference period.

The Special Rates of Maintenance Grant, usually referred to as "top-up" grants, payable to disadvantaged grant holders, were introduced with effect from the 2000/01 academic year. The

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annual income threshold for the special rates of maintenance grant is increased, in line with the relevant social welfare payments. The current income threshold for “top-up” is €16,748.

The means test arrangements of the Student Support Schemes have been in operation since 1983 and are applied nationally. In the case of both the employed and self-employed gross income is assessed with certain deductions for specified social welfare and health board payments. Any proposal to move to introduce a

different method of means assessment system would have significant financial implications in addition to equity issues which would have to be addressed.

While I have no plans to depart, in the foreseeable future, from the current practice in relation to increases in the reckonable income limits or method of means assessment under my Department's student maintenance grant schemes, I am committed to ongoing improvements in the student support schemes including increasing the income limits, as resources permit.

#### 2006 Schemes

Reckonable Income Limits for the ordinary rates of grant† (for the period 1st January, 2005 to 31st December 2005 (the tax year 2005))

No. of Dependent Children	Full Maintenance and Full Fees	Part Maintenance (75%) and Full Fees	Part Maintenance (50%) and Full Fees	Part Maintenance (25%) and Full Fees	Part Tuition Fees (50%) only*
	€	€	€	€	€
Less than 4	37,365	39,695	42,030	44,365	46,700
4-7	41,055	43,625	46,190	48,760	51,325
8 or more	44,580	47,365	50,150	52,930	55,715

\*Full Student Service Charge is paid where income is at or below this level.

†In the 2006/07 academic year where 2 or more children (or the candidate's parent) are pursuing a course of study listed below the reckonable income limits may be increased by €4,525 where there are 2 such children, €9,050 where there are 3 such children and so on, by increments of €4,525.

- (i) attending full-time third level education
- (ii) attending a recognised PLC course, student nurse training or student Garda training
- (iii) participating in a Fáilte Ireland (formerly CERT) course of at least one years duration
- (iv) attending a full time Teagasc course in an agricultural college
- (v) attending a recognised full-time further education course, of at least one year's duration, in Northern Ireland.

#### Special Rate of Maintenance Grant

For the award of a special rate of maintenance grant in respect of the 2006/07 academic year, a candidates reckonable income (for the period 1 January, 2005 to 31 December 2005, the tax year 2005) shall not exceed:

- €16,748
  - net of standard exclusions (as set out in Clause 1 of this Scheme)
- and
- net of Child Dependant Increase (C.D.I.) paid by the Department of Social and Family Affairs

As at 31 December 2005, this reckonable income must include one of the social welfare payments listed below.

#### List of Eligible Payments

##### 1. Social Assistance Payments

Blind Person's Pension  
Carer's Allowance  
Deserted Wife's Allowance

Disability Allowance  
Farm Assist  
Lone Parent's allowance  
Unemployment Assistance (where held for 391 days or more)  
Old Age (Non-Contributory) Pension  
One parent family payment  
Orphans (Non-Contributory) pension  
Pre-retirement allowance  
Prisoner's Wife's Allowance  
Widow's/Widower's (Non-Contributory) Pension.

##### 2. Social Insurance Payments

Carer's Benefit  
Deserted Wife's Benefit  
Invalidity pension  
Unemployability Supplement  
Occupational Injuries Death Benefit (Orphan's pension)  
Occupational Injuries Death Benefit (pension for a widow or widower)  
Old Age Contributory Pension  
Orphan's (Contributory) Allowance

Unemployment Benefit (continuous for at least 12 months)

Widow's/Widower's (Contributory) Pension Retirement Pension

3. *Family Income Supplement (FIS)*

4. *Designated Programmes*

Back to Education Allowance Back to Work Allowance (Employees)

Back to Work Enterprise Allowance

Community Employment Scheme

FÁS Training Programmes, including Apprenticeships

Job Start

Part time job incentive scheme

Vocational Training Opportunities Scheme (VTOS)

5. *Others*

(a) In receipt of payments under the Fáilte Ireland Skills Programme equivalent to a social welfare payment;

(b) In receipt of payments under the FIT (Fastrack to IT) initiative equivalent to a social welfare payment;

(c) Participants on a training course approved by a Government Department, State Agency or Area Partnership and who were in receipt of an eligible payment prior to progressing to the programme; Grant aided employees in social economy enterprises;

(d) In receipt of payments under the Senior Traveller Training Centre programmes.

**School Curriculum.**

561. **Mr. Timmins** asked the Minister for Education and Science the percentage of post primary schools that offer a transition year; the percentage of post primary students who could avail of the year that do so; the criteria applied in formulating the syllabus; and if she will make a statement on the matter. [35373/06]

**Minister for Education and Science (Ms Hanafin):** A total of 636 second level schools offered the Transition Year Programme in the 2005/06 school year, which represented almost 87% of all second level schools.

My Department publishes data on the number of pupils enrolled in each programme in its annual Statistical Report. Although the report for the 2005/06 school year is still in preparation, I can inform the Deputy that the provisional figures of 25,808 pupils were enrolled in the Transition Year Programme for the 2005/06 school year. Information concerning the percentage of students availing of the programme is not available in my Department.

Every year my Department invites all second level schools to participate in the Transition Year

Programme. Circular 0034/2006 invited applications from schools for the 2006/2007 school year. Schools are given an additional grant of €63.49 per pupil to support the delivery of the programme.

Schools providing the programme for the first time are required to register with the full-time Second Level Support Service which provides inservice training, advisory services, and website resources to support the programme.

Schools have flexibility to devise their own programme within the framework of the general guidelines published by my Department. This document sets out the overall aims, curriculum principles, suggested areas of content, teaching approaches, assessment and organisational arrangements for the programme.

The National Council for Curriculum and Assessment has published its proposals for reform of senior cycle education. These envisage that students availing of a 3 year senior cycle programme will study at least 11 Transition Units and 2 short courses in addition to their chosen Leaving Certificate option. The flexibility and methodology which has been successfully adopted in the existing programme will continue, but the NCCA will develop a common template and validate a large range of Transition Units which can be offered in schools. A mechanism will also be developed under which schools and agencies may develop modules and have them validated for inclusion in the programme. The greater standardisation of Transition Units is a welcome development. I have indicated to the Council my preference that, for equity reasons, the Transition Year should be retained as a single year stand alone programme.

**Pupil-Teacher Ratio.**

562. **Mr. Haughey** asked the Minister for Education and Science the measures she is taking to reduce class sizes; and if she will make a statement on the matter. [35381/06]

**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. There are now 4000 more primary teachers than there were in 2002. The average class size in our primary schools is 24 and there is now one teacher for 17 pupils at primary level, including resource teachers etc.

Children with special needs and those from disadvantaged areas are getting more support than ever before to help them to make the most of their time at school.

Indeed, with the thousands of extra primary teachers hired by this Government, recent years have seen the largest expansion in teacher numbers since the expansion of free education. Furthermore, the Government is committed to providing even more primary teachers next year to reduce class sizes.



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As the Deputy knows 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. Over 280 such posts were sanctioned in the 2006/07 school year, compared to 170 in 2005/06.

This Government has shown a clear determination to improve the staffing in our schools and we will continue to prioritise this issue going forward.

#### **Schools Refurbishment.**

563. **Mr. Haughey** asked the Minister for Education and Science the measures she is taking to improve school buildings; and if she will make a statement on the matter. [35382/06]

**Minister for Education and Science (Ms Hanafin):** This Government is committed to modernising school buildings throughout the country and is determined to ensure that every child is educated in a suitable and comfortable environment. Under the largest school building programme in the history of the State we are investing over €500 million on school buildings in 2006.

Between 2000 and 2005 my Department invested over €2 billion on educational infrastructure on over 6,500 individual school projects. This investment is catering for the construction of new schools, large scale extensions and refurbishments, a wide range of projects under the Summer Works Scheme and a variety of other projects under devolved schemes.

While the challenge before us in reversing decades of under-investment in school buildings and in responding to emerging needs in new population areas is great, nonetheless we are making huge progress. I can assure the Deputy that the €3.9 billion capital envelope will enable my Department to continue to take a pro-active approach to transforming school accommodation throughout the country.

#### **Special Educational Needs.**

564. **Mr. Haughey** asked the Minister for Education and Science the measures she is taking to improve special needs education; and if she will make a statement on the matter. [35383/06]

**Minister for Education and Science (Ms Hanafin):** Children who have been assessed as having special educational needs have access to a range of special support services. The services range from special schools dedicated to particular disability groups, through special classes or units attached to ordinary schools, to placement on an integrated basis in ordinary schools, with special back-up supports.

The allocation of resources for children with special educational needs is based on the criteria set out in my Department's circulars having regard to the recommendations of the Report of the Special Education Review Committee 1993, also known as the SERC Report.

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 such as resource teaching hours and special needs assistant (SNA) support on the basis of applications in respect of individual pupils. The teaching and SNA support allocated are intended to enable schools to meet the needs of pupils as outlined in psychological and other professional reports.

