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DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

TUAIRISC OIFIGIÚIL—*Neamhcheartaithe*

(OFFICIAL REPORT—*Unrevised*)

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DÁIL ÉIREANN

Déardaoin, 1 *Feabhra* 2007.
Thursday, 1 *February* 2007.

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

Paidir.
Prayer.

Requests to Move Adjournment of Dáil under Standing Order 31.

An Ceann Comhairle: Before coming to the Order of Business, I propose to deal with a number of notices under Standing Order 31.

Mr. Healy-Rae: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the closure of the post office on Park Road in Killarney, County Kerry, one of the busiest post offices in the south west. The closure of this large, vibrant post office, because of a lack of Government funding, is inconveniencing 4,700 people. I call on the Minister for Communications, Marine and Natural Resources to intervene and prevent this closure. I also call on the Minister for Arts, Sport and Tourism, who is a local man, to wake up to the situation. There will be nobody welcoming him on the Park Road in Killarney this morning.

Deputies: Hear, hear.

Mr. Rabbitte: Will the Ceann Comhairle accept this issue under Standing Order 31?

Mr. Durkan: It surely constitutes grounds for the adjournment of the Dáil.

Dr. Cowley: I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of major national and local importance, namely, the question of how the Government can justify the policing operation at the Corrib gas refinery project in Ballinaboy, County Mayo, which cost the taxpayer €3.14 million from 3 October 2006 to 25 January 2007. Shell, meanwhile, is today expected to announce record profits of just less than €1.5 million an hour. The Government is facilitating the exploitation of our natural resources for which we are receiving no recompense.

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

Dr. Cowley: The Government is bending over backwards to assist Shell in its exploitation of our natural resources while patients cannot access hospital beds.

Mr. Durkan: Hear, hear.

Mr. J. O'Keeffe: The Government should be ashamed of itself.

Mr. N. Dempsey: We are trying to ensure people can go to work in safety.

Mr. J. Higgins: I seek the adjournment of the Dáil under Standing Order 31 to enable the Minister for Education and Science to make a statement on the severe difficulties experienced by students nationwide in registering for third level education with the Central Applications Office. I call on the CAO to extend its applications deadline by one week to facilitate students who have had difficulties registering on-line due to capacity limitations in its computer system and to ease the great stress on students, teachers and families.

Deputies: Hear, hear.

Mr. Healy: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter requiring urgent attention, namely, the need for the Minister for Education and Science to identify immediately a site for a new school for Gaelscoil Chluain Meala and to initiate the planning and design process without delay to allow for an early commencement of construction. Gaelscoil Chluain Meala has been located in substandard accommodation for the past 13 years and there are serious health and safety risks for pupils and staff, all of whom are frustrated by the inaction of the Minister and her Department.

Mr. F. McGrath: Hear, hear.

Aengus Ó Snodaigh: I seek the adjournment of the Dáil under Standing Order 31 to discuss the urgent need for the Government to recognise and respond to the devastating effect of the illicit drug trade on local communities by mobilising all the resources of the State to tackle the growing supply of illicit drugs across Dublin. This increasing availability is evidenced by recent welcome seizures, including that of ecstasy valued at €1.8 million in Clondalkin last night, the large seizures of heroin and cocaine in Ballyfermot and the cannabis resin haul in Loughlinstown last month. The Government must adequately fund and resource drug treatment services to deal with multiple drug use.

Mr. Crawford: I seek the adjournment of the Dáil under Standing Order 31 to debate an urgent matter of local and national importance, namely, the failure of the Tánaiste and Minister for Justice, Equality and Law Reform to provide long-term funding for the National Domestic

[Mr. Crawford.]

Violence Intervention Agency, NDVIA, and, in turn, relieve the pressure on local groups providing services for victims of domestic violence, including those in counties Cavan and Monaghan. Does the Minister accept that domestic violence is one of the most difficult issues facing women and families and that it can also affect men? It is not confined to one class or age group and cannot be ignored.

Mr. Ferris: I seek the adjournment of the Dáil under Standing Order 31 to discuss the lack of services for children with autism in the Kerry area and the failure of the Government to provide the necessary resources to ensure that children who are diagnosed with this condition are provided with the necessary facilities, teaching assistance and home tuition to ensure they are given the best opportunity to develop.

Ms Harkin: I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of national importance, namely, the latest attempt by Commissioner Mandelson to sacrifice Irish and European agriculture in an attempt to reach WTO agreement. The Commissioner admitted he is prepared to show further flexibility in negotiations, which means he will seek advantage for exports of industrial goods while opening up the floodgates for food imports that are not compliant with EU standards into the EU and Ireland.

Mr. Broughan: I seek the adjournment of the Dáil under Standing Order 31 to discuss the following specific and important matter of public interest, namely, if the Tánaiste and Minister for Justice, Equality and Law Reform will respond urgently to the memorandum submitted by the Stardust Victims and Relatives Committee almost two and a half months ago requesting the urgent establishment of a new commission of inquiry into the Stardust disaster in which 48 young people tragically lost their lives and in the light of the now almost 26 year struggle of the Stardust Relatives and Victims Committee for justice and closure.

Ms C. Murphy: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national and local importance, namely, the need for the restrictive practices employed by the Department of Transport to be eased in light of the fact that Dublin Bus has been forced to postpone the use of 15 new buses purchased to serve the towns of Leixlip, Celbridge, Maynooth and Kilcock. These buses cannot be used until a licence granted to a private operator serving new routes along the Lucan corridor has been taken up despite the fact that funding was given to Dublin Bus for these buses long before granting the private licence. Micro-management has now become a new impediment to commuters who urgently need expanded bus services. The practices of the Department of Transport must be changed to fix this position.

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

Order of Business.

The Tánaiste: It is proposed to take No. 2, the Prisons Bill 2006 [*Seanad*] — Second Stage. It is proposed, not withstanding anything in Standing Orders, that parliamentary questions for answer next week on EU matters shall be taken on the same day as statements on the EU Council Meeting in Brussels scheduled to be taken on Wednesday, 7 February 2007 and to be moved to be taken first as ordinary oral questions to the Taoiseach on that day. Private Members' business shall be No. 67, motion re cancer services, resumed, to be taken immediately after the Order of Business and to conclude after 90 minutes.

An Ceann Comhairle: There is one proposal to put to the House. Is the proposal for dealing with parliamentary questions for answer next week on EU matters agreed? Agreed.

Mr. Kenny: I understand we are to discuss the Moriarty tribunal in the House on 15 February by way of statements only. Can I have an assurance from the Tánaiste that adequate time will be given for questions and answers at the end of that period?

What is the Government's response in respect of the risk equalisation legislation? Is it necessary to amend it in view of the welcome announcement yesterday of the safeguarding of jobs in Fermoy? Is it the view of the Tánaiste and the Government that the new company will have to pay risk equalisation?

An Ceann Comhairle: That would be a matter for the line Minister. Is legislation promised?

Mr. Kenny: I asked if it is necessary to amend the legislation.

As someone who believes in inequality in Irish society, the Tánaiste has allowed the National Domestic Violence Intervention Agency to close down on a day that the Committee of Public Accounts found the Government collectively responsible for the wastage——

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

Mr. Kenny: ——of €35 million in respect of the Media Lab project. In the context of company law, does the Tánaiste intend to introduce any flexibility for an agency which has done so much good work for those who have experienced domestic violence? The agency must close under the Companies Act.

An Ceann Comhairle: If the Deputy wishes to raise the matter, the Chair will facilitate him in the appropriate matter.

Mr. Kenny: The agency has closed down because the Tánaiste did not give it sufficient money. Under the Companies Act, it is bound to close down. Will the Tánaiste do something about it?

A Deputy: It got its money.

Mr. Howlin: For three months.

Mr. Kenny: Has the Government consulted all the parties in Northern Ireland in respect of the all-island committee which might meet in the precincts of Leinster House? I understood there was to be cross-participation by all parties. Has the Tánaiste discussed this with all the parties or is it some type of side deal?

The Tánaiste has been very forthright in condemning Fine Gael proposals in respect of amending the bail laws to give judges the right to electronically tag persons whose whereabouts the gardaí believe should be known. Today there is evidence of a person who raped an elderly widow having 60 convictions and who was out on bail when that happened.

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

Mr. Kenny: My question is——

An Ceann Comhairle: The Deputy cannot walk into the House on a Thursday morning and ask five or six questions which are more appropriate to line Ministers. As he is the leader of a party, the Chair is flexible with the Deputy but it cannot go any further.

Mr. Kenny: All these questions are about legislation. Does the Tánaiste intend to amend the bail laws to allow judges have the authority, if they see fit, to electronically tag persons who look for bail? In the case to which I referred, a person with 60 convictions raped a 75-year-old widow.

An Ceann Comhairle: The Deputy is abusing his position.

The Tánaiste: In regard to the Moriarty report, the Deputy will be aware there was discussion between the Whips on the format of the debate on that subject in this House. No final agreement has been reached.

In regard to risk equalisation, the Deputy will be aware that legislation on health insurance is promised and the consideration of the Cabinet will be directed to the Barrington report when it is available and also to the Competition Authority report when it comes to hand.

In regard to domestic violence, I have not closed anything. I have guaranteed that funding will continue to the agency in question, which comprises four people and one full-time member. It has dealt with fewer than 40 people over five years. Many agencies in the country are funded by my colleague, the Minister of State, Deputy Fahey. It is not true to state this is a national agency or that its funding has been curtailed. I have made it very clear that its funding will continue until such time as a decision is made on an appropriate national approach to domestic violence.

The committee on all-island matters is being discussed. There will be discussion with party leaders of all eligible parties North and South.

In regard to bail, as I have indicated, a major package on criminal justice and policing will come before the House in the next few weeks.

Mr. Howlin: After ten years.

The Tánaiste: It will be fully debated in this House and everybody will have the opportunity to put forward their ideas. The bail issue will be dealt with in that context.

Mr. Rabbitte: The debate on the Moriarty report will not be decided by the Whips but by the Government which may choose to consult the Whips. Will the Tánaiste stand over a situation where work over almost ten years will not be permitted to be subject to a question and answer session in the House, given his record on this side of the House when the subject matter of this report was sitting where he is now ?

In terms of the schedule of business for next week, I notice there is a motion to withdraw the money advice bureau service Bill. The Minister for Social and Family Affairs, Deputy Brennan, promised that this Bill would cap interest rates by moneylenders. He resiled from that position but he got a few weekends out of it.

Mr. J. O'Keeffe: Another public relations effort.

Mr. Rabbitte: The two of us did a couple of programmes and he told us he was going to introduce a new Bill. Will the Tánaiste show me where the new Bill is on the schedule?

Is the arrangement in regard to a North-South committee of Deputies and MPs a side deal between the Taoiseach and Sinn Féin or was the Tánaiste party to it? Since it is with MPs rather than MLAs, have the Unionist parties been consulted about their participation in it? The Tánaiste will recall that the work of the All-Party Committee on the Constitution recommended that it would be on a cross-community basis. Will he advise us on that point?

I cannot remember the name of the Bill but it was the subject matter of a famous press conference on 10 October last on the steps of Government Buildings when the Tánaiste said to the Taoiseach "I think we got away with it". The

[Mr. Rabbitte.]

Tánaiste promised there would be urgent legislation. I have the statement from the press conference somewhere. When will that Bill, whatever it is called, be brought before the House? Does the Tánaiste still think he got away with it?

Mr. J. O'Keeffe: It could be called the "I think we got away with it Bill".

Ms McManus: Or the "getting a little help from my friends Bill".

The Tánaiste: With regard to the Moriarty tribunal report, the Deputy seems to imply he cannot put down questions other than during the debate. Of course, he is mistaken. The House provides that the Deputy can put down questions at any point.

Mr. Howlin: How they have changed.

Mr. Quinn: Single party Government, no thanks. Jesus Christ.

The Tánaiste: With regard to Deputy Brennan's Bill, he will bring the text of a better Bill to the Government in the next three weeks. In those circumstances it would be wrong to leave two Bills lying on the Order Paper.

The Government has considered the issue of the committee and I have been fully consulted regarding the committee to be established.

Mr. Quinn: "The Taming of the Shrew".

The Tánaiste: There will be full dialogue with all party leaders in this House and in Northern Ireland. The SDLP, Sinn Féin and the unionist parties in Northern Ireland will all be consulted.

With regard to the ethics legislation, I must correct the record of the House. Deputy Rabbitte has a capacity for misquoting people. The phrase the media picked up was, "we survived that". That was what was said.

Mr. Brennan: A different concept.

The Tánaiste: I did not say "we got away with it". While I am correcting the record I must say to Deputy Kenny that I did not say inequality was good for anything either.

Mr. J. O'Keeffe: The one that got away.

The Tánaiste: However, the Deputy will be pleased to know the Bill will be published this session.

Mr. F. McGrath: The Tánaiste is still getting away with it.

The Tánaiste: Eat your heart out.

Mr. Sargent: We should check the record for an accurate recall of what was said.

I ask the Tánaiste to reflect on the call for statements on the Moriarty report. There is a world of difference between questions tabled for written or even oral reply and exchanges in the Dáil Chamber. Given his legal background, I am sure he appreciates that.

Following the number of tragedies suffered on trawlers during the Christmas and new year period, will the Tánaiste urgently bring forward the Merchant Shipping (Safety Convention) Bill which will implement the amendments to the Safety of Life at Sea Convention? The Bill is listed as No. 68 in the Government legislative programme for spring 2007 but no indication is given on the list of when the Bill will be introduced. Does the Tánaiste agree there is a need for urgency in matters dealing with safety at sea, particularly following recent experiences and the growing pressure on families involved in fishing and merchant shipping?

The Tánaiste: When a tribunal report is being discussed in the House it is not usual for Members to question each other on it. The House has considered many tribunal reports in the last year or two and there has never been a question and answer session, as far as I can recollect.

Mr. Durkan: That did not happen when the Tánaiste was on this side of the House.

Mr. Kenny: The Tánaiste was able to speak about the second report even before it was published, out on the plinth.

The Tánaiste: It is not possible, at this stage, to indicate when the legislation referred to by Deputy Sargent will be brought before the House. I must stress that safety at sea does not depend on the passing of that legislation. Trawler safety must be acted upon regardless of legislation or international conventions.

Mr. Sargent: The introduction of the Bill would give Members an opportunity to debate the issue.

Mr. Durkan: Is it intended to incorporate in promised legislation a means by which the public can be protected from the antics of Ministers who propose expenditure which is unwarranted, unjustified and unjustifiable?

An Ceann Comhairle: Deputy Durkan, do you have legislation in mind?

Mr. Durkan: I will quote the legislation, Ceann Comhairle. I refer to the electronic voting debacle. Will action be taken to ensure such activities are not repeated? Such a measure could be incorporated in the ethics Bill.

An Ceann Comhairle: Ethics legislation has already been dealt with this morning. I call Deputy Quinn.

Mr. Durkan: As a man who has often boasted of his anxiety to comply with ethical requirements, is the Tánaiste prepared to bring forward an amendment or appendage to the ethics Bill which would protect taxpayers from the antics of certain Ministers?

Mr. N. Dempsey: Some Opposition spokesmen ask very stupid questions.

An Ceann Comhairle: I call Deputy Quinn.

Mr. Durkan: There must be an answer to my question.

The Tánaiste: I can give the Deputy an answer. The ethics legislation will be published this year. There is a mechanism for saving the people from foolish expenditure.

Mr. Durkan: I know what it is.

Ms McManus: A change of Government.

The Tánaiste: It is called the electoral process. It is the process whereby the electorate were saved from having €200 million spent on a taxi hardship fund and hundreds of millions of euro spent on compensating Telecom shareholders during the last five years.

Mr. Durkan: The Tánaiste has been like Rip Van Winkle during the past five years. He was part and parcel of all of that.

Mr. Kenny: What about PPARS and electronic voting?

Mr. Quinn: The Order Paper shows the Building Control Bill to be on Report Stage and therefore no longer in the hands of the Select Committee. When is the Bill likely to come back to the House?

The Tánaiste: The Bill is on Report Stage and should come before the House as soon as possible.

Mr. Quinn: The Tánaiste is pretty good at taking a prompt but he does not understand the question. The Government is in control of business. The Select Committee has considered the Bill and the scheduling of Report Stage is a matter for the Chief Whip, who is sitting behind the Tánaiste.

Mr. N. Dempsey: And discussion by the Whips.

Mr. Quinn: If the Tánaiste does not have the answer today, can he convey it to me?

The Tánaiste: It is the Government's intention to get through the legislative programme as efficiently as possible. The Deputy might reflect on the following fact.

Mr. Howlin: When is the Bill coming to the House? That is the question.

The Tánaiste: In one week this summer, on Tuesday we spent 55 minutes on the Order of Business, on Wednesday we spent an hour and ten minutes and on Thursday we spent an hour and 45 minutes.

(Interruptions).

The Tánaiste: The people are sick and sorry at the waste of time every week while we talk about doing our business instead of doing it.

Mr. Ring: They are sick and tired of the Government.

Mr. Durkan: May I raise a point of order?

Mr. Quinn: I remind the Tánaiste that if people who occupy the seat he occupies now had answered questions to elected people in the House we would not have had the Moriarty tribunal, that spent ten years trying to get answers to questions that Deputy McDowell and his like have refused to answer. The Tánaiste is a disgrace.

Mr. Durkan: The Tánaiste has made reference to the length of time taken up by the Order of Business.

An Ceann Comhairle: That is not a point of order. I call Deputy Jim O'Keeffe.

Mr. Durkan: Does he remember that on the last day the House sat before the Christmas recess he walked out in the middle of the Order of Business, insulting the House and the people who elect the Members?

Caoimhghín Ó Caoláin: On the Order of Business, a Cheann Comhairle.

An Ceann Comhairle: The Chair will get around to you eventually, Deputy Ó Caoláin. The Chair is trying to ensure we keep order in the House.

Mr. J. O'Keeffe: The Government promised two Bills on the subject of fines. The Fines Bill was to provide for the updating and indexation of fines and related matters, and the Enforcement of Fines Bill was to end imprisonment, where practicable, for inability to pay fines and to provide for new ways of enforcing the payment of fines. Yesterday, the Fines Bill was circulated and the promotion of the Bill seems to suggest it will end imprisonment

11 o'clock

[Mr. J. O'Keeffe.]

for inability to pay fines. Of course, it does no such thing. Will we see the Enforcement of Fines Bill in the life of the Government to end imprisonment, where practicable, for inability to pay fines?

The Tánaiste: The Fines Bill was circulated yesterday. It provides for the payment of fines by instalments. Other legislation is being considered for the recovery of fines by way of imposition on wages and other payments due to people. The second Bill is being worked on in my Department.

Mr. J. O'Keeffe: It has been promised for four years.

The Tánaiste: However, in the meantime——

Mr. J. O'Keeffe: Four years have elapsed. When will Members see it?

The Tánaiste: In the meantime, I wish to make two points. First, it is necessary there should be some sanction for those who do not pay fines imposed on them by the courts.

Mr. J. O'Keeffe: Yes. The Fine Gael Bill provided for this.

The Tánaiste: Second, the new legislation will make it possible for those who do not have this sum of money available to them immediately to pay it by means of instalments.

Mr. J. O'Keeffe: When will the House see the enforcement of fines Bill?

An Ceann Comhairle: The question has been answered. I call Deputy Ó Caoláin.

Mr. J. O'Keeffe: I will repeat the question. When will Members see the enforcement of fines Bill, which has been promised for the past four years by the Government?

The Tánaiste: It is being worked on in the Department at present.

Mr. J. O'Keeffe: Members know that. That means they will not see it in the lifetime of this Government.

An Ceann Comhairle: I call Deputy Ó Caoláin.

Ms Lynch: Deputy Jim O'Keeffe should do it himself.

Mr. J. O'Keeffe: I have already done so. There is a Bill before the House——.

An Ceann Comhairle: Deputy Jim O'Keeffe should note the Chair wishes to put the House on notice that the Order of Business cannot go on indefinitely.

Mr. J. O'Keeffe: Fine Gael will put the Bill through when it is in the next Government.

An Ceann Comhairle: When Members are called by the Chair to put their question, the Tánaiste, or whatever Government Member is responding, is entitled to be heard in silence. If the House does not want that, we will move directly onto the next business.

Mr. Stagg: The House is entitled to answers.

Mr. J. O'Keeffe: The House is entitled to straight and honest answers.

Caoimhghín Ó Caoláin: Did the remarks made by the Tánaiste last weekend signal legislative intent of what can only be described as the dangerous and alarming proposal to detain asylum seekers in detention centres?

An Ceann Comhairle: Is legislation promised?

The Tánaiste: As the Deputy is aware, the immigration and residence Bill is promised legislation. It has been the subject of extensive consultation and will be published during this session. As I indicated to the Law Society, consideration is being given to requiring certain high risk abusers of the asylum seeking process to remain in one place while their applications are being considered.

Ms O'Sullivan: Does the Tánaiste have any idea as to the stress and anxiety caused to leaving certificate students by the failure of the CAO's computer system?

An Ceann Comhairle: The matter does not arise.

Ms O'Sullivan: The reason I raise this——

An Ceann Comhairle: The Chair will allow the Deputy to raise that matter in another, appropriate way.

Ms O'Sullivan: It is a question on legislation. A representative from the Institute of Guidance Counsellors stated on radio this morning that this matter may require amending legislation from the Minister for Education and Science.

An Ceann Comhairle: Is legislation promised?

The Tánaiste: No.

Ms O'Sullivan: The deadline is today. Will it be extended?

An Ceann Comhairle: The Deputy should allow the Tánaiste to respond.

The Tánaiste: While no legislation is promised in respect of this issue, for the information of the House and those who may be affected, I have

spoken to the Minister for Education and Science today and the website is now working. She personally witnessed its operation. Moreover, any person who is worried about the situation is free to send a postal application, as long as they get a certificate of postage for today.

Mr. Howlin: They must pay again.

Ms O'Sullivan: They have already paid.

The Tánaiste: Instead of adding to people's anxieties, I urge——

Ms O'Sullivan: I am not doing so.

The Tánaiste: I ask people to use the website, which is operational today. If they have any doubts or difficulties, they should go to a post office and send in a form with a certificate of postage.

Mr. J. O'Keeffe: They should post it off with a tenner.

Mr. Durkan: The post offices are being closed down.

The Tánaiste: I wish to make it clear there is no intention of extending the deadline because that would give rise to other legal complications.

An Ceann Comhairle: I call Deputy Joe Higgins.

Ms O'Sullivan: While the representative of the CAO was saying there was no problem on the radio this morning, parents were ringing in to state they could not get through.

An Ceann Comhairle: As the Chair has pointed out to the Deputy, there are ways this matter can be raised in an appropriate manner——

Ms O'Sullivan: I seek clarity regarding this issue.

Mr. Howlin: People's money was taken.

An Ceann Comhairle: ——and the Chair will facilitate the Deputy.

Ms O'Sullivan: There should be some concern for the students involved, as well as their parents, who are already anxious enough at this time of year.

An Ceann Comhairle: I call Deputy Joe Higgins.

Mr. J. Higgins: As an aside, the problem with that issue is that the deadline is 5.15 p.m. today.

An Ceann Comhairle: Sorry Deputy, we must move on. I call Deputy Catherine Murphy.

Mr. J. Higgins: I ask the Tánaiste to clarify his remarks regarding risk equalisation in health insurance. Quinn Direct is lining up to make another financial killing on people's health——

An Ceann Comhairle: The Deputy must confine himself to questions on legislation. The matter has already been discussed this morning. It is now 11.05 a.m. and we should have moved on to the Business of the House.

Mr. J. Higgins: Neither the Ceann Comhairle nor the Tánaiste appears to appreciate that we have an emergency——

An Ceann Comhairle: We cannot have a debate on the legislation. Has the Deputy a question appropriate to the Order of Business?

Mr. J. Higgins: A leisurely stroll in regard to legislation for this matter is not what is required at present. Emergency legislation is needed.

An Ceann Comhairle: There are other ways in which this issue can be raised.

Mr. J. Higgins: The wolf is at the door.

An Ceann Comhairle: If the Deputy wishes to raise it, he can submit a notice to my office.

Mr. J. Higgins: I am asking the Tánaiste, as I am perfectly entitled to do——

An Ceann Comhairle: We will not spend the entire morning debating matters that are appropriate to a line Minister.

Mr. J. Higgins: The Ceann Comhairle is being very unreasonable. Will emergency legislation be tabled?

An Ceann Comhairle: We will move on. If Deputy Joe Higgins does not wish to allow his colleague, Deputy Catherine Murphy, to contribute, we will move on to No. 67.

Mr. J. Higgins: Can the Ceann Comhairle ask the Tánaiste to answer? I asked a question that was in order.

An Ceann Comhairle: I call Deputy Catherine Murphy.

Mr. J. Higgins: I asked a question that was in order. Will the Tánaiste answer?

An Ceann Comhairle: The Tánaiste, on the question.

The Tánaiste: I have already indicated there is promised legislation, a report from the Barrington group and a report from the Competition Authority. When the Government has considered the aforementioned reports, the issues

[The Tánaiste.]

raised by the Deputy will be fully addressed in the context of that legislation.

Mr. J. Higgins: That will only give another three-year free run.

Ms C. Murphy: Expectations were raised last week when the Tánaiste publically declared his support for new legislation on management companies. Is it intended to introduce new legislation within the lifetime of the Government to deal with this issue?

An Ceann Comhairle: Is legislation promised?

The Tánaiste: It is the Government's intention to legislate in this area. However, as the Deputy is probably aware, having paid attention to what happened at the conference organised by the Government, the exact nature of such legislation is still the subject matter of consultation among stakeholders and interested parties.

Mr. Howlin: Last night, the Minister of State with responsibility for children briefed the Opposition spokespersons on justice in respect of Government thinking on a referendum to protect children and to give them greater rights in the Constitution. Although a briefing document has been circulated, obviously the spokespersons must see the specific wording. What timeframe is envisaged by the Government to deal with this matter? It will require careful consideration by the House, as well as a subsequent period of reflection for the public. From the guidelines issued, I understand there are five separate proposals, which constitutes a considerable block of words to be inserted in the Constitution. I seek an indication from the Tánaiste regarding a preferred timeframe for the implementation of this matter and for putting this issue to the people. I understand this matter was discussed by the Cabinet this week.

The Tánaiste: The Taoiseach has already indicated the overall position in this regard. Under the referendum legislation, as the Deputy is aware, all legislation to amend the Constitution must pass through both Houses of the Oireachtas. Subsequently, a period must elapse before it can be put before the people. It is a well-defined process. There is also the question of the establishment of a commission to provide independent guidance to people in respect of the contents of the legislation.

Mr. Howlin: I am aware of that. I introduced the legislation myself.

The Tánaiste: There is a well-established matrix in terms of time for the holding of referenda.

Mr. Howlin: What are the Government's thoughts on the timeframe?

The Tánaiste: First, the Government is anxious to receive the general response of the Opposition parties and other interested stakeholders. It will be greatly interested to see the Opposition's response to the briefing received last night.

Mr. Rabbitte: What is the answer?

Ms McManus: Members did not hear an answer.

An Ceann Comhairle: No. 67, Private Members' business——

Mr. Howlin: If I may——

An Ceann Comhairle: The Deputy had his opportunity.

Ms McManus: Members did not get an answer.

An Ceann Comhairle: Deputy Howlin interrupted the Minister when he was replying and——

Mr. Howlin: I wish to ask a question.

An Ceann Comhairle: ——we cannot have an orderly Order of Business if the Member called is not heard in silence.

Mr. Howlin: The Ceann Comhairle should listen for a second. There is no point in having an Order of Business if questions are simply ignored. I put it to the Ceann Comhairle that he has a responsibility to at least ensure that questions are answered.

An Ceann Comhairle: The Chair has no responsibility in the matter. The Chair——

Mr. Stagg: The Chair is putting the Opposition in its place.

Mr. Howlin: What is the preferred timeframe for the Government to take this matter? Does it intend to hold the referendum on child protection in advance of the general election? That is a simple question.

Mr. J. O'Keeffe: Before the Tánaiste replies——

An Ceann Comhairle: That question was dealt with. Deputy Jim O'Keeffe has already contributed to the Order of Business and will not do so again. We will not create a new precedent this morning.

Mr. J. O'Keeffe: I wish to ask a related question on the same issue.

An Ceann Comhairle: I will move on to Private Members' Business, unless he allows this——

Mr. Durkan: Members should at least get a reply.

Mr. J. O'Keeffe: This matter pertains to amending the Constitution. Can Members not hear a reasoned comment?

The Tánaiste: In response to Deputy Howlin's point, the Government intends to deal with this matter as quickly as possible. If there is all-party agreement on this issue it will happen much faster than if there is not. This is how things happen in this House.

Mr. J. O'Keeffe: An opportunity is not even being given for all-party comment.

The Tánaiste: In answer to the Deputy's question, the Government intends to proceed with an amendment along these lines before the next general election, if possible.

Private Members' Business.

Cancer Services: Motion (Resumed).

The following motion was moved by Deputy Joe Higgins on Wednesday, 31 January 2007:

That Dáil Éireann,

conscious of the fact that 20,000 new cases of cancer are diagnosed in the State each year with 7,500 dying from the disease:—

— calls on the Minister for Health and Children to make a clear and comprehensive statement on current services for cancer patients in this State and to clarify in detail the position on the implementation of the national plan for radiation oncology;

— notes with alarm the recently highlighted situation of a Kilkenny mother, "Rosie", with an aggressive cancer of the colon, who, being a public patient, had to wait eight months for a colonoscopy with the most serious and tragic consequences for her health and life;

— condemns the fact that after ten years in power the Fianna Fáil-Progressive Democrats Government has failed to put in place a comprehensive national cervical cancer screening programme, 11 years after this was announced, while the waiting time for test results can be six months;

— further condemns the fact that a comprehensive national breast screening programme is not yet in place;

calls for:

— vigorous programmes for cancer prevention including education of children in schools from a young age;

— urgency and added resources to put in place a comprehensive programme for the earliest possible detection, and the best possible treatment of cancer;

— the immediate extension of cervical and breast screening to all areas of the country;

— appropriate national screening programmes for other cancers such as colorectal and prostate cancer;

— the provision of 3,000 acute hospital beds that are urgently needed to ensure cancer sufferers are not prevented from immediate admission to hospital when necessary;

— the scrapping of the Government bias toward privatisation of health care through fostering tax incentivised private hospitals in the grounds of public hospitals;

— regional radiotherapy centres providing access for cancer patients throughout the island of Ireland and to meet the concerns of communities in the north west and south east at the failure to provide radiation therapy for public patients;

— a review of the decision to close St. Luke's Hospital in Dublin in view of the testimony of former and current patients about its contribution to cancer care; and

— a fully resourced public health service with immediate access to services by all, based on medical needs.

Debate resumed on amendment No. 1:

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

— commends the Government for the unprecedented investment in cancer control, including prevention, screening, treatment services and supportive care;

— supports the Minister for Health and Children in her commitment to ensuring equitable access to high quality cancer services for patients throughout the country; and

recognises with approval:

— that cancer survival is improving in Ireland for all of the major cancers;

— that since the implementation of the first National Cancer Strategy in 1997, approximately €1 billion has been invested in cancer services nationally;

— the additional revenue investment of €20.5 million in cancer control for 2007 and the establishment by the Health Service Executive of a National Cancer Control Programme to implement the New National Strategy for Cancer Control;

— that the National Development Plan 2007-2013 includes major investment in the implementation of the Cancer Control Strategy, including modern diagnostic and treatment facilities;

— the Government's continued support for health promotion programmes, including health education programmes being delivered through schools nationally;

— the recent establishment by the Minister for Health and Children of a National Cancer Screening Service Board which will roll out BreastCheck to the south and west commencing in spring of this year and the Irish Cervical Screening Programme commencing late 2007, and also advise on a colorectal cancer screening programme;

— the progress that has been achieved to date on the implementation of the National Plan for Radiation Oncology; the commitment of all necessary capital funding for the plan through Public Private Partnership and Exchequer sources; and the commitment of the Government and the Health Service Executive to achieve full implementation in a timeframe that accords with the Government's policies and priorities; and

— progress being made in the procurement process for the initiative to develop private hospitals on the campuses of public hospitals in order that up to 1,000 beds currently reserved for private patients may be redesignated for use by public patients.

—(Minister for Health and Children).

Dr. Devins: I wish to share time with Deputies Cooper-Flynn, O'Connor, Keaveney and McGuinness, if that is agreeable.

(Interruptions).

An Ceann Comhairle: Ciúnas.

Dr. Devins: I am delighted to have the opportunity to speak on this Private Members' motion on cancer services. I congratulate the Government on the proactive approach it has taken over the past ten years in the fight against cancer. We must deal in facts on this issue. It is a fact that more than €1 billion has been invested in the battle against cancer since the first national cancer strategy was established in 1997. It is also worth remembering that more than 100 consultants have been appointed in the three key areas of cancer care, namely, oncology, radiotherapy and surgery. These are the three pillars of cancer fighting and each must be developed to the maximum.

However, there is another aspect of the fight against cancer that I would like to focus on, namely, the early detection of this malignant disease. This is best achieved by screening. The implementation of effective, fully evaluated and cost analysed methods of screening is essential if the ravages of cancer are to be overcome. BreastCheck uses a proven method of screening for breast disease in women. I am delighted that the roll-out of this essential service in the south and west will commence in a few months. I welcome the €8 million which the Government has allocated for this. Construction of the two regional units, in Cork and Galway, is under way. The Galway unit will cover the west and north west, and construction commenced last year. This is the physical manifestation of the fact that the roll-out is on target. The purchase of five additional mobile units will ensure that those areas of the country outside the range of the regional centres will have the full benefits of BreastCheck. Women living in areas such as Sligo-Leitrim will be able to avail of this service from the start of the national roll-out this summer.

I want to refer to screening for cancer of the cervix. As we all know, cervical cancer is on the increase. An effective screening procedure is available and a pilot screening project has been available for women in the mid-west area during the period January 2001 to December 2006. This pilot project is currently being evaluated and I understand the results are encouraging. It is essential that the expansion of this much needed programme to the rest of the country is commenced as soon as possible. I ask the Minister to ensure that the full national cervical screening programme is in place by the end of 2007. I warmly welcome the €5 million provided by the Government to facilitate this roll-out.

However, it is important that this is not a partial roll-out, as occurred under the BreastCheck programme. All women in the country, irrespective of where they live, are entitled, and demand, this essential cancer screening service. It must be available to all women at the same time. We have seen in the past the geographic inequalities that

resulted from a partial roll-out of BreastCheck. After the strong case made by various public representatives from the west and south, including me, I am delighted that this inequality is about to be corrected with the commencement of BreastCheck in these areas. From repeated representations made to me, I know how much the women in Sligo and Leitrim, as in other areas, need this essential service.

I warmly welcome the commencement of BreastCheck in the summer. I urge that the commencement of the national screening programme for cervical cancer be commenced in 2007.

Ms Cooper-Flynn: I welcome the opportunity to speak on the issue of cancer services, which are of huge importance throughout the country, particularly in the west where I am based.

I compliment the Minister for Health and Children and her Department on the significant improvements in funding for cancer services. However, having acknowledged that, we must examine the serious issues that still face us such as the inadequacy of the services and areas where I feel discrimination has taken place, particularly with regard to the roll-out of certain services to the disadvantage and detriment of women in the west. It is unacceptable that there are waiting lists of up to 14 weeks for radiotherapy and that people have to travel extremely long distances. People with prostrate and lung cancer, for example, are on unacceptably long waiting lists. Everyone has acknowledged that this is against best clinical practice.

We all welcome the roll-out of the cervical screening programme. However, the availability of BreastCheck has been a serious issue in the west. Breast screening has been in place in Northern Ireland for more than ten years. It has been available in most parts of Ireland for the past four to five years. However, breast screening will not be up and running in the west until the end of this year. The Minister has been serious about making this happen and I welcome the fact that this deadline will be met. I welcome the additional investment of funds the Minister has put in place to make it a reality. However, it is important that we are not left to the end in the roll-out of the national cervical screening programme. The people of the west cannot be treated in this discriminatory manner. Sadly, there are women being diagnosed with breast cancer today who could have been alerted earlier if this service had been available to them.

A partial roll-out of any service of this type is unacceptable. I accept that a pilot scheme for cervical screening has been running and we all recognise that the number of women getting cervical cancer is increasing. Cervical cancer is a killer and must be addressed with the utmost seriousness. I note that from January 2001 until the end of December 2006 approximately 50,700 women attended for screening under this pilot programme in the mid-west. I welcome the decision to expand the programme nationally. It is important that this is done throughout the country by the end of 2007. I welcome the provision by the Department of an additional €5 million to facilitate the rolling out of this service.

It is important to recognise that there is a definite national plan in place for radiotherapy and the Minister is to be commended on this. The deadline for the roll-out of this service throughout the country is 2011. The Minister maintains that much of this will be done through public private partnership. It will be difficult to meet this deadline, but all the resources possible need to be put into this area to ensure the deadline is met. It is critical to the public that this is taken seriously. I welcome the fact that the new national development plan includes a major investment for the cancer control strategy. This is an indication of how serious the Government is taking the whole issue of cancer services.

I welcome the improvements that have been made. It would be remiss of anyone not to acknowledge the very significant investment that has been made in cancer services. However, there are still huge gaps in the service and we must do everything we can to address them. I ask the Minister that fairness and equity be applied across the country and that the west not be discriminated against in the future as, unfortunately, it was in the past.

Mr. O'Connor: I welcome the opportunity of speaking on this motion. I compliment the Independent group on the manner in which it tabled it.

The Joint Committee on Health and Children had a meeting yesterday with an SDLP group. It might encourage the Minister to know that the group paid much tribute to the work she is doing. Carmel Hanna, the SDLP spokesperson on health, said they are impressed by the efforts of the Minister. Perhaps the Minister of State will convey those views to the Minister.

I note that the Minister of State, Deputy Brian Lenihan, is in the House. As a Tallaght-based Fianna Fáil Deputy, I am particularly pleased that this week he confirmed that major funding is to be made available to the childhood development initiative in Jobstown. The news has been warmly welcomed in Tallaght and I thank the Minister of State for his efforts in that regard.

One would expect that in a debate such as this I would mention Tallaght at least once. There is a group from the VTOS in Tallaght in the Public Gallery and it has taken a particular interest in the debate so far. I know they would want me to speak up for Tallaght, which I always want to do. The Ceann Comhairle has taken a particular interest in Tallaght Hospital since it was founded and was kind enough to place me on its board more than 20 years ago. That was a significant act at a time when we needed community voices on Tallaght Hospital.

[Mr. O'Connor.]

When the hospital was set up in 1998 it was keen to develop its cancer services. Cancer care has become one of the major pillars of health care provision in the past few years at the Adelaide, Meath and National Children's Hospital in Tallaght. While most of the specialties involved in cancer care were represented from the opening of the hospital in summer 1998, some key disciplines were missing. The advent of a medical oncology unit and the appointment of specialists in the fields of palliative care, radiation oncology and other disciplines have introduced a holistic approach to the care of the cancer patient. Against the background of the existing strength in the field of surgical oncology, Tallaght Hospital has now evolved into a centre providing all aspects of cancer care.

Over 1,300 new cancers are seen annually at Tallaght Hospital. Solid tumours including prostate, renal, cell, lung and others all have dedicated high-volume units. A strong unit oversees the research board and there is a clinics trial unit whose aim, I understand, is to conduct research into cancer. There has been a huge investment in cancer audit in the past two years which has resulted in the purchase of a dendrite system and the appointment of audit managers for all major disciplines in cancer care. The national institute of preventive health will play an important role in the range of cancer services provided at Tallaght, particularly relating to colon, breast, cervical and prostate cancer screening.

The recent publication of the National Cancer Forum recommended that there be four cancer networks and approximately eight cancer centres in Ireland. This is a much needed opportunity to enhance existing services. All site-specific groups mentioned want to consolidate and expand in line with the large increase in cancer numbers outlined in the report of the National Cancer Registry and in keeping with the increase in our elderly population. The volume of cancer numbers and range of cancers seen, the availability of the full range of necessary disciplines, its formal audit and quality assurance programmes all point to Tallaght Hospital as being more than qualified to be one of the national cancer centres. This is an essential ingredient for the future of the Adelaide, Meath and National Children's Hospital and the population it serves. I remind Members that Tallaght Hospital, situated as it is in the third largest population centre in the country, also caters for a wider catchment, extending through parts of Wicklow and Kildare and as far as the Wexford border.

At a time when health care is on everybody's mind and the subject of much discussion it is important we speak up for our local hospitals. I am happy to do so in the case of Tallaght Hospital. As a local Deputy for the Tallaght area, I believe that, as evidence of the Government's commitment, it will be expected that the Adelaide, Meath and National Children's Hospital in Tallaght be designated as one of the eight major cancer centres when the report is finalised. I stress that point to the Minister of State and hope, taking an interest in Tallaght and in my work as he does, he conveys that to the Minister at the earliest opportunity.

This has been a valuable debate. The rota of Government speakers shows we have come from north, south, east and west, which highlights how important this issue is to people. At a time when there is unprecedented wealth in the country all of us have a role to play in ensuring health services continue to serve the people. We should not be ashamed to make that point at every opportunity where cancer services are concerned.

Cecilia Keaveney: I will declare an interest. My father died of cancer so it is of personal interest to me as much as it is to anybody in this Chamber. Former Deputies, some good friends, have also died of cancer. People outside may think we are a different beast but we are also touched by this serious disease. One in four will get cancer and one in three will die from it.

I have spent some time dealing with the issue of cancer. A number of years ago I and the then Senator Mary Jackman spoke with people in England in various cancer hospitals. We were asked by one specialist not to politicise cancer nor to call for services in every single hospital just because we might represent the area in which one was situated. The specialist urged that we put the patient first and ensure the patient had the best opportunity to survive. That advice has had a deep impact on my work since. I am lucky that my local hospital in Letterkenny has the potential and ability to deliver a good quality cancer service. That service was fought for and has relied very heavily on one factor, namely the delivery of a permanent breast surgeon to link with a bigger centre, avoiding the situation where surgeons work on a small number of cases widely dispersed around the countryside. If I, God forbid, had to go under the knife at any point I would like to think the surgeon dealing with me dealt with cancer surgery day in and day out, week in and week out, so that his eyes were as sharp as his knife.

When I sought facilities for Letterkenny General Hospital a number of years ago I was told by the health board that it needed to link up with a bigger centre first, with the development of its services coming further down the line. Thankfully, many years later, it has moved on significantly. I acknowledge the tremendous role the Donegal Action for Cancer Care group played. Public recognition of and mobilisation towards what was needed were also important and we are now in a position where the job of permanent breast surgeon will soon be advertised. We have a link with Galway Regional Hospital, as a result of which the potential for our patients has improved dramatically. It has taken some time but surgery has been maintained in the interim so

I am pleased about the agreement to link up with Galway. Many people suggested we link up with Derry but that was discussed and we have moved on.

BreastCheck is the second of three major aspects of cancer delivery and I am delighted it is still on target for roll-out later this year. As with other Deputies from the west and north west I would have been delighted for our areas to have been part of the first roll-out. We look forward to being pilots for all sorts of schemes but we often seem to be the last to have them delivered.

The third aspect of cancer care is radio-oncology. The fact that there were links with Dublin and Galway meant people received a service and the idea of linking up with Belfast offers a third option. Some 50 spaces have been reserved for patients who want to choose that option. Given the level of new investment in the service, which is one of the best in Europe, if not the world, such cross-Border co-operation is welcome. Co-operation is not specific to cancer, because we interact with our neighbours in respect of NoWDOC initiatives, ENT, dermatology and other areas. It is a matter of critical mass and best patient outcomes, which I hope will continue to be the case.

The number of beds must increase to facilitate new specialties. Letterkenny General Hospital has a new oncology ward. My uncle was one of the first to use it, but it is unfortunate that he has since died. With an increase in specialties, there are other pressures in hospitals and I welcome the fact that more beds are entering the system at Letterkenny.

I do not know why people should have to wait unduly for operations. The statistics for the National Treatment Purchase Fund given to us in September showed that 3,125 people were awaiting surgery in Letterkenny and only 300 had been referred to the fund. A clear message must go to patients, general practitioners and consultants that the fund represents a major investment by the Government and a significant opportunity to reduce waiting lists. It might not be in the interests of private practice, but it is in the interests of patients, which is what a health service is supposed to be about. It is in everyone's interest to keep people as healthy as possible. The Government is moving in the proper direction. While more remains to be done, I am clear on the need for the people to have a good health service with patients at its core.

Mr. McGuinness: As I did last week, I welcome this debate on health matters. I hope that we will have ongoing debates on developments within the Health Service Executive, focusing on the current spend provided by the Department of Health and Children to the HSE, how it is being used and how services are being delivered. By way of debate, we should continue to ensure that the patient is at the centre of our health service and that spending is directed to the service's front line to bring about improvements in the regions.

During the course of this debate, reference was made to the case of Rosie in St. Luke's Hospital, Kilkenny. As someone who represents Kilkenny, I want to say that everyone sympathises with the case. The hospital recognised its error, which highlighted an issue in the hospital that must be dealt with. St. Luke's Hospital delivers a fine all-round service and has been recognised nationally as a model of best practice. As a result of the unfortunate incident, the hospital has reviewed its services and I am glad to say that it has identified the need for a day care unit, which has been funded to the tune of €300,000 by the HSE.

Hospitals that take initiatives in which patients are at the centre should be rewarded quickly. I consider the grant of €300,000 to be a reward and I hope that the patient, Rosie, will agree that something good for patients in general has come from the case. I encourage the Minister to continue to examine St. Luke's and to conduct the hospital reward scheme around the country so that consultants and hospital managers can see a way to improve their services, take initiatives, be rewarded and benefit patients.

Like other speakers, I acknowledge the amount invested in cancer care since 1997, that is, more than €1 billion, but more needs to be done. I appreciate that 110 consultants are being appointed and that not only has the number of cancer patients increased, but they are being seen more efficiently. However, a number of issues are of concern to cancer patients in the south east, where more remains to be done. The commitment to provide a cancer care unit at a site co-located with a private hospital was given, but there seems to be back-tracking on that project in that it will be delivered by conventional means. People at the coalface of cancer care in the south east and those who have been campaigning for many years for an improvement in the centre are concerned that the HSE is not as clear on the development as it was.

The Minister has stated her case, but will the HSE come clean on what it intends to do and state whether it will provide a service within the timeframe specified, namely, two years? To know where we are going in terms of the campaign on improvements in services, we need to know what is happening. I appeal to the Minister of State to establish the up-to-date position and ensure that the HSE follows through on its political commitment, which can be delivered on. I do not mind that it will be delivered in the conventional way rather than through a public private partnership or co-location. All that concerns us is whether the service will be delivered. Will the Minister of State take this information on board and bring clarity to the debate?

Some €6.5 million is needed in terms of capital and required positions to bring the palliative care service in the south east to a minimum level. I understand that the project received €1.2 million

[Mr. McGuinness.]

in 2006, but that the HSE did not spend the money. There is no clarity on how the money was spent. Why was it not spent on palliative care, what does the HSE intend to do about the issue and why did it not fulfil part of its agenda? In the south east, there are two palliative care consultants who do not work at weekends. The HSE has not succeeded in making a deal with them in terms of a weekend service. As home care teams are active on a 24-7 basis, I ask that the situation be reviewed and resolved.

Regarding dialysis, public patients are being referred to a private clinic in Kilkenny. At the Whitfield Clinic in County Waterford, a radiation oncologist must visit patients, examine their condition, decide on their standards of care and have them referred to the private facility. At a similar project handling dialysis cases in Kilkenny, the HSE was reluctant to put in place efficiently a service contract that would enable public patients to be referred. The debate is ongoing.

The bureaucracy and red tape should be removed from the system and the Minister should intervene to ensure that this type of service is established at the Whitfield Clinic as soon as possible and that public patients are referred to the centre immediately. Without political intervention, the matter will drag on for months on end, as has been the case at the Kilkenny dialysis unit. Kilkenny patients are being referred to Dublin and *vice versa*. It is hardship for the patients and it must be corrected.

The position of cancer patients is worse because they must travel all over the country. Regarding patients who must travel to Limerick or Dublin, CERT, a charitable organisation, arranges transport for cancer patients in the south east. It is poorly funded and cannot be advertised because it would be overcome by the numbers who would want to use the service. The HSE has a role to play in that it must ensure sufficient funds to transport patients in an appropriate mode to get them to their appointments in comfort and without stress, which is not the case currently. The promise in the Hollywood report of innovative transport measures has not been fulfilled. If the HSE, which is aware of this report, has not returned the €1.2 million it must put it to work to transport patients effectively and efficiently in a way that is available to all. While we are waiting for services to be provided in Waterford for those cancer patients, we should have a transport system in place.

Much needs to be done in the context of the management of the HSE and I ask that we continue to debate these issues until management is made more efficient and made to deliver. With the money it is getting, it should be able to fulfil some of the basic needs of these patients.

Ms McManus: I wish to share time with Deputies O'Shea, Wall and Breda Moynihan-Cronin. I welcome the opportunity to speak on this motion on cancer services and I thank the Members of the Technical Group for tabling it.

On World Cancer Day 2006, the Irish Cancer Society highlighted predictions that cancer numbers will increase from 22,000 a year at present to 43,000 by 2020 and that the number of potentially fatal cancers will more than double from 13,800 to 28,800. The Government's policy documents acknowledge the need for comprehensive cancer services.

Far from delivering a world class cancer service, however, a confidential Health Service Executive document exposed last month that the cancer treatment plan launched by the Minister for Health and Children 18 months ago is in total disarray. It is beset by a catalogue of errors, delays, and what the report describes as "lingering complexities" over cost. In short, the cancer plan is a shambles. Despite the commitment to spend €400 million on 36 centres by 2007, the report makes it clear that none of this is going to happen on time. Moreover, the interim plan to increase capacity in Dublin at St. James's and Beaumont Hospitals by 2008 will also not be achieved by that date.

Yesterday, we were alerted to the news that St. James's Hospital in Dublin was forced to postpone 20 surgical operations because of a lack of intensive care beds. St. James's is one of Ireland's best run, best managed and best operated hospitals but even it cannot perform vital, potentially life-saving operations because of insufficient numbers of intensive care beds. This has a direct impact on the survival chances of patients. I note that in another major Dublin teaching hospital there are intensive care beds that have not been commissioned because of staffing issues. On one hand there is a hospital that cannot keep up with demand while on the other, another hospital cannot provide for demand because the Government has not put the resources in place.

Site identification issues are creating problems in Limerick and Waterford, despite the fact there are private facilities available for public patients. In the north west, the plan to allow patients to access services in Belfast cannot be realised, meaning very sick patients must still endure a ten hour round trip to Dublin for treatment.

The radiotherapy plan was designed to alleviate the distress of those who are extremely sick. It was roundly welcomed and supported by this side of the House. Tragically, it has fallen victim to the Minister's unfortunate habit of announcing grandiose plans for the health service without adequate consultation, advance planning or any idea of what the final costs will be.

Among the Minister's cancer strategy goals was an aspiration to have a national cervical screening programme yet at present the results of smear tests are taking over six months to process. These delays are causing real risks where no risk should pertain because the treatment is so simple. It is about time the Minister dealt with the existing

inequity and shortcomings before making further grandiose unfulfilled promises.

Figures for cancer in this country show mortality rates from cancer are often determined by socio-economic background and geographic location. For years, activists campaigning for improved cancer services have argued the obvious, that patient outcomes are reflected in access to quality treatment. A report by the National Cancer Registry, however, two years ago confirmed the geographical discrimination that exists in Ireland is "striking". Ireland's incidence of breast cancer is below the EU15 average but the rate of death from breast cancer in 2001 was the highest reported in the EU15. The Institute of Public Health in Ireland in its report entitled "Inequalities in Mortality" found that all the rates of mortality for cancers in the lowest occupational class were 100% higher than the rate in the highest occupational class.

Most of us are no doubt familiar with the tragic circumstances of Rosie who spoke out on "Liveline" in January. The day before she appeared on "Liveline", she was getting chemotherapy alongside a man with the same diagnosis. He too had bowel cancer but had got his colonoscopy within three days of seeing his GP. He was a private patient but, like half of the Irish population, Rosie does not have private health insurance.

The HSE has radio advertisements directed at alerting people to the early signs of colon cancer. "Early diagnosis can save lives", the radio advertisement says. Early diagnosis can only save lives if the services are there to diagnose those using them. Rosie, along with 2 million other Irish people, is treated as a public patient in the bottom half of a two-tier health system where the delays in accessing treatment can cut a person's life short.

A further inequality is geographic. BreastCheck was introduced seven years ago but it is still not available nationwide, access to a life-saving screening programme depends on a person's address. It has been estimated that 65 women a year are dying in Ireland for the simple reason that breast cancer screening is lacking in the west and south of the country. "Early diagnosis can save lives", that is the slogan but there are parts of the country that have four times more cancer specialists than other parts.

The lack of cancer services imposes horrific travel journeys on people at the most vulnerable time of their lives. Journeys from Donegal to St. Luke's for essential radiotherapy can take up to ten hours, hours which are gruelling and difficult for people who are so sick.

It is now clear that the Government has broken its promise to patients requiring radiotherapy treatment. The most tragic aspect of this is that there are cancer patients who have simply given up any hope and do not expect to receive this vital and life-saving treatment in their community, allowing them to access it while dealing with the other demands on their daily lives.

After 12 years of prosperity, we have failed to capitalise on our economic well-being to improve our social well-being. Nowhere is that more manifest than in the health sector. A fairer society is a healthier society. In developing our thinking on health, Labour has committed itself to a number of simple principles: quality, fairness and value for money. It is important that it is recognised that there are inequalities as we speak in cancer services, geographically, particularly with BreastCheck, but also in class and socio-economic terms when it comes to cervical cancer screening. These issues could and should have been addressed by the Minister but instead there is deep disappointment after such hope being generated by the Minister's pronouncements.

Ms B. Moynihan-Cronin: I welcome the opportunity to speak on this vital issue and commend the technical group for bringing it to the floor of the House.

On a daily basis we hear horror story after horror story about the deficiencies in our cancer services. Those services are staffed by incredibly dedicated and caring personnel and I feel for those personnel when I hear complaints about cancer services. In many cases, they are under-resourced, over-worked and at the end of their tether.

When it emerged recently that women in Kerry and Cork are waiting six months for the results of cervical smear tests, there was justifiable anger. The Minister for Health and Children and the Health Service Executive encourage women to go for tests but then ask them to wait agonisingly long periods for the results. I was speaking to a woman in my constituency before Christmas who waited for nine months for the results of a smear test and, as a result, she must undergo intensive treatment.

She should have received her results within three weeks. I questioned the HSE about this and I was informed there was a shortage of trained staff in Ireland to carry out the tests. However, when the Taoiseach was questioned on the Order of Business yesterday about the health service, he stated there was no shortage of staff and that it was not the issue. I remind him that the women of Kerry are suffering because of a staff shortage in Cork University Hospital.

Ireland has experienced a steady increase in the number of deaths from cervical cancer at a rate of 1.5 each year since the late 1970s. In England and Wales a screening programme was introduced in 1988 and the rate of cervical cancer deaths reduced noticeably. Research on cervical cancer in Britain and Ireland published in the *British Journal of Cancer* two years ago found the death rate was higher in Ireland because of the absence of a proper screening programme. When will a cervical screening programme, similar to BreastCheck, be put in place? A total of 70 women die a painful and needless death annually from cervical cancer in Ireland and each death

[Ms B. Moynihan-Cronin.]

would be preventible if a national screening programme was in place, which should be accompanied by a public information and awareness campaign to alert women to cervical cancer and the benefits of screening.

However, I am surprised by the delay on the part of the Government in providing cervical screening. We only have to consider the shameful situation regarding the roll-out of the BreastCheck programme in the south and west, to which Deputy McManus referred. The programme was due to be delivered in the south and west in 2002. It was then deferred to 2005 and now it has been deferred to the end of this year. Two years ago I instigated a widespread campaign in Kerry to lobby for the nationwide roll-out of BreastCheck. I and many women of my age were fed up and appalled because we were being denied a service other women of our age were being provided with because we had the wrong address.

Thousands of people were involved in the campaign and BreastCheck would not be rolled out in the south and west next September were it not for that campaign. I am delighted that Fianna Fáil took an interest in the campaign recently when its members took credit for the roll-out. When the campaign was under way, I did not see a sign of a Fianna Fáil member at a public meeting, rally or collecting signatures but, because the programme is about to be delivered, they are taking credit for it. People will see through that.

Cervical screening is very necessary. Staff should be put in place in Cork University Hospital because I do not want to see any more of my constituents and friends die of cervical cancer.

Mr. B. O'Shea: I am pleased to have the opportunity to contribute to the debate. The Minister for Health and Children stated in regard to radiation oncology in the Waterford area that "A service level agreement is being finalised at present between the HSE and the private Whitfield Clinic in County Waterford". The service will be provided by the University of Pittsburgh medical centre, which is located in the clinic and which is a not-for-profit organisation. My problem is the agreement could have been in place many months ago if the HSE and the Minister had the mind to develop the service in the area. However, the Minister's statement is not definitive.

She did not state when the agreement would be finalised or signed and, therefore, the issue is still up in the air. The Minister further stated, "This will support the referral of public patients for radiation oncology treatment while we build the public radiation oncology centre at Waterford Regional Hospital". This statement also results in more questions than answers. My understanding is the centre is to be provided through a public private partnership and that 11 of the 12 PPP contracts on hospital grounds were to be signed last month. What is the current position regarding the building at WRH? Is there another delay?

The Minister concluded that "The NDP will support a new ward with 20 treatment places at Waterford Regional Hospital". This is very welcome because the chemotherapy facilities for patients leave much to be desired but it is ominous that she made no reference to the dedicated oncology unit. Has this been abandoned by the Government? Will such a unit be provided during the lifetime of the national development plan? While the Minister has indicated action is being taken, nothing definite has been provided. My colleague, Deputy Moynihan-Cronin, referred to the roll-out of BreastCheck. According to the Minister, the first round of screening in the south and west will commence in the spring. Today is the first day of spring and it is extraordinary that she could not be more explicit regarding the commencement of the service. Does this mean women in the Waterford constituency will be screened this spring? What does this vague statement convey?

The issue of palliative care has also been raised. Last year €1.2 million was provided for the development of such services in the south east but the money was not spent, which is appalling in the context of planning and the provision of services. Annually, 1,000 patients in the south east must travel to other centres for radiotherapy treatment. For example, a lady in her late 20s had to travel for such treatment three days before she passed away. While there are indications such cases will become a thing of the past and palliative services will be provided, insufficient beds are available. What is happening in this regard?

How many of the 1,000 patients from the south east who must travel for treatment every year will be treated at the University of Pittsburgh medical centre? What cancers will be treated? I acknowledge a number of complicated cancers can only be treated in an integrated manner in a designated hospital but the Minister's comments regarding the south east are too vague. She did not indicate when the service level agreement would be in operation, what it will cater for and so on.

I understand a medical treatment is now available which can prevent the onset of cervical cancer, to which Deputy Moynihan-Cronin referred. In light of that amazing and welcome breakthrough, does the State have any proposals for introducing the treatment here? I am not sure of the technical aspects but if it is possible to eliminate cervical cancer, money should be no object and any technical or other obstacles to introducing the treatment should be addressed immediately.

12 o'clock

We want clarity and answers to the mystery which surrounds the status of the public private partnership developments at 12 hospital sites. Some positive indications have been made but the situation remains vague, which is typical of

this Government. As the Government approaches its dying days, it is hoping that the vague undertakings it is giving will pull it through the next general election.

Mr. Gormley: I wish to share time with Deputies Ferris and Morgan.

A statistic which stands out with regard to cancer is that we are going to see a 90% increase in cancer rates over the next 15 years. That amounts to a cancer epidemic but we should not be surprised to hear that one in three people will have cancer or that the rate is rising continuously. It is no longer a case of saying that when people died in the past we did not know what killed them because we now have statistics dating back to the 1960s. It is clear from statistics published by the WHO that 80% of cancers are environmentally linked. That is a telling statistic. Sandra Steingraber wrote a seminal book on cancer, *Living Downstream*, in which she demonstrated clearly that our rising rates of cancer are linked to the increasing numbers of chemicals we are inhaling and using in our households. It is time we returned to first principles because cancer care is extremely expensive and it would make much more sense to address the root causes of this problem by studying factors such as our lifestyles, air pollution, the quality of our water, the food we eat and the household pollution which arises from the types of furniture and paint we use. The evidence leaves me in no doubt these factors are resulting in an increase in cancer rates. This Government will have to do a bit more joined up thinking on this issue.

We also should pay closer attention to the influence of the tobacco, alcohol and food industries instead of allowing reports to gather dust on shelves, such as those by the task forces on alcohol and obesity. These reports have not been implemented and it is unlikely they ever will because no concerted action is being taken by this Government. The Minister of State can shake his head but the consequences of alcohol consumption in this country cost us €2.65 billion per annum. With regard to health consequences, cancer and a wide range of other illnesses result from alcohol abuse. This Government kowtowed to the alcohol industry.

Mr. S. Power: We did not kowtow to them at all.

Mr. Gormley: The Government got rid of the legislation it promised on alcohol products.

Mr. S. Power: When Deputy Gormley has a good story, he has no regard for the truth.

Mr. Gormley: The alcohol products Bill was shelved because the Government opted for a voluntary code. It is not dealing with the root causes of the problem, as usual.

We know from the Irish Cancer Society that when the Government was devising its cancer strategy, it did not budget properly for the significant increase in cancer cases we are now experiencing. No mention is made in the strategy of how cancer services will cater for an increased capacity or budgets for the maintenance and development of cancer care services. According to the society, the annual budget for cancer services, which currently stands at €25.5 million, will be totally inadequate to meet increasing demands and the need for health promotion, cancer prevention and screening programmes.

It is important that we invest in the early detection of cancer. Given the slow roll-out of screening services, many people are dying unnecessarily. Statistics compiled by Maev-Ann Wren and Dale Tussing indicate that, even though Ireland's incidence of breast cancer is below the EU average, the death rate from breast cancer in 2001 was the highest reported within the EU 15. This combination suggests that early detection and treatment are inferior in Ireland. When BreastCheck is finally introduced nationwide, the death rate should fall. Now that we are approaching an election, the Government is only too happy to announce screening programmes but we will wait to see what happens.

The Irish Cancer Society states that we have reached a crisis point in terms of accident and emergency care due to a lack of bed capacity. We have also reached a crisis point with regard to intensive care beds. The society warns that unless the Government takes action immediately, we will face a serious crisis in cancer care. Unfortunately, those realities have been ignored. The society is calling for equity in the availability, access and performance of cancer services throughout the country and the establishment of four cancer care networks to cater for a population of 1 million people each and incorporating eight licensed cancer care hospitals. It is also demanding the provision of integrated primary care, which the Green Party advocates in the primary care document we published last Friday, along with better hospital care, palliative care and psychology and support services.

With regard to the money being allocated to palliative care, Jane Bailey, who lives in Deputy O'Shea's constituency, has been in contact with the health spokespersons of the Opposition parties to complain that the amount allocated and the way it is spent are pitiful. The Government should take responsibility for that failure.

The Irish Cancer Society is calling for a comprehensive health promotion and cancer prevention plan which would incorporate nationwide screening for certain cancers, where appropriate. With regard to breast cancer screening, the society is adamant that the deadline of 2007 for the full national roll-out of BreastCheck should be met, so all women in the country have access to screening. The society supports the recommendation that a national screening programme

[Mr. Gormley.]

for colorectal cancer should be implemented. Cervical cancer screening is vital. On skin cancer, it recommends simple measures. Clearly children should not be allowed near sunbeds, which have become popular. It is ridiculous that some children use sunbeds to get a tan before their First Holy Communion. The Government has ignored measures that could and should be taken.

Let us get the early years right. Let us go back to first principles and then let us invest in screening and preventive measures.

Mr. Ferris: Sinn Féin strongly supports the motion. In common with the experience of all other Deputies, there are numerous cases in my constituency that illustrate the problem people are having with services for cancer patients. All Deputies have met families affected in this regard. These families are under enormous pressure primarily because of the lack of proper facilities and care for their loved ones. In recent years we have highlighted, for example, the difficulties women have getting access to the BreastCheck programme. It is a disgrace that it required a public campaign in Kerry to push for such a service to be made available. The co-ordinated efforts of the public, Sinn Féin members and activists along with Deputy Moynihan-Cronin collected thousands of signatures to a petition urging the Minister for Health and Children to do something to deal with the issue.

It takes too long for people to be seen and get the results of their tests. Currently the average waiting time for women to get the results of cervical cancer tests is between four and nine months. In countries with national screening programmes, the average waiting time is just six weeks, which makes a significant difference in reducing their anxiety and allows them to access the necessary treatment if the test proves positive. It is evident that suffering anxiety or stress as a result of an ailment only accelerates the illness. It is vital that such a programme is made available here.

I recently encountered the case of an elderly married man in his 60s. He and his wife were on the minimum wage. He had worked all his life. He had cancer and needed to travel to and from Cork for chemotherapy. While their savings lasted, his wife was able to travel with him. Unfortunately, their savings ran out and he was then required to make the journey unaccompanied, although very weak, to and from Cork to get treatment. It took a public campaign backed by Sinn Féin for him to get funding to allow his wife to travel with him.

In Kerry South we had the disgraceful case of a mother of five, whose husband had died of cancer a few weeks earlier. On one occasion she had to be transported for treatment in the back of a Hiace van because no proper transport was available. These unfortunate medical card holders, who do not have the money to get the necessary treatment, find themselves discriminated against, which is a disgrace and a total indictment of both partners in Government.