In allocating additional teaching and SNA supports for individual pupils, the SENOs examine the teaching and other resources available within the individual schools. The SENO also operates within the parameters of my Department's criteria for the allocation of such resources.

Primary schools are also supported by means of a general allocation which provides additional teaching support to enable schools to cater for pupils with high incidence special educational needs, such as dyslexia, and those with low attainments. Second level schools continue to be supported by the allocation of additional teaching hours, where appropriate, for each pupil enrolled who is assessed as having a special educational need. SNA support is allocated, as appropriate, to all schools where there are confirmed assessed care needs in respect of students.

My Department's policy and approach in the area of special education is underpinned by Statute, particularly the Education for Persons with Special Educational Needs Act, also known as the EPSEN Act, which was enacted in 2004.

While many sections of the Act have already commenced, the remaining sections to be implemented relate mainly to the statutory assessment, appeal and education plan processes.

The NCSE recently submitted its Implementation Report which sets out its views and recommendations on a plan for the implementation of the Education for Persons with Special Educational Needs Act 2004.

Both the Disability Act 2005 and the Education for Persons with Special Educational Needs Act 2004 refer to the need to co-ordinate and plan special needs resources in both the Health and

Education sectors. The level of resources needed will be considered in the context of the Implementation Report and the Sectoral Plan in relation to Part 2 of the Disability Act 2005.

565. **Mr. Perry** asked the Minister for Education and Science when she will meet with a group (details supplied) to facilitate the advancement of discussions in relation to the template document developed by them as a response to the education needs of children affected by autism; and if she will make a statement on the matter. [35392/06]

590. **Mr. Perry** asked the Minister for Education and Science if she will meet personally with the Irish Autism Action Group as they have been unsuccessful on several occasions with their request; and if she will make a statement on the matter. [35721/06]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 565 and 590 together.

The Deputy will be aware of my commitment to ensuring that all children, including those with autism receive an education appropriate to their needs, preferably through the primary and post primary school network where children can mix with their wider peer group and have maximum opportunities for integration. My Department supports an eclectic approach to the education of children with autism where a range of teaching methods can be applied specific to the needs of individual pupils. The Deputy will be familiar with the variety of current provision in this regard which includes pre-school classes for children with autism, special classes for children with autism attached to special schools and mainstream schools, special classes for Asperger's syndrome plus a range of supports for pupils with autism integrated in mainstream classes. A pilot scheme facilitated the establishment of 12 specific autism units and these are represented under the umbrella organisation of Irish Autism Action.

I did in fact meet with representatives from Irish Autism Action earlier in the year subsequent to a series of meetings between officials from my Department and representatives of Irish Autism Action. Full consideration will be given to the points raised at the meeting.

566. **Mr. Ferris** asked the Minister for Education and Science her views on the son-rise treatment system for autistic children; and if she will make a statement on the matter. [35394/06]

570. **Mr. Ferris** asked the Minister for Education and Science if all units here are adequately staffed to meet the needs of autistic children with regard to speech therapy, occupational therapy, physiotherapy, music therapy and play therapy;

and if she will make a statement on the matter. [35401/06]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 566 and 570 together.

My Department supports an eclectic approach to the education of children with autism where a range of teaching methods can be applied specific to the needs of individual pupils. My Department's Inspectorate has advised me that while the sonrise approach has been evaluated in terms of its rationale and practice, it has not been evaluated in terms of the effectiveness of the programme. The Deputy will be familiar with the variety of current provision in this regard which includes pre-school classes for children with autism, special classes for children with autism attached to special schools and mainstream schools, special classes for Asperger's syndrome plus a range of supports for pupils with autism integrated in mainstream classes. A pilot scheme facilitated the establishment of 12 specific autism units nationwide.

I wish to advise the Deputy that responsibility for the provision of speech and language therapy, occupational therapy, physiotherapy, music therapy and play therapy services rests with the Health Service Executive.

567. **Mr. Ferris** asked the Minister for Education and Science if she will reverse the refusal of home tuition to a person (details supplied) in County Kerry. [35395/06]

**Minister for Education and Science (Ms Hanafin):** The home tuition scheme provides funding to parents to provide education at home for children who, for a number of reasons such as chronic illness, are unable to attend school. The scheme was extended in recent years to facilitate tuition for children awaiting a suitable educational placement. The National Council for Special Education (NCSE) is actively engaged in identifying a suitable school placement for the child referred to by the Deputy. As an interim measure pending his placement he is in receipt of home tuition.

568. **Mr. Healy** asked the Minister for Education and Science when she will approve a special needs assistant for a school (details supplied) in County Tipperary to provide assistance for a student; and if she will make a statement on the matter. [35396/06]

**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)

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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. The SENO also operates within the parameters of my Department's criteria for the allocation of such resources.

I wish to advise the Deputy that my Department has received a request from the school in question for special needs assistant support for the pupil. I can confirm that the NCSE is now considering the application and I understand that a decision will be notified to the school authorities following the mid-term break.

### Third Level Funding.

569. **Mr. O'Shea** asked the Minister for Education and Science the capital funding and the revenue funding provided to each of the universities and to each of the institutes of technology in each of the years 2003 to 2005 and to date in 2006; and if she will make a statement on the matter. [35397/06]

**Minister for Education and Science (Ms Hanafin):** Details of capital and recurrent funding for each University and Institute of Technology are provided on the following spreadsheets for the years 2003, 2004 and 2005 and, to date, in 2006.

Recurrent Funding to Institutes of Technology 2003 to Oct. 2006

Institute	2003	2004	2005	2006*
	€ 000's	€ 000's	€ 000's	€ 000's
Athlone Institute of Technology	21,526	22,904	24,617	21,947
Institute of Technology, Blanchardstown	9,666	10,627	10,995	7,834
Institute of Technology, Carlow	19,171	14,812	21,769	21,039
Cork Institute of Technology	53,248	55,476	56,722	49,820
Dublin Institute of Technology	112,618	120,156	123,204	113,514
Dundalk Institute of Technology	21,129	22,000	23,772	21,284
Dun Laoghaire Institute of Art, Design & Technology	11,846	10,387	13,003	12,613
Galway-Mayo Institute of Technology	33,776	35,273	39,002	30,684
Letterkenny Institute of Technology	15,167	16,265	17,352	15,290
Limerick Institute of Technology	22,724	23,385	26,351	23,016
Institute of Technology, Sligo	21,954	23,743	25,652	22,670
Institute of Technology, Tallaght	18,869	19,771	22,163	13,699
Institute of Technology Tralee	20,029	20,832	22,919	16,422
Waterford Institute of Technology	35,911	38,798	42,420	37,766
Tipperary Rural & Business Development Institute	8,257	8,903	9,390	7,520
Tourism College, Killybegs	2,401	2,813	3,033	2,000
Other	5,458	5,192	6,941	5,709
<b>Totals</b>	<b>433,750</b>	<b>451,337</b>	<b>489,305</b>	<b>422,827</b>

Funding 2003/04 — comprises Recurrent Grant, Tuition Fees in respect of students on Certificate, Diploma and Degree courses and Student Services Charge for students eligible for Third Level Trainee grant.

Funding 2005/06 — comprises Recurrent Grant and Tuition Fees in respect of students on Levels 6, 7 & 8 courses and Student Services Charge for students eligible for Third Level Trainee grant.

2006\* includes payments made up to 31st October 2006 and are provisional figures only.

Capital Funding Provided to Institutes of Technology 2003-2006 (31/10/06)

Institute	2003	2004	2005	31/10/2006	Total Funding per Institute
	€000's	€000's	€000's	€000's	€000's
Athlone Institute of Technology	4,080	2,163	913	1,028	8,184
Institute of Technology, Blanchardstown	193	1,707	204	651	2,755
Institute of Technology, Carlow	1,680	1,155	197	1,300	4,332
Cork Institute of Technology	4,814	14,987	11,807	3,378	34,986
Dublin Institute of Technology	5,247	8,832	1,751	2,702	18,532
Dundalk Institute of Technology	729	1,096	366	827	3,018

Institute	2003	2004	2005	31/10/2006	Total Funding per Institute
	€000's	€000's	€000's	€000's	€000's
Dún Laoghaire Institute of Art, Design and Technology	5,081	1,093	608	469	7,251
Galway-Mayo Institute of Technology	4,202	2,483	1,131	1,471	9,287
Killybegs Tourism College	85	422	38	113	658
Letterkenny Institute of Technology	8,510	2,222	292	550	11,574
Limerick Institute of Technology	2,008	1,746	585	1,065	5,404
Institute of Technology, Sligo	268	1,417	364	1,157	3,206
Institute of Technology, Tallaght	120	1,054	204	624	2,002
Institute of Technology, Tralee	928	1,143	421	666	3,158
Tipperary, Rural and Business Development Institute	20	258	53	153	484
Waterford Institute of Technology	8,697	2,596	542	3,458	15,293
Annual Total	46,662	44,374	19,476	19,612	130,124

Recurrent funding to Universities

University	2003 Recurrent Grant incl. Free Fees	2004 Recurrent Grant incl. Free Fees	2005 Recurrent Grant incl. Free Fees	2006 Recurrent Grant incl. Free Fees to 30/09/06
	€	€	€	€
University College Dublin	153,561,000	152,592,000	158,837,000	127,915,784
University College Cork	99,710,000	100,938,000	108,271,000	84,836,788
National University of Ireland Galway	76,611,000	77,125,000	83,375,000	116,991,230
National University of Ireland Maynooth	36,722,000	37,355,000	41,402,000	33,469,706
Trinity College Dublin	108,946,000	107,784,000	114,362,000	92,226,251
Dublin City University	62,461,000	63,817,000	66,340,000	49,849,675
University of Limerick	74,771,000	75,153,000	81,640,000	59,739,408
Totals	612,782,000	614,764,000	654,227,000	565,028,842

Notes

DCU includes St. Patricks College, Drumcondra & Mater Dei.  
UL includes Mary Immaculate College, Limerick.

*Question No. 570 answered with Question No. 566.*

**Special Educational Needs.**

571. **Mr. Perry** asked the Minister for Education and Science further to Parliamentary Question No. 226 of 11 October 2006, if his attention has been drawn to the fact that the NCSE have twice referred the matter to the local SENCO for answer, who in turn has twice referred this Deputy to the NCSE; if, in view of the unsatisfactory response, an appeals procedure exists as per the terms of the relevant Education Act; the way access can be gained to same; the reason this Deputy was not made aware of this appeals procedure; and if she will make a statement on the matter. [35404/06]

**Minister for Education and Science (Ms Hanafin):** I am informed that since I replied to

the Deputy's earlier question, an official of the National Council for Special Education (NCSE) has been in direct contact with him in relation to the specific issues raised in that question.

With regard to an appeals process, the Deputy will be aware that the Education for Persons with Special Educational Needs (EPSEN) Act 2004 was enacted in July 2004. The Special Education Appeals Board (SEAB) was established under section 36 of the Act to hear and determine appeals pursuant to a number of sections of the Act. The SEAB will become operational as soon as the relevant sections of the Act have come into effect. The relevant sections of the Act could not come into effect without the NCSE having an opportunity to present an implementation report to me, which it did recently and I am currently considering its contents.

In the interim, the NCSE will undertake to review a decision taken by a special educational needs organiser (SENO) on foot of a request

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from a school or parents/guardians, when accompanied by relevant additional information, which may not have been to hand at the time of the decision. The NCSE has outlined this process in its Circular 01/05.

### Health and Safety Regulations.

572. **Mr. Sargent** asked the Minister for Education and Science if her attention has been drawn to the research carried out by an organisation (details supplied) linking back pain in children and adults with poorly designed school furniture and with backward sloping school chairs in particular; if she will provide for all children in public funded schools to be afforded the option of using chairs that do not damage their backs and hips in view of the research; and if she will make a statement on the matter. [35418/06]

**Minister for Education and Science (Ms Hanafin):** The situation generally is that where the provision of school furniture is being grant-aided by my Department, the specifications are based on Irish, European, International or British Standards, as appropriate. Irish Standards are set by the NSAI (The National Standards Authority of Ireland).

The health and safety of pupils is in the first instance a matter for each Board of Management and this includes ensuring that school furniture complies with the appropriate standards.

### School Accommodation.

573. **Mr. Blaney** asked the Minister for Education and Science if financial assistance will be provided to a school (details supplied) in County Donegal; and if she will make a statement on the matter. [35560/06]

**Minister for Education and Science (Ms Hanafin):** Officials from my Department have been in contact with the school in question regarding this matter. The school's insurance will deal with a lot of the needs and I am pleased to inform the Deputy that my Department has also recently approved funding for the provision of replacement furniture.

My Department has also advised the school that it is open to consider applications from it for the rental of temporary accommodation and also preventative measures to help minimise the risk of this scenario occurring in the future. The relevant application forms have been issued to the school and when they are completed my Department will assess them without delay.

574. **Mr. Costello** asked the Minister for Education and Science the reason she has not nominated a representative to a board (details supplied); if she will send a representative to the board; her proposals for primary and secondary

schooling in the area in view of the proposal for an additional 1,000 housing units in the area; and if she will make a statement on the matter. [35561/06]

**Minister for Education and Science (Ms Hanafin):** The Department has established a number of Regional Offices to provide information and advice on educational issues to groups and individuals at a regional level and to liaise with regionally based development groups pursuing an educational agenda. The Dublin City and Fingal Regional Office will serve the area in which the Board referred to by the Deputy is based. This office will be located in Blanchardstown and is due to open at the end of the year.

The Directorate of Regional Services recently responded to a letter from the Chairperson of the Board in question requesting the appointment of a Departmental representative to the Board. This response outlined the role and function to be assumed by the Regional Office and advised that, when operational, a member of staff will make the necessary contact with the Board.

With regard to the extent of extra housing being provided, the Department is 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. As a matter of course meetings are arranged with local authorities to establish the location, scale and pace of any major proposed developments and their possible implications for school provision.

In this context, the Department is liaising with Dublin City Council to determine the rate and pace of proposed developments in the area in question for the purposes of assessing the impact that this development will have on the demand for school places.

In a preliminary assessment of the capacity of existing schools in the area, the Department is satisfied that there is adequate capacity to cater for any additional demand for school places in the short to medium term. It will continue to monitor the situation on an on-going basis.

### School Curriculum.

575. **Ms Enright** asked the Minister for Education and Science the remedial steps she proposes to take, arising from the position of Irish in the educational system as outlined in the recent Harris Report; when the report will be available in hard copy; and if she will make a statement on the matter. [35577/06]

**Minister for Education and Science (Ms Hanafin):** The Harris Report was published by the Stationery Office in July of this year and a copy is available on my Department's website at [www.education.ie](http://www.education.ie)

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.

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. Its implementation has been supported by a national programme of 3500 in-service training seminars for 21000 primary teachers. 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.

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.

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 and second class pupils. 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 86 pages, on the website [www.cogg.ie](http://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.

#### Site Acquisitions.

576. **Ms Enright** asked the Minister for Education and Science the situation regarding the building of a new school (details supplied) in County Cork and specifically the efforts to date to secure a site for same; and if she will make a statement on the matter. [35578/06]

**Minister for Education and Science (Ms Hanafin):** My Department has made various attempts to secure a site for the school in question. This included a possible site at the Murphy Barracks Complex in Ballincollig and also a site that was identified by the local school.

Neither of these options have proved viable so my Department now intends to instruct the Office of Public Works to advertise again for a site for the school. The timescale for the new school will depend on the acquisition of a suitable site. However, my Department will keep the school authorities informed of developments.

#### Higher Education Grants.

577. **Mr. Ring** asked the Minister for Education and Science the assistance available to persons (detail supplied) in County Mayo; if assistance will be given to them; and if she will make a statement on the matter. [35598/06]

**Minister for Education and Science (Ms Hanafin):** A key area covered in the report of the

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Action Group on Access to Third Level Education — which was asked to advise on the development of a co-ordinated framework to promote access by disadvantaged students — is the Special Rates of Maintenance Grant (also known as the Top-Up Grant). Eligibility is determined by reference to an income threshold and receipt of a long-term social welfare payment as set out below:

1. An applicant must qualify for the ordinary maintenance grant.
2. Total reckonable income in the relevant tax year must not exceed the lower income limits as set out in the relevant Maintenance Grant Schemes and, where applicable, net of Child Dependant Increase payments
3. As at the prescribed date — i.e. 31st December each year — the source of income must include one of the eligible long-term Social Welfare payments.

For the 2006/2007 academic year the non-adjacent, ordinary grant plus the top-up has been increased to €5,970 and the adjacent rate to €2,390 i.e. a Top-Up of €2,860 and €1,145 respectively.

Officials of my Department contacted the Higher Education Grants Section of both County Mayo VEC and Mayo County Council concerning the candidates referred to by the Deputy. It is understood from both awarding authorities that the candidates were not eligible for the Top-Up grant as the reckonable income exceeded the prescribed limit for the academic year 2006/2007 which is €16,748. I regret that it is not possible to allow grant aid where reckonable income exceeds the prescribed limits irrespective of the particular circumstances. Financial Assistance is also available from my Department through the Student Assistance Fund which is ESF-aided and administered by the National Office for Equity of Access to Third Level Education (National Office).

This Fund assists students who, having commenced a third-level course, experience financial hardship and, therefore, may be unable to continue their third-level studies. Applications for funding should be made by the individual student to the Access Officer in their institution. The Fund is administered on a confidential, discretionary basis.

The Millennium Partnership Fund is a community-based fund that supports retention and participation among under-represented groups of students in further or higher education. Partnership Companies and Community Groups manage the Fund locally. The following Area Partnership Company is in the Deputy's constituency area:

Meitheal Mhaigheo, Lower Main Street,  
Foxford,  
Co. Mayo.  
(094)-9256745

The Fund is managed on behalf of my Department by Pobal in consultation with the National Office for Equity of Access to Third Level Education. Applications for Millennium funding are made annually by the Partnership Companies and Community Groups through Pobal, the state company established to promote social inclusion, reconciliation and equality in Ireland.