Mr. Morgan: I fully support this motion on the vital issue of cancer services and I commend the Independent Deputies for tabling it. As the motion makes clear, we have a long way to go before cancer services are provided at the proper level in this State. Like the rest of the health system, cancer services suffered from historical neglect over decades by successive Governments. In 2001 the rate of death from breast cancer in Ireland was higher than in any of the 15 pre-enlargement EU states. There were 31 deaths per 100,000 Irish women compared with 24 for the EU 15. At the same time this country's incidence of breast cancer is below the EU average. This clearly suggests that cancers are not being detected in time, are not being treated in time or are not being treated in an effective manner.

I wish to outline the case of a constituent, who like Deputy Ferris's, had to endure very significant hardship in the course of suffering cancer. As with most people the complaint started with back pain and she attended her GP. A series of tests carried out locally, including blood tests and ultra-sound, failed to diagnose the problem. Finally, after the condition deteriorated — she was unable to eat and suffered significant weight loss and severe pain — she was admitted to Louth County Hospital and then transferred to Our Lady of Lourdes Hospital in Drogheda. Following further tests she was finally diagnosed with ovarian cancer.

Over the following months she attended the oncology department at Our Lady of Lourdes Hospital for a course of chemotherapy as an outpatient. In between treatment she regularly travelled from Dundalk to Our Lady of Lourdes Hospital for blood checks. She also attended the oncology clinic in Our Lady of Lourdes Hospital, which involved long waits in a draughty corridor. Considerable personal trauma was involved with many other patients and staff going past. In this long corridor very ill patients were queuing up for critical treatment in a very degrading way.

When the chemotherapy treatment was finished she was referred to St. Luke's Hospital in Dublin for a course of radiotherapy. She was also referred to St. James's Hospital, which she attended as an outpatient. As her condition deteriorated further she was attending three different hospitals, Our Lady of Lourdes Hospital in Drogheda, and St. Luke's and St. James's in Dublin. For some of these visits she left her home at 7 a.m. returning at 4 p.m. or later. This all happened over a period of 18 months from diagnosis. There did not appear to be a great deal of communication between the hospitals or the various doctors. There was no sign of a proper care plan. This is just one minor example of the trauma the people we represent must endure all too regularly. That woman's husband died nine weeks before her death from cancer.

This is not surprising given the constituency from which I come. Diagnostic procedures seem to take forever. Several hospitals are involved with fragmented and poor communication between many professionals and no sign of the problem being resolved. In my constituency some 25% of deaths result from cancer illness. We all wonder why that is the case. Unfortunately no effort has been made by officialdom to try to establish the cause. Many of us have formed voluntary groups and are pursuing the matter in whatever way we can. Unfortunately that will not get to the root of the problem. Meanwhile the 25% of people whose deaths result from cancer illness in County Louth invariably go through the type of hardship I have outlined. It is time the Government took the issue seriously. The people of the State are entitled to proper care. I will not try to put a political slant on the issue. The Minister of State knows what we are saying is right. He has heard of cases from all sides of the House. The issue has not been taken seriously by the Government thus far. It is overdue that it did. I commend the motion.

Minister of State at the Department of Health and Children (Mr. S. Power): The Government's amendment to the motion is based on recognition of achievements to date in cancer care, and the broad range of strategies we are implementing on health promotion, prevention, screening, treatment and supportive care. It is also based on the need to plan, reform and ensure we have sound, evidence-based policies for the short to medium term. This is especially needed, as we will see a doubling of cancer cases in the years ahead. My colleagues, the Minister for Health and Children, Deputy Harney, and the Minister of State at the Department of Health and Children, Deputy Tim O'Malley, have informed the House of the substantial increase in investment which has resulted in increased medical, nursing and support staffing. This investment has delivered real improvements in care.

There are approximately 120,000 survivors of cancer which reflects the improving diagnosis and more successful treatments for cancers generally. We have achieved the key goal of the 1996 national cancer strategy, which was to reduce the death rate from cancer in the under 65 age group by 15%. This was achieved three years ahead of target. More than 100 additional consultants have been appointed in key areas of cancer care. There were almost 94,000 admissions for cancer care in 2005, an increase of nearly 70% over 1997. Just fewer than 58,000 people were treated for cancer as day cases in 2005, an increase of 130% over 1997. We ask this House to recognise these achievements. This request is not based on complacency. It is founded on the reality that many more patients are being treated and our health system detects more cancers early.

I am conscious as I quote these figures that they do not give the real picture because there is a story behind each number, from the shock of discovery, the treatment and the disruption it can cause to families, to the hope of recovery which is realised for some. For other families, despite treatment and care there is devastation following a death. The "Big C" as it is often known as, is no longer seen as the inevitable end, as it once was. Survival rates for all the major cancers are improving in Ireland. It is important to make that point in discussing this sensitive issue.

Cancer patients and their families recognise the impressive services being provided by doctors, nurses and support staff. We often hear cancer patients lauding the professional standards of care they receive and the caring approach of health professionals. This is the case whether patients are at the curative stage of illness or when cure can no longer be achieved. It is important that this House recognises the cancer carers, whose numbers have increased substantially in recent years, a reflection of the priority and investment in cancer care.

The organisation and delivery of cancer care will be an integral element of the current reform agenda. The Health Service Executive is progressing the implementation of the national strategy for cancer control and establishing a national cancer control programme to manage and deliver cancer control. This will involve the integration of health promotion, screening, treatment and supportive and palliative care services within a single governance structure.

The programme will bring together major functions in planning, needs assessment, prioritisation, resource allocation, workforce planning, implementation of national guidelines and cancer care pathways. Patients interact with the cancer control system at various stages, from screening and treatment to supportive and palliative care. They require seamless transition between these stages, where services, regardless of setting, are organised and delivered around the patient. This is the basic organisational principle behind the HSE's reform. We need to achieve equity in the delivery of cancer care, regardless of where and how the patient interacts with our health system.

Deputy Boyle mentioned the National Cancer Registry last night. The collection, evaluation and application of timely and comprehensive cancer control data is essential to support evidence-based planning and performance management. For these reasons, the Minister has concluded that it would be preferable for the functions of the National Cancer Registry to form part of the HSE's national cancer control programme. The Minister has allocated additional revenue funding of €400,000 in 2007 to the National Cancer Registry, a 20% increase on last year's allocation. This funding will be used to progress electronic data capture, geocoding, the completion of a patterns of care study and to expedite registration in the Dublin area.

Questions have been asked about future investment in cancer control. The Government has

[Mr. S. Power.]

invested heavily in cancer services and the House can be assured that we will invest substantially in cancer control in the coming years on the basis of the reform programme outlined.

The developments in cancer services which I have outlined today clearly indicate the considerable progress that has been made in addressing the burden of cancer in Ireland. I am glad of the opportunity to put on record the substantial developments that have taken place to ensure the availability of high quality cancer services nationally. That is what we all want.

Ms Harkin: I wish to share time with Deputies Healy, Gregory, McHugh and Cowley.

Cancer screening saves lives. Cancer screening works. Cervical cancer is virtually 100% treatable if caught in time, yet all we have is a pilot programme that is now being evaluated. The only way forward is to roll out a national cervical screening programme now. Colorectal cancer screening is also effective. A total of 900 people die of that disease in Ireland each year. In the United Kingdom the National Health Service is rolling out a screening programme and we need to follow that lead.

The women of the north west are still waiting for BreastCheck. We were promised it in 2001, 2003 and 2005, and today BreastCheck says it will be delivered at the end of autumn 2007. We have waited too long.

There is a need for a regional radiotherapy service in the north west. The former North Western Health Board recommended that we move towards the provision of radiotherapy services, either within the board's old area or a larger north-west catchment area. Why will the Minister not give fair and equitable treatment to patients who require radiotherapy in the north west? The combined population of Sligo, Leitrim, Donegal, Fermanagh, Tyrone and Derry is higher than the critical mass needed to provide these services with best practice.

The Government is spending billions of euro on cross-Border action so why will the Minister not include health infrastructure, particularly radiation services in that action? The Minister announced in July 2005 that she would set up arrangements for patients in the north west to travel to Belfast. Eighteen months later the reality is that most people cannot avail of this service. We know that Belfast can cope only with patients from Northern Ireland. It is unfair and indeed cruel to give hope to people about the provision of accessible radiation services and not to deliver.

While we in the north west are well used to not getting our fair share, there is something essentially wrong in a country where there is regional inequality in health provision. This is the second richest country in the European Union, with the highest growth rate, and we will not provide equality of access to radiotherapy for those who live a distance from large population centres.

The leaked memorandum from the HSE in December on the national plan for radiation oncology states that neither the 2008 interim targets nor the 2011 overall targets will be met. Non-involvement of the HSE prior to announcement and difficulties with public private partnerships is the problem. The Minister disagrees but that is not good enough. We need a categoric assurance from her that neither of these issues will delay the programme and that a regional radiation oncology service for the north west will be part of the health plan.

Mr. Healy: I strongly support this motion. It raises a sensitive issue which has touched most families and many Members of this House in the past few years. I was disappointed that the Government tabled an amendment to this motion. I ask the Minister of State to be magnanimous and not to divide the House on such a sensitive issue.

Early detection and treatment is the key to success in treating cancer. Unfortunately, many of our services are totally deficient in this area. There is a lack of cervical screening, breast screening has not been rolled out throughout the country, there is no colorectal or prostrate screening and there are various other deficiencies in the service. We need someone of the calibre of the late Noel Browne to take this issue by the scruff of the neck and solve it by putting in place services and facilities to deal with it on a daily and professional basis.

I thank all the staff involved in this area, from hospitals to primary care and hospice care. They do an excellent job in difficult circumstances. There is also a major voluntary effort in this area for which many people are to be thanked. It is disgraceful that hospice home care nursing teams must be funded via voluntary efforts. Cancer sufferers need this basic service and it should be provided by the State. Any voluntary services should provide something that is over and above comfort for families and cancer sufferers. Basic services should be provided by the State.

Mr. Gregory: This is an important motion, even if all we, as Independent Deputies, achieve is to help to ensure, as Mr. McCormack, chief executive of the Irish Cancer Society, stated, that a momentum is reached and that plans for delivery of services are achieved now. We cannot undo the neglect of successive Governments of this vital part of the health service. As Mr. McCormack also stated, cancer patients do not have a voice and have been badly let down for too long.

In a modern and extremely affluent society, it is unacceptable that people too vulnerable to highlight their own suffering are obliged to cope with waiting lists for radiotherapy and travel long distances for treatment. Waiting lists for prostate and lung cancer in particular are intolerably long

and must be addressed now. Equally intolerable is that women are dying because we do not have a nationwide cervical screening programme. These are not my words, they are the words of the chief executive of the Irish Cancer Society. With proper screening, the number of deaths and serious cancer conditions could be dramatically reduced. It is a scandal that this has not happened. Nationwide cervical screening has been in place in England since 1988 and in Canada since 1960. Despite its great affluence, Ireland is still nowhere near achieving that.

Equally important is the issue of inequality in our health services. The plight of public patients is highlighted by the plight of the Kilkenny mother, Rosie. How many others on waiting lists are suffering in the same way as the woman to whom I refer? This inequity permeates all sectors of the health service. The inequality of the two-tier health system is compounded by the fact that there is a far higher incidence of serious illnesses such as cancer in disadvantaged communities, most of the members of which are public patients. These people have no voice to demand equality of access to treatment. As long as the two-tier system exists, there will be tragedies such as that involving Rosie and so many others who have no voice.

Mr. McHugh: I welcome the opportunity to speak on this important motion, which was tabled by the Independent members of the Technical Group. Much of the debate so far has been pessimistic and has highlighted the many needs that exist in the context of the provision of health care. There have, however, been some welcome developments. I refer to Galway as an example in this regard. Long overdue but nonetheless very welcome developments have taken place there and these will prove to be extremely beneficial for Galway and the west. For a long period, a vigorous campaign was waged to have a BreastCheck service established in the west. I welcome the fact that the construction of the BreastCheck building is under way. Again, this development is long overdue. I outline the situation in Galway not as a defender of Government policy but merely as a statement of fact.

I urge the Minister to extend BreastCheck to cover women over the age of 65. This motion puts forward the importance of education in preventing cancers. The Minister referred to the support the Government is providing in respect of education provision in this area. However, I cannot agree that the level of education is adequate or that information is delivered in a fashion that is sufficiently aggressive. For example, diet is important and a balanced diet can prevent many illnesses. However, the message in this regard is not being put across in an aggressive manner. We were promised a national diet and fitness programme specifically aimed at children. Again, however, this matter is not being treated as urgent.

The motion refers to the public private debate that is under way at present. The motion is very specific in this regard but, from a personal point of view, I have no ideological hang-up, *per se*, regarding public and private health care. My judgment is based on what is best for patients. Ideology will not save people's lives. However, good standards, professionalism and good health management will do so. We would be better served by focusing on this area.

There is a clear onus on the Minister to launch an examination of management and the efficiency thereof within the health service. Management throughout the services has a great responsibility for the weaknesses within the system. I put it to the Minister that an assessment should be carried out by an independent group to identify where the weaknesses in the management structure lie. It would not be beyond her capabilities to put such an examination in place. While I agree that situations differ, I am aware that, for example, a unit delivering a particular service in the east of the country will have its practices and procedures replicated in a similar unit in the west. Why is it not possible to develop a best practice method of delivery for all services irrespective of where they are delivered? It is, of course, possible to do so but it is not being done. Accordingly, no one can be held to account for the failures in the system, many of which have extremely serious consequences.

Dr. Cowley: The Independent Members brought forward a motion on this issue in 2003. At that time, much reference was made to cancer care apartheid, which continues to exist in this country. I salute Rosie for her bravery in coming forward. Unfortunately, there are many others like her. The day must come when people receive equal access to services. The fact that they do not have such access is what is rotten about the health service and about cancer services in particular.

There is one certainty, namely, if one has money and health insurance one will have a better chance of survival. That is the reality with which we must deal. The situation will get much worse, with the number of cancer cases predicted to rise from 22,000 per year now to 43,000 by 2020.

There are those who accuse Independent Deputies of being parochial and state that we are single-issue candidates who do not take the national interest to heart. Our motion clearly shows that this is not the case. Our work on behalf of our constituents illustrates that we care and that we can make a difference for the betterment of society as a whole. I will provide a number of examples in this regard.

While I serve the people of Mayo, I have initiated campaigns with people such as Jane Bailey and some of my colleagues to ensure that public cancer patients in the south east are not obliged to make long journeys to access radiotherapy. The situation in the region to which I

[Dr. Cowley.]

refer has improved, thanks to the efforts of those such as Independent Members. The position is similar as regards radiotherapy centres in the mid-west region and Galway.

My Independent colleagues and I have worked hard on the Joint Committee on Health and Children to represent the needs of patients in the north west who need access to a cancer unit, not in Belfast but in Derry and Letterkenny. People are opting to have mastectomies carried out rather than make the long and horrendous journey to Belfast.

The Minister, Deputy Harney, made excuses in respect of our poor cancer services by stating that we are still playing catch-up as a result of the failed economic policies of the past, but there was sufficient money to ensure that BreastCheck services were rolled out to half of the population. However, enough money has not been invested in the national cancer strategy, which, like the health strategy, the primary care strategy and every other strategy that might make a difference in people's lives, remains underfunded. As already stated, BreastCheck services were rolled out for half of the population following a decade of research which showed that such services could reduce the death rate by 20% to 30%. This is a small island, but those in the North have a better chance of survival than their counterparts in the South and that is a complete scandal.

What sort of a half-baked proposal did the Minister put forward in respect of cervical screening? She stated that it is based on an affordable model. What is meant by the term "affordable model"? Does it mean more of the same? BreastCheck was not rolled out to the entire country because the Government would not spend money on the half of the population that lives in the west and south. That is the reality.

Everyone who is diagnosed with cancer represents an emergency case. In Galway, it can take up to a month before beds can be acquired for elective cases. This compares with cases involving private patients, in respect of whom beds can be made available within a day or two. Public cancer patients are obliged to go through accident and emergency departments, even though they must be seen at least once by consultant oncologists. When they are seen, they must still queue for accident and emergency services. There are cancer patients spread throughout the accident and emergency departments of our hospitals. That is absolutely and utterly scandalous. People have been removed from trolleys and placed in transit lounges similar to that set up in Mayo General Hospital. It is a case of their being out of sight, out of mind.

The Intensive Care Society of Ireland stated last night that there are not enough intensive care beds. A total of 3,000 beds were removed from the system. A similar number were promised, but not delivered, under the national health strategy. The Taoiseach stated last night that these beds are not needed. If that is the case, why the hell did he promise them in the health strategy?

Cancer care services have been massively underfunded. The position in respect of palliative care is disgraceful. Such care is left to charity. Across the country, service provision in this regard resembles a patchwork quilt. There are no dedicated services in this area, which is not acceptable.

The position is similar with regard to dedicated oncology services. To wait one month for a dedicated oncology bed is unacceptable. This year's budget for cancer treatment, €3.5 million, is utterly disgraceful. Ireland is wallowing at the bottom of the European league for cancer treatment. The Independent Members introduced a motion on cancer treatment in 2003, yet the situation has not changed.

According to the Government's amendment, "cancer survival is improving in Ireland for all of the major cancers". What good is that to Rosie and the others who have died since then? What good is that to the 500 women from the west and south west who have died from breast cancer since 2000? These women died from Government neglect because it refused to provide the same money it was prepared to put into cancer treatments in the east.

The Independent Members have given leadership and made a difference on this issue. They represent the people and started the campaign for the national roll-out of BreastCheck. The Independent Members encouraged other parties to support this campaign and I am glad the Labour Party and other Opposition parties did so. The death rate from cancer is in the doldrums. The only way it will change is if the Government puts adequate funding in place. The Government pays lip-service to doctors and others in the health service treating cancer patients. It would be more in its line to give the moneys needed to allow those doctors and nurses to bring Ireland up to European standards. Why should Ireland, one of the richest countries in the world, be at the bottom of the league? It is simply unacceptable.

Amendment put.

The Dáil divided: Tá, 67; Níl, 54.

Tá

Ahern, Michael.
Ahern, Noel.
Andrews, Barry.
Ardagh, Seán.
Blaney, Niall.
Brady, Johnny.
Brady, Martin.
Brennan, Seamus.
Callanan, Joe.
Callely, Ivor.
Carty, John.
Cassidy, Donie.
Collins, Michael.
Cooper-Flynn, Beverley.
Cregan, John.
Cullen, Martin.
Curran, John.
Davern, Noel.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Fahey, Frank.
Finneran, Michael.
Fitzpatrick, Dermot.
Fleming, Seán.
Gallagher, Pat The Cope.
Glennon, Jim.
Grealish, Noel.
Hanafin, Mary.
Harney, Mary.
Haughey, Seán.
Hoctor, Máire.
Jacob, Joe.
Keaveney, Cecilia.
Kelleher, Billy.
Kelly, Peter.
Kirk, Seamus.
Kitt, Tom.
Lenihan, Brian.
Lenihan, Conor.
McDowell, Michael.
McEllistrim, Thomas.
Martin, Micheál.
Mulcahy, Michael.
Ó Fearghaíl, Seán.
O'Connor, Charlie.
O'Dea, Willie.
O'Donnell, Liz.
O'Donoghue, John.
O'Donovan, Denis.
O'Flynn, Noel.
O'Keeffe, Batt.
O'Keeffe, Ned.
O'Malley, Fiona.
O'Malley, Tim.
Parlon, Tom.
Power, Peter.
Power, Seán.
Roche, Dick.
Sexton, Mae.
Smith, Brendan.
Smith, Michael.
Wallace, Mary.
Walsh, Joe.
Wilkinson, Ollie.
Woods, Michael.
Wright, G. V.

Níl

Breen, James.
Broughan, Thomas P.
Bruton, Richard.
Burton, Joan.
Connaughton, Paul.
Connolly, Paudge.
Cowley, Jerry.
Crawford, Seymour.
Crowe, Seán.
Cuffe, Ciarán.
Deenihan, Jimmy.
English, Damien.
Enright, Olwyn.
Ferris, Martin.
Gilmore, Eamon.
Gogarty, Paul.
Gormley, John.
Gregory, Tony.
Harkin, Marian.
Healy, Seamus.
Higgins, Joe.
Higgins, Michael D.
Howlin, Brendan.
Kehoe, Paul.
Lynch, Kathleen.
McCormack, Padraic.
McGinley, Dinny.
McGrath, Finian.
McHugh, Paddy.
McManus, Liz.
Mitchell, Olivia.
Morgan, Arthur.
Moynihan-Cronin, Breeda.
Murphy, Catherine.
Murphy, Gerard.
Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
O'Dowd, Fergus.
O'Keeffe, Jim.
O'Shea, Brian.
O'Sullivan, Jan.
Pattison, Seamus.
Quinn, Ruairí.
Rabbitte, Pat.
Ring, Michael.
Ryan, Eamon.
Ryan, Seán.
Shortall, Róisín.
Stagg, Emmet.
Stanton, David.
Timmins, Billy.
Twomey, Liam.
Upton, Mary.
Wall, Jack.

Tellers: Tá, Deputies Kitt and Kelleher; Níl, Deputies Gregory and McHugh.

Amendment declared carried.

Motion, as amended, put and declared carried.

Prisons Bill 2006 [*Seanad*]**: Second Stage.**

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I move: "That the Bill be now read a Second Time."

[Mr. McDowell.]

I am pleased to present the Prisons Bill 2006, which completed its passage through the Seanad on 5 December 2006. It deals with a range of issues relating to prisons and prisoners and its purpose is manifold. It provides for video conferencing of certain non-trial court hearings; the placing of the Office of the Inspector of Prisons on a statutory footing; planning provisions for major prison developments and the closure of Mountjoy Prison; issues which may be included in prison rules, including mandatory drug testing; a basis in primary legislation for revised disciplinary procedures applicable to prisoners, including appeals; the possibility of outsourcing prisoner escort services; a statutory basis for charging prisoners for certain optional services; and the exclusion of non-commercial work from the National Minimum Wage Act 2000.

This Bill replaces and supplements the Prisons Bill 2005, which was withdrawn from the Order Paper following the publication of this Bill. The much more limited aims of the 2005 Bill included outsourcing prisoner escort services, providing for the video conferencing of certain pre-trial court hearings and providing for the closure of Mountjoy Prison. As time progressed, it became increasingly clear that the other prison-related issues to which I referred needed to be addressed and that a prisons Bill would be the best place to do so. As the inclusion of such measures would have necessitated significant amendments to the 2005 Bill, I considered it easier and more straightforward for all parties to the process to republish the Bill. I thus withdrew the Prisons Bill 2005 and republished it with the additional necessary provisions, resulting in more comprehensive legislation.

As I stated on many occasions since becoming Minister for Justice, Equality and Law Reform in June 2002, I am committed to introducing measures to reform and modernise the prison system. Numerous significant changes to the system have been introduced or are in the process of being introduced. A comprehensive proposal for organisational change in the Prison Service was accepted in a second ballot of members of the Prison Officers Association in August 2005. The arrangements agreed in the revised proposal represent one of the most significant change programmes undertaken in the public service in recent years, opening the way for greater flexibility, efficiency and cost effectiveness in every operational area of the State's prisons. The new additional hours system replaced the existing overtime system and effectively caps the level of extra attendance costs in the Prison Service. Successful implementation of these measures is delivering savings to the Exchequer of up to €25 million per annum.

1 o'clock

I also published a drugs policy and strategy for the Irish Prison Service in May 2006. This strategy provides, for the first time, a co-ordinated, consistent national approach to eliminating the supply of drugs into prison as well as ensuring appropriate treatment is available to prisoners to help them conquer their addiction.

A major prisons building and refurbishment programme to improve facilities for prisoners, including the elimination of the practice of slopping out, the reduction of overcrowding and the use of the notorious padded cells and to facilitate a more cost-effective operation of the service, has been ongoing. The extensive site at Thornton, County Dublin, has been purchased for the provision of a new prison complex to replace the existing prisons on the Mountjoy campus and planning is under way for development of a new prison to replace Cork Prison. These are major undertakings involving replacement of approximately 40% of the entire prison estate.

The replacement prisons for Mountjoy Prison and Cork Prison will provide decent, hygienic conditions for prisoners in line with modern-day standards. The new facilities will allow for the provision of a full range of work, training, educational, psychological and medical services for inmates as well as predominantly single-cell accommodation with proper in-cell sanitation facilities and general conditions conducive to rehabilitation.

New additional prison accommodation is also in the process of being provided at Loughan House, Shelton Abbey, Castlerea, Wheatfield and Portlaoise. In addition, the programme of work to install safety observation cells and closed supervision cells was undertaken in 2005 and completed in 2006 following my commitment to abolish the use of the notorious old-style padded cells in our prisons. These measures all represent further steps along the road to improving and modernising our prison system but there is a lot more to be done.

Turning to the Bill, Part 1, encompassing sections 1 to 3, contains standard provisions, including the Short Title, commencement and expenses provisions and the definitions of key terms used in the Bill. Part 2, which covers sections 4 to 10, deals with prisoner escort services. When the 2005 Bill was published it appeared that proposals for organisational change within our prisons would be rejected by prison officers. In those circumstances, I would have had no choice but to contract out the prisoner escort service in the interests of providing a cost-effective service, hence the inclusion of such provisions in that Bill. Since then an organisational change programme has been agreed with the Prison Officers Association. One of the main elements in that agreement was the establishment of a co-ordinated prisoner escort system operated by officers within the Prison Service. The prison service escort corps was set up towards the end of 2005. It has a staffing complement of 143 and we currently have a fleet of 35 specialised cellular vehicles. While the main business of the service

is providing prisoner escorts to the courts, it also covers inter-prison and hospital escorts.

I am pleased to tell the House that the level of coverage provided by the escort corps for court escorts currently stands at 94% of transactions involving the movement of prisoners. That means 94% of prisoner movements are done in this way rather than by gardaí etc., which was much more prevalent in the past. In staffing terms, the escort corps operates on average more than 33% more efficiently on court escorts than the previous overtime-based operating system. The House will agree that tremendous progress has been made in a short period from introducing this service from scratch in one year. As long as the service continues to operate efficiently and in cost-effective terms, there is no need, nor do I have the desire, to contract out the service. However, to ensure I or any successor of mine is never left in a situation where there would be glitches in the provision of this service, it is important there is legislative provision for the contracting out of a prison escort service and I make such provision here. It is my intention not to commence this part and I hope such glitches and circumstances never exist requiring it to be brought into force. However, it should be in place as a reserve position.

To summarise Part 2 briefly, section 4 provides definitions of terms used in this part. Section 5 provides that the Minister, with Government approval and the consent of the Minister for Finance, may enter into an agreement for the provision of escort services. While it has been suggested that the Oireachtas should approve such an agreement, the legal advice I have received is that a decision of this nature is a function of the Government and decisions on the provision of services generally have traditionally been made by Government. The section further provides for the termination of such an agreement if the contractor fails to comply with any of the provisions of an agreement and outlines the role of a prisoner escort service.

Section 6 provides for the certification of prisoner custody officers who will provide the prisoner escort service. Any person may apply to the Minister for a certificate that he or she is, in the Minister's view, a suitable person to perform the functions of a prisoner custody officer. Any application must include the relevant fee and any requested documentation and further information required by the Minister in order to make a decision. The section goes on to outline the criteria to be met before the Minister may issue a certificate and the conditions under which the person holds such a certificate, including that he or she must comply with any prison rules relating to the treatment of prisoners in custody. Provision is also made for an applicant to appeal the refusal of a certificate to the Circuit Court and for penalties if an applicant, knowingly or recklessly, provides false or misleading information in an application, or if a person forges, or alters a certificate issued under this section or has a forged or altered certificate in his or her possession.

Section 7 deals with the revocation of a certificate. The Minister may revoke a certificate if the conditions previously referred to are not met by the certificate-holder. Such revocation must be notified to the relevant parties in writing. Provision is made for a prisoner custody officer to appeal the revocation to the Circuit Court. There is also provision for penalties should a person whose certificate is revoked continue to work as a prisoner custody officer and for persons who continue in this role when directed not to do so pending a final decision on the revocation. The section also provides for a complaint mechanism concerning the conduct of a prisoner custody officer.

Section 8 outlines the functions of a prisoner custody officer. Any powers conferred on a prison officer under such an enactment shall also apply to a prisoner custody officer while he or she is escorting a prisoner. In particular, the prisoner custody officer shall have the power to search a prisoner and remove any prohibited articles found during such a search. The section goes on to provide that only a prisoner's outer clothing may be removed unless the prisoner custody officer has reasonable grounds for believing that a prohibited article has been concealed beneath the prisoner's clothing. A search cannot take place in public view and a prisoner custody officer may only search prisoners of his or her gender. The section goes on to list the duties of a prisoner custody officer, namely, to prevent a prisoner's escape, to prevent a prisoner committing an offence, to ensure a prisoner behaves in an orderly fashion and to comply with any court order relating to a prisoner. The prisoner custody officer must also give to the governor of a prison any court document relating to the prisoner's committal to prison, including any medication, prescriptions, or information about the prisoner's health of which the prisoner custody officer is aware.

Section 9 prohibits unauthorised disclosure of information relating to a prisoner by a prisoner custody officer and provides for penalties for so doing. Section 10 provides for the Minister to appoint a person to monitor the performance of a contractor under this part. This person shall submit an annual report to the Minister on the performance of the contractor and has the power to enter the contractor's offices at any reasonable time and inspect and take copies of any documents found in the course of an inspection.

Part 3, covering sections 11 to 16, relates to prison discipline. The provisions in this part are new to the 2006 Bill and include the establishment of an appeals mechanism against disciplinary sanctions imposed within a prison. Prison discipline has until now been governed by the prison rules but the view now taken is that as disciplinary measures have significant impli-

[Mr. McDowell.]

cations for prisoners, it is more appropriate to have such measures set out in primary legislation.

Section 11 defines terms as used in this part. Section 12 provides for an inquiry to be held by a prison governor if a prisoner is alleged to have committed a breach of discipline and provides that the procedures for such an inquiry may be set out in prison rules. The prisoner must be informed of the date and time of the inquiry and the procedure to be followed at an inquiry may be laid down in prison rules. The section goes on to provide that, following such an inquiry, the governor may impose a sanction and record the finding and the sanction, or record a finding that the allegation was not substantiated.

Section 13 lists the sanctions that may be imposed. Section 13(1)(*d*)(ii) was amended in the Seanad to include members of visiting committees in the list of persons who may visit a prisoner despite the imposition of a prohibition on visitors in general. I also brought forward an amendment in the other House to widen the previous reference to visits from a doctor to include visits for the purpose of giving medical advice or treatment on a broader scale. In light of concerns expressed in the other House as to whether the current terminology includes persons who give psychological treatment, I propose to amend the wording further on Committee Stage to provide that visits from a doctor or other health-care personnel are not prohibited.

Section 13(1)(*g*) was also amended in the Seanad, as I believed the meaning was somewhat unclear. The section now makes clear that gratuities may be denied for a specified period but not forfeited. Section 13 also provides that a sanction may be suspended subject to conditions, in whole or in part, for a period not exceeding three months and, following this period, the sanction may take effect or be abated, or, if the relevant condition has been complied with, the sanction may be lifted. The section goes on to provide that the governor may restore any remission for good conduct forfeited by a prisoner if such restoration is justified by the prisoner's good behaviour. Sanctions which may not be imposed are also listed. They include, among other things, corporal punishment, collective punishment, sensory deprivation or deprivation of food, drink or sleep or any sanction that would constitute cruel, inhumane or degrading treatment. Subsection 13(8) has been added by means of an amendment in the Seanad, as it was rightly pointed out that the Bill had omitted to specify that the prisoner must be informed of his or her right to appeal a sanction.

Under section 14, a prisoner on whom a sanction is imposed may make a petition to the Minister on the finding or the sanction, and the Minister, following consultation with the governor, may affirm, alter, suspend or revoke the sanction imposed. Section 15 for the first time introduces an independent appeals mechanism of a quasi-judicial nature to review loss of remission for prisoners. It provides that a prisoner who has had remission of a portion of his or her sentence forfeited may appeal the finding or sanction, via the governor, to an appeal tribunal. The appeal tribunal may invite written submissions from the prisoner and governor and shall notify the prisoner of the date and time of the hearing. The prisoner may attend the hearing and may have legal advice or representation for the purposes of the hearing. The section further provides that the tribunal may uphold or quash the original finding and may affirm, vary or quash the original sanction applied. Decisions of an appeal tribunal shall be published in accordance with arrangements specified in the prison rules.

Section 16 goes on to lay down the powers of an appeal tribunal. An appeal tribunal shall consist of a member, who shall be a practising barrister or solicitor of at least seven years' standing, appointed by the Minister. The terms and conditions of the member's appointment, including remuneration, are determined by the Minister with the consent of the Minister for Finance. A member may resign at any time or be removed by the Minister for stated reasons. A tribunal may determine its own procedure subject to the terms of this Bill and directions given by the Minister in the interests of securing consistency of procedures in relation to appeals. A tribunal shall be independent in its functions.

Part 4 of the Bill, sections 17 to 29 inclusive, relates to planning procedures in connection with the construction of new prisons and the extension of existing prisons. These provisions are again new and did not feature in the 2005 Bill. Section 17 provides definitions and section 18 provides that this Part shall only apply if the Minister so directs. I am conscious that large prison developments can be a cause of great controversy. For that reason I do not wish, as a general rule where largescale prison developments are involved, to take advantage of the planning arrangements provided for in Part 9 of the Planning and Development Regulations of 2001, which permit the exemption of prisons and places of detention from the normal planning regime. On the other hand, the development of a major prison facility is a matter of national importance and not appropriate to a local or regional-orientated planning approval system in the conventional sense. There is a need for the issue to be addressed at national level and therefore in the interests of democracy I am providing the opportunity for both Houses of the Oireachtas to have an input into the process.

Section 19 deals with what is called an environmental impact assessment, or EIA. An EIA shall be prepared before a development is commenced and shall contain a description of the proposed development as well as any significant effects it might have on the environment, including natural resources, architectural, archaeological and cultural heritage and expected emissions. The assess-

ment must also contain an outline of the main alternatives that were considered as well as the main reasons for choosing the development. It will estimate possible residues and emissions during and after construction and will also describe any measures used to reduce, avoid or offset significant adverse affects. The section also provides that a visual representation of the exterior of the completed development shall be prepared. The House will appreciate that detailed plans of every prison cell, giving the thickness of every wall, will not be published. That would be foolish.

Mr. Howlin: That would be very useful information.

Mr. McDowell: It might be useful to people who should not have it.

Section 20 provides that on receipt of the environmental impact assessment and the visual representation of the development, the Minister shall give notice of the proposed development to the planning authorities in the relevant area. Members of the public shall be informed of the development by means of placing a notice on the site and in a national and local newspaper. Furthermore, the Minister for the Environment, Heritage and Local Government shall be informed, as shall the Minister for Communications, Marine and Natural Resources if the development is adjacent to the foreshore, and the relevant authority in another country if the development is likely to have significant adverse effects on that country's environment. That is required by European law but is unlikely to affect an Irish prison.

Following an amendment tabled in the Seanad, I have now also provided in this section for a copy of the notice to be laid before the Houses of the Oireachtas. Section 21 lays out what must be contained in the notices I have just referred to and section 22 provides that the environmental impact assessment and the visual representation must be made available to any interested party in written form or electronically. Under section 23 the Minister shall appoint a rapporteur to receive submissions relating to the proposed development and the rapporteur shall prepare a report which shall summarise the submissions received and identify the main issues raised. It is not intended that the rapporteur would evaluate the submissions or make recommendations to the Minister. The report of the rapporteur shall also be published.

Section 24 deals with a situation where the Minister, on foot of the rapporteur's report, decides to alter the proposed development. In this case the Minister shall cause an amended description of the development to be prepared, as well as a supplementary environmental impact assessment and an amended visual representation of the exterior, if material alterations are made to the exterior. The persons and bodies specified in section 20 shall be notified of any proposed alteration. Again, submissions may be made in relation to the revised proposal and submitted to the rapporteur, who shall prepare a supplementary report on the basis of the submissions received and this report shall also be published.

Section 25 provides that the Minister, having considered the EIA, the rapporteur's report and any supplementary EIA and report, may make further alterations to the development and may proceed or decide not to do so. Under section 26, if the Minister decides to proceed with the development, he shall move a draft resolution approving the development in both Houses of the Oireachtas. This resolution must contain a description of the development, a statement that an EIA, and supplementary EIA, where applicable, has been prepared, the measures taken to invite observations from the public, the main measures taken to avoid, reduce or offset any significant adverse effects and a drawing or visual representation of the exterior. The resolution must also specify any conditions with which the developer must comply. Before moving the resolution, documents must be laid before the Houses of the Oireachtas, including a statement of the location, purpose and size of the proposed development, its land-use requirements during construction and operation and any estimated residues or emissions. The EIA, and any supplementary EIA, a visual representation of the exterior and the rapporteur's report and supplementary report, if applicable, must also be laid before the Houses. If the draft resolution is approved and confirmed by an Act of the Oireachtas the Minister may proceed with the development. The Act intended here is a very brief confirmatory Act, perhaps of only one or two sections. A good example of such an Act is the restrictive practices regime which existed in the past. Restrictive practices Acts prescribed reports by examiners and the like. The examiner's report was frequently published, the Minister published a draft order to implement the examiner's report and it did not have effect until a short two section Bill confirming it was passed by both Houses of the Oireachtas to give it the effect of law.

Section 27 provides that any questioning of an act done under this Part must be by way of an application to the High Court. Section 28 deals with exemptions relating to the development in terms of planning permission and requirements set out in other legislation. This section also provides that if a national monument is found on the site, no further work may be undertaken, except to preserve the monument, without direction from the Minister for the Environment, Heritage and Local Government in consultation with the Director of the National Museum. Section 29 prohibits the disclosure of any information concerning design or construction which is likely to prejudice the security of a new or extended prison.

Part 5, encompassing sections 30, 31 and 32, provides for the establishment of an office of

[Mr. McDowell.]

inspector of prisons on a statutory basis. This is also new. Section 30 provides that the Minister may appoint an inspector of prisons, who shall hold office on terms determined by the Minister in consultation with the Minister for Finance. The inspector may at any time resign from office or be removed by the Minister for stated reasons. An appointment shall be for a term of not longer than five years and the inspector is independent in the performance of his or her functions. Section 31 lays out the duties of the inspector of prisons. He or she shall carry out regular inspections of prisons, may enter any part of a prison at any time, obtain copies of any records kept there and report to the Director General of the Prison Service or the Minister as appropriate with regard to any issues of concern. The inspector may, and shall if requested by the Minister, investigate any matter relating to the management or operation of a prison and shall submit a report to the Minister on such an investigation, which shall be laid before the Houses of the Oireachtas as soon as practicable. The section further provides that the Minister may omit matters from the report if disclosure would be prejudicial to the security of the prison or the State and may also omit matters from the report, after consultation with the Secretary General to the Government, if disclosure of such matters would be contrary to the public interest or would infringe the constitutional rights of any person. The section goes on to clarify that it is not the inspector's role to investigate complaints from individual prisoners although, following my acceptance of an amendment in the Seanad, he or she shall now have the power to investigate the circumstances surrounding a complaint by a prisoner. Any request from the inspector for information must be complied with by prison staff in so far as is reasonably practicable. Section 32 provides for the inspector of prisons to submit an annual report to the Minister on any prison inspected in the year in question. The report shall deal with the general management of the prison, the general health and welfare of the prisoners, the general conduct of staff, compliance with set standards, facilities available, security and discipline. Each report shall be laid before the Houses of the Oireachtas as soon as practicable and shall be published.

Part 6 of the Bill contains a range of miscellaneous provisions. Section 33 deals with the hearing of applications to court by means of videolink. This featured in section 11 of the 2005 Bill. However, following receipt of the final report of the committee on video conferencing, chaired by Mrs. Justice Susan Denham, the range of circumstances in which video conferencing might best be used without the accused being physically present in the court has been expanded from the limit of pretrial hearings provided for in the 2005 Bill to the range of non-trial hearings specified in subsection (11).

Section 33 applies to the applications to court where the accused or person convicted is in prison, where the application is being made by either the DPP or a prisoner and where the prisoner is legally represented or has obtained or been given the opportunity to obtain legal advice. In these circumstances, the application may be heard without the prisoner being present — that is, by video link — if the court is satisfied that the use of video link would not be unfair to the prisoner, if the interests of justice do not require the prisoner's presence at the hearing and if the video link facilities allow the prisoner to participate in the hearing, allow the court to see and hear the prisoner and allow the prisoner to consult privately with his or her legal representative during the hearing. When the court is making the decision as to whether the application to court may be heard by way of video link, it must have regard to the nature of the application, how complex the hearing is likely to be, and the prisoner's age and mental and physical capacity. An application for the hearing to be heard by means of video link may be made either by or on behalf of the prisoner or the DPP, and if the application is refused, the court must state its reasons for that decision. A direction under this section may be revoked at any time, whether on application or not.

Section 34 applies the provisions of section 33 to children in remand centres or detention schools and following the tabling of amendments in the Seanad, I have now also provided for this section to apply to a designated centre within the meaning of the Criminal Law (Insanity) Act 2006 when the Minister for Health and Children, following consultation with the Minister for Justice, Equality and Law Reform, so directs.

Section 35 deals with the making of prison rules by the Minister. It builds on the power to make such rules provided for in section 19 of the Criminal Justice (Miscellaneous Provisions) Act 1997. In addition to the range of issues provided for in the 1997 Act, provision is also made here for testing prisoners for intoxicants, including alcohol and drugs, and for the publication of decisions of an appeal tribunal in respect of forfeiture of remission of portion of sentence.

The existing prison rules date back to 1947. I published comprehensive new draft prison rules in June 2005, which are on my Department's website. The intention in publishing draft prison rules was to give people an opportunity to submit observations on them. One issue that has been raised is that the rules relating to prison discipline in particular should have a strong grounding in primary legislation. As Members can see, I have taken that view on board. As soon as this Bill is enacted, it is my intention to sign the draft rules, with some amendments, into law.

Section 36 amends the National Minimum Wage Act 2000 to ensure that payment of the minimum wage is not applicable to prisoners undertaking non-commercial work within a

prison, including cleaning, training or work experience and charity work. There is a practice within prison regimes to give what amounts to pocket money to prisoners who carry out certain tasks within the prison system, rather than to leave them completely without remuneration. Surprisingly, the issue arose that this might in some way constitute an infringement of the National Minimum Wage Act. It is not meant to be regular employment and prisoners who engage in work for pocket money within prisons are not being exploited. Therefore, in these circumstances, it is appropriate that the Act should not apply.

Section 37 deals with payment by prisoners for requested services and provides that provision may be made for payment for special goods and services including telephone calls, private medical treatment and escorts outside the prisons for matters that are not generally available without charge to prisoners. I envisaged instances whereby a prisoner who decides to undergo extensive cosmetic dental work or something similar can be accommodated through the system although ordinarily it would not be the entitlement of the prisoner to have this done as part of the prison's dental service. There are other, similar instances. A prisoner who wants to telephone Hong Kong for a particular reason can pay for the privilege. The taxpayer is not obliged to state either that it will be done for free or that it cannot be done at all. However, any charges levied may not exceed the cost of the provision of the goods or services.

Section 38 provides for absences from prison on certain grounds. Under this section, the Minister may order that a prisoner be taken to a specified person or place for a specified purpose and time and be returned to the prison thereafter. Such leave may be granted on compassionate grounds, to assess or facilitate a prisoner's re-integration into society or for the purpose of assistance in the investigation of an offence. If, during that period, the prisoner is not of good behaviour or causes a breach of the peace or attempts to escape, he or she shall be returned to prison immediately. Section 39 provides that a prisoner in the custody of a garda, a prison officer or a prisoner custody officer is thereby in lawful custody.

Section 40 contains technical provisions and amends references to Prisons Acts in various enactments to also include this Act. The definition of prison officer is also amended in certain legislation to ensure the definition encompasses prisoner custody officers. Section 41 of the Bill will repeal certain provisions in other legislation, including a provision relating to visiting committees, as some functions of visiting committees will now be encompassed by the appeal tribunals.

The repeal of section 1(2) of the Prisons Act 1933, previously provided for in section 8 of the 2005 Act, has the effect of providing a statutory power on the Minister to enable Mountjoy Prison to be closed. The previous legislation enacted in 1933 stated that the Minister could, by regulation, close any prison with the exception of Mountjoy. This must be amended to facilitate Mountjoy's replacement. Section 19 of the Criminal Justice (Miscellaneous Provisions) Act of 1997 is also being repealed. This section dealt with the making of prison rules, which is now being restated, with additions, in the current Bill. Section 42 is a standard regulation-making provision.

This Bill continues the programme of prison reform that I commenced. The Government is changing how prisons are run, work practices within them, their locations, and, very importantly, what is achieved by sending people to prison. While I have stated previously that imprisonment should be seen as a last option, it remains a necessary one. This is true in all societies which provide for the rule of law. However, there is no reason for prisons and prison practices not to be of the highest standard. Since my appointment as Minister, it has been most depressing to see some of the institutions. While the staff work hard and the prisoners themselves do their best to make their own circumstances humane, we have done little to live up to our obligation to the entire principle of education and rehabilitation within the prison system.

While prisons must be secure, they should also be modern places that do not dehumanise prisoners. The building of a new prison at the Thornton Hall site and, hopefully, in north Cork will be a major step in this regard. I look forward to hearing Members' comments on the Bill and to a more detailed debate on Committee Stage and I commend the Bill to the House.

Mr. J. O'Keeffe: Unfortunately, it is quite rare for Members to have an opportunity to have a proper debate on prison conditions and on the Prison Service. That said, Members must confront the stark reality of the current situation, namely, that Ireland's prison system is failing. This system produces a recidivism rate of more than 75%. A recent study by the Institute of Criminology, University College Dublin, showed the shocking reality. One out of four prisoners released from prison in Ireland today will be back behind bars by the end of January next year. Three out of four will be back within four years. In many ways, it is a massive understatement to observe that the prison system is failing.

However, this is not the biggest problem. The main problem is that significant numbers of people are being sent to prison. In 2005, nearly 9,000 people were committed to prison in Ireland. A significant number of such committals involved people who should not be there. Many involved people who committed minor offences that could be dealt with using a wide variety of other sanctions.

I will state my basic position in respect of prisons. There are hardened, serious criminals in our society who must be sent to prison and who

[Mr. J. O'Keeffe.]

must be shown that their activities will not be tolerated. I have no compunction, whether in Government or in Opposition, in authorising or supporting their incarceration, from the perspective of the protection of the public. There are also significant numbers of people being sent to jail for non payment of fines, or debt in some instances, for being drunk and disorderly or misbehaving at an incidental level. Wherever possible, these people should be diverted from the prison system into alternative systems. There is a bounden duty on those of us who are analysing and considering the prison system to make that clear divide. Let us put into prison those who should be there and keep them there are long as is necessary. However, the corollary of that is that we should keep out of prison those who should not be there.

Members will be aware that I recently published the Enforcement of Court Orders Bill 2007 on this subject. This would treat one aspect of this problem by allowing the courts to make attachment of earning or welfare orders to ensure that court-ordered fines were paid, thereby keeping people who might otherwise end up in jail out of the prison system. With modern technology, I believe this approach is now possible. There may have been difficulties with such a system in the past, but by utilising modern technology this system could readily and easily be made work. It would give the benefit of fines being paid by order while simultaneously saving the taxpayer the cost of imprisoning defaulters. It would have the additional benefit of not exposing people, who in most instances are not criminals, to contact with hardened criminals.

Our prisons have been described by many as universities of crime and we must take that seriously. I am advised that in many instances those sent to prison either learn new ways to break the law or pass on old tricks to new inmates. Surely this is another reason we should focus on keeping people who should not be there out of prison. This is particularly true of young offenders. Our young offenders' institutions leave a lot to be desired. In many instances the same methods are applied to juvenile prisoners as are applied to adults. I am not satisfied that adequate efforts are made to rehabilitate young offenders, even though they are at a formative stage in their lives. I do not think there is sufficient political direction, and sufficient resources are not being provided to achieve that outcome. In some cases no incentive is being given to young offenders — children — to mend their ways or change their habits once released.

I am aware of some of the practices that are being handed down in St. Patrick's Institution. I have in my possession a letter from an inmate in St. Patrick's sent to a friend on the outside in 2005; it is stamped and approved by the censor's office. It contains detailed descriptions of how he picks up drugs inside the prison grounds, how he takes Valium within the prison and how he is smoking other illegal substances in his cell. Based on this letter, the greatest sanction he faces for this behaviour is to have the television temporarily removed from his cell. This individual is at the coalface and it is worth quoting parts of this letter. He wrote: "The governor said to me that if I don't pick up hash out in the yard he would let me out in two weeks, but stupid me goes out in the yard and starts picking up. And I went in the next morning to the governor over picking up and he took my telly off me for two weeks." This seems to be common practice. He continues — I will omit some of the more colourful language: "So I'm in my cell for two weeks without a telly ... I am sitting here listening to Bob Marley, flaking out with a nice spliff in me mouth."

He then goes on to describe what he is going to do when released. This is what I mean when I discuss rehabilitation. "I'm in 12 months now and I tell you I won't be robbing cars that's for sure. When I get out I'm going to get a bit of coke and go down to [placename] and sell it. [Two friends] went down one night and made €1,300 on E30 bags." The "E" is presumably a reference to Ecstasy.

Mr. McDowell: It was very decent of him to tell his plans to the censor.

Mr. J. O'Keeffe: That is what intrigued me. It is stamped as having gone through the censor's office. It is interesting as it is a hands-on account of what is happening in St. Patrick's Institution, and even worse is the already clear intent of what he will do when he is released. How can we possibly expect the prison system to work if that is how things are operated?

The example from my letter can probably be multiplied a thousand times for all the inmates that have passed through St. Patrick's. However, it shows what can happen when the most impressionable and vulnerable section of the prison population are being treated — or not treated — like this. How can the Minister expect crime to decrease when this is happening right under the noses of the prison authorities?

What will happen here? I predict that the young man who wrote this letter will be back in prison, but not before he ruins many more young lives with drugs, as he already plans to do, encourages more drug-related crime and contributes further to the criminal and gangland elements that are running amok in this country.

This reinforces the case for looking for new ways to deal with crime. Locking them up and throwing away the key is not the answer in all instances. Of course, there will be some who are beyond rehabilitation and will not respond to schemes or intervention programmes. However, there will be some who will benefit and break the cycle of crime and become functioning members of society.

I have in my possession an e-mail from an ex-prisoner who undertook an education course in prison. He was imprisoned in July 2002 and spent four years in prison. During that time he undertook educational courses and was accepted to Trinity College Dublin. While I know that Members must be careful in dealing with prisoners and ex-prisoners nowadays, he wrote to me because the Department of Education and Science had refused him the grant for going to Trinity owing to his failure to comply with the conditions. That was not unconnected with the fact that he was out of circulation for the previous four years. I am glad to say this problem was overcome.

The second example shows that progress can be made. However, I am concerned that there is not sufficient emphasis on the possible benefits of rehabilitation. Sufficient resources are not put into it and sufficient political will does not exist. Taking the approach of locking people up forever is too simplistic. We should have a more nuanced approach, keeping those out who should not be there and, in so far as we can, putting a huge emphasis on the possibilities of rehabilitation or education for those who would benefit and who would come out of prison better members of society than when they went in, rather than worse as applies at this stage. That is why I put great emphasis on alternatives to prison and on restorative justice and why I recently went to the trouble of producing a major report for the Joint Committee on Justice, Equality, Defence and Women's Rights on the issue. It represents a new approach which, if rolled out nationally, has the possibility, particularly in the cases of young and first time offenders, of ensuring they are answerable for their crimes but do not clog up the prison system or, even worse, go to prison unnecessarily and come out far worse than when they went in.

I will deal with some of the issues arising in the Bill. The Minister will not be surprised that I want to refer to Thornton Hall. The first problem was that the Minister had grand plans for Thornton Hall and for Cork. Despite pressure on prison space he took a number of prisons out of commission, long before these new prisons were much more than a gleam in his eye. That was a foolish approach. It was even worse for the fact that facilities existed at Wheatfield, but there is insufficient emphasis on rehabilitative and other measures to enable them to be used fully and properly. In addition, the Dóchas prison is exceptionally well equipped for those who must be incarcerated but it may be a victim of the overall plan.

Mr. McDowell: Unfortunately, it is too small.

Mr. Howlin: There are too many women in prison.

Mr. J. O'Keeffe: However, it will be gone once the gleam becomes a reality, if it ever does.

The Minister probably sees a gleam in my eye when I mention the €30 million which has gone down the drain on a place worth between €5 million and €6 million, and that is not the only example of the Minister's profligate approach. I warned at the time that access to Thornton Hall was dreadful and that it would not qualify as suitable by any criteria. I gather the Minister has taken his cheque book out again. I am advised, and he might clarify the matter, that further enormous amounts of money have been waved about for adjacent vegetable gardens so that access can be provided to the prison. I would like to know the full picture on that and on the adjoining ground, owned by a well known major company, and whether the figures mentioned to me, which run into millions of euro, are correct. What further taxpayers' money has the Minister quietly spent on securing access to a place that was inaccessible in the context of such a major project?

I am very glad the Minister saw the error of his ways on Cork prison before it went too far. The project on Spike Island was ill-conceived. I can, however, offer comfort to the Minister in regard to Kilworth Camp. Having served with the FCA at the barracks, I believe it has a lot to offer as a prison location. I know the area very well and, subject to more information being made available, I would support the idea of a prison at that location. I have one reservation, however, namely, its distance from Cork city, from where the majority of the prison population will come.

Mr. McDowell: In terms of time it is probably as close as Spike Island.

Mr. J. O'Keeffe: It is even further from west Cork but, thankfully, we are very civilised in west Cork. It is certainly a much better option than Spike Island and proper transport facilities for relatives should solve the problem. I am broadly supportive of the proposal and am very glad the Minister saw the error of his ways in contemplating spending huge sums of money on Spike Island. My continuing reservation about the proposals for Spike Island is that it is currently closed, when it could have filled a short-term gap until the new accommodation came on stream.

I support many aspects of the Bill and will, therefore, support it on Second Stage. I take it the Minister wants to rush the Bill through the Oireachtas so we should be thankful we will not be faced with an onslaught of revisions such as were produced on Committee Stage of the Criminal Justice Bill 2006.

Mr. Howlin: One never knows.

Mr. McDowell: If the Deputy keeps coming up with ideas I might accommodate him.

Mr. J. O'Keeffe: A couple of issues arise in respect of the privatisation of certain prison services. The Tánaiste and Minister for Justice,

[Mr. J. O'Keeffe.]

Equality and Law Reform has made much of his confrontation with the Prison Officers Association and clapped himself on the back for achieving great savings. I wonder would his claims stand up to further scrutiny. I understand the average cost of keeping somebody in prison is approximately €90,000 per year, or €250 per night. Somebody said we could put prisoners up in Ashford Castle for that amount of money and they would not want to leave it to return to a life of crime. International comparisons of costs are quite frightening. The average cost per prisoner per year in the United States of America is approximately €33,000.

Mr. McDowell: The Deputy should take a look at American prisons.

Mr. J. O'Keeffe: In Britain, where I have seen some of the prison accommodation, the figure is €36,000. The Government has not made value for money a great priority and if international comparisons are used in judging the Minister's performance he does not rate highly. The Minister proposes giving future Ministers for Justice, Equality and Law Reform the power of privatisation, to exercise if appropriate. The question arises as to whether it will ever be appropriate from the point of view of value for money. In 2002 a report from the Department of Justice, Equality and Law Reform stated that privatisation of prison services would never save money.

There is so much to say about prisons but so little time in which to say it. We have never had a chance to talk about prisons in the context of penal reform and penal policy in general, but I will touch on a few other items. A number of sections in the Bill deal with prison discipline and the withdrawal of various rights such as remission. We should stand back and examine this issue in the round. The automatic remission of 25% of sentences should be reviewed. It is not that I am against remission, but it should be earned. Our system should be based on a remission of sentence being earned rather than putting prisoners at risk of losing some of their remissions from time to time. If we turn the equation upside down, the onus is on the prisoner to not only be on good behaviour, but to participate in rehabilitative programmes.

In the days before the Curragh Prison closed, there were rehabilitative programmes, particularly in respect of sexual matters, but many people did not go on them because nothing would be earned by way of remission. A two-pronged approach would have greater emphasis on the issue of rehabilitation and make it clear to prisoners that if they want remission, they must engage actively with available rehabilitative services. This may be the way forward.

Regarding issues arising in the Bill, the Minister spoke about the powers of the prison governor and the appeals tribunal. There is a tendency to view the legal profession as the only one that can have something to do with such tribunals. What would a barrister in the Four Courts or a solicitor in the Kerry South constituency of the Minister for Arts, Sport and Tourism, Deputy O'Donoghue, know about prison discipline? If we follow this process, is there a case for using people such as former prison governors, chaplains, doctors or those who have been involved in rehabilitation measures?

Mr. Howlin: Ex-Ministers who might be at a loose end.

Mr. McDowell: That includes Deputy Howlin.

Mr. J. O'Keeffe: There has been so much abuse in this regard that it is time to raise the flag and call a halt. I had occasion to examine carefully one of the Minister's pet projects, the Refugee Appeals Tribunal, and the pets appointed to it. Frankly, the outcome was horrifying. We have had enough of Fianna Fáil and the Progressive Democrats' friends being appointed to positions without qualifications for such appointments other than their close association with the Government parties. I recommend a new approach, that is, reaching beyond the legal profession and friends of the Government parties.

On prison construction and extensions, the Minister has not given an adequate explanation for the powers he has gathered. He is keen to drive the Thornton Hall matter over the line, but the House passed the Planning and Development (Strategic Infrastructure) Act 2006, which deals with projects of importance to the Government by fast-tracking them through special procedures. Why were prisons not included? Would it not have been a better, independent, accountable and transparent way to deal with the matter were the normal process to prove difficult? I ask that the Minister reconsider the issue.

I will take the opportunity to praise someone who has done the country a great service, namely, the current Inspector of Prisons and Places of Detention, the honourable Mr. Justice Dermot Kinlen, a brave and courageous man. I do not always agree with what he says and the Minister does not agree with anything he says. We owe him a debt of gratitude for his bravery and courage in saying and doing what he did during his years of retirement.

Mr. Howlin: Did he say the Minister was a fascist?

Mr. J. O'Keeffe: He is a man of whom the country can be proud. I am not sure that the Minister can be proud of how he treated the inspector or how many of the inspector's reports were, if not buried completely, allowed to gather dust before it suited the Minister to slip them out, not coincidentally at the end of a Dáil session so that any debate on them could be stifled and no

awkward questions could be asked, the type sometimes asked in real democracies.

I welcome that we are to put the position on a statutory basis. On Committee Stage, perhaps we could deal with the issue of the reports not getting a chance to be published at a time when they can be debated properly and fully.

Mr. Howlin: As soon as practicable.

Mr. J. O'Keeffe: On drug testing, the Minister stated that he would end drug-taking in prisons, but we need a separate debate on the issue. I am delighted by the notion in theory. I would love to see no drugs in prison. I do not want to see drugs in the country.

The ordinary people of the country cannot understand how prisoners can get drugs after being locked up in prison. I revert to the letter from the coal face, the inmate in one of our places of detention.

Mr. McDowell: He picked up the hash on the exercise ground of the prison, which shows exactly why we cannot have a prison exercise ground within catapult distance of busy streets.

Mr. Howlin: Could someone else not have picked it up before him?

Mr. J. O'Keeffe: Is there no one else to pick it up?

Mr. Howlin: And watch out.

Mr. J. O'Keeffe: The inmate refers to taking a few "yellows", whatever they are, and smoking a few "J"s while listening to Bob Marley. It is a normal activity in that prison, but the Minister is telling us that he will end drug-taking in prisons. There seems to be a significant gap between theory——

Mr. McDowell: That is why we need to move to Thornton Hall.

Mr. J. O'Keeffe: ——and reality.

An Leas-Cheann Comhairle: The Deputy should conclude.

Mr. J. O'Keeffe: The debate has been a useful opener, but there should be further opportunities for serious and lengthy debate on this matter. Many issues need to be covered. It is in everyone's interest — those put into prisons, those who stay out and society as a whole — to have a considered and working prisons policy, unlike the current policy which is failing society.

Mr. Howlin: I welcome the opportunity to contribute to the debate. The Bill is a welcome departure for the Minister in that he has produced a consolidated Bill instead of taking a Bill that has been hanging around for years, putting it through Second Stage and grafting on chunks on Committee Stage, which has been the normal process followed by the current Minister and his predecessor. It seems to be a departmental *modus operandi*. I say this in the hope that there will be no further grafts on Committee Stage.

As Deputy Jim O'Keeffe stated, the Bill gives us a rare opportunity to discuss prisons and prison policy. It is seldom that we have that opportunity, although the prison system is a critically important and very expensive part of the entire criminal justice system. It is an area many people do not wish to discuss. When I have raised this topic on national radio, the preponderance of telephone calls have shown an attitude that basically does not care what happens behind prison walls, people should be locked up and what happens after that is no one's business. That is fundamentally wrong and we must have this debate. The half hour I have to contribute to this discussion will not fulfil that need but I hope it will generate a broader discussion on prison policy.

2 o'clock

The Bill, as the Minister has indicated, provides for a number of routine things, such as video conferencing of certain non-trial court hearings. That keeps up with technology as outlined in the report of the oversight group chaired by Mrs. Justice Susan Denham which would allow for video conferencing in cases where it is not currently provided for by statute.

It places the office of the Inspector of Prisons on a statutory basis. God knows that is long overdue and it is a pity the personal animosity between the current Minister and——

Mr. McDowell: He is a good friend of mine.

Mr. J. O'Keeffe: The Minister could have fooled me.

Mr. Howlin: I am amazed to hear that considering the war of words that has surrounded his professional, competent role as Inspector of Prisons and the current Minister for Justice, Equality and Law Reform. His long-sought requirement to have the office placed on a statutory basis will finally be fulfilled in this legislation.

The Bill sets out a new regime for the planning provisions for new prisons, something that will require a degree of teasing out and careful examination. I am sorry the Minister is leaving because I have some things to say to him. Perhaps he will have an opportunity to read my contribution subsequently. I share Deputy Jim O'Keeffe's view on the planning process that it should be separate from the line Minister. The notion that a structure to deal with the planning issues would be devised by the line Minister on a case-specific basis should set alarm bells ringing. Planning is a professional, national and integrated job — I say that as a former Minister for the Environment and Local Government. If there is a requirement for specific, strategic, national projects to be dealt

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with in a separate way from run of the mill planning, so be it, but they should not be devised on a case by case basis by the line Minister to suit his or her personal requirements or the pressures of his or her agenda. That is fundamentally wrong.

This Bill will expand the statutory range of prison rules. It does such momentous things as outlawing the bread and water diet, which one would have assumed was done away with some time ago. It applies an appeals mechanism and I share again Deputy Jim O'Keeffe's view of the knee-jerk reaction of the Department of Justice, Equality and Law Reform that if a panel of people is to deal with anything in the criminal justice area, it must be comprised of lawyers. There is no need for that. It should not be the norm that the only people competent to deal with issues such as the appeals board that will be established under this legislation would have to be practising solicitors or barristers. There are other people in the social science area who have the expertise to suit that job, often much more suitable than people who happen to practise law but who may never have practised criminal law and who are entirely unsuitable.

The Bill also allows for the outsourcing of prisoner escort services, a fulfilment of the big stick policy the Minister had. He indicated that 94% of prisoner escorts are carried out by the new State-run scheme he has put in place and I welcome that. I will not resist the enactment of a provision that it could be outsourced but I welcome the notion that an in-house mechanism is working effectively. The experience of outsourcing in Britain has not been good. Some of the security services provided on a commercial basis to the prison service in Britain leave a lot to be desired and in some cases have put the general public at risk, something we must recognise, particularly when moving dangerous or violent prisoners between prisons and courts or any other places. I hope it is simply an enabling provision and that it will not be used by the current Minister or any of his successors.

There are some issues I wish to address in detail. The placing of the Inspector of Prisons on a statutory basis is long overdue. I have no doubt the delay in doing this, which has been requested for years on end, was the result of the ongoing friction between the current inspector, the former distinguished Mr. Justice Kinlen, and the Minister. The public friction and disrespect the Minister showed the inspector is to be regretted. The failure of the Minister to heed the repeated findings and recommendations of Mr. Kinlen caused huge frustration for the inspector and would have driven lesser people out of the job. Not only were the reports he produced buried but when they did come into the public domain, they were not acted upon.

In August, *The Irish Times* used the Freedom of Information Act to gain access to the reports of various prison visiting committees. They painted a very disturbing picture of conditions in Irish prisons. People remember the litany of horror stories about the prison system that dominated the media for some weeks. Concern was expressed by these visiting committees. These were the considered views not of some radical, revolutionary left wing groups but by individuals appointed by the current Fianna Fáil-PD Government or its immediate predecessor and they painted a realistic but disturbing picture of conditions in many of our prisons. Most depressing of all were the conclusions that in some instances conditions were getting worse. They were not part of an historic underspend or aged facilities which were getting worse. It is a shameful situation that these reports lay in the Department of Justice, Equality and Law Reform for 18 months before a freedom of information request from a national newspaper prised them loose and made them public.

In a single week last summer, there were four serious violent attacks in the prisons. Violence occurs regularly in prisons but these were of such moment that they grabbed national headlines. The most shameful of them was the sad murder of Gary Douch. It took place, as we all read at the time, in circumstances that were almost beyond belief. The details read like something that would happen in a backward 19th century country rather than in what purports to be a modern 21st century European republic. The circumstances that surrounded that tragic death brought shame on all those who have responsibility to overview State institutions and a substantial response was required. The Minister indicated he had no antipathy at all to the Inspector of Prisons, Mr. Justice Dermot Kinlen. However, the inspector's reported comments highlight his deep frustration. He stated, "The present attitude [of the Minister] is frightening and fascist". I have never heard words such as these used about a Minister previously. They indicated the frustration of a former distinguished judge following the repeated ignoring of his reports and recommendations on the prison system. It needs to be ensured that humanity reigns in our prisons. The punishment meted out in the name of the State is loss of liberty, as prescribed by law, not degrading conditions that deny basic human rights. The squalor that surrounded the death of Gary Douch was a denial of basic human rights. The squalor in which his last hours were spent beggars belief and it is a cause of shame.

A fundamental review, therefore, is needed of the role of prisons and imprisonment. The Minister published the Fines Bill yesterday and all the national newspapers reported that it would reduce the prison population and provide for the attachment of earnings so that those who are incarcerated for the non-payment of fines would be removed from the system. However, that is the not case. Two fines Bills are promised. The minimalist Bill, which provides for fines to be paid by

instalment, was published yesterday but the Bill dealing with the attachment of earnings and fundamental changes that will reduce the prison population has not been published and we do not know when that will happen.

The Governor of Mountjoy Prison, John Lonergan, has often repeated the view that most of his clients come from a handful of postal districts in Dublin. Is that not a sad testament to the reality that from the time they enter primary school, we can identity who is likely to end up in prison? Similar to the breaking the cycle scheme introduced by the Department of Education and Science, a plan is needed to break the cycle of imprisonment which young people consider to be the norm because they expect to end up in prison and do not fear it, considering it to be a natural progression in their lives.

The facts relating to imprisonment in the State are hugely disquieting. A report published late last year by the UCD institute for criminology, the first of its kind in Ireland, found that more than one quarter of the State's prisoners return to jail within a year of their release. The report found that the vast majority of prisoners are young, unemployed, petty criminals rather than violent or gangster figures. People who pose a threat to the community or who are a menace to their neighbours and are violent or who push drugs on our streets deserve to be locked up but they do not comprise the majority of the prison population. The report highlighted that 56% of prisoners were jailed for minor offences such as fine defaulting and motor offences and the majority serve less than three months. Offences such as fine defaulting clog up more than half of prison places because of the failure to attach earnings and to ensure people who owe a few hundred or thousand euro in fines do not end up in jail.

The report studied 19,955 inmates who had been released from prison. A total of 85% of those imprisoned for defaulting on fines were back in jail within four years. This is frustrating because it is not a cheap option. My colleague, Deputy Jim O'Keeffe, instanced the average cost of keeping a prisoner in jail for a year at €90,000. However, the most recent figures are staggering. The average cost per year per prisoner ranges from €87,700 in Cork Prison, €84,800 in Cloverhill Prison, €75,800 in Limerick Prison and €85,300 in the Midlands Prisons to €100,400 in Mountjoy Prison while 56% of inmates are jailed for non-payment of fines. In addition, the high security prisons are even more expensive. It costs €240,700 per year to keep a prisoner in Portlaoise Prison, which is higher than the salary of a Minister. This is funded by the taxpayer but no cost benefit analysis of this expenditure has been carried out. Is value for money achieved by locking people up for non-payment of fines, particularly when they have lost their liberty? How can the State justify imprisoning a person in Mountjoy Prison at a cost in excess of €100,000 for the non-payment of a few hundred euro in fines?

My Fine Gael colleague referred to his own fines Bill, which would provide for the attachment of earnings or social welfare benefits and the imprisonment only of those who deserve to be there because they are a threat and danger to the community. The UCD survey demonstrated that 7,540 people — 21 people a day — were committed to prison for failure to pay fines in each of the past four years.

With regard to the need to build a new prison, the Minister has designed a unique planning regime and lobbed it into this Bill. A good case has been made for moving Mountjoy Prison, which is a Dickensian institution. The circumstances surrounding the death of Gary Douch last year made harrowing reading. The fact that anybody could be confined in such awful conditions in the prison's basement should ring alarm bells on the need for reform.

Parts of the prison are of good quality, such as the Dóchas Centre, on which a lot of money was spent. The centre is a fine environment to house prisoners but I remind Members that the incarceration of women is a recent development in this country. Until 20 years ago, only a handful of women were ever locked up. Have matters changed so fundamentally that, as the Minister claimed this morning, Dóchas is not big enough? Why are the women being incarcerated? Their cases should be carefully investigated.

While Dóchas may work, nobody would cry salty tears if much of Mountjoy was closed. However, the Minister's approach to the issue was shocking and wrong. According to the accepted popular view, the price paid for Thornton Hall was staggeringly excessive. My Green Party colleague, Deputy Boyle, cited figures for land sales in similar areas of north County Dublin ranging from €19,000 to €34,000 per acre. The price paid for Thornton Hall was €29.9 million, or €200,000 per acre. Deputy Boyle quoted an assessment by an accountant with 40 years of experience in the estate agency business which claimed the price paid for the site, at an estimated eight times the going rate, was grossly above the market price. Whether one accepts the assessment of that accountant or of others who have estimated the price paid as being at least twice the going rate, the State is popularly accepted to have gotten a very poor deal. The Minister, who is a member of a party which prides itself on value for money, low taxation and ensuring the public purse is well-maintained, revealed an extraordinarily lax approach to purchasing land for a major facility. I do not doubt I will have a further opportunity to develop my thoughts on that matter on Committee Stage but I am concerned that the Minister has handcrafted his own process for planning this issue and I would like him to give a few clear answers in his conclusion to this Second Stage debate. He should outline the process and timeframe he envisages for the

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completion of the Thornton Hall project. When will irrevocable decisions be made which could preclude an incoming Government from reviewing the matter from a value for money perspective?

The Bill provides for an expansion to the statutory basis for prison rules. The issue of drugs in prisons was raised by a previous speaker. Last year, the Minister made much play about making our prisons drug free, although the letter read into the record by my Fine Gael colleague reveals that to be almost farcical because drugs are readily available in our prisons. I have no illusion that it will be easy to achieve the objective of keeping prisons drug free or that difficult decisions could be avoided. Other than those thrown over the wall in St. Patrick's or Mountjoy, most drugs are physically passed through intimate contact by wives, girlfriends, partners and other family members. Clearly, the only way to be absolutely certain drugs are not passed in that manner is to restrict intimate contact but I would have the gravest of problems with such an approach because, if people are to be incarcerated for years on end, the notion that they could never touch their children or have intimate contact with their partners is inhumane. However, a regime is needed which allows people to live in a drug free prison environment. I have been contacted by parents who explained that it was impossible for their offspring to avoid contact with drugs in the prison system. Most people are scandalised by that fact. It cannot be acceptable that people who are not drug dependent before entering prison become dependent while incarcerated. The objective will be difficult and challenging to achieve but we must lay out a strategy for doing so.

What is the status of the addiction counselling service? Last year, it was promised that such a service would go to tender. Have those tenders been fulfilled, how many of the 14 prisons and places of detention offer addiction counselling services and to what level are they operating?

I am informed that methadone is only prescribed to people who were taking it before they entered prison. Is it possible for people who want to come off heroin to have access to methadone while in prison?

Is it true that people are incarcerated who have been clinically diagnosed with severe psychiatric illnesses? How many people are awaiting transfer to the Central Mental Hospital or other clinical setting and are in prison because places are not available for them?

What is the current position with regard to young offenders? Last October, the Committee of Public Accounts examined and reported on the detention centre in Lusk. God knows, the cost of detention centres is horrendous, yet the Tánaiste is now flying another kite with regard to incarcerating asylum seekers in detention centres. I hope he puts them in cheaper places than the ones we currently have. In its report, the Committee of Public Accounts found that a unit designed to hold young offenders which cost €4.7 million was unoccupied because of a turf war between the Departments of Justice, Equality and Law Reform and Education and Science. This unit was closed at a time when the courts could not find appropriate places of detention for young offenders. The same report found that maintaining a child in the Finglas Child and Adolescent Centre for one year cost a mind boggling €507,407. Is early intervention to prevent children from following that path not justified on the most basic grounds of cost effectiveness, never mind the humanitarian and societal reasons?

This is a modest Bill which has spent a long time in gestation. I hope the low priority afforded in this Chamber and this country to prison reform will be addressed and that the debate on Committee Stage will improve the appalling conditions identified by the Inspector of Prisons and Places of Detention and the prison visiting committees over many years.

Mr. Cuffe: I wish to share time with Deputies Ó Snodaigh and Cowley.

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

Mr. Cuffe: Ministers and political leaders have a certain attraction to *grands projects*. From Charles Haughey here to Mitterrand in France the large projects seem to concentrate minds. Ceaucescu, the late president of Romania, spent his later years erecting a large palace for himself in the centre of Bucharest. Closer to home the Tánaiste, Deputy McDowell, some five years ago accused the Taoiseach of pursuing Ceaucescu-like projects in the vicinity of the M50. However, I suspect the Tánaiste's political legacy may well be a rather large white elephant on a site ten miles from Dublin at Thornton Hall in Fingal. The people of Romania eventually revolted and threw out Ceaucescu. I suspect within the next few months the Irish people may well be revolted enough to remove the Tánaiste, Deputy McDowell, from office. It is much easier to contemplate the *grands projects* than deal with the very radical reform required in the heart of the Prison Service. While the Bill contains some commendable sections, it does not go far enough to address the reforms required.

I am very concerned about the Bill's reference to the planning process required for the erection of and works to prisons. The Tánaiste makes provision to circumvent completely the normal planning procedure for major infrastructural projects. While this part of the Bill proposes to establish a public consultation process for the construction of new prisons and places of detention with the idea of a *rapporteur* to take submissions, the *rapporteur* reports back to the Minister who may or may not amend the plans for the project on the basis of the report. How dare the Tánaiste com-

pletely circumvent the planning process in order to build these places of detention? Whether it is dealing with the protected structures on the Mountjoy site or the archaeology in Fingal at Thornton Hall, I am deeply alarmed that the Tánaiste is simply avoiding the normal planning process in order to deliver projects. That is not good enough and is a negation of the public's right to have an input. It is a retrograde step that was first taken with legislation in the early 1990s and is perpetuated in this Bill. It is not the right way to do it.

There is no role for An Bord Pleanála as is the norm in the planning process for large infrastructure projects. Does the Tánaiste feel his work is somehow above that of his Cabinet colleagues? Why does he feel it is appropriate to single himself out for different treatment from his colleagues in Cabinet? I ask that in a rhetorical sense.

Aengus Ó Snodaigh: The Deputy should remember Roscommon County Council.

Mr. Cuffe: In addition to that, the Tánaiste sees himself as a man quite apart from his Cabinet colleagues and in some respects he is. There is no guarantee the Minister for Justice, Equality and Law Reform would amend the plans for a prison development on foot of the submissions made to the *rapporteur*. What surety does the public have that their concerns will be taken on board? This is an example of the Tánaiste paying lip service to democracy and public consultation. I hope the Tánaiste will limit himself with this tendency.

An independent body such as An Bord Pleanála needs to have a central role in such a process. It is not acceptable for the Minister for Justice, Equality and Law Reform to be judge and jury on such important and potentially controversial matters. It is also worth nothing that this part of the Bill neatly complements the Tánaiste's self-professed desire to building holding pens where certain asylum seekers are to be placed while they await the processing of their applications. The Tánaiste should concentrate his efforts on improving the lot of asylum seekers rather than imprisoning them. There is a resonance with internment that was used on this island within living memory. I am concerned the Tánaiste may be applying the same principle to asylum seekers. Perhaps, as Deputy Howlin pointed out, he was just flying a kite. I suspect there is a lot of that around. However, it is a dangerous kite to fly.

Part 5 of the Bill provides for the establishment of an Office of Inspector of Prisons on a statutory basis, on which matter the Green Party has been pressing the Tánaiste to act for some time and we welcome it. However, I have a number of concerns. For instance, Part 5 refers only to the Inspector of Prisons and makes no reference to an Office of the Inspector of Prisons. Will the inspector have the right to establish an office and hire staff to carry out his or her duties in an efficient and professional manner? The existing inspector has been dealt with in a very demeaning way. It is clear from his reports that there have been difficulties in establishing secretarial support and in simply getting the kind of support an inspector of drains would have had 20 years ago. We need to move further in this regard.

It is disappointing the Bill does not allow the inspector of prisons to publish his or her reports independently. In the recent past the Tánaiste has delayed the publication of the reports of the inspector for months if not years. He seems to have a penchant for publishing the reports on the day or the day after the Dáil goes into long periods of recess, which is unacceptable. The information in these reports is of great importance and should be made available to the general public without delays. It should not be at the discretion of the Minister to publish these reports. The Tánaiste has a terrible tendency to concentrate power on his desk and have the last say. If he does not like the contents of a report he simply suppresses or delays its publication. This is not good and we need to address the matter.

It is disappointing that the scope of this part of the Bill falls short of international norms. In most developed nations prison inspection takes a two-pronged approach. Firstly an inspector of prisons is responsible for the inspection of the prison system and the condition within individual prisons and places of detention. Secondly, an ombudsman for prisons is responsible for dealing with individual complaints from prisoners, which is crucial. We get a drip feed of the Inspector of Prisons' report. It is heartbreaking to read in the annual report by the inspector and in the individual prison reports the anecdotes of individual prisoners and how they were treated. It is through a Victorian type reporting that we get to ascertain what is going on in our prisons.

The legislation makes no provision for an ombudsman for prisons and the Inspector of Prisons is prohibited from dealing with such cases. Prisoners should be facilitated in making complaints of ill treatment to an impartial independent body. This is how the world is going and I hope the Tánaiste will take a deep breath and follow. It is not adequate that the official dealing with complaints from prisoners is himself or herself a colleague of the person against whom the complaint is being made. It is a basic principle of human rights and one that I hope the Minister will uphold.

I wish to mention prisoner escorts. I am the first to acknowledge that substantial reforms are required within the staffing and method of operation of our prisons. In many cases the Tánaiste must face up to prison officers and get them to bring their work practices into the 21st century. There is no comparison between the costing and staffing level of the Irish Prison Service and those of the United Kingdom. This raises a large question over how prison officers go about their job.

[Mr. Cuffe.]

If the Minister wanted to be radical, he would deal with the demarcation within the Prison Service and its sometimes dinosaur-like work practices and reform the way prison officers do their business. Instead, he is stepping aside and talking about privatisation. That is not the right way to go.

Unions and workers have a duty to face up to reform of work practices within the prison system. If they do not, the Minister will sweep them aside and more and more of their work will be privatised. We need to send out a clear signal that reform is necessary if the State is to carry out its work. If we want to prevent the Minister pursuing his own ideology, staff must reform their work practices and work better and more efficiently.

Aengus Ó Snodaigh: Fáiltím roimh an deis labhairt faoin tslí a bhfuil an córas príosúnachta á reachtáil sa tír seo. Tá roinnt rudaí sa Bhille seo a gcuirimid fáilte éigin rompu, ach den chuid is mó, ní hé seo an treo ar chóir dúinn a bheith ag dul sa tír seo faoi láthair. Is é a mhalairt de threo ar chóir dúinn a bheith ag dul.

The prison system is an absolute failure. If it was successful, the rate of recidivism would be lower. There would not be the over-incarceration to which every report and comparison to other jurisdictions has pointed. The system would focus on rehabilitation, training and preparation for the reintegration of those who must serve a prison sentence. Many who might end up re-offending are not open to rehabilitation or training but there are others for whom this is the only opportunity to receive training from the State which has a duty to invest properly in ensuring that people who have been disadvantaged and have ended up on the wrong side of the law do not end up there again. The prison system, however, has failed miserably. Instead of increasing the number of prison places, we should be holding them at the current level. If we were successfully addressing recidivism and over-incarceration, we would be happy to see empty cells. That is not the case and we should examine why.

I have problems with major parts of this Bill, especially in respect of the privatisation of the prison escort services. If the Government introduces a profit element to the Prison Service, it will end up spending more money as has happened in other jurisdictions. This is not a cost-effective measure and it is dangerous. Independent contractors exist to make profits and will drop standards to do so. That is the experience in other jurisdictions where prison escort services have been privatised. The Minister seems to be hell bent on this and is not heeding the evidence.

In Canada, a five-year pilot study commenced in 2001 to determine whether there was any benefit in privatising the operation of prisons. Two identical prisons, one run by the private sector and the other by the public sector, were examined. The study concluded that the public sector prison performed better in key areas, such as health care because the state has a duty of care to those held in prisons. The public sector prison also performed better in reducing re-offending because its purpose was to ensure that people were rehabilitated and played a proper role in society. Crucially, it did better too in security. The Canadian authorities made an evidence-based decision to take the private prison back into public hands.

I appeal to the Minister not to go down the route of privatising any of the services associated with prison, such as prison escort services. He has stated that "it is not intended" to outsource prison escort services in the foreseeable future. He used exactly the same wording when I discussed the Garda reserve with him at a committee in 2005. A year later we have a Garda reserve. Whatever he includes he intends to use.

Other issues are inadequately addressed, such as prison discipline and the inspector of prisons. There is a high level of suicide and attempted suicide in prisons. Deputy Howlin mentioned the gruesome killing of Gary Douch in a holding cell in Mountjoy last year. The establishment of an independent ombudsman for prisoners is long overdue. We should ensure that this House does not pass this legislation unless that is in place.

The Jesuit Centre for Faith and Justice has proposed several amendments which would tighten up this area. I appeal to the Minister to consider them on Committee Stage and to ensure that its points and others are taken on board. I agree with much in these amendments. Prison officers are in a different category from prisoners. They have more power over prisoners than perhaps should be the case. Prisoners are reluctant to take cases or make complaints against individual prison officers because the officer may be dealing with the prisoner the next day which can lead to victimisation. We need to ensure that if prisoners make complaints, they are protected. I will argue some of these points on Committee Stage and I hope the Minister is open to taking reasonable amendments on board.

Expenditure on Thornton Hall has not been fully thought out. The Minister is wasting money in north county Dublin. My information is that the other landholders in the area from whom the State will have to buy land are demanding the inflated land figures the State paid, €200,000 per acre. New roads and other services will have to go into the prison and the State will have to purchase land to facilitate the Minister's foolish big dream for Thornton Hall. The questions about the purchase of that site have not been answered. The deal stinks to high heaven. In future, I and others who have raised questions about the deal and the land sale will be proved correct. If new prisons are to be built, we must ensure we obtain the best possible value for money. The Minister is viewing lands in Cork but he should not go down the same road he took in respect of

Thornton Hall. There is a great deal of land in State ownership that would be suitable for such purposes. I cannot understand why the Minister has not given proper consideration to upgrading Spike Island and building a new facility there.

There are other matters about which I am concerned, particularly areas in respect of which the Minister has not learned from international research and best practice in other jurisdictions. The first of these relates to mandatory drug testing. When such testing was introduced in other jurisdictions, particularly Scotland, it was discovered that a confrontational relationship developed between staff and prisoners. The latter were actually discouraged from taking part in drug treatment programmes. Mandatory testing has encouraged those who smoked heroin in the past to inject it instead because they can thereby avoid the detection of their drug use via urine screening. This means that the risk of hepatitis C and HIV being transmitted throughout the prison population increases.

There is a great deal more I could say but, unfortunately, I do not have the time to do so. However, I will raise on Committee Stage the points of interest to me. I object to the Bill. It is a pity it is not more enlightened and that it does not engage in proper consideration of how the justice system should operate.

Dr. Cowley: I am fortunate in that I did not have an idea what the inside of a prison looked like until the Rossport Five were jailed for 94 days. I visited the men in question on many occasions and, therefore, had an opportunity to witness prison conditions at first hand. The Rossport Five are older men and while in prison their younger counterparts inquired if they would teach them how to read. Apparently, many of their fellow prisoners could not read or write. As Deputy Ó Snodaigh stated, we must focus on keeping people out of prison or, if they are sent there, ensuring that they do not return.

One of the issues that arises in the context of the Bill is overcrowding. Anything that would alleviate the inhuman overcrowding in our prisons would be welcome. Another issue is that prisoners attending court often cannot hear or understand what judges are saying. It appears that the amplification equipment provided is not being used by judges. A third issue relates to the fact that the number of people in prison who suffer with psychiatric illnesses is extremely high. We must ensure that proper detection mechanisms are put in place in this regard and that people receive the treatment they require.

We must consider the effect of alcohol and drugs in this area. Alcohol is, of course, the most common drug of abuse. I welcome the publication of a drug policy and strategy for the Irish Prison Service. However, Ireland, as a nation, has a major problem regarding the abuse of alcohol. For example, Guinness sponsors the All-Ireland hurling final, Heineken and Amstel sponsor the European Rugby Cup and the UEFA Champions League, respectively, and the biggest cheer when the Ryder Cup was held at the K Club occurred when Darren Clarke drank a pint of Guinness. If one visits the District Court, one will come across cases involving drink driving, assault and many other crimes performed under the influence of alcohol. Sadly, the events of such cases are detailed and catalogued to serve as light entertainment in many local newspapers but for many of those involved they represent personal tragedies.

Many sexual assaults, including those perpetrated against children, occur under the influence of alcohol. Many incidents of domestic violence also involve alcohol. If Members doubt this to be the case and if they can find one, they should visit an emergency refuge centre for women. Alcohol is an influence in many murders, manslaughter and rape cases that come before the courts. Of the male prisoners convicted of homicide in British prisons, 38% were described as being drunk at the time of the crime. This compares to 14% who indicated that they were using illegal drugs when they committed murder.

Families throughout the country have been blighted by alcohol for generations. Such families are often dysfunctional and the children in them grow up to suffer what is sometimes referred to as adult children of alcoholics syndrome. Several characteristics are common in adults who have been brought up in families such as those to which I refer. These individuals experience feelings of isolation, are uneasy with authority figures etc. Many become alcoholics and history repeats itself. They often marry alcoholics and develop compulsive personalities. The Barnardos slogan "Every childhood lasts a lifetime" is well coined.

In recent years drugs have compounded and accelerated our problems. Heroin has devastated disadvantaged communities in Dublin. It is estimated that 15,000 people in Dublin are addicted to heroin but the State provides only 20 residential detox beds throughout the entire country. It can take up to 12 months for a chaotic addict to get on a methadone programme that will stabilise them. During this period, he or she will be obliged to commit two or three crimes per day to feed his or her habit. Drugs such as heroin and cocaine are available to people in every walk of life and section of society throughout the country.

The addicts to whom I refer are ordinary people — sons and daughters and mothers and fathers. Many of them are no more than children but have children themselves. In addition, many of them grew up in alcoholic homes. Society has often written them off because they do not, in the main, come from middle class backgrounds and do not, therefore, seem to count. To fund their addictions, many engage in crime, particularly shoplifting. What do we do with the people to whom I refer? We place them in the dustbin that has become our prison system at a cost of over

[Dr. Cowley.]

€1,600 per week. They are then released to re-enter the crime-drug addiction cycle.

The criminal justice system is full of alcoholics and drug addicts. The only winners within it are criminal justice professionals, namely, lawyers who make lotto-like salaries from a process that does not make society any safer.

When alcohol was prohibited in the US in the early part of the last century, there was violence, extortion, protection, murder and turf wars. However, people across the classes continued to drink. When alcohol was legalised again, many of the associated unsavoury aspects disappeared but it continued to inflict misery and grief on those who could not handle it. The US Government of the day had the sense to realise that prohibition was a failure.

In 2003, the director of the Merchant's Quay project pointed out that there were only 20 residential drug addiction treatment beds in the country. When one considers that 6,000 people were on methadone maintenance in 2001, compared to 400 in 1995, one has all the proof one needs regarding the growth and spread of heroin abuse.

The prohibitionist mentality has left us hamstrung. The figure of 20 beds for addicts is embarrassing when one considers the emphasis that is placed on creating more prison spaces. With prison, all we do is encourage judges to lock up more people and thus create even further overcrowding in the system. When that happens, there are too many people in spaces that are too small. These individuals have no meaningful work or education and this creates further sites for drug abuse.

In the past, wars were fought over drugs. For example, Britain and China fought two wars in this regard known as the "Opium Wars". In essence, the British wished to trade opium from India to China. The Chinese resisted and war was declared. The trade only ceased when the Chinese were able to make enough opium internally and thereby make it uneconomical for Britain to continue its trade. Up to 1868, one could buy morphine and opium in general stores in Britain. The Pharmacy Act 1868 put a stop to this and gave dispensing powers to pharmacists.

Matters were not, therefore, always as they are today. Everyone knows the dangers of drugs but the problem persists because those who matter and who can do something about it are caught in a straitjacket, culturally and politically. It is a safe assumption to state that the availability of drugs is at an all-time high or close to it. We can also safely say that there is an acceptance of drug-taking among the younger generation and that none of the social stigma members of the older generation might attach to such activity obtains.

Owing to the fact that many of those who can take action are one-dimensional in their approach, the drug problem is merely that, a problem. It is politically expedient for some to sit tight on the fence and wring their hands or call for more severe action to be taken. No one loses votes for stating that drug pushers should be locked up or that drugs are evil. However, the people who live cheek by jowl with this problem and its fall-out on a daily basis expect a little more lateral thinking from their political masters.

The provision of more treatment beds, employment opportunities, green spaces, proper recreational areas and open educational opportunities would help to alleviate some of the difficulties in this area. It is the responsibility of the powers that be to try to introduce pilot schemes such as those involving needle exchanges and safe places for addicts to inject. Such schemes are, however, merely cosmetic in nature. What we need are people who will break the mould and take chances, even though they know that fall-out will occur. However, anything would be better than the situation that currently obtains.

Many political parties are using or proposing failed policies from the UK and the USA in particular. While the experts know what works and does not, many politicians, like others before them in the UK, believe that policies, known to work, cannot be sold to the public. Instead, a tabloid approach is taken of populist soundbites such as "Prison Works", "Zero Tolerance" or "Just Say No". A new approach based on the five pillars is needed. We need to be brave in our approach, thinking outside the box.

3 o'clock

Mr. Andrews: I believe the Tánaiste and Minister for Justice, Equality and Law Reform will say the Opposition is all over the place on this issue. Over the past 12 months much has been said about mandatory sentencing, boot camps and banning hoodies. There have been stark calls for law and order and the hang 'em and flog 'em, throw-away-the-key approach. In a matter such as the Prisons Bill, the key element is rehabilitation. Mandatory sentencing is antithetical to rehabilitation; they run contrary to each other. Recidivism is almost guaranteed if an offender is not offered the possibility of early or temporary release, rehabilitation or non-custodial sentences are removed or judges are not allowed the discretion to deal with cases.

Aengus Ó Snodaigh: The Deputy should tell that to the Tánaiste.

Mr. Andrews: I am telling that to Deputy Ó Snodaigh. He should be more coherent in the points he is making. It is all very well making different speeches that seem to draw on mutually exclusive and contradictory principles.

Aengus Ó Snodaigh: I have not called for the introduction of mandatory sentencing at any stage.

An Ceann Comhairle: Allow Deputy Andrews to continue without interruption.

Aengus Ó Snodaigh: He is addressing me.

Mr. Andrews: If the Deputy were consistent, some progress might be made.

Aengus Ó Snodaigh: I have been consistent.

Mr. Andrews: We will not fall out over it then.

An Ceann Comhairle: I ask Deputy Ó Snodaigh to allow Deputy Andrews to continue without interruption.

Aengus Ó Snodaigh: He is referring to——

An Ceann Comhairle: Sorry Deputy Ó Snodaigh, but you started the interruptions. I ask you to desist from further doing so.

Mr. Andrews: I was interrupted by Deputy Ó Snodaigh so I had to react.

I agree with Deputies Howlin and Ó Snodaigh, drawing on the work of UCD's institute of criminology, that there is much recidivism and more work must be done on it. A statutory framework to deal with rehabilitation must be examined.

Ireland has one of the lowest rates of imprisonment in western Europe, a fact that is lost in many of the arguments. It also has one of the lowest rates of crime. By European standards, our prison capacity is at an average rate. That does not mean we should not be moving along towards issues on rehabilitation.

Finding a job is one of the hardest tasks for prisoners when they leave jail, as they must admit to a criminal record if asked by a prospective employer. Attempts have been made to deal with this in Ireland, to a small extent in the Children's Act, and in the UK with the Rehabilitation of Offenders Act. Passed in 1974, at the time it caused much controversy but it allowed ex-offenders to treat their convictions as spent after a set period. As a result, the theory goes, ex-offenders have a better chance of finding work. After the set period, former offenders, if asked by prospective employers if they had a criminal record, could answer "no", effectively permitting them in law to lie.

While I believe the UK legislation is overly-complicated and the rehabilitation period is somewhat short, its advantage is that it only applies to minor offences. A serious offence, under no circumstances, would attract the benefits of the Act. A former offender, who has served a period of detention greater than two and a half years, is not allowed to enjoy the benefit of the Act because the authorities have a serious interest in the employment of that former offender. It excludes certain areas of employment from the operation of the Act, for example, employment where an offender may come in contact with children or vulnerable adults.

In Dún Laoghaire, I have encountered cases of individuals applying for visas to the US. Although, they received a fine for shoplifting as far back as, say, 1972, they must admit they have a criminal record to the US authorities and are, therefore, denied a visa. Some appeal structure in the consular services should be examined.

The 2001 Children's Act allows for spent convictions after three years. This runs from the time of the offence, unlike in the UK where the period of rehabilitation runs after the sentence is completed. For a 17 year old who receives a sentence of four years, the period of rehabilitation can be spent before he or she even leaves prison. This is not sensible.

The Law Reform Commission published a consultation paper on the court poor box system which included an analysis of the legislation. It made no recommendations on the rehabilitation of offenders. Nevertheless, there is some activity on this issue on the Government side. The Department of Justice, Equality and Law Reform established the linkage scheme in 1999. Under this system, 273 offenders were placed in employment in 2003. It is wrong to suggest the Government is not addressing the issue of employment for ex-offenders. The linkage system is operating successfully but I believe we need to go further on it. More than half the people released from the prison system will be back in it within four years, a failure of our criminal justice system.

Some Members, particularly before a general election, will talk about vengeance and throwing away the key, talking tough before the electorate. They forget the system is about getting offenders to rehabilitate, deterring re-offending and public safety. If a person has made a sincere attempt to live down a sentence, then he or she should be allowed every opportunity to restore his or her good name and be rehabilitated.

Through a Private Member's Bill, I will propose that a former offender, with a sentence of less than six years, should have to serve a period of ten years rehabilitation before applying, on notice to the victim and Garda, to have the sentence expunged. Similarly, for a former offender who served a sentence of six months to two and a half years, the period of rehabilitation would be 15 years. It would be a way for those with indiscretions in their youth to restore themselves in society. It would be a goal for them to work towards during the course of their rehabilitation.

I accept some serious exceptions arise in such a proposal. The process could not apply to serious offenders, such as sex offenders and those convicted of aggravated assault. In the UK, the respective rehabilitation periods are shorter, five and seven years respectively. However, I would prefer to see our system in operation before any shortening of the periods is considered. Another issue that arises, and Sinn Féin Members have raised it, is the question of former paramilitaries. Should paramilitaries sentenced for offences be entitled to restore their good names, so to speak,

[Mr. Andrews.]

and enjoy the benefit of this proposed scheme? It is integral to the Belfast Agreement that we attempt to normalise society North and South. Such a scheme would be useful in this regard in so far as offences are of a minor nature. Conviction for membership of the IRA attracted long sentences in the 1970s and 1980s and such ex-prisoners would not be eligible to apply for the scheme. It is potentially useful in the context of the ongoing peace process.

There is significant support for an increased use of fines to keep people out of prison. Although fines are useful, the statistics indicate that 85% of fine defaulters are back in prison within four years. This is a far higher recidivist rate than that applying to other comparative groups of prisoners. The imposition of fines is a useful alternative to custodial sentences but it will not keep people out of prison. I support Opposition proposals for a scheme of attachment of earnings to replace the standard fine. It is important this is part of any fines legislation.

In the advent of a general election, there is generally much debate about crime. Such debate is generally focused on electioneering and the participants are usually concerned with looking tough on crime and punishment. Some parties have engaged in scaremongering in an attempt to court popular approval. Such activity feeds into people's fear of crime which may, in some cases, be irrational. Crime rates have decreased in the last ten years per head of population. This State is one of the safest places to live in western Europe.

It seems that everywhere we go, however, we are faced with posters and advertisements, including some I saw in Donnybrook today, that feed into this spiral of fear and increase people's anxieties about crime. It is not crime that is the greatest problem but the fear of crime. We must be responsible in our discussion of these issues because our words may cause some people to feel less safe in their homes. We do not want people to experience a level of fear that goes beyond natural caution. Once politicisation enters the debate on crime, the usefulness of that debate is reduced. The reality is that major improvements have been made and that we were operating from a low base of criminal activity.

I am not a supporter of mandatory sentences. Such sentences apply to drug related crime but are often not applied because, for example, the defendant pleads guilty, thus saving the State the cost of a lengthy trial and the victim the ordeal of giving evidence in court. The mandatory sentence may not be applied because the judge is of the view there is absolutely no chance the perpetrators will be able to rehabilitate themselves in prison. Each case is different and should be treated on its merits. It is completely wrong to prejudge; the facts and circumstances of each case are different. We must have confidence in the judicial system and the criminal justice system in general that these matters will be dealt with as fairly as possible.

There has been much debate recently on crime reporting. There is no doubt that some media commentary tends to stoke up fear. We must caution people in the media against being overreactive to instances of crime. The media have a responsibility not to be governed by anecdote but rather to take account of comprehensive evidence to indicate the broader patterns that apply.

We need policies that break the cycle of imprisonment. Our prisons must have adequate facilities and resources to help people move away from a life of crime. The replacement of Mountjoy Prison cannot happen soon enough. It is an inappropriate environment for the provision of the types of services that should be available in a civilised society. Prison is not all about society's vengeance; rehabilitation is equally important. I support this Bill.

Mr. G. Murphy: There is no doubt that legislation on prisons is necessary if not long overdue. This debate affords us a chance to examine the antiquated physical structures of our prisons and, more importantly, it allows us to examine why our prison system is failing the inmate and, consequently, his or her community. Despite spending tens of millions of euro of taxpayers' money in incarcerating criminals, out system does little to prevent former inmates from re-offending. There is considerable evidence that prisoners add to the nation's lawlessness when released.

There is, moreover, great validity in the claim that our prisons are institutions where relatively petty criminals are educated in the art of more serious crime. A study undertaken by the Institute of Criminology at UCD showed that of 20,000 prisoners, more than a quarter find themselves back in prison within 12 months. Half of them return to prison within four years. This study outlines the stark reality that detention is producing rather than deterring future generations of criminals. It is an official indictment of the State's failure to run the Prison Service in a way that prevents the same people committing crimes in the future.

Prison must be a place of punishment for crimes committed but inmates must also be treated in a way that prevents them committing more serious crimes in the future. Taxpayers provide at least €90,000 per annum to detain each prisoner. This is a damn expensive punishment if all the system achieves is to train inmates to commit an even more serious offence when they are released. The strikingly high rate of re-offending exposes the devastating impact of poverty and social and economic disadvantage in contributing to a cycle of crime and violence. The vast majority of re-offenders are under 30 years of age, male, single and unemployed.

One would reasonably expect that these re-offending rates should have a major impact on anti-crime policies, particularly those relating to

juvenile offenders. It is clear that young people exposed to prison life even for a short time can get locked into a cycle that destroys their own lives and increases the threat to communities on their release. This Bill will not solve this problem. Keeping young people out of prison in the first instance is the best long-term way of protecting the community while also providing a major cost benefit to the taxpayer. The Government's propaganda that extra prison places will help to reduce crime rates is nonsense. Twelve years ago, the then Fianna Fáil spokesman on justice promised zero tolerance of crime through penalties and more prison places. However, after ten years of this Government, crime rates are soaring despite what is being claimed. After 12 years talking about it and ten years in power, it has come to the conclusion that our prison system needs upgrading and new approaches, yet it has not learned the lesson that prison must always be the last resort, particularly for young offenders. Aside from humanitarian considerations and that most of the offenders come from a social and economic background which the Government, with its individualistic, selfish policies, has propagated, from a purely effective point of view, one lessens crime by limiting, in particular, the number of young people one sends to prison.

One lessens crime by putting in place training and education facilities in prisons for those who must be incarcerated and by spending on release at least a proportion of the €90,000 per annum it costs to keep a person in prison on the young person by providing the proper backup and assistance to help him or her reintegrate into society. We need high security, strict regime prisons for murderers, sex offenders and drug dealers but we do not need them to pass on their evil skills to young offenders who are jailed with them. As a consequence, these young people mirror their offences in the future.

The Government, when in Opposition 12 years ago, kept telling us about the serious crime problems. It is now ten years in office and crime rates continue to rise. We constantly listen to rhetoric from the Government but it still does not seem to have learned the lesson. It has failed to realise that more prison places is not the answer. Deputy Costello, the former Labour Party justice spokesman, produced an excellent paper on community policing. More recently, Deputy Jim O'Keeffe introduced a restorative justice paper. However, the Minister keeps on with the same old jargon while crime rates continue to rise.

Let us look at our prisons after ten years of this Government — ten years in which lack of funding could not be used as an excuse. The inspector of prisons, in his most recent report, said St. Patrick's Institution was a finishing school for bullies and rookie criminals, that Portlaoise — the top security prison — should be demolished and that Cork Prison is totally overcrowded. There are serious concerns that the State could be sued over conditions which exist in our prisons. This has been referred to already but despite the Minister's recent attempts to discredit the inspector of prisons, the fact is that visiting committees to all the prisons concur in almost all cases with the views of the inspector. Visiting committees have commented that overcrowding is a major problem at Castlerea and that Cloverhill Prison is lacking an education unit. If one goes through the list of prisons, one will see a list of criticisms both from the inspector and the visiting committees.

As stated by Senator Cummins in the Seanad, Fine Gael will not object to the provision of a modern and humane prison service. Fine Gael generally has no problem with the sections which deal with videoing conferencing of certain court hearings; the placing of the office of the inspector of prisons on a statutory basis, which we welcome; matters to be included in the prison rules, including provision for mandatory drug testing; creating a basis in legislation for revised disciplinary procedures, including an appeals process; the exclusion of non-commercial work from the national minimum wage; or creating a statutory basis for charging prisoners for certain optional services.

Considering that free telephone calls cost the taxpayer over €0.5 million last year, it is time this Government, after ten years in office, stopped this waste of taxpayers' money. However, in the context of this Government, this sum of money seems small. One Minister referred to it as peanuts. I agree it is quite small compared to the tens of millions of euro the Government has wasted on other projects. However, that money could be better spent on prisoners after they have been released from prison to try to ensure they get the proper backup and are facilitated to get back into work to ensure the vicious cycle which has been created by neglect over many years is stopped and that they are helped in such a way that they will not be back in prison in a number of years.

We have serious reservations about the privatisation of the prisoner escort service. From reading the Bill, I am not sure I fully understand what the Minister intends. However, I genuinely believe it is the nature of private business to cut costs to improve profits. I understand the Minister will appoint a designated prison custody officer in a security company and it would be his or her responsibility to ensure standards are met within that organisation. I assume this officer or company will use its regular staff to do the actual work. There is no mention of what qualifications or experience these people will have. The use of private operators will necessarily compromise on quality and service. The shortfall in the quality of service and professionalism provided by a private firm compared to a State operator will result in decreasing security. Private staff may not have the required training and the State may leave itself open to accusations of human rights violations.

[Mr. G. Murphy.]

However, if the Minister insists that every person dealing with prisoners is a qualified designated prison custody officer and has proper mechanisms in place to oversee the process, then he is in danger of making the service more expensive for the taxpayer than the current system. As has been pointed out by others, because of the nature of some of the criminals, gardaí would also have to be involved, further increasing the cost to the taxpayer.

The Minister's assurance that he would not avail of powers under this section as long as the Prison Service provides a reasonable economic means of transporting prisoners can be taken with a grain of salt. He gave a similar assurance to Garda Síochána representative bodies during the course of the Garda Síochána Bill when he said he could not foresee any circumstance which would make it necessary to set up a Garda reserve force during his term as Minister. Fine Gael had no problem with him using that section to set up the force but we would have a problem if he used this section in the Prisons Bill to privatise the escort services.

We have some serious reservations about Part 4 which deals with the lack of planning arrangements for the construction and extension of prisons. The normal planning process will not apply and any questioning of a decision can only be done by seeking a judicial review. As such a review only examine a decision to see if procedures have been properly followed, there is no opportunity to go through what we regard as a real planning process. We appreciate the building and extension of prisons can be a difficult problem and see no reason the Minister should go beyond the recent planning Act for major infrastructural projects where the local authorities still have a consultative role and An Bord Pleanála continues to play a central role ensuring a proper planning process is conducted.

Debate adjourned.

Ceisteanna — Questions.

Priority Questions.

Defence Forces Equipment.

1. **Mr. Timmins** asked the Minister for Defence the radar capability of the Defence Forces; and if he will make a statement on the matter. [3317/07]

Minister for Defence (Mr. O'Dea): The Defence Forces has a radar capability used for national security and aid to the civil power operations.

The main radar capability of the Defence Forces is the Flycatcher radar system. This equipment was procured in 2002 from the Dutch armed forces. It is used to carry out the target acquisition and fire control of the Bofors EL70 40 mm air defence guns. Each radar unit is capable of controlling three guns and its purpose is to provide an effective defence against airborne threats flying at low and very low level. The system has an operational range of up to 20 km. A crew of two or three operates the system. The complete radar weighs about 6,000 kg and is carried on a two axle trailer. There are eight of these radars in service with the Defence Forces. The system is normally deployed for VIP visits, transits and summits.

The other main radar capability is the Giraffe G40 radar. The Defence Forces have one system in service. This equipment was procured new from Ericssons of Sweden in 1986. It is used to exercise command and control over RBS 70 surface to air missile firing units when deployed. It has an operational surveillance range of up to 40 km and an altitude ceiling of 15 km. It can be used to exercise command and control on up to nine RBS 70 missile firing units. The equipment has a crew of four — commander, radar operator and two operators — and is mounted on a 6X6 MAN truck. It is deployed regularly for VIP visits-transits and summits.

The Defence Forces also operate the AMSTAR ground surveillance radar. This is a man portable system used mainly by artillery observers for target acquisition and tracking. It is capable of detecting vehicles, depending on type, at ranges of 12 km to 35 km, helicopters at ranges of 10 km to 18 km and infantry at 7 km to 12 km. It has been deployed on peace support operations in UNMIL. There are eight of these radars in service with the Defence Forces.

The radar assets available to the Defence Forces are related to the level of threat and are considered by the military authorities to be appropriate and adequate in this regard.

Mr. Timmins: I thank the Minister for his reply. It appears from his response that the radar capability of the Defence Forces is limited and mainly involves the anti-aircraft section of the artillery corps. It appears to me that the radar capability of detecting a terrorist threat, the importation of illegal drugs or any illegal activity is limited.

I accept that some of these matters may come within the remit of the Minister for Transport rather than the Minister for Defence and I do not seek to elicit information from the Minister which he does not have. However, in his capacity as chairman of the national emergency planning group, can he confirm that we have a secondary radar system which can, on occasion, revert to being a primary radar system? This secondary radar system can only identify an aircraft which has a transponder on board. If the pilot of an aircraft entering Ireland deactivates the transponder the aircraft cannot be detected. Furthermore, some small aircraft may not be required to have

such a transponder. In his capacity as chairman of the national emergency planning group, will the Minister examine the possibility of acquiring a primary radar system for the Defence Forces?

Mr. O'Dea: Like all small countries and many large ones, we have limited air defence capability. It has been the experience of large military powers, such as the United States which spends billions of dollars on air space protection systems, that these systems do not give an absolute guarantee of security. Israel is also incurring huge expenditure on air defence but, as was shown during the recent conflict in Lebanon, the Israeli system does not provide perfect security either.

The best defence against a terrorist attack of the sort mentioned by Deputy Timmins is intelligence and information. Airport security is vital and that is where the focus of attention has been in countries which know they cannot afford a perfect air defence system along the lines of Star Wars, which was favoured by the late President Ronald Reagan in an attempt to provide an absolute defence. Despite the expenditure of billions of dollars on the research phase of that programme it was found that 100% air defence was not possible, at least in the present state of technology.

According to the intelligence available to us, the threat of a terrorist attack on Ireland, whether airborne or otherwise, is limited. The measures we are taking are related to the level of threat, assessed by people who should know. As a small country we are faced with a choice. We can try to cover every possibility in a token way or gear up to perform a limited range of tasks to a professional level. We have taken the second option, as have most small countries. Air defence systems cost enormous amounts of money and most are, thankfully, redundant because we are not in a threat situation. If I were given the required amount of money by the Department of Finance I could think of other areas of defence expenditure where it could be used with much more gain to the Defence Forces.

Mr. Timmins: It is my understanding that a primary radar system might not cost very much. Does the Minister agree that the hundreds of small airfields throughout the country are vulnerable? We are making it easier for people to bring illegal drugs into the country and we should have a primary radar system. Will the Minister examine this issue?

Mr. O'Dea: The primary responsibility in this matter is with the Department of Justice, Equality and Law Reform and the Garda Síochána. The Defence Forces merely act as a backup. The Department of Justice, Equality and Law Reform has not said such a system is needed to provide proper backup for its work. If such a suggestion were made I would examine it in my Department.

Overseas Missions.

2. **Mr. Costello** asked the Minister for Defence the number of Irish soldiers who are stationed in the Lebanon on peacekeeping duties under the UN mandate; the type of work that is being carried out by Irish soldiers there; the quality of rations being provided; his plans to visit the soldiers in Lebanon; the present political and military climate in the Lebanon; and if he will make a statement on the matter. [3315/07]

5. **Mr. Gormley** asked the Minister for Defence if he will report on the deployment of Irish troops in the Lebanon; if there has been a recent update of the security risk of the mission; and if he will make a statement on the matter. [3225/07]

Mr. O'Dea: I propose to take Questions Nos. 2 and 5 together.

UNIFIL was originally established on 19 March 1978 under United Nations Security Council Resolutions 425 and 426, following the invasion of Lebanon by Israel. Its mandate was "to confirm the withdrawal of Israeli forces, to restore international peace and security and to assist the Government of Lebanon in ensuring the return of its effective authority in the area". The Secretary General of the United Nations concluded that as of 16 June 2000, Israel had withdrawn its forces from Lebanon in accordance with Resolution 425 of 1978, thus partially fulfilling UNIFIL's original mandate. Since then, UNIFIL continued to operate in southern Lebanon, focusing on the remaining part of its mandate, which was the restoration of peace and security in the region.

In response to the July-August 2006 crisis, the UN decided, under UN Security Council Resolution 1701, to extend the mandate of UNIFIL to the end of August 2007 and to increase its troop strength from approximately 2,000 troops, to a maximum of 15,000. The Council also decided that, in addition to carrying out its original mandate, UNIFIL would also monitor the cessation of hostilities, accompany and support the Lebanese armed forces as they deploy throughout Southern Lebanon and extend its assistance to help ensure humanitarian access to civilian populations and the voluntary and safe return of displaced persons.

The nature of the expanded UNIFIL mandate is such that its role is to be considerably more robust than it was prior to the adoption of Resolution 1701, while still operating under Chapter VI of the UN Charter.

At the time of the crisis, Ireland had five Defence Forces personnel deployed at the force headquarters in Naquora. These personnel are still in place. However, in response to the expanded mandate for the mission and a request from the UN, the Government with Dáil approval, increased Ireland's contribution to some 162 personnel. The additional contribution

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is part of a joint Finnish-Irish engineering battalion which carries out tasks in support of UNIFIL, including dealing with unexploded ordnance clearance and reconstruction. Ireland provides the security detail for the engineering contingent from Finland. While the Irish element is tasked primarily for reconnaissance, security and protection duties associated with these engineering works, it is also available to undertake other tasks at the request of the UNIFIL force commander. Initial deployment will be for one year, subject to renewal of the mandate and a satisfactory review of the mission at that time.

A key aspect and the primary concern in respect of participation in any mission is the safety and security of Defence Forces personnel. Prior to deployment, the Defence Forces undertook a joint reconnaissance mission with their Finnish colleagues. Following consultation with the Finns, UNIFIL and other parties, it was determined that there is no direct threat to UNIFIL personnel. That said, the uncertain and volatile situation means that incidents, misunderstandings or wider political developments all have the potential to impact negatively on the peacekeeping operation. The large quantity of clusterbomblets and other unexploded ordnance also presents a risk. While there have been political difficulties and some civil unrest in the country recently, the ceasefire in southern Lebanon seems to be holding and the Defence Forces have assessed the overall threat as being low within a volatile situation. This is not dissimilar to that encountered by Irish personnel on other peace support missions. This continues to be the assessment of the Defence Forces and I am satisfied that all appropriate security measures are in place to ensure the safety of the Defence Forces personnel serving in Lebanon.

For the first few days after the initial deployment on 31 October, pack rations, supplemented with locally purchased breads, fruits and vegetables, as well as additional food items shipped from Ireland, were provided to all personnel. Commencing on 4 November 2006, a hot meal was provided daily from field kitchens. The dining facility in the camp was opened on 6 December 2006, with hot food served at all three meals daily. The Defence Forces have assured me that the food served in this camp is to a high standard and the bill of fare provides a balanced diet of meat, vegetables, potatoes, fruit, pasta, rice and dairy products. As Members will appreciate, this is a new operation in a new camp and it takes time to put in place all the required facilities.

While I had planned to visit the Defence Forces contingent in late November, the Chief of Staff advised me to defer my visit until the new year when the mission was better established and had a more detailed understanding and assessment of the operation and the security situation. I now look forward to visiting the contingent towards the end of this month.

Mr. Costello: I thank the Minister for his detailed response. If I understood the Minister correctly, the total number of Defence Forces personnel comes to 162. This appears to be somewhat lower than the number projected originally, which was approximately 200. Can the Minister explain why the maximum number of troops that was available was not sent?

Can the Minister clarify the nature of the tasks in which the troops are engaged? What is the nature of the support work for the Finnish troops mentioned by the Minister? Moreover, although the Minister stated they could perform other work, presumably they have not been requested to so do. Are they likely to be asked to do so or is it likely they will remain purely in a supportive capacity for the duration of their mission?

The political climate appears to be quite volatile. That said, is it the case that the military ceasefire is holding and that there is no real action on the ground? Have the Irish troops been under fire at any time since their arrival? They have been deployed there for approximately three and a half months.

In respect of the rations, is it not correct that the only rations available to the troops on their arrival were year-old prepacked Army rations and that they were without fresh food? This was highly inadequate and left much to be desired as there was sufficient notice of the contingent's departure. Fresh and hot food, as well as dining facilities, could have been arranged in advance.

Mr. O'Dea: In respect of the numbers, I cannot recall any specific statement to the effect we planned to send 200 troops. I believe the phrase used was "up to 200".

Mr. Costello: It was a round figure of approximately 200 troops.

Mr. O'Dea: It was a maximum of 200 troops. As the Deputy is aware, this is a joint operation with the Finns. We took advice from the Finnish armed forces as to the kind of detail they required of us. The number arrived at comes to 157 troops, in addition to the five personnel who were already there and the Finns regard this to be quite sufficient.

As for the task itself, in essence the Finnish contingent is an engineering brigade that will be involved in two things. First, it will be involved in reconstruction work, of which a great deal is needed in Lebanon. Second, the Finns will be engaged in clearing unexploded ordnance. The job of the Irish contingent is to provide them with protection as they carry out such work, lest they come under attack. I suspect the Chief of Staff probably advised me to hold back from visiting before now because most of the activity thus far has centred on the camp's establishment, which is a major job.

In addition, once deployed the Irish are at the disposal of the UNIFIL force commander, who

can request them to perform other duties within their area of operations. As yet, I am unaware of any tasks he has asked them to perform. For example however, he could ask them to perform escort duty, patrols, etc., which would be beyond the protection duties being carried out at present.

It is true that the political climate has been volatile. As the Deputy is aware, Hizbollah is trying to pressurise the Lebanese Government to either cede more power to itself and its Christian allies or, alternatively, to resign. A number of demonstrations were held in December and January that culminated in a public strike on 23 January. I agree this makes for a dangerously volatile situation on the ground. Nevertheless, the ceasefire appears to be holding well. I keep in touch with the situation on a daily basis and if it worsens dramatically, the Government will be obliged to take whatever action it deems to be necessary. It will do so in conjunction with, and on the advice of, the personnel on the ground.

Deputy Costello asked whether the Irish troops had come under fire. Thus far, the Irish troops have not come under attack from any source and they have been far away from the action. From the time of their arrival, there has been very limited action in the Lebanon. Most incidents occurred in the immediate aftermath of the ceasefire in the middle of August.

Mr. Costello: The Irish must have frightened them.

Mr. O'Dea: As for the question on rations, my information is that for the first few days after the contingent's arrival, essentially they consisted of cold food or prepacked rations. In addition however, I am informed that certain foods were purchased locally and the rations were supplemented by some foodstuffs imported from Ireland. I can provide the Deputy with more details in this regard. After three or four days, they were in a position to provide at least one hot meal per day. A couple of weeks later, the kitchen became operational on 6 December and subsequently they were able to provide three hot meals per day.

Mr. Costello: It was a couple of months later.

Mr. O'Dea: The period from 1 November to 6 December is only five weeks.

Mr. Costello: Some of them had been *in situ* since October.

An Ceann Comhairle: I ask Deputy Costello to allow the Minister to reply as we are running out of time.

Mr. O'Dea: It was a period of five weeks from 31 October. This is not unreasonable as it takes some time to get such facilities up and running. The hot food to which Deputy Costello refers is provided from within the camp. It is not as though Lebanon is the sort of place in which one encounters people selling hamburgers and hot dogs on the side of the street. It is somewhat too dangerous for such activity

Mr. Gormley: They have falafel.

Mr. O'Dea: The Deputy's tastes are more exotic than mine.

Mr. Gormley: That is Lebanese taste.

Mr. O'Dea: That might not be to everyone's taste.

Mr. Costello: It is not as volatile as Limerick.

Mr. O'Dea: Limerick has quietened down considerably.

This is the position. Incidentally, I have monitored this issue closely and have been assured by the Chief of Staff and the top Army brass that all is hunky-dory in respect of the food in Lebanon and that the troops are extremely happy with their fare.

Mr. Gormley: I thank the Minister for his reply and I wish our troops well. As the Minister has noted, the situation is highly volatile. The troops are undertaking this mission in conjunction with the Finns. Is the Minister aware the head of the UN mine action co-ordination centre, Mr. Chris Clark, has stated that the de-mining efforts in Lebanon have been seriously hampered by the lack of co-operation from the Israeli authorities? He claimed that while the Israelis had handed over maps of the areas occupied, these had proved to be useless in the de-mining effort and that a list of the types of ammunition fired was required. Such a list is readily available to the Israelis because the delivery of cluster munitions is controlled by computer. Can the Minister confirm whether there has been a lack of co-operation on the Israeli side? Is it hampering the efforts of our troops in Lebanon? If so, has the Government made any representations to the Israelis on this matter? What contact on the ground has there been with the Israelis?

We have talked about the volatile circumstances in the area. General Sulaiman of the Lebanese Army has said that up to 60% of the force is Shia. There is a real danger that they could go over to Hizbollah. If that happens, it will not be so hunky-dory, to use the Minister's words. Have our troops on the ground had contact with Hizbollah commanders? Surely that is the best way to ensure there will not be any attacks and that Hizbollah does not have those intentions.

Mr. O'Dea: I am aware of Mr. Clarke's statement. We must bear in mind that the Irish are not directly involved in clearing the unexploded ordnance. Clearing that ordnance is the Finn's task and the Irish are merely providing protection for them while they are doing so. It appears the

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necessary co-operation is not in place. We would prefer if the Israelis had been more co-operative. The Irish Government criticised the Israeli Army after the conflict for their use of this weaponry. I am informed that the UN mine action service identified 842 cluster bomb strike locations in south Lebanon with an estimated 1 million unexploded cluster munitions contaminating the area. This is quite serious.

The Government has been critical of the Israeli Army for its use of this weaponry. As Deputy Gormley knows, we have been seeking a legally binding international agreement on the use of this kind of weaponry, particularly in built-up areas. We have made some progress on that and have had much help internationally.

Irish Army commanders in the Lebanon have been and remain in touch with the Israelis, particularly with regard to the task of mine clearance. I do not know whether there has been any direct contact between the Army and Hizbollah. I can make inquiries about this and let Deputy Gormley know. I presume there may have been some informal contact.

To answer the Deputy's main question, there is a certain lack of co-operation from the Israelis. The Israelis have first-hand knowledge of where these things are located. I hope we have collectively persuaded the Israelis to be more forthcoming as this unexploded ordnance presents a danger not only to UN forces, including the Irish, but also to civilians in southern Lebanon who have suffered quite enough. Some 1,000 civilians were killed directly in the conflict, more than 4,000 were injured and 30,000 homes were destroyed. I hope more co-operation will be forthcoming. The sooner this co-operation is forthcoming the more quickly we can get the job done.

Mr. Costello: Ceann Comhairle, I would like to ask the Minister——

An Ceann Comhairle: I am sorry Deputy. We have spent 16 minutes dealing with this question and only 12 minutes were allotted. I would like to facilitate the Deputy, but then I would have to facilitate Deputy Gormley. I must call the next question.

3. **Mr. F. McGrath** asked the Minister for Defence if his attention has been drawn to the fact that a recent Army report on the circumstances of the Niemba ambush in the Congo on 8 November 1960 has been rejected by both survivors of the ambush; if he is willing to speak to the survivors who claim the report contains inaccuracies, has omitted important information and misrepresented their views; if his attention has further been drawn to the fact that both men are calling for an independent and unbiased report on the Niemba ambush; and if he will make a statement on the matter. [2883/07]

Mr. O'Dea: In February 2006 the Chief of Staff appointed Colonel Tom Behan to examine all aspects of the Niemba ambush. I accepted the findings of his report and addressed the matter during Priority Questions on 16 November 2006. I reiterate my congratulations to Colonel Behan for the time and effort he has expended in researching this sensitive and harrowing episode in Irish military history.

The ambush occurred almost 46 years ago. It was the first such action involving the horrific deaths of Defence Forces personnel on a scale which still remains unique. It has never been very far from public consciousness and I would like again to publicly acknowledge the sacrifice made by all the members of the patrol at that time and extend my deepest sympathies to the families of all those who died.

On 8 November 1960, an 11 man patrol commanded by Lieutenant Kevin Gleeson was attacked by a large number of Baluba tribesmen while on patrol from their base at Niemba and were quickly overwhelmed. There are two principal areas of controversy in regard to the record of this ambush both concerning Trooper Browne and Private Kenny. The first question is where exactly did Trooper Browne die. From the extensive research and interviews carried out by Colonel Behan, both from military and civilian sources, his final conclusion is that Trooper Browne fired his weapon to distract the Baluba attackers from their task of beating Private Kenny to death. He further concludes, on the balance of probabilities, that Trooper Browne managed to then escape his pursuers, wounded or otherwise, making his way to the village of Tundula only to be killed by hostile Balubas two days later. Therefore, the previous supposition that he died at the ambush site and that Baluba tribesmen carried away his remains cannot be substantiated. Likewise, the conclusion outlined above that he died at Tundula cannot be definitively substantiated.

The second area of controversy in regard to the record of the Niemba ambush is what Trooper Browne did to contribute to the survival of Private Kenny. The report clearly concludes that prior to his escape from the ambush site, Trooper Browne fired his weapon at the Balubas who were intent on beating Private Kenny to death, thereby distracting them and saving his life. The medal board convened in 1961 awarded Trooper Browne the Military Medal for Gallantry.

Despite Colonel Behan's research of all the available reports, consultation, interviews and direct evidence, there is no absolute certainty achievable in regard to these two matters of controversy. Colonel Behan sets out in his report that he is satisfied there is no material extant which he did not uncover and which would provide new evidence capable of proving conclusively any one version of the events which are the subject of dispute in relation to the Niemba ambush. Equally he is clear about the lack of

definitive material which could establish beyond doubt all what occurred in the course of the Niemba ambush. It must be borne in mind that only two known living persons could ever have known what exactly happened in this action and it is a certainty that neither of them were aware of all the events which took place in the course of the action.

Accordingly, I am satisfied there is no more to be gained by holding an independent inquiry. I would instead like to focus on how best their contribution can be suitably recognised and honoured.

Mr. F. McGrath: I agree with the Minister that this is a sensitive and harrowing issue for the families and people directly involved. I commend our UN soldiers for their work on many difficult missions.

Truth rests at the core of this issue and we need the truth to come out. In view of the grave accusations concerning the recent Army report on Niemba, will the Minister undertake to personally meet with both survivors, Mr. Tom Kenny and Mr. Joe Fitzpatrick, to take account of their misgivings? Will the Minister consider the merits of appointing an independent person, not associated with the Army, to take evidence from both survivors and consider other vital evidence omitted from the Army report, such as that of the Swedish officers who acted as interpreters for our troops in the Congo? Is the Minister aware that the Army has refused to answer serious questions from the Niemba survivors that have arisen over the accuracy and reliability of this report? Is the Minister aware that both survivors feel their names have not been cleared by the report? Can the Minister confirm he has received a written request from the Taoiseach to further investigate this matter? If so, what does he intend to do to bring this unfortunate affair to a satisfactory conclusion?

Surely the survivors deserve more than an inconclusive report by the Army which appears to be hiding the truth behind the events at Niemba almost 50 years ago. I commend the work carried out by Dr. David O'Donoghue in his book *The Irish Army in the Congo 1960-64: The Far Battalions*. Much valuable research was carried out and published in this book. Is the Minister aware of the information contained in it?

Does the Minister recognise that Private Kenny and Private Fitzpatrick survived a horrific encounter, showed great courage and acted in the interests of their country? I urge the Minister to meet these two individuals.

Mr. O'Dea: Deputy McGrath says he is interested in the truth. So are we all; the truth is what we want. Unfortunately, it is sometimes not possible to definitively establish the truth of an event that happened in the past. This ambush happened 46 years ago. Only two eyewitnesses are alive whom we can trace. If we could talk to the Balubas they might be able to throw more light on the matter. It is almost certain that neither of the two eye-witnesses to whom we can talk is aware of all the circumstances because this was a fraught situation in which they were under fire and in danger of their lives. Deputy Finian McGrath suggested appointing an independent person to carry out yet another report but we should focus on rehabilitating the two soldiers, which I propose to do by acknowledging their contribution at a public event and presenting them with a commemorative plaque to recognise what they did.

An assumption underlies the question about Dr. O'Donoghue's submission but Colonel Tom Behan considered all the extant material relevant to the case and interviewed every relevant person. His firm conclusion was that no further material which would throw any more light on the matter was extant. If that is the case I do not see the merit in holding a further inquiry. Our efforts should focus on doing everything possible to rehabilitate the reputation of the two men in question. I recognise that they endured a horrific ordeal and I commend them on their selflessness, courage and dedication. I regard them as outstanding examples of what Irish soldiers abroad should be and hope to acknowledge that at a public event in the next couple of months.

4 o'clock

I am sorry to hear the soldiers feel they have not been vindicated by the report. I suspect the reason is the report makes its conclusions on the balance of probabilities because Colonel Behan, an independent person of the highest integrity, says there is not enough material to enable him to come to a conclusion beyond reasonable doubt. My proposal to publicly acknowledge the contributions of ex-private Kenny and Fitzpatrick will go a long way to satisfying them. I do not know if I can completely satisfy the doubts that remain but I will do my best.

Commemorative Events.

4. **Mr. Timmins** asked the Minister for Defence the plans he has to commemorate the Easter Rising in 2007; and if he will make a statement on the matter. [3318/07]

Mr. O'Dea: A commemoration will again be held this Easter Sunday at the GPO to mark the anniversary of the Easter Rising of 1916. Following discussions at the all-party Oireachtas committee it has been decided that the format of this year's commemoration will be a military ceremony centred on the GPO with appropriate military honours rendered. There will not be a parade along the lines of the 2006 ceremony. However, there will be a reading of the proclamation and a flag-raising ceremony similar to what happened in last year's successful ceremony.

The exact details of the ceremony are being finalised at present by an interdepartmental com-

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mittee involving my Department, the Defence Forces, the Department of the Taoiseach and all other relevant Departments and agencies. Therefore, I am not in a position to comment further on the details of the organisation.

Mr. Timmins: Did the Minister say the ceremony will take place on Easter Sunday? Has he any idea of the numbers that may be involved? Does he foresee in the future a ceremony like the one that took place last year or would such an event have to wait until the centenary? I do not think he will be in his job for long enough but does he foresee a minor parade for the next few years?

Mr. Gormley: Will it be televised live?

Mr. O'Dea: The ceremony will take place on Easter Sunday. I cannot give the exact numbers but they will be considerably lower than last year. It will be a simple military ceremony, centred on the GPO and involving the raising of the flag and reading of the proclamation. I cannot control what is envisaged for the future but the committee met on 21 November and will meet again to finalise arrangements for Easter Sunday, when we can add to or subtract from them according to the Deputy's suggestions. At the moment a number of minor parades is envisaged for the immediate future. They may grow as we build towards the centenary. I will let the Deputy know what the committee proposes and will listen constructively to his suggestions.

Question No. 5 answered with Question No. 2.

Other Questions.

Defence Forces Property.

6. **Mr. O'Dowd** asked the Minister for Defence the quantity of land, its location and the funding received that was allocated to other Departments or State agencies for below market value between 2000 and the end of 2006; and if he will make a statement on the matter. [2773/07]

Mr. O'Dea: The Government decided on 1 July 2003 that Magee Barracks, Kildare, and lands at Gormanston Camp, County Meath, would be among the State property released to the relevant local authorities for inclusion in the Sustaining Progress affordable housing initiative. On 16 December 2003 the Government agreed to the release of approximately two acres of lands at the Camp Field, Collins Barracks, Cork, for inclusion in the initiative, as well as 2.5 acres at St. Bricin's Military Hospital, Dublin. The latter site was transferred to Dublin City Council in December 2006 as specified by the Department of the Environment, Heritage and Local Government for a nominal consideration.