#### Special Educational Needs.

578. **Mr. Durkan** asked the Minister for Education and Science when school placement will be offered to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [35609/06]

**Minister for Education and Science (Ms Hanafin):** My Department supports an eclectic approach to the education of children with autism where a range of teaching methods can be applied specific to the needs of individual pupils. The Deputy will be familiar with the variety of current provision in this regard which includes pre-school classes for children with autism, special classes for children with autism attached to special schools and mainstream schools, special classes for Asperger's syndrome plus a range of supports for pupils with autism integrated in mainstream classes. A pilot scheme facilitated the establishment of 12 specific autism units nationwide and the child referred to by the Deputy is requesting placement in one of these units. Responsibility for enrolment policy lies with the individual Boards of Management.

The National Council for Special Education is working across the country to ensure that new services are put in place where needed so that children with special needs, including those on the autistic spectrum, have access to appropriate school-based provision. Details of the child in question have been forwarded to the council in this regard.

#### Site Acquisitions.

579. **Mr. Grealish** asked the Minister for Education and Science if she will issue a directive to the Office of Public Works to purchase a site for a school (details supplied) in County Galway. [35626/06]

**Minister for Education and Science (Ms Hanafin):** The property Management section of the Office of Public Works (OPW), which acts on behalf of my Department in relation to site acquisitions generally, has been requested to explore the possibility of acquiring a site for the school in question. Following an advertisement seeking proposals in relation to possible sites a number of responses were received. In July of this year the OPW submitted a report to my Department on the suitability of these sites.

Additional clarification was however required and my Department requested the OPW to liaise with the Local Authority on these matters. Clarification has now been received and my Department will be in communication with the OPW very soon with a view to advancing further the acquisition of a site for this school.

#### **School Accommodation.**

580. **Mr. Wall** asked the Minister for Education and Science the future plans her Department have for a primary school (details supplied) in County Kildare; and if she will make a statement on the matter. [35630/06]

**Minister for Education and Science (Ms Hanafin):** My Department is in liaison with the school in question regarding the delivery of the project under the terms of the Permanent Accommodation Scheme.

#### **Schools Computer Programme.**

581. **Mr. Wall** asked the Minister for Education and Science the amount invested by her Department in new school computers in County Kildare in the past five years; the amount invested in the rest of the country; her Department's plans to invest in new computer equipment; and if she will make a statement on the matter. [35631/06]

**Minister for Education and Science (Ms Hanafin):** The ICT in Schools Programme commenced in 1998 following the publication of Schools IT2000. The objective of the Programme is to ensure that all students have the opportunity to achieve computer literacy and to acquire the necessary skills for participation in the Information Society. By the end of last year, over €170m was invested in the Programme since its commencement including some €114m in Capital supports. In terms of support to schools for the purchase of IT equipment and the development of their infrastructure (capital), over €77m has been expended in capital grants direct to schools in the years 2001 to 2005. A further €6m has been expended in indirect school infrastructural support on Innovative Projects, Training and Broadband support costs over the same period.

The information sought by the Deputy in relation to County Kildare is not readily available.

The major focus for my Department under the ICT in Schools Programme at the moment is the roll-out of broadband connectivity to all recognised schools.

This project is being undertaken in partnership with industry, following the establishment of a three year €18m joint Government /IBEC — TIF (Telecommunications and Internet Federation) Fund to fund local connectivity at school level. The broadband connectivity is being provided via

a Schools National Broadband Network supported by HEAnet, in order to provide managed Internet access, email, security controls and content filtering. A broadband support service is being managed by the National Centre for Technology in Education (NCTE) to assist schools with advice and information relating to the roll-out and ongoing use of their broadband connectivity within the schools network. The overall costs of the Schools Broadband Access Programme, including the initial set-up and ongoing costs over the three years, are in the region of €30m.

I have also announced the provision of €40m to schools to address Health and Safety issues and the introduction of the new Technology syllabus and the revised Design and Communication Graphics syllabus at Leaving Certificate level.

I am aware of the benefits that good use of ICT can bring to our children's education and will bear this in mind in considering what areas should be the future priorities for the ICT in Schools Programme.

#### **Schools Enrolment.**

582. **Mr. Crowe** asked the Minister for Education and Science the number of pupils in junior infants and in senior infants. [35643/06]

583. **Mr. Crowe** asked the Minister for Education and Science the overall number of pupils in primary school. [35644/06]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 582 and 583 together.

The latest school year for which data are available is 2005/2006. In that year there were 58,458 pupils in Junior Infants and 59,960 pupils in Senior Infants. The overall number of pupils in ordinary classes in primary schools was 442,131.

#### **School Accommodation.**

584. **Mr. P. Breen** asked the Minister for Education and Science when an application for a schedule of accommodation which has been sanctioned by her Department for a school (details supplied) in County Clare will be progressed to the next stage; and if she will make a statement on the matter. [35645/06]

**Minister for Education and Science (Ms Hanafin):** An application for capital funding towards the provision of an extension at the school referred to by the Deputy, has been assessed and the long term projected enrolments, on which the school's accommodation needs will be based has been determined. 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 in order to finalise the



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schedules of accommodation. 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

585. **Mr. P. Breen** asked the Minister for Education and Science when an application for a schedule of accommodation which has been sanctioned by her Department for a school (details supplied) in County Clare will be progressed to the next stage; and if she will make a statement on the matter. [35646/06]

**Minister for Education and Science (Ms Hanafin):** An application for capital funding towards the provision of an extension to provide ancillary accommodation has been received from the school referred to by the Deputy. In the light of declining enrolments at the school in recent years, a reassessment of the long term projected enrolment, on which the schools accommodation needs are based is required. This reassessment will take into account factors such as current and projected enrolment, existing post primary provision in the general area and the likely impact of ongoing and proposed housing developments. Once this reassessment is complete, a decision will be taken on how best to provide for the schools accommodation needs. The project will be considered in the context of the School Building and Modernisation Programme 2006-2010.

#### **School Curriculum.**

586. **Mr. Crowe** asked the Minister for Education and Science if she has met with the Road Safety Authority in relation to developing a specific additional road safety resource suitable for transition year pupils; and if she will make a statement on the matter. [35647/06]

**Minister for Education and Science (Ms Hanafin):** The Road Safety Authority 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.

I 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 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.

My Department will continue to work with the Road Safety Authority to strengthen the role of schools in promoting road safety even further.

#### **School Accommodation.**

587. **Mr. J. O’Keeffe** asked the Minister for Education and Science if she will confirm receipt of a request for additional temporary classroom accommodation for September 2007 from a school (details supplied) in County Cork; when the school will be approved for same; and if she will make a statement on the matter. [35661/06]

**Minister for Education and Science (Ms Hanafin):** The School Planning Section of my Department recently received an application for additional temporary accommodation from the school. The application is being assessed by my officials and a decision on the matter will be made as soon as possible.

#### **Schools Building Projects.**

588. **Cecilia Keaveney** asked the Minister for Education and Science the position in relation to having a school building projects (details supplied) in County Donegal move to work commencing stage; and if she will make a statement on the matter. [35677/06]

**Minister for Education and Science (Ms Hanafin):** The position in respect of the schools, based on the order of the details provided, is as follows:

1. The process of appointing a design team to initiate architectural planning is under way at this school.
2. In view of the substantial amount of additional mainstream and special needs accommodation being planned for the school there are a number of issues surrounding the site that need to be considered further by my Department.
3. The school building project has been assessed in accordance with the published prioritisation criteria put in place following consultation with the Education Partners. The project is being considered in the context of the School Building and Modernisation Programme 2006-2010.
4. A meeting of the School Board of Management, their design team and Department officials has been arranged for the end of November with a view to progressing the school building project.
5. The process of appointing a design team to initiate architectural planning is under way at this school.

There are 5 stages in the architectural planning process and the timeframe for completing these stages is contingent on various factors including any unexpected issues that may arise, the period of time for the granting of planning permission, and obtaining a fire certificate etc. Progression of projects to tender and construction stage is then considered on completion of the architectural planning process.

### Third Level Grants.

589. **Mr. Durkan** asked the Minister for Education and Science if a review will be undertaken in the application for educational grant in the name of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [35720/06]

**Minister for Education and Science (Ms Hanafin):** It is understood from Kildare VEC 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 set out in the grant scheme.

Kildare VEC are not aware of any refund from Department of Social and Family Affairs. If the candidate has any further information to add to

the initial grant application it should be forwarded to Kildare VEC directly.