How land at the remaining three locations might play a role in the delivery of the housing initiative is a matter in the first instance for the Department of the Environment, Heritage and Local Government, which is the lead Department for the development of the affordable housing initiative. The legal formalities relating to the transfer of lands at these locations are being progressed in consultation with that Department and the Chief State Solicitor's office.

As part of the Government decision to close and sell six barracks in 1998, it was decided to make provision for a contribution to local communities in the areas involved. In this context, arising from the sale of Murphy Barracks, Ballincollig, comprising approximately 150 acres, an area comprising approximately 27 acres is being transferred free of charge to Cork County Council for community use.

In addition, an area comprising approximately seven acres at Devoy Barracks, Naas, County Kildare, was ceded free of charge to Naas Urban District Council for community purposes at the time of the closure of the barracks. A further 14 acres were sold to that authority for approximately €8.9 million while the balance of the barrack lands, one acre, was sold to Kildare County Council for approximately €400,000 in 2002. Finally, an area comprising approximately 19.2 acres at the former Fitzgerald Camp, Fermoy, was sold to Cork County Council in 2001 for approximately €1 million for economic development of the site in conjunction with IDA Ireland.

As part of a separate arrangement an area comprising approximately ten acres at Ringaskiddy was transferred from my Department to the Department of Education and Science in 2002 as a site for the National Maritime College. There was no transfer of funds involved as the lands were made available as my Department's capital contribution to the development of a project which is used jointly by the Naval Service and the Cork Institute of Technology.

The Government decided in 2000 that Spike Island, County Cork, would be transferred to the Department of Justice, Equality and Law Reform. The island, which had been under the administration of that Department since 1985, was formally transferred in 2002 for a nominal consideration of approximately €65,000.

A small area comprising approximately 0.25 acres at Castlebar Military Barracks, County Mayo, was dedicated to Castlebar Town Council in 2004 for use as a car park and pedestrian facilities for a nominal consideration.

From time to time land at various locations has been dedicated to local authorities to allow for

projects such as road widening or realignment schemes.

Mr. Timmins: Does the Minister agree that it is difficult for the Ministry of Defence to obtain funding at the Cabinet table? The sale of property is one way money can be found for reinvestment in refurbishing buildings and procuring equipment, which has happened in recent years. Much of the portfolio of lands listed by the Minister was sold undervalue. He probably will not be around much longer to do so but it is important to make clear to the Minister for Finance that much money which could have been reinvested in equipment and facilities for the Defence Forces has gone to other Departments with nothing in exchange. I do not know what percentage of the true value was achieved in these deals but it seems nominal in many cases, to the detriment of the Defence Forces. I call on the Minister to bear that in mind when he next seeks funding from the Minister for Finance for much needed equipment and refurbishment work for the Defence Forces.

Will the Minister comment on the progress of the proposal by the Minister for Justice, Equality and Law Reform to build a prison at Kilworth Camp? How much land would be required? The Thornton Hall purchase on the north side of Dublin was controversial and costly. Does the Minister know how much land must be given to the Department of Justice, Equality and Law Reform to build this facility?

Mr. O'Dea: Traditionally, it has been difficult for the Department of Defence to get money at the Cabinet table, but we have moved on from that situation. Last year, more than €1 billion was spent in the defence Estimate for the first time. Since 1997, sales of land re-invested in equipment and buildings have amounted to more than €90 million. We continue to keep the situation under review.

The matter of land transferred at nominal or below value or for free falls into two categories, both of which result from Government decisions. In 1998, when the Government decided to sell six barracks, it also decided to make some of that valuable land available for public use, such as amenity areas, etc. The decision was welcomed widely on all sides of the House and it has been followed through. In 2003, the Department of Defence, one of the land-owning Departments, was instructed to provide some lands to assist the social and affordable housing initiative. This was laudable and everyone considered it a good idea. Anyone who attended last year's military parade saw how much state-of-the-art equipment the Army has. The investment in equipment and improving barracks throughout the country, which has run into tens of millions of euro in recent years, will continue.

Regarding Kilworth, the amount of land in question is approximately 50 acres to 100 acres. It is a loose figure. As Deputy Timmins knows, we own several thousand acres at Kilworth. A joint working group has been established between the Departments of Defence and Justice, Equality and Law Reform to draft proposals. I am advised that, as we speak, the group is examining the site in Kilworth.

Mr. Timmins: The Minister for Justice, Equality and Law Reform is in his JCB and wellingtons.

Mr. O'Dea: The working group.

Mr. Costello: Does the Minister agree that the sale of Clancy Barracks was a disastrous deal for his Department? Dublin City Council made a bid, but it was quoted an asking price of £40 million, which was more than it could afford. In 2004, the land was sold for €25 million to Florence Properties Limited, a private developer, but it has not been developed. Some 13.65 acres beside Heuston Station is worth at least €50 million.

Mr. Gormley: Yes.

Mr. Costello: The Department of Defence would not make it available for less than £40 million to the local authority, which wanted to build social and affordable housing, but it sold it for almost half the price to a private developer.

Mr. O'Dea: I do not know the details of the case. It occurred before I entered the Department of Defence.

Mr. Costello: I would not attempt to blame the Minister, but would he agree that a deal of that nature is a disaster?

Mr. O'Dea: I am unaware of the details. I would need to hear both sides of the story. I must talk to my officials before agreeing or disagreeing, but I will make inquiries. Was it Clancy Barracks?

Mr. Costello: Yes. The Minister can take it that all 52 members of Dublin City Council agreed that Clancy Barracks should be bought for the benefit of the citizens of Dublin so that social and affordable housing could be constructed. The Defence Forces and the Department of Defence put a price of £40 million on it, exorbitant at the time, but it was sold for €25 million shortly afterwards to a private developer who has not yet turned a sod on the site.

Mr. Gormley: My constituents are in dire need of social and affordable housing. I appreciate that the Minister is directed by the Department of the Environment, Heritage and Local Government to

[Mr. Gormley.]

dispose of military barracks in some cases, but would he be prepared to make a case for Cathal Brugha Barracks to be made available to my constituency of Dublin South East? That good gesture on his part would be appreciated.

Mr. O'Dea: Does the Deputy mean sell Cathal Brugha Barracks or make some of the land available?

Mr. Gormley: The latter. For social and affordable housing.

Mr. O'Dea: We keep our property portfolio under constant review. What we dispose of is regarded as surplus to requirements at a particular time. If the Deputy wishes, I will examine the barracks to determine whether any land is surplus to requirements and communicate with him.

Defence Forces Reserve.

7. **Mr. Penrose** asked the Minister for Defence if he will make provisions for retiring members of the Reserve Defence Forces to receive an honorarium in recognition of their years of voluntary service to their country; and if he will make a statement on the matter. [2810/07]

258. **Mr. Costello** asked the Minister for Defence if he will make provisions for retiring members of the Reserve Defence Forces to receive an honorarium in recognition of their years of voluntary service to their country; and if he will make a statement on the matter. [3316/07]

Mr. O'Dea: I propose to take Questions Nos. 7 and 258 together.

Service in the reserve is rendered on a voluntary part-time basis. I am aware of the time and effort that its members give freely by participating in training and other activities in their own time. Their willingness to serve in a voluntary capacity and the dedication and enthusiasm they display consistently is appreciated in their local communities throughout the country and by the Government.

In recognition of their valuable service, medals and bars are issued to members of the Defence Forces as prescribed in Defence Forces regulations. Members of the Defence Forces Reserve are awarded the service medal on completing seven years satisfactory service. This recognises their service and contribution to the Defence Forces and the State. A bar is added to the medal on completing 12 years satisfactory service and a second bar on completing 21 years satisfactory service.

Members of the reserve receive payments in respect of attendance at specified courses of training or instruction or for undertaking particular authorised duties. The pay and allowances are at the same rates and under the same conditions as those of members of the Permanent Defence Force with the exception of the uniform allowance.

In addition, reserve personnel who undergo a total of seven days annual training or an aggregate of seven days training plus duties receive a week's pay at the relevant regimental rank rate as well as a tax free gratuity appropriate to their ranks. The gratuity is a measure of reimbursement on account of losses, expenses and disabilities incurred by them consequent on their obligations.

As Deputies will be aware, the White Paper set out a blueprint for a new reserve. It has a clearly defined role, an enhanced relationship with the PDF, better equipment and training and will have the opportunity to serve on overseas peace support missions. The Reserve Defence Forces Review Implementation Plan, which was formally launched in July 2004, is on schedule. My primary focus has been on meeting the challenges presented by this ambitious plan for the new reserve.

There are, therefore, no plans to change the relevant regulations to provide for an honorarium for retiring members of the reserve. The current provisions give recognition to the excellent service of such members and provide an appropriate reward, given the voluntary nature of that service.

Mr. Costello: I thank the Minister for his reply. Members of the reserve are appreciative of the seven year bar and second bar medals, but I put it to the Minister that he is referring to a voluntary service provided for a long period. People who go about their ordinary business in their communities volunteer a great deal of their time and are not in receipt of remuneration for the time spent in training, on exercises or at meetings or for the service they provide. They are the country's second line of defence.

As the period in question is long and includes the FCA, we are speaking about tens of thousands of citizens who were prepared to give up their time loyally and patriotically to provide a service. Now that there is an integrated approach to the Permanent Defence Force and the reserve, the latter's members' status has been enhanced. An honorarium or *ex gratia* contribution made by the State would, alongside the medals, be an appropriate token of appreciation and recognition for service provided during an extended period. We are not discussing a large sum of money, but a relatively small sum. I ask the Minister to reconsider his decision.

Mr. Timmins: I agree with Deputy Costello, many of these people gave dedicated service and

it would be a sign of the appreciation of the State if something could be given to them when they retire from the Reserve Defence Forces.

Mr. O'Dea: Strictly speaking it is incorrect to say they are not remunerated for what they do. They are not remunerated for weekly training, which they do in their spare time, but when they attend their annual training camp, if they are there for a minimum of seven days, they will be paid for the seven days at the relevant regimental rate up to a maximum of 14 days.

Mr. Costello: That is out of their holiday period.

Mr. O'Dea: They are also paid when they go on specific training courses and on specific security duties.

According to the figures available to me, the Reserve Defence Force personnel may be paid for up to a maximum of 42 days in a year for attending under the headings I outlined. There are, however, exceptions to this on sanction by the Department. In 2006, 25 reservists completed an average of 50 days, with a minimum of 43 and maximum of 64 days for which they were paid.

Service in the Reserve Defence Forces is voluntary, these people are interested and giving voluntarily of their time. I am unaware of any other country where such a gratuity or redundancy payment is paid to a member of the defence forces reserve. In deference to Deputy Costello raising the issue, a case for a payment on retirement or cessation of membership of the Reserve Defence Forces has never been made to me by any of the representative organisations. If they want to make a case, that is fine, I will listen. I do not want to raise expectations unnecessarily but I will hear those who want to make a case.

Overseas Missions.

8. **Mr. Howlin** asked the Minister for Defence the steps he has taken to implement the findings of the Behan report into the Niemba Ambush in the Congo in 1960; and if he will make a statement on the matter. [2803/07]

Mr. O'Dea: In his report Colonel Behan made five recommendations, each of which I will now address in turn.

The first recommendation is that in the light of his research and study, the record of Dáil Éireann should be amended in regard to the location where Trooper Browne died. While no definitive conclusion can be reached regarding the precise location of Trooper Browne's death, the proposition that the Baluba tribesmen carried his remains from the ambush site cannot be substantiated and should be withdrawn. Likewise, the conclusion that he died at Tundula cannot be substantiated. The precise location of Trooper Browne's death remains an open question. It should be stressed that this in no way calls into question the validity of the award of the military medal for gallantry to Trooper Browne. I accepted this recommendation and I used the occasion of my last Dáil appearance to update the record in this regard.

The second recommendation is that Thomas Kenny and Joseph Fitzpatrick should have their reputations copperfastened by official recognition and an acknowledgement that they survived an horrific encounter with hostile forces, displaying courage, fortitude and tenacity to survive until finally rescued. As I have previously outlined to the House, and I reiterate here, I wholeheartedly recognise and acknowledge that both Private Kenny, particularly in view of the serious wounds and injuries he sustained, and Private Fitzpatrick survived a horrific encounter with hostile forces, displaying courage, fortitude and tenacity to survive until finally rescued. I commend them both on the selfless service they have given their country.

Colonel Behan's third recommendation is a public acknowledgement, preferably at ministerial level, of the feat of survival and the trauma and suffering that this horrific incident visited on both men, with particular emphasis on Private Kenny by virtue of the most serious wounds and injuries he sustained. It is important that a serious effort is made in public to reintegrate Tom Kenny and Joe Fitzpatrick into the Defence Forces family. As I have previously outlined to the House, it is my intention to so do and to that end the Chief of Staff has proposed that appropriate public recognition of Mr. Kenny and Mr. Fitzpatrick be arranged on the day of an overseas parade. The UNIFIL review of troops, which is scheduled for Cathal Brugha Barracks at the end of April, would appear a suitable venue and occasion.

Colonel Behan does not recommend the award of medals to the two men and I have accepted his recommendation in this regard.

The final recommendation is that the family of Trooper Browne should be informed if the decision is taken to accept that the precise location of his death cannot be definitively established. I understand that Colonel Behan has briefed the family of Trooper Browne and they indicated that they had no difficulties with the report.

Mr. Costello: I thank the Minister for that reply. In his last appearance in the Dáil, he mentioned that he intended to find a suitable event to honour both men and I welcome the decision to mark the occasion at an overseas function at the end of April at Cathal Brugha Barracks. Could the Minister expand on that?

Would the Minister reconsider awarding the medal to the two survivors? As the Minister

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acknowledged, they endured and survived an horrendous experience and there is no question about their courage and commitment in such circumstances. Both of them would like a medal and Joe Fitzpatrick believes nothing less would be adequate.

The military archives indicate an inaccurate version of the manner of Trooper Browne's death. Has the history of his unit been changed to reflect Colonel Behan's report?

Deputy Finian McGrath mentioned meeting the two men but Tom Kenny does not want to meet anyone at this time. Joe Fitzpatrick, however, is anxious to meet the Minister.

Mr. O'Dea: We examined how best to commemorate what happened in the contribution of both soldiers in a public way. The Chief of Staff suggested that the UNIFIL parade that will take place in Cathal Brugha Barracks at the end of April might be a suitable public occasion because it will attract a lot media attention. Not only will we publicly recognise them at that event but, as Minister for Defence, I will also present them with a plaque or something of that nature. We have decided to do that unless something more adequate is proposed.

Most people who went abroad on service with the United Nations faced immediate danger and came under fire but not all of them have been given medals. The Army is sparing in distributing medals because it does not want to devalue those it gives for exceptional bravery and gallantry. If we gave a medal to everyone who was involved in a dangerous situation and who showed courage under fire, and all of those who go overseas are courageous by nature, it would devalue the worth of those medals.

I will leave the last word on this to the military authorities. Colonel Behan examined the situation carefully and decided that if people showed bravery, which is part of their job, and experienced danger, something faced by every soldier serving overseas, there was nothing extra that would enable him to conclude these men be given special recognition. The Army has had representations made to it by the families of people who died in action that they should be awarded medals posthumously and in all of those cases it refused. It takes exceptional action to get a medal but I leave this to the military authorities and Colonel Behan has not recommended the awarding of a medal. I am bound by that because Colonel Behan carried out a detailed investigation into all of this. He is an experienced officer and I do not want to second guess him.

If there is a need to correct them, that will be done, if has not been done already. I have no difficulty with meeting Mr. Fitzpatrick or Mr. Kenny. If the Deputy or any Member wishes to make an appointment, I would be happy to meet them. I informally met Mr. Fitzpatrick in the House the last time I took parliamentary questions. I had a few brief words with him because I did not have the opportunity to speak to him in detail. If he wishes to see me, I am open to meeting him.

Mr. Costello: I thank the Minister for his reply and I will make the necessary arrangements. The reason I asked the Minister to review the awarding of a medal is the men have suffered for almost 47 years and they have had a cloud over their good names and that of their families. These are exceptional circumstances, which fall way beyond the call of duty. The Niemba ambush was the most catastrophic incident in all our overseas missions and these two survivors have been under a cloud for almost half a century. Colonel Behan has clearly vindicated them and these are exceptional circumstances. Rather than rely on his recommendation, perhaps the Minister might refer the case to the Chief of Staff for his opinion.

Mr. O'Dea: I accept the Deputy's comments but the military authorities have concluded that these circumstances, however harrowing and difficult they may be for the individuals involved, are not sufficient to warrant the award of a medal for gallantry under the relevant criteria. However, I do not wish to pre-empt any discussion I have with Mr. Fitzpatrick or anybody else Deputy Costello wishes me to meet. Mr. Fitzpatrick's public representatives can make their own case to me on a one-to-one basis and I would be happy to listen.

It would not be good practice to refer matters arising from Colonel Behan's report to the Chief of Staff, given that he appointed the colonel because he was eminently suitable and qualified to carry out this inquiry. He carried it out to the best of his ability. He is an outstanding military officer and a person of the highest integrity. I am disposed to accepting the conclusions and recommendations in his report.

Departmental Bodies.

9. **Mr. Timmins** asked the Minister for Defence the recent improvements made to the military archive facility at Cathal Brugha Barracks, Dublin; and if he will make a statement on the matter. [2761/07]

Mr. O'Dea: Some €400,000 was spent in 2005 to improve facilities within Cathal Brugha Barracks, where the Military Archives are housed. The intention was to secure the archive while the requirement for a more suitable home for it was identified. The military authorities advise that the Military Archives has three staff and that a total five staff would be sufficient to meet the current demands on the archives. To achieve the appropriate staff level, I have directed that, if qualified

military personnel are not available, civilian staff are to be sourced without delay. I recognise the requirement for a more suitable home for the Military Archives that protects the material currently stored, provides for expansion and permits easy public access. An emphasis on achieving this on a site with an appropriate military heritage narrows the options available.

Considerable effort was invested in examining the National Museum of Ireland facility at the former Collins Barracks, Dublin, long considered as the most appropriate and suitable location for the Military Archives. However, feasibility studies carried out by a firm of architectural consultants raised serious issues relating to cost, planning and architectural protection in meeting the needs of the Military Archives on the Collins Barracks site.

Consideration of some usage of the Collins Barracks site has not been exhausted. However, last year I also asked for options extending beyond the Collins Barracks site. All options will be considered and the inter-departmental committee will continue their work in this regard. I have been advised that one option may be to locate the Military Archives in one of the active military installations in the Dublin area. The option of locating the Military Archives together with or alongside the National Archives also requires further consideration.

Mr. Timmins: I welcome the Minister's commitment to go outside the military establishment to acquire the necessary expertise, if it is not available internally. This issue has been raised repeatedly and it is important that the staffing level would be increased. Heels are being dragged on the issue of finding a location. I appreciate it can be difficult but it is important that the site should be central, possibly in Dublin, because many people travel from abroad and from around the country to access the archives. Good public transport links should be available in the vicinity of the site. Will the Minister redouble his efforts to find a more suitable location for the archives?

Mr. O'Dea: I agree with the Deputy that the issue is dragging a little and that is why I gave the appropriate instruction to recruit civilian staff without further delay because I suspect suitable staff are not available within the military.

The location of the archives is a difficult issue. The relocation of the National Archives is a problem and the relevant authority is experiencing considerable difficulty. We are keeping the option of siting both archives together in the back of our minds but that option will not become live until a decision is made on the National Archives. The difficulty is three locations were identified by the committee when it was established in 2003 and two further locations were established. Three have been ruled out on cost and architectural grounds while the two remaining options look decidedly shaky. Last August, I asked the committee to look outside Collins Barracks for a suitable location and my Department has separately examined other locations in the meantime. Hopefully progress will be made on this important matter in the not too distant future.

Mr. Costello: Deputy Timmins has raised an important question because we have an extraordinarily rich military history. A full archive with the necessary personnel and resources should be available. I have tabled a question on whether the Government will mark the 400th anniversary of the Flight of the Earls. Could the Military Archives put on an exhibition to mark such an event, which changed the course of our history?

Mr. O'Dea: The Department spent €0.5 million on the archives in Cathal Brugha Barracks last year to keep the show on the road. The facilities for such an exhibition are limited but I will make inquiries and communicate with the Deputy on the matter.

Defence Forces Equipment.

10. **Mr. Connaughton** asked the Minister for Defence if NBC suits are personal issue; and if he will make a statement on the matter. [2766/07]

Mr. O'Dea: The Defence Forces have available to them equipment for monitoring and protecting their members in dealing with nuclear, biological or chemical, NBC, threats identified from time to time. They hold an extensive range of modern NBC equipment that meets their current requirements, which includes approximately 9,500 NBC suits. The NBC suits are not a personal issue and are retained in stores throughout the Defence Forces. Should an operational scenario arise, the NBC suits would be distributed as required to all personnel involved. In addition, the suits are allocated to all brigades and the Defence Forces training centre as required for training purposes.

The Defence Forces have a sufficient stock of respirators for each soldier. They also have 98 of the most technologically up-to-date chemical agent monitors and Defence Forces personnel have been trained on their operation. Other equipment on hands includes biological agent detector and screening kits, group decontamination equipment and personal decontamination equipment. The requirement for additional NBC equipment is kept under continuous review by the Defence Forces. A programme for the purchase of NBC equipment is ongoing and whatever equipment deemed necessary is purchased expeditiously to meet the changing requirements.

Mr. Timmins: I am happy with the reply.

11. **Mr. Kelly** asked the Minister for Defence the number of Defence Forces vehicles, such as armoured personnel carriers, jeeps and trucks, currently in use on overseas missions; the number of times these vehicles are rotated back to Ireland; and if he will make a statement on the matter. [2797/07]

Mr. O'Dea: Defence Forces personnel serving on all overseas missions are equipped with the most modern and effective equipment. This equipment enables troops to carry out the mission assigned, as well as providing the required protection specific to the mission. All military vehicles undergo regular maintenance and overhauls to ensure that they are roadworthy and provide value for money. Vehicles are replaced when, having regard to age, condition and mileage, they are considered by Defence Forces transport personnel to have reached the end of their economic life, at which time they are proposed for disposal.

Currently, a total of 229 vehicles are in use by the Defence Forces on overseas missions, details of which are listed in the following table. All vehicles are rotated back to Ireland as required or in circumstances where they cannot be repaired in the mission area.

Current overseas vehicle deployment

Vehicle Type	KFOR	EUFOR	ISAF	UNMIL	UNIFIL	TOTAL
Jeeps	35	19	—	20	12	86
Trucks	7	—	—	15	11	33
Armour	6	—	3	30	18	57
Trailers	2	2	—	24	7	35
Bus	3	2	—	—	2	7
Ambulance	1	—	—	1	—	2
Miscellaneous Vehicles	3	1	—	5	—	9
	57	24	3	95	50	229

Mr. Costello: Question No. 11 refers to jeeps, trucks and armoured personnel carriers on overseas service. What support, if any, is given by the UN towards the purchase, maintenance or replacement of weaponry and equipment used by Defence Forces personnel on overseas missions?

Mr. O'Dea: The UN does not contribute directly to the cost of maintaining our equipment, which is purchased and maintained from our own budget. However, a standing arrangement is in place between the UN and its constituent members that compensation be paid for expenditure incurred in sending troops on missions. The compensation is paid in arrears according to a fixed formula. Traditionally, the arrears have been substantial but matters have improved recently. There is no direct relationship between what the UN pays and the cost of equipment.

Mr. Costello: Is the fixed sum of money received by Ireland related to the services it renders?

Mr. O'Dea: The formula varies according to particular missions, although I do not know its exact details. The Defence Forces inform me as to how much is owed and my Department contacts the UN when the cheque is late, which is often the case.

Mr. Costello: How much is owed?

Mr. O'Dea: The sums vary because the UN pays in arrears.

Mr. Costello: How much is owed at present?

Mr. O'Dea: At one stage, we were owed more than €13 million but I believe the figure has significantly decreased. I can revert to the Deputy with the exact figure.

Defence Forces Inquiries.

12. **Mr. McGinley** asked the Minister for Defence the status of the investigation into the death of a person (details supplied); and if he will make a statement on the matter. [2755/07]

57. **Mr. Costello** asked the Minister for Defence whether the Garda investigation into the death of a person (details supplied) has been completed; if so, the findings of same; and if he will make a statement on the matter. [2935/07]

Mr. O'Dea: I propose to take Questions Nos. 12 and 57 together.

On 2 February 2006, I received a report from Mr. Seán Hurley, whom I had appointed to carry out an independent review of the interaction between the Department of Defence and the Defence Forces and the parents and family of Private Kevin Barrett in the aftermath of his tragic death on 18 February 1999 while serving with the 84th Infantry Battalion in Lebanon. Mr.

Hurley looked in detail at how the Department and the Defence Forces interacted with the Barrett family after Kevin's death and has identified some clear failings and shortcomings.

Immediately on receipt of Mr. Hurley's report, I contacted the Garda Commissioner and asked him to provide me with his early views on any possible assistance the Garda Síochána might be in a position to provide. A Garda officer was assigned to the case to examine the files held by my Department and the Defence Forces on the case, with a view to determining whether the Garda could provide any assistance in the matter. Liaison arrangements were set up between the Garda and the Defence Forces, which continued to provide the fullest co-operation to the Garda.

Arising from an examination by the Garda of the available material, the investigation team identified a number of lines of inquiry. These included re-interviewing all witnesses who were in the vicinity when Private Barrett died, identifying any other witnesses not previously interviewed and a ballistic examination of the billet where Private Barrett died and the firearm used.

The Garda investigation was recently completed and the Garda Commissioner has indicated in a letter to me that, having re-interviewed Professor Hiss, the pathologist who carried out the post mortem examination, and having obtained the expert opinion of the State Pathologist, Dr. Cassidy, along with the results of the detailed examination of the billet, the Garda investigation reached a number of conclusions. The most significant conclusion was that the investigators are satisfied that the original findings were correct and there is no evidence to suggest any third party involvement in the death of Private Barrett. The detective chief superintendent who investigated the case is now arranging to meet members of the family to brief them on the investigation. My Department has remained in contact with the family throughout the investigation. I have offered to meet the family and arrangements are being made in that regard.

Mr. Timmins: I thank the Minister for commissioning the report and hope it will bring some conclusion to the Barrett family. I extend my sincere sympathies to Private Barrett's parents on the tragic death of their son.

Mr. Costello: I thank the Minister for bringing the report to a conclusion and for commissioning the Garda inquiry. I extend my condolences to the family of Private Barrett.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters.

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Callanan — the need to expedite the building of a new school in Aughrim to replace the grossly overcrowded one that exists at present; (2) Deputy Catherine Murphy — the continued method of allocating funds to local authorities based on the needs and resources model which is unfair to developing counties. When commercial rates receipts and transfers from the local government fund are combined the *per capita* spend demonstrates just how disadvantaged are the most rapidly developing counties. The ability of these counties to absorb additional population and build quality communities is impacted by this continuing situation; (3) Deputy Burton — the failure of the Minister to provide more language resource teachers for schools in Dublin West and other areas for large numbers of international pupils with limited or no English language skills and the huge difficulties this is causing for all pupils and teachers in such schools contrary to repeated promises and undertakings made by the Minister and her officials to address this urgent problem; (4) Deputy Deenihan — the reason for the delay in the technical assessment of the amalgamation of the primary schools in Lixnaw, County Kerry; (5) Deputy Gogarty — the need for the Government to purchase the lands at St. Edmundsbury/Woodville or to extend the Special Amenity Area Order as far as the Lucan Road so these lands can be preserved intact for future generations, preferably as part of a Liffey Valley national or regional park; (6) Deputy Cowley — to ask the Minister if she will carry out an urgent review of the DEIS scheme for nine Mayo schools (details supplied) which will be effected, if she agrees this is an inequitable situation and not in the spirit of helping the disadvantaged and if she will confirm the effected Mayo secondary schools will be reviewed immediately and funding guaranteed to avoid disastrous consequences for the effected students; (7) Deputy Broughan — the need for the Minister to respond to the memorandum submitted by the Stardust Victims and Relatives Committee seeking a new commission of inquiry into the tragedy (8) Deputy Ferris — the pressure being placed on fishermen to go to sea in dangerous conditions due to the current regulatory system; (9) Deputy Gregory — the unacceptable cruelty to animals by the Ward Hunt, County Meath and the need to withdraw the licence from the hunt; (10) Deputy Durkan — the serious and ongoing issue of overcrowding on commuter trains to and from Sallins, Hazelhatch, Kilcock, Maynooth and Leixlip and the city whereby passengers more often than not have to remain standing for the entire journey with consequent health and safety implications and the need for the Minister to issue instructions to increase the frequency of the service and the capacity of the trains with

[An Leas-Cheann Comhairle.]

enhanced feeder bus backup; and (11) Deputy Costello — the need for the Government to introduce a system of random searches of CIA operated aircraft landing at Irish airports to ensure Irish airports are not being used for rendition flights.

The matters raised by Deputies Broughan, Callanan, Deenihan and Gregory have been selected for discussion.

Adjournment Debate.

Stardust Disaster.

Mr. Broughan: It is disappointing but, unfortunately, not surprising that just a couple of days before the 26th anniversary of the horrific Stardust inferno I am raising the issue once again in this House. At this exact time last year, I expressed my hope that all the pious words we were hearing from the Government about commemorating the victims and survivors of this unprecedented disaster would be turned into concrete action to achieve justice and closure for relatives of the families of the 48 young people who tragically lost their lives in February 1981 and the people of Coolock, Raheny, Donaghmede and Artane in the Dublin North East constituency. Instead, however, the Taoiseach and the Tánaiste have engaged in a despicable game of stonewalling in their responses throughout the past year to the Stardust Relatives and Victims Committee. At the start of business this morning, I sought to adjourn the Dáil to urgently discuss the ongoing impasse between the Government and the Stardust committee but my request was ruled out of order.

Last November, a detailed memorandum was submitted to the Taoiseach and Tánaiste thoroughly outlining the reasons for the request by the Stardust committee for a new commission of inquiry into the fire disaster of St. Valentine's Day, 1981. On 14 December, I was told in the Dáil by the Tánaiste that a "response to the Stardust Relatives and Victims Committee is imminent". On the following day, the Stardust committee's solicitor, Mr. Greg O'Neill, was also informed that a response to the memorandum was about to be sent from the Taoiseach and Tánaiste. The Stardust committee and its legal representatives were informed about the moves to positively identify the five remaining unidentified victims of the Stardust tragedy, for which the committee and the families concerned are deeply grateful. However, on the core substantive issue of reopening the flawed conclusions of the Stardust tribunal report, there has been a disgraceful lack of progress.

The last written communication from the Department of Justice, Equality and Law Reform to Mr. O'Neill and the committee, on 15 December, referred to the need for further consultation and seemed to conclude that the new material submitted in the memorandum had not been persuasive enough to justify another inquiry. The Taoiseach and Tánaiste referred to the possibility of an external and independent examination of the memorandum and the case of the Stardust Victims and Relatives Committee by an eminent legal person. This occurred almost seven weeks ago and the 26th anniversary of the Stardust tragedy is now less than two weeks away.

I have been informed by the Stardust Victims Committee of its deep frustration at the continual prevarication by the Taoiseach and Tánaiste and of its intention to resume protests outside Government Buildings next Wednesday. It is appalling that a dedicated group of people who have suffered so much should be treated in this obstructive manner by the Taoiseach and Tánaiste. Why are they continuing to treat the Stardust families in this appallingly disrespectful manner? Why will they not carry through on their commitments? Why do they keep making and then breaking deadlines for decisions? The committee is rightly fearful that the Government is putting this issue off until after the general election and that if the Fianna Fáil-Progressive Democrats coalition is returned to office, no more will be heard of justice for the Stardust committee and the people it represents.

I call for the immediate appointment of an eminent legal person acceptable to the Stardust committee to re-examine the memorandum and new evidence submitted. Such an investigation should take place over a strict timeframe comprising a limited number of weeks. A decision should be made to convene a new commission of inquiry that would reopen the unjust and unsafe conclusions of the original 1982 Stardust tribunal of inquiry. It is no wonder the Stardust committee recently indicated it is prepared to take its case to the European Court of Human Rights as it has become increasingly obvious that it will gain not a shred of justice in this jurisdiction even after nearly 26 years and with countrywide support for their case.

It is shocking and a strong indictment of the Taoiseach's lethargy on this issue that heroic women such as Ms Christine Keegan and her daughter Antoinette who lost so many members of their family because of this tragedy, with their colleagues, Ms Gertrude Barrett and others, still need to go out and protest in hail, rain and snow outside Government Buildings nearly 26 years later to try to ascertain the truth of what happened on 14 February 1981. As the Minister of State knows, there have been a series of reports about the issue in recent years starting with the famous book *They Never Came Home* by two

young northside journalists, Neil Fetherstone-Haugh and Tony McCullough. There was the famous "Prime Time Investigates" programme. Many representatives like me have received additional information and we feel that it is time this matter was brought to a just conclusion.

Minister of State at the Department of Justice, Equality and Law Reform (Mr. Fahey): At the outset, let me say there is no need for the relatives to go out and protest at this stage. As the Deputy is aware, considerable progress has been made on the matter. Both the Taoiseach and the Tánaiste are most anxious that the process be concluded as quickly as possible. Following the meetings held with representatives of the victims with the director of the forensic science laboratory, the committee indicated that it would follow up with some final observations, which could be added to the material already under examination.

The extent of the detail and the complexity of the issues, however, were such that the examination of the technical and legal questions arising required more time than was originally anticipated. This examination concluded in December and a considered written response to the memorandum issued to the committee's solicitor on 15 December. I do not need to go into the exact detail as the Deputy is aware of it. The committee's solicitor was also informed that the Taoiseach, having consulted with the Tánaiste, would be willing to arrange for an external and independent examination of the committee's submission by an eminent legal person. Such an examination would include a full opportunity for the victim's committee to present and explain the points raised in its submission. The findings of this consideration would then further inform the deliberations on this issue. The precise arrangements and mechanisms of this examination are the subject of discussions with the committee's solicitor and the Tánaiste expects that it should be possible to finalise these shortly. The committee will have a meaningful opportunity to present its case to the independent examiner and the details of this arrangement can of course be worked out in consultation with the committee.

The Deputy will also be aware that, at the same time, arrangements have been made to put in place a process intended to lead to the identification of the five unidentified victims. This process is well advanced and the families in question are being kept fully informed and provided with access to counselling services, according to their wishes. Preparatory works at St. Fintan's Cemetery are in hand and it is expected that the exhumations will take place next week. This exercise will be followed by DNA analysis which should produce results in approximately two months. There are no guarantees that a successful identification will be possible but I am sure everyone in this House will join with the Tánaiste and me in wishing the families well during this difficult time.

I am aware of the Deputy's keen interest in the matter and I appeal to him that it is not necessary for any further protest. The Tánaiste and the Taoiseach are particularly committed to seeing this process through and everything is being done to ensure it happens as quickly as possible.

Schools Building Projects.

Mr. Callanan: I thank the Minister of State for waiting here to hear us so late this evening. A public meeting was held in St. Catherine's school in Aughrim in my parish. There has been a campaign to get a new school in the area for some time. I support the parents and teachers in their campaign to get a new school. The old school is outdated owing to the increased numbers and the change to modern teaching. The number of pupils will increase from 70 to 130 next year. As the existing school was built in 1948 and cannot be extended further, a new school is needed.

The school was previously earmarked for demolition under the original plan for the N6. However, the route of the N6 was changed and the school's demolition was no longer included in the plans. The school was offered €300,000 in 2005 under the devolved scheme to build a further three rooms. Under examination with the parents and Department officials it was decided that this would not meet the forecasted needs and the plan was dropped. The school has five mainstream teachers, two resource teachers and a full-time support teacher. Some of these teachers are working out of a tiny cloakroom and a hallway, and the question of safety owing to overcrowding arises.

We received a letter from the Department stating that the school planning section had completed its reassessment of the application and considered that in the long term St. Catherine's national school would require a principal and eight mainstream class teachers and ancillary staff. The project is being progressed on this basis. However, we need the Minister to ensure that the technical team visit the school as quickly as possible to decide whether to build a new school or a huge extension. I believe a new school is the only way forward. However, it is the technical team that must make the decision. Aughrim is a developing area and the population will further increase.

Mr. Fahey: As the Deputy has said, under the permanent accommodation scheme 2005 the school authority was offered funding of €300,000. It was agreed that this would not proceed and the school would be delivered by the traditional method, in line with the project's priority band rating.

[Mr. Fahey.]

Officials in the Department of Education and Science have recently completed their reassessment of projected enrolments and have determined that the long-term projected staffing for St. Catherine's national school in Aughrim will be for a principal and eight mainstream teachers and this has been notified to the school authorities. The project will be progressed in the context of the school building and modernisation programme. I will inform the Minister for Education and Science of the views expressed by the Deputy about the very poor condition of the school. We will ask the Minister to try to have the project team visit the school as quickly as possible with a view to starting the architectural planning work.

Animal Welfare.

Mr. Gregory: In the first instance I am referring specifically to the Ward Union Hunt treatment of a deer at Kildalkey village school just over a week ago. In full view of a number of witnesses, including parents, children and local people, the stag was hunted into a school yard. A pack of savage hounds was set on the stag. The stag was clearly terrified and exhausted. It was then hunted out on to the public road and was finally pursued by men in a jeep until it collapsed. I pay tribute to RTE's "Liveline" show for drawing attention to the issue in great detail. The Minister and those responsible for issuing licences to the Ward Union Hunt would prefer if it got as little publicity as possible.

There is considerable significance in this incident. The reaction to Joe Duffy's radio show demonstrated that the majority of people were outraged, including those who saw the incident and those who heard direct local accounts of it. There were no agendas here — these were local people who simply saw what happened. People were outraged that this type of activity is licensed by a Minister and is regarded as acceptable law and practice. Anybody listening to the account of the treatment of the unfortunate deer knows it is not an acceptable practice and it is time it was brought to an end.

The event as it was described by those who saw it must be considered in context. The deer hunted by the Ward Union Hunt are well known to be tame domesticated animals. For that reason, departmental wildlife inspectors have sent memoranda to the Minister telling him that these deer should not be hunted and that licences should not be granted to anyone to hunt them.

5 o'clock

The Protection of Animals Act 1911 expressly forbids terrorising or causing unnecessary suffering to any domesticated animal. That is the law. There are many witnesses available if the Minister wishes to have this matter properly investigated. The Ward Union Hunt is the only hunt, North or South, with a licence to supposedly hunt but, in fact, to terrorise domesticated animals. Hunting is outlawed in the North of our country. There is clear evidence that this causes unnecessary suffering to those animals. The Protection of Animals Act expressly forbids that to happen.

Some of us believe that this practice has not been outlawed in this part of Ireland despite being expressly forbidden in the 1911 Act because the Ward Union Hunt is controlled by some of the richest, most powerful and influential developers and business men in the country. Lest I be accused of not declaring it, I had better say that I have the honour to be the national vice president of the Irish Council against Blood Sports. With that organisation I have monitored the Ward Union Hunt and its activities. I have raised this issue several times in this House. I have seen at first hand that an unfortunate animal, a deer, raised on a farm, treated like any farm animal, is taken from that farm by people who claim to be some sort of huntsmen and set loose. A pack of hounds, people on horseback, others in jeeps and on quad bikes and so on then terrorise that animal by chasing it through barbed wire fences and ditches until it is covered in a lather of its own sweat and blood from cuts and scratches received from the barbed wire and fences, and is pursued to exhaustion. If that is not causing suffering to a domesticated animal I do not know what is.

I do not expect any sympathy for this issue from the Minister of State present in the House but I hope that the matter I have raised will be properly and thoroughly investigated and the licence withdrawn until that investigation is complete.

Mr. Fahey: I am taking this debate on behalf of my colleague the Minister for the Environment, Heritage and Local Government, Deputy Roche, and I thank the Deputy for raising this matter.

Section 26(1) of the Wildlife Act 1976 as amended——

Mr. Gregory: That caters for wild animals.

Mr. Fahey: ——provides that the Minister for the Environment, Heritage and Local Government may grant to the master or other person in charge of a pack of stag hounds, a licence authorising the hunting of deer by that pack, during such period as specified in the licence. The current licence held by the Ward Union Hunt expires on 31 March 2007. This licence and all licences issued since 1999, incorporate, among other things, a requirement of compliance with the code of practice agreed in 1999 between the Ward Union Hunt Club, the then Department of Arts, Heritage, Gaeltacht and the Island and the Department of Agriculture and Food.

It is not open to the Minister for the Environment, Heritage and Local Government to

refuse a licence application for a hunt on grounds of principle. Through the wildlife Acts, the Oireachtas has determined that this activity is, in principle, licensable.

Given this legal position, the Department's proper focus in addressing licence applications is on the hunt's compliance with licence conditions during the term of the previous licence. Veterinary reports, prepared by the veterinary inspector engaged by the Department to inspect the hunt and its compliance with the conditions of the licence, are also taken into account, and as necessary, the Department meets representatives of the applicants to review these matters. The matters referred to by the Deputy, together with public safety concerns, will clearly require discussion with representatives of the hunt shortly.

The question of any further licence for the Ward Union Hunt will be considered in the light of these various factors and of the veterinary inspector's report. Issues relating to animal welfare are the statutory responsibility of the Minister for Agriculture and Food under section 2 of the Protection of Animals (Amendment) Act 1965 and section 1 of the Protection of Animals kept for Farming Purposes Act 1984. In light of what the Deputy has said I will bring his comments to the attention of both the Minister for Agriculture and Food and the Minister for the Environment, Heritage and Local Government.

School Accommodation.

Mr. Deenihan: I thank the Leas-Cheann Comhairle for allowing me raise this matter on the Adjournment. A report issued by the Department of Education and Science in 2002 called for better all round school accommodation for the children of Lixnaw, County Kerry. It stated that the children need better facilities and opportunities to develop. Since 2002 the population of Lixnaw has increased by 39%. Parish records show that baptisms increased from 30 in 2002 to 49 and 51 in 2005 and 2006 respectively. Lixnaw is a dormitory village for Listowel and Tralee. Over the past four years 220 houses have been built in the village, 180 of which are occupied.

The Kerry county development plan shows that Firies and Lixnaw are the two fastest growing rural centres in Kerry. In May 2005 Lixnaw boys' and girls' schools agreed to amalgamate. Their patron, Bishop Murphy, approved the amalgamation. He also said that if the Department pursued a greenfield site, the parish would provide the site, next to the community centre. The location is ideal. This information was communicated to the Department of Education and Science's school planning department on 25 June 2005. Since then, however, nothing has happened.

The Commission on School Accommodation for Kerry North published its report on Friday, 19 January 2007. It concludes that the amalgamation of Lixnaw national schools should be progressed as quickly as possible and that a technical inspection should be arranged by the Department as quickly as possible to further the project. The boys in Lixnaw primary school must learn in unacceptable conditions. The school was built 40 years ago. It has single glazed windows, is impossible to heat in winter and very hot in the summer. There is no canteen and no staff room because that room is used by the learning support teacher. The staff must eat in the sixth class room. Part of the third and fourth class room is used as an office. The main entrance serves several purposes, being used as a cloakroom and by the resource teacher. The play area in the grounds is skimpy and games can be played only on a staggered basis. The hard surface area is very small as a result of which the kids cannot play during the winter months. Two of the present Kerry team came out of this school. The kids are entitled to better facilities because they are very enthusiastic about football and hurling.

A report was published in *The Kerryman* this week by a local reporter, Donal Nolan, in which he stated that pupils in Lixnaw are being taught in Third World conditions with the resource teacher being forced to teach in the school corridor because of the lack of classroom space. The boys' national school has been waiting close to two years for a site inspection to be carried out and during this time it has received 11 responses from the Department of Education and Science stating that the Department will be in contact when a date has been set for the inspection. However, nothing has been done yet.

I call on the Minister of State to try to encourage the primary schools section to send an inspector to examine both existing buildings to see if it would be possible to extend them to accommodate the schools in question on either site. Alternatively, he or she could view the third site to which I referred. This would help progress the amalgamation which, I understand, has been given high priority in the context of providing funding for schools. I hope the Minister of State has some good news for the people of Lixnaw.

Mr. Fahey: As regards the proposed amalgamation of the existing boys and girls national schools in the Lixnaw area of County Kerry, the schools indicated to the Department of Education and Science that they propose to amalgamate to provide for a single co-education national school to serve the area. Before progressing the project further and to ensure that any capital funding allocated to assist in the amalgamation being provided represents optimal use of resources and is appropriate to meet the schools' long-term accommodation needs, it will be necessary to consider the possibility of using any of the

[Mr. Fahey.]

existing buildings before pursuing a greenfield site for a new build project.

The Department, upon request, recently received further technical documentation in respect of the school buildings from the schools. The next step is to carry out a technical investigation of the existing buildings to determine their suitability. When this inspection has been completed, the project will be progressed in the context of the school building and modernisation programme.

Did Deputy Deenihan state that the boys' school was built 30 years ago?

Mr. Deenihan: It was built 40 years ago.

Mr. Fahey: I will bring to the attention of the Minister the points he has made. I do not believe it is a question of an inspector visiting the schools. I am assured by the Minister, however, that a technical examination will be carried out to determine the suitability of both schools before a final decision is made.

The Dáil adjourned at 5.15 p.m. until 2.30 p.m. on Tuesday, 6 February 2007.

Written Answers.

The following are questions tabled by Members for written response and the ministerial replies as received on the day from the Departments [unrevised].

Questions Nos. 1 to 12, inclusive, answered orally.

Defence Forces Retirement Scheme.

13. **Mr. O'Dowd** asked the Minister for Defence the plans he has to increase the retirement age of commandants and lieutenant colonels from 56 years of age and 58 years of age to 60 years of age; and if he will make a statement on the matter. [2771/07]

29. **Mr. Eamon Ryan** asked the Minister for Defence if consideration is being given to raising the age of retirement for Army officers to 60; and if he will make a statement on the matter. [2931/07]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 13 and 29 together.

There are no immediate plans to extend the retirement age of officers in the Defence Forces. The 2000 White Paper on Defence and the earlier Defence Force Review Implementation Plan both recommended reduction to retirement ages in an effort to address the age profile and fitness of the Defence Forces. The White Paper also envisaged officers attaining senior rank at a younger age.

In addition a key element in military life is the need for personnel to maintain a level of fitness for combat readiness. This requirement must be balanced with the need to retain experience and expertise, particularly at managerial level in the Defence Forces.

I am aware of the recent changes in the retirement age for new recruits to other parts of the public service. I will continue to monitor the operational and other needs of the Defence Forces in this regard and remain mindful of ongoing experiences elsewhere in the public services.

Decentralisation Programme.

14. **Mr. Hogan** asked the Minister for Defence if he will report on the decentralisation of the Civil Defence to Roscrea, County Tipperary; and if he will make a statement on the matter. [2779/07]

Minister for Defence (Mr. O'Dea): An advance party of 12 staff of the Civil Defence Board moved to temporary accommodation in Roscrea in September 2004 in preparation for the relocation of the Headquarters of the Civil Defence Board to their new decentralised location.

The Board's new purpose built Headquarters in Benamore, Roscrea, Co. Tipperary opened in May 2006 and training courses for Civil Defence volunteers commenced at that time.

I had the pleasure of officially opening the new premises on the 12th of September 2006. Now that the decentralisation of the Civil Defence Board has been completed, approximately 25 staff are working in Roscrea. The Roscrea location is included on the Central Applications Facility for those who may have an interest in vacancies arising there in the future.

The Civil Defence Board and Civil Defence volunteers have expressed their satisfaction with the standard of accommodation provided by the Office of Public Works at the new Headquarters.

Common Security and Defence Policy.

15. **Mr. Boyle** asked the Minister for Defence the reason the memorandum of understanding between Ireland and the other Nordic countries involved in the Nordic battlegroups has not been placed in the Dáil Éireann Library as promised by him in November 2006; and the progress in Ireland joining the Nordic EU battlegroup. [2926/07]

34. **Mr. Neville** asked the Minister for Defence the steps that have been taken to assist in Ireland's participation in the EU battlegroup concept; and if he will make a statement on the matter. [2788/07]

38. **Ms B. Moynihan-Cronin** asked the Minister for Defence if Irish soldiers have begun to participate in training for EU battlegroups; and if he will make a statement on the matter. [2806/07]

257. **Mr. Gormley** asked the Minister for Defence the reason the memorandum of understanding between Ireland and the other Nordic countries involved in the Nordic battlegroups has not been placed in the Dáil Éireann library as promised by him in November 2006; and if he will make a statement on the matter. [3226/07]

259. **Mr. Timmins** asked the Minister for Defence the steps that have been taken to assist in Ireland's participation in the EU Battlegroup concept; and if he will make a statement on the matter. [3319/07]

276. **Mr. Durkan** asked the Minister for Defence the extent to which Irish troops have trained alongside EU or NATO troops in preparation for EU battlegroup deployment. [3277/07]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 15, 34, 38, 257, 259 and 276 together.

Discussions on Ireland's participation in the Nordic Battlegroup are continuing with Sweden, which is the Framework Nation. There have been a number of detailed discussions between Department officials and the Defence Forces with their Swedish counterparts, including technical discussions on a Memorandum of Understanding (MoU). The MoU is an agreement between the participants comprising the Nordic Battlegroup, namely Sweden, Norway, Finland and Estonia, which sets out principles in relation to the operation, deployment and management of the Nordic Battlegroup. Sweden, on behalf of the Nordic Battlegroup, has advised that it will welcome a contribution from Ireland, subject to Ireland's agreement to sign the MoU for the Nordic Battlegroup, without amendment. We are currently finalising the letter of accession to the MoU on the Nordic Battlegroup. Once the letter of accession has been agreed and cleared by the Attorney General's Office, a process which is currently in train, it will be laid before Dáil Éireann. I plan to seek Dáil approval to sign the MoU in the coming weeks.

At this point in time we have agreed in principle the overall shape of our contribution to the Nordic Battlegroup. Our contribution will amount to some 80 to 100 personnel involving an E.O.D./I.E.D.D. team with its own security detail, together with staff posts at the Operational and Force headquarters. E.O.D./I.E.D.D. means Explosive Ordnance Disposal and Improvised Explosive Device Disposal respectively. E.O.D. relates to normal type munitions whereas I.E.D.D. generally refers to devices devised by terrorist groups, such as car bombs etc.

This level of operational commitment will only arise should the Battlegroup be called on to undertake an operation. The number of personnel involved operationally during the standby period, where the Battlegroup has not been mobilised to undertake an operation, will be of the order of 10 personnel. As part of the initial preparatory and familiarisation phase of the Nordic battlegroup, the first member of the Defence Forces to be deployed to the Force Headquarters in Sweden is due to take up duty next month.

Any contribution to a Battlegroup will be met within the context of the overall ceiling of 850 personnel serving overseas at any one time set in the White Paper on Defence and will have no adverse impact on our existing peace support operations.

Most Battlegroup training will take place in the contributing member States — i.e. Irish troops will mainly be trained in Ireland. That said, some level of joint training with other Battlegroup elements will be required. It is planned that joint training of the Nordic Battlegroup elements, including field manoeuvres, will take place in Sweden in September/October 2007 for a period of approximately 3 to 4 weeks. This is the only joint field training envisaged. There are no plans, proposals nor any requirement for field training with NATO troops or troops from other EU countries in the context of our participation in the Nordic Battlegroup. Sweden, on behalf of the other participating States, has also accepted that there will be no joint training exercises in Ireland.

Irrespective of our participation in the Nordic Battlegroup in 2008, possible participation in future Battlegroups with other EU partners is also under active consideration.

Casement Aerodrome.

16. **Mr. O'Connor** asked the Minister for Defence the areas of south Dublin under the standard flight path to the east west runway at Casement Aerodrome; and if he will make a statement on the matter. [2795/07]

Minister for Defence (Mr. O'Dea): Aircraft flying the standard instrument approach from the East to Runway 29 at Casement Aerodrome would normally over-fly Dún Laoghaire, Monkstown, Stillorgan, Mount Merrion, Goatstown, Dundrum, Churchtown, Rathfarnham, Willbrook, Templeogue, Tymon North, Kilnamanagh and Belgard.

Defence Forces Recruitment.

17. **Mr. J. Brady** asked the Minister for Defence the number of existing members of the Permanent Defence Force and Reserve Defence Force who have been commissioned into the officer ranks in the past two years; his plans for the commissioning of serving non-commissioned officers; and if he will make a statement on the matter. [2838/07]

36. **Mr. Hogan** asked the Minister for Defence when an officers course for non-commissioned officers will be held; and if he will make a statement on the matter. [2781/07]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 17 and 36 together.

Significant progress has been made recently in implementing schemes to enable more commissioning from the ranks.

The revised cadetship competition is now seen as the primary means of commissioning from the ranks. The cadetship competition has been revised to increase the maximum entry age to 28 and to award bonus marks to candidates with previous experience in the Permanent Defence Force (PDF) or Reserve Defence Force (RDF).

Results for the 2005 and 2006 cadetship competitions were encouraging with a total of 28 applicants with military service in the Defence Forces being successful in the 2005 cadetship competition and a further 23 applicants with military service being successful in the 2006 cadetship competition.

In addition, in the past two years, 3 members of the Defence Forces were commissioned as officers from Direct Entry Competitions for appointments as Engineer Officers in the Corps of Engineers and Conductors in the Army School of Music.

Consultations with the representative associations are nearing completion regarding the conditions for an internal Commissioning From the Ranks competition, which it is intended to hold in the near future. This competition will provide an opportunity for enlisted personnel who have passed the cadet entry age to compete for entry on a potential Officers Course and ultimately, a commission. The competition offers the possibility of enhancing the Officer Corps with the skills and expertise of these personnel. The outcome of this competition will inform policy on the issue of similar future competitions.

Naval Service Vessels.

18. **Mr. Deasy** asked the Minister for Defence the replacement programme for the naval patrol vessels; and if he will make a statement on the matter. [2784/07]

41. **Mr. Gogarty** asked the Minister for Defence the details of the €180 million upgrade of the naval fleet recently announced; when he expects the specialist group of senior civil servants and Naval and Army officers to report back with recommendations on the replacement vessels; and if he will make a statement on the matter. [2929/07]

269. **Mr. Kehoe** asked the Minister for Defence the maximum age of a vessel in the Naval Service; and if he will make a statement on the matter. [2635/07]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 18, 41 and 269 together.

In the White Paper on Defence in 2000, the Government decided that the Naval Service would be developed around the provision of an eight-ship flotilla. The Naval Service is currently operating with the recommended eight ships.

As a general guide, the objective would be to replace vessels after approximately 30 years service. On this basis, three vessels LE Emer (which is the oldest having been commissioned in 1978), LE Aoife (commissioned in 1979) and LE Aisling (commissioned in 1980) would be due for replacement in the next 3 to 5 years.

The Government is committed to continuous investment in the equipment needs of the Naval Service to enable it to carry out the roles assigned to it. A vessel replacement strategy for the Naval Service is currently under examination in my Department and I expect proposals will be submitted to me for decision in the coming weeks. Subject to my consideration of the proposals, the programme will begin with the tender process in the first half of this year with the expectation of placing a contract for the first ship in early 2008.

A continuous process of refurbishment combined with a vessel replacement strategy ensures that the operational capability of the Naval Service is maintained at a very high level.

Naval Service.

19. **Mr. Gogarty** asked the Minister for Defence his views on whether the Naval Services are underresourced in view of the recent sinking of several fishing trawlers and the worsening of weather conditions off the Irish coast; and if he will make a statement on the matter. [2930/07]

Minister for Defence (Mr. O'Dea): I would like to begin by expressing my condolences and sincere sympathy to the families and friends of those who died as a result of the sinking of the Pere Charles and Honeydew II fishing vessels.

The Irish Coast Guard has overall responsibility for the provision of maritime Search and Rescue services within the Irish Search and Rescue Region. The role of the Defence Forces in Search & Rescue involves the provision of service to the civil authorities as and when required. Other organisations, including An Garda Síochána and the Commissioners of Irish Lights, are

[Mr. O'Dea.]

also involved in the provision of service to the Irish Coast Guard in relation to maritime Search and Rescue.

The Naval Service provided support to the Irish Coast Guard by way of ships and personnel in the recent Search and Rescue/Recovery operations off the Irish coast. Four of the eight Naval Service vessels were tasked with assisting in the search for the missing vessels over the course of the operations, and the Naval Service Diving Section participated in diving operations to locate the Pere Charles until the search operation was discontinued.

I am satisfied that the Naval Service is well equipped to provide assistance to the Coast Guard in search and rescue or recovery as required, and I commend the Naval Service for their unquestionable professionalism and dedication in such difficult situations.

20. **Mr. Naughten** asked the Minister for Defence his contingency plans to expand the Naval Service in the event of Ireland's area of sea shelf responsibility being extended; and if he will make a statement on the matter. [2769/07]

Minister for Defence (Mr. O'Dea): In the White Paper on Defence in 2000, the Government decided that the Naval Service would be developed around the provision of an eight-ship flotilla. The Naval Service operates a fleet of eight ships categorised as follows:

1 × Helicopter Patrol Vessel (HPV)

2 × Large Patrol Vessels (LPV)

3 × Offshore Patrol Vessels(OPV)

2 × Coastal Patrol Vessels (CPV)

The strength of the Naval Service on 31st December 2006, the latest date for which detailed figures are available, as advised by the military authorities was 1,082.

The Government is committed to continuous investment in the equipment needs of the Naval Service to enable it to carry out the roles assigned to it. A vessel replacement strategy for the Naval Service is currently under examination in my Department and I expect proposals will be submitted to me for decision in the coming weeks. Subject to my consideration of the proposals, the programme will begin with the tender process in the first half of this year with the expectation of placing a contract for the first ship in early 2008. I expect two of the ships will be similar to the Roisin class with one larger vessel capable of an extended patrol range.

A continuous process of refurbishment combined with a vessel replacement strategy ensures that the operational capability of the Naval Service is maintained at a very high level.

The current Exclusive Fishery Limits extend to 200 miles offshore and cover an area of 132,000 square miles. The Naval Service currently patrols the entire 200-mile limit and periodically patrols beyond these limits to protect specific fisheries. These patrols are carried out on a regular and frequent basis and are directed to all areas of Irish waters as necessary. The number of Patrol Vessels on patrol in Irish waters at any one time varies between three and seven. The Naval Service is committed to having at least three vessels on patrol within the Irish Exclusive Economic Zone at any one time.

The fleet completes around 1680 patrol days per annum and, on a daily basis, an average of over four Naval Service vessels are deployed on patrol throughout the year. The Naval Service has met the requirements of its operational tasking to date.

The question of an extension of the area of sea shelf responsibility from its current limits, including the timing of any such change, is primarily a matter for the Department of Foreign Affairs. If this process is successful and Ireland's claim is accepted, it may give rise to some new duties for the Naval Service. This issue will be kept under review with the relevant Departments; namely the Department of Foreign Affairs and the Department of Communications, Marine and Natural Resources, so as to ensure that the requirements for any additional Naval Service inputs will be factored into the overall planning process in each Department.

Defence Forces Equipment.

21. **Mr. Deasy** asked the Minister for Defence the radar capability of the Defence Forces; and if he will make a statement on the matter. [2786/07]

Minister for Defence (Mr. O'Dea): The Defence Forces has a radar capability used for national security and Aid to the Civil Power operations.

The main Radar capability of the Defence Forces is the Flycatcher Radar System. This equipment was procured in 2002 from the Dutch Armed Forces. It is used to carry out the Target Acquisition and Fire Control of the Bofors EL70 40mm Air Defence Guns. Each radar unit is capable of controlling 3 Guns and its purpose is to provide an effective defence against airborne threats flying at low and very low level. The system has an operational range of up to 20km.

A crew of two or three operates the system. The complete Radar weighs about 6000 kg and is carried on a two- axle trailer. There are eight (8) of these radars in service with the Defence Forces. The system is normally deployed for VIP visits, transits and summits.

The other main radar capability is the Giraffe G40 Radar; the Defence Forces have one system in service. This equipment was procured new from Ericssons of Sweden in 1986. It is used to exercise command and control over RBS 70 Sur-

face to Air Missile Firing Units when deployed. It has an operational surveillance range of up to 40km and an altitude ceiling of 15kms. It can be used to exercise command and control on up to 9 RBS 70 missile Firing Units.

The Equipment has a crew of 4 (Commander, Radar Operator, and two operators), and is mounted on a 6X6 MAN Truck. It is deployed regularly for VIP Visits/Transits and summits.

The Defence Forces also operate the AMSTAR Ground Surveillance Radar. This is a man portable system used mainly by Artillery Observers for target acquisition and tracking. It is capable of detecting vehicles depending on type at ranges of 12 –35 KM, Helicopters at ranges of 10 –18 KM and Infantry at 7-12 KM. It has been deployed on Peace Support Operations in UNMIL. There are eight (8) of these radars in service with the Defence Forces.

The radar assets available to the Defence Forces are related to the level of threat and are considered by the military authorities to be appropriate and adequate in this regard.

Overseas Missions.

22. **Mr. Boyle** asked the Minister for Defence the number of medical personnel, including dentists, serving overseas with Irish soldiers; and if he will make a statement on the matter. [2925/07]

Minister for Defence (Mr. O'Dea): The number of military medical personnel, including dentists, serving overseas on 29th January 2007, as advised by the military authorities, is provided in the form of a Tabular Statement, which I proposed to circulate with the Official Report.

Medical personnel serving overseas with Irish soldiers at 29th January 2007

Mission	Doctors	Medics	Dentists
UNIFIL	1	4	Nil
UNMIL	2	11	Nil
KFOR	Nil	3	Nil
UFOR	Nil	1	Nil
Total	3	19	Nil

The provision of medical, dental and pharmaceutical support to the Defence Forces in the execution of their Roles as assigned by Government is co-ordinated by the Medical Corps of the Defence Forces. Military medical services and their facilities exist to maintain the health of the Defence Forces and to support them in operational and overseas activities.

Ensuring that the medical needs of Irish troops are fully catered for is an important element of the planning in all overseas missions. This planning is typically done in conjunction with other participating contingents with a view to ensuring access to the appropriate Level 1 treatment facilities as well as surgical facilities. In addition, both pre and post deployment testing is routinely conducted so as to alleviate concerns regarding health issues. Troops are fully immunised against known disease risks. In addition, the Defence Forces deploy their own sanitation and water purification plant as necessary.

Defence Forces Training.

23. **Mr. Sargent** asked the Minister for Defence the reason two members of the Army, as reported in a publication (details supplied) attended a three week All-arms Tactical Targeting Course conducted by the British army in Wiltshire, England; the purpose of the course; and if he will make a statement on the matter. [2934/07]

Minister for Defence (Mr. O'Dea): The Defence Forces are required to maintain the highest standards in preparation for meeting the roles assigned to them by Government, including participation in multinational peace support operations.

The Royal School of Artillery runs an All Arms Tactical Targeting (AATT) Course at its training camp in Larkhill, Wiltshire. Two junior officers from the Permanent Defence Force were students on a recent AATT Course there. Both officers serve in artillery roles.

The AATT Course offers students of different nationalities, various ranks and varying experience, the opportunity to learn the targeting process to the point where they would be competent members of a Brigade Headquarters targeting cell. The majority of students have a background in artillery.

This course has offered the Defence Forces exposure to the most up-to-date information available in targeting and also the experience of exercising with contemporary operating procedures.

Departmental Reports.

24. **Mr. Carey** asked the Minister for Defence if he will conduct further reviews of the implementation in the Defence Forces of the 2002 The Challenge of a Workplace report (details supplied); and if he will make a statement on the matter. [2790/07]

Minister for Defence (Mr. O'Dea): The Defence Forces and the Department have taken a wide variety of initiatives and have devoted extensive resources to this issue, since Dr Eileen Doyle and the External Advisory Committee presented their original report "The Challenge of a Workplace" in March 2002. This independent report addressed the entire range of interpersonal issues within the Defence Forces. Its contents and recommendations were accepted in full.

[Mr. O'Dea.]

An Independent Monitoring Group was established in May 2002 to oversee the implementation of the recommendations of the original Doyle Report. The Independent Monitoring Group's own progress report, "Response to the Challenge of a Workplace", which was launched by my predecessor on 24 September, 2004, is available on the Defence Forces website and describes in detail the very significant progress achieved since the publication of the original Doyle Report in 2002.

The ongoing implementation of the recommendations of the Doyle report has been one of the highest priorities for the Defence Forces and the Department since its publication. Policies on equality, dignity and bullying are being constantly communicated to all ranks. I am satisfied that the military authorities are alert and vigilant to this issue and are committed to addressing the matter in a continuing and proactive manner through educational modules on interpersonal relationships which are now embedded in career courses for all ranks.

It is reiterated that bullying is not training for anything. It has always been acknowledged that addressing issues within the realms of interpersonal conduct is a long-term task. However, with substantial and vigorous leadership, there is every confidence that the proper environment will be maintained throughout the Defence Forces. The correct ethos is being incorporated in training at all levels and the resources necessary to assist personnel in tackling difficulties where they may arise are being maintained.

The following steps have been taken:

- Firm guiding principles have been set out in the Defence Forces Dignity in the Workplace Charter
- A major educational awareness programme is ongoing throughout the Defence Forces.
- A new Administrative Instruction on Interpersonal Relationships was introduced in March 2003. The Instruction and a users guide were distributed to every member of the Defence Forces.
- Some 232 Designated Contact Persons (DCPs) have been fully trained and are deployed throughout all Defence Forces posts and barracks, both countrywide and overseas. The DCPs will facilitate the operation of the formal and informal procedures that may be used by any party wishing to institute a complaint.
- An independent external confidential "Free Phone" Helpline and Counselling Service was set up for members of the Permanent Defence Force in March 2003.
- An independent pilot project of Exit Interviews seeking the experiences and views of outgoing members of the Permanent Defence Force was conducted.
- Leadership training has been given by external experts and has been the subject of NCO focus groups with an emphasis on "training the trainers"
- Changes in Cadet School Instruction have been initiated and issues concerning the ranking, selection and training for Cadet School instructors are being addressed.
- Defence Force Regulations, Administrative Instructions, policies and procedures have been reviewed by an Equality Steering Group under a Labour Court chairperson.
- An officer within the Defence Forces Human Resources Management Section has been assigned responsibility for Equality matters
- A Training Circular entitled "Military Code of Conduct for Students and Instructors in all Training Environments" was issued in 2004 and was followed by an extensive series of associated workshops for all relevant personnel.

In addition, the Ombudsman for the Defence Forces has been appointed, and her Office is now well established and functioning.

The Independent Monitoring Group recommended that a professional review of progress within the Defence Forces should take place in 2007 and that it should be published. My Department is currently preparing to initiate this review.

Overseas Missions.

25. **Mr. Gormley** asked the Minister for Defence the impact of the recent election results in Serbia on KFOR and Irish participation as the framework nation for KFOR until August 2007; and if he will make a statement on the matter. [2924/07]

Minister for Defence (Mr. O'Dea): KFOR was established in June 1999 to support the maintenance of civil law and order within Kosovo, so as to develop a climate of safety and security, which will enable the transfer of increased responsibility to the civil authorities.

Ireland has participated in the KFOR since August 1999. The Irish contingent currently comprises an APC Mounted Infantry Group of some 215 personnel including a number of personnel in staff posts at various KFOR Headquarters.

A reorganisation and downsizing of the forces in KFOR, including the Irish contingent, was planned and had partly commenced when civil disturbances broke out in March 2004 in Kosovo. That downsizing was deferred to allow the situation to settle, this remains the current situation. Having regard to the fragility of the

peace in Kosovo and subject to ongoing assessments of the situation on the ground, Ireland has decided to maintain a continued presence in KFOR in 2007/2008.

In September 2006, the Government agreed to the Defence Forces undertaking an additional responsibility as Framework Nation for the Multinational Task Force Centre (MNTF (C)) in KFOR from August 2007. This will be a new development for the Defence Forces as we have never before commanded a brigade size force in multinational PfP-led peace support operation. Undertaking this new responsibility will contribute significantly to the development of the Defence Forces, improving its capabilities and heightening its profile as a professional and well-organised force within the international peacekeeping community.

As the Deputy will be aware, parliamentary elections took place in Serbia on 21 January last. In Kosovo, participation in these elections was confined to the Serbian community (approx. 5% of the population). Following the elections, in which no single party obtained an overall majority of seats, political negotiations are under way on the formation of a new coalition Government in Serbia. These negotiations are anticipated to last for a period of up to 90 days. It is not expected that either the election results or this negotiation process will have any particular impact on KFOR or on the Irish participation in KFOR. KFOR's mandate will continue as before until amended or withdrawn by the UN Security Council in the context of decisions on the future status of Kosovo, which are expected in the first half of this year.

Defence Forces Reserve.

26. **Mr. Naughten** asked the Minister for Defence when he expects that members of the Reserve Defence Forces will be permitted to serve overseas; and if he will make a statement on the matter. [2767/07]

61. **Mr. M. Brady** asked the Minister for Defence when, in the context of the Reserve Defence Force review implementation process, he anticipates that reserve force personnel may be selected for overseas duties; the categories or reserve personnel that may be considered; and if he will make a statement on the matter. [2791/07]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 26 and 61 together.

The White Paper on Defence outlines the blue print for a new Reserve Defence Force. An Implementation Plan has been developed that will ensure the realisation of the White Paper vision and this will be rolled out over the period to end 2009. The new Reserve will have a clearly defined role, an enhanced relationship with the PDF, better equipment and training and opportunities to serve on overseas peace support missions.

The Reserve has already seen significant improvements in terms of clothing, equipment, training and resourcing. It is now organised along similar lines to the PDF and the introduction of the integrated element of the Reserve is currently being addressed. All of these changes will enhance the capabilities of the Reserve as well as improving interoperability with the PDF. These factors are significant enablers in facilitating any future participation by Reserve personnel in overseas missions.

An important change recommended by the study of the reserve is that members of the Army reserve and Naval Service Reserve should be considered for participation in overseas peace support missions. While there are no immediate plans for participation by members of the Reserve in overseas missions, policies to support the selection of suitably qualified personnel for overseas duties will be developed over the lifetime of the Implementation Plan, over the period to end 2009. In other countries, service by Reservists on overseas peace support missions is quite common, although as specified in the Plan, any such participation by members of the Reserve is likely to be in specialised areas such as medical, transport, engineering and communications and information services. This will also be subject to personnel having suitable qualifications, their personal availability and appropriate advance training.

Development of policies to support the selection of suitably qualified Reserve personnel for overseas duties will include consideration of the impact of overseas duties on the employment of Reserve personnel. The question of legislation will also be considered in this context.

Emergency Planning.

27. **Mr. O'Connor** asked the Minister for Defence if he will continue the programme of major simulated exercises of the Task Force on Emergency Planning; when the next major simulated exercise is due to be run; the scenario that will be simulated; and if he will make a statement on the matter. [2796/07]

64. **Mr. Carey** asked the Minister for Defence when the public information campaign on emergency planning is expected to commence; the reasons the campaign is being undertaken; the research on which it is based; the nature and extent of the campaign; the number of simulated exercises that have taken place in 2005 and 2006; the plans for further simulated exercises in 2007; and if he will make a statement on the matter. [2789/07]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 27 and 64 together.

[Mr. O'Dea.]

As chairman of the Government Task Force on Emergency Planning, I have stressed, on many occasions, the importance that I attach to departments and key public authorities having structured exercise programmes in place.

I believe that the development of these programmes is essential in order to refine and develop the arrangements that exist, to improve them through review and revision, and to generally provide the basis for an increased confidence in the emergency planning process. The Deputy will be aware that specific responsibility for emergency planning functions remains with the relevant lead government department and it is a matter for each department to implement its own structured exercise programme.

It is intended that structured exercises will play a part in the public information and awareness campaign on emergency planning which is to get underway in the near future. The campaign, which was approved by Government in October 2006, is being undertaken to raise public awareness of the ongoing work on emergency planning being undertaken by government departments and public authorities. The campaign will also advise the public that they too have a responsibility to make preparations and take some precautions.

Following consultation with government departments and key public authorities involved in emergency planning, I decided, in late 2005, to initiate a market research programme into public attitudes and awareness of emergency planning in Ireland. The results of this research found that public awareness of emergency planning issues is low.

Based on the results of this market research, a communications company was commissioned to devise a strategy on the approach to be taken by Government for implementation of the campaign. A request for tenders in respect of advertising and PR services for the campaign was issued in November 2006 through the EU Journal. Tenders have been received and are being examined by my Department at present.

Defence Forces Reserve.

28. **Mr. M. Brady** asked the Minister for Defence the payments and allowances paid to members of the Reserve Defence Force; the number of persons who joined the Reserve Defence Forces in 2005 and 2006; and if he will make a statement on the matter. [2792/07]

Minister for Defence (Mr. O'Dea): The payments and allowances paid to members of the Reserve Defence Force are as follows:

- Reservists of the First Line Reserve, who are former members of the Permanent Defence Force, are paid an annual gratuity.
- Reservists of the Second Line Reserve, during attendance on training, are paid:
- Basic pay for Second Line Reservists, being the 1st point of the pay scale for the equivalent rank in the PDF;
- Naval Allowance in the Naval Service Reserve;
- Patrol Duty Allowance in the Naval Service Reserve;
- Security Duty allowances, where applicable;
- Initial and replacement Uniform Allowances;
- Children's Allowance to personnel enlisted pre-1st January 1979;
- Technical pay to designated personnel;
- Annual Gratuity, subject to meeting certain attendance criteria.

The total pay and allowances expenditure for Second Line Reservists, and the total expenditure for annual gratuities to First Line Reservists, in 2005 and 2006 came to €7,843,907 and €7,979,624, respectively. These figures do not include non-payroll items such as Unit Fund Grants, mileage, etc.

The numbers that enlisted in the Second Line Reserve in 2005 and 2006 were 1,087 and 1,144, respectively.

Question No. 29 answered with Question No. 13.

Defence Forces Recruitment Age.

30. **Aengus Ó Snodaigh** asked the Minister for Defence his views on setting a world standard by introducing a legislative restriction explicitly guaranteeing that children under the age of 18 will not participate in hostilities, become a target of attack or be sent to serve abroad as part of the Defence Forces under any circumstances. [2954/07]

Minister for Defence (Mr. O'Dea): I do not intend to raise the minimum age for recruitment to either the Permanent Defence Force or to the Reserve Defence Forces to a minimum of 18 years of age.

The Deputy's question may refer to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, which was adopted by the General Assembly of the United Nations in May 2000.

Ireland signed the Optional Protocol to the Convention on 7 September 2000 and ratified the instrument on 18 November 2002. The text of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict is available on the web-

site of the Department of Foreign Affairs (www.dfa.ie). The position is that Ireland is, in fact, fully compliant with the Optional Protocol.

With reference to the terms of the Optional Protocol, the particular matters for which I have direct Ministerial responsibility relate to the recruitment to, and the deployment within, the Defence Forces of persons who are under 18 years of age. The position with regard to the recruitment and deployment of persons under 18 years of age within the Defence Forces is briefly as follows.

PDF Service Overseas

All military personnel who are under 18 years of age are specifically precluded from any service abroad under the terms of the policy of the Defence Forces, as enunciated in Defence Forces Administrative Instructions.

PDF Service at Home

As general service enlistment is immediately followed by a basic training period of several months, before the recruit is 'passed out' as an active member of the Permanent Defence Force and therefore liable to the normal range of military duties, the possibility of a 17 year old soldier being exposed to a 'hostile' incident on duty at home is, in reality, quite small.

Service in the Reserve Defence Force (RDF)

As regards the Reserve Defence Force, there are about 350 or so serving members of the Reserve Defence Force aged 17. Members of the Reserve are not accepted as being trained to the minimum standard required for Reserve operations until they have completed their 'Three Star Private' Course which is conducted in the second year of service. Therefore, as 17 is the minimum age for RDF entry, Reserve entrants are not eligible for Reserve operations until they are at least of age 18. Members of the Reserve are precluded from 'Aid to Civil Power' operations within the State. Similarly, members of the Reserve cannot serve overseas.

Minimum Age of Recruitment to both PDF and RDF

Under Defence Forces Regulations and Administrative Instructions, the minimum age for 'general service enlistment' to all branches of the Defence Forces is 17 years of age. This is also the minimum age of entry for cadets who enter the Permanent Defence Force to undergo a structured intense programme of training of more than 12 months duration which leads to the award of a Commission as a junior Officer.

There is one exception to the legal minimum age of 17 provided for in military Regulations. These Regulations currently permit the recruitment of trade 'apprentices' for the PDF specifically as trade apprentices from the age of 16 onwards. Such 'apprentice' entrants are assigned to special technological courses of training and study lasting for 3-4 years, both within military colleges and at civilian colleges. Any apprentice recruit aged 16 at entry would be 19-20 by the time they qualified in their technical/ technological specialty. Apprentices are not assigned to any military duties at all until they have fully completed their specialist technical/technological training. In recent years, in any event, the actual administrative practice has been to set the minimum entry age for PDF apprentice entrants at the same level as General Service Enlistment i.e. a minimum age of 17 years at entry.

Defence Forces Equipment.

31. **Mr. Curran** asked the Minister for Defence the changes made to the clothing, equipment, personal body armour and protective gear made available to individual members of the Defence Forces over the past few years; the way the equipment compares with that available to troops in other armies across the EU. [2793/07]

Minister for Defence (Mr. O'Dea): The acquisition of new equipment for the Defence Forces continues to be a key focus for me as Minister for Defence. Significant investment has taken place in recent years throughout all facets of the Defence Forces and I will continue the good work in that regard.

In recent years a particular focus of the investment has been on equipment for the individual soldier. In this regard the introduction of the DPM Uniform with the provision of a full outfit of matching clothing for the individual soldier was a significant milestone for the Defence Forces. The introduction of these new uniforms has proved both practical and economical and has been an asset to the Defence Forces in their many operations.

In addition significant work has been carried out in recent years on the acquisition of an Integrated Protection and Load Carrying System for individual soldiers. This system includes Body Armour, Helmets, Back Packs (Rucksacks) and Battle Vests. The position with regard to the acquisition of these items is as follows:

- 8000 units of body armour for the individual soldier on operational duties have been delivered. The new body armour provides significantly greater protection, comfort and coverage than the old model as well as a doubling of the range of sizes available. The total value of the order was in the region of €8m.
- 12,000 helmets have been delivered. The value of the order was circa. €2.5m.
- 12,000 rucksacks have been ordered at a total cost of €3m, delivery will take place in 2007.
- To complete the modern integrated protection and load carrying system, one other

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> competition is currently in train for the acquisition of 12,000 Battle Vests used for the carriage by the individual soldier of essential items such as ammunition, personal radio, water and ancillary equipment. An order will be placed later this year for these items.

The personal equipment which the individual soldier in the Defence Forces has at his/her disposal for operational use both at home and overseas is second to none and compares very favourably with the equipment in use by other Countries. I will continue the ongoing investment in equipment for the Army, Air Corps and Naval Service to ensure that the most modern and up to date equipment is available for Defence Force's personnel.

Defence Forces Recruitment.

32. **Mr. Eamon Ryan** asked the Minister for Defence when the expected report on the way to encourage women to join the Defence Forces will be published; and if he will make a statement on the matter. [2932/07]

55. **Ms Lynch** asked the Minister for Defence the way he proposes to recruit more women into the Defence Forces; and if he will make a statement on the matter. [2804/07]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 32 and 55 together.

The Deputy knows, I am keen to increase the number of women applying to join our Defence Forces. To facilitate this, I have, with effect from 1st September 2006, reduced the minimum height requirement for entry into both the Permanent Defence Force and the Reserve Defence Force from 162.56cm (5'4") to 157.48cm (5'2").

This change, which applies to both males and females, has the effect of increasing the annual recruitment pool of females from 60% to 90% and males from 97% to 98%. It is too early to gauge whether there has been a corresponding increase in the number of female applicants to the Defence Forces. However, I will closely monitor the situation over the coming months.

I must point out that height is not the only issue in encouraging more women to apply to join the Defence Forces and I have recently initiated more general research in this area. To this end, following a tendering process, TNS MRBI, an independent market research company was awarded the contract to undertake research into the issue of recruitment and retention of women in the Defence Forces. The market research included interviews with currently serving female members of both the Permanent Defence Force and the Reserve Defence Force and members of the general public. I understand that the research phase has been completed and that the report is being finalised. As I have previously stated the results of this market research will be used to inform the formation of policy and practice in this area for the future. I anticipate that the finalised report will be available shortly.

I must emphasise that the Government is committed to a policy of equal opportunity for men and women in the Defence Forces (Army, Air Corps, Naval Service) including the Reserve Defence Force, and to the full participation by women in all aspects of Defence Forces activities.

In effect, this means that women are eligible, on the same basis as men, for participation in operational and ceremonial activities, for assignment to all military appointments and educational and training courses and for promotion. All female personnel undergo the same training and receive the same military education as their male counterparts.

Search and Rescue Services.

33. **Mr. P. McGrath** asked the Minister for Defence if he will tender for the search and rescue facility; and if he will make a statement on the matter. [2775/07]

Minister for Defence (Mr. O'Dea): The Irish Coast Guard has overall responsibility for the provision of maritime Search and Rescue services within the Irish Search and Rescue region. The Defence Forces are committed to providing support to the civil authorities specifically in relation to search and rescue. In this regard, the Naval Service and Air Corps provide support to the Coast Guard as the need arises and within their available capability.

The Air Corps had been providing Search and Rescue (SAR) services in the North West but withdrew in October 2004 following a handover of this role to CHCI, a private operator, which also provides the service at the country's other SAR bases at Dublin, Shannon and Waterford.

There is no plan to reconsider the decision to withdraw the Air Corps from the maritime search and rescue service.

Question No. 34 answered with Question No. 15.

Defence Forces Property.

35. **Ms Enright** asked the Minister for Defence the plans he has to extend the naval base at Haulbowline, County Cork; and if he will make a statement on the matter. [2778/07]

Minister for Defence (Mr. O'Dea): Haulbowline Island comprises 84 acres approximately. The property is vested in the Minister for Finance. The Naval Service currently occupies c. 40 acres and these lands are administered by my Department. The balance of the Island lands which were formerly under Lease to Irish Ispat (previously

Irish Steel) are under the administration of the Department of the Environment, Heritage and Local Government arising from the liquidation of that company.

The Department of the Environment, Heritage and Local Government has lead responsibility for the remediation of the Ispat site and my Department has signalled Naval Service interest in the future use of the site to that Department. The Naval Service interest in the site relates primarily to meeting the additional berthage needs of the expanding naval fleet. The Naval Service has also expressed interest in acquiring part of the former Ispat site to consolidate the existing naval base while also providing better access and parking facilities.

Question No. 36 answered with Question No. 17.

Military Medals.

37. **Mr. Curran** asked the Minister for Defence the number of applications received to date for official replacement certificates for 1916 and War of Independence Medals lost, stolen or destroyed; the number of certificates issued; and if he will make a statement on the matter. [2794/07]

Minister for Defence (Mr. O'Dea): Of some 550 enquiries made to date, my Department has received 392 completed application forms for Medal certificates in respect of Veterans of the 1916 Rising and the War of Independence. Following examination, entitlement to certificates has so far been established in 275 cases. A total of 152 of these cases have been finalised involving the issue of 486 certificates. The issuing of certificates in the remaining 123 cases will be completed over the coming weeks. Decisions on the remaining applications will be made and, where appropriate, certificates will be issued as quickly as possible.

Question No. 38 answered with Question No. 15.

Prison Security.

39. **Mr. Timmins** asked the Minister for Defence the role the Defence Forces have played in the operation of prisons since 1970, to include aid to civil power assistance and for operational and administrative responsibility; and if he will make a statement on the matter. [2759/07]

Minister for Defence (Mr. O'Dea): An Garda Síochána have the primary responsibility for law and order, including the protection of the internal security of the State. Among the roles assigned to the Defence Forces is the provision of the aid to the civil power (meaning in practice to assist, when requested, an Garda Síochána). Duties include the protection and guarding of vital installations, and the provision of certain security escorts.

In this context, the Defence Forces have deployed soldiers to Portlaoise Prison for security reasons since 1973. A similar arrangement was in place at Limerick Prison from 1974 until 1992.

The Defence Forces also provide armed assistance to Prison Service staff whenever high security prisoners are being transferred outside the confines of the Prison, for example hospital or court escorts.

Over the years in times of industrial disputes the Defence Forces have been required to provide assistance to the Prison Service. Such an occasion was a three week period in 1987 in Cork Prison to cover a prison officers strike. The Army Medical Corps also provided personnel in the operation of medical facilities and services to the prison service during an industrial dispute by the prison doctors from June to August 2004. The Medical Officers were deployed to three prisons, Mountjoy, Cloverhill and Portlaoise, to provide medical services on a daily basis during normal working hours.

Official Celebrations.

40. **Mr. Ring** asked the Minister for Defence his plans to commemorate the Easter Rising celebrations in 2007; and if he will make a statement on the matter. [2763/07]

50. **Mr. O'Shea** asked the Minister for Defence if there will be a military parade to mark the 91st anniversary of the Easter Rising; and if the all-party parliamentary group will be reconstituted. [2807/07]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 40 and 50 together.

A commemoration will again be held this Easter Sunday at the GPO to mark the anniversary of the Easter Rising 1916. Following discussions at the All Party Oireachtas Committee it has been decided that the format of this years commemoration will be a military ceremony centred on the GPO with appropriate military honours rendered. There will not be a parade along the lines of the 2006 one. However, there will be a reading of the proclamation and a flag raising ceremony similar to what happened last year's successful ceremony.

The exact details of the ceremony are being finalized at present by an interdepartmental committee involving my Department/Defence Forces, the Department of An Taoiseach and all other relevant Departments/Agencies. Therefore I am not in a position to comment any further on the details of the organization.

As planning progresses I will continue to liaise with the other parties through the All Party Oireachtas Group as I have being doing to date. The Group last meet on 21 November, 2006 where we discussed the overall format for Easter

[Mr. O'Dea.]

2007 and I expect we will meet again when the planning process has been progressed.

Question No. 41 answered with Question No. 18.

Departmental Expenditure.

42. **Mr. Cuffe** asked the Minister for Defence the reason his Department spent more on energy and fuel in 2005 than any other Government Department; the energy efficiencies he is putting in place to address same; and if he will make a statement on the matter. [2928/07]

Minister for Defence (Mr. O'Dea): I previously advised the Deputy that in 2005 expenditure for fuel in relation to the provision of heating and electricity in the various offices of my Department was €315,350.00.

In addition a further €16,324,500.00 was spent on energy and fuel by the Defence Forces across 100 sites including 27 permanently occupied Military Barracks. This included expenditure of €8,900,000.00 on fuel for aircraft, vehicles and naval vessels.

An energy efficiency working group was established in 2003 to examine fuel economy measures throughout the Defence Forces.

A number of initiatives to improve energy efficiency have since been implemented and these have resulted in more efficient energy usage and cost savings. The group continues to work to improve energy efficiency across the Defence Forces.

Defence Forces Recruitment.

43. **Ms McManus** asked the Minister for Defence his plans to encourage new immigrants to Ireland to join the Defence Forces. [2805/07]

Minister for Defence (Mr. O'Dea): The question of the recruitment of foreign nationals to the Defence Forces is not a new one and Defence Force Regulations have always allowed for the recruitment of foreign-nationals to the Defence Forces.

Entry to the Permanent Defence Force is either through the Cadetship Competition, Apprenticeship Competition, General Service Enlistment or Direct Entry Competitions which are held to fill vacancies in specialist appointments. All applicants for each of these entry streams are required to meet qualifying criteria.

The Cadet Competition is the entry level for recruitment as an Officer of the Defence Forces. As you are aware, I have made changes to the 2006 Cadet competition to broaden the entry criteria thereby making it easier for qualifying foreign nationals to apply for cadetships.

In addition the Defence Forces Equality Policy underpins equality legislation and states that:

- The Defence Forces are committed to the principles of equal opportunities in all employment policies, procedures and regulations.
- The Defence Forces will operate in an environment without discrimination in areas as provided by the Equality Acts.
- The Defence Forces will ensure that the principles of employment equality are employed in recruitment, promotion, training and work experience
- All regulations and Administrative Instructions concerning service in the Defence Forces shall be set out in a manner consistent with this policy of equal opportunity.
- This policy will be reviewed along with the Defence Force regulations on an ongoing basis by the Deputy Chief of Staff (Support) to ensure compliance with best practice and to maintain a working environment that treats all members of the Defence Forces in a manner consistent with equal opportunities.

The primary focus in recruitment is to attract people with the core competencies required by the Defence Forces.

My Department and the Defence Forces are fully committed to ensuring that all suitably qualified candidates who wish to do so are given the opportunity to join the Defence Forces.

Overseas Missions.

44. **Mr. Cuffe** asked the Minister for Defence the number of Irish Defence Forces personnel operating in Afghanistan and their role; and if there is an intention of withdrawing them in view of the deterioration of the situation in that country. [2927/07]

Minister for Defence (Mr. O'Dea): On 20 December, 2001, the UN Security Council unanimously adopted Resolution 1386 authorising the establishment of an International Security Assistance Force (ISAF) for six months to assist the Interim Afghanistan Authority in the maintenance of security in Kabul and the surrounding areas. The authorisation of ISAF has been extended by the UN Security Council since then. NATO assumed the lead in ISAF on 11 August, 2003. The current Commander of ISAF, which has a strength of approximately 32,000 personnel, is Lt. Gen David Richards (UK).

Ireland has participated in ISAF in Afghanistan since 5 July, 2002, following the Government Decision of 2 July, 2002 authorising the provision of seven members of the Permanent Defence Force for service with the force.

Seven Irish personnel are currently serving with the force. Three personnel are serving as staff officers with the ISAF HQ in Kabul and four personnel are deployed in Liaison Teams in the

Regional Command Capital (RC(C)) Kabul. The Liaison Teams specifically liaise between the RC(C) and the Afghan National Directorate of Security, Kabul Police and the United Nations Assistance Mission to Afghanistan (UNAMA).

The safety of Irish personnel serving overseas is always of paramount concern to me. The overall threat to ISAF in Kabul, Afghanistan, is currently assessed as "significant", as it has been for some considerable time. In view of these risks and following a review of the threat to our personnel in Kabul, additional security and protective measures have been put in place. Armoured protection vehicles have recently been provided to the personnel serving in Kabul and other security measures in relation to routes and travel have also been taken. Ongoing risk assessments will continue to take account of the situation on the ground and all possible precautions will be taken to ensure the safety of our troops there.

At this time, it is planned that Defence Forces personnel will continue to serve with ISAF, subject to ongoing review by my Department and the Defence Forces.

45. **Mr. Durkan** asked the Minister for Defence the position in regard to the likelihood of further deployments of Irish troops at various locations overseas in connection with EU or UN related issues; and if he will make a statement on the matter. [2981/07]

273. **Mr. Durkan** asked the Minister for Defence the number of Irish troops currently on UN assignments; the locations of same; and if he will make a statement on the matter. [3274/07]

280. **Mr. Durkan** asked the Minister for Defence the extent to which he has had discussions with EU or other colleagues in regard to future deployment of Irish troops on peace keeping or peace enforcement missions; and if he will make a statement on the matter. [3227/07]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 45, 273 and 280 together.

Currently, a total of 830 Defence Forces personnel is serving overseas, full details of which are listed in the attached statement.

Ireland has offered, through the UN Standby Arrangements System (UNSAS), to provide up to 850 military personnel, configured as a light infantry mounted battalion, for overseas service at any one time. This figure equates to some 10% of Ireland's standing Army (excluding Reserves) and demonstrates Ireland's commitment to the cause of international peace. This is the maximum sustainable commitment that Ireland can make to overseas peace-keeping operations. There are no plans at this time to increase the level of our commitment to UNSAS.

Ireland receives requests from time to time in relation to participation in various missions and these are considered on a case-by-case basis. However, we are currently fairly close to the limit of our sustainable commitments.

Looking to the future, we will complete our withdrawal from the United Nations Mission in Liberia in May 2007 and will take over as Lead Nation in the KFOR Multinational Task Force Centre in August this year for a period of 12 months. The question of further deployments on overseas missions will be looked at in mid 2007 in the context of the then available resources.

Members of the Permanent Defence Force serving Overseas as of 1 January 2007

1. UN Missions	
(i) UNIFIL (United Nations Interim Force in Lebanon) HQ	7
UNIFIL 34th Inf Group	155
(ii) UNTSO (United Nations Truce Supervision Organisation) — Israel, Syria and Lebanon	12
(iii) MINURSO (United Nations Mission for the Referendum in Western Sahara)	3
(iv) UNMIK (United Nations Interim Administration Mission in Kosovo)	4
(v) MONUC (United Nations Mission in Democratic Republic of the Congo)	3
(vi) UNOCI (United Nations Mission in Ivory Coast)	2
(vii) UNMIL (United Nations Mission in Liberia) FHQ	1
UNMIL 96th Inf Bn	324
TOTAL	511
UN Mandated Missions	
(viii) EUFOR (EU-led Operation in Bosnia and Herzegovina)	64
(ix) KFOR (International Security Presence in Kosovo)	215
(x) ISAF (International Security Assistance Force in Afghanistan)	7
Total number of personnel serving with UN missions	797

[Mr. Durkan.]

2. EU Missions	
(i) European Union Monitor Mission (EUMM) to the former Yugoslavia	5
(ii) EU support to UN authorised African Union Mission in Sudan (AMIS)	3
(iii) EUFOR RD Congo (support mission to MONUC)	2
TOTAL NUMBER OF PERSONNEL SERVING WITH EU MISSIONS	10
3. Organisation for Security and Co-operation in Europe (OSCE)	
(i) OSCE Mission to Bosnia & Herzegovina	1
(ii) OSCE Mission in Montenegro	1
(iii) OSCE Presence in Albania	2
(iv) OSCE Mission in FRY	2
(v) Staff Officer, Higher Level Planning Group, Vienna	1
Total number of personnel serving OSCE	7
4. Head of Military Staff (Brussels)	1
5. EU Military Staff (Brussels/Mons)	5
6. EU Military Staff (New York)	1
7. Liaison Office of Ireland, PfP (Brussels)	2
8. Permanent Representative to EU (Brussels)	3
9. Military Representatives/Advisers	
(i) Military Adviser, Permanent Mission to UN, New York	1
(ii) Military Adviser, Irish Delegation to OSCE, Vienna	1
(iii) Military Representative to Partnership Co-ordination Cell/Supreme Headquarters Allied Powers Europe (SHAPE), Mons, Belgium	1
10. Appointments — UN HQ (New York)	
Officers seconded to DPKO (Department of Peace Keeping Operations)	1
TOTAL NUMBER DEFENCE FORCES PERSONNEL SERVING OVERSEAS	830

46. **Mr. Gilmore** asked the Minister for Defence the number of Irish soldiers who are stationed in the Lebanon on peace keeping duties under the UN mandate; the type of work that is being carried out by Irish soldiers there; his plans to visit the soldiers in the Lebanon; and if he will make a statement on the matter. [2802/07]

47. **Mr. Gormley** asked the Minister for Defence if he will report on the deployment of Irish troops in the Lebanon; if there has been a recent update of the security risk of the mission; and if he will make a statement on the matter. [2923/07]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 46 and 47 together.

UNIFIL was originally established on 19 March 1978 under United Nations Security Council resolutions 425 and 426, following the invasion of Lebanon by Israel, with a mandate "to confirm the withdrawal of Israeli Forces, to restore international peace and security and to assist the Government of Lebanon in ensuring the return of its effective authority in the area". The Secretary General of the United Nations concluded that as of 16 June, 2000, Israel had withdrawn its forces from Lebanon in accordance with resolution 425 (1978), thus partially fulfilling UNIFIL's original mandate. Since then, UNIFIL continued to operate in Southern Lebanon, focussing on the remaining part of its mandate: the restoration of peace and security in the region.

In response to the July-August 2006 crisis, the UN decided, under UN Security Council Resolution 1701, to extend the mandate of UNIFIL to the end of August, 2007, and to increase its troop strength, from approximately 2,000 troops, to a maximum of 15,000. The Council also decided that, in addition to carrying out its original mandate, UNIFIL would also monitor the cessation of hostilities; accompany and support the Lebanese armed forces as they deploy throughout Southern Lebanon; and extend its assistance to help ensure humanitarian access to civilian populations and the voluntary and safe return of displaced persons.

The nature of the expanded UNIFIL mandate is such that its role is to be considerably more robust than it was prior to the adoption of Resolution 1701, while still operating under Chapter VI of the UN Charter.

At the time of the crisis, Ireland had 5 Defence Forces personnel deployed at the Force Head-

quarters in Naquora. These personnel are still in place. However, in response to the expanded mandate for the mission and a request from the UN, the Government with Dáil approval, increased Ireland's contribution to some 162 personnel. The additional contribution, is part of a joint Finnish-Irish Engineering Battalion which carries out tasks in support of UNIFIL, including dealing with unexploded ordnance clearance and reconstruction. Ireland provides the security detail for the Engineering contingent from Finland. While the Irish element is tasked primarily for reconnaissance, security and protection duties associated with these engineering works, it is also be available to undertake other tasks at the request of the UNIFIL Force Commander. Initial deployment will be for 1 year subject to renewal of the mandate and a satisfactory review of the mission at that time.

A key aspect and the primary concern in relation to participation in any mission is the safety and security of Defence Forces personnel. Prior to deployment, the Defence Forces undertook a joint reconnaissance mission with Finland. Following consultation with our Finnish colleagues, UNIFIL and other parties, it determined that there is no direct threat to UNIFIL personnel. That said, the uncertain and volatile situation means that incidents, misunderstandings or wider political developments all have the potential to impact negatively on the peace-keeping operation. The large quantity of cluster-bomblets and other unexploded ordnance also present a risk. While there have been political difficulties and some civil unrest in the country, the ceasefire in Southern Lebanon seems to be holding and the Defence Forces have assessed the overall threat as "LOW within a volatile situation", not dissimilar to that encountered by Irish personnel on other peace support missions. This continues to be the assessment of the Defence Forces and I am satisfied that all appropriate security measures are in place to ensure the safety of the Defence Forces personnel serving in Lebanon.

For the first few days after the initial deployment on 31 October, pack rations, supplemented with locally purchased breads, fruits and vegetables and additional food items shipped from Ireland were provided to all personnel. Commencing 4 November 2006, a hot meal was provided daily from field kitchens. The dining facility in the camp (Camp IDA) was opened on 6 December 2006, with hot food served at all three meals daily. The Defence Forces have assured me that the food served in Camp IDA is to a high standard and the bill of fare provides a balanced diet of meat, vegetables, potatoes, fruit, pasta, rice and dairy products. As you will appreciate, this is a new operation in a new camp and it takes time to put in place all the required facilities.

I had planned to visit the Defence Forces contingent in late November but was advised by the Chief of Staff that I should defer my visit until the New Year, when the mission was more established and had a more detailed understanding and assessment of the operation and the security situation. I am now looking forward to visiting the contingent towards the end of February.

Ministerial Travel.

48. **Mr. Perry** asked the Minister for Defence the recent visits he has carried out to troops serving abroad; when he will carry out such visits in the future; and if he will make a statement on the matter. [2758/07]

Minister for Defence (Mr. O'Dea): During the past year I visited Irish personnel serving with the United Nations Mission in Liberia (UNMIL) and with the NATO-led International Security presence (KFOR) in Kosovo.

During the period 28 February, 2006, to 2 March, 2006, I took the opportunity to visit Liberia where I met with the Irish personnel of 94th Infantry Battalion serving with UNMIL. The primary purpose of my visit was to see at first hand the work of the Irish Defence Forces Personnel serving with UNMIL and to convey to them, on behalf of the Government and the people of Ireland, the deep appreciation felt regarding the outstanding manner in which they perform their duties in this challenging mission.

During the course of my visit to Liberia, I met with the President of Liberia, Ellen Johnson-Sirleaf, and the UN Special Representative of the Secretary-General (SRSG), Alan Doss. I also paid a courtesy call to the Deputy Force Commander UNMIL, Major General Muhammad Tahir.

During the period 12 to 14 June, 2006, I paid a visit to Kosovo where I met with the Irish personnel of 32nd Infantry Battalion serving with the NATO-led International Security Presence in Kosovo (KFOR). During the course of my visit I had a number of briefings and opportunities to see the excellent work being done by the Irish Defence Forces personnel serving with KFOR. I had detailed discussions and briefings from the KFOR Commander: Lieutenant General Giuseppe Valotto at the KFOR HQ at Film City in Pristina. Lt Gen Valotto gave a full assessment of the current position across Kosovo and was fulsome in his praise for the Irish Defence Forces personnel serving there,

On both visits I was impressed by the range of humanitarian activities being supported by Irish Defence Forces personnel in Liberia and Kosovo.

I had planned to visit the Defence Forces contingent in Lebanon (UNIFIL) in late November, 2006, but was advised by the Chief of Staff that I should defer my visit until the New Year, when the mission was more established and had a more detailed understanding and assessment of the operation and the security situation. I am now looking forward to visiting the contingent towards the end of February.

Official Celebrations.

49. **Ms O'Sullivan** asked the Minister for Defence if there are plans to involve the Defence Forces in the proposed celebrations of the 400th anniversary of the Flight of the Earls; and if he will make a statement on the matter. [2808/07]

Minister for Defence (Mr. O'Dea): The Government has approved the preparation of a commemorative programme for the 400th Anniversary of the Flight of the Earls, combined with the 400th Anniversary of the Irish College at Louvain and the 350th Anniversary of the Franciscan scholar Luke Wadding. A commemorative planning group, comprised of officials from several Government Departments, has been established to bring forward a commemorative programme events of general public interest that will contribute to a deeper appreciation of this important period of Irish history. The programme, which will involve exhibitions, conferences, cultural events, cultural and tourist trails, educational programmes and popular festivals, will be announced in the near future.

Among the commemorative events being planned is a Naval Festival to be held in the port of Killybegs, Co. Donegal, over the weekend of June 30th, 2007, and I understand that Donegal County Council has recently issued invitations to several foreign navies to participate in the Festival. I have approved the attendance of the Naval vessel L.E. Orla at this festival, and the Naval Service will also provide assistance to the participating foreign navies during their stay, where required.

While the involvement of the Defence Forces has not been suggested to date for any of the other events being planned, I would be happy to consider any proposals submitted by the commemorative planning group in this regard.

Question No. 50 answered with Question No. 40.

Defence Forces Support Services.

51. **Mr. S. Ryan** asked the Minister for Defence if his attention has been drawn to the fact that former members of the Defence Forces are homeless or living in poor circumstances; if he will provide a support service to advise the hundreds of Defence Forces members who retire or resign each year of their entitlements and to assist them with reintegration into civilian life; and if he will make a statement on the matter. [2813/07]

Minister for Defence (Mr. O'Dea): The Defence Forces run regular pre-retirement courses in advance of retirement for personnel who are due to retire on normal age grounds. The courses are provided within five years of the due retirement date.

Permanent Defence Force personnel are briefed about the important life changes that result from reaching retirement age. They receive information about how others have dealt successfully with these life changes. This is intended to enable them to anticipate the changes in their own lives and to ease the transition to their new life. Both the PDF member and his/her spouse are encouraged to attend. They receive advice and guidance from leading experts on all aspects of retirement including:

- Changes and relationships;
- Financial matters;
- Health;
- Time management.

It is widely recognised that the programmes of development and training available in the Defence Forces are second to none. Nowadays military skills training encompasses a very broad range of well recognised courses of training such as communications technicians, qualifications in Information Technology etc, as well as the more traditional trades. Many military personnel, in all ranks, are increasingly educated to diploma and degree level or hold readily marketable trade qualifications. This training and the experience of military life provides excellent preparation for life/work after retirement or resignation from the Defence Forces for most personnel.

Of course, there are always some individual cases of persons who experience social difficulties after, or indeed during the course of, their military service. Such problems are sadly found across all sections of society and are not confined to the Defence Forces.

The Organisation of National Ex-Servicemen and Women, or Óglaigh Náisiúnta na hÉireann Teoranta (ONET) has enjoyed the long-standing official recognition of the Department and the Defence Forces.

ONET is dedicated to looking after the welfare of all ex-service personnel of the Irish Defence Forces. A main objective of ONET is to ensure the welfare of ex-servicemen and women by way of providing accommodation to homeless members in need of such domestic accommodation and providing other assistance that may be required by way of advising referrals to the relevant agencies.

In October 2006, in recognition of the valuable work of ONET, I was pleased to support ONET in the form of a once off grant of €50,000 from my Department. I hope that this will go some way towards assisting ONET in its most valuable and worthwhile activities into the future.

Infectious Diseases.

52. **Dr. Upton** asked the Minister for Defence if there have been recent meetings of the interdepartmental working group on emerging planning to prepare for the anticipated arrival of avian flu here; the outcome of such meetings; and

if he will make a statement on the matter. [2809/07]

Minister for Defence (Mr. O'Dea): The Inter-Departmental Working Group on Emergency Planning last met on the 18 January 2007. This was the 46th meeting of the Working Group. At that meeting the Department of Agriculture and Food briefed the Working Group of its assessment on the current risk of an avian flu outbreak. The Department's assessment is that the current risk of an avian flu outbreak in Ireland is low.

The Department of Health and Children, which has primary responsibility for the preparation of influenza pandemic plans, provided a briefing to the Working Group on the National Pandemic Influenza Plan, which was launched by that Department and the Health Service Executive on 15 January 2007. This plan provides information on pandemic influenza and explains what the Government and the health services are doing to prepare for a possible pandemic. The Plan also advises the public on what is required of them in the event of a pandemic.

Under the World Health Organization's levels of alert, the current alert level is Phase 3. This means that there is human infection with a new subtype, but no human-to-human spread (or, at most, rare instances of spread to a close contact).

An Inter-Departmental Standing Committee chaired by the Department of Health and Children also meets regularly and examines ways of supporting the Department of Health and Children in planning for and responding to any possible flu pandemic.

The Inter-Departmental Working Group on Emergency Planning will continue to be briefed and updated on these matters and related emergency planning issues on a regular and ongoing basis.

Defence Forces Recruitment.

53. **Mr. J. Brady** asked the Minister for Defence the number of cadets and the number of private soldiers who were accepted into the Defence Forces in 2004, 2005 and 2006; the number of applications received in each of those years; and if he will make a statement on the matter. [2837/07]

Minister for Defence (Mr. O'Dea): The numbers of applications received for General Service Enlistment to the Permanent Defence Force in 2004, 2005 and 2006 were 1,943, 1,125 and 2,495 respectively. A total of 579 general service recruits enlisted in the Permanent Defence Force in 2004, 384 enlisted in 2005 and 559 enlisted in 2006.

The numbers of applications received for Cadetships in 2004, 2005 and 2006 were 916, 1,004 and 1,085 respectively. Sixty-seven Cadets were enlisted in 2004. Of these 2 Cadets were Naval Service Cadets from the 2003 Cadet competition who transferred from the Naval Service to the Army Cadet class of 2004. Fifty-five Cadets were enlisted from the 2005 Cadetship Competition and 55 were enlisted from the 2006 Cadetship competition.

It is my intention to maintain the established Government policy of ongoing recruitment to the Defence Forces. Recruitment into the Permanent Defence Force will continue to maintain the strength at a level required to meet military needs an as set out in the white paper, i.e. 10,500 Permanent Defence Force all ranks.

Defence Forces Ombudsman.

54. **Mr. Sargent** asked the Minister for Defence if he will report on progress in the Ombudsman for the Defence Forces Office; and if he will make a statement on the matter. [2933/07]

Minister for Defence (Mr. O'Dea): The Office of the Ombudsman for the Defence Forces was established under the Ombudsman (Defence Forces) Act 2004. On the 19th September 2005, Ms. Paulyn Marrinan-Quinn, SC, was appointed by the President, upon the recommendation of the Government, as the first Ombudsman for the Defence Forces.

The function of the Ombudsman for the Defence Forces is to act as the ultimate point of appeal for, and administrative investigation into, complaints made by members (and former members) of the Defence Forces against another member (or former member) of the Defence Forces, or against a civil servant of the Department of Defence. The Ombudsman for the Defence Forces may investigate a complaint in respect of an action or decision, which may have adversely affected the complainant personally. The action or decision complained of must have occurred no earlier than the 1st December 2005.

To date, the office of the Ombudsman has sent me some 28 reports relating to 23 individual cases. This total includes 1 Preliminary Views and 15 Final Reports. I have either responded to or am in the process of responding to the Ombudsman for the Defence Forces in respect of each of the Final Reports. The Minister for Defence is obliged to inform the Ombudsman for the Defence Forces of the measures taken or proposed in response to her recommendation.

I can also inform the Deputy that since 1st December 2005, some 106 complaints have been made within the military system under Section 114 of the Defence Act 1954, as now amended by the Ombudsman (Defence Forces) Act 2004, seeking redress of wrongs. Those redress complainants, whose complaints relate to matters occurring on or after 1st December 2005, are eligible to refer their complaint to the Ombudsman if a complainant so desires. I am advised by the Military Authorities that there are some 86 complaints in this category, of which 25 have been referred to the Ombudsman so far.

[Mr. O'Dea.]

The Ombudsman for the Defence Forces is, in accordance with the Act, independent in the performance of her duties. She is required to cause a report on the performance of her functions under the Act to be laid annually before each House of the Oireachtas. In these circumstances, I do not consider it appropriate for me to report on her behalf or to give details in relation to her reports on individual cases, complaints already submitted to the Office of the Ombudsman, the status of those complaints, or the current treatment of those cases by the Ombudsman.

I am happy to inform the Deputy that the primary focus in these cases to date has been on selection for promotion, selection for military career courses and selection for overseas service. I can also indicate that the reports of the Ombudsman for the Defence Forces have made a valuable contribution to the ongoing updating of selection procedures in these three areas.

Question No. 55 answered with Question No. 32.

National Memorial.

56. **Mr. Mulcahy** asked the Minister for Defence when the National Memorial to commemorate deceased members of the Defence Forces who have died in service will be erected; the location where it will be erected; the person who will be designing the memorial, the concept behind the design; the concept behind the design; and if he will make a statement on the matter. [2921/07]

Minister for Defence (Mr. O'Dea): It is intended, with the co-operation of Dublin City Council, to erect a "National Memorial to Members of the Defence Forces who died in Service" in Merrion Square in Dublin later this year. A tender competition was undertaken to select an artist to design, construct and install the Memorial. The closing date for receipt of tenders was 30 November 2006 and five short-listed proposals were considered. A preferred tender has now been selected and subject to finalising the site for the memorial with Dublin City Council and entering into a contract with the selected artist I expect to be in a position to make a formal announcement in the coming weeks.

The funding allocated to the competition is €175,000. The timetable is dependent on a smooth passage through all stages of the planning process and the construction and installation of the Memorial.

Question No. 57 answered with Question No. 12.

Defence Forces Allowances.

58. **Mr. Quinn** asked the Minister for Defence if he will provide an annual subvention to assist the Irish United Nations Veterans Association in the valuable work they perform; and if he will make a statement on the matter. [2811/07]

Minister for Defence (Mr. O'Dea): The Irish United Nations Veterans Association (IUNVA) was formed in 1990. Membership is available to those who have successfully completed a tour of duty with a UN Force or Organisation. I understand this membership would largely comprise both serving and former members of the Permanent Defence Force, but also includes serving and former members of the Garda Siochána and those who have served abroad with the UN in a civilian capacity. The Association is financed by membership fees, voluntary contributions and fundraising.

I can advise the Deputy that, in October 2006, in recognition of the valuable work of IUNVA and to mark almost 50 years of Defence Forces involvement in international peacekeeping with the United Nations, I was pleased to support the work of IUNVA in the form of a once off grant of €50,000 from my Department. I hope that this will go some way towards assisting IUNVA in its most valuable and worthwhile activities into the future. However, it is not planned to provide annual funding or annual subventions.

National Drugs Strategy.

59. **Mr. Kelly** asked the Minister for Defence the number and rank of Defence Force personnel tested in 2004, 2005, and 2006 under the drug testing programme; the numbers and ranks of those who tested positive; the type and class of drugs detected; the action taken when a member tests positive; and if he will make a statement on the matter. [2798/07]

Minister for Defence (Mr. O'Dea): A Compulsory Substance Testing Programme was introduced on 1 February 2002 as part of a Defence Forces Substance Abuse Programme. This followed a long consultative process involving the Office of the Attorney General, the Deputy Judge Advocate General and the Defence Forces Representative Associations.

The primary objective of Compulsory Random Drugs Testing is deterrence. In order to provide a credible level of deterrent, the testing programme has been devised to maximise the possibility of random selection for testing. A trained Drugs Testing Team is responsible for taking urine samples for compulsory random testing throughout the Defence Forces. Testing commenced on 14th November 2002 and the programme is now in its fifth year of operation. The target of testing 10% of the Permanent Defence Force has been achieved. A member of the Permanent Defence Force, randomly selected, may be required, at any time, to provide a urine sample which will be tested for evidence of use of controlled drugs, or the abuse or misuse of other

substances, or for the detection of the metabolites thereof. A member of the PDF who refuses to provide a urine sample, or who provides a urine sample which tests positive, may be liable to retirement, discharge or relinquishment of commission or withdrawal of cadetship as appropriate under the provisions of Defence Force Regulations.

The following table outlines the number of Defence Forces personnel tested under the compulsory random drugs testing programme for 2004, 2005 and 2006. It also indicates the number of positive tests and the number and rank of those who tested positive.

Year	Number Tested	Positive Tests	Number Discharged	Ranks of those testing positive	Remarks
2004	1,110	4	4	4 Privates	All discharged
2005	1,238	7	6	1 Corporal 5 Privates 1 Recruit	One recommendation for discharge awaiting Judicial Review
2006	1,213	7	5	1 Sergeant (RDF) 5 Privates 1 Recruit	Administrative procedures are ongoing for the remaining 2 personnel with positive tests

Personnel who test positive for controlled substances are liable for Administrative Discharge from the Defence Forces. The test is designed to detect usage of certain controlled substances as specified in the Misuse of Drugs Act 1977 as amended by the Misuse of Drugs Act 1984, such as Amphetamines, Methylamphetamine, Cocaine, Ecstacy (MDMA), Barbituates, Benzodiazapines, Cannabis, Opiates and PCP.

The procedures following a positive test result are summarised as follows: 1. The individual is paraded by his/her Commanding Officer and informed of a positive 'A sample' test result and is invited to have his/her second sample, the 'B sample', tested at an alternative independent laboratory. 2. The individual will be restricted to unarmed duties pending the completion of administrative action. 3. Should the individual decline to have the 'B sample' tested, or should the 'B sample' result be positive, the individual will be paraded by his/her Commanding Officer and informed that administrative action will be initiated which may result in his/her discharge/retirement. The individual will be invited to make representations showing cause as to why he/she should be retained in service. 4. Having considered any representations from the individual, the Commanding Officer will make a recommendation to his/her Brigade/Formation Commander as to the retention or discharge/retirement of the individual. The individual will be paraded and informed of this recommendation. 5. The individual is also afforded the opportunity to make further representations directly to the Brigade/Formation Commander. 6. In the case of NCOs and Privates, following receipt of the Commanding Officer's recommendation, and having considered all representations made by the individual, the Brigade/Formation Commander decides on retention or discharge. 7. In the case of officers, the Brigade/Formation Commander will make a recommendation to the Deputy Chief of Staff (Support) as to retention or retirement of the individual and the individual will be informed of this recommendation. Having considered the recommendations of the Commanding Officer, the Brigade/Formation Commander and all representations made by the individual, the Deputy Chief of Staff (Support) decides on the retention or retirement of the officer.

Defence Forces Training.

60. **Mr. Mulcahy** asked the Minister for Defence the number of commissioned and non-commissioned personnel currently attending third level education; the range of courses involved; the cost incurred in 2004 and 2005; the funding provided for third level education under the refund of fees scheme operated by his Department; the number of applications received in 2004 and 2005; and the number of applicants successful in receiving grants; and if he will make a statement on the matter. [2922/07]

Minister for Defence (Mr. O'Dea): The military authorities have advised that there are currently 228 commissioned and non-commissioned personnel attending education courses at third level, ranging from Certificate to Masters Degree level. The fees incurred in relation to such courses amounted to €663,188 in 2004 and to €578,130 in 2005.

The number of applications received from military personnel for refunds of course fees, in respect of third level education in the individual's own time, was 35 in 2004. The figure for 2005 was 51. All applications made were granted. The level of funding available for the Refunds of Fees Scheme for military personnel for third level courses was €70,000 in 2004 and €72,000 in 2005.

Question No. 61 answered with Question No. 26.

Commemorative Events.

62. **Mr. Rabbitte** asked the Minister for Defence his plans to mark the 50th anniversary of the involvement by the Irish Defence Forces in international peace keeping missions with the United Nations; and if he will make a statement on the matter. [2812/07]

Minister for Defence (Mr. O'Dea): Ireland has participated continuously in United Nations peacekeeping operations since 1958, a service which has comprised more than 55,000 individual tours of duty.

The first members of the Defence Forces to deploy with a United Nations peacekeeping mission did so on 28 June, 1958 with the United Nations Observer Group in Lebanon (UNOGIL). A total of fifty (50) officers served with this mission during the period June to December 1958 when the mission was withdrawn. This was followed by the deployment in December 1958 of personnel to the first peacekeeping operation established by the UN, the United Nations Truce Supervision Organisation (UNTSO). Ireland's participation in this mission continues to this day.

The military authorities are at present planning an appropriate commemoration to mark this significant milestone in the history of the Defence Forces.

Defence Forces Strength.

63. **Mr. Durkan** asked the Minister for Defence if it is intended to increase the strength of the permanent Defence Forces having particular regard to current and potential commitments; and if he will make a statement on the matter. [2980/07]

275. **Mr. Durkan** asked the Minister for Defence the optimum strength of the Army, Navy and Air Corps; and if he will make a statement on the matter. [3276/07]

277. **Mr. Durkan** asked the Minister for Defence if the strength of the Defence Forces is sufficient in view of expected deployments overseas. [3278/07]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 63, 275 and 277 together;

The White Paper on Defence of 2000 provides for a Permanent Defence Force strength of 10,500 comprising 930 for the Air Corps, 1,144 for the Naval Service and 8,426 for the Army. The strength of the Permanent Defence Force as at 31 December, 2006 was 10,479 comprising 865 for the Air Corps, 1,082 for the Naval Service and 8,532 for the Army.

The Permanent Defence Force manages recruit intakes so as to keep its annualised monthly average strength at or around 10,500. The White Paper on Defence provides for an allocation of up to 850 Permanent Defence Force personnel to be deployed overseas at any one time. While this may be exceeded for short periods, deployments above this level are not sustainable on an ongoing basis within existing resources. Any commitments to EU or UN missions will be met within this context.

There were 812 PDF personnel deployed on overseas operations at 31 December, 2006. I am satisfied that the current strength is adequate to meet all needs arising at home and overseas.

Question No. 64 answered with Question No. 27.

Citizenship Applications.

65. **Mr. Kehoe** asked the Tánaiste and Minister for Justice, Equality and Law Reform if a person (details supplied) in County Wexford is eligible to apply for naturalisation; the way they commence this process; and if he will make a statement on the matter. [43700/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my reply to Parliamentary Question No. 369 of Wednesday 27 September 2006. The position remains as stated.

Residency Permits.

66. **Mr. Kehoe** asked the Tánaiste and Minister for Justice, Equality and Law Reform the status of the application for long-term residency for a person (details supplied) in County Wexford; when a decision will be made; and if he will make a statement on the matter. [43701/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The position in relation to granting long term residency is as follows: Persons who have been legally resident in the State for over five years on the basis of work permit/work authorisation/work visa conditions may apply to the Immigration Division of my Department for a five year residency extension. In that context they may also apply to be exempt from employment permit requirements. The dependants of the aforementioned, who have been legally resident in the State for over five years may also apply for long term residency. This particular long term permission does not grant an exemption from employment permit requirements to any such dependants.

Time spent in the State on student conditions cannot be counted towards long term residency. While applications for long term residency are under consideration, the person concerned should ensure that their permission to remain in the State is kept up to date.

I understand that applications received in May 2006 are currently being dealt with.

Visa Applications.

67. **Mr. Kehoe** asked the Tánaiste and Minister for Justice, Equality and Law Reform the reason a person (details supplied) was refused a joint spouse visa; the options now available to them; and if he will make a statement on the matter. [43702/06]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The application referred to by the Deputy was received in the Cairo Visa Office on 8th August, 2006. The decision of the Visa Officer to refuse the application was taken on 16th August, 2006. The application was refused on the grounds that the applicant's spouse had insufficient funds to support the applicant.

The decision was appealed on 26th August, 2006. Following a re-examination of the case, the decision to refuse was upheld on 13th October, 2006. As each applicant is entitled to one appeal only, no further review in this matter can be granted; however it is open to the applicant to make a fresh application.

Recruitment Requirements.

68. **Mr. Kehoe** asked the Tánaiste and Minister for Justice, Equality and Law Reform the minimum requirements in terms of having Irish for persons wishing to enter the Prison Services and An Garda Síochána; the reason for same; and if he will make a statement on the matter. [2665/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I can inform the Deputy that persons entering the Irish Prison Service under the 2006 recruitment campaign were required to hold a qualifying grade in two languages, one of which must be English or Irish as follows: English — a grade no lower than D3 Ordinary level — Leaving Certificate; Irish — a grade not lower than C3 Foundation level or D3 at another level — Leaving Certificate; Other language — a grade not lower than D3 Ordinary level — Leaving Certificate; or the Merit Grade in the Applied Leaving Certificate (must have attained the required standard in Mathematics, English or Irish, and one other language).

Approval from the Department of Finance is awaited to proceed with a new recruitment campaign to include the following eligibility conditions: A qualifying grade in either the English or Irish languages as follows: English — a grade not lower than D3 at Ordinary level — Leaving Certificate, or equivalent; Irish — a grade not lower than C3 at Foundation level or D3 at another level — Leaving Certificate; or the Merit Grade in Applied Leaving Certificate (must have attained the required standard in Mathematics and English or Irish) or equivalent.

I can also inform the Deputy that there is no minimum requirement for a person wishing to become a Garda Trainee to hold a qualification in the Irish language, provided that person holds qualifications in English and another language as set out in the Garda Síochána (Admissions & Appointments) Regulations 1988, as amended by the Garda Síochána (Admissions and Appointments) Amendment Regulations 2005.

However, I want to make it very clear that Irish will continue to have an important place in An Garda Síochána. Everyone who wishes to, must be able to communicate with the Force through our native language. An Garda Síochána has a very strong commitment to delivering a service through Irish. Indeed, proficiency in Irish is strongly promoted within the Force, and that will continue to be the case.

All recruits to An Garda Síochána are required to achieve an appropriate standard in Irish before becoming full members of the Force.

Visa Applications.

69. **Mr. Kehoe** asked the Tánaiste and Minister for Justice, Equality and Law Reform the delay in processing the application for a joint spouse for a person (details supplied); when a decision will be made; and if he will make a statement on the matter. [2666/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I am pleased to inform the Deputy that the application in question was approved on 30th January, 2007.

Citizenship Applications.

70. **Mr. Kehoe** asked the Tánaiste and Minister for Justice, Equality and Law Reform when a decision will be made on an application for naturalisation for a person (details supplied) in County Carlow. [2667/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for naturalisation from the individual in question was received in the Citizenship Division of my Department on 21 February 2005. Applications received in the second half of 2004 are currently being processed and there are approximately 1300 applications awaiting processing before that of this applicant. It is likely that the processing of this application will commence in mid to late 2007.

It is imperative that the applicant keep all his immigration affairs, in particular his permission to remain, up to date during the processing of his application for naturalisation. I will inform the Deputy and the person concerned when I have reached a decision.

National Development Plan.

71. **Mr. Kehoe** asked the Tánaiste and Minister for Justice, Equality and Law Reform the projects that were targeted in the last National Development Plan in County Wexford; the breakdown of each one completed or the stage that each project is at; the overspend envisaged and an explanation for each; and if he will make a statement on the matter. [3146/07]

72. **Mr. Kehoe** asked the Tánaiste and Minister for Justice, Equality and Law Reform the investments outlined in the last National Development Plan in County Wexford; the plans and investments that have been completed, that are ongoing or did not progress from planning stage; and if he will make a statement on the matter. [3158/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 71 and 72 together.

The information requested by the Deputy is as follows.

Projects targeted in the last NDP in County Wexford	Breakdown of each project completed or the stage that each project is at	Overspend envisaged and explanation for each	Investments outlined in the last NDP for County Wexford
Boolavogue Textile Studio, The Old School, Ferns, Enniscorthy, County Wexford.	Duration: 2002-2005, Status: Completed	N/A	Grant of €213,000 under Equality for Women Measure — Phase l — EU — co-financed.
Access (2000) Wexford Ltd, 86 Main Street, Wexford, County Wexford.	Duration: 2005-2007 (June) Status: On schedule	N/A	Grant of €195,000 under Equality for Women Measure RAPID strand — Phase ll — Exchequer financed.
County Wexford VEC, Ibderius House, Common Quay Street, New Ross, County Wexford.	Duration: 2005-2007 (June) Status: On schedule	N/A	Grant of €185,000 under Equality for Women Measure RAPID strand — Phase ll — Exchequer financed.

I can further inform the Deputy that the Aiseiri residential treatment and aftercare facility in Wexford was targeted in the last National Development Plan for funding. Aiseiri caters for persons who are chemically dependent including, but not limited to, alcoholics and drug addicts as well as catering for the treatment of gamblers. The centre provides for the rehabilitation, treatment and care of such persons (offenders) who were/are under the supervision of the Probation Service. During the term of the last NDP this facility received funding in the sum of €519,858 for the service provided which was in keeping with the approved funding allocation to that facility.

In addition, the Deputy will appreciate that County Wexford also benefited from the many national initiatives carried out under the last NDP.

Garda Training.

73. **Ms C. Murphy** asked the Tánaiste and Minister for Justice, Equality and Law Reform the training provided to Garda recruits in relation to the way they prioritise responses to reported incidents; if they are instructed on the incidents that are not responded to; if so, what these incidents are; and if he will make a statement on the matter. [3165/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities that trainee gardaí undergo five phases of training. During these phases, through experiential and academic learning, they develop a capability to prioritise responses to reported incidents.

Garda Deployment.

74. **Ms C. Murphy** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of Gardaí employed in each of the Leixlip, Maynooth, Celbridge, Kilcock, Naas, Carbury, Clane and Kill stations or sub-stations by rank; the number of additional Gardaí assigned to each of these stations over the past year; and if he will make a statement on the matter. [3166/07]

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 13,000 following the attestation of 299 new members on Thursday, 16 November, 2006. This compares with a total strength of 10,702 (all ranks) as at 30 June, 1997 and represents an increase of 2,298 (or 21.5%) in the personnel strength of the Force during that period. The combined strength (all ranks), of both attested Gardaí and recruits in training as at the 31 December 2006 was 14,068. Furthermore, I should say that in December, 2006 as part of a package of anti-crime measures, the Government approved the continuation of the existing Garda recruitment programme to achieve a total Garda strength of 15,000. The accelerated intake of 275 new recruits per quarter into the Garda College

will continue until this target is met. The Garda Budget now stands at €1.4 billion, an 11% increase on 2006 and a 96% increase since 1997 in real terms.

Naas, Celbridge, Clane, Kill, Carbury and Maynooth Garda Stations are located in the Carlow/Kildare Division. The personnel strength of the Carlow Kildare Division as at 31 January, 2007 was 367.

Leixlip Garda Station is located in the Dublin Metropolitan Region West Garda Division. The personnel strength of the Dublin Metropolitan Region West Garda Division as at the 31 January 2007 was 721. Kilcock Garda Station is located in the Louth/Meath Division. The personnel strength of the Louth Meath Division as at the 31 January, 2007 was 549. I have been further informed that the personnel strength (by rank) of the Leixlip, Maynooth, Celbridge, Kilcock, Naas, Carbury, Clane and Kill Garda stations as at 31 January, 2007 was as set out in the table hereunder:

31 January, 2007

Station	C/Supt.	Supt.	Insp.	Sergeant	Garda	Total
Leixlip	—	—	—	3	22	25
Maynooth	—	—	—	2	14	16
Celbridge	—	—	—	3	16	19
Kilcock	—	—	—	1	4	5
Naas	1	1	1	12	75	90
Carbury	—	—	—	—	2	2
Clane	—	—	—	1	7	8
Kill	—	—	—	1	2	3

Since the 31 December 2005, ten additional Gardaí have been assigned to Naas Garda Station and three additional Gardaí have been assigned to Clane Garda Station.

Garda personnel assigned throughout the country, together with overall policing arrangements and operational strategy, are continually monitored and reviewed to ensure optimum use of Garda resources and the delivery of the best possible service to the public. During the allocation of newly attested personnel, the needs of the Garda Stations in Co Kildare will be fully considered by the Garda Commissioner within the overall context of the needs of Garda Stations throughout the country.

Garda Strength.

75. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform when he expects the information promised in reply to Parliamentary Question No. 263 of 3 October 2006 to be available; and if he will make a statement on the matter. [3208/07]

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 13,000 following the attestation of 299 new members on Thursday, 16 November, 2006. This compares with a total strength of 10,702 (all ranks) as at 30 June, 1997 and represents an increase of 2,298 (or 21.5%) in the personnel strength of the Force during that period. The combined strength (all ranks), of both attested Gardaí and recruits in training as at the 31 December 2006 was 14,068. Furthermore, I should say that in December, 2006 as part of a package of anti-crime measures, the Government approved the continuation of the existing Garda recruitment programme to achieve a total Garda strength of 15,000. The accelerated intake of 275 new recruits per quarter into the Garda College will continue until this target is met. The Garda Budget now stands at €1.4 billion, an 11% increase on 2006 and a 96% increase since 1997 in real terms.

As the Deputy will be aware, the information requested in Parliamentary Question No. 263 of 3 October, 2006 was not available at the time. However, I have since been informed by the Garda authorities that the new Garda station in Carbury has been in operation since 2 June, 2006. The personnel strength of the station as at 30 January, 2007 was 2 (all ranks). The opening hours of Carbury Garda Station are as set out in the table hereunder:

Monday-Saturday	Sunday
10 a.m. — 1 p.m.	Not open

Garda management state that outside of these opening hours, the P.A.C.B. (Public Access Call Box) system is in place and calls are diverted to Kildare Garda station. Garda management further state that the former Carbury Garda Station is owned by the Office of Public Works and a final decision has not yet been made whether or not the former station will be required for Garda use.

Crime Levels.

76. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform when he expects the information promised in reply to Parliamentary Question No. 256 of 3 October 2006 to be available; and if he will make a statement on the matter. [3209/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I can inform the Deputy that a reply relating to the subject matter of Parliamentary Question No. 256 of 3 October, 2006 issued to him today.

Court Procedures.

77. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform when he expects the information promised in replies to Parliamentary Question Nos. 219 and 220 of 7 November 2006 to be available; and if he will make a statement on the matter. [3210/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I can inform the Deputy that a reply relating to the subject matter of Parliamentary Question Nos. 219 and 220 of 7 November, 2006 issued to him today.

Garda Investigations.

78. **Mr. Neville** asked the Tánaiste and Minister for Justice, Equality and Law Reform the cost of the investigation into claims (details supplied). [3253/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): It would be neither customary, practical nor informative to ascribe monetary value to any Garda investigation of the type in question.