*Question No. 590 answered with Question No. 565.*

### Capitation Grants.

591. **Mr. Bruton** asked the Minister for Education and Science the criteria used for deciding the level of capitation grant in primary and secondary voluntary schools; and the estimate of the percentage of relevant costs covered by this payment. [35740/06]

**Minister for Education and Science (Ms Hanafin):** Capitation grants constitute the main form of government funding towards primary and voluntary secondary school operating costs, which affords schools considerable flexibility in the use of these resources to cater for the needs of their pupils. This is in my view, in general, a preferable approach to putting in place grants for specific cost items. As schools are not required to supply returns of actual income and expenditure, I am not in a position to indicate the percentage of expenditure covered by these grants.

In relation to the level of capitation grants, I am aware of ongoing demands by school managerial bodies for additional funding and I am committed to improving the funding position of our schools in the context of overall resources made available in the estimates and in the light of competing demands across the education sector.

There have been significant improvements in recent years in the level of funding provided to primary and voluntary secondary schools. Since 1997 the standard rate of capitation grant at primary level has been increased from €57.14 per pupil to €145.58 in 2006. This represents an increase of almost 155% in the grant over that period. This grant is in addition to the Ancillary Services grant which provides additional funding for primary schools towards the cost of caretaking and secretarial assistance. The standard rate of grant under this scheme has also been substantially increased from €102 per pupil in 2002 to the current rate of €139 per pupil.

In the case of voluntary secondary schools the standard per capita grant of €256 per pupil in the school year 2001/02, has been increased and now stands at €298 per pupil from January, 2006. Secondary schools have also benefited under the school services support fund initiative. Introduced with effect from the 2000/01 school year, the services support grant has been increased to the current rate of €159 per pupil. These grants are in addition to the per capita funding of up to €40,000 per school that is provided by my Department to secondary schools towards secretarial and caretaking services.

These significant increases in the funding of our schools are a clear indication of my commit-

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ment to prioritise available resources to address the needs of schools.

### Special Educational Needs.

592. **Mr. Bruton** asked the Minister for Education and Science if she will make special provisions for a person (details supplied) in Dublin 5. [35741/06]

**Minister for Education and Science (Ms Hanafin):** As the Deputy is aware, the National Council for Special Education (NCSE), through the 75 local special educational needs organisers, known as SENOs, is responsible for processing applications from schools for special needs supports. These supports include resource teaching hours and special needs assistant support for pupils with low-incidence special needs and assistive technology or equipment for pupils in either high- or low-incidence special educational needs categories. In this way, pressing needs in the area of special needs supports in schools are identified early and acted upon quickly.

My officials have been in contact with the NCSE regarding the pupil referred to by the Deputy. The NCSE has advised that the SENO will make direct contact with the school concerning its application for special educational needs supports for the pupil.

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. My Department has no record of receiving an application for home tuition for the pupil concerned.

Any application received will be considered in the context of the criteria applicable to the scheme.

### School Insurance Scheme.

593. **Mr. Bruton** asked the Minister for Education and Science her plans to meet the State Claims Board to discuss the possibility of a single national insurance scheme for schools. [35742/06]

**Minister for Education and Science (Ms Hanafin):** My Department provides funding to primary and secondary schools by way of per capita grants, which affords schools considerable flexibility in the use of these resources to cater for the needs of their pupils. It is a matter for the authorities of these schools to arrange insurance cover on school property and against public liability.

There have been significant improvements in the level of funding provided to primary and post-primary schools. Since 1997 the standard rate of

capitation grant at primary level has been increased from €57.14 per pupil to €133.58 with effect from 1st January, 2005 and has been further increased by €12 per pupil with effect from 1st January, 2006 bringing the standard rate to €145.58. This represents an increase of almost 155% in the standard rate of capitation grant at primary level since 1997.

At second level, the standard per capita grant, which stood at €256 per pupil in the school year 2001/02, has been increased by a further €12 to €298 per pupil from January, 2006. Under the School Services Support Fund initiative secondary schools will also benefit from further significant increases. The grant that was increased for secondary schools from €131 per pupil to €145 per pupil in January, 2005, has been increased by a further €14 per pupil to €159 per pupil from January, 2006. These grants are in addition to the per capita funding of up to €40,000 per school that is provided by my Department to secondary schools towards secretarial and caretaking services. A secondary school with 500 pupils now receives annual grants of up to €270,000 towards general expenses and support services as against annual grants of up to €237,000 in 2002.

These significant increases in the funding of primary and post primary schools are a clear demonstration of my commitment to prioritise available resources to address the needs of schools. I have no immediate plans to meet the State Claims Agency.

### Capitation Grants.

594. **Mr. Bruton** asked the Minister for Education and Science the budget for second level vocational schools and for community and comprehensive colleges; and the amount of this spent on non-teaching running costs of the schools, itemising the key elements in the costs. [35743/06]

**Minister for Education and Science (Ms Hanafin):** The funding arrangements made by my Department for second level vocational schools and for community and comprehensive schools reflect the different management and ownership arrangements that apply to schools at second level.

Financial allocations for Vocational schools and Community Colleges are made to the VECs as part of a block grant that in addition to specific provision for teacher, administrative and maintenance staffing pay costs also covers VEC overheads and other activities other than the 2nd level programme. Capitation represents a core determinant of funding and financial allocations reflect adjustment for variation in enrolments, based on the number of students attending as at 30th September each year, and increases in general second level per capita grants. Excluding pay, the total non-pay provision made available in the

estimates for VECs for 2006 is some €51.3 million. The Department does not earmark funding and staffing allocations for individual schools or for the various activities of VECs. The way in which such allocations are distributed among schools is a matter for each committee in line with their priorities and perceptions of need. As VECs are given a high level of autonomy in the management and appropriation of their budgets, the extent of information requested by the Deputy is not readily available in my Department and would involve an inordinate amount of administrative time to compile.

The budget arrangements for Comprehensive & Community schools are based mainly on pupil numbers, but also take into account additional factors which vary from school to school such as disadvantaged status, age of buildings, size of school etc. Each school is given, in addition to grants towards secretarial and maintenance assistance, a budget towards general operating costs. The non-pay provision made available in the estimates for Comprehensive & Community schools is some €23 million for 2006. While schools have considerable discretion as to how this funding is best utilised in the interests of pupils, the main operating costs include heat, lighting, maintenance and repairs of buildings, school materials and equipment. As in the case of VECs, school budget adjustments from year to year reflect variation in enrolments and increases in general second level per capita grants.

Major improvements have been made in both the funding and the staffing of our second level schools in recent years and I will continue to prioritise this area.

#### School Enrolments.

595. **Mr. Bruton** asked the Minister for Education and Science the numbers of secondary pupils in secondary voluntary, in vocational educational committee and community and comprehensive schools. [35744/06]

**Minister for Education and Science (Ms Hanafin):** My Department publishes data on the number of pupils within each sector in its annual Statistical Report. Although the report for the 2005/06 school year is still in preparation, I can provide the following provisional information to the Deputy.

The number of pupils enrolled in the various sectors, excluding Post-Leaving Certificate students, is as follows:

Secondary — 182,831

Vocational — 69,732

Community & Comprehensive — 50,468

#### Army Barracks.

596. **Mr. Allen** asked the Minister for Defence the situation regarding the proposed acquisition

of the lands at Collins Barracks, Cork, by Cork City Council; and if the offer made by Cork City Council for the property and lands has been accepted. [35113/06]

**Minister for Defence (Mr. O'Dea):** My Department remains in correspondence with Cork City Council in relation to the sale of part of the Camp Field, Collins Barracks, Cork. It is hoped that the matter will be brought to a conclusion shortly.

#### Departmental Expenditure.

597. **Mr. P. McGrath** asked the Minister for Defence the amount expended on photographers by his Department for events and publicity leaflet production in his constituency and the constituency of each Minister of State of his Department in the years 2004, 2005 and to date in 2006; and if he will make a statement on the matter. [35282/06]

**Minister for Defence (Mr. O'Dea):** There was no money expended by my Department on photographers for events or on publicity leaflet production in my constituency, or in the constituency of the Minister of State, in the years 2004, 2005 and 2006.

#### EU Directives.

598. **Mr. Eamon Ryan** asked the Minister for the Environment, Heritage and Local Government his views on the recent decision by the European Court of Justice that there was no protection under Irish law for certain limited species that are not native to Ireland, in contravention of the 1992 EU Habitats Directive; and the measures he intends to take to ensure future compliance with the said directive. [35171/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The European Court of Justice (ECJ) has not made a decision in this matter. Full statutory protection has been provided to species such as referred to in the Question by virtue of article 3 (12) of the European Communities (Natural Habitats) (Amendment) Regulations 2005.

The EU Commission accepts that Irish law is now compliant with the Habitats Directive in this matter and has withdrawn this complaint in its application to the ECJ.

#### Public Service Charges.

599. **Dr. Cowley** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the mounting feelings of discontent amongst farmers and their families over what some feel is discrimination, whereby local authorities are introducing water charges on farms, with these charges including installation and maintenance of the meter; his views on whether these additional charges will

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impact severely on farmers; and if he will make a statement on the matter. [35349/06]

627. **Ms Harkin** asked the Minister for the Environment, Heritage and Local Government if there is official Government policy or guidelines on the cost to the customer of installing water meters on their property, or if this is a matter for the local authority; and if he will make a statement on the matter. [35633/06]

628. **Ms Harkin** asked the Minister for the Environment, Heritage and Local Government if, in the case where a number of connections are required on a farm, there is a Government policy or guidelines on the cost to the farmer of installing a number of water meters on their property, or if this is a matter for the local authority; and if he will make a statement on the matter. [35634/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to take Questions Nos. 599, 627 and 628 together.

Water services providers are required to recover the cost of providing water services from all non-domestic users of these services in order to comply with the EU Water Framework Directive. This requirement of cost recovery from the non-domestic sector extends to the provision of meters, which are necessary to ensure that water charges to users relate to actual consumption and to incentivise all non-domestic users, including the farming community, to manage and conserve their use of water.

I am having the charging arrangements for water meters examined in the case of multiple fragmented small farm holdings.

#### **Whaling Regulation.**

600. **Mr. Deenihan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the recent decision by the Icelandic Government to permit the whaling of two species of whale; his views on the decision; if the Government has condemned the development; the action the Government intends to take; and if he will make a statement on the matter. [35407/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Ireland acceded to the Convention for the Regulation of Whaling in 1985, and has consistently supported the international moratorium on commercial whaling.

I am strongly opposed to Iceland's decision to resume commercial whaling and Ireland has been working closely with other Governments to agree a text which will demonstrate a concerted degree of international opposition to this action. This text has now been agreed and a formal diplomatic protest is being made to the Ministries for

Foreign Affairs and Fisheries in Reykjavik today. Ireland is participating in this demarche, with some 24 other countries and the European Commission, and I am arranging to make the text available in the Oireacthas Library.

#### **Local Authority Funding.**

601. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government the funding available towards the restoration of a mill along the River Barrow in Bagenalstown, County Carlow. [35563/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** My Department funds a scheme of grants for the conservation of protected buildings, which is administered by the local authorities. It is a matter for each individual local authority to assess and prioritise applications and approve funding. The scheme is aimed at assisting owners and occupiers to carry out conservation works on structures of architectural significance in the Record of Protected Structures, which the Local Authority has listed under the Planning and Development Act 2000. It is possible, therefore, that funding for the conservation of the mill in question would be available from Carlow County Council.

In addition, 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 but a replacement scheme for 2007 onwards is being considered in the context of the National Development Plan 2007-2013.

It should be noted that the above schemes are targeted at conservation work only. Where a building of architectural merit is being converted for a contemporary use, only the portion of works relevant to conservation would be eligible.

My Department also funds the Heritage Council which administers a number of further heritage and architectural grants schemes. Information in relation to these schemes may be obtained from the Heritage Council.

#### **Water and Sewerage Schemes.**

602. **Mr. Connaughton** asked the Minister for the Environment, Heritage and Local Government the state of the proposed new extension to the Mountbellow, Ballinasloe, County Galway sewerage scheme; if his attention has been drawn to the fact that the growth of the town is restricted due to lack of sewerage capacity; and if he will make a statement on the matter. [36074/06]

609. **Mr. Callanan** asked the Minister for the Environment, Heritage and Local Government the situation with regard to Mountbellew sewer-

age scheme; and if he will make a statement on the matter. [35273/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to take Questions Nos. 602 and 609 together.

As indicated in reply to Questions Nos. 1483, 1484, 1487, 1488, 1540, 1544 and 1545 of 27 September 2006, my Department is awaiting submission of Preliminary Report from Galway County Council in these cases.

#### EU Directives.

603. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government if Ireland had applied prior to 13 August 2004 for an extension on the deadlines in the provisions of Article 5.2 of Council Directive 1999/31/EC pursuant to Article 17(4) of 2002/96/EC (details supplied); and if he will provide a copy of the application and a copy of the notice from the Commission informing the other Member States of this decision. [35102/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Article 17 (4) of Directive 2002/96/EC of the European Parliament and of the Council on Waste Electrical and Electronic Equipment (WEEE) allowed Ireland to extend the periods referred to in Articles 5(5) and 7(2) in the Directive by up to 24 months.

In accordance with the provisions of Article 17(4), Ireland informed the Commission on 13 April 2005, prior to the transposition of the Directive on 5 July 2005, of its decision to extend these periods by 24 months. A copy of the notification sent to the Commission is being sent to the Deputy. A copy of the Commission's notification of Ireland's position to other Member States was not forwarded to my Department.

#### Water and Sewerage Schemes.

604. **Mr. McHugh** asked the Minister for the Environment, Heritage and Local Government the position regarding a project (details supplied) in County Galway; the area it will service; when construction of the works will commence; and if he will make a statement on the matter. [35181/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The Castleblakney Sewerage Scheme has been ranked as a priority for the 2010 to 2014 period in the list of water services schemes submitted by Galway County Council in response to my Department's request to local authorities earlier this year to produce updated assessments of the needs for capital works in their areas and to prioritise their proposals on the basis of the assessments. These assessments will be taken into account in the framing of the next phase of my Department's Water Services Investment Programme.

605. **Mr. Neville** asked the Minister for the Environment, Heritage and Local Government the position regarding provision of the water supply scheme to Croom and Patrickswell. [35238/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I refer to the reply to Question No. 579 of 17 October 2006 which sets out the position in relation to Patrickswell.

My Department is awaiting submission by Limerick County Council of Contract Documents for the extension of the Limerick County Trunk Water Mains Scheme from Ballygeale to Croom.

606. **Mr. Neville** asked the Minister for the Environment, Heritage and Local Government the position in relation to the provision of an upgraded sewerage scheme for Bruff, County Limerick in view of the fact that the councils fee for the appointment of consultants to prepare a preliminary report for the scheme was approved in 2005 and budget approval for the planning phase was made on 7 June 2006. [35239/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The Bruff Sewerage Scheme, which is being advanced as part of a grouped project that also involves Dromcollogher, Hospital and Pallasgreen, is included in my Department's Water Services Investment Programme 2005-07 as a scheme to advance through planning.

My Department is awaiting submission of Limerick County Council's Preliminary Report for the project.

#### Radon Gas Emissions.

607. **Ms B. Moynihan-Cronin** asked the Minister for the Environment, Heritage and Local Government the steps he has taken to address extremely high levels of radon gas recorded by the RPII in respect of areas in County Kerry, including Annascaul and Castleisland; and if he will make a statement on the matter. [35240/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Following the identification in July, 2003 of a house in Castleisland with radon concentration levels of approximately 49,000 Becquerels per cubic metre (Bq/m<sup>3</sup>), the Radiological Protection Institute of Ireland (RPII) undertook a survey of houses in the area. This involved the RPII writing to 2,500 householders in and adjacent to the town of Castleisland informing them of the very high reading found in the house in Castleisland and advising them to have radon measurements carried out in their homes. By way of response, some 400 householders in the area requested radon measurements. The results of that survey, and subsequent measurements of a number of

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houses in the area, show that the exceptionally high radon concentration level has not been replicated to date in other houses in the area. The highest concentration level found was just over 6,100 Bq/m<sup>3</sup>, while the average concentration was just under 150 Becquerels per cubic metre (Bq/m<sup>3</sup>), which is below the national reference level of 200 Bq/m<sup>3</sup>. Radon measurements were also completed in respect of 89 local authority homes in Castleisland, none of which were found to have radon concentrations in excess of the national reference level. The levels of radon found in Annascaul by the RPII have been much lower than found in some of the homes in Castleisland and in neighbouring Tralee.

Over the years, the Government, through the RPII, has committed significant resources to assessing the extent of the radon problem throughout the country and to highlighting public awareness of radon and the health risks associated with prolonged exposure to high radon concentrations.

The nationwide survey of radon in domestic dwellings carried out by the RPII in the 1990s enabled the RPII to identify and define high radon areas, i.e. areas where the RPII would estimate that more than 10% of the houses have radon concentrations levels above the national reference level of 200 Bq/m<sup>3</sup>. The results of the RPII survey as well as a comprehensive map showing high radon areas in Ireland are available on the RPII's website at [www.rpii.ie](http://www.rpii.ie)

Information to the public from the RPII, through press releases and radio and TV interviews, and published reports on radon, has regularly highlighted the risks associated with exposure to radon. Householders, particularly those in high radon areas, are constantly encouraged to have their homes tested for radon and to undertake radon remediation works where necessary. In this context, the RPII has produced a radio advertisement for use on local radio in High Radon Areas

Other initiatives to further heighten public awareness of the radon issue include the RPII's annual National Radon Forum. The aim of these Fora, the first of which was held in 2002, is to provide the opportunity for those with an interest in radon to come together and discuss issues of mutual interest. These Fora are open to the public and, therefore, help to further raise public awareness of radon. In 2005, the Forum was held in Tralee The 5th Forum will be held on 16 November 2006 in Galway.