Human Rights Issues.

79. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Justice, Equality and Law Reform if or when Ireland will sign up to the UN Convention on the Rights of People with Disabilities; the reservations there will be; and if he will make a statement on the matter. [3258/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The question of signing the UN Convention on the Rights of People with Disabilities is being examined by my Department in consultation with all relevant Departments and the Attorney General's Office with a view to an early decision in the matter. The necessary examination has been arranged as a preliminary step to seeking a Government decision for approval to sign the Convention.

Citizenship Applications.

80. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Justice, Equality and Law Reform when the updated leaflet on Irish citizenship following on from the Irish Nationality and Citizenship Act 2004 as enacted on 1 January 2005 will be posted on his Department's website, as stated in the note in the sections headed information on Irish Citizenship and Irish Citizenship by Naturalisation; and the reason for the delay. [3259/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The Irish Nationality and Citizenship Act, 2004 made certain changes to Irish citizenship law which came into force on 1 January 2005. Due to the significant increase in the number of citizenship applications being received, as set out in the accompanying table, it has been necessary to deploy all available resources to deal with the processing of same. Consequently, it has not been possible to update the information leaflet referred to in the Deputy's question.

Year	Applications for naturalisation received
2000	1,004
2001	1,431
2002	3,574
2003	3,580
2004	4,074
2005	4,523
2006	7,030

I have been informed by my officials that work is ongoing on an updated version of the leaflet, which takes into account the changes arising from the Irish Nationality and Citizenship Act 2004, and this will be available in the very near future.

Garda Stations.

81. **Mr. Howlin** asked the Tánaiste and Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that the Garda station in Portarlington opens only during office hours and residents are often connected to Portlaoise when they ring Portarlington station; if Garda deployment will be reviewed in view of the fact that the population of both Portarlington and the nearby village of Killenard has increased substantially in recent years; and if he will make a statement on the matter. [3261/07]

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 that the personnel strength of An Garda Síochána increased to a record 13,000 following the attestation of 299 new members on 16 November, 2006. This compares with a total strength of 10,702 as at 30 June, 1997 and represents an increase of 2,298 (or 21.5%) in the

strength of the Force during that period. The combined strength (all ranks), of both attested Gardaí and recruits in training as at the 31 December 2006 was 14,068. Furthermore, I should say that in December, 2006 as part of a package of anti-crime measures, the Government approved the continuation of the existing Garda recruitment programme to achieve a total Garda strength of 15,000. The accelerated intake of 275 new recruits per quarter into the Garda College will continue until this target is met. The Garda Budget now stands at €1.4 billion, an 11% increase on 2006 and a 96% increase since 1997 in real terms.

The Garda authorities state that Portarlington Garda Station forms part of the Portlaoise Garda District. Local Garda management report that Portarlington Garda Station is normally open to the public for 4 hours each day Monday to Saturday between the hours of 10 am to 1 p.m. and 8 p.m. to 9 p.m. Portarlington Garda Station is equipped with a Public Access Call Box (P.A.C.B.) system and outside the opening hours of the Station, all calls are diverted to the District Headquarters at Portlaoise Garda Station. I am further informed that resources are augmented from within the District/Division, to patrol and respond to any calls from the Portarlington area. 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.

Garda management state that the extension of the opening hours at individual Garda Stations is a matter for each Divisional Officer. The extension of opening hours at any Garda Station would necessitate the employment of additional personnel on indoor administrative duties and consequently a loss to outdoor operational policing. It is the responsibility of the Divisional Officer to allocate personnel 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 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.

Animal Welfare.

82. **Mr. Gregory** asked the Tánaiste and Minister for Justice, Equality and Law Reform if the treatment of the deer at a school (details supplied) in County Meath will be fully investigated by the Gardaí and the perpetrators prosecuted under the Protection of Animals (Amendment) Act 1965; and if he will make a statement on the matter. [3271/07]

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.

Residency Permits.

83. **Mr. G. Mitchell** asked the Tánaiste and Minister for Justice, Equality and Law Reform when an application for a person (details supplied) for permanent residency will be processed; and if he will make a statement on the matter. [3282/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The position in relation to granting long term residency is as follows: Persons who have been legally resident in the State for over five years on the basis of work permit/work authorisation/work visa conditions may apply to the Immigration Division of my Department for a five year residency extension. In that context they may also apply to be exempt from employment permit requirements.

The dependants of the aforementioned, who have been legally resident in the State for over five years, may also apply for long term residency. This particular long term permission does not grant an exemption from employment permit requirements to any such dependants. Time spent in the State on student conditions cannot be counted towards long term residency. While applications for long term residency are under consideration, the person concerned should ensure that their permission to remain in the State is kept up to date. An application for long term residence from the person referred to by the Deputy was received in December 2006. I understand that applications received in May 2006 are currently being dealt with.

Asylum Applications.

84. **Mr. O'Shea** asked the Tánaiste and Minister for Justice, Equality and Law Reform when a decision will be reached on the application of a person (details supplied) in County Waterford to be allowed to remain here on humanitarian grounds; and if he will make a statement on the matter. [3284/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on 27 January, 2004 and applied for asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal. Subsequently, in accordance with Section 3 of the Immigration Act, 1999, as amended, he was informed by letter dated 29

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July, 2005, that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State; leaving the State before an order is made or consenting to the making of a deportation order. Representations have been received on behalf of the person concerned. This person's case file, including all representations submitted, will be considered under Section 3(6) of the Immigration Act, 1999, as amended, and Section 5 of the Refugee Act, 1996 (Prohibition of Refoulement). I expect the file to be passed to me for decision in due course.

85. **Mr. O'Shea** asked the Tánaiste and Minister for Justice, Equality and Law Reform when a decision will be reached on the family reunification application of a person (details supplied) in County Waterford; and if he will make a statement on the matter. [3285/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Immigration Division of my Department that the person in question made an application for Family Reunification in September 2004. The application was forwarded to the Refugee Applications Commissioner for investigation as required under Section 18 of the Refugee Act 1996. This investigation is completed and the Commissioner has forwarded a report to my Department. This application is under consideration and a decision will issue in due course.

Statutory Instruments.

86. **Mr. J. O'Keeffe** asked the Tánaiste and Minister for Justice, Equality and Law Reform the title of each statutory instrument which he made during 2006 and which was not published in the usual way pursuant to Section 3 of the Statutory Instruments Act 1947; and if he will make a statement on the matter. [3303/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I can inform the Deputy that it is standard practice in my Department to place a notice of the making of Statutory Instruments (S.I.s) in Iris Oifigiúil and to lay copies of same before both houses of the Oireachtas. I can confirm that all S.I.s made in 2006 were published. In some instances, the requirement to issue copies of S.I.s to named bodies, for example, Chambers of Commerce, was not fully complied with. In three cases, the requirements concerning the printing of and location where S.I.s were available were not fully complied with. These cases are S.I. 620 of 2006 — Garda Síochána Act 2005 (Section 19(5)) Order 2006; S.I. 680 of 2006 — Garda Síochána (Retirement) Regulations; S.I. 286 of 2006 — Garda Síochána (Ranks) Regulations. However, arrangements have been reviewed to address these matters.

Asylum Applications.

87. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the residency status in the case of a person (details supplied) in Dublin 6; and if he will make a statement on the matter. [3343/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on 18 December, 2002 and applied for asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal. Subsequently, in accordance with Section 3 of the Immigration Act, 1999, as amended, he was informed by letter dated 19 August, 2004, that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State; leaving the State before an order is made or consenting to the making of a deportation order. Representations have been received on behalf of the person concerned.

This person's case file, including all representations submitted, will be considered under Section 3(6) of the Immigration Act, 1999, as amended, and Section 5 of the Refugee Act, 1996 (Prohibition of Refoulement). I expect the file to be passed to me for decision in due course.

Citizenship Applications.

88. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the reason a decision on the application for naturalisation in the case of a person (details supplied) in County Kildare has been postponed in view of the fact that their spouse, whose application was made at the same time, has been awarded naturalisation; if it is intended that the family should remain together; and if he will make a statement on the matter. [3344/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): Applications for naturalisation from the persons in question were received in the Citizenship Division of my Department on 10 February 2004. As each application for naturalisation is examined on its merits, it does not automatically follow that because one person is granted citizenship that a spouse or other family member will also be granted citizenship. Therefore, when I considered the applications referred to in the Deputy's question, in December 2006, I decided to grant a certificate of naturalisation to the spouse of the person con-

cerned and to defer making a final decision in the first-named person's case until December 2007.

Both persons were informed separately of my decisions and the first named person was also notified of my position and the reason for it. I intend to wait until December 2007 to make a final decision on the matter although my officials will be in touch with the person concerned in advance of submitting the file to me for a final decision. My decision to defer consideration of the first-named individual's application should have no bearing on whether the family remain together.

89. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the progress to date in the application for naturalisation in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [3345/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for naturalisation from the person in question was received in the Citizenship Division of my Department on 24 April 2006. Applications received in the second half of 2004 are currently being processed and there are approximately 7100 applications awaiting processing before that of the person in question. Applications for naturalisation, including those made from persons married to Irish citizens, are generally dealt with in chronological order as this method is deemed to be fairest to all applicants. It is likely that the processing of this application will commence in late 2008. I will inform the Deputy and the person concerned when I have reached a decision on the matter.

Residency Permits.

90. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the progress in the application for residency in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [3346/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer to my responses to Parliamentary Questions, numbers 32499/06 of 12 October, 2006 and 33842/06 of 19 October, 2006 where I advised that my Department wrote to this applicant's legal representative inviting them to lodge further representations, regarding an application for leave to remain. To date, this Department has not received a response. My Department wrote again on 31/01/2007 to the applicant's legal representative, to again invite up to date representations.

I expect the case file 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.

91. **Mr. Durkan** asked the Tánaiste and Minister for Justice, Equality and Law Reform the current or expected residency status in the case of a person (details supplied) in Dublin 8; and if he will make a statement on the matter. [3347/07]

Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to Parliamentary Question No. 89 of Thursday 12 October, 2006 and the written reply to that Question. The position is unchanged.

Garda Stations.

92. **Mr. Wall** asked the Minister for Finance the position regarding the refurbishment of Castledermot Garda Station; when the refurbishment work will commence; if the residential aspect of the station will be brought up to a proper residential standard; and if he will make a statement on the matter. [3310/07]

Minister of State at the Department of Finance (Mr. Parlon): I am advised by the Commissioners of Public Works that the Garda Authorities and the Department of Justice, Equality & Law Reform have included Castledermot Garda station on the 2007 Garda Minor Capital Works Programme.

The Office of Public Works propose to carry out refurbishment works to the Garda station to accommodate the current and anticipated human resource requirements. The Commissioners have written to the Garda Authorities for their direction on whether to retain the residential element of the property or to convert the residence into accommodation for the Garda station proper.

Once the Office of Public Works have received direction on this matter, they can commence with the design process and prepare a scheme to meet the approval of the Garda Authorities. Subject to the approval of the Garda Authorities and following the subsequent tender process, it is hoped that works will commence later this year.

Tax Code.

93. **Mr. Kehoe** asked the Minister for Finance if he will arrange for a P21 to be issued for a person (details supplied) in County Wexford; and if he will make a statement on the matter. [43773/06]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that the original statement of pay and tax 2005 (P21) was

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issued to the taxpayer on 6 September 2006. I am also informed that Revenue arranged for a duplicate to be sent to the taxpayer on 10 January 2007.

Departmental Correspondence.

94. **Mr. Kehoe** asked the Minister for Finance when will the file for a person (details supplied) in County Wexford be reviewed by the Office of the Inspector of Taxes in order for them to proceed to pursue an ongoing matter through the Department of Social and Family Affairs; and if he will make a statement on the matter. [2647/07]

Minister for Finance (Mr. Cowen): I have been advised by the Revenue Commissioners that they have received correspondence in relation to the above matter from the taxpayer's agent and that the issue raised by the agent has been reviewed by the Revenue District dealing with the case. A reply will issue to the agent within the next few days.

Tax Code.

95. **Mr. Kehoe** asked the Minister for Finance if the claim for refund of income tax for a person (details supplied) in County Wexford will be reduced due to the disability benefit being paid to them at present; and if he will make a statement on the matter. [2648/07]

Minister for Finance (Mr. Cowen): The position is that disability benefit is a taxable source of income and therefore forms part of total income for tax purposes. I am informed by the Revenue Commissioners that in the case referred to, the taxpayer's liability on his disability benefit is being collected on a weekly basis by his employer by way of reduction of his tax credits. In order to determine if the correct tax liability has been collected on his behalf by the employer, the taxpayer should submit his form P60 for 2006 to the Revenue Commissioners. An end of year review will then be carried out which will include details of income from all sources, including disability benefit and give credit for all tax deducted on his behalf.

96. **Mr. Kehoe** asked the Minister for Finance his plans to introduce additional tax breaks for people paying maintenance for children who are born outside of marriage; and if he will make a statement on the matter. [2649/07]

Minister for Finance (Mr. Cowen): As previously indicated to the Deputy in this regard, the State provides a wide range of support mechanisms for children with regard to their welfare, health and education, including the universal payment of Child Benefit and, the early Childcare Supplement.

Apart from the incapacitated child tax credit, the tax code does not provide tax relief in respect of the maintenance of children. Accordingly, a person paying maintenance for a child, whether born inside or outside of marriage, is not entitled to claim tax relief for maintenance paid by him in respect of that child. This is in line with the tax treatment of all parents, where the cost of maintaining their children is not tax deductible.

I have no plans to change this position.

97. **Mr. Kehoe** asked the Minister for Finance if people who switch their mortgage from one bank to another are liable to pay stamp duty; if so, the reason for same; his views on whether this is anti-competitive; the amount of stamp duty taken in by his Department in the past five years by persons switching their mortgage; and the breakdown of figures per year. [2749/07]

Minister for Finance (Mr. Cowen): I would draw to the Deputy's attention that the stamp duty head of charge for mortgages was abolished in the recent Budget with regard to mortgage deeds executed on or after 7 December 2006.

I am informed by the Revenue Commissioners that, as mortgages which are being switched from one bank to another are not required to be specifically identified as such, a separate breakdown of stamp duty paid on these mortgages is not available. However, the cost of abolishing the mortgage head of charge was estimated at €20m in 2007.

Departmental Programmes.

98. **Mr. Kehoe** asked the Minister for Finance the projects that were targeted in the last national development plan in County Wexford; the breakdown of each one completed or the stage that each project is at; the overspend envisaged and an explanation for each; and if he will make a statement on the matter. [3143/07]

99. **Mr. Kehoe** asked the Minister for Finance the investments outlined in the last national development plan in County Wexford; the plans and investments that have been completed, that are ongoing or did not progress from planning stage; and if he will make a statement on the matter. [3156/07]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 98 and 99 together.

The National Development Plan/Community Support Framework (NDP/ CSF) 2000-2006 is an integrated investment plan and strategy for economic and social development for Ireland. The Plan is delivered through seven Operational Programmes (OPs), the Economic and Social Infrastructure OP, the Employment and Human Resources OP, the Productive Sector OP, the Southern and Eastern (S&E) Regional OP, Borders, Midland and Western (BMW) Regional

OP, the PEACE OP and the Technical Assistance OP. Each of these OPs has a Monitoring Committee which meets twice yearly to monitor the ongoing implementation of the Programme. There is also an overarching NDP/CSF Monitoring Committee which is chaired by my Department and this Committee also meets at least twice a year.

Progress on the NDP/CSF is monitored and reported on a regional basis, that is, for the BMW and S&E regions.

My Department reviews and generally monitors implementation of the NDP/CSF on this basis from information submitted by the Operational Programme Monitoring Committees but does not monitor expenditure at county level. However, the NDP/CSF information website (www.ndp.ie) provides information on certain projects categorised on a county basis and the Deputy may wish to refer to that website for information on projects in County Wexford.

My Department does not maintain data on the status of individual projects or investments under the NDP/CSF as this is a matter for individual Departments and Agencies who are responsible for project funding and, where appropriate, project implementation.

Tax Code.

100. **Ms Shortall** asked the Minister for Finance the appeals process for a person who is charged back tax on the basis that a social welfare payment was not taken into account in calculating income tax liability in previous tax years by the Revenue Commissioners; the procedures in place to reduce the rate of annual repayment to a more manageable level; if he will provide a contact number other than 1890 33 34 25, from which it is proving impossible to receive a reply, for persons (details supplied) in Dublin 15 to contact the Revenue Commissioner to discuss their case; and if he will make a statement on the matter. [3164/07]

Minister for Finance (Mr. Cowen): I have been advised by the Revenue Commissioners that on 20 September 2006 the taxpayer in question requested balancing statements for the years 2002 to 2005. Following a review of his liability a total underpayment of €4,906.67 arose. The underpayment arose due to the fact that his spouse was in receipt of invalidity pension during the above years, which had previously been untaxed.

The Revenue officer dealing with the case proposed to collect the underpayment by reducing the taxpayer's tax credits over a six-year period commencing 1 January 2008. However if the taxpayer wishes to have the underpayment collected over an extended period he may contact Ms. Ann Doran, Fingal Revenue District, Block D, Ashtowngate, Dublin 15, phone number 01 — 8277043.

If the matter cannot be resolved by agreement, section 948 of the Taxes Consolidation Act 1997 provides for the right of appeal and, again, the appeal should be submitted to the Revenue District named above. Following receipt of Notices of Assessments for the years 2002-2005 the formal appeal should be lodged within 30 days.

101. **Ms Burton** asked the Minister for Finance the capital allowances allocated to the Beacon Hospital development for each of the past five years; and if he will make a statement on the matter. [3187/07]

Minister for Finance (Mr. Cowen): The Deputy will be aware that for reasons of taxpayer confidentiality the Revenue Commissioners would not divulge information regarding the tax affairs of individual taxpayers (including companies).

102. **Mr. Boyle** asked the Minister for Finance the reason VAT registered individuals purchasing high fuel emission commercial vehicles (details supplied) receive a full VAT refund and therefore only pay the nominal VRT fee despite the increased pollution caused by such vehicles; and if he will address this issue in the context of planned changes in environmental taxation as announced in Budget 2007. [3202/07]

Minister for Finance (Mr. Cowen): The position is that VAT deductibility is allowed in the case of motor vehicles that are classed as Category B or C for VRT purposes but not for Category A vehicles (cars). Category B vehicles would typically include what are commonly called "crew cabs" or commercial jeeps while Category C vehicles would include vans and lorries. VAT deductibility is allowed in the case of Category B or C vehicles as these are regarded as being designed and constructed for the transport of goods, plant, equipment, etc. Under EU VAT law, with which Irish VAT law must comply, there is no restriction of entitlement to VAT deductibility by reference to the fuel-efficiency, emissions or other environmental characteristics of any vehicle or class of vehicle.

As regards VRT, commercial vehicles are subject to a much lower rate of VRT than that which applies to private cars (Category A vehicles). Category B vehicles are subject to VRT amounting to 13.3% of the open market selling price while a flat rate of €50 applies to Category C vehicles.

The public consultation process announced in the Budget, with respect to future changes in VRT and motor tax to take account of emission levels, relates solely to private cars. I have not ruled out making future changes to VRT rates applying to Category B and Category C vehicles, however, we need to examine the competitiveness issues that arise from making any such changes. Increasing the costs associated with transporting goods, or the carrying of necessary tools and equipment required to undertake

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labour intensive services, essentially leads to higher prices for consumers. Notwithstanding this, if changes can be made that have clear environmental benefits without impacting greatly on costs, these will be given appropriate consideration.

Decentralisation Programme.

103. **Mr. G. Murphy** asked the Minister for Finance the progress made on decentralising the Office of Public Works to Kanturk, County Cork; the type of jobs that will available; and if they will all be filled internally or if some of the vacancies will be filled from outside. [3205/07]

Minister of State at the Department of Finance (Mr. Parlon): The Office of Public Works (OPW) is currently negotiating the acquisition of a site in Kanturk for a new decentralised office, in conjunction with the Local Authority. The indicative timeframe for the completion of the construction of the new building in Kanturk is the end of 2008. This office, which will have of the order of 100 posts, has currently some 90 applications on the Central Applications Facility (CAF), which remains open for new applications. OPW is currently processing these CAF applications and it is expected that CAF applicants currently employed with Government Departments and Offices will fill the majority of the posts concerned.

Parliamentary Questions.

104. **Mr. Connolly** asked the Minister for Finance the number of parliamentary questions replied to by his Department in 2006; the cost involved; and if he will make a statement on the matter. [3236/07]

Minister for Finance (Mr. Cowen): I responded to some 2,300 Parliamentary Questions in 2006, both written and oral.

Parliamentary Questions are dealt with, as the need arises, by the staff in the sections dealing with the particular issue(s) raised in individual Parliamentary Questions. The number and level of staff and time spent on an individual answer depends on the complexity of the issues raised, the form in which the information exists in the Department, and the form of the proposed response, i.e. whether oral or written.

As the processing of Parliamentary Questions is undertaken as part of the normal day to day work of individual sections within the Department it is not possible to isolate the administration costs of processing Parliamentary Questions from the overall administrative costs of the Department.

Decentralisation Programme.

105. **Mr. Deenihan** asked the Minister for Finance the position regarding the decentralisation of the Revenue Commissioners jobs to Listowel, County Kerry; and if he will make a statement on the matter. [3250/07]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that the Office of Public Works have agreed terms on suitable accommodation for Revenue in Listowel.

The Office of Public Works are currently finalising the fit-out of the premises and the indicative timeframe for occupation is now mid-2007.

Garda Stations.

106. **Mr. McEllistrim** asked the Minister for Finance the reason no progress has been made by the Office of Public Works on Castleisland Garda Station, County Kerry (details supplied); and if he will make a statement on the matter. [3233/07]

Minister of State at the Department of Finance (Mr. Parlon): Significant progress has been made by the Office of Public Works in providing a new Garda station at Castleisland, Co. Kerry.

A sketch scheme for the new Garda Area Headquarters was sent to the Department of Justice, Equality & Law Reform and the Garda Authorities on January 15th 2007. On receipt of approval to the sketch scheme a Part 9 planning process will be initiated soon thereafter. Assuming approval is obtained to the Part 9 planning process it is expected that tenders will be invited and a contract placed by autumn of 2007.

Tax Code.

107. **Mr. Bruton** asked the Minister for Finance the basis of tax to be levied on single premium investments at eight year intervals; if this tax is discriminatory compared to persons who invest in stocks and shares. [3287/07]

Minister for Finance (Mr. Cowen): Finance Act 2000 introduced changes to the way in which tax was paid on life policies taken out after 1 January 2001 (the gross roll up regime). Under gross roll up, no tax is charged on investment proceeds during the term of the investment, but an exit tax (of 23%) applies on the net investment proceeds paid to a policy holder when the policy matures or when rights under the policy are surrendered or assigned.

Changes were introduced in Finance Act 2005 which added a new chargeable event providing for the calculation of the gain and the collection of the tax. The new event was the ending of each 7-year period following the inception of the policy and this was subsequently increased to 8 years in Finance Act 2006. The purpose of this was to ensure that exit tax could not be deferred indefinitely by the continual rolling over of a life assurance policy without it becoming chargeable to tax.

An individual investing in stocks and shares pays income tax at his or her marginal rate of tax on all income arising on such investments. In addition, capital gains tax arises on the gain arising from the eventual disposal of the investments. These different tax treatments, as between an individual investing in stocks and shares as against his or her investing in a collective investment vehicle, such as a life assurance fund, are very long-standing and I do not regard the different treatments as discriminatory.

Statutory Instruments.

108. **Mr. J. O'Keeffe** asked the Minister for Finance the title of each statutory instrument which he made during 2006 and which was not published in the usual way pursuant to section 3 of the Statutory Instruments Act 1947; and if he will make a statement on the matter. [3300/07]

Minister for Finance (Mr. Cowen): All statutory instruments which were made by me in 2006 were published in accordance with Section 3 of the Statutory Instruments Act 1947.

Departmental Programmes.

109. **Mr. Bruton** asked the Minister for Finance the way excess deductions from people by a computing error in the Revenue Commissioners came to occur; the checks in the system to prevent same; the reason they failed; the role the financial institutions played in the incident; if there are lessons to be learnt there; and if he will make a statement on the matter. [3330/07]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that the excess deductions were in fact due to human error rather than a computing error and the financial institutions played no role in the incident. Revised procedural and communication arrangements have been put in place by Revenue to prevent such a recurrence.

I am further advised by Revenue that the work in refunding the amounts deducted in error has been completed. Customers who incurred the excess deductions are being asked to supply Revenue with details of any charges or penalties suffered as a result of the excess deductions so that Revenue can make good those costs and deal with the matter of interest on the excess deductions.

Tax Code.

110. **Mr. McCormack** asked the Minister for Finance his proposals in the Finance Bill 2007 to provide exemption to non-profit making cultural organisations from VAT on the fees of visiting artists from outside Ireland; and if he will make a statement on the matter. [3331/07]

Minister for Finance (Mr. Cowen): I should explain that not-for-profit organisations are exempt from VAT under the EU VAT Directive with which Irish law must comply. The means that non-profit making organisations do not charge VAT on their services and cannot recover VAT on goods and services which they purchase. Essentially only VAT registered businesses which charge VAT are able to recover VAT.

The VAT Act lists a range of activities that are exempt from VAT. Included in this list is the promotion of and admissions to live theatrical or musical performances. This very broad exemption is allowed under Article 132 of the EU VAT Directive. In effect, this means that the promoter realises the full value of admission fee as no VAT is applied to admission fees. In this regard, the current exemption is already very generous covering a broad range of actives accessible to the wider public.

In addition, one of the basic tenets of EU VAT law relates to the proper functioning of the internal market. This means that it is not possible to use VAT law to favour artists not resident in this state over artists that are resident in the state.

In relation to providing a VAT exemption for performance fees charged by musical or theatrical performers to not-for-profit arts organisations, the position is that the VAT treatment of a particular good or service is determined by the nature of the good or service, and not by the status of the customer. There is no provision in European VAT law that would allow for an exemption from VAT on supplies by non-resident artists when they perform for not-for-profit cultural organisations as such an exemption would have to apply to all such performers. It is estimated that this would cost in excess of €20 million. All performance fees are therefore liable to VAT at the standard rate of 21 per cent.

111. **Mr. Penrose** asked the Minister for Finance if Section 23 relief is available for particular areas which might be suffering adverse economic circumstances in large urban areas; if, in this context, an application were to come in from Athlone Town Council for the utilisation of such reliefs on the west side of town, if same would be considered; and if he will make a statement on the matter. [3332/07]

Minister for Finance (Mr. Cowen): I take it the Deputy is referring to the tax incentives, including the Section 23 relief for rented residential accommodation, that are currently provided under the 1999 Urban Renewal Scheme. There are 49 urban areas designated for a range of reliefs under the 1999 Urban Renewal Scheme. Athlone is among the 49 urban areas designated for tax relief under this scheme and in all 5 sub-areas are designated for tax relief in Athlone, including 2 sub-areas in the west side of the town at Patrick Street and at Connaught Street. In

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addition, I should also point out that parts of Athlone were also designated in 1988 and 1994 under the 1986 and 1994 Urban Renewal Schemes.

The designation and selection of areas for tax relief under the 1999 Urban Renewal Scheme is a matter for the Minister for the Environment, Heritage and Local Government in the first instance. I have been informed by that Minister that designations of areas and sites for tax relief under the scheme were based on Integrated Area Plans (IAPs) submitted by local authorities and were in line with recommendations made by the independent Expert Advisory Panel on Urban Renewal, which was established to assess all of the plans submitted. This panel exercised an independent role in assessing the plans submitted and in making recommendations on the sites to be designated. The recommendations made by the panel were accepted in full, and are the basis on which the scheme is now implemented. There are no proposals to make further designations or extensions to existing designations under the scheme. In any event, the 2006 Finance Act provided for the phasing out of the Urban Renewal Scheme throughout the State by 31 July 2008.

Disabled Drivers.

112. **Mr. Penrose** asked the Minister for Finance if a comprehensive review of the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1984 has been carried out; if, in this context he will take steps to address the restrictive medical criteria which is laid down in the regulations which result in people with significant paralysis and severe difficulties being refused a certificate under the said scheme; his views on whether it is long past time for the criteria to be reviewed and widened to facilitate more people obtaining the certificate; and if he will make a statement on the matter. [3333/07]

Minister for Finance (Mr. Cowen): A special Interdepartmental Review Group reviewed the operation of the Disabled Drivers Scheme. The terms of reference of the Group were to examine the operation of the existing scheme, including the difficulties experienced by the various groups and individuals involved with it, and to consider the feasibility of alternative schemes, with a view to assisting the Minister for Finance in determining the future direction of the scheme.

The Group's Report, published on my Department's website in July 2004, sets out in detail the genesis and development of the scheme. It examines the current benefits, the qualifying medical criteria, the Exchequer costs, relationship with other schemes and similar schemes in other countries. The Report also makes a number of recommendations, both immediate and long-term, referring respectively to the operation of the appeals process and options for the future development of the scheme.

In respect of the long-term recommendations, including the qualifying disability criteria, given the scale and scope of the scheme, further changes can only be made after careful consideration. For this reason, the Government decided that the Minister for Finance would consider the recommendations contained in the Report of the Interdepartmental Review Group in the context of the annual budgetary process having regard to the existing and prospective cost of the scheme. This consideration is undertaken on a regular basis.

Tax Code.

113. **Mr. Ring** asked the Minister for Finance if he will extend the capital allowance regime to include registered caravan and camping parks here. [3334/07]

Minister for Finance (Mr. Cowen): Section 34 of the Finance Act 2005 introduced a number of changes to the capital allowance regime for hotels, guesthouses, holiday hostels and holiday camps. Guesthouses and holiday hostels were specifically brought into the capital allowances regime for the first time. Also, the entitlement to the capital allowances was provided for the first time on the basis of buildings being registered in the appropriate Fáilte Ireland register.

Following the Finance Act 2005 changes, the Revenue administrative practice of granting capital allowances in respect of buildings and structures erected in registered caravan parks was reviewed in consultation with my Department and the Department of Arts, Sport and Tourism. As a result of these deliberations, the Revenue Commissioners decided that retention of a non-statutory scheme on behalf of caravan parks was not appropriate and decided to withdraw it with effect from 1 January 2006. Allowances in respect of expenditure incurred before that date are not affected.

It should be noted that some of the expenditure that would typically be incurred by caravan park operators may be eligible for the "plant and machinery" capital allowances but this would not generally include any buildings or structures.

I have no plans at this time to extend the existing regime of capital allowances to registered caravan and camping parks.

Child Care Services.

114. **Ms C. Murphy** asked the Minister for Health and Children the arrangements she is putting in place to continue community crèches; if she will increase numbers; and if she will make a statement on the matter. [3372/07]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): As the Deputy

will be 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 Office of the Minister for Children.

The NCIP came into effect from 1 January 2006, with an allocation of €575 million for the 5 year period of 2006-2010. The NCIP is a key element of the National Childcare Strategy 2006-2010, the aim of which is to deliver a more comprehensive approach to early years care and education. The NCIP is designed to deliver 50,000 additional childcare places, with a greater focus on pre-school places for 3-4 year olds and school age childcare. Childcare places are provided either through community based/not for profit childcare groups or by private providers.

Under the EOCP support is provided towards the staffing costs of employing childcare workers in community based childcare facilities in disadvantaged areas, ensuring that less advantaged parents in those areas have access to quality childcare in order to facilitate access to education, training and employment opportunities. Staffing grants under the EOCP have been extended to 31 December 2007 for all groups who are meeting the terms of their existing staffing grant contracts. A new programme of staffing grants under the NCIP is expected to be announced in 2007 and will be informed by the outcome of a Value for Money Review of the EOCP which is currently in progress. The Review is expected to be completed in the first half of 2007, following which the procedures and criteria governing the new grant scheme will be made available both generally and to existing staffing grant recipients.

Mental Health Services.

115. **Mr. Kehoe** asked the Minister for Health and Children if she will amend current legislation regarding the introduction of long stay charges in order that people living in centres for people with intellectual disabilities in receipt of a personnel allowance will be excluded, when it may cost more to administer the collection than is taken in income; and if she will make a statement on the matter. [2662/07]

Minister for Health and Children (Ms Harney): The Health (Charges for In-Patient Services) Regulations 2005 in keeping with Section 53 of the Health Act, 1970, as amended, have provided for two different classes of persons on whom charges may be levied.

Class 1

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 may be levied of €120 or the weekly income of that person less €35, whichever is the lesser.

Class 2

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 charge may 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.

There is no differentiation made between any groups in these two classes.

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. There are currently no plans to amend the Act.

It is a matter for the HSE, based on its own legal advice and taking into account the individual circumstances as well as the service being provided, to make a decision on any charges levied.

Nursing Home Services.

116. **Mr. Kehoe** asked the Minister for Health and Children the number of beds in public nursing homes that are closed or currently unavailable; the number of beds in public nursing homes for each year since 1997; the number of patients in public nursing homes each year since 1997; the number of nurses in public nursing homes for each year since 1997; the number of new public nursing homes opened since 1997; the annual capital expenditure on public nursing homes since 1997; the number of private nursing homes to which the State pays subvention opened or registered with health authorities since 1997; and if she will make a statement on the matter. [1104/07]

Minister of State at the Department of Health and Children (Mr. S. Power): 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. Therefore, the Executive is the appropriate body to provide the information requested by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Community Care.

117. **Mr. Kehoe** asked the Minister for Health and Children the average time a person must wait from being approved for home help and receiving the assistance; and if she will make a statement on the matter. [1105/07]

Minister of State at the Department of Health and Children (Mr. S. Power): Operational

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responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. Therefore, the Executive is the appropriate body to consider the particular matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

118. **Mr. Kehoe** asked the Minister for Health and Children the number of people, per county, that have been assessed and are waiting for home help; and if she will make a statement on the matter. [1106/07]

Minister of State at the Department of Health and Children (Mr. S. Power): 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. Therefore, the Executive is the appropriate body to consider the particular matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Hospital Waiting Lists.

119. **Mr. Kehoe** asked the Minister for Health and Children the efforts being made to reduce the waiting times for a person (details supplied); and if she will make a statement on the matter. [2650/07]

Minister for Health and Children (Ms Harney): Operational responsibility for the management and delivery of health and personal social services has been assigned to the Health Service Executive. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. 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 Services.

120. **Mr. Kehoe** asked the Minister for Health and Children when a person (details supplied) in County Wexford will receive a follow-up appointment; and if she will make a statement on the matter. [2651/07]

Minister for Health and Children (Ms Harney): Operational responsibility for the management and delivery of health and personal social services has been assigned to the Health Service Executive. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. 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.

Community Care.

121. **Mr. Kehoe** asked the Minister for Health and Children when the increase in the subvention payment for home care will be introduced; and if she will make a statement on the matter. [2652/07]

Minister of State at the Department of Health and Children (Mr. S. Power): I take it the question refers to the Home Care Package Scheme. All Home Care Packages are tailored to the needs of the individual applicant. 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.

Additional funding of €55 million was allocated to the Home Care Package Scheme, for 2007, which will benefit some 4,000 people. This is in addition to the €55m (full year cost) that was provided for the Scheme in Budget 2006. In 2006 a total of 2,000 extra packages were provided.

122. **Mr. Kehoe** asked the Minister for Health and Children if there are to be changes in the conditions or rates of the domiciliary care allowance; and if she will make a statement on the matter. [2653/07]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): As a result of Budget 2007 the rates of payment of all disability related allowances under the remit of my Department were increased. This includes Domiciliary Care Allowance. The rate of payment for DCA since 1st January 2007 is €281.30 per month, an increase of 12.1%.

The Department established the National Allowances Review Group on disability-related allowances in November 1999. This Working Group presented its submission to my Department in 2002, which in turn led to the circulars that currently which came into effect on the 1st July 2002.

The Working Group was maintained by the Health Service Executive and my Department. It is currently in the final stages of preparing a submission to my Department which contains draft new circulars for the various disability related allowances including Domiciliary Care Allowance.

Health Services.

123. **Mr. Kehoe** asked the Minister for Health and Children when a person (details supplied) in County Wicklow waiting for an appointment for

occupational therapy will receive an appointment; and if she will make a statement on the matter. [2654/07]

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.

124. **Mr. Kehoe** asked the Minister for Health and Children when a person (details supplied) in County Wexford waiting for an appointment for occupational therapy will receive an appointment; and if she will make a statement on the matter. [2655/07]

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.

125. **Mr. Kehoe** asked the Minister for Health and Children when a person (details supplied) in County Wexford waiting for an appointment for speech therapy will receive an appointment; and if she will make a statement on the matter. [2656/07]

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.

Community Care.

126. **Mr. Kehoe** asked the Minister for Health and Children the efforts being made to recruit a medical assessor for a town (details supplied) in order to reduce the long waiting lists for families waiting for domiciliary care allowance; and if she will make a statement on the matter. [2657/07]

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 Executive Report.

127. **Mr. Kehoe** asked the Minister for Health and Children when will persons (details supplied) in County Wexford receive a copy of the report by the Health Service Executive; the reason for the delay in making the report available; and if she will make a statement on the matter. [2660/07]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): An Independent Review Committee, chaired by Dr. Joe Duggan, Consultant Physician and Geriatrician, was established in January 2006. The Health Service Executive has confirmed that the publication of the report of the Independent Review Committee on HSE Services provided to the individual the Deputy is referring to, has been deferred at the request of the Chief State Solicitors Office in consultation with An Garda Síochána and the Director of Public Prosecutions.

The HSE has been advised that publication of the report at this time, has the potential to prejudice the State case on this matter.

Housing Aid for the Elderly.

128. **Mr. Kehoe** asked the Minister for Health and Children the status of the application for special housing aid for the elderly for a person (details supplied) in County Wexford; and if she will make a statement on the matter. [2661/07]

Minister of State at the Department of Health and Children (Mr. S. Power): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive (HSE) under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. The HSE's responsibility includes the operation of the Housing Aid Scheme for the Elderly, on behalf of the Department of Environment, Heritage and Local Government. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Ambulance Service.

129. **Mr. Kehoe** asked the Minister for Health and Children if she will introduce a nationwide helicopter ambulance service, as is operated in many other countries with great success; and if

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she will make a statement on the matter. [2663/07]

Minister for Health and Children (Ms Harney): A consultancy study jointly commissioned by my Department and the Department of Health, Social Services and Public Safety, Belfast (DHSSPS) on the costs and benefits associated with the introduction of a dedicated Helicopter Emergency Medical Services (HEMS) for the island of Ireland was published in 2004 and is available on my Department's website. The study concluded that the introduction of a dedicated inter-hospital air ambulance service would be appropriate in an all-island context.

In considering the report, the DHSSPS advised that its priority at present is the need for further investment to improve the ground ambulance service.

On foot of the report my Department had detailed discussions with the Department of Defence regarding the future provision of air ambulance services by the Air Corps. Arising from these discussions, a detailed Service Level Agreement has been prepared and signed. The signatories to the agreement are the Department of Defence, the Department of Health and Children, the Health Service Executive, the Defence Forces and the Air Corps.

The agreement sets out the range services to be provided by the Air Corps, specifically:

- Inter-hospital Transfer for spinal and serious injury and illness
- Air Transport of Neonates requiring immediate medical intervention in Ireland
- Air Transport of patients requiring emergency organ transplant in the UK
- Air Transport of Organ Harvest Teams within Ireland
- Air Transport of patients from offshore islands to mainland hospitals where the Coast Guard service is not available.

A Steering Group comprising representation from each of the signatories to the Service Level Agreement has been established. The Group is monitoring the operation of the agreement and will amend, if necessary, the provisions of the agreement to take account of service developments, including the new fleet replacement programme currently being put in place by the Air Corps. The Air Corps introduced two new EC 135 helicopters in to service in 2006 and intends to introduce four AB 139 helicopters in to service in 2007. Each of the new helicopters has a specific air ambulance capability. The new fleet will also have a far greater flying capacity than was previously available.

Health Service Allowances.

130. **Mr. Kehoe** asked the Minister for Health and Children the status of the application for diet supplement for a person (details supplied) in County Wexford; and if she will make a statement on the matter. [2664/07]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

National Development Plan.

131. **Mr. Kehoe** asked the Minister for Health and Children the projects that were targeted in the last National Development Plan in County Wexford; the breakdown of each one completed or the stage that each project is at; the overspend envisaged and an explanation for each; and if she will make a statement on the matter. [3145/07]

Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. This includes responsibility for considering new capital proposals or progressing those in the health capital programme. Accordingly, my Department is requesting the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

132. **Mr. Kehoe** asked the Minister for Health and Children the investments outlined in the last National Development Plan in County Wexford; the plans and investments that have been completed, that are ongoing or did not progress from planning stage; and if she will make a statement on the matter. [3157/07]

Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. This includes responsibility for considering new capital proposals or progressing those in the health capital programme. Accordingly, my Department is requesting the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Waiting Lists.

133. **Mr. Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo can expect to be called for an appointment. [3188/07]

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 case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

Hospital Services.

134. **Mr. Deasy** asked the Minister for Health and Children further to the opinion within the Health Service Executive that her plans to provide a national radiotherapy network can not be implemented before 2013 or 2014, when radiotherapy treatment for public patients will be available at Waterford Regional Hospital; if she will continue with her policy to implement this plan through public private partnerships; and if she will make a statement on the matter. [3189/07]

Minister for Health and Children (Ms Harney): It is my objective and that of the Health Service Executive (HSE) to see the earliest delivery of the Government's National Plan for Radiation Oncology, which includes an integrated facility at Waterford Regional Hospital. I am determined that the HSE will deliver on this Plan in 2011 as originally scheduled. The Board of the HSE is considering how best to procure the radiation oncology facilities and associated equipment, including procurement by PPP, within this timetable. This is a challenging timetable and I will provide the HSE with the necessary support and approvals to deliver on it.

Mental Health Services.

135. **Mr. Boyle** asked the Minister for Health and Children the number of patients who have been subjected to ECT treatments in the past five years; the breakdown of the figures by the number of sessions per patient; the number that were voluntary and the number that were forced. [3195/07]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Information on the use of Electro Convulsive Therapy (ECT) is not currently collected in the format requested by the Deputy. The 2002 and 2003 Reports of the Inspector of Mental Hospitals provide information on the prescription of ECT. In 2002, the number of patients prescribed ECT was 1,021 and in 2003 this figure had reduced to 749. These figures do not differentiate between voluntary and involuntary patients or the number of sessions per patient. Section 59 of the Mental Health Act 2001 which provides for the administration of ECT was commenced on the 1 November, 2006 and rules in relation to the use of ECT were issued by the Mental Health Commission in November 2006. The rules require an ECT register to be completed for each involuntary patient at the conclusion of a programme of ECT and a copy placed in the patient's clinical file. This register must be made accessible to the Inspector of Mental Health Services and the Mental Health Commission upon request. If an involuntary patient is unable or unwilling to give consent, the Mental Health Act 2001 requires the authorisation of a second consultant psychiatrist. The Mental Health Commission rules also outline requirements in relation to consent and information. The administration of ECT without consent must be recorded in the patient's clinical file and a copy sent to the Mental Health Commission.

136. **Mr. Boyle** asked the Minister for Health and Children the number of people committed under the Mental Health Act 2001 who have signed voluntary admission papers before the 21 day appeal period is up. [3196/07]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Mental Health Act 2001 does not require patients who have been admitted involuntarily to sign a voluntary admission form if the involuntary nature of the admission is altered. Section 28 of the Act allows for the discharge of patients by the responsible consultant psychiatrist if he or she is of the opinion that the patient no longer has a mental disorder. When discharging a patient under this section the consultant psychiatrist must notify the patient concerned and his or her legal representative in a form specified by the Mental Health Commission that he or she is being discharged and is entitled to have his or her detention reviewed by a mental health tribunal. The consultant psychiatrist must also notify the Mental Health Commission of such revocations of the admission/renewal order. The patient concerned may leave or choose to remain in the approved centre on a voluntary basis. In the first two months following the full commencement of the Act, November and December 2006, the Mental Health Commission received notification of 249 revocations before hearings. It is important to note that these included a number of patients who had been detained under the Mental Treatment Act 1945. I have requested the Mental Health Commission to respond directly to the

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Deputy with the number of patients discharged under Section 28 of the Mental Health Act 2001 who remain in the approved centre on a voluntary basis.

137. **Mr. Boyle** asked the Minister for Health and Children the number of mental health tribunals that have sat; and their verdicts. [3197/07]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): In the first two months following the full commencement of the Mental Health Act 2001, November and December 2006, a total of 175 mental health tribunals were held. 151 mental health tribunals affirmed the involuntary admission orders and 24 mental health tribunals revoked the involuntary admission orders.

Nursing Home Subventions.

138. **Mr. G. Murphy** asked the Minister for Health and Children her views on whether enhanced nursing home subvention applications are being held up in the southern area due to the fact that her Department have failed to issue the new guidelines; and when the problem will be resolved. [3206/07]

Minister of State at the Department of Health and Children (Mr. S. Power): In December, 2006 my Department formally advised the Health Service Executive of the signing of the Nursing Homes (Subvention) (Amendment) Regulations 2006 (SI No. 642 of 2006). These Regulations increase the basic rate of subvention to a maximum of €300 per week. Additional funding has been provided for enhanced subvention payments. My Department asked the Executive to circulate guidelines, within the relevant areas, in relation to the payment of basic and enhanced subventions. I understand these issued to all areas on 29 January, 2007. The increase in the basic rate of subvention will apply with effect from 1 January, 2007.

Pharmacy Regulations.

139. **Mr. G. Murphy** asked the Minister for Health and Children if she will make a statement on the reference changes being proposed by the Health Service Executive in respect of negotiating rights for pharmacists. [3207/07]

Minister for Health and Children (Ms Harney): In 2005, a process was begun to examine all aspects of the drugs supply chain, with a view to achieving greater value for money in the pricing and supply of drugs and medicines to the health services and the GMS and community drugs schemes, consistent with patient safety and continuity of supply. This process was agreed by the Cabinet Committee on Health. A joint HSE/Department of Health and Children negotiating team was put in place to advance this process. In mid-2006, the negotiating team reached agreement with the Irish Pharmaceutical Healthcare Association (IPHA) and the Association of Pharmaceutical Manufacturers in Ireland (APMI). Discussions then began with the wholesaler representative body, the Pharmaceutical Distributors' Federation (PDF), as part of the agreed process. Early in discussions, PDF advised the State that a legal issue precluded it from negotiating a new margin for distribution to community pharmacies. The negotiating team then obtained legal advice, which subsequent legal advice to the Department confirmed. This issue also had implications for negotiations with community pharmacists.

Section 4(1) of the Competition Act, 2002 prohibits all agreements between undertakings, decisions by associations of undertakings and concerted practices which have as their object or effect the restriction or distortion of competition, including agreements to fix prices, unless the agreement, decision or concerted practice meets certain conditions. Those conditions are not met in this case. Wholesalers and pharmacy contractors are undertakings. PDF and the IPU are associations of undertakings under Section 4(1) of the Act. The coming together of wholesalers under PDF or pharmacy contractors under the IPU to negotiate prices would be a breach of Section 4(1). Entering into an agreement, making a decision or being involved in a concerted practice in contravention of Section 4(1) is a criminal offence and would expose those parties, their directors, managers and officers to the risk of criminal prosecution.

In light of this advice, it is not possible for the HSE to engage in negotiations with PDF or the IPU in relation to fees or margins. In the interim, in order to determine new arrangements for wholesale services and remain in compliance with competition legislation, the negotiating team has begun a public consultation process, which includes an invitation to make submissions, coupled with an independent economic analysis of the Irish and EU markets. This process is based on an assumption of continuation of current service levels. The negotiating team will consider, following completion of the wholesale sector review, how best to address this issue for pharmacy contractor services. It is noted that the competition issues do not preclude negotiation on contractual arrangements by the IPU other than in relation to fees. The HSE has written to all community pharmacy contractors setting out the position in relation to these issues in detail. There is, and will continue to be, ongoing dialogue with the IPU, within the constraints of the legal advice provided. I wish to see that dialogue continuing in a constructive manner.

Ambulance Service.

140. **Dr. Cowley** asked the Minister for Health

and Children if ambulance transport will be provided to enable a person (details supplied) in County Mayo living alone to travel from north Mayo to a hospital appointment in Galway; and if she will make a statement on the matter. [3244/07]

Minister for Health and Children (Ms Harney): Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive 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 case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Mental Health Services.

141. **Dr. Cowley** asked the Minister for Health and Children the action her Department will take regarding a person (details supplied) in County Mayo; and if she will make a statement on the matter. [3246/07]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): 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 matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Health Repayment Scheme.

142. **Mr. Neville** asked the Minister for Health and Children when a person (details supplied) in County Limerick will obtain payment under the national repayment scheme. [3251/07]

Minister for Health and Children (Ms Harney): The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the Deputy relates to matters within the area of responsibility of the Executive. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

143. **Mr. Neville** asked the Minister for Health and Children when repayments under the national repayment scheme will be made to a person (details supplied) in County Limerick. [3252/07]

Minister for Health and Children (Ms Harney): The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the Deputy relates to matters within the area of responsibility of the Executive. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

Mental Health Services.

144. **Mr. Neville** asked the Minister for Health and Children the percentage of the Budget 2007 allocation for psychiatric services in relation to the total health budget. [3254/07]

Minister for Health and Children (Ms Harney): The Revised Estimates Volume for 2007 which will give a breakdown of estimated spending across the service areas including Mental Health Services is currently being compiled and is due to be published on 22 February 2007.

Health Services.

145. **Mr. McGuinness** asked the Minister for Health and Children the number of orthodontists employed in Kilkenny by the Health Service Executive; the number of patients waiting for assessment or treatment; the reason for the waiting list; if persons waiting for treatment will be referred to private practice in view of the fact that the public system is not able to cope; if the National Treatment Purchase Fund will be used; and if she will make a statement on the matter. [3234/07]

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.

Statutory Instruments.

146. **Mr. J. O'Keeffe** asked the Minister for Health and Children the title of each statutory instrument which she made during 2006 and which was not published in the usual way pursuant to section 3 of the Statutory Instruments Act 1947; and if she will make a statement on the matter. [3302/07]

Minister for Health and Children (Ms Harney): All the Statutory Instruments signed by me in 2006 were published in accordance with section 3 of the Statutory Instruments Act 1947.

Mental Health Services.

147. **Mr. Connolly** asked the Minister for

[Mr. Connolly.]

Health and Children her plans to accelerate psychiatric assessments for an estimated 6% of primary school pupils with undiagnosed mental disorders; and if she will make a statement on the matter. [3313/07]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): 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. The Executive is, therefore, the appropriate body to consider the particular matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Special Educational Needs.

148. **Mr. Connolly** asked the Minister for Health and Children her plans to improve inter-departmental liaison with the Department of Education and Science to co-ordinate identified special needs in school pupils with the provision of necessary services; and if she will make a statement on the matter. [3314/07]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): As provided for in the Department of Health and Children's Sectoral Plan, a Cross-Sectoral Team was established to "ensure that arrangements for the implementation of Part 2 of the Disability Act and the EPSEN Act are progressed in tandem, having due regard to the resources and capacity of both sectors concerned". The Team consists of representatives form the Department of Health and Children, the Department of Education and Science, the Health Service Executive and the National Council for Special Education. It first met in October 2006 and continues to meet on a regular basis. The issue of service provision is a matter for the Health Service Executive and the National Council for Special Education.

Mental Health Services.

149. **Mr. McGuinness** asked the Minister for Health and Children the reason a person (details supplied) in County Carlow has not been properly or fully assessed regarding their mental health; the further reason the appropriate health professionals did not turn up to a case conference at Mountjoy Prison on 10 January 2007 relating to the persons case having been requested to do so by those involved in the case and the prison authorities; if the Health Service Executive will engage with the person to establish the way they are to be cared for in the long term when they conclude their stay at this short term facility; if appropriate long term supervised residential care will be provided immediately as they can not be cared for at home; and if she will make a statement on the matter. [3335/07]

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. The Executive is, therefore, the appropriate body to consider the particular matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

National Lottery Funding.

150. **Mr. Ring** asked the Minister for Health and Children the type of works eligible for assistance under the National Lottery grant available from her Department. [3336/07]

Minister for Health and Children (Ms Harney): Requests for funding from the National Lottery Allocation available to my Department come primarily from individuals, groups and organisations with an involvement in the provision of health services to specific client groups (for example persons with an intellectual disability and/or physical disability, elderly, etc.), national groups providing information and support for various disabilities and illnesses and groups with a specific interest.

The applications for National Lottery funding received by my Department far exceed the available funding in any given year, resulting in some applicants being unsuccessful even though they meet the criteria outlined above.

Health Services.

151. **Mr. Durkan** asked the Minister for Health and Children when treatment for angina is expected to be offered to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [3337/07]

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 case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

152. **Mr. Durkan** asked the Minister for Health and Children the location of the most eminent, advanced or internationally recognised centre of excellence, hospital or research centre for the treatment of Crohn's disease; the extent to which sufferers of the disease here can gain access to such treatment; and if she will make a statement on the matter. [3338/07]

Minister for Health and Children (Ms Harney): Sufferers from Crohn's disease have access to modern, up-to-date and effective treatments for their condition in a range of publicly funded acute hospitals around this country. These services are provided by appropriately trained specialists supported by a range of other relevant professionals and patients are referred by their general practitioners.

When a patient requires referral abroad to an institution for a service or an element of a service not available in Ireland, this is done in accordance with a well recognised procedure, administered by the Health Service Executive. It is initiated by a decision of the treating consultant and the institution to which the patient is recommended for transfer is a matter for the treating consultant based on his/her knowledge and judgement.

It would not, therefore, be appropriate to identify any particular institution in another country as being superior to others in respect of the treatment of this condition. It would be entirely a matter for decision between patient and doctor if and when the need might arise.

Health Service Staff.

153. **Ms Lynch** asked the Minister for Health and Children the steps that have been taken to replace the two dentists that left the orthodontic service in the Cork and Kerry region on 2 October 2006; the number of the estimated 1,000 children, who were awaiting treatment and had their appointments cancelled by the departure of these dentists, still awaiting treatment; and if she will make a statement on the matter. [3339/07]

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.

154. **Ms Lynch** asked the Minister for Health and Children the reason all new orthodontic treatment clinics in the Cork and Kerry region are to be terminated; if her attention has been drawn to the fact that any breach of this directive will lead to disciplinary action against the consultant orthodontist for the region; and if she will make a statement on the matter. [3340/07]

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.

Long-Stay Charges.

155. **Mr. Neville** asked the Minister for Health and Children the policy on dealing with the bank and other financial organisation accounts of long-stay psychiatric patients; and the position in relation to these accounts in the event of death. [3341/07]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): 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. The Executive is, therefore, the appropriate body to consider the particular matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

Pension Provisions.

156. **Mr. McGuinness** asked the Minister for Health and Children if an appeal for inclusion in the pension scheme in the name of a person (details supplied) in County Kilkenny will be expedited and approved; and if she will make a statement on the matter. [3357/07]

Minister for Health and Children (Ms Harney): The general policy in relation to access to superannuation schemes in the public sector is that options are time limited. An option to join the Nominated Health Agencies Superannuation Scheme was offered to whole-time permanent employees of St Patrick's Centre, Kilkenny in 1981 and 1996. The 1996 option expired on 15 April 1996.

Where a person who has not exercised an option to join a scheme subsequently makes an appeal about the validity of their option or claims that they did not receive an option to which they were entitled, such appeals or claims are examined. If the facts of the case are established in favour of the claimant, a fresh option may be given to the individual. The person whose details have been supplied has made such a claim and the claim is being examined in my Department in consultation with the employing agency.

Parliamentary Questions.

157. **Ms C. Murphy** asked the Minister for Health and Children if she will seek an analysis from the Health Service Executive on the average timeframe taken to answer parliamentary questions; the way it is intended to reduce the time being taken; the regions to be used when furnishing replies; and if she will make a statement on the matter. [3360/07]

Minister for Health and Children (Ms Harney): In 2006, a total of 3,494 Parliamentary Questions tabled were appropriate for reply, in whole or in part, by the Health Service Executive under its statutory remit. My Department has been informed by the Executive that replies have issued to 3,315 (over 94%) of these Questions, and that it is actively pursuing the preparation of replies to the remainder.

It is important that, within its own procedures, the HSE has in place rigorous arrangements to identify, and address, shortcomings in performance in this area. The Executive's Parliamentary Affairs Division handles the centralised receipt, assignment and tracking of parliamentary questions within the organisation's network of operations. Its core functions include monitoring performance in relation to the timely issue of replies and leading developments to effect improvements in that regard. It reports on a regular basis to the CEO and his Management Team.

Officials of my Department meet with the PAD on a monthly basis in relation to various matters, including performance in issuing replies and the development of capacity in this key area of accountability. The HSE responds to requests for information on a national, administrative area or local basis, as circumstances require.

Accident and Emergency Services.

158. **Ms C. Murphy** asked the Minister for Health and Children the instructions hospitals were issued with for the collection of €60 for persons without a doctors' letter presenting to accident and emergency departments; if patients are generally seen prior to the collection of fees; and if she will make a statement on the matter. [3368/07]

Minister for Health and Children (Ms Harney): The charge of €60 for attendance at a public accident and emergency departments is provided for in SI 37 of 1994, as amended. This provides for a number of exemptions from that charge including medical card holders and persons who have a letter of referral from a registered medical practitioner. I understand that people attending public accident and emergency departments can either pay at the time or have the bill for the charge issued subsequently.

Health Services.

159. **Mr. Gormley** asked the Minister for Health and Children if the cytology service in the Royal College of Surgeons in Ireland is in danger of being closed; the reason for same; and if she will make a statement on the matter. [3369/07]

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 Levy.

160. **Mr. Gormley** asked the Minister for Health and Children the reason the anomaly continues to exist where wealthy people over 70 years of age do not have to pay the health levy; if the Government will close this loophole; and if she will make a statement on the matter. [3370/07]

161. **Mr. Gormley** asked the Minister for Health and Children the amount of money that will be lost to the Exchequer in view of the fact that persons over 70 years of age do not have to pay the health levy, calculated on the health levy rates introduced in budget 2007; and if she will make a statement on the matter. [3371/07]

Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 160 and 161 together.

The Health Contribution was introduced by virtue of the Health Contributions Act 1979 and came into effect on 6 April of that year. The contributions are levied on income at a percentage rate set in pursuance of the Health Contributions Act and proceeds are paid over to the Minister for Health and Children in aid of the Vote for the Health Service Executive. The current rate of contribution is 2% of gross income and 2.5% on income in excess of €100,100 in a contribution year. The levy is applicable to all persons over the age of 16 with reckonable income, earnings or emoluments. However, certain persons are exempt from liability to pay the health levy, including those who have full eligibility for health services i.e. medical cardholders under Section 45 of the Health Act 1970.

Following the announcement in budget 2001 to grant full eligibility to those aged 70 and over, and the subsequent amendment of Section 45 of the Health Act 1970, these people became exempt from paying health contributions. The cost to the Exchequer of including people who possess over 70s medical cards in the exemption from paying the health levy amounts to approximately €28 million per annum.

National Development Plan.

162. **Mr. Kehoe** asked the Minister for Communications, Marine and Natural Resources the projects that were targeted in the last national development plan in County Wexford; the breakdown of each one completed or the stage that each project is at; the overspend envisaged and an explanation for each; and if he will make a statement on the matter. [3137/07]

163. **Mr. Kehoe** asked the Minister for Communications, Marine and Natural Resources the investments outlined in the last national development plan in County Wexford; the plans and investments that have been completed, that are ongoing or did not progress from planning stage; and if he will make a statement on the matter. [3151/07]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 162 and 163 together.

The following table sets out the projects funded by my Department in the communications, marine and energy areas under the 2000–2006 National Development Plan, in County Wexford.

Communications

Project	Proposed Cost	Current status	Overspend on project
	€		
Phase One Metropolitan Area Network-Wexford Town	2,900,000	Completed	N/A — fixed price contract
Group Broadband Scheme, Cranford, Monaseed, Kilanerin, Ballyfad, Ballythomas, Coolgreany, Co.Wexford	44,352	Completed	N/A
Group Broadband Scheme, Bridgetown, Kilmore, Kilmore Quay, Ballyhogue & Galbally, Bree, Co.Wexford	50,502	Completed	N/A
Group Broadband Scheme, Ramsgrange, Campile, Wellington Bridge, Fethard-on-Sea, Duncannon, Ballyhack, Clongeen, Arthurstown, Ballycullane, Saltmills, New Ross Rural, Co.Wexford	81,816	Completed	N/A
Group Broadband Scheme, Gorey rural, Courtown, Riverchapel, Ballygarrett, Ballycanew, Ballymoney, Killenagh, Camolin, Ballyoughter, Co.Wexford	88,320	Under review	

Sea Fisheries

Project	Proposed Cost	Current status	Overspend on project
	€		
Supporting Measures for Sea Fisheries Development	1,491,876	Ongoing 87% complete	No
Decommissioning	3,859,025	Complete	No
Fleet Development (New Vessels)	2,182,403	Complete	No
Fleet Development (Safety Grants)	366,755	Ongoing 74% complete	No

Aquaculture Development

Project	Proposed Cost	Current status	Overspend on project
	€		
Mr Patrick Cullen-Modernisation of a mussel dredger	23,131	Withdrawn — business sold	
Mr Eugene Fitzpatrick-Expansion of an oyster farm at Bannow Bay	22,597	Completed	Under Cost
Halcome Merchants (Ireland) Ltd-Purchase of new mussel dredger	753,160	Completed	Under Cost
Hibernor Atlantic Salmon Ltd.-Modernisation of a salmon hatchery	243,365	Partially completed prior to sale of business	
Mr Florence Sweeney-Modernisation of a mussel dredger	19,738	Completed	Under Cost

[Mr. N. Dempsey.]

Project	Proposed Cost	Current status	Overspend on project
	€		
Riverbank Mussels Ltd.-Purchase of a new mussel dredger	1,438,000	Completed	No
Tardrum Fisheries Ltd-Purchase of new mussel dredger	179,928	Completed	No
Wexford Mussels Ltd.-Purchase of new mussel dredger	1,430,000	Completed	Under Cost

Cost Protection

Project	Proposed Cost	Current status	Overspend on project
	€		
Kilmore Quay — Dredging	672,146	Completed	No
Cullenstown Revetment Works	145,639	Completed	No
Rosslare strand Protection works at North Spit	75,675	Completed	No
Rosslare strand Maintenance	19,656	Completed	No
Cahore- Upgrading	82,533	Completed	No
Cullenstown Revetment Works	914,151	Completed	No
Courtown- Upgrading	171,415	Completed	No
Courtown- Revetment Works	115,866	Completed	No
Rosslare strand — Revetment Works	95,230	Completed	No
Rosslare Strand Split Study	69,333	Completed	No
Rosslare Strand Maintenance	22,772	Completed	No
Kilmore Quay — Replace Buoyage	27,132	Completed	No
Duncannon Pier extension (Design)	191,158	Completed	No
Slade Pier — Surfacing & safety works	59,639	Completed	No
Fethard Pier — Reinforced concrete steps, pointing to pier	74,841	Completed	No
Carne Pier — Installation of lighting/dredging and safety works	46,750	Completed	No
Courtown Detailed design of offshore breakwater	178,414	Completed	No
Rosslare Strand Protection works at North Spit	152,580	Completed	No
Rosslare strand Maintenance	13,292	Completed	No
Rosslare strand Revetment Works	103,795	Completed	No
Cahore Rock Groynes & Beach Nourishment	57,289	Completed	No
Ballyconnigar Revetment Works	29,000	Completed	No
Courtown — Purchase of plant equipment	40,000	Completed	No
Rosslare Rock Revetment	37,095	Completed	No
Rosslare strand -Study	11,488	Completed	No
Rosslare strand — Revetment Works	19,054	Completed	No
Rosslare strand Maintenance	7,958	Completed	No
Cahore — Groynes & Beach Nourishment	57,715	Completed	No
Ballyconnigar Rock Revetment	29,652	Completed	No
Kilmore Quay — Hydrographic Survey	15,219	Completed	No
Courtown Design of breakwaters	490,939	Completed	No
Curracloe Dune Protection	41,375	Completed	No
Kilmore Quay — Hydrographic Survey	82,583	Completed	No
Cahore — Revetment Works	22,156	Completed	No
Kilpatrick — soft engineering works to beach	20,362	Completed	No
Kilmore Quay — Site Investigation	24,866	Ongoing	
Courtown — Grouting & structural repairs to harbour wall	14,745	Ongoing	
Killurin Pier — Slipway reconstruction and safety works	29,936	Completed	No
Slade Harbour — structural improvements to old pier wall	23,097.25	Ongoing	

Project	Proposed Cost	Current status	Overspend on project
	€		
Cahore — Protection works	25,000	Completed	No
Carne — Rock Revetment	144,145	Completed	No
Courtown Planning & Design for protection scheme	47,980	Completed	No
Rosslare strand — Rock Revetment	491,488	Completed	No

Seafood Processing

Project	Proposed Cost	Current status	Overspend on project
	€		
St. Helen's Bay — Revetment Works	127,574	Completed	No
Sofrimar Ltd	213,538	Completed	No

Energy

Project	Proposed Cost	Current status	Overspend on project
	€		
Low Income Fund Disbursement Programme			
Wexford Area Partnership — Warmer Homes energy efficient installer	315,598	Ongoing	
Design Study Support Scheme			
Wexford County Council — Design study of new office buildings for Wexford County Council	7,500	Completed	No
Bioheat Alternative Heat Scheme			
Redmond Construction — Install a 540kW biomass boiler in Amber Springs Hotel	50,124	Ongoing	
Wallace Developments — Feasibility study on Wavecrest Duncannon District Heating System	4,000	Ongoing	
Wexford Farmers Co-op — Feasibility Study for the Introduction of Wood Chip Boilers for a retail and residential Development with the Wood Chip coming from WFC Farmer Shareholders	4,000	Completed	No
House of Tomorrow Programme			
Wexford County Council — Olygate Housing Scheme — 28 units	140,000	Ongoing	
Wexford County Council — Monitoring of Olygate Housing Scheme	10,731	Ongoing	
Renewable Energy RD&D Programme			
Wexford Energy Management Agency Ltd — Feasibility study on biomass to energy CHP Plant in Co. Wexford	15,000	Completed	No
Biogreen Energy Products Ltd — Vegetable oil production, extraction and use in modified vehicle engines in Co. Wexford	249,812	Ongoing	
Glanbia Plc — Study to research and evaluate the technology and costs in replacing existing Oil-fired Boiler by a Wood-fuelled Boiler, and electricity co-generation by utilising a medium pressure Steam Boiler	9,250	Completed	No
Kelly's Resort Hotel — Install a 350kW Biomass Boiler	26,220	Ongoing	
Brandon House Hotel — Install 2*150kW Biomass Boilers	35,705	Completed	No
Old Barracks Building — Install 200kW Biomass Boiler	20,022	Completed	No

Grant Payments.