The RPII has published a booklet entitled *Understanding Radon — A Householder's Guide*, and has also produced and distributed an information poster on radon for display in libraries, medical centres, etc., advising people to have their homes checked for radon. In 2004, as part of a heightened radon awareness campaign, the

RPII began a series of nationwide public information seminars, or roadshows, on the dangers of radon which are targeted at selected high radon areas. These involve the RPII meeting with local groups, including, where possible, the local authority and/or the local chamber of commerce; presentations to schools; hand-outs in shopping centres, etc. over a 2 to 3 day period. So far, the RPII has held 7 of these seminars or roadshows in different locations throughout the country, including one in Tralee in 2005, and more are planned. In addition, the RPII operated an information stand at this year's National Ploughing Championship and it is planned to run similar information stands at selected public events in 2007.

Upgraded building regulations, introduced in June 1997 by my Department, require all new houses commencing construction on or after 1 July 1998 to incorporate radon protection measures. In October 2004, my Department published an updated edition of its Technical Guidance Document C on Part C of the Building Regulations (Site Preparation and Resistance to Moisture) incorporating enhanced radon prevention measures for new buildings commencing construction on or after 1 April 2005. This new guidance document is aimed at ensuring that the 1997 radon protection measures are carried out more effectively.

In February 2002, my Department also published a booklet entitled *Radon in Existing Buildings — Corrective Options* advising designers, builders and home owners on remediation options for reducing radon in existing houses to, or below, the national reference level of 200 Bq/m<sup>3</sup>.

As is clear from the above, considerable resources are being expended by Government on promoting public awareness of radon. Government efforts and resources, together with the RPII, will continue to focus on highlighting public awareness of radon and on improving information to householders and employers so as to enable and encourage them to address monitoring or remedial requirements effectively and economically.

#### **Local Authority Grants.**

608. **Ms B. Moynihan-Cronin** asked the Minister for the Environment, Heritage and Local Government the amount of funding allocated in 2006 from his Department to Kerry County Council for the disabled persons grant and the essential repairs grant schemes; the way this level of funding compares with each of the past three years; and if he will make a statement on the matter. [35241/06]

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

**(Mr. N. Ahern):** The following tabular statement gives details of the combined capital allocation for disabled persons and essential repairs grants notified to Kerry County Council, and the combined expenditure by Kerry County Council on the schemes since 2003. Data in relation to the

overall expenditure on these schemes for 2006 will be available early in 2007. Expenditure on the grant schemes is funded by the two-thirds recoupment available from my Department together with the one third contribution from the revenue resources of the local authority.

Kerry County Council	2003	2004	2005	2006
	€	€	€	€
Allocation	1,378,000	1,760,000	1,760,000	2,510,000
Expenditure	1,325,438	965,372	1,891,276	—

*Question No. 609 answered with Question No. 602.*

#### **Departmental Expenditure.**

610. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government the amount expended on photographers by his Department for events and publicity leaflet production in his constituency and the constituency of each Minister of State of his Department in the years 2004, 2005 and to date in 2006; and if he will make a statement on the matter. [35285/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The total amount spent by my Department on photographic services in the periods outlined above are as follows: €77,648 in 2004; €49,906 in 2005 and €66,074 in 2006.

The further breakdown of this expenditure, sought in the Question, is not available in my Department.

#### **Planning Issues.**

611. **Mr. Gregory** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 648 of 14 February 2006, if as part of his review he will consider the need for regulations for the location of adult shops and so on out of residential areas or close to schools and other inappropriate locations; and if he will make a statement on the matter. [35326/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I refer to the reply to Question No. 124 of 4 October 2006.

612. **Mr. Kelleher** asked the Minister for the Environment, Heritage and Local Government if it is possible to bring forward legislation to deal with the issue of estate management companies charging a fee for the maintenance of open housing estates; and if he will make a statement on the matter. [35336/06]

613. **Mr. Kelleher** asked the Minister for the Environment, Heritage and Local Government if he is satisfied that Cork County Council is ensuring estate management companies are set-up as originally intended namely dealing with apartment type development; if the local authority can deal with this issue at planning stage; and if he will make a statement on the matter. [35337/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to take Questions Nos. 612 and 613 together.

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. 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 end 2006 or early 2007.

614. **Mr. Connaughton** asked the Minister for the Environment, Heritage and Local Government when a certificate of qualification under the rural renewal scheme will issue to a company (details supplied) in County Longford; and if he will make a statement on the matter. [35338/06]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** There is no record of an application, under the reference number quoted, for a certificate under the Rural Renewal scheme. However, there are five such applications with my Department at present relating to a number of other developments by the same company. In the case of one application, notification of completion of outstanding works is awaited. An



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inspection in relation to the remaining four applications will be carried out shortly.

#### **Planning Regulations.**

615. **Mr. Lowry** asked the Minister for the Environment, Heritage and Local Government if maps without references to the Ordnance Survey Ireland and necessary licensing information interfere with development planning or Part 8 processes; and if he will make a statement on the matter. [35339/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** While planning legislation and regulations frequently refer to the publication or submission of maps and site plans, they do not stipulate any requirement to use Ordnance Survey maps.

It is a matter for each local authority to ensure that they comply with the Copyright and Related Rights Act 2000 when handling copyrighted material, in the planning process or otherwise.

#### **Environmental Policy.**

616. **Mr. Deasy** asked the Minister for the Environment, Heritage and Local Government his plans to reduce the fee for an environmental licence from the Environmental Protection Agency for poultry producers; and if he will make a statement on the matter. [35358/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The current scale of fees in relation to applications for integrated pollution prevention and control licences, including applications in respect of intensive poultry rearing operations, is prescribed under the Environmental Protection Agency (Licensing Fees) (Amendment) Regulations 1996. There is no proposal to reduce the prescribed fees.

#### **Planning Issues.**

617. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government his views on new research mentioned on a television programme in October 2006 (details supplied), which indicated that two houses which both meet the building regulations on energy efficiency but where one house, meeting the requirements as measured by the overall heat loss method, may in fact be up to 30% more energy efficient than another house which meets the requirements as measured by the elemental method; and if he will make a statement on the matter. [35374/06]

618. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government the reason there are two measures of energy efficiency, elemental and overall heat loss, accept-

able under the Building Regulations; if his Department has conducted or commissioned comparative analysis research of the two methods; if not, his views on commissioning such research; his further views on whether efficiency efforts might benefit from only one measure of energy efficiency being permitted under the regulations; and if he will make a statement on the matter. [35375/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to take Questions Nos. 617 and 618 together.

The May 2006 edition of Technical Guidance Document L includes two methods of demonstrating compliance with Part L (Conservation of Fuel and Energy) of the Building Regulations. The primary reason for allowing the two methods is to provide options for some flexibility in how heat loss through the building fabric is limited, via the Overall Heat Loss (OHL) method, and a simple method — the Elemental method suits those who do not wish to deal with the complexity of additional calculations.

Part L standards for Dwellings are due for revision in 2008 at the latest, as required under the EU Energy Performance of Buildings Directive. In this context, the appropriateness of continuing the two methods will be considered.

The Question appears to refer to a report (30 May 2006) by the UK based Building Research Establishment (BRE), which was commissioned by an Irish timber frame manufacturer. The report sets out a calculated comparison of the above two methods of achieving compliance with Part L for a small sample of English dwellings.

In its conclusion, the BRE report claims that houses built to comply with the elemental method (and not the OHL method as cited in the Question) will use about 30% less energy for space heating than the those complying with the OHL method.

This conclusion is not necessarily accepted by my Department as the BRE Report does not contain sufficient information to allow independent review and validation of its assumptions and calculations.

#### **Tax Yields.**

619. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government the estimated amount of uncollected car tax on a yearly basis for each year since 1997; and if he will make a statement on the matter. [35399/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Motor tax compliance surveys are undertaken on a periodic basis and the information from the last survey in 2001 indicated an evasion level of 4.6%, representing at the time an uncollected tax amount

of some €25 million. The information requested is not available on an annual basis.

A number of measures have been introduced by my Department to combat motor tax evasion, and other enforcement initiatives are being developed in conjunction with the Garda. As an indication of the impact of these measures in terms of motor tax compliance, motor tax revenue has increased this year by some 10% compared with last year, without any increase in rates and against a 6% increase in national vehicle fleet. This position is also reinforced through increased levels of payment of motor tax arrears; to date in 2006 arrears represent an increase of almost 11% over the same period in 2005.

#### **Local Authority Funding.**

620. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government if he will grant aid the proposals from Louth County Council to construct the Drogheda port access route which is part of the Drogheda Northern Environs Plan; and if he will make a statement on the matter. [35403/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The provision and improvement of non-national roads in County Louth is a matter for Louth County Council to be funded from its own resources supplemented by State grants provided by my Department.

In March 2005, Louth County Council submitted an outline proposal to my Department in relation to a Drogheda Northern Cross Port Access Route. That document identified a number of possible sources of funding but provided no details. The Council was asked in May 2005 to submit an indicative breakdown of the likely funding from the different sources and that information is awaited in my Department.

In July 2006, my Department sought applications from road authorities for funding under the 2007 EU Co-Financed Specific Improvements Grant Scheme. The initial selection of projects to be submitted for consideration for funding under this scheme is a matter for road authorities. Louth County Council submitted a number of applications but these did not include an application for funding for the Drogheda Northern Cross Port Access Route.

#### **Water and Sewerage Schemes.**

621. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 1528 of 27 September 2006, the status of these regional water schemes; when he will approve funding for the projects; and if he will make a statement on the matter. [35430/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** A decision will be conveyed to Roscommon County Council later this month.

#### **Local Authority Funding.**

622. **Mr. Bruton** asked the Minister for the Environment, Heritage and Local Government the average development levy per new house in each council in 2002 and in the most recent year for which figures are available. [35579/06]

623. **Mr. Bruton** asked the Minister for the Environment, Heritage and Local Government the revenue from development levies in 2002 and in the most recent year for which figures are available; and the amount of same that was raised from housing development. [35580/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to take Questions Nos. 622 and 623 together.

Some €150,995,463 was collected in development contributions by planning authorities in 2002. Based on information supplied by planning authorities to my Department for the Annual Planning Statistics, the provisional figure for 2005 is almost €520 million. Returns made to my Department do not distinguish between the various classes of development.

#### **Register of Electors.**

624. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government if he set up an independent electoral commission to deal with all aspects of elections; and if he will make a statement on the matter. [35581/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** In its Second Report on the Secrecy, Accuracy and Testing of the Chosen Electronic Voting System, which was published on 4 July 2006, the Commission on Electronic Voting referred to an increased need for the establishment of a single independent statutory electoral commission for Ireland. In my response to the publication of the report, I indicated that I favour the establishment of an Electoral Commission to be in place after the 2007 General Election and that I will bring forward proposals to Government in this regard.

#### **Water and Sewerage Schemes.**

625. **Mr. McGinley** asked the Minister for the Environment, Heritage and Local Government when approval will be given for the provision of a sewerage scheme (details supplied) in County Donegal. [35599/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Donegal County

[Mr. Roche.]

Council's application for funding for the Brookfield Sewerage Scheme under the Serviced Land Initiative is being examined in my Department and a decision will be conveyed to the Council as soon as possible.

#### **Local Authority Housing.**

626. **Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government when tenants of local authority flats complexes will be able to purchase their dwellings from the relevant local authority; and if he will ensure local authorities are legally bound to ensure that the moneys raised by the sale of such flats will be ring-fenced to replenish the local authority housing stock. [35600/06]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** I refer to the reply to Question No. 279 of 25 October 2006. The issue of the application by housing authorities of net receipts from apartment sales is being examined in the context of the proposed legislation.

*Questions Nos. 627 and 628 answered with Question No. 599.*

#### **Water and Sewerage Schemes.**

629. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government his plans to bring in official certificates for septic tanks and assorted wastewater treatment systems. [35637/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Septic tanks installed on or after 1 June 1992 must comply with Part H of the National Building Regulations. Technical Guidance Document H (Drainage and Waste Water Disposal) calls up the following standards: for septic tanks serving single houses, Irish Standard Recommendations SR6 of 1991 for Domestic Effluent Treatment and Disposal from Single Dwellings, issued by the National Standards Authority of Ireland (NSAI); and for septic tanks serving groups of houses, B.S. 6297:1983 (incorporating amendment No. 1 of 1990), a Code of Practice for the Design and Installation of Small Sewage Treatment Works, issued by the British Standards Institution.

Local authorities have been asked by my Department to ensure that septic tank systems are properly installed in accordance with the planning permission granted and the Building Regulations standards. A revised Manual on Treatment Systems for Single Houses has also been published by the EPA, which will assist planning authorities and builders with the requirements of on-site wastewater treatment

systems and their siting in relation to wells, site boundaries, etc.

The Water Services Bill, which is currently before the Dáil, will include a duty of care on householders to ensure that septic tanks do not cause a nuisance or a risk to public health and the environment.

#### **Regional Road Network.**

630. **Mr. Deasy** asked the Minister for the Environment, Heritage and Local Government if he has received an application from Waterford County Council for funding to upgrade the approach road to Waterford Regional Airport; when such an application was received; if he will provide funding for such an upgrade; and if he will make a statement on the matter. [35648/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The provision and improvement of non-national roads in County Waterford is a matter for Waterford County Council to be financed from its own resources supplemented by State grants provided by my Department. Grants totalling €635,091 were provided by my Department for this proposal over the period 2003 to 2005. In 2006, a grant of €366,000 was allocated to the proposal under the new grants scheme for strategic non-national roads which support the National Spatial Strategy. I intend to announce road grant allocations for 2007 early in the new year.

#### **Local Authority Funding.**

631. **Mr. Bruton** asked the Minister for the Environment, Heritage and Local Government the estimated revenue from planning fees received by local authorities in 2005. [35662/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Based on figures returned by planning authorities for the Annual Planning Statistics the total revenue in 2005 from planning fees, net of refunds, was approximately €50.2 million.

#### **Water and Sewerage Schemes.**

632. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government the status of the application to provide a new sewerage system at Milltownpass, County Westmeath; if same will now be expedited; and if he will make a statement on the matter. [35668/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The Milltownpass Sewerage Scheme is included in my Department's Water Services Investment Programme 2005-2007 under the Rural Towns and Villages Initiative at an estimated cost of €4.37 million.

My Department approved the Preliminary Report for this scheme in November 2003. Certain additional information is awaited from Westmeath County Council which will allow the scheme to progress to construction stage without further reference to my Department in accordance with the streamlined procedures I introduced earlier this year to advance progress under the Water Services Investment Programme.

#### **Local Authority Grants.**

633. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government his plans to evaluate the DPG scheme in relation to increasing the present ceiling on the grant, in partnership with the Health Service Executive, the amalgamation of the DPG and the top-up grant as operated by the HSE in view of the problems that applicants are encountering at present in seeking to have the necessary work carried out to facilitate their needs to ensure a better quality of life for themselves; and if he will make a statement on the matter. [35678/06]

634. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government his plans to evaluate the ERG scheme with a view to increasing the grant to ensure that applicants can have the necessary work that they seek to have completed at their homes to ensure a better quality of life for themselves; and if he will make a statement on the matter. [35679/06]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** I propose to take Questions Nos. 633 and 634 together.

The review of the Disabled Persons Grant scheme, which incorporates the conditions governing the Essential Repairs Grant scheme and the Special Housing Aid for the Elderly scheme was recently finalised within my Department. The level of grants available under these schemes has been considered in the context of the overall review.

My Department is currently preparing proposals for the future operation of the schemes, in conjunction with other public agencies concerned, and the issue of the operation by the HSE of the 'top-up grant' is being examined as part of this process.

I am very much aware of the importance of the efficient operation of the Disabled Persons and Essential Repairs Grant schemes in assisting with the provision of appropriate accommodation for disabled and elderly persons in the community. The focusing of the schemes on real needs, both financial and accommodation-related and its operation in an efficient manner is critical in ensuring that it achieves its aim. I am confident that the revised schemes will significantly contrib-

ute to this achievement and I expect to be in a position to announce these shortly.

#### **Legislative Programme.**

635. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 275 of 25 October 2006, the progress made in regard to the enactment of Sections 55 to 62 of the Local Government Act 2001 since 21 February 2006; and if he will make a statement on the matter. [35688/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The procedures currently governing boundary alterations are set out in Part V of the Local Government Act 1991 and in the Local Government (Boundary Alteration) Regulations 1996. Part 8 of the Local Government Act 2001, which has yet to be commenced, provides that a local authority proposing to alter its boundary would follow similar procedures to those currently in force, but would make the application directly to an independent Local Government Commission which would then report to the Minister on the matter. The Commission would also report to the Minister on other specialised local government matters. I am considering the steps necessary to commence the relevant provisions of the 2001 Act and I am in discussion with local government interests, in that regard. In the meantime, local authorities may use the provisions of the 1991 Act to prepare a boundary alteration proposal.

#### **Local Authority Housing.**

636. **Mr. Bruton** asked the Minister for the Environment, Heritage and Local Government the number of loans approved and the number paid, in respect of new houses and of second hand houses in each of the past five years; and the aggregate value in each case. [35748/06]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** Data on the number and value of housing loans approved and paid, for new and second-hand houses, in each of the past five years, are published in the Housing Statistics Bulletins, which are available in the Oireachtas Library and on the Department's website at [www.environ.ie](http://www.environ.ie).

#### **Motor Vehicle Registration.**

637. **Mr. Stanton** asked the Minister for the Environment, Heritage and Local Government the number of changes of ownership recorded in respect of motor cars in each year from 2000 to 2005 respectively and to date in 2006; and if he will make a statement on the matter. [35752/06]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The following table sets out the number of changes of vehicle ownership notified to my Department for the

period in question. While the data relate to all vehicle types, private cars make up approximately 78% of the national fleet.

No. of Vehicle Ownership Changes Processed each year from 2000 to 2006.

2000	2001	2002	2003	2004	2005	2006 (to 30 Sept.)
484,260	523,496	582,367	659,140	762,095	819,475	703,870.