164. **Mr. Boyle** asked the Minister for Communications, Marine and Natural Resources if he has made retrospective grant payments under the greener homes scheme available for the cost of solar heating systems installed prior to the commencement of the scheme. [3201/07]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): On 27 March 2006 I launched the "Greener Homes"

[Mr. N. Dempsey.]

grant aid package for the domestic sector which includes funding for wood chip and wood pellet boilers and stoves, solar and heat pump technologies. There have been no grant payments made retrospectively under the scheme.

One of the key objectives of the grant scheme is to stimulate the market for domestic renewable technologies and to encourage people to purchase and install renewable technologies, who might not otherwise have done so, because of associated capital costs. All grant schemes must have a reference date and start point. In the case of the Greener Homes scheme, the appropriate date is the date of launch of the scheme.

Parliamentary Questions.

165. **Mr. Connolly** asked the Minister for Communications, Marine and Natural Resources the number of parliamentary questions replied to by his Department in 2006; the cost involved; and if he will make a statement on the matter. [3239/07]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): My Department responded to 2,197 parliamentary questions during 2006. An essential everyday part of the work of staff in the Department is serving the needs of this House and the democratic process. Work related to Parliamentary Questions is an essential element of this process built into the Business plans of individual Divisions of the Department.

In addition, input into individual questions varies depending on the complexity of the issue raised and the level of expertise required to service it. Because it is part of the ongoing workload of civil servants, and because staff resources are not exclusively deployed to deal with questions, it is not possible to isolate the cost of answering Parliamentary Questions from overall administration costs.

Fisheries Protection.

166. **Mr. J. O'Keeffe** asked the Minister for Communications, Marine and Natural Resources his proposals to extend the list of designated ports for the landing of fish, taking into account the problems associated with fishing boats having to travel long distances, particularly in bad weather. [3290/07]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): The designation of ports for landing of pelagic species (herring, mackerel, etc.) is necessary in order to satisfy EU requirements and also for the purpose of appropriate control of landings. Furthermore a significant level of resources must be made available at each designated port by the Sea-Fisheries Protection Authority in order to fulfil its responsibilities under European and National law properly. It follows that the number of ports designated must necessarily be limited.

Ireland's list of designated ports for the Celtic Sea Herring fishery was revised in late 2006 to include Baltimore and Dunmore East, bringing the total number of designated ports around our coastline to nine. Furthermore, in view of the adverse weather conditions in recent weeks and the tragic events off the south-east coast, I have instructed that Duncannon be designated to receive landings of herring of under 10 tonnes from vessels under 50 feet in length. I am satisfied therefore that a designated port is within reasonable range of any of our fishing vessels at any given time.

I would point out also that it is a matter ultimately for the master of each individual vessel to determine the type of fishing operation that is appropriate having regard to the capability of the vessel and the operational and navigational conditions it will have to contend with in order to participate in any given fishery.

At the same time, I am satisfied that, regardless of the legal framework governing the landings of fish, whether demersal or pelagic, there are no circumstances where the control authorities would give precedence to their regulatory responsibilities over consideration for the safety of a fishing vessel or its crew.

Statutory Instruments.

167. **Mr. J. O'Keeffe** asked the Minister for Communications, Marine and Natural Resources the title of each statutory instrument which he made during 2006 and which was not published in the usual way pursuant to section 3 of the Statutory Instruments Act 1947; and if he will make a statement on the matter. [3294/07]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have consulted with the officials of my Department and can advise the Deputy that all statutory instruments made during 2006 were published in the usual way pursuant to Section 3 of the Statutory Instruments Act 1947.

National Development Plan.

168. **Mr. Kehoe** asked the Minister for Foreign Affairs the projects that were targeted in the last national development plan in County Wexford; the breakdown of each one completed or the stage that each project is at; the overspend envisaged and an explanation for each; and if he will make a statement on the matter. [3144/07]

Minister for Foreign Affairs (Mr. D. Ahern): The Department of Foreign Affairs has no

involvement in any such project in the last National Development Plan.

Parliamentary Questions.

169. **Mr. Connolly** asked the Minister for Foreign Affairs the number of parliamentary questions replied to by his Department in 2006; the cost involved; and if he will make a statement on the matter. [3240/07]

Minister for Foreign Affairs (Mr. D. Ahern): A total of 1,337 parliamentary questions were replied to by my Department in 2006. As no record is kept of the time taken by Departmental officials in formulating draft replies, it is not possible to indicate the total cost involved in replying to these questions.

Statutory Instruments.

170. **Mr. J. O'Keeffe** asked the Minister for Foreign Affairs the title of each statutory instrument which he made during 2006 and which was not published in the usual way pursuant to section 3 of the Statutory Instruments Act 1947; and if he will make a statement on the matter. [3301/07]

Minister for Foreign Affairs (Mr. D. Ahern): I wish to advise the Deputy that no Statutory Instruments were made by me in 2006 and, as a consequence, the issue of compliance with the publication requirements of Section 3 of the Statutory Instruments Act, 1947, did not arise.

National Lottery Funding.

171. **Mr. Kehoe** asked the Minister for Arts, Sport and Tourism if his Department has received an application for lottery funding from a club (details supplied); when he plans to make a decision on same; the amount of budget allocated for such grants in 2007; and the amount allocated in 2006. [2623/07]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The sports capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and national level throughout the country. The programme is advertised on an annual basis.

Applications for funding under the 2007 programme were invited through advertisements in the Press on October 15th and 16th last. The closing date for receipt of applications was November 24th 2006. All applications received before the deadline, including one from the organisation in question, are currently being evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed. I will decide on the level of provisional grant allocations to be made this year having regard both to the quality of the applications received under the 2007 programme and the pattern of grant allocations and drawdowns on foot of earlier years' approvals.

Sports Capital Programme.

172. **Mr. Kehoe** asked the Minister for Arts, Sport and Tourism if he will meet a delegation (details supplied) in County Wexford; and if he will make a statement on the matter. [2624/07]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The sports capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and national level throughout the country. The programme is advertised on an annual basis.

Applications for funding under the 2007 programme were invited through advertisements in the Press on October 15th and 16th last. The closing date for receipt of applications was November 24th 2006. All applications received before the deadline, including one from the organisation in question, are currently being evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. In this regard, I am pleased to inform the Deputy that arrangements have been made for a meeting with the group in question.

National Development Plan.

173. **Mr. Kehoe** asked the Minister for Arts, Sport and Tourism the projects that were targeted in the last national development plan in County Wexford; the breakdown of each one completed or the stage that each project is at; the overspend envisaged and an explanation for each; and if he will make a statement on the matter. [3136/07]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The following Arts Capital Projects were targeted under the NDP in Wexford. Wexford County Museum — €1,650,660 — The Project promoters have advised that the project will not go ahead. Gorey Little Theatre — €368,224 — The Project is completed and all monies fully drawdown. In addition, a grant of up to €247,500 for Wexford Tourist Office was approved under Failte Ireland's Tourism Product Development Scheme, for the development of a new tourist office. The status of this project is a matter for Fáilte Ireland.

Tourism Industry.

174. **Mr. Ferris** asked the Minister for Arts, Sport and Tourism if he will make a statement on

[Mr. Ferris.]

the possible implications for the tourist sector of the new security requirements for credit card users in view of the fact that some countries do not have the same procedures and that this may prevent citizens of such States from using their credit cards while on holiday here. [3184/07]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Responsibility for the new security arrangements for credit card users is primarily a matter for the Irish Payments Services Organisation (IPSO) and the banking sector which, of course, falls within the responsibility of the Minister for Finance.

I understand that IPSO has issued assurances that visitors, who present credit or debit cards that do not have 'Chip and PIN' technology, will continue to be able to use their credit cards in the same manner as currently operates. I understand that retailers will continue to accept cards that do not have the new technology and in these cases users will continue to sign for their transactions. This will include cards being presented by visitors from countries that have not yet adopted the 'Chip and PIN' system.

Parliamentary Questions.

175. **Mr. Connolly** asked the Minister for Arts, Sport and Tourism the number of parliamentary questions replied to by his Department in 2006; the cost involved; and if he will make a statement on the matter. [3241/07]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): A total of 763 parliamentary questions were answered by my Department in 2006. Of that number, I answered 91 orally and 672 were written questions.

It is not possible to accurately quantify the cost of answering these questions as firstly there are no staff exclusively dedicated to this task in my Department and secondly it depends on many factors including the number and level of staff involved, the time spent, the complexity and importance of the issue, the form in which the information sought exists and whether the questions are written or oral.

Statutory Instruments.

176. **Mr. J. O'Keeffe** asked the Minister for Arts, Sport and Tourism the title of each statutory instrument which he made during 2006 and which was not published in the usual way pursuant to Section 3 of the Statutory Instruments Act 1947; and if he will make a statement on the matter. [3293/07]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): All statutory instruments made by me during 2006 were published or are in the course of being published in the usual way pursuant to Section 3 of the Statutory Instruments Act 1947.

National Lottery Funding.

177. **Mr. Penrose** asked the Minister for Arts, Sport and Tourism if he will confirm having received an application for lottery funding from an organisation (details supplied) in County Westmeath; if he will ensure that same is granted the necessary funding to enable it to complete its works; and if he will make a statement on the matter. [3322/07]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The sports capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and national level throughout the country. The programme is advertised on an annual basis.

Applications for funding under the 2007 programme were invited through advertisements in the Press on October 15th and 16th last. The closing date for receipt of applications was November 24th 2006. All applications received before the deadline, including one from the organisation in question, are currently being evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed.

178. **Mr. Penrose** asked the Minister for Arts, Sport and Tourism if he will confirm having received an application from a hurling club (details supplied) in County Westmeath for lottery funding; if he will take steps to ensure that funding is provided; and if he will make a statement on the matter. [3323/07]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The sports capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and national level throughout the country. The programme is advertised on an annual basis.

Applications for funding under the 2007 programme were invited through advertisements in the Press on October 15th and 16th last. The closing date for receipt of applications was November 24th 2006. All applications received before the deadline, including one from the organisation in question, are currently being evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed.

Swimming Pool Projects.

179. **Ms C. Murphy** asked the Minister for Arts, Sport and Tourism if he has received an application for funding a swimming pool at Leixlip, County Kildare; the dialogue he has had with Kildare County Council; and if he will make a statement on the matter. [3358/07]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The current round of the Local Authority Swimming Pool Programme was closed to applications on 31 July 2000 and no application was made in respect of a public swimming pool for Leixlip before that date.

My Department is completing an Expenditure Review of the Local Authority Swimming Pool Programme at present. The Review is examining, among other things, how the programme has worked to date and what changes, if any, are required to ensure its effective and efficient delivery. The Review is currently being finalised and it is my intention to publish it as soon as possible. Following consideration of the recommendations in the review it is my intention to launch a new round of the Local Authority Swimming Pool Programme. When the Programme is re-opened, it will be open to all local authorities to submit applications under the terms that will apply.

180. **Ms C. Murphy** asked the Minister for Arts, Sport and Tourism the stage the newΛNaas swimming pool project is at; when funding will be drawn down; the expected date for completion; and if he will make a statement on the matter. [3375/07]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Under the Local Authority Swimming Pool Programme, there are four stages in the development of a swimming pool project. These are, in order of progress, Feasibility Study/Preliminary Report; Contract Documents; Tender and Construction.

On 24 October 2006, I approved the tender submitted by Kildare County Council for the proposed replacement swimming pool in Naas. At the same time, I approved the maximum grant of €3.8 million for the project. These approvals permitted Kildare County Council to move to the construction phase and it is now a matter for the local authority to proceed with the project. I am advised that construction is expected to begin next month.

Job Creation.

181. **Mr. Kehoe** asked the Minister for Enterprise, Trade and Employment the most recent figures for the number of persons working here with a breakdown of the figures in relation to the different sectors involved; and the locations where the IDA supported new jobs in 2006. [2641/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): There are 2,073,300 people in employment as published by the CSO in the latest Quarterly National Household Survey (June-August 2006). The breakdown by economic sector is set out in the table below.

Economic Sector	2006
Agriculture, forestry and fishing	121,700
Other production industries	296,600
Construction	277,800
Wholesale and retail trade	297,800
Hotels and restaurants	120,600
Transport, storage and communication	128,300
Financial and other business services	267,700
Public administration and defence	105,800
Education	123,700
Health	210,900
Other services	122,400
Total persons	2,073,300

In 2006 there were a total number of 135,487 people permanently employed in IDA Ireland grant assisted companies. This included 11,846 new jobs.

The break down of new jobs by IDA Ireland Region in 2006 is as follows:

	Number
North-West	308
North-East	260
Midlands	440
West	591
Mid-West	860
South-West	2,272
South-East	1,072
East	6,043

Central to IDA Ireland's activities is it's commitment to achieving the best possible regional balance in investments. In 2006 almost 60% of new Greenfield projects and 6 out of every 7 R& D investments (or 85%) took place outside Dublin, with a wide geographical spread of high quality investments.

The challenge of a good regional spread of investments increases as the higher value parts of the business value chains are targeted for Ireland. The need for a critical mass of suitably qualified talent, supporting infrastructure and sophisticated business services can then draw investors towards cities and regions of scale. For most of the investment IDA Ireland competes for, the competition is from city regions with a population base of over a million people. In Ireland, only

[Mr. Martin.]

Dublin has a population of this size. For this reason, every location in Ireland has to think and act regionally, rather than locally, if it wishes to succeed. The National Spatial Strategy sets out the framework for development in this way and needs to be actively embraced and followed by all economic and social parties.

IDA Ireland has significantly raised the potential for regions to prosper by implementing a national programme of investment in the vital infrastructure of business park development and the provision of sites for major projects. In 2006 major construction work was undertaken in Oranmore, Co Galway and Dundalk, Co Louth on utility-intensive sites. IDA Ireland also obtained planning permission for a huge integrated circuit development at Grange Castle, Clondalkin, Co Dublin, which is now being marketed globally.

Work Permits.

182. **Mr. Kehoe** asked the Minister for Enterprise, Trade and Employment his views on liberal work permit regulations for Bulgarian nationals wishing to work here since 1 January 2007; and if he will make a statement on the matter. [2642/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): The Government decided on 24th October, 2006 to continue to require that nationals of Bulgaria and Romania apply for work permits in order to participate in the Irish labour market from 1st January, 2007, the date of accession of these countries to the European Union. But I should emphasise that preference is being given to nationals of Bulgaria and Romania over third-country nationals as regards the grant of employment permits, consistent with our European Community Preference obligations.

I should add that the Employment Permits Act 2006, provides, in accordance with the provisions of the these countries' Treaties of Accession to the EU, that Bulgarian or Romanian nationals who had been already in the State on a valid employment permit for an uninterrupted period of twelve months prior to 1st January, 2007, no longer require a permit in order to work in the State.

National Development Plan.

183. **Mr. Kehoe** asked the Minister for Enterprise, Trade and Employment the projects that were targeted in the last National Development Plan in County Wexford; the breakdown of each one completed or the stage that each project is at; the overspend envisaged and an explanation for each; and if he will make a statement on the matter. [3141/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): The Employment and Human Resources Development Operational Programme 2000-2006 is comprised of both NDP funded and ESF funded projects/measures targeted at a regional level, not at county level. Monitoring and reporting of activity both physical and financial is done at regional level, that is, at Border, Midlands and Western (BMW) and Southern and Eastern (S&E) Regional levels. Therefore, little data is available on projects at the county level itself through this Programme.

The same applies in the case of the Productive Sector Operational Programme, which is also managed by this Department. Funding of the projects was targeted at regional level, not at county level and monitoring and reporting was again done at Regional level — BMW and S&E.

184. **Mr. Kehoe** asked the Minister for Enterprise, Trade and Employment the investments outlined in the last National Development Plan in County Wexford; the plans and investments that have been completed, that are ongoing or did not progress from planning stage; and if he will make a statement on the matter. [3154/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): The Employment and Human Resources Development Operational Programme 2000-2006 is comprised of both NDP funded and ESF investments targeted at the regional level, not at county level. Monitoring and reporting of activity both physical and financial is done at regional level, that is, at Border, Midlands and Western (BMW) and Southern and Eastern (S& E) Regional levels. Therefore, little data is available at the county level itself through this Programme.

The same applies in the case of the Productive Sector Operational Programme, which is also managed by this Department. Investment was targeted at the regional level, not at county level and monitoring and reporting was again done at Regional level — BMW and S&E.

International Standards.

185. **Mr. McEntee** asked the Minister for Enterprise, Trade and Employment the approved national or international standards that apply to washing machines sold here; and if he will make a statement on the matter. [3174/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): I assume that the Deputy is referring to domestic clothes washing machines. The National Standards Authority of Ireland has advised me that it has adopted the following standards for such machines:—

I.S. EN 60335-2-7:2003 including Amendments A1: 2004 and A2: 2006 HOUSEHOLD AND SIMILAR ELECTRICAL

APPLIANCES — SAFETY PART 2-7: PARTICULAR REQUIREMENTS FOR WASHING MACHINES.

I.S. EN 60456:2005 including Amendment A11: 2006 CLOTHES WASHING MACHINES FOR HOUSEHOLD USE — METHODS FOR MEASURING THE PERFORMANCE.

Equality Issues.

186. **Aengus Ó Snodaigh** asked the Minister for Enterprise, Trade and Employment if an EU directive or measure exists that has binding effect here which prohibits car hire companies from hiring cars to persons over the age of 70 years; and his views on whether this would contravene the Equal Status Act 2000. [3180/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): I would advise the Deputy that I do not have any responsibility in relation to the Equal Status Act 2000. The investigation of complaints under that Act is a matter for the Office of the Director of Equality Investigations.

Consumer Protection.

187. **Mr. Boyle** asked the Minister for Enterprise, Trade and Employment his views on whether it is misleading advertising when dishwasher detergents advertise a salt function or built in salt when in reality manufactures have only added a huge amount of phosphates to their formula to replace the function of a built-in component in every dishwasher such as an environmentally friendly ion-exchange water softener which removes calcium and limescale from the water as it enters the machine. [3199/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): The Merchandise Marks Act 1887, as amended by the Consumer Information Act 1978, makes it an offence to apply a false or misleading trade description to a wide range of characteristics of goods, including the material of which goods are composed. Directive 1984/450/EEC on Misleading Advertising, which was transposed into Irish law by the European Communities (Misleading Advertising) Regulations 1988, prohibits misleading advertising in regard, among other things, to the composition of goods.

The Consumer Protection Bill 2007 which I have published today will, when it has been passed and has come into force, replace these enactments. It will prohibit misleading commercial practices in regard, among other things, to the composition or ingredients of a product and its benefits, risks, and the results to be expected from its use. It will also prohibit the omission of material information about a product that consumers would need in order to make an informed decision about it.

It is a matter for the courts to determine whether or not a trade description or advertisement is false or misleading in any particular case. Complaints about false or misleading trade descriptions or advertisements may be referred to the Director of Consumer Affairs.

Work Permits.

188. **Mr. Hogan** asked the Minister for Enterprise, Trade and Employment if he will review a decision in respect of a work permit for a person (details supplied) in County Dublin; and if he will make a statement on the matter. [3269/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): The Employment Permits Section of my Department has informed me that the last application made to this section by the above named individual was on the 14th of June 2005 and was subsequently refused on the grounds that the above named individual was on a study visa and was therefore not entitled to enter full time employment. To-date no further application has been submitted to this section.

Statutory Instruments.

189. **Mr. J. O'Keeffe** asked the Minister for Enterprise, Trade and Employment the title of each statutory instrument which he made during 2006 and which was not published in the usual way pursuant to Section 3 of the Statutory Instruments Act 1947; and if he will make a statement on the matter. [3298/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): My Department has identified one Statutory Instrument which was not sent to the bodies prescribed in Section 3 (1) (a) of the 1947 Act within the seven day time limit, although all the other requirements of the Act were observed.

I signed S.I. No. 290 of 2006 European Communities (Co-operation between National Authorities Responsible for the Enforcement of Consumer Protection Laws) Regulations 2006 on 30th May 2006. Under Section 3 (1) (a) of the Statutory Instruments Act 1947, copies of an S.I. are due to be sent to the National Library of Ireland, the Law Library, Four Courts Dublin, the Incorporated Law Society of Ireland, the Dublin Chamber of Commerce, the Cork Chamber of Commerce, the Limerick Chamber of Commerce, the Waterford Chamber of Commerce and the Galway Chamber of Commerce, within seven days of the making of an SI. Due to an oversight, my Department did not send copies of SI 290 of 2006 before 6th June 2006, as required in this case, to the aforementioned Bodies. However, this oversight has since been rectified by my Department.

Consumer Protection.

190. **Ms C. Murphy** asked the Minister for Enterprise, Trade and Employment if he will introduce consumer protection measures in view of the introduction of a charge for persons not opting for a direct debit method of paymentΛby companies (details supplied); and if he will make a statement on the matter. [3364/07]

Minister for Enterprise, Trade and Employment (Mr. Martin): I am aware that the Director of Consumer Affairs has received a considerable number of complaints from consumers in relation to the introduction of the charge referred to in the Deputy's question. However, I do not share the view that introducing measures or imposing controls in relation to the price traders charge for goods or services would necessarily address the concerns raised by the Deputy. Past experience has shown that price control policies have not been effective in protecting consumers.

Nevertheless, I share the Director's concerns that the introduction of this charge could impact disproportionately on certain groups of vulnerable consumers. I understand that the Director intends to raise these concerns with the companies concerned. I have asked the Director to keep me informed of any developments in this regard.

Grant Payments.

191. **Mr. Kehoe** asked the Minister for Social and Family Affairs the number of people who availed of the grant by his Department towards the cost of hearing aids for the past five years with a breakdown of the figures; his plans to increase the size of the grant; and if he will make a statement on the matter. [2669/07]

Minister for Social and Family Affairs (Mr. Brennan): The total number of people availing of a grant towards the cost of a hearing aid for the past 5 years is 26,256 broken down as follows:

Year	Number
2002	4,401
2003	5,262
2004	5,749
2005	5,332
2006	5,512

The grant was increased by over 8% with effect from 1 May 2006 and currently my Department will pay up to half the cost of a hearing aid or repairs to a hearing aid subject to a fixed maximum of €760. The grant level is continuously kept under review in the context of the objectives of the scheme and budgetary resources.

Social Welfare Benefits.

192. **Mr. Kehoe** asked the Minister for Social and Family Affairs his views on offering fuel allowance and living alone allowance to persons only in receipt of the Department of Education and Science ex-gratia pension who have not been eligible to date; and if he will make a statement on the matter. [2672/07]

Minister for Social and Family Affairs (Mr. Brennan): The aim of the national fuel scheme is to assist householders on long-term social welfare or health service executive payments with meeting the cost of their additional heating needs during the winter season. Fuel allowances are paid for 29 weeks from end-September to mid-April and are not intended to meet the full cost of heating.

Eligibility to the fuel allowance scheme is subject to means and other conditions. The main conditions that apply to the fuel allowance scheme are that a person must be in receipt of a qualifying payment, must satisfy a means test and must either be living alone or with a qualifying dependant. People who already qualify for means-tested pensions or allowances such as state pension (non-contributory), long-term jobseeker's assistance or one-parent family payment do not have to undergo a further means test to qualify for fuel allowance. The majority of people who receive fuel allowances qualify because they satisfy the relevant means test for their primary weekly payment.

Recipients of the Department of Education and Science ex-gratia pension. These ex-gratia pensioners would be eligible for fuel allowance under the terms of the scheme as operated by my Department, if they also qualified for the State Pension (Non Contributory) or another qualifying payment and satisfied the means test.

The living alone allowance, or living alone increase as it is now known, 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 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 living alone allowance increase is not a payment in its own right but one that is paid as a supplement to a social welfare payment. As such, it cannot be paid to people without a social welfare entitlement or to those whose pension payments are made exclusively under the social security regimes of other countries. Any changes in the eligibility rules for the fuel allowance or living alone allowance increase schemes would have cost and other implications and would have to be examined in the context of the Budget and in the light of the resources available to me for improvements in social welfare generally.

National Development Plan.

193. **Mr. Kehoe** asked the Minister for Social and Family Affairs the projects that were targeted in the last National Development Plan in County Wexford; the breakdown of each one completed or the stage that each project is at; the overspend envisaged and an explanation for each; and if he will make a statement on the matter. [3147/07]

Minister for Social and Family Affairs (Mr. Brennan): The Family Services Project (FSP) provides funding to programmes run by third parties to assist welfare recipients and members of their families improve their personal and family circumstances through training, educational and development courses. The programmes are generally of a short duration and take place over a number of weeks. A total of 31 Family Services Projects have been funded in Co. Wexford over the lifetime of the NDP 2000-2006. The FSP is administered by Facilitators who are based in my Department's Local Offices. There are 4 Facilitators located in the South East Region and two of these are based in Wexford. Examples of activities funded under the FSP include parenting projects for very young lone parents, support programmes for families of disabled persons and family support for travellers.

Family Resource Centres are funded by the Family Support Agency under the Family and Community Services Resource Centre Programme. The emphasis in the projects is on the involvement of local communities in developing approaches to tackle the problems they face and on creating successful partnerships between the voluntary and statutory agencies in the areas concerned. There are 3 Family Resource Centres in Co Wexford that have received funding under the last NDP.

Statutory Instruments.

194. **Mr. J. O'Keeffe** asked the Minister for Social and Family Affairs the title of each statutory instrument which he made during 2006 and which was not published in the usual way pursuant to Section 3 of the Statutory Instruments Act 1947; and if he will make a statement on the matter. [3304/07]

Minister for Social and Family Affairs (Mr. Brennan): In 2006, I made 32 Statutory Instruments pursuant to the Social Welfare Consolidation Act 2005 as amended. In addition, 13 Statutory Instruments were also promulgated pursuant to the Pensions Act 1990 as amended. In accordance with requirements under Section 3 of the Statutory Instruments Act, 1947 as amended, all Statutory Instruments have been published in Iris Oifigiúil.

Social Welfare Benefits.

195. **Mr. Durkan** asked the Minister for Social and Family Affairs the correct rent allowance payable in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [3353/07]

Minister for Social and Family Affairs (Mr. Brennan): The supplementary welfare allowance scheme, which is administered on my behalf by the community welfare division of the Health Service Executive, provides for the payment of a rent supplement to assist eligible people who are unable to provide for their immediate accommodation needs from their own resources and who do not have accommodation available to them from any other source.

The Executive has advised that the rent supplement claim of the person concerned is to be reviewed shortly and it will notify her of the outcome directly.

196. **Mr. Durkan** asked the Minister for Social and Family Affairs if payment of exceptional needs is possible in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [3355/07]

Minister for Social and Family Affairs (Mr. Brennan): Under the terms of the supplementary welfare allowance scheme which is administered on my behalf by the community welfare division of the Health Service Executive (HSE), an exceptional needs payment (ENP) may be made to help meet an essential, once-off cost which the applicant is unable to meet out of his/her own resources. There is no automatic entitlement to this payment. Each application is determined by the Executive based on the particular circumstances of the case. Eligible people would normally be in receipt of a social welfare or health service executive payment.

The Dublin / Mid-Leinster Area of the Executive have advised that the person concerned had made an application for an ENP in September 2006 and again in January 2007 but was refused on each occasion as in the opinion of the HSE, payment was not warranted. The person concerned has been notified of the decision.

197. **Ms C. Murphy** asked the Minister for Social and Family Affairs the reason persons in receipt of carer's allowance do not receive fuel allowance; and if he will make a statement on the matter. [3361/07]

Minister for Social and Family Affairs (Mr. Brennan): The national fuel scheme assists householders on long-term social welfare or health service executive (HSE) payments with meeting the cost of their heating needs during the winter season. Fuel allowances are paid for 29 weeks from end-September to mid-April. The allowance

[Mr. Brennan.]

represents a contribution towards a person's normal heating expenses. It is not intended to meet those costs in full. Eligibility for the allowance is subject to means. The other main conditions that apply are that a person must be in receipt of a qualifying payment, and must either be living alone or only with a specified person.

Carer's Allowance is not a qualifying payment for a fuel allowance for a number of reasons. In many cases the care recipient will already be in receipt of fuel allowance in his/her own right and only one fuel allowance is payable per household. Secondly, the carer may not be living with the care recipient in all cases. I am satisfied that the current rules result in fuel allowances being paid in appropriate households. Any changes in the eligibility rules for the fuel allowance would have cost and other implications and would have to be examined in the context of the Budget and in the light of the resources available to me for improvements in social welfare generally.

Marine Accidents.

198. **Mr. Kehoe** asked the Minister for Transport the number of occasions since June 1997 the RAF responded to maritime incidents in Irish territorial waters and lead or participated in search and rescue missions in Irish territorial waters; and if he will make a statement on the matter. [2628/07]

Minister of State at the Department of Transport (Mr. Gallagher): There was only one occasion when the RAF responded to a maritime incident in Irish territorial waters during the years mentioned. This occurred in 2003 when the Irish Coast Guard requested additional assistance with the possible evacuation of 155 passengers on board a ferry that had engine trouble off the Tuskar Rock. RAF assistance would have complemented the Irish Coast Guard helicopter resource. There is ongoing close co-operation between the Irish Coast Guard and their UK counterparts, including helicopter assistance, which is appreciated and welcomed. Joint exercises are held on a regular basis.

Public Transport.

199. **Ms Burton** asked the Minister for Transport if, in relation to the Government's disability fund and the provision of ramp access to buses, his Department has conducted an audit of the availability of ramp access to buses in Dublin; if his attention has been drawn to the fact that many ramps which were put in place through this fund are unusable due to a lack of funds for servicing; and if he will make a statement on the matter. [3190/07]

Minister for Transport (Mr. Cullen): I understand from Dublin Bus that 679 of its buses, that is almost 58% of its fleet, are now wheelchair accessible. All new and replacement buses being purchased are wheelchair accessible. The operation and maintenance of the ramp mechanism on wheelchair accessible buses is a day to day operational matter for Dublin Bus. I understand from Dublin Bus that the procedure for the operation of the ramps is satisfactory and that it has in operation a programme of inspection for its bus ramps, that defects with the ramp mechanism are to be reported on a daily basis and repaired as quickly as possible. Dublin Bus also informs me that it will take immediate action on comments from any member of the public who highlight instances of ramps not working.

Road Traffic Offences.

200. **Mr. Kehoe** asked the Minister for Transport the penalties imposed on a person found guilty of driving with levels of alcohol above the permitted levels in their system; if these penalties have changed recently; if there are plans to revise these penalties in the future; and if he will make a statement on the matter. [3348/07]

Minister for Transport (Mr. Cullen): Automatic disqualification from driving applies to all drink driving convictions but the minimum period of disqualification varies depending on the alcohol levels in individual cases and on whether the conviction relates to a first or a subsequent offence. The current provisions are set out in Section 2 of the Road Traffic Act 1995 and the financial penalties are set out in section 49 of the Road Traffic Act 1961 as amended.

The Road Traffic Act 2006 provides for the introduction of some changes in relation to the periods of disqualification and increases in the financial penalties and I will be commencing the relevant provisions shortly.

Insurance Claims.

201. **Mr. Kehoe** asked the Minister for Transport if a person can claim from an insurance company if they have an accident travelling without a qualified or person with full driving licence and the accident involved no other person; and if he will make a statement on the matter. [2673/07]

Minister for Transport (Mr. Cullen): Third party compulsory motor insurance covers the liability to an injured third party, arising from the negligent use of a motor vehicle in a public place. Where there is no other party involved in an accident, the driver is not a third party and cannot claim compensation from the motor insurance policy.

Where a driver has optional comprehensive insurance cover any claims for compensation for damage incurred to his or her own vehicle would be subject to the conditions attached to such cover.

National Development Plan.

202. **Mr. Kehoe** asked the Minister for Transport the projects that were targeted in the last National Development Plan in County Wexford; the breakdown of each one completed or the stage that each project is at; the overspend envisaged and an explanation for each; and if he will make a statement on the matter. [3149/07]

203. **Mr. Kehoe** asked the Minister for Transport the investments outlined in the last National Development Plan in County Wexford; the plans and investments that have been completed, that are on-going or did not progress from planning stage; and if he will make a statement on the matter. [3160/07]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 202 and 203 together.

The National Development Plan 2000 to 2006 (NDP) included provision for major improvements on the N11 and N30 routes through the county. I understand from the National Roads Authority, who have overall responsibility for the planning, design, construction and maintenance of national roads works, that the N11 bypass of Gorey is due to open later this year. This means that the N11 route will have been substantially upgraded along almost its entire length from Dublin to just south of Gorey by the end of this year. A 5 km section of the N30 was upgraded and opened in April of 2006.

The main railway projects impacting on County Wexford in the NDP related to upgrading the track and associated infrastructure on the Dublin to Rosslare Europort line. Over the past 5 years approximately €86m was spent on the Dublin to Rosslare route. While Iarnrod Eireann does not maintain records of expenditure on a county basis the bulk of the expenditure was incurred between Bray and Rosslare Europort and, based on mileage, approximately 60% of the expenditure would have been in County Wexford.

The entire Dublin to Rosslare Europort line was renewed with modern continuously welded rail during the period of the NDP. In addition, significant investment was also made on associated infrastructure such as bridges, level crossings, fencing and coastal defence. Work is also underway on re-signalling the line and this project will be completed by Autumn 2007.

The rolling stock on the line has been replaced with modern diesel railcars and these will be further upgraded to InterCity railcars in 2008. A new commuter rail service was introduced from Gorey to Dublin.

Two projects approved for aid did not progress beyond planning stage and were cancelled by the promoters.

The New Ross Port Company was approved for 35% grant aid for the construction of a €3.365 million wharf development. Stafford Shipping, a private company operating in New Ross port, received approval for 18% grant aid to a maximum of €0.240 million for a project to purchase a crane and construct a warehouse.

Public Transport.

204. **Mr. Kehoe** asked the Minister for Transport the differences between DOE tests carried out to buses for his Department and a bus test carried out by an AA engineer for his Department; and if he will make a statement on the matter. [3169/07]

Minister for Transport (Mr. Cullen): Since 13 September 2006 as a consequence of the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 responsibility for matters relating to vehicle standards, including vehicle testing, has passed to the Road Safety Authority. My Department did not engage the AA to carry out any inspection of a bus.

Statutory Instruments.

205. **Mr. J. O'Keeffe** asked the Minister for Transport the title of each statutory instrument which he made during 2006 and which was not published in the usual way pursuant to Section 3 of the Statutory Instruments Act 1947; and if he will make a statement on the matter. [3305/07]

Minister for Transport (Mr. Cullen): I am not aware of any Statutory Instrument which I made during 2006 which did not conform to Section 3 of the Statutory Instruments Act 1947.

Public Transport.

206. **Ms C. Murphy** asked the Minister for Transport the mechanism that will be used to introduce the second hundred buses identified as immediately required in the 2006 Dublin Bus network review; if the issuing of licences for new routes under the 1932 Act is forming part of the first 200; the way the second 200 identified in the network review will be delivered; when they will be delivered; the person by whom they will be delivered; and if he will make a statement on the matter. [3374/07]

Minister for Transport (Mr. Cullen): There are currently in place two regimes governing the approval of bus services, one for private operators and one for Dublin Bus and Bus Eireann and I am currently considering their replacement with one regime, in the context of replacing of the Road Transport Act 1932. As I indicated in my statement of 28 September last, the precise arrangements for the awarding of franchises to private operators in the Dublin market will be dealt with in this context. In the meantime, the licensing provisions of the Road Transport Act 1932 and the Transport Act 1955 will continue to be applied.

[Mr. Cullen.]

At present, my Department is supporting both Dublin Bus and Bus Eireann in the acquisition of additional buses and replacement buses for the GDA. In the current year, Dublin Bus will be putting into service around 200 new buses, of which 100 will be additional buses allocated towards providing additional services. Many of these new buses have additional carrying capacity compared with the buses they are replacing. Bus Eireann is in the process of ordering 160 new buses for delivery and entry into service from summer 2007 on. I understand that Bus Eireann intend to assign 75 of these buses to the Leinster/East region. Some private operators will also be expanding services.

Question No. 207 withdrawn.

National Development Plan.

208. **Mr. Kehoe** asked the Minister for Community, Rural and Gaeltacht Affairs the projects that were targeted in the last National Development Plan in County Wexford; the breakdown of each one completed or the stage that each project is at; the overspend envisaged and an explanation for each; and if he will make a statement on the matter. [3138/07]

209. **Mr. Kehoe** asked the Minister for Community, Rural and Gaeltacht Affairs the investments outlined in the last National Development Plan in County Wexford; the plans and investments that have been completed, that are ongoing or did not progress from planning stage; and if he will make a statement on the matter. [3152/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I propose to take Questions Nos. 208 and 209 together.

The Deputy will be aware that the National Development Plan (NDP) 2000-2006 constituted a programme setting out the Government's broad strategic response to the State's economic and social development needs for the seven-year period in question, and that it did not set out specific project commitments.

My Department was involved in four Operational Programmes under the NDP 2000-2006, as follows:

- the Productive Sector Operational Programme;
- the Employment and Human Resources Development Operational Programme;
- the Border, Midland and Western Regional Operational Programme; and
- the Southern & Eastern Regional Operational Programme.

Assistance was provided under these Programmes across a range of measures in relation to

- the Gaeltacht, in terms of finance for industry, building construction, sectoral training, road improvements and harbour improvements;
- urban and village renewal;
- inland waterways development;
- rural development, in the context of the Area Based Rural Development Initiative, the Rural Development Fund, Farm Relief Services and the Western Development Fund;
- the development of disadvantaged communities through the Community Development Programme;
- the promotion of local action plans to promote social inclusion under the Local Development Social Inclusion Programme; and
- the National Drugs Strategy.

While my Department had no direct responsibility for any major infrastructural investments or projects in Co. Wexford under the NDP 2000-2006, funding has been made available to local groups in the county during the period of the National Development Plan under a number of programmes operated in the Southern & Eastern Region by my Department, including:

- €13.15m under the Local Development and Social Inclusion Programme provided to the Wexford Area Partnership (€5.684m) and Wexford County Partnership (€7.466m).
- €1.208m under the National Rural Development Programme to the Wexford Organisation for Rural Development.
- €4.031m under the Community Development Programme to six groups in Co. Wexford ACCESS 2000 Wexford (€0.668m), FAB Coolcotts (€0.758m), New Ross CDP (€0.466m), South West Wexford CDP (€0.994m), Templeshannon CDP (€0.857m), and Wolfe Tone Women's Group (€0.290m).

The Deputy will appreciate that, due to the diverse nature of the projects supported under these programmes, it would not be possible, in the time available, to provide details in respect of individual projects. If the Deputy has specific queries in relation to any particular case, however, I will be happy to arrange for relevant information to be provided to him.

Rural Social Scheme.

210. **Mr. Connaughton** asked the Minister for Community, Rural and Gaeltacht Affairs the reason there are no vacancies on the rural social scheme; if his attention has been drawn to the fact that there is a waiting list of applicants for

this scheme; if his attention has further been drawn to the fact there is much work to be done at community level; and if he will make a statement on the matter. [3172/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): When the Rural Social Scheme (RSS) commenced in July 2004, there were 2,500 places available. In September 2005, a further 100 places were provided and as of Friday last, 26th January, there are 2,591 participants on the Scheme. All Implementing Bodies maintain a waiting list of applicants in order to replace participants who leave the Scheme and fill vacancies as they arise.

As the Deputy is aware, the Scheme aims to encourage farmers and fishermen to continue to farm and fish while providing them with additional financial support. In addition, the various skills widely available amongst our farmers and fishermen are being harnessed for the benefit of rural communities. I am fully aware that there is much work to be done at a community level and am very happy that all of the work undertaken as part of the Scheme is very beneficial to the communities concerned.

The RSS has become a key part of many rural communities and is very popular with both participants and local sponsors. In this context, the Deputy should note that funding for the RSS for the period 2007-2013 is included in the recently published National Development Plan. This confirms the Government's continued and on-going commitment to the Scheme in the coming years.

Grant Payments.

211. **Dr. Cowley** asked the Minister for Community, Rural and Gaeltacht Affairs the maximum grant aid amounts available to persons running a grocery shop in a rural, Gaeltacht area where the building urgently needs re-roofing and the installation of new windows; and if he will make a statement on the matter. [3249/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Under the Housing (Gaeltacht) Acts, assistance is available to qualified applicants in a Gaeltacht area towards the construction of new houses and the improvement of existing houses. A shopkeeper may qualify for an improvement grant under the Acts, which could include re-roofing and the installation of new windows if the place of residence and business are under the one roof, but any such grant will be confined to the residential part of the building. Detailed information regarding the Gaeltacht housing scheme can be found on my Department's website at www.pobail.ie.

I understand from Údarás na Gaeltachta that, while its Strategic Development Plan 2005-2010 recognises the need for a network of small industries and service providers, grant assistance is not available to local shops. Given the proliferation of retail businesses over the years without recourse to grant assistance, and in the context also of the possible implications for State aid which could attach to the provision of such assistance, I am satisfied that Údarás has taken an appropriate line in this matter.

Statutory Instruments.

212. **Mr. J. O'Keeffe** asked the Minister for Community, Rural and Gaeltacht Affairs the title of each statutory instrument which he made during 2006 and which was not published in the usual way pursuant to Section 3 of the Statutory Instruments Act 1947; and if he will make a statement on the matter. [3295/07]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): My Department has not enacted any Statutory Instruments during the year 2006.

Grant Payments.

213. **Mr. Wall** asked the Minister for Community, Rural and Gaeltacht Affairs the position regarding an application for grant assistance by a community group (details supplied) in County Kildare; and if he will make a statement on the matter. [3306/07]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): An application from this group has been received by my Department under the 2006 Programme of Grants for Locally-Based Community and Voluntary Organisations. I recently announced the first tranche of funding under this Programme and assessments are continuing in respect of the remaining applications, including that of the group referred to by the Deputy.

A decision will be notified to this group in the near future.

214. **Mr. Kehoe** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Carlow has not received full payment for their 2006 single farm payment; and if she will ensure prompt payment; and if she will make a statement on the matter. [1134/07]

Minister for Agriculture and Food (Mary Coughlan): The position is that an application under the Single Payment Scheme was received from the person named on the 26th 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 5% cross compliance penalty being applied. The person named had

[Mary Coughlan.]

also been the subject of a cross compliance inspection in 2005 and had also incurred a 5% 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 15% penalty being applied to his Single Payment for 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 to the Independent Agriculture Appeals Office.

215. **Mr. Kehoe** asked the Minister for Agriculture and Food if a senior officer from her Department will meet with a person (details supplied) in County Wexford to discuss the ongoing problems with the single payment and its appeal; and if she will make a statement on the matter. [2619/07]

Minister for Agriculture and Food (Mary Coughlan): As indicated in a previous reply to a Parliamentary Question from the Deputy, the person named submitted an application for an allocation of entitlements from the 2005 Single Payment Scheme National Reserve under Categories A and D.

Category A caters for farmers who inherited land or received land free of charge or for a nominal sum from a farmer who had retired or died by 16 May, 2005 and who had leased out his/her holding to a third party during the reference period 2000 to 2002. The person named was deemed unsuccessful under this category as she did not receive the land free of charge or for a nominal sum.

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 also deemed unsuccessful under this category as the land acquired was leased land which does not qualify under this category.

The person named submitted an appeal against this decision. This appeal was forwarded to the Independent Single Payments Appeals Committee who have completed their review and disallowed the appeal. A letter outlining the decision of the Committee has issued to the person named.

The Appeals Committee's decision can only be amended on foot of new facts or fresh evidence to support such a review. In the circumstances it, is felt that no useful purpose would be served in having a meeting with the person named at this stage.

If there is any new evidence that might warrant a review of the decision, it should be forwarded to the Appeals Committee for further consideration.

Farm Inspections.

216. **Mr. Kehoe** asked the Minister for Agriculture and Food the number of farmers here who were penalised by inspectors from her Department for breaches in farm regulation; the nature and amount of those penalties; and the reason given for same. [2620/07]

217. **Mr. Kehoe** asked the Minister for Agriculture and Food the number of field inspectors working for her Department; the number of farmers nationwide registered with her Department to be inspected; and if she will make a statement on the matter. [2621/07]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 216 and 217 together.

The position is that my Department, in the context of delivering the Single Payment Scheme, is required to carry out on-the-spot inspections on a number of farms covering such issues as eligibility under the Scheme, compliance with EU legislation in the areas of the environment, food safety, animal health and welfare and plant health and ensuring that the farm is maintained in good agricultural and environmental condition.

A minimum of 5% of Single Payment Scheme applicants are required to be inspected under the eligibility rule. These checks are carried out to verify that the actual area claimed in the Single Payment Scheme application form corresponds to the area held by the farmer and to ensure there are no overlapping claims, or duplicate claims. These checks are also designed to confirm that the lands declared for set-aside purposes are maintained in accordance with the provisions of the EU Regulations and that the set-aside obligations are observed. They are also necessary to verify that the land used to draw down entitlements does not contain land used for fruit and vegetable production, land used for potatoes or land in forestry or other permanent crops in the year of application for the Single Payment. Up to two-thirds of these inspections are carried out without a farm visit and using the technique of remote sensing.

The rate of on-farm inspection required for cross-compliance is 1% of those farmers to whom the Statutory Management Requirements (including the Nitrates Directive) or good agricultural and environmental condition apply. However at least 5% of producers must be inspected under the Bovine Animal Identification

and Registration requirements as this level is prescribed under the relevant Regulations.

In 2006, 7514 farmers have had their holdings selected for on-the-spot inspection out of some 130,000 who applied for the Single Payment Scheme — over 100,000 of these are also applicants for the Disadvantaged Areas Scheme (DAS) and 5% of applicants under this scheme must also be inspected. The DAS inspections are, as far as possible, integrated with the inspections under the Single Payment Scheme. The total value of both schemes to Irish farmers is some €1.55 billion in 2006. All inspections are carried out by 124 Technical Agricultural Officers.

The EU regulations governing cross- compliance set out a range of percentage reductions for non-compliance. Where non-compliance results from negligence on behalf of the farmer, a 3% reduction may be applied but this can be reduced to 1% or increased to 5% depending on the extent, severity and permanence of the infringement. If the non-compliance is repeated within a 3-year period, a multiplier 3 must be applied. In the case of intentional infringement a 20% reduction is provided for but this can be reduced to 15% or increased to 100% depending on the extent, severity and permanence of the infringement.

In determining whether a farmer is in breach of cross-compliance, my Department takes due account of infringements that are, on their own, inadvertent, minor in nature, do not result from negligence of the farmer and are capable of occurring in practical farming situations. In such circumstances a certain level of tolerance is applied while, at the same time, the farmer is notified of the infringement. In this regard my Department has adopted a weighting system that results in fair and equitable sanctions under cross-compliance. The system that has been developed also ensures that the sanctions are applied in a standardised fashion throughout the country.

A total of 1,389 farmers were subject to cross-compliance penalties under the 2006 Single Payment Scheme while a further 977 farmers, while technically in breach of the requirements, did not suffer any penalty because of the tolerance regime applied by my Department.

Where a farmer is found to be non-compliant, through negligence, under more than one of the Statutory Management Requirements, the penalties are not accumulated — only the higher penalty is applied.

The vast bulk of penalties applied (1,109 farmers) were for breaches of the rules relating to the identification and registration of bovine animals i.e. tagging, registration and notification of movements and deaths. A further 280 farmers were penalised for breaches of other Statutory Management Requirements relating to Groundwater, Nitrates, Pesticides, Food Hygiene and good agricultural and environmental condition (GAEC).

Breaches found during Cross Compliance Inspections in 2006 resulted in a total of €706,203.38 being stopped in penalties. This represents just 0.05% of Ireland's national ceiling of €1.3 billion.

National Development Plan.

218. **Mr. Kehoe** asked the Minister for Agriculture and Food the projects that were targeted in the last National Development Plan in County Wexford; the breakdown of each one completed or the stage that each project is at; the overspend envisaged and an explanation for each; and if she will make a statement on the matter. [3135/07]

219. **Mr. Kehoe** asked the Minister for Agriculture and Food the investments outlined in the last National Development Plan in County Wexford; the plans and investments that have been completed, that are on-going or did not progress from planning stage; and if she will make a statement on the matter. [3150/07]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 218 and 219 together.

The measures relevant to my Department in the 2000-2006 National Development Plan did not provide for or relate to individual projects. Instead, they comprised support schemes for the agri-food sector and related research. The table below sets out payments under the various schemes in County Wexford during the period.

Scheme	Amount
	€m
Compensatory Allowances	19.548
REPS	36.535
Early Retirement	7.719
Forestry	6.956
Food	3.260
Farm Waste Management	1.696
Installation Aid	1.385
Dairy Hygiene Scheme	0.712
Alternative Enterprises	0.287
Livestock Breeding equine	0.043
Organic Farming	0.013
Grain Storage	0.330
Potatoes	0.268
Horticulture	1.048
Total	79.800

In addition to the above payments, support provided under the National Development Plan for general measures such as agri-food research and

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cattle breeding infrastructures also benefited of the agri-food sector in County Wexford.

Farm Waste Management.

220. **Mr. Kehoe** asked the Minister for Agriculture and Food the reason for the delay in processing the application for a person (details supplied) in County Wexford under the farm waste disposal scheme; and if she will make a statement on the matter. [3162/07]

Minister for Agriculture and Food (Mary Coughlan): The person concerned is an applicant under the revised Farm Waste Management Scheme which has resulted in over 48,000 applications having been received by my Department. These applications are currently being processed and a decision will be made in respect of the above application as soon as possible.

Installation Aid Scheme.

221. **Mr. Deasy** asked the Minister for Agriculture and Food if she will grant the new level of grant aid under the farm installation aid programme to those applicants who had submitted applications in the previous 12 months but who have not received payment; and if she will make a statement on the matter. [3182/07]

Minister for Agriculture and Food (Mary Coughlan): Applications for aid under the current Installation Aid Scheme, which applies to farmers set-up for the first time in farming on or before 31 December 2006 will be considered in accordance with the terms and conditions of that Scheme.

The Installation Aid Scheme to be applied in Ireland as part of the 2007-2013 Rural Development Programme will be introduced as soon as EU approval is received for that Programme.

222. **Mr. Ring** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Mayo did not receive the single payment scheme. [3183/07]

Minister for Agriculture and Food (Mary Coughlan): The position is that an application for the Transfer of Entitlements under the Single Payment Scheme to the person named was submitted on 25 August 2006. The application was accepted even though the closing date for receipt of completed applications to transfer entitlements was 16 May 2007.

The application was examined and further documentation is required. My Department wrote to the person named seeking the documentation and an official from my Department also made direct telephone contact with the person named on 30 January 2007 requesting the specific documentation.

Upon receipt of the documentation, my Department will process the application and will correspond directly with the person named.

Parliamentary Questions.

223. **Mr. Connolly** asked the Minister for Agriculture and Food the number of parliamentary questions replied to by her Department in 2006; the cost involved; and if she will make a statement on the matter. [3235/07]

Minister for Agriculture and Food (Mary Coughlan): In 2006, my Department replied to 2413 parliamentary questions. The time spent on replies to Parliamentary Questions can vary considerably depending on the nature of the question and the cost of preparing replies is not readily available.

Offshore Islands.

224. **Mr. J. O'Keeffe** asked the Minister for Agriculture and Food the number of farmers living on the islands off the coast; her views on whether special consideration should be given to them; and if she has proposals for additional support in view of the extra costs associated with island farming. [3291/07]

Minister for Agriculture and Food (Mary Coughlan): According to the Central Statistics Office, there are 372 farmers living on off-shore islands. I am aware of their specific circumstances and have taken them into account under the new Rural Development Programme for 2007 to 2013. In the case of on-farm investments, reckonable standard costs will continue to be 25% higher for islands. Under the Rural Environmental Protection Scheme — REPS — eligible agricultural land on islands will be entitled to an additional 15% payment.

The new Rural Development Programme is awaiting EU approval. Apart from on-farm investment and REPS, it contains a variety of measures designed to address the needs of the agri-food sector. One such measure will provide continued support for farms — including those on islands — situated in disadvantaged agricultural areas.

Statutory Instruments.

225. **Mr. J. O'Keeffe** asked the Minister for Agriculture and Food the title of each statutory instrument which she made during 2006 and which was not published in the usual way pursuant to Section 3 of the Statutory Instruments Act 1947; and if she will make a statement on the matter. [3292/07]

Minister for Agriculture and Food (Mary Coughlan): It is the practice within my Department to comply with Section 3 of the Statutory Instruments Act 1947 and I am not aware of any cases that did not comply with this requirement.

Departmental Appointments.

226. **Mr. Kehoe** asked the Minister for Agriculture and Food the number of positions filled from members of the panel formed from a competition (details supplied); the number of applicants who have withdrawn from the panel; and when and the number of positions that will be offered in the next round of offers. [3320/07]

Minister for Agriculture and Food (Mary Coughlan): No positions have been filled from members of the panel to date. No applicants have withdrawn from the panel.

First offers have issued to 13 candidates and a further two offers will issue when the Public Appointments Service has informed the Department that all relevant clearances have been received from the two applicants.

Grant Payments.

227. **Mr. Ring** asked the Minister for Agriculture and Food her plans to speed up the payment of REP scheme to farmers once their applications are submitted; and the length of time it currently takes on average, for a REP scheme payment to issue. [3321/07]

Minister for Agriculture and Food (Mary Coughlan): For both new applications and annual applications received and paid in REPS 3 between I January 2006 and 31 December 2006, the average time for making a REP scheme payment was 7 weeks and 1 day. This is within the timeframe agreed for REPS between the farming organisations and my Department.

School Transport.

228. **Mr. Kehoe** asked the Minister for Education and Science if, with regard to school transport and correspondence received from an association (details supplied) dated 9 January 2007, she will provide a response to the issues raised in that correspondence; if there will be a meeting with the committee; and when this is expected to take place. [2636/07]

239. **Mr. Kehoe** asked the Minister for Education and Science the new investigations he or his Department are carrying out with regard to the issue of school transport catchment areas regarding Blackwater, County Wexford; and if she will make a statement on the matter. [3242/07]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 228 and 239 together.

The issues referred to by the Deputy have been the subject of an appeal to the Independent School Transport Appeals Board which has made a determination in the matter. In these circumstances I do not propose to intervene.

Capitation Grants.

229. **Mr. Kehoe** asked the Minister for Education and Science when the devolving grants for rural primary schools (details supplied) in County Limerick will be allocated; and if she will make a statement on the matter. [2637/07]

Minister for Education and Science (Ms Hanafin): Applications have been received in the Department from the schools referred to by the Deputy under the devolved grants schemes. My Department is currently assessing all applications received from schools for funding under these programmes. The list of successful applicants will be published as soon as possible.

State Examinations.

230. **Mr. Kehoe** asked the Minister for Education and Science the charge students are levied with for sitting the leaving certificate; the amount students are charged for repeating the leaving certificate; and the reason there is a difference in price when resitting exams. [2638/07]

Minister for Education and Science (Ms Hanafin): The 2007 examination fee for Leaving Certificate candidates is €96. The fee for school-based repeat Leaving Certificate candidates is €251.

Special fees for repeat candidates were introduced in 1987 on the basis that it is not unreasonable to expect those who have already benefitted from the normal course of second level education, and who wish to take an extra year, to make a contribution towards the cost of providing the necessary resources. A course fee is also payable in respect of such candidates.

Generally, examination fees cover only a fraction of the cost of running the examinations, and these costs have been spiralling in recent years as new methods of assessment are introduced in various subjects.

There is an alleviation scheme in place whereby current medical card holders and their dependents are exempt from the payment of fees. This exemption applies to approximately 30% of all examination candidates each year.

This alleviation scheme also applies in the case of repeat candidates in respect of both the course fee and the repeat examination fee.

Schools Building Projects.

231. **Mr. Kehoe** asked the Minister for Education and Science the reason for the delay in the building of a new vocational school (details supplied) in County Carlow; if her attention has been drawn to the fact that the school was reported to have been given the go ahead in 2001 and six years later no such works have taken place; and if she will make a statement on the matter. [2639/07]

Minister for Education and Science (Ms Hanafin): In the light of increases in enrolments in the school, the Department conducted a re-evaluation of the long term projected enrolments for the required project. A revised long term projected enrolment figure of 1000 pupils has recently been agreed with the Vocational Educational Committee. Progress on the proposed building project will be considered in the context of the School Building and Modernisation Programme from 2007 onwards.

Special Educational Needs.

232. **Mr. Kehoe** asked the Minister for Education and Science if her attention has been drawn to the fact that under Circular SP ED 09/04 a diagnosis of ADHD can not be made unless a report is available from a psychiatrist or clinical diagnosis and that as her Department only employ educational psychologist schools are dependent on their local health board to provide the service, that currently in Carlow there is not such person to carry out such an assessment and as a result children with suspected ADHD are not receiving the early intervention they require; and the advice she would give to overcome this predicament. [2640/07]

Minister for Education and Science (Ms Hanafin): I am aware that there must be a report from a psychiatrist or a clinical psychologist and evidence that a child is receiving treatment for Attention Deficit Hyperactive Disorder (ADHD) to enable the National Council for Special Education (NCSE) to examine applications for resource teaching supports.

This requirement is to ensure a proper diagnosis of the condition. Any resources that might be allocated to the relevant school will work in tandem with therapy supports provided outside the school setting. Responsibility for the recruitment and deployment of health professionals is the responsibility of the HSE.

National Development Plan.

233. **Mr. Kehoe** asked the Minister for Education and Science the projects that were targeted in the last National Development Plan in County Wexford; the breakdown of each one completed or the stage that each project is at; the overspend envisaged and an explanation for each; and if she will make a statement on the matter. [3140/07]

234. **Mr. Kehoe** asked the Minister for Education and Science the investments outlined in the last National Development Plan in County Wexford; the plans and investments that have been completed, that are on-going or did not progress from planning stage; and if she will make a statement on the matter. [3153/07]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 233 and 234 together.

The NDP 2000-2006 identified the need for major investment in educational infrastructure in new and refurbished buildings, new equipment and information technology to make education more relevant to the needs of a modern economy. The plan did not identify individual building projects to be addressed either on a local or county basis. It was a matter for my Department to prioritise projects objectively and ensure that funding was appropriately allocated in line with priority assessments. If the Deputy has specific projects in mind my Department can provide the relevant information.

My Department accelerated the school building programme with record levels of investment and the streamlining of delivery systems during the period of the last NDP. The Government is delivering on its commitment to provide modern facilities in schools and has progressively increased funding in recent years with an aggregate total of well over €2.6 billion invested in the period from 2000 to 2006 in upgrading existing school infrastructure and providing new school accommodation at both first and second-level.

This is the largest investment programme in the history of the State. It has delivered over 7,800 projects including 1300 in 2006 alone. In addition the investment covered site purchases; the annual minor works grant to all primary schools, dust/asbestos and radon remediation programmes, science and technology initiatives, contingency works and grants for the purchase of furniture and equipment including improving equipment needed for new technologies and ICT.

To put it in context in terms of pupil numbers, if we take new primary schools recently completed, under construction or approved to progress to construction, we are delivering over 15,000 new permanent pupil places, almost 70% of these in the Leinster area. This figure relates to new schools only and does not include an additional 8,750 school places being delivered under the permanent accommodation scheme.

Innovations in the delivery of school buildings such as Generic Repeat Designs and the use of the Design and Build model ensure that new school buildings are delivered in the fastest time-

frame possible. In recent years, my Department has also adopted a policy of devolving much greater authority to local school management boards to manage and deliver smaller building projects, thereby freeing my Department to concentrate on the larger scale projects.

My Department has never underestimated the scale of the task and the level of capital funding and other resources required to rectify decades of under investment in school infrastructure. However, the Government is delivering on its commitment to provide modern facilities in schools and will provide a further €4.8 billion for educational infrastructure over the period of the new National Development Plan 2007-2013.

Higher Education Grants.

235. **Mr. Crowe** asked the Minister for Education and Science if she will intervene in the case of a person (details supplied) in County Kerry. [3173/07]

Minister for Education and Science (Ms Hanafin): Under the terms of the higher education grants scheme, maintenance grants are payable to eligible students pursuing full-time undergraduate courses of not less than two years duration pursued in a university or third-level institution which is maintained or assisted by recurrent grants from public funds in another EU member state. The position regarding tuition fees is that none of the third level student support schemes operated on behalf of the Department extend to the payment of tuition fees in respect of courses outside of Ireland. In order to qualify for a maintenance grant a candidate must satisfy the relevant conditions of the student support schemes in regard to age, residence, means, nationality and previous academic attainment.

I understand that the candidate in question is in receipt of a Higher Education Grant from Kerry County Council to pursue her course at the University of Wales. However, Section 473A, Taxes Consolidation Act, 1997, provides tax relief, at the standard rate of tax, for tuition fees paid in respect of approved courses at approved colleges of higher education including certain approved undergraduate and postgraduate courses in EU Member States and postgraduate courses in non-EU countries. Tax relief at undergraduate level extends to approved full/part-time courses in both private and publicly funded third level colleges in the State and any other EU Member State and approved full/part-time courses operated by Colleges in any EU Member State providing distance education in the State. Approved undergraduate courses must be of at least two years duration, and both the college and the course must satisfy the Codes of Standards as laid down by the my Department. Further details and conditions in relation to this tax relief are available from the candidate's local Tax Office. In addition, I understand that, in such circumstances, financial assistance towards tuition fees by way of student loans may be available to EU nationals from the Department for Education and Skills in the United Kingdom.

Disadvantaged Status.

236. **Mr. Ring** asked the Minister for Education and Science the way a school (details supplied) in County Mayo can be reviewed for DEIS. [3185/07]

254. **Mr. Ring** asked the Minister for Education and Science the way schools can apply at this stage to gain disadvantaged status and be included in DEIS following changes in the local economy and so on. [3327/07]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 236 and 254 together.

DEIS (Delivering Equality of Opportunity in Schools), the action plan for educational inclusion, provides for a standardised system for identifying levels of disadvantage and a new integrated School Support Programme (SSP). DEIS will bring together and build upon a number of existing interventions in schools with a concentrated level of disadvantage. The process of identifying schools for participation in DEIS was managed by the Educational Research Centre (ERC) on behalf of my Department and supported by quality assurance work co-ordinated through the Department's regional offices and the Inspectorate. A review mechanism was put in place to address the concerns of schools that did not qualify for inclusion in DEIS but regarded themselves as having a level of disadvantage which was of a scale sufficient to warrant their inclusion in the programme. The review process operated under the direction of an independent person, charged with ensuring that all relevant identification processes and procedures were properly followed in the case of schools applying for a review. The closing date for receipt of review applications was 31 March, 2006. The Group submitted a report and the review is now concluded. Schools who applied for a review were informed of the outcome in August, 2006.

My Department is considering putting separate arrangements in place to address exceptional situations arising up to the time of the next identification process which will be held in 2009/2010. These arrangements will apply to new schools (including those created through amalgamation), opening in 2005/2006 or thereafter. The arrangements may also apply to schools located in certain communities which have suffered significant socio economic decline since the commencement of DEIS. Consideration will be given to such

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changes at the mid-way point between the 2005/2006 and 2009/2010 identification process i.e. in 2007/2008. However, it should be noted that schools which have not qualified for inclusion in DEIS and which are receiving additional resources under pre-existing schemes for addressing disadvantage, can be assured that they will continue to receive support in line with their level of disadvantage.

Schools Building Projects.

237. **Mr. Durkan** asked the Minister for Education and Science her plans for the development of the full sphere of educational facilities along the M4-N4 corridor; if she has set a timescale for delivery of such proposals; when the proposals will reach fruition; and if she will make a statement on the matter. [3203/07]

Minister for Education and Science (Ms Hanafin): As the Deputy will be aware, the local area development plan for the N4/M4 corridor is the framework document for the Department's long-term educational strategy at both primary and post-primary level for the area concerned. The recommendations in the plan are being actioned in the context of the School Building and Modernisation Programme subject to the published prioritisation criteria for large scale building projects.

Parliamentary Questions.

238. **Mr. Connolly** asked the Minister for Education and Science the number of parliamentary questions replied to by her Department in 2006; the cost involved; and if she will make a statement on the matter. [3237/07]

Minister for Education and Science (Ms Hanafin): I replied to 5,188 written and oral Parliamentary Questions (PQs) in 2006. PQs are dealt with by staff in the line section responsible for the particular issue raised in the question. The number and level of staff involved in preparing a particular answer varies depending on a number of factors including the complexity of the issues raised in the question and the volume and accessibility of information required for the response. It is not possible to isolate the administrative cost of processing PQs from the overall administrative costs of the Department as processing of PQs is carried out as part of the normal day-to-day work of sections.

Question No. 239 answered with Question No. 228.

Computerisation Programme.

240. **Dr. Cowley** asked the Minister for Education and Science if she will issue a reply to a previous parliamentary question (details supplied); and if she will make a statement on the matter. [3247/07]

Minister for Education and Science (Ms Hanafin): As the Deputy will be aware, the two major investment priorities under the ICT in Schools Programme over the past two years have been the provision of grant aid to schools to develop their computer networks and the establishment of the Schools Broadband Network and associated provision of broadband access to schools. In this context, the school concerned received a networking grant of €2,200 in December 2004 and has had its broadband connectivity installed. I am aware of the benefits that good use of ICT can bring to our children's education and I am conscious of the need for further investment to realise the full potential of integrating ICT into teaching and learning and I intend to publish a comprehensive new ICT strategy in 2007 covering the period of the new National Development Plan to 2013.

Special Educational Needs.

241. **Dr. Cowley** asked the Minister for Education and Science the reason a person (details supplied) in County Mayo is not entitled to receive home tuition in view of the fact that their hearing has deteriorated to such an extent that it will make learning in a traditional teaching environment nearly impossible and their education is suffering badly as a result of same; and if she will make a statement on the matter. [3248/07]

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 an educational placement. An application for a home tuition grant for the pupil in question in respect of the 2006/07 school year was considered by my Department. The application was not granted as the pupil had a satisfactory attendance record during the 2005/06 school year. If the pupil's condition has deteriorated to such an extent that they have missed a significant amount of school days to date in the current school year, they should re-apply. I have requested that the relevant Visiting Teacher for Hearing Impaired Pupils call on the student in question in the near future.

Capitation Grants.

242. **Mr. Kenny** asked the Minister for Education and Science the way in which the average running costs paid per pupil in the vocational educational committee, community and comprehensive schools and secondary voluntary schools

compare over each of the past five years; and if she will make a statement on the matter. [3262/07]

244. **Mr. Kenny** asked the Minister for Education and Science the capitation payment payable for all students in vocational secondary schools; the number of additional funding streams to which schools can apply on top of the basic capitation rate; the mechanism through which community and comprehensive schools are funded; and if she will make a statement on the matter. [3264/07]

245. **Mr. Kenny** asked the Minister for Education and Science the capitation payment payable for all students in voluntary secondary schools; the number of additional funding streams to which schools can apply on top of the basic capitation rate; the method through which all capitation payments are calculated; and if she will make a statement on the matter. [3265/07]

246. **Mr. Kenny** asked the Minister for Education and Science the capitation payment payable for all students in community and comprehensive secondary schools; the number of additional funding streams to which schools can apply on top of the basic capitation rate; the mechanism through which community and comprehensive schools are funded; and if she will make a statement on the matter. [3266/07]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 242 and 244 to 246, inclusive, together.

The funding arrangements made by my Department for second level schools reflect the different management and ownership arrangements for Vocational Schools and Community Colleges, Comprehensive & Community Schools and Voluntary Secondary Schools. At the core of funding arrangements at second level is reliance upon capitation as the principal determinant of funding. Voluntary secondary schools are funded on a per capita grant basis. Financial allocations for Vocational schools and Community colleges are made to the VECs as part of a block grant, which also covers the VEC head-office overheads and other activities apart from the second-level programme. Community & Comprehensive schools are funded on a budget basis. Schools have considerable discretion as to how this funding is best utilised in the interests of their pupils. There have been significant improvements in the level of funding for voluntary secondary schools. With effect from January 2007, the standard per capita grant was increased by €18 per pupil and now amounts to €316 per pupil. An additional per capita grant of €38.09 per pupil is paid to disadvantaged schools bringing the total per capita grant in the case of such schools to €354.09. In addition, equalisation funding grants of up to €44.44 per pupil, subject to a cap of €15,554 per secondary school, introduced in 2001 and also additional to the per capita grants of some €70 per pupil, subject to a cap of €24,442 per school, introduced in 1992, are provided to voluntary secondary schools. Secondary schools have also benefited, under the school services support fund initiative, from further significant increases in the support services grant. Under the terms of recent equalisation measures, the support grant has been significantly enhanced and now stands at €189 per pupil from 1 January 2007. Since 2002, the standard per capita and support service grant has been increased for voluntary secondary schools as set out in the attached tables. Budget allocations for the VEC and Community & Comprehensive sectors are increased on a pro rata basis with increases in the per capita grant. All schools are eligible for recurrent per capita grants towards special classes and curricular support grants.

Departmental Expenditure.

243. **Mr. Kenny** asked the Minister for Education and Science the disparity in non-teacher funding of second level voluntary schools and community and comprehensive schools in terms of current and of capital spending; and if she will make a statement on the matter. [3263/07]

Minister for Education and Science (Ms Hanafin): All school building projects are selected for inclusion in the School Building and Modernisation Programme on the basis of priority of need. No differentiation is made between voluntary secondary schools and community and comprehensive schools. All applications for capital funding are assessed in accordance with my Department's published prioritisation criteria for large scale building projects which were drawn up following consultation with the education partners. Following this assessment, each application is assigned a band rating. Progress on individual projects is consistent with that band rating.

The current funding arrangements made by my Department for second level schools reflect the sectoral division of our second level system. At the core of all arrangements is a reliance upon capitation as the principle determinant of funding. In my view it is important to consider these issues in the wider context of the equalisation of funding arrangements across the second level system. My Department provides funding to 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. There have been significant improvements in recent years in the level of funding for voluntary secondary schools. I wish to draw the attention of the Deputy to my announcement of further significant increases in the context of the

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2007 estimates. From 1 January 2007 the standard per capita grant has been increased by €18 to €316 per pupil. In addition, the support services grant has also been increased by a further €30 for voluntary secondary schools, which includes a further equalisation measure, to €189 per pupil. For such schools this cumulative increase of €48 per pupil will bring the aggregate grant to over €500 per pupil from 1 January 2007. These grants are in addition to the per capita funding of up to €40,000 per school that is also provided by my Department to secondary schools towards secretarial and caretaking services. For example in the case of a secondary school with 500 pupils, this will bring annual grants towards general expenses and support service to over €290,000.

Budget allocations for schools in the Community & Comprehensive sector are increased on a pro rata basis with increases in the per capita grant. The provision that I have made, in the context of the 2007 estimates, for these significant increases in the funding of voluntary secondary schools is a clear demonstration of my commitment to prioritise available resources to address the needs of schools.

Questions Nos. 244 to 246, inclusive, answered with Question No. 242.

Higher Education Grants.

247. **Mr. Kenny** asked the Minister for Education and Science the level of funding allocated to universities directly towards the provision of part-time education at these institutions for each year since 2002; the method through which part-time courses at universities are funded; and if she will make a statement on the matter. [3267/07]

Minister for Education and Science (Ms Hanafin): The position is that the universities receive a block grant from the Higher Education Authority and it is a matter for each institution, as an autonomous institution, to determine how it is allocated internally.

Home Tuition.

248. **Mr. Hogan** asked the Minister for Education and Science if she will approve home tuition for a person (details supplied) in County Kilkenny; and if she will make a statement on the matter. [3231/07]

Minister for Education and Science (Ms Hanafin): The Deputy may be aware that 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.

There is an educational placement available for the child referred to by the Deputy and therefore he does not qualify for tuition under the terms of the scheme.

State Examinations.

249. **Mr. Kehoe** asked the Minister for Education and Science if her attention has been drawn to the fact that some leaving certificate students put an enormous amount of work and time into their art portfolio, which is required for them to enter art college or to do an art course, but it is not taken into account for leaving certificate purposes; her plans to change same; and if she will make a statement on the matter. [3286/07]

Minister for Education and Science (Ms Hanafin): Decisions on the entry requirements for admission to courses of further and higher education are a matter for the college authorities. The Leaving Certificate Art syllabus is designed to promote the development of students' creative, aesthetic, design, and critical skills as well as an appreciation and awareness of the role of the visual arts in history and contemporary culture. The syllabus is currently examined by means of invigilated examinations where candidates produce art work under specific conditions within a specified timeframe, and a written examination in the History and Appreciation of Art. The skills of visual research and analysis, design and composition, and the knowledge and appreciation of the history of art, which are promoted as part of the Leaving Certificate Art curriculum are of relevance in the development of portfolios for entry into further learning. The Deputy will be pleased to know that the National Development Plan 2007-2013 includes provision for a significant programme of investment in school modernisation and curricular reform. The introduction of a revised curriculum in Art will be considered in this context.

Schools Building Projects.

250. **Mr. Kehoe** asked the Minister for Education and Science the funding available to a school (details supplied) in County Wexford to erect security fencing around the school to curb vandalism and teenage drinking parties in the school grounds; and if she will make a statement on the matter. [3289/07]

Minister for Education and Science (Ms Hanafin): Officials from my Department have been in contact with the school authorities advising them on how to apply for funding for the security fencing, as part of the large scale building project currently taking place at their school.

Statutory Instruments.

251. **Mr. J. O'Keeffe** asked the Minister for Education and Science the title of each statutory instrument which she made during 2006 and which was not published in the usual way pursuant to Section 3 of the Statutory Instruments Act 1947; and if she will make a statement on the matter. [3297/07]

Minister for Education and Science (Ms Hanafin): Section 3 of the Statutory Instruments Act 1947, as amended by section 1 of the Statutory Instruments (Amendment) Act 1955, places a number of requirements in course of the publication of a statutory instrument.

The critical obligation under section 3 of the Statutory Instruments Acts is to ensure that a notice is published in Iris Oifigiúil of the making of an order or regulation, as otherwise any charge in relation to the contravention of the provisions of the statutory instrument could be struck out in court unless the prosecutor satisfies the Court that reasonable steps had been taken for the purpose of bringing the purport of the instrument to the notice of the public or of persons likely to be affected by it. The orders which I have made mainly relate to the commencement of certain statutory provisions or establishment day orders in respect of statutory bodies and none of the orders entail fines or other penalties for the contravention of the provisions of these statutory instruments.

In 2006 I signed the following orders:

- Education Act 1998 (Publication of Inspection Reports on Schools and Centres for Education) Regulations 2006 (S.I. 49/2006), (PRN.A6/0100), notice published in Iris Oifigiúil on 29th Sept 2006;
- Education (Former Residents of Certain Institutions for Children) Finance Board (Establishment Day) Order 2006 (S.I. 77/2006), notice published in Iris Oifigiúil on 29th Sept 2006;
- Teaching Council Act 2001 (Commencement) Order 2006 (S.I. 184/2006), notice published in Iris Oifigiúil on 29th Sept 2006;
- Teaching Council Act 2001 (Establishment Day) Order 2006 (S.I. 185/2006), notice published in Iris Oifigiúil on 29th Sept 2006;
- Grangegorman Development Agency Act 2005 (Establishment Day) Order 2006 (S.I. 252/2006), notice published in Iris Oifigiúil on 29th Sept 2006;
- Education and Science (Delegation of Ministerial Functions) Order 2006 (S.I. 533/2006), notice published in Iris Oifigiúil on 13th Oct 2006.

I also signed an order in December 2006 pursuant to the provisions of the Vocational Education (Amendment) Act 1944 and this is still in the process of being published. (It has been assigned the S.I. number 708 of 2006 by the Government Publications office of the OPW).

The Deputy may also wish to note that since December 2006 there has been a pilot project in place, through which the publication process has been expedited as a consequence of the use of electronic production and proofing of statutory instruments.

All of the orders which I made during 2006 have been published or are in the process of being published and the requirements of section 3 of the Statutory instruments Act has been observed in this regard.

Schools Building Projects.

252. **Mr. O'Shea** asked the Minister for Education and Science her proposals to provide funding for a number of projects at a college (details supplied) in County Waterford; and if she will make a statement on the matter. [3325/07]

Minister for Education and Science (Ms Hanafin): My Department is in receipt of correspondence regarding works required at the school referred to by the Deputy. An official of the Building Section of my Department has contacted the management of the school. An application form for an Emergency Works Grant is being prepared for submission to the Building Section.

As soon as the completed application form is received it will be considered as a matter of urgency and the outcome will be notified to the school authorities without delay.

Schools Refurbishment.

253. **Mr. Ring** asked the Minister for Education and Science the funding available for a school (details supplied) in County Mayo for a project; and if she will issue the relevant application form to this Deputy in respect of the works. [3326/07]

Minister for Education and Science (Ms Hanafin): I have arranged that an application form for emergency works for the school in question be issued to the Deputy.

As soon as the completed form is received it will be considered as a matter of urgency and the outcome will be notified to the school authorities without delay.

Question No. 254 answered with Question No. 236.

255. **Ms C. Murphy** asked the Minister for Education and Science if the list for the summer works grant 2007 is final; if schools such as a

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school (details supplied) in County Kildare who applied for grant assistance and were not included on the list will be assisted by her Department by other means; and if she will make a statement on the matter. [3363/07]

Minister for Education and Science (Ms Hanafin): The management authority of the school in question applied for funding for carparking and replacement of windows and doors under the Summer Works Scheme 2007. Carparking was listed as the Priority 1 project. Under the prioritisation system these works were classed Category 10 (External Environment). Unfortunately the category applying to this type of project was not reached.

The school authority, however, also submitted an application under the Emergency Works Grant for funding for the works in question. I am pleased to inform the Deputy that the Building Unit of my Department has recently approved funding for these works.

Pupil-Teacher Ratio.

256. **Ms C. Murphy** asked the Minister for Education and Science the way she will deliver lower pupil teacher ratios in line with the national targets to rapidly developing areas which are under pressure to provide school places at the expense of higher pupil teacher ratios; and if she will make a statement on the matter. [3376/07]

Minister for Education and Science (Ms Hanafin): Major improvements have been made in staffing at primary level in recent years. At the beginning of the current school year there are no less than 4000 extra teachers in our primary schools, compared with 2002. The average class size in our primary schools is 24 and there is now one teacher for 17 pupils at primary level, 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 you know all primary schools are staffed on a general rule of at least one classroom teacher for every 28 children. Of course, schools with only one or two teachers have much lower staffing ratios than that — with two teachers for just 12 pupils in some cases and so on — but the general rule is that there is at least one classroom teacher for every 28 children in the school. Next year (2007/2008 school year) this is being reduced to 27 children per classroom teacher.

School authorities are requested to ensure that the number of pupils in any class is kept as low as possible, taking all relevant contextual factors into account (e.g. classroom accommodation, fluctuating enrolment). In particular, school authorities should ensure that there is an equitable distribution of pupils in mainstream classes and that the differential between the largest and smallest classes is kept to a minimum.

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.

On the Post Primary side allocations are approved by my Department on an annual basis in accordance with generally applied rules relating to recognised pupil enrolment. In general a ratio of 18:1 is applied in respect of recognised pupils on established Junior Certificate, Leaving Certificate, repeat Leaving Certificate and Transition Year Programmes and a ratio of 16:1 is applied in respect of recognised pupils on the Leaving Certificate Vocational Programme, Post leaving Cert courses and Leaving Cert Applied.

Each school management authority is required to organise its curriculum, teaching time-table and subject options having regard to pupils' needs within the limits of its approved teacher allocation. Significant improvements have been made in the pupil teacher ratio at post primary level in recent years. The ratio has fallen from 16:1 in the 1996/97 school year to 13.2:1 in the 2005/06 school year.

The improvements we have made in school staffing in recent years are absolutely unparalleled.

But we are determined to go even further, and so the 2007 Estimates include provision for another 800 primary teachers. About 500 of these will be classroom teachers, which includes our commitment to reduce class sizes.

I assure the Deputy that we will continue to prioritise further improvements in school staffing going forward. We will also continue our focus on measures to improve the quality of education in our primary schools to ensure that increased resources lead to better outcomes for our children.

Question No. 257 answered with Question No. 15.

Question No. 258 answered with Question No. 7.

Question No. 259 answered with Question No. 15.

Naval Service Vessels.

260. **Mr. Kehoe** asked the Minister for Defence if he will make a statement on the capabilities of the Naval Service and the Air Corps to adequately patrol Irish territorial waters at present; the plans for investment proposed to patrol future expansions to territorial waters; and if he will make a statement on the matter. [2625/07]

261. **Mr. Kehoe** asked the Minister for Defence the shortest response time for a naval vessel to reach the mouth of the Suir Estuary from the naval base at Haulbowline, County Cork; and if he will make a statement on the matter. [2626/07]

264. **Mr. Kehoe** asked the Minister for Defence the number of days in 2006 the Casa CN235 100MP aircraft did not patrol Irish waters; and if he will make a statement on the matter. [2630/07]

267. **Mr. Kehoe** asked the Minister for Defence the minimum number of Naval vessels patrolling Irish waters at any one time during 2006; the number of days during 2006 each of the eight Naval vessels were out of service or tied up for service or repair work; and if he will make a statement on the matter. [2633/07]

268. **Mr. Kehoe** asked the Minister for Defence the number of nautical miles of waters currently patrolled by the Naval Service; and if he will make a statement on the matter. [2634/07]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 260, 261, 264, 267 and 268 together.

The Naval Service provides the maritime element of the Defence Forces and has a general responsibility to meet contingent and actual maritime defence requirements. The Naval Service operates eight general-purpose patrol ships. All eight ships are involved in coastal and offshore patrolling and surveillance for the State in that part of the seas where State jurisdiction applies such as Internal Waters, Territorial Sea and the Irish Sector of the Exclusive Economic Zone.

The Naval Service provides a fishery protection service in accordance with the State's obligations as a member of the European Union. The Service is tasked with patrolling all Irish waters from the shoreline to the outer limits of the Exclusive Fishery Limits. At present, fishery protection activity accounts for roughly 90% of all Naval Service patrol time. However, as the need arises, Naval Service vessels may be deployed to other duties such as aid to the civil power, search and rescue, drug interdiction operations and assistance with pollution control.

The current Exclusive Fishery Limits extend to 200 miles offshore and cover an area of 132,000 nautical square miles. The Naval Service currently patrols the entire 200-mile limit and periodically patrols beyond these limits to protect specific fisheries. These patrols are carried out on a regular and frequent basis and are directed to all areas of Irish waters as necessary. The number of Patrol Vessels on patrol in Irish waters at any one time varies between three and seven. The Naval Service is committed to having at least three vessels on patrol within the Irish Exclusive Economic Zone at any one time. In 2006, the Naval Service achieved an output of 1,658 patrol days, which represents an average of 207 patrol days achieved per vessel.

Naval Service patrols are complemented by assistance provided by the Air Corps. The Air Corps Maritime Squadron carries out aerial surveillance of territorial waters using the two CASA maritime patrol aircraft. In 2006, a total of 251 maritime patrols were flown by the CASA over 229 days, representing over 1,400 flying hours. There were 136 days where no maritime patrols were flown due to, inter alia, adverse weather conditions, essential maintenance, air ambulance taskings and training missions undertaken. The introduction into operational service of the new AW139 helicopters purchased for the Air Corps will reduce the demand on the CASA for air ambulance missions in the future, and therefore increase the capacity for maritime patrols.

The Government is committed to continuous investment in the equipment needs of the Naval Service to enable it to carry out the roles assigned to it. A vessel replacement strategy for the Naval Service is currently under examination in my Department and I expect proposals will be submitted to me for decision in the coming weeks. The vessel replacement strategy, combined with a continuous process of refurbishment, ensures that the operational capability of the Naval Service is maintained at a very high level. The question of an extension of the State's continental shelf, which may lead to additional requirements on the services provided by the Naval Service, is primarily a matter for the Department of Foreign Affairs and the Department of Communications, Marine & Natural Resources. The issue will be kept under review with these Departments to ensure that the requirements for any additional Naval Service inputs will be factored into the overall planning process in each Department.

With regard to the Deputy's question concerning the shortest response time for a naval vessel to reach the Suir Estuary from the naval base at Haulbowline, I am advised that the distance from Cobh Harbour to Waterford Harbour is approxi-

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mately 60 nautical miles. A ship steaming at 15 knots would take four hours to travel this distance in normal weather conditions. However, the actual time it would take a ship to travel this distance is very dependent on weather conditions and the state of the tide. Adverse weather conditions can dramatically reduce the safe speed of a ship.

Overseas Missions.

262. **Mr. Kehoe** asked the Minister for Defence the amount his Department has spent since June 1997 in chartering aircraft to transport equipment or personnel on UN missions abroad; and if he will make a statement on the matter. [2627/07]

Minister for Defence (Mr. O'Dea): The chartering of aircraft by the Defence Forces for the deployment of personnel and equipment to UN missions did not commence until October 1999. Prior to that date, aircraft were chartered by the United Nations and made available to Ireland on a direct provisioning basis in order to effect Defence Forces deployment, sustainment and withdrawal of its personnel and equipment.

The cost to the Defence Vote of aircraft charter to UN missions (deployment, sustainment and withdrawal of personnel and equipment) from 1999 to 2006 inclusive was as follows:

Year	€
1999	432,193
2000	681,659
2001	1,018,330
2002	551,965
2003	582,760
2004	1,482,660
2005	1,550,001
2006	1,891,768

Ireland is entitled to and does recoup from the UN the costs of deployment and rotation flights, included in the above figures, within limits agreed in advance with that body.

Air Corps Equipment.

263. **Mr. Kehoe** asked the Minister for Defence the average age of helicopters available to the Air Corps; and if he will make a statement on the matter. [2629/07]

Minister for Defence (Mr. O'Dea): There are a total of 13 helicopters in service with the Air Corps at present. The type and age of the helicopters is set out in the attached tabular statement. In addition to those listed on the schedule, two AW 139 helicopters will be delivered to Baldonnel within the first half of this year. A further two AW 139 helicopters are scheduled for delivery in 2008.

Type and Age of Air Corps Helicopters in Operation Service

Aircraft Type Helicopters	Number in Service	Age
Alouette	7	33 to 44 years
Squirrel*	1	10 years
EC 135*	1	5 years
EC135	2	1 year
#AW 139	2	under 1 year
Total	13	

*Aircraft owned by the Department of Justice, Equality and Law Reform but operated by the Air Corps.
#Four AW 139s to be delivered — two in 2007, two in 2008.

Question No. 264 answered with Question No. 260.

265. **Mr. Kehoe** asked the Minister for Defence the average age of fixed wing training aircraft available to the Air Corps; and if he will make a statement on the matter. [2631/07]

Minister for Defence (Mr. O'Dea): There are a total of 19 fixed wing aircraft in service with the Air Corps at present. The type and age of the aircraft is set out in the following tabular statement.

Type and Age of Air Corps Fixed Wing Aircraft in Operational Service

Aircraft Type Fixed Wing	Number in Service	Years
Cessna	5	35 years
Beechcraft	1	27 years
GIV	1	16 years
Casa	2	13 years
Defender*	1	10 years
Learjet	1	4 years
Pilatus	8	3 years
Total	19	

*Aircraft owned by the Department of Justice, Equality and Law Reform but operated by the Air Corps.

266. **Mr. Kehoe** asked the Minister for Defence if he will make a statement on the air defence capabilities of the Air Corps; and if he will make a statement on the matter. [2632/07]

Minister for Defence (Mr. O'Dea): The Pilatus PC9M trainer aircraft operated by the Air Corps has a limited air defensive capability appropriate to its turbo prop flight envelope. While it is not an interceptor aircraft, it could catch and intercept certain aircraft. Each aircraft has the capa-

bility to be fitted with two point 5 machine guns and two rocket launchers.

In addition to the Air Corps capabilities the Defence Forces have a range of air defence capabilities. These air defence assets are related to the level of threat.

The main Radar capability of the Defence Forces used for the purpose of Air Defence is the Flycatcher Radar System. This equipment was procured in 2002 from the Dutch Armed Forces. It is used to carry out the Target Acquisition and Fire Control of the Bofors EL70 40 mm Air Defence Guns. Each radar unit is capable of controlling 3 Guns and its purpose is to provide an effective defence against airborne threats flying at low and very low level. The system has an operational range of up to 20 km. A crew of two or three operates the system. The complete Radar weighs about 6000 kg and is carried on a two-axle trailer. There are eight (8) of these radars in service with the Defence Forces. The system is normally deployed for VIP visits, transits and summits.

The other main radar capability, also used for Air Defence, is the Giraffe G40 Radar; the Defence Forces have one system in service. This equipment was procured new from Ericssons of Sweden in 1986. It is used to exercise command and control over RBS 70 Surface to Air Missile Firing Units when deployed. It has an operational surveillance range of up to 40 km and an altitude ceiling of 15 km. It can be used to exercise command and control on up to 9 RBS 70 missile Firing Units.

The Equipment has a crew of 4 (Commander, Radar Operator, and two operators), and is mounted on a 6X6 MAN Truck. It is deployed regularly for VIP Visits/Transits and summits.

Questions Nos. 267 and 268 answered with Question No. 260.

Question No. 269 answered with Question No. 18.

National Development Plan.

270. **Mr. Kehoe** asked the Minister for Defence the projects that were targeted in the last National Development Plan in County Wexford; the breakdown of each one completed or the stage that each project is at; the overspend envisaged and an explanation for each; and if he will make a statement on the matter. [3139/07]

Minister for Defence (Mr. O'Dea): No funds were made available to my Department under the current or previous National Development Plan.

Parliamentary Questions.

271. **Mr. Connolly** asked the Minister for Defence the number of parliamentary questions replied to by his Department in 2006; the cost involved; and if he will make a statement on the matter. [3238/07]

Minister for Defence (Mr. O'Dea): The number of Parliamentary Questions replied to by my Department in 2006 was 977. It is not possible to quantify the costs of answering these PQs.

Defence Forces Strength.

272. **Mr. Durkan** asked the Minister for Defence the strength of the Defence Forces by rank and gender; if increases are contemplated; and if he will make a statement on the matter. [3273/07]

Minister for Defence (Mr. O'Dea): The strength of the Permanent Defence Force on 31 December 2006, the latest date for which detailed figures are available, as advised by the military authorities was 10,479. A detailed breakdown of the numbers in the Army, Naval Service and Air Corps by rank and gender are in the form of a Tabular Statement attached. The Tabular Statement also provides the comparable details for the Army Reserve and the Naval Service Reserve.

The White Paper on Defence of February 2000 set out a figure of 10,500 personnel for the Permanent Defence Force, comprising 930 for the Air Corps, 1,144 for the Naval Service and 8,426 for the Army. It is my intention to maintain the established Government policy of ongoing recruitment to the Defence Forces. Recruitment into the Permanent Defence Force will continue to maintain the strength at the level set out in the White Paper as required to meet military needs. The Defence Forces continue to have a proactive approach to all aspects of recruiting.

The Permanent Defence Force manages recruit intakes to keep its annualised monthly average strength at or around 10,500. The strength of the Permanent Defence Force as at 31 December in the years 2003, 2004 and 2005 respectively was 10,498, 10,551 and 10,446.

There is a planned total Permanent Defence Force intake of 670 personnel (Cadets, Apprentices and General Enlistment) before the end of 2007.

The strength of the Reserve Defence Force was 9,264 as at 30 November 2006, the last date for which figures are available. This figure comprises 8,893 in the Army Reserve and 371 in the Naval Service Reserve.

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STRENGTH OF THE DEFENCE FORCES 31 DECEMBER, 2006

Permanent Defence Force

	Lt Gen	Maj Gen	Brig Gen	Col	Lt Col	Comdt	Capt	Lt	Total Offrs	SM	BQMS	CS	CQMS	SGTS	CPLS	Total NCOS	Ptes	Cadets	Total
Army	1	2	6	39	127	325	293	267	1,060	32	38	135	243	1,024	1,558	3,030	4,371	71	8,532
Air Corps	0	0	1	2	14	30	53	36	136	7	3	50	12	127	184	383	320	26	865
Naval Service	0	0	1	2	12	46	47	56	164	6	7	78	16	203	196	506	397	15	1,082

Reserve Defence Force

	Lt Gen	Maj Gen	Brig Gen	Col	Lt Col	Comdt	Capt	Lt	Total Offrs	SM	BQMS	CS	CQMS	SGTS	CPLS	Total NCOS	Ptes	Cadets	Total
*Army Reserve	0	0	0	0	4	97	195	364	660	20	20	116	102	857	1,378	2,493	5,740	0	8,893
*Naval Reserve	0	0	0	0	0	3	10	11	24	0	4	13	1	23	34	75	272	0	371

*Note figures for Army Reserve and Naval Service Reserve are as at 30 November, 2006.

STRENGTH OF FEMALES IN THE DEFENCE FORCES 31 DECEMBER, 2006

Permanent Defence Force

	Lt Gen	Maj Gen	Brig Gen	Col	Lt Col	Comdt	Capt	Lt	Total Offrs	SM	BQMS	CS	CQMS	SGTS	CPLS	Total NCOS	Ptes	Cadets	Total
Army	0	0	0	0	1	14	43	41	99	0	0	3	1	15	104	123	224	9	455
Air Corps	0	0	0	0	0	0	2	2	4	0	0	1	0	1	11	13	14	1	32
Naval Service	0	0	0	0	0	0	8	10	18	0	0	0	0	0	7	7	38	6	69

Reserve Defence Force

	Lt Gen	Maj Gen	Brig Gen	Col	Lt Col	Comdt	Capt	Lt	Total Offrs	SM	BQMS	CS	CQMS	SGTS	CPLS	Total NCOS	Ptes	Cadets	Total
*Army Reserve	0	0	0	0	0	0	0	54	54	0	0	1	2	65	348	416	1,828	0	2,298
*Naval Reserve	0	0	0	0	0	0	0	1	1	0	0	0	0	1	8	9	93	0	103

* Note figures for Army Reserve and Naval Service Reserve are as at 30 November, 2006.

STRENGTH OF MALES IN THE DEFENCE FORCES 31 DECEMBER, 2006

Permanent Defence Force

	Lt Gen	Maj Gen	Brig Gen	Col	Lt Col	Comdt	Capt	Lt	Total Offrs	SM	BQMS	CS	CQMS	SGTS	CPLS	Total NCOS	Ptes	Cadets	Total
Army	1	2	6	39	126	311	250	226	961	32	38	132	242	1,009	1,454	2,907	4,147	62	8,077
Air Corps	0	0	1	2	14	30	51	34	132	7	3	49	12	126	173	370	306	25	833
Naval Service	0	0	1	2	12	46	39	46	146	6	7	78	16	203	189	499	359	9	1,013

Reserve Defence Force

	Lt Gen	Maj Gen	Brig Gen	Col	Lt Col	Comdt	Capt	Lt	Total Offrs	SM	BQMS	CS	CQMS	SGTS	CPLS	Total NCOS	Ptes	Cadets	Total
*Army Reserve	0	0	0	0	4	97	195	310	606	20	20	115	100	792	1,030	2,077	3,912	0	6,595
*Naval Reserve	0	0	0	0	0	3	10	10	23	0	4	13	1	22	26	66	179	0	268

Note: figures for Army Reserve and Naval Service Reserve are as at 30 November, 2006.

Question No. 273 answered with Question No. 45.

Defence Forces Equipment.

274. **Mr. Durkan** asked the Minister for Defence the extent to which military equipment including weapons, vehicles, aircraft and seagoing vessels have been upgraded in line with modern requirements; and if he will make a statement on the matter. [3275/07]

Minister for Defence (Mr. O'Dea): The acquisition of new equipment for the Defence Forces continues to be a key focus for me as Minister for Defence. I am aware that significant investment has taken place in recent years and I will continue the good work in that regard.

The unprecedented level of expenditure on equipment for the Army, Air Corps and Naval Service was made possible by the Government's decision that pay savings arising from the reorganisation of the Defence Forces set out in the White Paper of 2000, along with proceeds from the sale of surplus properties, would be reallocated for investment in modern facilities and equipment.

Investment in new equipment for the Defence Forces is provided for under various Subheads of the Defence Vote relating to defensive equipment, mechanical transport, aircraft, ships and naval stores, engineering, communications and Information Technology equipment etc. All elements of the Defence Forces, the Army, Air Corps, Naval Service and the Reserve have benefited from the investment in new equipment.

The equipment issued to the Defence Forces is in keeping with the most modern requirements and the highest international standards. The ongoing investment in the Defence Forces will ensure that this remains to be the case.

Question No. 275 answered with Question No. 63.

Question No. 276 answered with Question No. 15.

Question No. 277 answered with Question No. 63.

Defence Forces Equipment.

278. **Mr. Durkan** asked the Minister for Defence if all members of the Defence Forces have been issued with the necessary breathing apparatus in the event of a gas or chemical attack; and if he will make a statement on the matter. [3279/07]

279. **Mr. Durkan** asked the Minister for Defence if he has satisfied himself that the standard issue of body protection equipment is up to the best international standard; and if he will make a statement on the matter. [3280/07]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 278 and 279 together.

The Defence Forces have available to them equipment for monitoring and protecting their members in dealing with Nuclear, Biological or Chemical (NBC) threats should such arise. They hold an extensive range of modern NBC equipment that meets their current requirements. This range includes approximately 9,500 NBC suits. In addition, the Defence Forces has sufficient stock of Respirators for each individual soldier. They also have 98 of the most technologically up to date Chemical Agent Monitors and Defence Forces personnel have been trained on their operation. Other equipment on hands includes Biological Agent Detector and Screening Kits, Group Decontamination Equipment and Personal Decontamination Equipment.

The requirement for additional NBC equipment is kept under continuous review by the Defence Forces. A programme for the purchase of NBC equipment is ongoing and whatever equipment deemed necessary is purchased expeditiously to meet the changing requirements.

On the issue of body armour, 8000 units of body armour for the individual soldier on operational duties were delivered in 2006. The new body armour provides significantly greater protection, comfort and coverage than the old model as well as a doubling of the range of sizes available.

Question No. 280 answered with Question No. 45.

Military Installations.

281. **Mr. Durkan** asked the Minister for Defence the extent to which the military instal-

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lations decommissioned in 1998 have to date been disposed of; the total receipts from same; the costs incurred in the interim; the proposals in respect of the balance; and if he will make a statement on the matter. [3281/07]

Minister for Defence (Mr. O'Dea): The Government, on 15 July 1998, approved a programme of evacuation and sale of six barracks considered surplus to military requirements. The barracks in question were located at Ballincollig, Fermoy, Castleblayney, Naas, Kildare, and Islandbridge, Dublin.

The sale of 97 acres approximately at Murphy Barracks, Ballincollig was completed in 2003 for a total of €42 million. The bulk of the lands were purchased by O'Flynn Construction. The sale of a site comprising c. 2.7 acres to the Southern Health Board for €1.73 million was completed in December 2004 and the sale of a further site comprising c.1.7 acres to the HSE South for a consideration of €1.1 million approximately is nearing completion. A half acre site is being transferred to the Office of Public Works (OPW) for a consideration of €1.45 million to facilitate extension of the existing Garda Station located on Main Street, Ballincollig. It was agreed at the time of the closure and sale of Murphy Barracks that an area comprising approximately 27 acres of the property would be transferred to Cork County Council for community use. The legal formalities in regard to the transfer of this area are being progressed in consultation with the Chief State Solicitor's Office.

19.218 acres at the former Fitzgerald Camp, Fermoy, was sold to Cork County Council in 2001 for €0.974 million for economic development of the site in conjunction with the IDA.

Castleblayney Military Post, Co. Monaghan, comprising c. 10 acres, was sold to the North Eastern Health Board for €0.762 million in 2002.

7 acres at Devoy Barracks, Naas, Co. Kildare, were ceded free of charge to Naas Urban District Council, while a further 14 acres were sold to that authority for €8.888 million The balance of the Barracks lands — one acre — was sold to Kildare County Council for €0.381 million in 2002.

Clancy Barracks, Dublin, comprising 13.65 acres approximately, was sold to Florence Properties Ltd. for €25.4 million in 2004.

The value of sales/disposals completed to date, in respect of the six barracks the subject of the July 1998 Government decision is in the region of €80 million

The Government decided on 1st July 2003 that Magee Barracks, Kildare, would be among the State lands released for inclusion in the Sustaining Progress Affordable Housing Initiative. How land at this location might play a role in the delivery of affordable housing units is a matter in the first instance for the Department of the Environment, Heritage and Local Government, which is the lead Department for the development of the Affordable Housing Initiative. The legal formalities relating to the transfer of lands at this location are being progressed in consultation with that Department and the Chief State Solicitor's Office.

The security, maintenance, consultancy and other costs in respect of those Barracks identified for closure in 1998 are as follows:

	Security	Maintenance & Other Costs
	€	€
Murphy Barracks, Ballincollig #	1,120,604	257,113*
Fitzgerald Camp, Fermoy #	330,813	42,633
Castleblayney Military Post #	131,289	10,548
Devoy Barracks, Naas #	472,654	16,959
Magee Barracks, Kildare	183,941	15,677
Clancy Barracks, Dublin #	649,441	203,089

Now sold or no longer in the administration of my Department (no further costs will be incurred by the Department of Defence).
* Includes costs relating to the preparation of an Integrated Area Action Plan.

Statutory Instruments.

282. **Mr. J. O'Keeffe** asked the Minister for Defence the title of each statutory instrument which he made during 2006 and which was not published in the usual way pursuant to section 3 of the Statutory Instruments Act 1947; and if he will make a statement on the matter. [3296/07]

Minister for Defence (Mr. O'Dea): In 2006 I signed into effect two new Defence Force Regulations together with amendments to various existing regulations all of which are listed in Appendix 1.

Regulations made pursuant to sections 17, 21, 22, 23, 25, 26, 27, 29, 40, 43, 45, 46, 47, 48, 49, 53, 56, 58, 60, 61, 62, 63, 64, 65, 66, 67, 68, 70, 72, 73, 75, 80, 81, 82, 84, 86, 87, 88, 90, 92, 93, 94, 97, 98, 100, 102, 103, 114, 115, 116, 117, 180, 182, 184, 243, 244, 246 and 292 of the Defence Act 1954, (as amended) and sections 2 and 5 of the Defence (Amendment) Act 1990 are exempt from the operation of subsection (1) of section 3 of the Statutory Instruments Act 1947 by order of the

Attorney General due to their limited application.

All regulations and amendments thereto signed into effect in 2006 were made pursuant to sections of the Defence Acts which are exempt from the provisions of section 3(1) of the Statutory Instruments Act 1947 and therefore were not distributed, printed or published, in the usual way pursuant to section 3(1) of the Act. However, copies of each amendment and regulation are readily available from the Legislation Branch in my Department.

Appendix 1

Defence Force Regulations and Amendments signed by the Minister for Defence in 2006
Defence Force Regulations L.3 — a new regulation
Defence Force Regulation S.7 — a revised and updated regulation
Defence Force Regulations 1/2006 — Promotion of an Officer of the Permanent Defence Force
Defence Force Regulations 2/2006 — Date of Retirement
Amendments Nos 156, 157 & 158 to Defence Force Regulations A.10
Amendments Nos 17 & 18 to Defence Force Regulations A.14
Amendment No 129 to Defence Force Regulations A.15
Amendment No 23 to Defence Force Regulations C.S.6
Amendment No 53 to Defence Force Regulations Q.10
Amendment No 118 to Defence Force Regulations R.1
Amendment No 95 to Defence Force Regulations R.2
Amendments Nos 2 to 5 to Defence Force Regulations R.5 (New Series)
Amendments Nos 314 to 331 to Defence Force Regulations S.3
Amendments Nos 1 & 2 to Defence Force Regulations S.6.

Regional Road Network.

283. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government if his Department has received an application form Carlow County Council to undertake improvement works at Ballylennon Cross, Palatine Road, Carlow, which is a known accident blackspot; and when he expects a decision on same. [1164/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The maintenance and improvement of non-national roads in County Carlow is a matter for Carlow County Council to be funded from its own resources supplemented by State grants provided by my Department.

The Low Cost Safety Improvement Works scheme of grants for non-national roads was introduced by my Department in 2000 as an extension of the scheme operated on national roads under the auspices of the National Roads Authority (NRA). The NRA assesses applications for grant assistance under the non-national roads scheme on behalf of my Department. The criteria for grant approval are based on accident data, inspection of sites, locations showing demonstrable hazard and discussions between the local authority and the NRA. In 2007, my Department allocated over €7.8 million to local authorities in respect of Low Cost Safety Improvement Works on non-national roads which is more than double the 2006 allocation.

Carlow County Council submitted ten applications to my Department for consideration for funding under this scheme in 2007. Among their submission was an application for funding for works at Ballylennon Cross, which was number 10 in the Council's priority list. Nine of the applications submitted by the Council received grants totalling €140,500 in 2007 but, in view of the Council's priority list, these did not include Ballylennon Cross.

It is open to the Council to fund eligible works at this location from its Discretionary Improvement Grant allocation provided by my Department. In 2007, the Council received an allocation of €324,000 for Discretionary Improvement works.

Waste Management.

284. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government the number of tons of farm plastic on which levies were paid in 2006; the number of tons of plastic collected by authorised collectors in 2006; and if he will make a statement on the matter. [2643/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The information requested is not yet available in my Department.

Under the Waste Management (Farm Plastics) Regulations 2001, producers — i.e. manufacturers and importers — of farm plastics (silage bale wrap and sheeting) are required to take steps to recover farm plastics waste which they have placed on the market or alternatively to contribute to, and participate in, compliance schemes to recover the waste in question. The Irish Farm Film Producers Group (IFFPG) — which comprises membership of film manufacturers and importers — is a non-profit making company and

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is at present the sole approved body in Ireland for the purposes of implementing a compliance scheme for the recovery of farm plastics waste.

The scheme funds its operations by means of an Environmental Protection Contribution (EPC) levy of €127 per tonne which is included in the sale price of the product down through the trading chain. The EPC levies collected are transferred to the IFFPG for the purpose of contracting collection agents on a nationwide basis to collect waste silage wrap, before transporting it for recycling to appropriate reprocessing plants. The EPC levy is set by the IFFPG with a view to covering its operational costs and manufacturers / importers are audited at year-end to ensure all levy liability has been fully declared.

The latest available data from IFFPG relates to 2005 and indicates that over 12,500 tonnes of farm film and bale wrap were collected for recycling. This equates to approximately 95% of the material placed on the market in that year.

In spite of the successful operation of the scheme in recent years, it became apparent that the Scheme lacked sufficient resources to satisfy the demand that existed for collections of farm plastics, and backlogs of uncollected material began to accumulate. Therefore, following discussions with the IFFPG, farming organisations and local authorities, I announced amendments last year to the scheme to support improved services to farmers. Under the new arrangements, the scheme is funded by a combination of the existing levies paid by the producer members of IFFPG who run the scheme and funding from weight based collection charges paid by farmers availing of the service. This is improving the operational efficiency of the scheme by incentivising the presentation of clean, dry plastic by farmers. I am confident that in due course, the enhancements made to the scheme will support the achievement of higher recovery rates for farm plastic and an improved service for farmers.

Special arrangements have also been put in place by local authorities to deal with accumulated backlogs. In 2006, designated facilities were provided on a temporary, once-off basis where farmers could deposit stockpiled farm film plastic and silage wrap. This arrangement operated on a pilot basis in the first instance in counties Galway, Clare, Mayo, Offaly and Waterford during June and July of last year. More recently further collections have been taking place in Leitrim, Roscommon, Carlow, Longford, North Tipperary and Wicklow. This service is free to the farmer and funding to assist the local authorities is being made available from my Department through the Environment Fund.

The collections were well supported by farmers in the counties participating in the pilot phase leading to large quantities of plastic being deposited at designated sites. A significant finding from the operation of the pilot collections to date is that it is not possible to operate collections in a large number of counties at the same time due to capacity constraints on the part of recovery operators. Accordingly, it is necessary to roll out the scheme to other areas on a staggered basis. Announcements regarding further extensions of collections to other areas will follow completion of collections in those counties taking part in the second phase of the scheme.

Control of Dogs.

285. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government his views on introducing compulsory micro chips for all dogs to reduce the huge number of stray dogs; and if he will make a statement on the matter. [2644/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Control of Dogs Regulations 1998 require the owner or other person in charge of a dog to ensure that the dog at all times wears a collar bearing the name and address of the owner on an attached plate, badge or disc. The regulations contain penalties for non-compliance with this requirement or for defacing or rendering illegible the above particulars. These requirements followed consideration of all practicable options for ensuring identification of dogs, including that of microchipping. I am now arranging for a review of those provisions in the light of experience, and having regard in particular to the ten breeds of dog which are subject to muzzling and other additional requirements under the above-mentioned regulations.

Election Management System.

286. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government the person who decides where the general election count is held in any particular constituency; if the public and public representatives are entitled to make representations to that person regarding possible suitable venues; if in the case of a venue being selected that is not suitable, it is possible to overturn this decision; if, in the case of a constituency that takes in two counties there is any reason that the count should not be alternated between the two counties. [2645/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Under electoral law, returning officers are responsible for all matters in connection with the conduct of elections in the constituencies concerned. The detailed arrangements for the counting of votes in Dáil elections are set out in Part 18 of the Electoral Act 1992, by the returning officers including in relation to the selection of count centres in accordance with section 112 of the Act.

Crop Irrigation.

287. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government the plans he has for the irrigation of food crops during the summer months under the Water Services Bill; if it will take into account the amount of water used for crop irrigation in dry weather; and if he will make a statement on the matter. [2646/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Section 56 of the Water Services Bill 2003, which is awaiting Dail Report Stage, enables a water services authority (county or city council), where it is of the opinion that a serious shortage of water for distribution exists, or is likely to exist in its functional area, to place restrictions on the use of water supplies during a period of such water shortage, for the purposes of water conservation. Where necessary, such restrictions could apply to crop irrigation, for example, by confining the activity to evening hours in order to minimise water evaporation loss.

National Development Plan.

288. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government the projects that were targeted in the last national development plan in County Wexford; the breakdown of each one completed or the stage that each project is at; the overspend envisaged and an explanation for each; and if he will make a statement on the matter. [3142/07]

289. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government the investments outlined in the last national development plan in County Wexford; the plans and investments that have been completed, that are ongoing or did not progress from planning stage; and if he will make a statement on the matter. [3155/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 288 and 289 together.

The information requested is being compiled and will be forwarded to the Deputy as soon as possible.

EU Directives.

290. **Mr. McEntee** asked the Minister for the Environment, Heritage and Local Government the approved national or international standards that apply to washing machines sold here; and if he will make a statement on the matter. [3175/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department has no function in the approval of standards applying to washing machines. However, the Waste Management (Restriction of Certain Hazardous Substances in Electrical and Electronic Equipment) Regulations 2005 which transpose Directive 2002/95/EC prohibits electrical and electronic equipment, including washing machines, that contain lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBB) or polybrominated diphenyl ethers (PBDE) from being placed on the Community Market with the exception of exemptions listed in the Annex to the Directive.

Waste Management.

291. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government if he will introduce a national waiver scheme for refuse services, in conjunction with the Department of Social and Family Affairs specifically targeted to help social welfare recipients and people on low incomes and those who have no option but to avail of refuse service from a private operator; and if he will make a statement on the matter. [3186/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Waste management services have traditionally been provided at a local level, with individual arrangements being locally determined and tailored to local circumstances. The present legal framework, as determined by the Oireachtas, reflects this. In accordance with section 52 of the Protection of the Environment Act 2003, the determination of waste management charges, and any associated waiver scheme, is a matter for the relevant local authority, where it acts as the service provider. Similarly, where a private operator provides the collection service, it is a matter for that operator to determine charges. However, my Department has asked local authorities to engage with commercial waste collectors to agree on arrangements to assist lower income households by offering alternatives to periodic lump-sum payments.

In August last year, I published a consultation paper on options for future regulation of the waste sector. Submissions were invited on whether there is a need for a regulator for the sector, if so on what model of regulator might be most appropriate and on what powers any such regulator should be given. Among the possible powers discussed in the paper is the power to impose a public service obligation so that services can be extended to situations which do not provide a fully economic return. Following consideration of the submissions received, which is currently underway, I intend to finalise further policy proposals.

Laundry Detergents.

292. **Mr. Boyle** asked the Minister for the Environment, Heritage and Local Government if

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his attention has been drawn to the fact that certain popular laundry tablets for sale in supermarkets here have 30% phosphate content; and if he will legislate against the use of high phosphate contents in such products in view of the fact that algal blooms and eutrophication of water are huge issues here and that a number of European countries have legislation requiring phosphate free versions of these products. [3198/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The phasing-out of phosphate-based laundry detergents has been progressed principally in the context of a voluntary agreement made in 1999 between the then Minister for the Environment and Local Government and the Irish Cosmetics and Detergents Association (ICDA), which represents some 90% of the domestic laundry detergents market in Ireland, and by ongoing liaison between my Department and the non-ICDA sector.

The agreement provided that, by end-2002, 95% of all domestic laundry detergents marketed in Ireland should be zero-phosphate. This target was substantially achieved — figures submitted by ICDA show a market share of between 93% and 94% for phosphate free products. A survey undertaken by my Department in October 2006 in Dublin City Centre supermarkets, found that twenty of the twenty two ICDA products contained zero phosphates. The majority of non-ICDA companies have also phased out the use of phosphates in their "own-brand" laundry detergents. My Department is continuing to pursue the implementation of this target and the ultimate replacement of all phosphate based detergents by environmentally friendly alternatives.

The EPA Phosphorus Regulations National Implementation Report 2005 noted that the voluntary agreement with ICDA is having some effect. The report states that Dublin City Council has at least partly attributed substantial reductions in phosphorus levels at their monitoring stations to the implementation of the agreement. A comparison of Molybdate Reactive Phosphorus (MRP) concentrations in Ringsend influent sewage between the 1998-'99 and the 2002-'04 periods indicates a reduction in the MRP concentration from 4.6 mg/l P to 2.8 mg/l P in the catchment. I will, however, keep the need for any legislative measure in this area under review.

Waste Management.

293. **Mr. Boyle** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that Cork City Council introduced a nominal charge of €2 for the use of the Kinsale Road civic amenity; and his views on whether this is a perversion of the polluter pays principle and that local authorities should continue to give every encouragement possible to householders to recycle materials without charging them for the service. [3200/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Approximately 1,200 tonnes per annum of domestic recyclables are treated at the Kinsale Road civic amenity site each year. The cost to Cork City Council for the collection, transport and separation of these materials prior to recycling ranges from €35 to €300 per tonne depending on the types of material involved. While the setting of waste charges is a matter for individual local authorities, it is not apparent that a nominal charge of €2 per car for the use of the facility would contravene the polluter pays principle.

It should be noted that Cork City Council provides a fortnightly collection for dry recyclables to approximately 35,000 households and that there are also forty free bring sites situated throughout the city. A Chem Car service is also provided free of charge by the City Council, approximately six times per year, for the disposal of hazardous waste streams such as paint, solvents and medicines. Facilities for the disposal of WEEE are also provided free of charge.

Housing Grants.

294. **Mr. G. Murphy** asked the Minister for the Environment, Heritage and Local Government if he will make a statement on the case of an association (details supplied) in County Cork; if this matter will be progressed; and if he will inform this Deputy when this matter will be resolved. [3204/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I approved a grant of €1,281,914 in respect of this project on 16 November 2006. My Department's involvement with the funding schemes for voluntary and co-operative housing projects relates primarily to the provision of funds for individual projects. The administration of the schemes, and the certification that particular projects comply with the terms of the scheme, are the responsibility of the local authority.

Planning Issues.

295. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government if it is possible for a person to revoke or cancel a grant of planning permission or to formally notify the relevant local authority that they do not plan to proceed with the planning application as granted; if development charges that may have been levied will be returned in view of the work not being undertaken; and if the person will not have to wait the full five years from grant of permission. [3255/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): There is no obligation on anyone in possession of a grant of planning permission to proceed with the development to which the permission relates. It is therefore not necessary to provide for the revocation or cancellation of a permission by a prospective developer.

Development contributions are attached as conditions to grants of permission and are payable on or in advance of construction and are generally payable, at the earliest, at the commencement of the works. In a case where a person who obtained a planning permission and paid a development contribution in respect of the proposed development subsequently informs the planning authority that he or she will not proceed with the development, I would expect the planning authority to refund the development contribution paid, where they are satisfied that the development will not be taking place.

Local Authority Housing.

296. **Mr. McGuinness** asked the Minister for the Environment, Heritage and Local Government if he will amend the sale of houses regulations to allow local authorities to have discretion in the sale of OPD type houses to tenants; and if he will make a statement on the matter. [3230/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): It is not proposed to amend article 13 of the Housing (Sale of Houses) Regulations 1995 to enable a housing authority to sell Old Persons Dwellings. I consider that this course would not be in the best interests of good estate management and could, over time, reduce the number of dwellings available for occupation by elderly persons.

However, where a tenant who is residing in such a dwelling request the local authority to allow them to purchase a suitable alternative local authority dwelling, the local authority may subject to availability and at its discretion, facilitate this transfer and allow tenant purchase discounts to be applied.

Hunt Licences.

297. **Mr. Gregory** asked the Minister for the Environment, Heritage and Local Government the steps he is taking following the treatment of a deer by stag hounds at a school (details supplied) in County Meath; if he will suspend the licence to a group to prevent further mistreatment of deer; if he will establish the full facts of the cruelty perpetrated against the deer and take appropriate action; and if he will make a statement on the matter. [3270/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Licences in respect of hunting activities are issued under section 26 of the Wildlife Act, 1976, as amended. In considering any application for a renewal of a licence for the following season, my Department takes account of the level of compliance with the licence's conditions that has been achieved during the term of the previous licence. Veterinary reports (prepared by the veterinary inspector engaged by my Department to inspect a licensed activity and its operations) are also taken into account, and where necessary, my Department meets representatives of the applicants to review these matters.

The licence referred to expires on 31 March. The matters referred to in the Question will be looked into and, if appropriate, taken into account in considering any application for a renewal.

Statutory Instruments.

298. **Mr. J. O'Keeffe** asked the Minister for the Environment, Heritage and Local Government the title of each statutory instrument which he made during 2006 and which was not published in the usual way pursuant to Section 3 of the Statutory Instruments Act 1947; and if he will make a statement on the matter. [3299/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): All statutory instruments made by my Department in 2006 were published in accordance with the provisions of section 3 of the Statutory Instruments Act 1947.

Planning Gain.

299. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the guidelines that an urban or county council must adhere to when determining community gain; if it is within the remit of the councillors or if it is by managerial order that community gain must be determined; if it is within the remit of councillors to accept a change in regard to community gain or if it is by managerial order that such changes would be accepted; and if he will make a statement on the matter. [3311/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Planning gain or community gain can arise in a variety of ways, including in the course of decisions by the new Strategic Infrastructure Division of An Bord Pleanála and under planning permissions granted by local authorities. The concept is generally taken to refer to provisions to be made by developers which are not strictly integral to a development, but which are of benefit to the community (e.g. transfer of specified land or buildings for

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public use) and may be accepted as part of a permitted development.

In so far as planning authorities are concerned, my Department's Draft Development Management Guidelines for Planning Authorities, which will shortly be issued in final form, set out policy in relation to planning gain. While community gain may be validly targeted by planning authorities, it is also important to ensure that the decision to grant or refuse planning permission is not itself contingent on an offer of planning gain. Planning gain arises directly in relation to the grant of a planning permission, which is normally an executive (managerial) function. However, it would also be good practice for a planning authority to set out its policy in this regard in the development plan adopted by the elected members.

Local Authority Housing.

300. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government the number of houses which will be refurbished under the scheme of refurbishment being carried out at an estate (details supplied) in County Westmeath; if it is the intention to refurbish all the houses; if not, if he will ensure that the total number of houses in this scheme are refurbished; and if he will make a statement on the matter. [3328/07]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Under my Department's Remedial Works Scheme, Westmeath County Council submitted a programme of refurbishment works for local authority houses at Ennell Court. My Department gave approval in May 2005 for a pilot project in Ennell Court which consists of refurbishment works to 10 houses. It is now a matter for the Council to advance these works and thereafter to submit a proposal in respect of further works.

Local Electoral Boundaries.

301. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government when a review of the county council electoral area boundaries will be held. [3329/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Unlike for Dáil constituencies, there are no constitutional or statutory requirements in relation to the frequency of local electoral area reviews. The last review of local electoral areas was carried out in 1998. The June 2004 local elections took place on the basis of the existing local electoral areas.

The next local elections are due to take place in 2009. Consideration can be given to reviewing the local electoral areas in the light of the final results from Census 2006 when they become available and other relevant factors.

Local Authority Funding.

302. **Ms C. Murphy** asked the Minister for the Environment, Heritage and Local Government the amount he allocated in 2006 by town, to town councils that were former town commissioners; when allocations will be made in 2007; his views on other similar initiatives; and if he will make a statement on the matter. [3359/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In 2005, I introduced a special grant for the provision and improvement of footpaths in town council areas which were former town commissioners. These grants are paid to the county council who are road authorities for the area. The grants allocated in 2006 and 2007 are outlined in the table below. The grants fund $\frac{2}{3}$ of the cost of works with county councils providing the balance.

More generally, town councils which were formally town commissioners are financed through the imposition of town charges which are collected by the county council in whose area the town council is situated.

Grants for footpaths in former Town Commissioner areas

County Council	Town Council	2006 Allocation	2007 Allocation
		€	€
Carlow	Muinebheag	20,000	30,000
Cavan	Belturbet	19,266	15,866
	Cootehill	20,000	40,000
Clare	Kilkee	61,333	63,333
	Shannon	34,460	56,200
Cork	Bandon	78,667	54,000
	Bantry	18,000	18,000
	Passage West	50,000	57,334
Donegal	Ballyshannon	10,667	16,667
Fingal	Balbriggan	120,000	119,999

County Council	Town Council	2006 Allocation	2007 Allocation
		€	€
Galway	Loughrea	73,092	68,967
	Tuam	77,934	64,275
Kildare	Droichead Nua	66,667	66,667
	Leixlip	66,333	66,667
Laois	Mountmellick	24,333	36,000
	Portlaoise	66,667	183,332
Longford	Granard	10,567	15,720
Louth	Ardee	9,633	42,000
Monaghan	Ballybay	22,000	30,000
Offaly	Edenderry	63,333	322,667
Roscommon	Boyle	25,300	11,550
Waterford	Lismore	40,000	30,000
	Tramore	60,268	74,333
Westmeath	Mullingar	57,171	107,410
Wexford	Gorey	55,833	75,600
Wicklow	Greystones	176,667	313,333
	Total	1,328,191	1,979,920

303. **Ms C. Murphy** asked the Minister for the Environment, Heritage and Local Government the amount allocated to local authorities for maintenance of non-national roads in 2006 by authority; when allocations will be made in 2007; the way this compares with the amounts allocated by councils themselves; and if he will make a statement on the matter. [3365/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): On 18 January, 2007, I announced the 2007 grant allocation for non-national roads, which at over €607.5 million represents an increase of 9%, or almost €50 million, on the 2006 allocation.

Details of the specific 2006 maintenance grant payments and the 2007 maintenance grant allocations to county councils are given in the following table below.

County Councils	Total 2006 Maintenance Grant Payments	Total 2007 Maintenance Grant Allocations
	€	€
Carlow County Council	1,344,000	1,432,000
Cavan County Council	3,351,000	3,572,000
Clare County Council	4,591,000	4,895,000
Cork County Council	13,486,000	14,377,000
Donegal County Council	7,016,000	7,480,000
Dun Laoghaire/RathdownCounty Council	1,518,000	1,619,000
Fingal County Council	1,786,000	1,904,000
Galway County Council	6,945,877	7,543,000
Kerry County Council	4,922,000	5,247,000
Kildare County Council	2,435,000	2,596,000
Kilkenny County Council	3,320,000	3,539,000
Laois County Council	2,298,000	2,450,000
Leitrim County Council	2,392,000	2,551,000
Limerick County Council	3,966,000	4,228,000
Longford County Council	1,618,220	1,821,000
Louth County Council	1,336,000	1,425,000
Mayo County Council	6,848,000	7,302,000
Meath County Council	3,408,000	3,634,000
Monaghan County Council	2,891,155	2,948,000
North Tipperary County Council	2,710,885	3,019,000

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County Councils	Total 2006 Maintenance Grant Payments	Total 2007 Maintenance Grant Allocations
	€	€
Offaly County Council	2,263,000	2,413,000
Roscommon County Council	4,335,000	4,622,000
Sligo County Council	2,911,645	3,104,000
South Dublin County Council	1,095,935	1,475,000
South Tipperary County Council	3,187,000	3,399,000
Waterford County Council	2,862,000	3,052,000
Westmeath County Council	2,325,927	2,488,000
Wexford County Council	3,714,000	3,960,000
Wicklow County Council	2,312,000	2,465,000
Total	103,189,644	110,560,000

Annual Block Grants are allocated to City, Borough and Town Councils for the improvement and maintenance of non-national roads in their areas. Special Block Grants for non-national roads, which must be used for the restoration of footpaths and carriageways, are also allocated annually to urban authorities. The selection of works to be funded from these grant allocations is a matter for individual authorities, subject to the conditions contained in my Department's Memorandum on Grants for Non-National Roads, 2001, and a breakdown of expenditure between improvement and maintenance works is not available. Details of the 2006 block grant and special block grant payments and the 2007 block grant and special block grant allocations to urban authorities are given in the following table.

City Councils	Total 2006 Block and Special Block Grants	Total 2007 Block and Special Block Grant Allocations
	€	€
Cork City Council	3,998,000	4,120,000
Dublin City Council	6,265,000	6,460,000
Galway City Council	1,186,206	1,235,000
Limerick City Council	1,198,000	1,235,000
Waterford City Council	1,100,289	1,235,000
Borough Councils		
Clonmel Borough Council	563,000	581,000
Drogheda Borough Council	606,000	624,000
Kilkenny Borough Council	561,000	605,000
Sligo Borough Council	587,000	605,000
Wexford Borough Council	654,686	581,000
Town Councils		
Arklow Town Council	279,000	287,000
Athlone Town Council	563,000	581,000
Athy Town Council	279,000	287,000
Ballina Town Council	279,000	287,000
Ballinasloe Town Council	279,000	287,000
Birr Town Council	279,000	287,000
Bray Town Council	606,000	624,000
Buncrana Town Council	279,000	287,000
Bundoran Town Council	197,000	204,000
Carlow Town Council	587,000	605,000
Carrickmacross Town Council	197,000	204,000
Carrick-on-Suir Town Co	279,000	287,000
Cashel Town Council	197,000	204,000
Castlebar Town Council	279,000	287,000

City Councils	Total 2006 Block and Special Block Grants	Total 2007 Block and Special Block Grant Allocations
	€	€
Castleblayney Town Council	197,000	204,000
Cavan Town Council	279,000	287,000
Ceannanus Mor Town Council	279,000	287,000
Clonakilty Town Council	196,709	204,000
Clones Town Council	197,000	204,000
Cobh Town Council	261,683	287,000
Dundalk Town Council	606,000	624,000
Dungarvan Town Council	279,000	287,000
Ennis Town Council	587,000	605,000
Enniscorthy Town Council	279,000	287,000
Fermoy Town Council	279,000	287,000
Killarney Town Council	279,000	287,000
Kilrush Town Council	197,000	204,000
Kinsale Town Council	197,000	204,000
Letterkenny Town Council	563,000	581,000
Listowel Town Council	197,000	204,000
Longford Town Council	279,000	287,000
Macroom Town Council	197,000	204,000
Mallow Town Council	279,000	287,000
Midleton Town Council	279,000	287,000
Monaghan Town Council	279,000	287,000
Naas Town Council	587,000	605,000
Navan Town Council	587,000	605,000
Nenagh Town Council	279,000	287,000
New Ross Town Council	279,000	287,000
Skibbereen Town Council	197,000	204,000
Templemore Town Council	197,000	204,000
Thurles Town Council	279,000	287,000
Tipperary Town Council	279,000	287,000
Tralee Town Council	582,001	605,000
Trim Town Council	279,000	287,000
Tullamore Town Council	279,000	287,000
Westport Town Council	279,000	287,000
Wicklow Town Council	279,000	287,000
Youghal Town Council	279,000	287,000
Total	15,426,393	15,919,000

Information regarding own resources expenditure by local authorities on the maintenance of non-national roads is not available in my Department.

304. **Ms C. Murphy** asked the Minister for the Environment, Heritage and Local Government the analysis that has been carried out by his Department into the spending power of local authorities on a per capita basis; if his attention has been drawn to the fact that when the local government fund is added to the amount available in commercial rates, Counties Meath and Kildare have the lowest per capita income; the way the census of population was used to provide for additional population in rapidly expanding areas; and if he will make a statement on the matter. [3367/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): General purpose grants from the Local Government Fund are provided to supplement the income available to local authorities from local sources and from specific grants to enable them to provide an acceptable level of day to day services. Calculating an appropriate distribution of general purpose grants is complex because of the significant variations between the cost and income bases of different local authorities. While the population data from the 2006 Provisional Census Report were used in the analysis by my Department as

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part of the 2007 allocations process, it would not be appropriate to use population as the main determinant in this regard as a wide range of factors affect the cost of providing services. For example, my Department, takes account of each local authority's expenditure on, and income from, each service provided as well as matters such as the infrastructure each authority must maintain and operate, planning enforcement activity, population and the cost of administering their functional areas.

This year, I am providing some €947.6m in general purpose grants to local authorities. This represents an increase of 8% over 2006 and an increase of some 180% since this Government came into office in 1997. The increases in general purpose funding provided to Meath and Kildare County Council in the latter period were 194% and 214% respectively.

I consider that the general purpose allocations from the Local Government Fund notified to local authorities for 2007, together with the income available to them from other sources, will enable all local authorities to provide an appropriate level of services for their customers.

Local Government Act.

305. **Ms C. Murphy** asked the Minister for the Environment, Heritage and Local Government if he will bring forward proposals for the creation of new town councils within the lifetime of this Government; the dialogue he has had with county councils on the matter; the measures that remain to be concluded prior to the establishment of new town councils; and if he will make a statement on the matter. [3377/07]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Question No. 1909 of 31 January 2007.

I am continuing to keep this matter under review, while consolidating progress on quality customer service measures, with the aim of ensuring good accessible local government service delivery for all towns.